

IN THE COURT OF APPEALS OF IOWA

No. 7-679 / 07-1363
Filed October 12, 2007

**IN THE INTEREST OF H.C.,
Minor Child,**

**A.N.C., Mother,
Appellant.**

Appeal from the Iowa District Court for Muscatine County, Gary P. Strausser, District Associate Judge.

A mother appeals from the order terminating her parental rights.

AFFIRMED.

Esther Dean, Muscatine, for appellant mother.

Philip Fontana, Muscatine, for father.

Thomas J. Miller, Attorney General, Kathrine Miller-Todd, Assistant Attorney General, Gary Allison, County Attorney, and Korie Shippee, Assistant County Attorney, for appellee State.

Mark Neary, Muscatine, for minor child.

Considered by Mahan, P.J., and Miller and Vaitheswaran, JJ.

MAHAN, P.J.

A mother appeals from the termination of her parental rights to her child pursuant to Iowa Code sections 232.116(1)(d), (g), (h) and 232.117 (2007). She contends the State failed to present clear and convincing evidence that her parental rights should be terminated. We review her claims de novo. *In re C.B.*, 611 N.W.2d 489, 492 (Iowa 2000).

When the juvenile court terminates parental rights on more than one statutory ground, we are only required to find termination proper under one ground to affirm. *In re S.R.*, 600 N.W.2d 63, 64 (Iowa Ct. App. 1999).

Termination under section 232.116(1)(h) is appropriate where:

- (1) The child is three years of age or younger.
- (2) The child has been adjudicated a child in need of assistance pursuant to section 232.96.
- (3) The child has been removed from the physical custody of the child's parents for at least six months of the last twelve months, or for the last six consecutive months and any trial period at home has been less than thirty days.
- (4) There is clear and convincing evidence that the child cannot be returned to the custody of the child's parents as provided in section 232.102 at the present time.

The mother does not dispute that the first three elements of this section have been met, but contends the State has failed to prove the child cannot be returned home at this time. We disagree.

The State's evidence clearly shows the mother is not yet prepared to care for H.S. in her home. H.S. was six months old when she was removed from her mother's care. She was eighteen months old on the date of the termination hearing. The child's initial removal in June 2006 was based upon the parents not meeting her medical needs after she suffered a broken leg. H.S. was not taken

to scheduled doctor's appointments, and her cast became rancid and soiled with feces due to improper maintenance. Because of this lack of care, H.S.'s leg did not heal properly and may require surgery in the future. The mother continues to fail to attend H.S.'s doctor's appointments.

The mother has also shown poor judgment in the people she allows into her home. Despite the no-contact order she obtained against H.S.'s father, the mother continued to initiate contact with him despite the harm she may be exposing to herself and H.S. In addition, she did not know the last name of a man who was staying with her for a period of time. She only inquired about his last name after being asked by the provider. The mother asserts this man could be the father of her new baby. She gave birth one week prior to the termination hearing in this case. The child is currently living with her.

At visits with H.S. the mother continues to require prompting from the provider to keep the apartment safe for H.S. Cigarettes, ashtrays, and medicine bottles have been left in the child's reach. The mother fails to remember to put up the child safety gate to keep H.S. out of the kitchen where she might get hurt. There is also some question as to the cleanliness of the apartment, including problems with ants, mice, and mold. Although the mother has taken steps to remedy some of these problems, it seems she requires prompting to recognize potential dangers to her child.

Providers had an insufficient amount of time before the termination hearing to determine how the mother might handle parenting H.S. while also caring for an additional baby. Parenting, however, does not get easier with the addition of another child to care for. It is therefore unlikely the mother will now

show more significant improvement than she has in the past. Due to these ongoing issues, and the mother's testimony that she needed more time to become a satisfactory parent to H.S., it is clear H.S. cannot be returned to her at this time. Termination was therefore proper under Iowa Code section 232.116(1)(h).

The mother also argues the district court should have used the discretion granted to it by Iowa Code section 232.117 to grant her more time to cure her parenting deficiencies. However, the mother has essentially been provided parental training since 2004 when her twins were adjudicated CINA.¹ H.S. has been out of the home for almost one year, has adjusted well to her foster home, and is adoptable. Insight for what the future might hold for a child returned to a parent's home can be gained by looking at the parent's past performance. *In re L.L.*, 459 N.W.2d 489, 493-94 (Iowa 1990). A parent does not have an unlimited amount of time to correct her deficiencies. *In re H.L.B.R.*, 567 N.W.2d 675, 677 (Iowa Ct. App. 1997). Given the mother's performance over the last three years, we find it is not in H.S.'s best interests that her mother be granted more time to cure her parenting deficiencies. The district court properly terminated the mother's parental rights to H.S.

AFFIRMED.

¹ The mother's parental rights to the twins were terminated in September 2004.