

**IN THE COURT OF APPEALS OF IOWA**

No. 9-080 / 08-2062  
Filed March 11, 2009

**IN RE THE INTEREST OF H.K. and A.K.,  
Minor Children,**

**Y.M.R., Mother,  
Appellant.**

---

Appeal from the Iowa District Court for Dubuque County, Thomas J. Straka, Associate Juvenile Judge.

A mother appeals the juvenile court order terminating her parental rights.

**AFFIRMED.**

Sarah E. Stork Meyer of Clemens, Walters, Conlon & Meyer, L.L.P., Dubuque, for appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant Attorney General, Ralph Potter, County Attorney, and Jean Becker, Assistant County Attorney, for appellee State.

Christopher Soppe of Blair & Fitzsimmons, P.C., Dubuque, for father.

Mary Kelley, Public Defender's Office, Dubuque, guardian ad litem for minor children.

Considered by Sackett, C.J., and Potterfield and Mansfield, JJ.

**PER CURIAM**

Yvonne is the mother of Angelique, born in 2007, and Heaven, born in 2008. In March 2008, Yvonne was living in a shelter with the children, when staff became very concerned because Yvonne would yell and swear at the children, and did not have appropriate expectations for them. Yvonne admitted she was frustrated and overwhelmed with taking care of the children. The children were removed from Yvonne's care on March 14, 2008, and placed in foster care.

The parties agreed the children would be adjudicated as children in need of assistance (CINA) under Iowa Code sections 232.2(6)(c)(2) and (n) (2007). A combined adjudication/disposition order was filed on May 8, 2008. A review order of September 10, 2008, noted:

The Court was advised that the mother has made little to no progress since the last court hearing. Mother has not maintained any stable employment; has been struggling with substance abuse; and continues to test positive for marijuana and methamphetamine; has been inconsistent with attending visits and sessions; did not attend any sessions from mid-June until mid-August; and has been inconsistent in making her mental health appointments.

Yvonne has been diagnosed with major depressive disorder and generalized anxiety disorder. A psychologist noted "Yvonne might not have the insight, judgment, and skills necessary to keep her children safe." Yvonne's primary focus was her relationship with the children's father, Robert.

On October 21, 2008, the State filed a petition seeking to terminate the parental rights of Yvonne and Robert. At the termination hearing, held on November 18, 2008, Yvonne stated she had been attending a substance abuse program and had been sober for thirty days. Yvonne had a job at Taco Bell, and

she was living with a friend, but did not know the address. She admitted she was not yet ready to take care of her children. Yvonne asked to have the children placed with Robert until she was ready to care for them.

The juvenile court terminated the parental rights of Yvonne and Robert under section 232.116(1)(h). The court noted that “[s]ince the onset of the case, Yvonne has made no progress in addressing safety concerns and her ability to care for the children.” The court found Yvonne failed to follow through on addressing her mental health issues. The court concluded that the children could not be returned to the mother’s care at the present time, and that no reasonable extension of time would alleviate the concerns in this case. The court determined that termination of Yvonne’s parental rights was in the children’s best interests. Yvonne appeals the decision of the juvenile court.

The scope of review in termination cases is *de novo*. *In re R.E.K.F.*, 698 N.W.2d 147, 149 (Iowa 2005). Grounds for termination must be proven by clear and convincing evidence. *In re T.B.*, 604 N.W.2d 660, 661 (Iowa 2000). Our primary concern is the best interests of the children. *In re C.V.*, 611 N.W.2d 489, 492 (Iowa 2000).

Yvonne first contends the juvenile court should have granted her additional time to work on reuniting with the children. She points out that she made recent strides in reaching her goals.

A parent does not have an unlimited amount of time to correct his or her deficiencies. *In re H.L.B.R.*, 567 N.W.2d 675, 677 (Iowa Ct. App. 1997). A child should not be forced to endlessly await the maturity of the parent. *In re C.K.*, 558

N.W.2d 170, 175 (Iowa 1997). We must reasonably limit the time for parents to be in a position to assume care of their children because patience with parents can soon translate into intolerable hardship for the children. *In re E.K.*, 568 N.W.2d 829, 831 (Iowa Ct. App. 1997). Based on these principles, we determine the juvenile court properly denied Yvonne's request for additional time to reunite with the children. Yvonne waited until after the termination petition was filed before she started to make any progress with services. The children should not be forced to wait longer for the stability they deserve.

Yvonne also claims there is not clear and convincing evidence in the record to support the termination of her parental rights. Yvonne's parental rights were terminated under section 232.116(1)(h), which requires a finding that if the children were returned to her care they be would exposed to harm that would justify adjudication as CINA. *See In re L.E.H.*, 696 N.W.2d 617, 619 (Iowa Ct. App. 2005).

Yvonne agreed that at the time of the termination hearing she could not care for her children, stating, "I am not in a place where I can have my kids, no. I do agree with that." Furthermore, the evidence clearly shows the children could not be returned to Yvonne's care at the present time. Yvonne needed to fully address her mental health and substance abuse problems, as well as her lack of parenting skills. We determine Yvonne's parental rights were properly terminated under section 232.116(1)(h).

We affirm the decision of the juvenile court.

**AFFIRMED.**