

**IN THE COURT OF APPEALS OF IOWA**

No. 9-247 / 09-0208  
Filed April 22, 2009

**IN THE INTEREST OF L.S.-R., Minor Child,**

**F.R., Mother,**  
Appellant.

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Appeal from the Iowa District Court for Scott County, Mary E. Howes,  
Judge.

A mother appeals the termination of her parental rights to her child.

**AFFIRMED.**

Jack E. Dusthimer, Davenport, for appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant  
Attorney General, Michael Walton, County Attorney, and Gerda Lane, Assistant  
County Attorney, for appellee.

Lucy Valainis, Davenport, for father.

Barbara Wallace, Davenport, attorney and guardian ad litem for minor  
child.

Considered by Vogel, P.J., and Vaitheswaran and Eisenhauer, JJ.

**EISENHAUER, J.**

A mother appeals the termination of her parental rights pursuant to Iowa Code sections 232.116(1)(a), (h), and (i) (2007). She does not dispute the State proved the grounds for termination by clear and convincing evidence. Instead, she requests additional time to allow her to resume care of the child. We review her claim de novo. *In re C.H.*, 652 N.W.2d 144, 147 (Iowa 2002).

The child in interest and her older sister were removed from mother's care February 11, 2008. The sister is not the subject of this appeal. This child was born in December 2007. She was adjudicated a child in need of assistance on May 7, 2008, pursuant to Iowa code sections 232.2(6)(c)(1), (c)(2), and (n). The primary problem was the mother's inability to care for the children safely because of her mental illness and excessive use of alcohol. In February 2008, the mother was involuntarily committed at the request of her sister and brother-in-law for her mental illness. She was diagnosed with schizophrenia. On her release she admits to continued alcohol use. She was arrested in August 2008 and charged with prostitution. She was trying to get money to buy alcohol. In her words, "I needed something to numb it, and I had only a certain amount of money on me, and I needed to drink for the next couple of days." The mother accepted a recommendation she enter the Scott County Jail Based Treatment Program. She was released from jail after successfully completing the program in late December 2008. By the date of the termination hearing two weeks later, she was under the care of a psychiatrist, taking medication to control hallucinations and delusions, and was sober.

The mother's mental health and substance abuse problems have existed since she was a teenager and she is now thirty-eight years old. The mother had only one visit with the child between her removal in February 2008 and mid-May, and seven visits between May and July. After she was arrested, weekly visits resumed in the jail in mid-October and continued until her release.

The child has been removed from her mother's care for almost one year, she has been in the same foster home for six months, is bonded with the foster parents, and is thriving in the home. Her older sister has now been placed in the same foster home and she has a significant and strong bond with her sister.

The mother requests additional time to correct the deficiencies in her parenting. While the law requires a "full measure of patience with troubled parents who attempt to remedy a lack of parenting skills," this patience has been built into the statutory scheme of chapter 232. *In re C.B.*, 611 N.W.2d 489, 494 (Iowa 2000). Children should not be forced to endlessly await the maturity of a natural parent. *Id.* At some point, the rights and needs of the child rise above the rights and needs of the parent. *In re J.L.W.*, 570 N.W.2d 778, 781 (Iowa Ct. App. 1997). We adopt the following from the trial court's order as our own:

[The mother] still has a long way to go and her recent period of sobriety was obviously caused in part by her incarceration. She was unable to successfully complete or maintain sobriety on her own. She has not yet sustained a period of mental health or substance abuse free living that would justify placing [the child] in her care at this time.

The mother also argues the exception to termination in section 232.116(3)(e) should apply. She suggests her incarceration explains her absence from the child's life and is analogous to "commitment to any institution,

hospital or health facility. We have rejected this argument. *In the re J.V.*, 464 N.W.2d 887, 890 (Iowa Ct. App. 1990)

Looking at long-range and immediate interests, we conclude termination is in the best interest of the child. See *In re C.K.*, 558 N.W.2d 170, 172 (Iowa 1997).

**AFFIRMED.**