

SUPREME COURT OF IOWA

In re Interest of J.E., Minor Child, R.E., Mother v. State of Iowa

723 N.W.2d 793 (Iowa 2006) · No. No. 128 / 06-0459 · Decided November 17, 2006

SUMMARY

The Iowa Supreme Court vacated the Iowa Court of Appeals’ decision and affirmed the juvenile court’s termination of the mother’s parental rights. The court held that clear and convincing evidence showed the child could not be safely returned to the mother and that termination was in the child’s best interests despite the child’s bond with his siblings.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Streit, Justice; Cady, Justice; Hecht, Justice
JURISDICTION	Iowa
DECIDED	November 17, 2006
DOCKET	No. 128 / 06-0459
DISPOSITION	vacated
PROCEDURAL POSTURE	The State sought further review of an Iowa Court of Appeals decision reversing a juvenile court order terminating the mother's parental rights.
STANDARD OF REVIEW	Termination-of-parental-rights proceedings are reviewed de novo. The court gives weight to the juvenile court's factual determinations but is not bound by them. Grounds for termination must be proven by clear and convincing evidence, and the child's best interests are the primary concern.
PRECEDENTIAL VALUE	Published Iowa Supreme Court opinion; precedential
PARTIES	R.E., Mother v. State of Iowa

TOPICS

- termination of parental rights
- parental rights
- family law procedure
- appellate procedure
- standard of review

PRACTICE AREAS

- family law
- juvenile law
- termination of parental rights
- appellate procedure

QUESTIONS PRESENTED

1. Whether clear and convincing evidence established under Iowa Code section 232.116(1)(f) that J.E. could not be returned to his mother's custody at the time of the termination hearing or in the reasonably near future.
2. Whether termination of the mother's parental rights was in J.E.'s best interests despite his bond with his older brothers.

HOLDINGS

1. Clear and convincing evidence established that J.E. could not be returned to his mother's custody at the present time or in the reasonably near future because she had not demonstrated that she could provide the supervision, structure, consistency, and care required by his special needs.
2. Termination of the mother's parental rights was in J.E.'s best interests because his safety, need for permanent and stable care, and long-term developmental needs outweighed his bond with his mother and siblings.

KEY QUOTATIONS

“our statutory termination provisions are preventative as well as remedial.” (799)

“Our ultimate concern is the best interests of the child.” (800)

“Children simply cannot wait for responsible parenting.” (801)

FACTUAL BACKGROUND

J.E., a nine- or ten-year-old child with low intelligence, ADHD, heart arrhythmia, and a need for medication, dietary restrictions, constant supervision, and structure, was removed from his mother's care after she left him home alone for up to fourteen hours. The record also showed multiple founded reports of neglect, unstable housing and utilities, inconsistent participation in services, poor supervision during visits, and a shoplifting incident in which J.E. was present. Although the mother had a strong relationship with J.E.'s older brothers and made intermittent progress, the court found she had not demonstrated an ability to provide the consistent and safe care J.E. required.

PROCEDURAL HISTORY

The juvenile court adjudicated J.E. a child in need of assistance and, after approximately sixteen months of services and foster-care placement, terminated the parental rights of the mother and the alleged fathers. The mother appealed, and the Iowa Court of Appeals reversed, questioning whether the statutory grounds had been proven and whether termination served the child's best interests. The Supreme Court of Iowa granted further review, vacated the court of appeals decision, and affirmed the juvenile court's termination order.

DISPOSITION

vacated

CASES CITED

- In re C.H., 652 N.W.2d 144, 147 (Iowa 2002)
- In re S.N., 500 N.W.2d 32, 34 (Iowa 1993)
- In re T.A.L., 505 N.W.2d 480, 482 (Iowa 1993)
- In re M.M., 483 N.W.2d 812, 814 (Iowa 1992)
- In re T.B., 604 N.W.2d 660, 661 (Iowa 2000)
- In re K.N., 625 N.W.2d 731, 733 (Iowa 2001)
- In re C.K., 558 N.W.2d 170, 172, 175 (Iowa 1997)
- In re L.L., 459 N.W.2d 489, 494-95 (Iowa 1990)
- In re A.M.S., 419 N.W.2d 723, 726, 734 (Iowa 1988)
- In re T.J.O., 527 N.W.2d 417, 421 (Iowa Ct. App. 1994)
- In re E.B.L., 501 N.W.2d 547, 553 (Iowa 1993)
- In re J.W.D., 456 N.W.2d 214, 218-19 (Iowa 1990)
- In re S.J., 451 N.W.2d 827, 832 (Iowa 1990)
- In re J.K., 495 N.W.2d 108, 110-11 (Iowa 1993)
- In re A.R.S., 480 N.W.2d 888, 889-90 (Iowa 1992)
- In re Interest of C & K, 322 N.W.2d 76, 77-78 (Iowa 1982)
- In re A.C., 415 N.W.2d 609, 613 (Iowa 1987)
- In re J.L.P., 449 N.W.2d 349, 353 (Iowa 1989)
- In re K.M., 653 N.W.2d 602, 606, 608 (Iowa 2002)
- In re C.B., 611 N.W.2d 489, 493-95 (Iowa 2000)
- Deck v. State Dep't of Human Ress., 930 P.2d 760, 765 (Nev. 1997)
- In re M.B., 565 A.2d 804, 810 (Pa. Super. Ct. 1989)
- In re Lilley, 719 A.2d 327, 334-35 (Pa. Super. Ct. 1998)
- In re C.M., 652 N.W.2d 204, 208 (Iowa 2002)
- In re S.O., 483 N.W.2d 602, 604 (Iowa 1992)
- In re Damon, 306 N.W.2d 743, 745 (Iowa 1981)

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