

IN THE NEBRASKA COURT OF APPEALS

In re Interest of LaCrysta N.,
TiWanna N., DaQuawn N., and
DaQuawanda N.,
Children under 18 years of age.

State of Nebraska,

Appellee,

v.

Ella N.,

Appellant.

No. A-13-0360

**MEMORANDUM OPINION
AND
JUDGMENT ON APPEAL**

FILED

DEC 27 2013

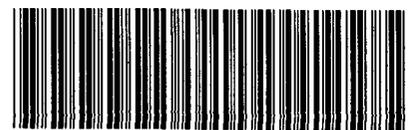
**CLERK
NEBRASKA SUPREME COURT
COURT OF APPEALS**

INBODY, Chief Judge, and PIRTLE and RIEDMANN, Judges.

INBODY, Chief Judge.

INTRODUCTION

Ella N., natural mother of LaCrysta N., TiWanna N., DaQuawn N., and DaQuawanda N., appeals the termination of her parental rights. She contends that the juvenile court erred in terminating her parental rights pursuant to Neb. Rev. Stat. § 43-292(2), (6), and (7) (Cum. Supp. 2012) and finding that termination was in the minor children's best interests. Having conducted a de novo review of the record and determining that the evidence supports the termination of Ella's parental rights pursuant to § 43-292(7) and that termination is in the minor children's best interests, we affirm the decision of the juvenile court.



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STATEMENT OF FACTS

Ella is the mother of four children: LaCrysta N., born on January 6, 1994; TiWanna, born on July 13, 1997; and twins, DaQuawn and DaQuawanda, born on August 20, 2004. On August 20, 2010, police were called to the family home and upon arriving, observed that Ella had pinned 16-year-old LaCrysta to the ground and was slapping her. As police attempted to remove Ella from LaCrysta, Ella kicked LaCrysta. Ella was arrested and the children were removed from Ella's home that same day. Since their removal, the minor children have been state wards and have not been returned to Ella's home.

In November 2010, the children were adjudicated as children within the meaning of Neb. Rev. Stat. § 43-247(3)(a) (Reissue 2008) due to Ella subjecting LaCrysta to inappropriate physical contact and, due to that allegation, the minor children were at risk for harm. In September 2012, the State moved to terminate Ella's parental rights with respect to TiWanna, DaQuawn and DaQuawanda alleging § 43-292(2), (6) and (7) as bases for termination and alleging that termination was in the minor children's best interests. Due to her age, LaCrysta was not included in the motion for termination of parental rights and, in fact, LaCrysta turned 19 in January 2013, placing her beyond the jurisdiction of the juvenile court at the time of the termination hearing which was held on March 22, 2013. Five

witnesses testified for the State: Susan Walsh, the family permanency specialist with Nebraska Families Collaborative (NFC) who was assigned to Ella's case from May 1 until August 22, 2012; Janece Potter, the family permanency specialist with NFC who took over the case from Walsh on August 22, 2012, and remained on the case up to the time of the termination hearing; Monica Lewis, a licensed independent mental health practitioner, who provided individual therapy to Ella and the minor children, and provided therapeutic visitation between Ella and TiWanna; Teresa Smith, a family consultant with Boys Town's in-home family services; and Deborah Faulkner, a family partner with Nebraska Family Support Network. The majority of the testimony at the termination hearing centered around four main areas: issues involving mental health services and therapy for Ella and the children, services provided to Ella, issues involving visitation, and best interests of the children.

Testimony Regarding Mental Health Services and Therapy For Ella and the Minor Children.

Walsh testified that when she took over Ella's case in May 2012, Ella was not actively participating in court-ordered therapy. Walsh learned that Ella did not obtain psychiatric services from March to May 2012, due in part to the service provider, KVC, ending their contract. Walsh learned that there was an attempt, in April 2012, to reinstate Ella's therapy with

therapist Terra Goodwin, but Ella failed to attend her first session, called the following day to say she quit therapy, and Goodwin was not willing to continue therapy with Ella. Walsh then referred Ella to Capstone Behavioral Health, which was the service provider that replaced KVC.

Per Capstone's policy, prior to seeing a psychiatrist, a patient was first required to meet with a psychologist for a pretreatment assessment to begin individual therapy. Ella resisted meeting with the psychologist, but did attend one session to begin her pretreatment assessment with the expectation that she would have a follow-up appointment to complete the assessment. However, when Ella called Capstone to set up a follow-up appointment, instead of setting up an appointment to complete her pretreatment assessment, she attempted to set up an appointment with a psychiatrist, Dr. Coy. When informed that she needed to attend one more session with the psychologist to complete the pretreatment assessment prior to scheduling an appointment with Dr. Coy, Ella began cursing and yelling at the providers. This happened on several occasions and eventually, as a result, Capstone discharged Ella from their services. Ella was then referred to Hill Counseling in October 2012, but did not use that referral because she had found another therapist at Immanuel, Dr. Nathan Sudbeck. Ella was discharged from Dr. Sudbeck's care in November 2012, after

missing two appointments; however, she resumed seeing Dr. Sudbeck in January 2013, and Potter testified that she had not been made aware of any discharge from Dr. Sudbeck's therapeutic services since that time. Additionally, Potter testified that Ella was also seeing another psychiatrist, Dr. Rebecca Schmidt.

Lewis became involved in Ella's case after receiving a referral from NFC. Ella was referred to Lewis in March 2011 for individual therapy. This initial referral was due to Ella's minor children being placed in out-of-home care, and was for Lewis to provide Ella with individual therapy while working through the allegations which led to the removal of her minor children from her home. Lewis diagnosed Ella with bipolar disorder which is a condition characterized by both depressive and manic episodes. Lewis testified that there are times when an individual with bipolar disorder may be calm, but at other times, may have lows where they may be very depressed, irritable, hyper, agitated, and aggressive and explosive. There are also other issues that are associated with persons with bipolar disorder including impulse control, an inability to sleep, stress and anxiety. During her initial sessions with Lewis, Ella described high levels of stress and anxiety, an inability to sleep and nighttime grinding her teeth, impulsivity, and mood swings. Ella's behaviors were triggered by things that were not within her control and she would react to

triggers by behaviors such as yelling, screaming, and threatening. Ella's individual therapy ended in October 2011, when Ella called and stated that she did not need to come to therapy any longer. At the time that Ella ended her individual therapy, Lewis had not successfully discharged her from therapy, nor had Ella met any goals in terms of managing her anger and increasing her coping skills, and in Lewis' opinion, Ella needed continued therapy and psychiatric care at that time.

In addition to providing individual therapy for Ella, Lewis also began providing individual therapy for TiWanna, DaQuawn, and DaQuawanda in January or February 2011, which continued up until the time of the termination hearing. The children had been referred due to adjustments to their out-of-home placement and some behavior concerns. TiWanna was having some adjustment issues, some issues with peers at school, and was oppositional with the adults in her life. TiWanna has progressed on her goals, including learning coping skills and security in expressing her emotions. Lewis testified that during therapy sessions the week of the termination hearing, TiWanna stated that although she loves Ella, she is "fearful" of her in that she does not know what to expect from Ella, she does not know what Ella is capable of, and she is afraid that nothing would change with the aggression and yelling in their family unit.

Lewis described TiWanna as being stable and happy around the time of the termination hearing.

Lewis testified that at the start of therapy, DaQuawn was very hyper and was unable to sit still and focus, and he was oppositional and unable to be redirected. According to Lewis, DaQuawn has done well working on skills and is doing much better being able to manage, and his opposition and redirection issues are not issues any longer. According to Lewis, with DaQuawanda, she was working more on anxiety and boundary issues and she has done very well. According to Lewis, both DaQuawn and DaQuawanda have met their therapeutic goals during her work with them and, at the time of the termination hearing, were very happy children. Additionally, at the time of the termination hearing, DaQuawn and DaQuawanda were on a maintenance phase of therapy with each only having one session per month.

Lewis also conducted therapeutic visitation between Ella and TiWanna from May 2012 to January 2013, during which period of time three sessions took place. According to Lewis, the main goal of the therapeutic visitations between Ella and TiWanna were to rebuild their relationship in a safe and secure way including to be able to learn emotional regulation within that relationship; this goal was not met. The first therapeutic visitation session between Ella and TiWanna did not go well with TiWanna expressing some concerns that Ella did not take

ownership of previous events in their relationship. This resulted in TiWanna shutting down, accusing Ella of lying and the session ended with TiWanna becoming angry, having a verbal outburst, and running out of the session. Although the session ended due to TiWanna leaving the session, when Ella left the session, she stated that she did not "have to take this" and she "was not going to return." The second session was held in July. According to Lewis, the delay between sessions occurred because of TiWanna's unwillingness to participate and because some time needed to pass to be able to allow TiWanna to feel safe and to be able to express herself without anger and without shutting down the emotions that she was feeling. After the July session, at which TiWanna refused to talk, there was again a lack of willingness on TiWanna's part to participate in therapeutic visitation so the next session did not occur until January 2013. This final session went very well with Ella and TiWanna making individual pizzas together and talking.

After this January 2013 session, Lewis felt that further therapeutic sessions between TiWanna and Ella would be beneficial as long as Ella was mentally stable and another therapeutic session was scheduled for 2 weeks later; however, that session did not occur because Ella cancelled the session stating that she was unable to attend because she was babysitting. During attempts to reschedule the visitation

session, Ella became upset that Lewis had stated that Ella had "cancelled" the visit and started yelling and swearing at Lewis and threatening her with physical harm. After Lewis hung up the telephone after being threatened, Ella left 17 voicemails for Lewis over the course of three days. A second phone call occurred between Ella and Lewis with Ella again screaming and threatening to come to Lewis' office and physically harm her. As a result of these threats, Lewis obtained a restraining order against Ella and it was concluded that she unable to continue to provide therapeutic visitation for Ella and TiWanna due to safety concerns, ethical questions, and an inability or unwillingness to communicate effectively. Additionally, after Lewis obtained the restraining order against Ella and 2 days prior to the termination hearing, Ella reported to police that Lewis had been calling and harassing her. Lewis testified that she informed police that she had no contact with Ella since she obtained the restraining order against Ella and neither her, nor her office, had any reason to contact Ella.

In addition to Lewis no longer providing therapeutic visitation due to the threats by Ella, as another consequence of Ella's threats toward Lewis, on February 20 Potter completed an affidavit recommending that Ella's visitations be suspended due to safety threats and on February 22, the State filed a motion to suspend visitation; however, at a family team meeting that

took place approximately one week prior to the filing of the motion to suspend visitation, Ella and the team discussed finding a different therapist to conduct family therapy and Ella expressed a willingness to proceed with family therapy with a different therapist. Potter's recommendation that visitations should be suspended continued at the time of the termination hearing due to Ella's lack of consistency, lack of progress, lack of engagement during visits, and the safety threats that remained due to Ella's unstable mental health.

Services Provided to Ella.

Smith and Faulkner each became involved in providing services to Ella after receiving referrals from NFC. NFC referred Ella to Faulkner in May 2012. Faulkner testified that as a family partner, she assists parents with meeting court orders, the case plan, helping the parent with community resources, and aiding the parent in navigating the juvenile justice system. Ella was Faulkner's client from May 10 until August 24, 2012, and again from September 5 to November 30. During the first referral, Faulkner assisted Ella with finding affordable housing. The first referral ended due to Ella's lack of interest in meeting with Faulkner and the fact that Ella did not want to be bothered by Faulkner. According to Faulkner, when she attempted to contact Ella, Ella would yell and curse at her and then hang up. During the second referral, Ella had found

housing, so Faulkner assisted Ella with finding funds for the deposit, along with utilizing community resources that would aid Ella in obtaining housing items and furniture. The second referral ended after Ella threatened Faulker, Ella's attorney, and Potter while they were assisting Ella with a walk through of an apartment, which was necessary in order to approve the residence for visitations with the children. During the walk through, Ella stated that she intended to move out-of-state and "was cancelling everything." When Potter asked for clarification as to what exactly Ella was cancelling, Ella became agitated, told everyone to get out of the residence two times, and the third time Ella told the parties that she would "make you leave" and threatened the parties with a hammer. Although Potter had initially approved Ella's residence for visitations, after this incident Potter rescinded the approval because she did not want to put the visitation worker or minor children at risk.

NFC referred Ella to Smith in January 2013. Smith testified that a family consultant is similar to a family support worker and that, as a family consultant, she works with families or parents to either help keep children in the home or help get children back in the home. However, her duties do not generally include transporting children to and from visits or supervising visits. Smith worked with Ella from January 23 to 28, 2013 meeting with her three times to work on goals such as accessing

community resources, obtaining furniture for Ella's apartment, and keeping track of Ella's schedule. Since Ella reported at the initial visit that she was doing well following through on her schedule, at subsequent visits Smith reviewed Ella's schedule with her for the following week which included visitations and therapy sessions. During their sessions, Ella and Smith did obtain furniture for Ella's apartment and Ella learned how to access two community resources, Heartland Family Services, which is a donation center and a food pantry, and the outreach center at the Open Door Mission. Sessions ended at Ella's request after she left a voicemail stating that she no longer wanted to participate in services until she could see all of her children during visits. Smith testified that she did not have anything to do with Ella's visitation with her children. However, Smith was aware that in the past, when Ella became upset she would cancel and restart services, so when she received the voicemail from Ella stating she no longer wished to participate in services, Smith did not immediately cut off services from Boys Town. Smith did not actually terminate Ella's services until January 31, after receiving two messages from Ella about ending services and another that stated that she would like to continue services but needed to see her children before she would meet with Smith again. Shortly after her services were discharged at her

request, Ella called Smith and attempted to restart meetings with her.

The evidence established that numerous services were provided during the pendency of the case including out-of-home placement, supervised parenting sessions, bus passes, case management and service coordination, family support work, therapeutic services, family team meetings, and mental health care for Ella. Despite the services and referrals provided, Potter testified that Ella was inconsistent in participating in psychiatric appointments, was not participating in individual therapy, was not participating with the peer-to-peer mentor because Ella was not satisfied with the level of service she was receiving; specifically, the peer-to-peer mentor could not deliver furniture for her. Potter was also concerned with Ella's ability to maintain her apartment because, although NFC paid a \$400 deposit for an apartment for Ella in September 2012, Ella was unable to move into the apartment on time because she lost the initial rent money. Further, Ella was unemployed throughout the pendency of this case. However, Potter did testify that Ella has remained in her current housing since November 2012. Additionally, Potter was able to verify that Ella completed all of the court-ordered evaluations, which included a pretreatment assessment and chemical dependency and psychological evaluations, and the parenting classes.

Visitation.

Ella also had difficulties with visitations with her children. Visitations with TiWanna were ordered to be therapeutic in nature in April 2012; however, as previously stated these visitations were sporadic. Ella's visitation with the twins, DaQuawn and DaQuawanda, moved from semi-supervised in July 2011, to unsupervised in November, then back to fully supervised in March 2012. One month later, in April, visitation was ordered to be semi-supervised. In September 2012, Ella was not working with the peer-to-peer mentor on a consistent basis, was not participating in therapy, and was not consistently participating in psychiatric appointments. Due to these concerns, Ella's visitation with the children once again was restricted to supervised and remained that way until visitation was suspended in February 2013.

There was also evidence that Ella's attendance at visitation with DaQuawn and DaQuawanda was inconsistent. For example, in July 2012, Ella only attended two of the nine scheduled visitations for a total of 3 hours of visitation for the month. Ella only attended two visits in September 2012, and only attended one visit and failed to show up or cancel another visit in October 2012. Between December 11, 2012 and February 19, 2013, Ella only attended two visitations with the twins.

Additionally, when Ella did attend the visits with DaQuawn and DaQuawanda, she did not keep the children for the full 4-hour time period, often sending them home 2 hours early. For example, Walsh testified that in August 2012, Ella called and requested that DaQuawn and DaQuawanda be picked up after spending 3 hours and 20 minutes at visitation stating that the visitation was ordered to be 4 hours long and the children had been with her longer than 4 hours, which caused Walsh concern over whether Ella would be able to provide care for her children on a long-term basis. Additionally, Walsh testified that Ella left during a May 2012 visitation with DaQuawn and DaQuawanda, and went to a Family Dollar store. The minor children's foster mother, who was also their maternal great aunt Addie Edwards, and TiWanna happened to be at Family Dollar at the same time and, when they met, Ella began to yell, curse, and threaten Edwards with physical harm. Also in May 2012, Ella expressed to Walsh that she could no longer have visitation at her mother's home, she did not want visitation with her children until she had her own residence, and demanded that NFC find her a residence. Ella again expressed to Potter in September 2012 that she was cancelling visits with the twins until she had her own apartment and she was not receptive to suggestions of alternative locations for visitations. On another occasion, Ella called the visitation worker and requested a visit with the

twins during a time when they were in school and became upset and hung up on the worker when she was informed that visitation would not be possible during school hours when school was in session.

Visitation providers at Nebraska Children's Home Society (NCHS) reported that during the September 22 and October 5, 2012 visits, Ella was not consistently engaged with her children. Additionally, on the September 22 visit, Ella became upset when a visitation location had to be changed from the library, which was closing, to a McDonald's across the street; Ella was angry that the visitation worker could transport the children in a vehicle but could not transport Ella, due to company policy, and ended the visit 2 hours early.

Additionally, Ella's behavior resulted in service providers discharging her from their service. Capstone Behavioral Health supervised visitations from July to August 2012, but stopped services with Ella due to noncompliance with their policies as well as Ella displaying antagonizing behaviors and hostility to the visitation worker. After Capstone, NCHS took over as the agency supervising visitations for Ella, supervising Ella from September 2012 to November 6, 2012 before discharging her based on safety issues and Ella's requests to NCHS that they quit calling her. After NCHS discharged Ella, Boys Town supervised visitations from December 11, 2012 until February 19, 2013,

before also discharging Ella due to lack of consistency with visits, not being able to reach Ella by telephone, and safety concerns.

Walsh testified that Ella's inconsistency in visitation had an adverse effect on DaQuawn and DaQuawanda. The twins would frequently ask when they would get to see Ella again, would express that they wanted to be able to spend time with Ella, and would become upset when visitations would end early. Additionally, the twins would ask when they would get to go home and they never knew when their next visit would be. The children would be disappointed when they did not have scheduled visitations.

Best Interests.

Lewis testified that the children need a stable and nonaggressive living environment which allows them to develop in a safe and secure way and leads them to be more emotionally balanced and that during the period of time that Lewis worked with Ella from March to October 2011, Ella was not in a position to provide a stable and nonaggressive living environment for the minor children. Further, Lewis testified that the minor children's current placement provides them with a safe, stable, and reliable placement. TiWanna has made honor roll and and has been able to identify her emotions without withdrawing and the twins are doing well.

Walsh testified that it was her opinion that termination of Ella's parental rights was in TiWanna, DaQuawn, and DaQuawanda's best interests because of the length of time that they had been in foster care, their need for the consistency and stability of a permanent home, Ella's lack of progress, her inconsistency in attending visitations and ending visitations early, and her inability to provide care for her children, including participating in individual therapy to help maintain and regulate her mental health. According to Walsh, at the end of her time on the case in August 2012, the children were doing well in their placement, they were attending school, and they seemed happy.

Potter testified that in her opinion, it was in the minor children's best interests that Ella's parental rights be terminated due to the length of time that the children had spent in out-of-home care, Ella's lack of consistent progress including failing to attend her appointments or address her mental health issues, and failure to consistently participate in the services offered including peer-to-peer mentoring, visitation, and family support work. At the time of the termination hearing, the children were doing well in their placement with Edwards. TiWanna was doing "excellent" in the home, her behaviors in school had improved, she was attending therapy, participating in ROTC, and was a good role model for

her younger siblings. DaQuawn had just turned 9 and was doing very well in the home, was very bonded with Edwards, and they laugh and spend a lot of time together in the home. DaQuawanda was also doing well in the home and she spends a lot of time with her siblings and Edwards.

On March 26, 2013, the juvenile court filed its order terminating Ella's parental rights to TiWanna, DaQuawn, and DaQuawanda pursuant to § 43-292(2), (6), and (7) and finding that termination was in the minor children's best interests.

ASSIGNMENTS OF ERROR

On appeal, Ella contends that the juvenile court erred in terminating her parental rights pursuant to § 43-292(2), (6), and (7) and in finding that termination was in the minor children's best interests.

STANDARD OF REVIEW

Juvenile cases are reviewed de novo on the record, and an appellate court is required to reach a conclusion independent of the juvenile court's findings. *Kenneth C. v. Lacie H.*, 286 Neb. 799, ___ N.W.2d ___ (2013). However, when the evidence is in conflict, an appellate court may consider and give weight to the fact that the district court observed the witnesses and accepted one version of the facts over the other. *Id.*

ANALYSIS

Statutory Basis for Termination.

In order to terminate an individual's parental rights, the State must prove by clear and convincing evidence that one of the statutory grounds enumerated in § 43-292 exists and that termination is in the child's best interests. *In re Kendra M.*, 283 Neb. 1014, 814 N.W.2d 747 (2012). The juvenile court found by clear and convincing evidence that three of the statutory grounds existed, including the circumstance described in § 43-292(7), i.e., that "[t]he juvenile has been in an out-of-home placement for fifteen or more months of the most recent twenty-two months." Section 43-292(7) operates mechanically and, unlike the other subsections of the statute, does not require the State to adduce evidence of any specific fault on the part of a parent. *In re Interest of Aaron D.*, 269 Neb. 249, 691 N.W.2d 164 (2005); *In re Interest of Justin H. et al.*, 18 Neb. App. 718, 791 N.W.2d 765 (2010).

The evidence adduced at the termination hearing established that TiWanna, DaQuawn, and DaQuawanda were removed from Ella's care in August 2010. The children have remained in out-of-home placement up until the termination hearing which was held on March 22, 2013. Thus, at the time of the termination hearing which was held in March 2013, TiWanna, DaQuawn, and DaQuawanda had been in out-of-home placement for nearly 31 months.

Only one statutory ground for termination need be proved in order for parental rights to be terminated. *In re Kendra M., supra.* The evidence reflects that the minor children were in foster care for the entire 22 months prior to the filing of the petition to terminate Ella's parental rights in September 2012. Because we conclude that there is clear and convincing evidence that TiWanna, DaQuawn, and DaQuawanda has been in an out-of-home placement for 15 or more months of the most recent 22 months, we need not discuss Ella's assignments of error regarding the other statutory grounds which the juvenile court found to exist, and we proceed to the issues of best interests and parental unfitness.

Best Interests.

In addition to proving a statutory ground for termination, the State must show that termination is in the best interests of the child. *In re Kendra M., supra; In re Ryder J.,* 283 Neb. 318, 809 N.W.2d 255 (2012). A parent's right to raise his or her child is constitutionally protected; so before a court may terminate parental rights, the State must also show that the parent is unfit. *In re Kendra M., supra.* There is a rebuttable presumption that the best interests of a child are served by having a relationship with his or her parent. *Id.* Based on the idea that fit parents act in the best interests of their children, this presumption is overcome only when the State has

proved that the parent is unfit. Although the term "unfitness" is not expressly used in § 43-292, the concept is generally encompassed by the fault and neglect subsections of that statute and through a determination of the child's best interests. *In re Kendra M., supra.* In the context of the constitutionally protected relationship between a parent and a child, the Nebraska Supreme Court has stated, "'Parental unfitness means a personal deficiency or incapacity which has prevented, or will probably prevent, performance of a reasonable parental obligation in child rearing and which has caused, or probably will result in, detriment to a child's well-being.'" *In re Kendra M.*, 283 Neb. 1014, 1033-34, 814 N.W.2d 747, 761 (2012) quoting *Uhing v. Uhing*, 241 Neb. 368, 488 N.W.2d 366 (1992). The best interests analysis and the parental fitness analysis are fact-intensive inquiries and, although they are separate inquiries, each examines essentially the same underlying facts as the other. *In re Kendra M., supra.*

The evidence established that Ella has had many services provided to her during the pendency of this case including out-of-home placement, supervised parenting sessions, bus passes, case management and service coordination, family support work, therapeutic services, family team meetings, and mental health care for Ella. Despite the services provided to Ella during the nearly 2½ years that this case has been pending, Ella has not

had anything less than semi-supervised visitation with the twins since March 2012, and at the time that the termination petition was filed, her visits were restricted to fully supervised. Her attendance at visitations has been inconsistent and when she did attend visitation with the twins, she did not keep the twins for the full amount of time allotted for the visitation. Although Ella has been ordered to have therapeutic visitation with TiWanna since May 2012, only three sessions took place between May 2012 and January 2013. Although we recognize that TiWanna's lack of willingness was a factor in the number of visitations scheduled, we cannot ignore that therapeutic visitation had to be terminated due to Ella's threats of physical violence against Lewis.

We further agree with Ella that her mental stability has been an issue throughout the life of this case. See brief for Appellant at 25. However, Ella has not been consistent in addressing her mental health issues by attending her psychiatrist appointments, attending individual therapy, or taking her prescribed medication. Ella has also not been consistent in attending visitations with her children and when she did attend, would often send the children back up to 2 hours early. Further, Ella did not consistently participate in the services offered to her including peer-to-peer mentoring and family support work, and she displayed abusive behavior and

language to the providers that were attempting to assist her, resulting in her being discharged from services or, in some instances, Ella has ended services on her own accord.

When a parent is unable or unwilling to rehabilitate himself or herself within a reasonable time, the child's best interests require termination of parental rights. *In re Interest of Walter W.*, 274 Neb. 859, 744 N.W.2d 55 (2008). Children cannot, and should not, be suspended in foster care or be made to await uncertain parental maturity. *Id.* Ella has been given numerous services over 2½ years to place herself in a position to parent TiWanna, DaQuawn, and DaQuawanda; she has failed to do so. The minor children need stability and consistency and Ella has failed to place herself in a position to provide it to them. The evidence further establishes that TiWanna, DaQuawn and DaQuawanda were doing well at the time of the termination hearing in their placement with their great aunt. All of the facts taken together in this case show that Ella is not a fit parent for TiWanna, DaQuawn, and DaQuawanda and that termination of her parental rights is in the minor children's best interests.

CONCLUSION

In our de novo review of the record, we conclude that sufficient statutory grounds existed for the juvenile court to terminate Ella's parental rights to TiWanna, DaQuawn, and

DaQuawanda pursuant to § 43-292(7). We also conclude that Ella is an unfit parent and that terminating her parental rights to TiWanna, DaQuawn, and DaQuawanda was in the minor children's best interests. Therefore, we affirm the judgment of the juvenile court.

AFFIRMED.