

IN THE COURT OF APPEALS OF IOWA

No. 6-510 / 06-0764

Filed July 12, 2006

**IN THE INTEREST OF B.M.K., A.M.K., and A.C.K.,
Minor Children,**

J.K., Mother
Appellant,

A.C., Father,
Appellee.

Appeal from the Iowa District Court for Pottawattamie County, Gary K. Anderson, District Associate Judge.

A mother appeals the termination of her parental rights to her three children. **AFFIRMED.**

Roberta Megel, Public Defender, Council Bluffs, for appellant.

Thomas J. Miller, Attorney General, Katherine S. Miller-Todd, Assistant Attorney General, Matthew D. Wilber, County Attorney, and Jon Narmi, Assistant County Attorney, for appellee State.

Kristina Kaeding and William McGinn, Council Bluffs, for appellee father.

Scott Strait, guardian ad litem, Council Bluffs, for minor child.

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

VAITHESWARAN, J.

Jennifer, a chronic methamphetamine user, appeals the termination of her parental rights to Brent (born in 2004), Ashlynn (born in 2002), and Aaron (born in 2000). She contends the Department of Human Services did not make reasonable efforts towards reunification. See *In re C.B.*, 611 N.W.2d 489, 492-93 (Iowa 2000). Specifically, she maintains the Department “did not assist her regarding visitation with her children and did not provide her with psychotherapy.” On our de novo review of the record, we disagree.

I. Visitation

“Visitation between a parent and child is an important ingredient to the goal of reunification.” *In re M.B.*, 553 N.W.2d 343, 345 (Iowa Ct. App. 1996). The district court found that the Department arranged for visitation between Jennifer and her children, but Jennifer “failed to participate consistently in scheduled visits.” The record supports this finding.

At the termination hearing in March 2006, a Department social worker testified that “Jennifer was displaying inconsistency with her supervised visits with her children.” She explained, “the children would arrive at the visits and wait on Mom, and then Mom would simply no-show, no-call to visits.”

Jennifer did not dispute this assessment. She admitted the Department made arrangements for supervised visits with her older two children. Although she met them twice during the week preceding the hearing, she acknowledged that these were the first visits since the previous summer, approximately nine months earlier.

Jennifer's sporadic attendance had a significant effect on her oldest child, Aaron. Following missed visits, he talked negatively about himself or struck himself.

Jennifer also had few visits with her youngest child, Brent. She asked the Department to place him with her maternal aunt in eastern Iowa after he was moved several times among non-relative foster homes. While Brent did well in his new home, his relocation from the Council Bluffs area restricted Jennifer's opportunities to see him.¹ In addition, Jennifer began binging on methamphetamine during the summer of 2005 and lost interest in pursuing visitation with her young son. She did not seek transportation assistance to visit Brent until the end of 2005. On receiving this request, the Department immediately purchased a round-trip bus ticket and made arrangements to purchase a second, for a later visit.

We conclude the Department satisfied its obligation to facilitate visitation between Jennifer and her three children.

II. Psychotherapy

In evaluating the State's compliance with the reasonable efforts requirement, our focus is on the services provided by the State and the parent's response to those services. *In re C.B.*, 611 N.W.2d at 494. The district court found that the Department offered Jennifer inpatient chemical dependency treatment and psychiatric treatment but Jennifer did not express an interest in

¹ Jennifer indicated an intent to move to Cedar Rapids. She did so for one month, but then returned to western Iowa.

participating until shortly before the termination hearing. Again, the record supports this finding.

The Department's social worker stated:

Jennifer was court-ordered last spring to complete a chemical dependency evaluation as she was using methamphetamine. She was also court-ordered to participate in a psychiatric evaluation and comply with those recommendations. In the course of that time the Department offered to support Jennifer in possibly seeking inpatient psychiatric and chemical dependency treatment, and at that time Jennifer was not interested in those treatment options.

The social worker continued,

The Department of Human Services saw a great deterioration in Jennifer's compliance and participation with reunification last spring until December of 2005. Jennifer was failing to submit random UAs as requested. As previously explained, she was non-compliant with seeking chemical dependency treatment or psychiatric treatment.

The social worker acknowledged that Jennifer recently underwent a psychiatric evaluation, but noted that she would not be able to begin outpatient chemical dependency treatment until a month after the termination hearing.

At the termination hearing, Jennifer admitted that she did not look into psychotherapy, even though her psychiatrist had recommended it during the evaluation three months earlier. When asked why, she stated, "I don't have any reason." She reported to the Department's social worker that she last used methamphetamine just a month before the evaluation.

We conclude that the Department made reasonable efforts to provide Jennifer with psychotherapy services. Notably, when the prosecutor asked Jennifer whether the Department's social worker "ben[t] over backwards to help" her, Jennifer answered "Yes."

III. Disposition

We affirm the termination of Jennifer's parental rights to Brent, Ashlynn, and Aaron.

AFFIRMED.