

IN THE COURT OF APPEALS OF IOWA

No. 6-731 / 06-1201
Filed October 11, 2006

**IN THE INTEREST OF J.K.-C. and N.K.,
Minor Children,**

**L.P., Mother,
Appellant.**

Appeal from the Iowa District Court for Linn County, Kristin L. Hibbs,
Judge.

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

AFFIRMED.

Jessica L. Wiebrand, Cedar Rapids, for appellant-mother.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant
Attorney General, Harold L. Denton, County Attorney, and Troy Powell, Assistant
County Attorney, for appellee.

Cynthia Finley, Cedar Rapids, for father of J.K.-C.

Richard Pazdernik, Cedar Rapids, for father of N.K.

Lorraine Machacek, Cedar Rapids, guardian ad litem for minor children.

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

EISENHAUER, J.

A mother appeals the termination of her parental rights to her children. She contends the State failed to prove by clear and convincing evidence the grounds for termination. She also makes arguments regarding the best interest of the child and the reasonable efforts made to reunite her and her children. We review her claims de novo. *In re C.H.*, 652 N.W.2d 144, 147 (Iowa 2002).

The two children are now two and six years old. They have been in foster care since February 2005. The mother's parental rights were terminated pursuant to Iowa Code sections 232.116(1)(f), (h), and (l) (2005). We need only find termination proper under one ground to affirm. *In re R.R.K.*, 544 N.W.2d 274, 276 (Iowa Ct. App. 1995). The mother argues termination was not proper under sections 232.116(1)(f) and (h). She does not make any argument that termination was improper under section 232.116(1)(l) and, accordingly, has waived this argument and we affirm termination on this ground. See Iowa R. App. P. 6.14(1)(c).

The mother also intimates the State failed to make reasonable efforts to reunite her with her children. She claims her failure to obtain mental health and substance abuse counseling was a result of financial difficulties, which the State failed to address. However, as the district court noted:

Various mandatory court reviews have been held during the pendency of this action. On each occasion, the Court has considered whether reasonable efforts to reunify the family were being made. On each occasion, the Court concluded the Department of Human Services had made reasonable efforts and that no party had requested additional services or assistance.

A challenge to the sufficiency of services should be raised when the services are offered. *In re L.M.W.*, 518 N.W.2d 804, 807 (Iowa Ct. App. 1994). The mother

failed to raise this issue in a timely manner and therefore it is not preserved for our review.

Finally, the mother contends termination is not in the children's best interest. We disagree. The mother has a severe, chronic substance abuse problem. She has used illegal drugs during the pendency of this case. She has repeatedly failed to obtain substance abuse and mental health counseling. The mother was arrested less than three months prior to the termination hearing and was charged with fifth-degree theft, possession of marijuana, and possession of drug paraphernalia. The mother conceded the children could not be returned to her at the time of trial and asked for an additional six months to prepare for their return. Children should not be forced to endlessly await the maturity of a natural parent. *In re C.B.*, 611 N.W.2d 489, 494 (Iowa 2000). 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). The children need permanency this mother cannot provide them. Accordingly, we affirm.

AFFIRMED.