

**IN THE COURT OF APPEALS OF IOWA**

No. 6-802 / 06-1412  
Filed October 25, 2006

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

**P.C. and S.D., Parents,  
Appellants.**

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Appeal from the Iowa District Court for Humboldt County, James A. McGlynn, Associate Juvenile Judge.

A mother of three children and the father of two appeal the termination of their parental rights to their children. **AFFIRMED.**

Gregory Stoebe of Stoebe Law Office, Humboldt, for appellants.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant Attorney General, and Paul M. Walter, County Attorney, for appellee.

Robert Lee of Arends & Lee, Humboldt, guardian ad litem for minor children.

Considered by Sackett, C.J., and Zimmer and Eisenhauer, JJ.

**EISENHAUER, J.**

The mother of all three children and the father of two appeal the termination of their parental rights to their children. They do not suggest the State failed to prove the grounds for termination by clear and convincing evidence. Instead, they argue the State failed to make reasonable efforts to reunite them with their children. We review their claim de novo. *In re C.H.*, 652 N.W.2d 144, 147 (Iowa 2002).

At the termination hearing, the mother and father requested an additional ninety days to allow reunification with their children by increasing visitation and providing the father with inpatient treatment for substance abuse. To the extent they are requesting additional services, we conclude they have failed to preserve this issue. See *In re L.M.W.*, 518 N.W.2d 804, 807 (Iowa Ct. App. 1994) (holding a challenge to the sufficiency of services should be raised in the course of the child in need of assistance proceedings).

We conclude termination is proper. Both parents have substance abuse problems for which they received treatment during the pendency of this case. Despite the treatment and the need to overcome these substance abuse problems to regain custody of the children, the parents tested positive for drug use over half of the times they were tested. They tested positive most recently on June 6, 2006, less than one month prior to the termination hearing. We can judge the parents' future behavior by their past actions. See *In re K.F.*, 437 N.W.2d 559, 560 (Iowa 1989). 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). That time is now. The order terminating parental rights is affirmed.

**AFFIRMED.**