

**IN THE COURT OF APPEALS OF IOWA**

No. 6-887 / 06-1468  
Filed November 16, 2006

**IN THE INTEREST OF D.W., E.W., A.W., and T.W.,  
Minor Children,**

**V.W., Father,  
Appellant.**

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Appeal from the Iowa District Court for Muscatine County, John G. Mullen,  
Associate Juvenile Judge.

A father appeals the termination of his parental rights to his children.

**AFFIRMED.**

Timothy Schemmel, Assistant Public Defender, Muscatine, for appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant  
Attorney General, Gary Allison, County Attorney, and Korie L. Shippee, Assistant  
County Attorney, for appellee.

Sharon Halstoos, Cedar Rapids, for mother.

Arlene Pooch, Muscatine, guardian ad litem for minor children.

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

**EISENHAUER, J.**

A father appeals the termination of his parental rights to his children. He contends the State failed to prove the grounds for termination by clear and convincing evidence and that the State failed to make reasonable efforts to reunify him with the children. We review his claims de novo. *In re C.H.*, 652 N.W.2d 144, 147 (Iowa 2002).

Of the four children involved, one is under the age of three and three are four years of age or older. The father'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). He does not dispute the first three elements of sections 232.116(1)(f) (child four or older, adjudicated CINA, out of the home twelve of the last eighteen months) and 232.116(1)(h) (child three or younger, out of home six of last twelve months, adjudicated CINA) have been met. Instead, he contends the State failed to prove by clear and convincing evidence the children cannot be returned to his care as provided in section 232.102. See Iowa Code §§ 232.116(1)(f)(4), 232.116(1)(h)(4). A child cannot be returned to the parent under Iowa Code section 232.102 if by doing so the child would be exposed to any harm amounting to grounds for a new child in need of assistance adjudication.

We conclude the children cannot be returned to the father's care. The father has a lengthy history of criminal activity and substance abuse. The father has maintained his sobriety for a significant period only while incarcerated. He was incarcerated at the time these children were removed. He completed drug

treatment while incarcerated, but relapsed shortly after his release in September 2005. The father sought treatment in November 2005, but was unsuccessful. He completed treatment in April 2006 and claims to now be sober. However, the future can be gleaned by his past performance. See *In re T.B.*, 604 N.W.2d 660, 662 (Iowa 2000). His prognosis for future sobriety is not good, as he testified at the termination hearing that his relapse in the fall of 2005 was due to “too much going on, too much pressure . . . .” In order to return the children to the father’s care, more time would be needed to show he is committed to his sobriety. However, the children should not be forced to endlessly await their father’s maturity. *In re C.B.*, 611 N.W.2d 489, 494 (Iowa 2000). While the law requires a “full measure of patience with troubled parents who attempt to remedy a lack of parenting skills,” this patience has been built into the statutory scheme of chapter 232. *Id.* The children have been removed from their father’s care for the statutorily required time and are doing well in foster care. Termination is appropriate.

We also conclude the father has failed to preserve error on the issue of whether reasonable efforts were made to reunify him with his children. A challenge to the sufficiency of services should be raised at the removal or review hearing or when the services are offered. *In re L.M.W.*, 518 N.W.2d 804, 807 (Iowa Ct. App. 1994). Because the father did not raise the lack of reasonable efforts at the proper time, we decline to address the issue.

**AFFIRMED.**