

IN THE COURT OF APPEALS OF IOWA

No. 7-559 / 07-0963
Filed October 24, 2007

**IN THE INTEREST OF D.M.K. AND T.J.C.,
Minor Children,**

**D.M.K., Mother,
Appellant.**

Appeal from the Iowa District Court for Jefferson County, William S. Owens, Associate Juvenile Judge.

A mother appeals the juvenile court order terminating her parental rights to her minor children. **AFFIRMED.**

Patricia J. Lipski, Fairfield, for appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant Attorney General, Tim W. Dille, County Attorney, and Patrick J. McAvan, Assistant County Attorney, for appellee State.

Stephan H. Small, Fairfield, guardian ad litem for minor children.

Considered by Huitink, P.J., and Vogel, J., and Nelson, S.J.*

*Senior judge assigned by order pursuant to Iowa Code section 602.9206 (2007).

NELSON, S.J.**I. Background Facts & Proceedings**

Destiny is the mother of D.M.K., born in 1998, and T.J.C., born in 2000.¹ Destiny has a history of mental health problems and addiction to prescription medication. Destiny voluntarily placed the children with a maternal aunt in May 2005 due to her substance abuse problems. The children were removed from the care of the maternal aunt on January 3, 2006, due to domestic violence and drug use in her home. The children were placed in foster care.

The children were adjudicated to be in need of assistance (CINA) under Iowa Code section 232.2(6)(c)(2) (2005) on February 8, 2006. Destiny moved to Wyoming after the children were removed in January 2006. She did not return to Iowa until April 2006. Destiny entered a substance abuse treatment program, but had four relapses that resulted in hospitalization. She continued to be addicted to prescription pain medication. Destiny has been diagnosed with bipolar disorder and depression.

In January 2007, the State filed a petition seeking to terminate Destiny's parental rights. Destiny completed a residential treatment program in February 2007, and began an intensive outpatient treatment program, which she had not completed at the time of the termination hearing on February 21, 2007. Her prognosis in treatment was guarded. The juvenile court terminated Destiny's

¹ The father of D.M.K. had no contact with the child during the juvenile court proceedings. His parental rights were terminated and he has not appealed. The father of T.J.C. is deceased, having died of a drug overdose in the presence of Destiny and D.M.K.

parental rights under section 232.116(1)(f) (2007).² The court found, “the parents have a clear pattern of putting their needs ahead of those of their children.” The court concluded termination was in the children’s best interests. Destiny appeals the termination order.

II. Standard of Review

The scope of review in termination cases is *de novo*. *In re R.E.K.F.*, 698 N.W.2d 147, 149 (Iowa 2005). Grounds for termination must be proven by clear and convincing evidence. *In re T.B.*, 604 N.W.2d 660, 661 (Iowa 2000). Our primary concern is the best interests of the children. *In re C.V.*, 611 N.W.2d 489, 492 (Iowa 2000).

III. Merits

A. Destiny contends the Department did not engage in reasonable efforts to assist her in reunification with her child. The State has an obligation to make reasonable efforts. *In re H.L.B.R.*, 567 N.W.2d 675, 679 (Iowa Ct. App. 1997). A parent, however, has the responsibility during the CINA proceedings to challenge or object to the services provided. *In re M.B.*, 595 N.W.2d 815, 818 (Iowa Ct. App. 1999). It is too late to challenge the services plan at the termination hearing. *Id.*

Destiny did not challenge or object to the services provided to her either during the CINA proceedings or during the termination hearing. Even on appeal, she does not specify what additional services could have been offered to her. We conclude she has failed to preserve error on this issue.

² The parental rights of the father of D.M.K. were also terminated.

B. Destiny claims the juvenile court should have granted her more time to reunite with her children. At the termination hearing Destiny admitted she was unable to have the children returned to her care at that time. She asked for more time to address her substance abuse and mental health problems. The juvenile court found, “the children have been out of mother’s care since May 2005. It is time that they achieve permanency.”

We agree with the juvenile court’s conclusion. It is not in the best interests of children to continue to keep them in temporary foster homes while parents address their problems. *In re C.K.*, 558 N.W.2d 170, 175 (Iowa 1997). Patience with parents can soon lead to intolerable hardship for their children. *Id.* The children in this case have been out of their mother’s care since May 2005. At the time of the termination hearing in February 2007, the mother had only just begun to address her substance abuse problems. We conclude it would not be in the children’s best interests to further delay matters.

C. Finally, Destiny asserts the juvenile court should have placed the children in the care of the maternal aunt or the maternal grandmother. This issue was not addressed by the juvenile court, and we determine it has not been preserved for our review. *See In re T.J.O.*, 527 N.W.2d 417, 420 (Iowa Ct. App. 1994) (noting we do not address issues in juvenile court proceedings that are first raised on appeal).

We affirm the decision of the juvenile court.

AFFIRMED.