

IN THE COURT OF APPEALS OF IOWA

No. 7-725 / 07-1361
Filed October 12, 2007

**IN THE INTEREST OF S.P. and C.P.,
Minor Children,**

W.A.V.-H., Father of S.P.,
Appellant,

B.J.P., Mother,
Appellant.

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

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

William Glass, Keosauqua, for appellant mother.

Mary Krafka of Krafka Law Office, Ottumwa, for appellant father.

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

Stephen Small, Fairfield, for appellee father.

Sarah Cochran, Fairfield, for minor children.

Considered by Huitink, P.J., and Vogel and Baker, JJ.

BAKER, J.

B.J.P. is the mother of S.P., who was born in 2001, and C.P., who was born in 2003. W.H. is the father of S.P. C.P.'s father is not involved in this appeal. The family first came to the attention of the Iowa Department of Human Services (DHS) in 2003 when C.P. tested positive for marijuana at birth and B.J.P. tested positive for amphetamine, methamphetamine, and marijuana. The children were placed in the care of their maternal grandmother. By order filed July 23, 2003, the children were adjudicated to be in need of assistance (CINA) based on concerns regarding B.J.P.'s supervision and C.P.'s positive drug screen.

After a return to B.J.P.'s care, drug issues again arose, and the children were removed from her custody in March 2005. They have remained out of her care since that time. On March 15, 2006, the State filed a petition seeking to terminate B.J.P.'s and W.H.'s parental rights. Following a hearing on that petition, the court granted the State's request. It terminated B.J.P.'s parental rights under Iowa Code sections 232.116(1)(h) and (f) (2007) and W.H.'s rights under section 232.116(1)(f).

Both parents appeal from this ruling, B.J.P. raising the best interests of the children and W.H. claiming inadequate services were provided to him. Neither parent contests the statutory grounds for termination. We review termination orders de novo. *In re R.F.*, 471 N.W.2d 821, 824 (Iowa 1991). Our primary concern in termination proceedings is the best interests of the children. *In re C.B.*, 611 N.W.2d 489, 492 (Iowa 2000). Grounds for termination must be

proved by clear and convincing evidence. *In re T.B.*, 604 N.W.2d 660, 661 (Iowa 2000).

On appeal, B.J.P. claims the State failed to establish that termination of her parental rights was in the best interests of the children. In particular, she asserts she made progress in services and had reached a point in the CINA proceedings where she was about to be reunited with them. Upon our de novo review of the record, we find termination to be in the best interests of the children.

The record bears out B.J.P.'s long-term drug abuse problem, her failure to adhere to the expectations of DHS and the juvenile court, and her failure to provide the children with a safe and nurturing environment. As the juvenile court found, we believe B.J.P.'s long history of drug use, interjected with brief periods of abstinence, is a cycle that is almost certain to continue. These children were first adjudicated CINA in 2003. Despite years of services geared toward alleviating that problem, B.J.P. continues to use drugs, putting herself and her children at risk. Her actions are decidedly against the best interests of the children. Moreover, the children appear to be doing well and are considered adoptable. We affirm the termination of B.J.P.'s parental rights.

W.H. asserts on appeal that DHS failed to make reasonable efforts to reunify W.H. with his son. See *In re C.B.*, 611 N.W.2d 489, 493 (Iowa 2000) (noting DHS's obligation to make every reasonable effort to return child to parent). It was not until July of 2006 that B.J.P. informed DHS that W.H. could be S.P.'s father. DHS immediately contacted W.H. to request paternity testing; however, he did not submit to such testing until August. Even then, he refused to

commence services until his paternity was established. After confirmation of his paternity in September, W.H. did not participate in services or visit S.P. until November. In light of the fact W.H. had just learned of his paternity, the juvenile court entered an order allowing him additional time to prove that he could make sufficient progress to have S.P. placed with him. Despite this opportunity, W.H. did not participate in services and seldom visited S.P. We conclude W.H. squandered the opportunity given to him. Under the circumstances, the State made reasonable efforts, and we affirm the termination of W.H.'s parental rights.

AFFIRMED.