

**IN THE COURT OF APPEALS OF IOWA**

No. 7-808 / 07-1434  
Filed November 15, 2007

**IN THE INTERST OF Q.S., Minor Child,**

**C.M.S., Mother,**  
Appellant.

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Appeal from the Iowa District Court for Polk County, Louise Jacobs,  
District Associate Judge.

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

**AFFIRMED.**

John Audlehelm of Audlehelm Law Office, Des Moines, for appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant  
Attorney General, John P. Sarcone, County Attorney, and Chris Gonzales,  
Assistant County Attorney, for appellee.

Jesse Macro, Des Moines, for father.

Michael Bandstra, Des Moines, guardian ad litem for minor child.

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

**EISENHAUER, J.**

A mother appeals the termination of her parental rights to her child. She contends she did not have actual notice of the termination hearing and the State failed to prove the grounds for termination by clear and convincing evidence. We review her claims de novo. *In re C.H.*, 652 N.W.2d 144, 147 (Iowa 2002).

We conclude the State made diligent efforts to serve the mother and therefore the actual notice requirements were properly dispensed with. See Iowa Code § 232.112(1) (2007). The State attempted to serve the mother by mail, registered mail, and personal service. However, actual notice could not be served because the mother was reportedly staying at a facility that would not verify her presence. The mother has previously had her parental rights to another child terminated and was familiar with the process. She had been warned of the possibility of termination of her parental rights to this child. Finally, the mother spoke to her attorney about the termination hearing. Under these circumstances actual notice requirements were properly waived. See *In re R.E.*, 462 N.W.2d 723, 727 (Iowa Ct. App. 1990) (holding diligent search performed where the mother had knowledge of the ongoing CINA proceedings, and the mother's attorney had notice of the hearing and pre-trial contact with the mother).

The mother's second argument is that the State failed to prove the grounds for termination by clear and convincing evidence. She claims the State could have found other options short of termination, such as allowing her in-home visitation. To the extent she is arguing reasonable efforts were not made, error was not preserved as the court waived the reasonable efforts requirement

prior to the hearing. We further conclude the grounds for termination have been proved. Accordingly, we affirm.

**AFFIRMED.**