

IN THE COURT OF APPEALS OF IOWA

No. 8-202 / 08-0216

Filed April 9, 2008

**IN THE INTEREST OF S.G. and S.G.,
Minor Children,**

**P.A.K., Mother,
Appellant.**

Appeal from the Iowa District Court for Union County, Monty W. Franklin,
District Associate Judge.

A mother appeals from the district court's order terminating her parental
rights to her daughters. **AFFIRMED.**

Loretta Harvey, Creston, for appellant mother.

Thomas J. Miller, Attorney General, Kathrine Miller-Todd, Assistant
Attorney General, and Timothy R. Kenyon, County Attorney, for appellee State.

Patrick Greenwood, Lamoni, for appellee father.

Todd Nielsen of Steffes, Kenyon & Nielsen, P.C., for minor children.

Considered by Sackett, C.J., and Vogel and Vaitheswaran, JJ.

VOGEL, J.

Patricia appeals from the January 2008 order terminating her parental rights to S.G. (born in 1999) and S.G. (born in 2001) pursuant to Iowa Code sections 232.116(1)(b), (e), (f), and (g) (2007).¹ She asserts that she should have been provided additional services before her parental rights were terminated. We affirm.

We review termination of parental rights de novo. *In re J.E.*, 723 N.W.2d 793, 798 (Iowa 2006). In 1998 and 1999, Patricia's parental rights were terminated as to two other children after she failed to benefit from services received from the Iowa Department of Human Services (DHS). In August 2005, S.G. and S.G. came to the attention of DHS due to the unsafe and unsanitary condition of their home, which resulted in a confirmed child abuse assessment of denial of critical care. Patricia, who was diagnosed with major depressive disorder and borderline intellectual functioning, agreed to voluntary services, which were implemented by DHS. Although Patricia participated with DHS services, the children were removed from Patricia's care in August 2006 because conditions in the home had deteriorated and DHS had ongoing concerns regarding Patricia's parenting abilities. Throughout this time, DHS provided Patricia with numerous services, including family centered services, mental health evaluation and counseling, psychosocial evaluation, individual therapy, parenting training, supervised visitation, financial aid and assistance, budgeting, occupational therapy, job supervision, and individual and play therapy for the

¹ The district court also terminated the father's parental rights. His rights are not at issue in this appeal.

children. Supervised visitation was suspended in April 2007 due to a founded abuse report, Patricia's lack of progress with her ability to parent appropriately during supervised visitation, and her inability to maintain her personal hygiene. The children's therapist also recommended that visitation be discontinued because it was detrimental to the children and not in their best interests.

The State petitioned for termination of parental rights and the hearing was set for November 8, 2007, but was later rescheduled to January 7, 2008. At the termination hearing, one caseworker testified that she was assigned to this case in September 2007, and met with Patricia in September, October, and January. At the time this caseworker was assigned, a permanency hearing was already scheduled and her recommendation was termination of parental rights due to the length of time that the children had been in foster care and Patricia had not consistently responded to services during that time. She also testified: "[Patricia] is receiving all of the services that we have available to us, and she has received them, this is the third time that we have gone through these services with her."

Patricia asserts that she should have been offered more services, but does not specify what additional services she desired. The State responds that Patricia did not preserve this issue for appellate review. We agree. When the parent alleging inadequate services fails to demand services other than those provided, the issue of whether services were adequate is not preserved for appellate review. *In re S.R.*, 600 N.W.2d 63, 65 (Iowa Ct. App. 1999). There were numerous hearings throughout the underlying child-in-need-of-assistance case and Patricia did not assert her dissatisfaction with the services she was receiving nor demand alternate or additional services. She may not now allege

that the services provided her were inadequate. See *id.* (stating a parent who does not demand other services than those provided has not preserved the issue for appellate review); see also *In re C.H.*, 652 N.W.2d at 144, 148 (Iowa 2002) (“[I]f a parent fails to request other services at the proper time, the parent waives the issue and may not later challenge it at the termination proceeding.”). However, even if Patricia had preserved her objection to the services provided by DHS, we would find the services that she was provided were sufficient. Ultimately, Patricia did not respond to the services provided by DHS such that the children could be safely returned to her care, either now or in the foreseeable future.

Furthermore, we find that termination is clearly in the children’s best interests. Upon their removal from Patricia’s care, the children were placed with a foster family where they have remained. At the time of the termination hearing, the children had lived with their foster family for seventeen months and had no contact with their mother for nine months. They have done well in foster care and deserve both continued safety and permanency. See *In re J.E.*, 723 N.W.2d at 802 (Cady, J., concurring specially) (stating a child’s safety and need for a permanent home are the defining elements in a child’s best interests). The children should not be forced to wait endlessly for their mother to be able to care for them. See *In re C.K.*, 558 N.W.2d 170, 175 (Iowa 1997). “At some point, the rights and needs of the [children] rise above the rights and needs of the parents.” *In re J.L.W.*, 570 N.W.2d 778, 781 (Iowa Ct. App. 1997). Therefore, we affirm the district court.

AFFIRMED.