

IN THE COURT OF APPEALS OF IOWA

No. 8-392 / 08-0311
Filed June 11, 2008

**IN THE INTEREST OF S.G.,
Minor Child,**

**S.L.B., Mother,
Appellant.**

Appeal from the Iowa District Court for Black Hawk County, Stephen C. Clarke, Judge.

A mother appeals the juvenile court order terminating her parental rights.

AFFIRMED.

Christina M. Shriver of Coonrad Law Firm, Hudson, for appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant Attorney General, Thomas J. Ferguson, County Attorney, and Kate Hahn, Assistant County Attorney, for appellee State.

Timothy Baldwin, Juvenile Public Defender, Waterloo, guardian ad litem for minor child.

Considered by Sackett, C.J., and Huitink and Mahan, JJ.

PER CURIAM**I. Background Facts & Proceedings**

Sara is the mother of Skielyr, who was born in 2002.¹ Sara has a history of substance abuse and mental health problems. Skielyr has been removed from her mother's care on several occasions. She was most recently removed on December 11, 2006. Sara admitted she had taken an excessive amount of prescription medication and she tested positive for methamphetamine.

Skielyr was adjudicated to be a child in need of assistance (CINA) pursuant to Iowa Code section 232.2(6)(c)(2) (2007) (child is likely to suffer harm due to parent's failure to supervise) and (n) (parent's mental condition or drug abuse results in child not receiving adequate care). The dispositional order found the Department of Human Services had made reasonable efforts to prevent continued removal, but concluded it would be contrary to the child's best interests to return her to the mother's care.

Sara did not make much progress with services. Sara's drug testing patches appeared to be compromised. She tested positive for opiates in June 2007. Sara has serious mental health problems, including major depressive disorder, anxiety disorder, and a delusional disorder. The psychologist reported "Sara is finding it extremely difficult to care for herself even when the children are not in her care and custody."

Visits were moved from Sara's home after she locked herself and Skielyr into the bathroom, and then became defiant when the social worker said the visit

¹ The father of the child has not been part of the child's life and is not a party to this appeal.

needed to end early. Visits were later suspended in July 2007 after Sara told Skielyr she was having a baby, and Skielyr would be returning soon to live with her and the baby. In fact, Sara was not pregnant and there were no plans to have Skielyr returned to her care.

In September 2007, Sara filed an application to have visitation reinstated. In the meantime, the child's play therapist began facilitating visitation. After a hearing, the juvenile court found "the court's previous order for visitation occurring only when it is therapeutically in the best interests of the child continues to serve the best interests of the child." The court denied the mother's application for modification of the visitation order.

In November 2007, the State filed a petition seeking termination of Sara's parental rights. The juvenile court terminated Sara's parental rights under sections 232.116(1)(f) (child four or older, CINA, removed for at least twelve months, and cannot be safely returned home), (k) (child CINA, parent has chronic mental illness, and child cannot be returned within a reasonable time), and (l) (child CINA, parent has substance abuse problem, and child cannot be returned within a reasonable time). The court concluded termination of Sara's parental rights was in the child's best interests. Sara appeals the termination of her parental rights.

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). The grounds for termination must be proved 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 child. *In re J.L.W.*, 570 N.W.2d 778, 780 (Iowa Ct. App. 1997).

III. Reasonable Efforts

Sara contends the Department did not make reasonable efforts to reunite the family. The Department must make reasonable efforts to provide services to eliminate the need for removal. *In re M.B.*, 595 N.W.2d 815, 818 (Iowa Ct. App. 1999). It is the parent's responsibility, however, to demand services if they are not offered prior to the termination hearing. *In re H.L.B.R.*, 567 N.W.2d 675, 679 (Iowa Ct. App. 1997).

Sara requested additional visitation with the child. Because of Sara's conduct during visitation, her visitation was limited. Sara was permitted visitation that was in the child's best interests. We conclude Sara has failed to show the Department did not make reasonable efforts to provide services to her.

IV. Sufficiency of the Evidence

Sara claims the State did not present clear and convincing evidence the child could not be returned to her care. We find sufficient evidence in the record to show the child could not safely be returned to the mother's care. Sara continues to struggle with her mental health problems. It is not clear that Sara has successfully addressed her substance abuse problems. Sara did not see any need to change, and blamed others for her problems. The juvenile court found the State had engaged in extraordinary efforts to offer services to Sara, and Sara "resisted those efforts, ignored the opinions of the professionals, and claimed no responsibility for the trauma that her child has clearly suffered." We

conclude there is clear and convincing evidence in the record to support termination of Sara's parental rights.

We affirm the decision of the juvenile court.

AFFIRMED.