

**IN THE COURT OF APPEALS OF IOWA**

No. 9-077 / 08-2022  
Filed April 8, 2009

**IN THE INTEREST OF A.H.,  
Minor Child,**

**J.P., Mother,**  
Appellant.

---

Appeal from the Iowa District Court for Dubuque County, Thomas J. Straka, Associate Juvenile Judge.

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

**AFFIRMED.**

Jamie A. Splinter, Splinter Law Office, Dubuque, for appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant Attorney General, Ralph Potter, County Attorney, and Jean Becker, Assistant County Attorney, for appellee State.

William A. Lansing of William A. Lansing, P.C., Dubuque, for the father.

Emily Reiners of O'Connor & Thomas, Dubuque, guardian ad litem for minor child.

Considered by Sackett, C.J., and Potterfield, J., and Huitink, S.J.\*

\*Senior judge assigned by order pursuant to Iowa Code section 602.9206 (2009).

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

Jamee and Matthew are the parents of A.H., who was born in May 2007.<sup>1</sup> A.H. came to the attention of the Iowa Department of Human Services in July 2007 after the parents had an altercation over custody of the child. Jamee was charged with domestic abuse. She agreed to voluntary services.

In October 2007, social workers went to Jamee's home for a scheduled visit, and found the home extremely filthy and unsanitary. Jamee was given an additional day to clean the home, but when workers returned the next day they found the home in the same condition. A.H. was removed from Jamee's care. The child was returned to her mother's care on a trial home placement in November 2007.

A.H. was adjudicated to be a child in need of assistance (CINA) under Iowa Code sections 232.2(6)(c)(2) and (g) (2007) in an adjudication/disposition order entered on December 17, 2007. Custody of the child was returned to Jamee on February 8, 2008. A.H. was again removed from Jamee's care on March 14, 2008, due to reports Jamee had not been adequately treating the child's medical needs and had been feeding her watered-down milk instead of formula, resulting in anemia.<sup>2</sup>

Jamee had a psychological evaluation in April 2008. She was diagnosed with dysthymic disorder, mood disorder, and adjustment disorder. The report

---

<sup>1</sup> Matthew did not participate in services, and he has not appealed the termination of his parental rights.

<sup>2</sup> Jamee's parental rights to an older child were previously terminated. A.H. was placed in foster care with the family that had adopted her older sibling.

stated Jamee was “currently exhibiting moderate to severe challenges to her ability to function consistently and effectively as a parent in the short-term and long-term.” Jamee entered Maria House, a transitional housing program, in June 2008. She continued to be inconsistent in her participation in services.

On September 3, 2008, the State filed a petition seeking termination of the parents’ rights. The juvenile court entered an order on December 4, 2008, terminating the parents’ rights under Iowa Code section 232.116(1)(h) (child three or younger, CINA, removed for at least six months, and cannot be safely returned home). The juvenile court noted Jamee made very little progress due to her failure to follow through with services. The court stated, “These events illustrate Jamee’s ongoing inability to manage her own affairs, let alone caring for an 11-month-old child with medical and behavioral issues.” The court concluded termination of Jamee’s parental rights was in the child’s best interests. Jamee appeals the order terminating 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 proven by clear and convincing evidence. *In re T.P.*, 757 N.W.2d 267, 269 (Iowa Ct. App. 2008). Evidence is clear and convincing when it leaves no serious or substantial doubt about the correctness of the conclusion drawn from it. *In re D.D.*, 653 N.W.2d 359, 361 (Iowa 2002). Our primary concern in termination cases is the best interests of the child. *In re A.S.*, 743 N.W.2d 865, 867 (Iowa Ct. App. 2007).

### **III. Sufficiency of the Evidence**

Jamee contends the State did not present clear and convincing evidence to show termination of her parental rights was appropriate. She states that she made progress with services, particularly after she entered Maria House. Jamee claims the Department took an overly critical view of her, and that A.H. could be returned to her care in the near future.

Despite continued support and prompting from social workers, Jamee remained inconsistent in attending appointments and lacked the ability to follow through with recommendations. For instance, Jamee was referred for mental health counseling in May 2008, but did not contact the facility until the end of July. This same pattern continued for all services recommended in this case. The juvenile court found, “[u]nfortunately, even with the assistance of the Maria House staff, Jamee showed little to no progress in the other aspects of her life.”

We find there is clear and convincing evidence that Jamee is unable to attend to her own needs, and this shows she would not be able to safely care for A.H. We conclude the juvenile court properly terminated Jamee’s parental rights under section 232.116(1)(h).

### **IV. Reasonable Efforts**

Jamee claims the Department did not engage in reasonable efforts to reunite her with A.H., as required by section 232.102(7). There is a requirement that reasonable services be offered to preserve the family unit. *In re H.L.B.R.*, 567 N.W.2d 675, 679 (Iowa Ct. App. 1997). While the State has the obligation to make the efforts, in order to preserve error the parent has a responsibility to

challenge or object to the services prior to the termination hearing. *In re M.B.*, 595 N.W.2d 815, 818 (Iowa Ct. App. 1999). We conclude Jamee has not preserved error on this issue by requesting additional services prior to the termination hearing.

#### **V. Best Interests**

Jamee asserts termination of her parental rights is not in the child's best interests. She points out that A.H. has a bond with her. She states it is not in A.H.'s best interests to terminate the parental rights of the person she is most bonded with.

We recognize that Jamee and A.H. have a close bond. This bond, however, is offset by our urgent need to establish permanency for the child. As the juvenile court noted, "Requiring [A.H.] to wait any longer for Jamee to become able to parent full-time would not be fair to [A.H.] or in her best interests. [A.H.] is in need of permanency now." We conclude termination of Jamee's parental rights is in the child's best interests.

We affirm the decision of the juvenile court.

**AFFIRMED.**