

**IN THE COURT OF APPEALS OF IOWA**

No. 9-359 / 08-1650  
Filed May 29, 2009

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

**C.P., Mother,**  
Appellant.

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Appeal from the Iowa District Court for Marion County, Terry L. Wilson,  
District Associate Judge.

A mother appeals from the order terminating her parental rights to her son.

**AFFIRMED.**

Douglas Eichholz, Des Moines, for appellant mother.

Jane Orlanes, Des Moines, for father.

Thomas J. Miller, Attorney General, Kathrine Miller-Todd, Assistant  
Attorney General, Terry Rachels, County Attorney, and Melissa Clarke, Assistant  
County Attorney, for appellee State.

Terri Beukelman, Pella, for minor child.

Considered by Mahan, P.J., Vaitheswaran and Eisenhauer, JJ.

**EISENHAUER, J.**

A mother appeals from the district court's order terminating her parental rights to her child, born November 2006, pursuant to Iowa Code section 232.116(1)(h) and (e) (2007). On appeal, she challenges the sufficiency of the evidence and asserts termination is not in the child's best interests.

We review termination of parental rights *de novo*. See *In re J.E.*, 723 N.W.2d 793, 798 (Iowa 2006). In May 2007, the child was removed from the mother's care and placed with his father. Subsequently, the child was adjudicated a child in need of assistance pursuant to Iowa Code section 232.2(6)(n). The mother was offered services, including parenting skills development, mental health services, and supervised visitation.<sup>1</sup> However, she only attended eight hours of parenting skills classes and did not follow through with her mental health treatment.

During a supervised visit in June 2007, the mother stuffed a sock in the child's mouth to keep him from crying, which a DHS worker had to remove. A worker who supervised the visits testified the mother did not have any concerns about what she was doing and was not willing to take redirection from him. From June 2007 to November 2007, the mother did not have any visits with the child. In January 2008, another incident occurred during a supervised visit, which resulted in the mother's arrest for destruction of property and disorderly conduct.

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<sup>1</sup> On appeal, the mother also challenges the services she was offered. However, as the State asserts, she did not preserve error on this issue. See *In re S.R.*, 600 N.W.2d 63, 65 (Iowa Ct. App. 1999) (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, we note the mother's argument is without merit. Although the mother had services available to her, she did not adequately participate.

The worker supervising visitation that day testified that he was concerned for the child's safety, as well as concerned for his own safety because the mother was also belligerent with him. Visits were suspended.

In a best interests claim, the mother essentially asserts that because the child was in the care of his father, she should be granted additional time. At the time of the termination hearing, the mother had not addressed her mental health issues, was unemployed and homeless, and had not exercised visitation with the child for over eight months. A worker testified the mother had not even contacted her for six months to inquire about the child. We agree with the district court that the mother "has made no progress in addressing the issues that led to [the child's] removal" and find there is no indication that additional time would remedy the situation. See *J.E.*, 723 N.W.2d at 798 (stating that we look to the parent's past performance because it may indicate the quality of care the parent is capable of providing in the future).

Upon our review, we find the district court had clear and convincing evidence to support termination of mother's parental rights and termination is clearly in the child's best interests. See *J.E.*, 723 N.W.2d at 801 (Cady, J., concurring specially) (stating children's safety and their need for a permanent home are the defining elements in determining a child's best interests). Accordingly, we affirm.

**AFFIRMED.**