

IN THE COURT OF APPEALS OF IOWA

No. 9-402 / 09-0619
Filed June 17, 2009

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

S.H., Mother,
Appellant.

Appeal from the Iowa District Court for Mahaska County, Michael Stewart,
Associate Juvenile Judge.

A mother appeals the termination of her parental rights, claiming that termination of her rights is not in the child's best interests and that the Department of Human Services did not make reasonable efforts in reuniting her with her child. **AFFIRMED.**

Charles Stream, Oskaloosa, for appellant mother.

Michael Fisher, Oskaloosa, for appellee father.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant Attorney General, Rose Anne Mefford, County Attorney, and Misty White-Reinier, Assistant County Attorney, for appellee State.

Randy DeGeest, Oskaloosa, for minor child.

Considered by Vaitheswaran, P.J., and Potterfield and Doyle, JJ.

VAITHESWARAN, P.J.

A mother appeals the termination of her parental rights to one of her children, born in 2007. She raises a number of arguments implicating the child's best interests. She also argues that the Department of Human Services did not make reasonable efforts towards reunification.

I. Best Interests

The ultimate consideration in a termination action is the child's best interests. *In re C.B.*, 611 N.W.2d 489, 492 (Iowa 2000). In assessing this issue, we review the record de novo. *Id.*

Sara was thirty-one years old at the time of the termination hearing. She began using illegal drugs as a preteen and continued to use drugs until the age of twenty-three or twenty-four. At that time, she entered substance abuse treatment programs for addictions to methamphetamine and heroin and testified that she remained sober for approximately eight years after completing those programs. During that eight-year period, however, she acknowledged using methamphetamine "once." Additionally, her criminal record during this period made reference to unlawful possession of prescription drugs.

Sara also became addicted to prescription drugs when, while pregnant with this child, she began experiencing pressure on her sciatic nerve. At that time, a physician diagnosed her with fibromyalgia and prescribed several narcotic medications. Sara used those medicines and, when she ran out, purchased more or different un-prescribed opiates on the street.

Finally, Sara had long-standing mental health diagnoses for which she took medication. In early 2008, she was hospitalized for cutting her throat. Sara characterized this episode as a “cry for help.”

Sara was subsequently arrested for attempting to trade one of her prescription medications for OxyContin. She entered a pretrial release program, which required participation in a treatment plan. Sara did not comply with the plan. As a result, her pretrial release was revoked, and she spent approximately seven months in jail.

Meanwhile, Sara’s son stayed with foster parents. He initially had no contact with his mother but later exercised weekly fifteen-minute supervised visits with her at the jail. When Sara moved to a residential facility, the duration of the visits increased to one hour, but remained supervised. A Department of Human Services social worker testified that, while the child had a bond with Sara, that bond was no greater than the connection he shared with department workers. He stated, “Sara lost—a lot of time to connect with her son during the time she was in jail.” Although he characterized Sara as a strong individual, he testified that she would need time to move toward reunification, if that were deemed the appropriate option. He opined that termination of Sara’s parental rights was in the child’s best interests.

We are obligated to heed the statutory time periods for reunification. *C.B.*, 611 N.W.2d at 493. In this case, that time period was six months. Iowa Code § 232.116(1)(h)(3) (2007). This period expired with little evidence that Sara could maintain her sobriety and effectively parent her child in an unstructured, unsupervised setting. While she made commendable progress in the months

preceding the termination hearing, that progress was “simply too late.” See *C.B.*, 611 N.W.2d at 493. For this reason, we agree with the juvenile court that termination of Sara’s parental rights to this child was in the child’s best interests.

II. Reasonable Efforts

The Department of Human Services is obligated to make reasonable efforts toward reunification. *Id.* We conclude the department did so. The agency attempted to facilitate addiction treatment, provided mental health services, and afforded Sara visits with the child. We conclude these efforts were sufficient to satisfy its statutory mandate.

AFFIRMED.