

IN THE COURT OF APPEALS OF IOWA

No. 1-883 / 11-1594
Filed November 23, 2011

**IN THE INTEREST OF J.M., N.K.,
T.W., G.H., J.L., and A.L.,
Minor Children,**

C.M., Mother,
Appellant.

Appeal from the Iowa District Court for Webster County, James A. McGlynn, Associate Juvenile Judge.

A mother appeals the termination of her parental rights. **AFFIRMED.**

Christopher S. O'Brien of O'Brien Law Office, Fort Dodge, for appellant mother.

Thomas J. Miller, Attorney General, Diane M. Stahle, Assistant Attorney General, Ricki Osborn, County Attorney, and Jennifer Bonzer and Lara Barnaby, Assistant County Attorneys, for appellee State.

Jonathan S. Beaty of Beaty Law Office, Fort Dodge, for appellee father of J.M. and N.K.

Marcy Lundberg of Marcy Lundberg Law Office, Fort Dodge, attorney and guardian ad litem for minor children.

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

POTTERFIELD, J.**I. Background Facts and Proceedings**

A mother appeals the termination of her parental rights to six of her children. This family has been involved with the Iowa Department of Human Services (DHS) on and off since 2003. DHS became involved most recently because of concerns regarding sexual contact amongst the children. Each of the children exhibited sexual behavior suggesting past sexual abuse. The children's sexual conduct with one another had reached such a level that it led a therapist who met with the children to describe them as toxic to one another. The children were removed from the mother's home in June 2009, and have not returned to her care since that time. The children were placed in different foster homes located throughout central Iowa.¹ The children each received services, including individual therapy and, for several of the children, completion of a child abuse program.

The mother's parental rights were terminated pursuant to Iowa Code section 232.116(1)(d) and (f) (2009). The mother appeals, asserting the juvenile court erred in finding DHS had made reasonable efforts to reunite the children with their mother.

II. Reasonable Efforts

On our de novo review, we find the juvenile court properly determined DHS made reasonable efforts to assist the mother in achieving reunification with each of her six children. See *In re P.L.*, 778 N.W.2d 33, 40 (Iowa 2010) (“[T]he

¹ At the time of trial, the children resided in three different homes.

proper standard of review for all termination decisions should be de novo.”).² DHS provided the mother with a multitude of services. In addition to supervised visitation, parenting classes, in-home services, and family team meetings, the mother was given the opportunity to participate in: the children’s individual therapy; family remedial services; accountability sessions that would allow progression toward family sessions; sexual abuse groups for the children; and individual therapy herself.

The mother asserts DHS’s insistence that she attend visitation with each of the children as well as their individual appointments while holding a steady job constituted unreasonable logistical demands that were extremely difficult, if not impossible, to achieve. While DHS’s case plan expectations were demanding, they were not unreasonable in light of the significant needs of the children. As the juvenile court aptly noted, “[T]he demands and expectations set forth by DHS were not some random labors assigned as a herculean test.” The expectations were tailored to meet the specific needs of the children and the family as a whole. The simple fact of the matter is that raising six children who have special needs and who require and will continue to require therapy is not an easy task. One case provider noted that the children required extensive supervision and monitoring, to the point where she did not believe any one parent could safely parent all six of the children.

We also do not believe the record supports the mother’s argument on appeal that DHS’s therapeutic plan was flawed as it failed to provide counseling

² Because we find DHS made reasonable efforts, we decline to address the State’s assertion that the mother did not preserve this argument for appeal.

for the family as a whole. The mother's therapist testified in support of this argument. However, care providers and the children's therapists decided that, given the children's unhealthy relationships with one another, it was in the children's best interests to start with individual therapy and work toward family group therapy. One of the children's therapists testified that individual therapy was best for the children because they demonstrated an unwillingness to share information in group settings. The mother was invited to participate in each child's therapy sessions, but her participation was inconsistent. Further, the mother was asked to complete accountability sessions to allow the children to move forward with family sessions. However, with each child the mother was either slow to do this or simply refused to complete this requirement. This had a negative effect on the children's overall therapy and prevented therapy from progressing to family therapy.

We find DHS made reasonable efforts to reunite the family but agree with the juvenile court's conclusion that unfortunately in this case the "mother was unable to safely parent these six children when they were with her and as a result of her poor parenting it appears that the children are at a point at which no one person could safely parent them."

AFFIRMED.