

IN THE COURT OF APPEALS OF IOWA

No. 6-942 / 06-1654
Filed December 13, 2006

**IN THE INTEREST OF B.B.,
Minor Child,**

D.J., Father,
Appellant.

Appeal from the Iowa District Court for Linn County, Amanda Potterfield,
Judge.

D.J. appeals from the trial court's order terminating his parental rights.

AFFIRMED.

Dawn Wilson, Cedar Rapids, for appellant father.

Michael Lindeman, Cedar Rapids, for mother.

Thomas J. Miller, Attorney General, Kathrine Miller-Todd, Assistant
Attorney General, Harold Denton, County Attorney, and Rebecca Belcher,
Assistant County Attorney, for appellee State.

Deborah Skelton, Walford, for minor child.

Considered by Huitink, P.J., and Vogel and Zimmer, JJ.

HUITINK, P.J.

D.J. appeals from the trial court's order terminating his parental rights concerning his child, B.B. He contends the State failed to prove the grounds for termination of his parental rights by clear and convincing evidence and that the State failed to make reasonable efforts to reunify him with B.B. We review D.J.'s claims de novo. *In re C.B.*, 611 N.W.2d 489, 492 (Iowa 2000).

D.J.'s parental rights were terminated pursuant to Iowa Code sections 232.116(1)(h) (2005) (child is three or younger, adjudicated a child in need of assistance, child removed from home for twelve of the last sixteen months) and 232.116(1)(l) (child adjudicated a child in need of assistance, parent has substance abuse problem, child cannot be returned home within a reasonable time). When the trial court terminates on more than one statutory ground, we need only find termination is proper on one ground. *In re S.R.*, 600 N.W.2d 63, 64 (Iowa Ct. App. 1999).

We find clear and convincing evidence supports termination of D.J.'s parental rights pursuant to section 232.116(1)(l). B.B.'s initial removal, adjudication as a child in need of assistance, placement, and court-ordered services were all predicated on parental substance abuse. Although D.J. was ordered to complete a substance abuse evaluation and treatment as part of the case plan, he had failed to do so as of the termination hearing. The termination record indicates that, despite the provision of a variety of services intended to facilitate reunification, D.J. repeatedly failed drug tests and was incarcerated on drug related charges.

A parent's failure to follow the Iowa Department of Human Services' plan "can be considered evidence of the parent's attitude toward recognizing and correcting the problems which resulted in the loss of custody." *In re J.L.P.*, 449 N.W.2d 349, 352 (Iowa 1989). "While we recognize the law requires a 'full measure of patience with troubled parents who attempt to remedy a lack of parenting skills,' Iowa has built this patience into the statutory scheme of Iowa Code chapter 232." *In re C.B.*, 611 N.W.2d at 494 (quoting *In re D.A., Jr.*, 506 N.W.2d 478, 479 (Iowa Ct. App. 1993)). B.B. "should not be forced to endlessly await the maturity of [his] parents." *In re C.L.H.*, 500 N.W.2d 449, 453 (Iowa 1993) (citing *In re T.D.C.*, 336 N.W.2d 738, 744 (Iowa 1983)). A child should not be forced to suffer "the parentless limbo" of foster care. *In re J.P.*, 499 N.W.2d 334, 339 (Iowa Ct. App. 1993).

We, like the trial court, conclude D.J.'s failure to address his substance abuse issues and poor prognosis for recovery from substance abuse preclude B.B.'s safe return to parental custody within a reasonable time. We accordingly affirm on this issue.

D.J. correctly notes that the State is required to "make every reasonable effort to return the child to the child's home as quickly as possible consistent with the best interests of the child." Iowa Code § 232.102(7); *In re C.B.*, 611 N.W.2d at 493. This requirement involves providing "services to a parent before termination proceedings can be instituted." *In re C.H.*, 652 N.W.2d 144, 147 (Iowa 2002). "Reasonable efforts are aimed at both preventing and eliminating the need for removal." *Id.* "[W]hat constitutes reasonable services varies based upon the requirements of each individual case." *Id.* "Generally, in making

reasonable efforts to provide services, the State's focus is on services to improve parenting." *Id.* "[I]t is the parent's responsibility 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). "[V]oicing complaints regarding the adequacy of services to a social worker is not sufficient." *In re C.H.*, 652 N.W.2d at 148. "A parent must inform the juvenile court of such challenge." *Id.*

The record indicates D.J. was provided with a variety of services to facilitate reunification with B.B. These services included:

- Supervision of visits;
- Relative placement;
- Parenting skills;
- Paternity testing;
- Substance abuse treatment and testing;
- Psychological evaluation for [D.J.]; and,
- Halfway house placements for both parents.

There is no indication in the record that D.J. ever objected to the services he was provided or that he requested any additional services. Therefore, we find that he did not preserve error on this issue. For all of the foregoing reasons, we affirm the trial court's order terminating D.J.'s parental rights concerning his child, B.B.

AFFIRMED.