IN THE COURT OF APPEALS OF IOWA

No. 3-279 / 12-2306
Filed March 27, 2013

IN THE INTEREST OF E.C.-N. AND D.N.,
Minor Children,

E.N., Mother,
Appellant.

Appeal from the Iowa District Court for Franklin County, Peter B. Newell, District Associate Judge.

A mother appeals the district court order terminating her parental rights. **AFFIRMED.**

Jennifer Meyer of Jennifer Meyer Law, P.C., Marshalltown, for appellant mother.

Thomas J. Miller, Attorney General, Katherine S. Miller-Todd, Assistant Attorney General, Dan Wiechmann, County Attorney, and Brent Symens, Assistant County Attorney, for appellee State.

Megan R. Rosenberg of Hobson Cady & Cady, Hampton, attorney and guardian ad litem for minor children.

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

VOGEL, P.J.

Elisabeth appeals the district court's order terminating her parental rights to her children, E.C.-N. (born 2007) and D.N., (born 2010).[1] Elisabeth does not contest the grounds[2] for termination but rather claims she was not provided reasonable services towards reunification because the duration and level of supervision were not increased despite her self-declared progress.

We review termination proceedings de novo. Iowa R. App. P. 6.907. Reasonable efforts to reunite parent and child are required prior to the termination of parental rights. *In re M.B.*, 595 N.W.2d 815, 818 (Iowa Ct. App. 1999); *see generally* Iowa Code § 232.102. Generally, DHS must make reasonable efforts to provide services to eliminate the need for removal. *See* Iowa Code § 232.102(9)(a).

This is not this family's first appeal in front of our court. *See In re E.C.-N & D.N.*, No. 12-0135, 2012 WL 1066883 (Iowa Ct. App. March 28, 2012). In that case, we reversed the original termination and remanded to the district court to enter an order continuing foster care placement for an additional six months, to give DHS the opportunity to make reasonable efforts to provide Elisabeth with appropriate visitation.

Elisabeth has squandered the opportunity given to her. Since the first appeal, Elisabeth missed nineteen supervised visits (including the visit on E.C.-

[1] The children's fathers' rights were terminated in 2011. They are not part of this appeal.
[2] The district court found clear and convincing evidence the elements of Iowa Code section 232.116(1)(h) (2011) (child three or younger, adjudicated in need of assistance (CINA), removed from home for six of last twelve months, and child cannot be returned home) as to N.D. and section (f) (child four or older, adjudicated CINA, removed from home for twelve of last eighteen months, and child cannot be returned home) as to E. C.-N.

N.'s birthday), and was late for other visits. When she did attend visits, she was disengaged and allowed the children to watch TV rather than interact with them. The foster parents have continually offered Elisabeth access to the children with telephone calls. Elisabeth has not taken advantage of that offer. Nor has she communicated with the foster parents, including any effort to keep informed of the children's health or school information. The children have reacted negatively to the reinitiation of contact with Elisabeth. Moreover, Elisabeth's attitude towards care and service providers is resistive. She does not show an adequate understanding of the need to protect her children from everyday harms. One service provider testified in the two years the case had been open, she never found even semi-supervised visits would be appropriate, let alone unsupervised.

While it is a very important step towards reunification, increased visitation is a not a service that can be provided merely because it is requested. *See In re M.B.*, 553 N.W.2d 343, 345 (Iowa Ct. App. 1996). To grant the request, the increased visitation must be in the children's best interest; it is more akin to a goal and a benefit of making progress towards reunification rather than something that can be simply demanded. The real question is whether Elisabeth has taken advantage of the services offered to make it in the children's best interest to have increased visitation. The answer here is no.

According to the guardian ad litem, E.C.-N. has been in foster care for forty-five percent of her life, and D.N. for eighty-two percent of his. The children are thriving with their foster family but regress and appear traumatized following visits with their mother. Elisabeth has been given two years, and a variety of

services to learn to parent these children safely and has not complied.[3] The children must not be made to await the structure, consistency, and permanency they deserve. *See In re D.J.R.*, 454 N.W.2d 838, 845 (Iowa 1990) ("We have long recognized that the best interests of a child are often not served by requiring the child to stay in 'parentless limbo.'"). Elisabeth was given additional time while the children have remained unsettled and lacking in permanency. Termination of Elisabeth's parental rights is in the children's best interests and we therefore affirm the district court's order.

AFFIRMED.

[3]She is now expecting another child, and even expressed her hope the current foster family would adopt this next child.