

IN THE COURT OF APPEALS OF IOWA

No. 7-683 / 07-1362
Filed October 12, 2007

**IN THE INTEREST OF D.W. and D.W.,
Minor Children,**

**C.B.W., Mother,
Appellant.**

Appeal from the Iowa District Court for Monroe County, William S. Owens,
Associate Juvenile Judge.

The mother appeals from the termination of her parental rights to two
children. **AFFIRMED.**

Mary Krafka of Krafka Law Office, Ottumwa, for appellant mother.

Thomas J. Miller, Attorney General, Kathrine Miller-Todd, Assistant
Attorney General, and Steve Goodlow, County Attorney, for appellee State.

Joseph Goedken, Centerville, for appellee father.

Jonathan Willier, Centerville, guardian ad litem for minor children

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

BAKER, J.

Cassy is the mother of David, who was born in 2001, and Danielle, who was born in 2003. Their father, Guy, is not involved in this appeal. The family first came to the attention of the Iowa Department of Human Services (DHS) in June of 2002 based on reports that Cassy was using and manufacturing methamphetamine in their home. In August of that year, David was adjudicated to be a child in need of assistance (CINA) and he was placed in the care of his maternal grandmother. DHS again became involved with the family in April of 2005 based on renewed reports that Cassy was again using drugs and had exposed her children to drugs. David tested positive for the presence of drugs. David and Danielle subsequently were adjudicated CINA.

On January 30, 2007, the State filed a petition seeking to terminate Cassy's parental rights to her two children. Following a hearing, the court granted the State's request and terminated her rights to David under Iowa Code section 232.116(1)(f) (2007) and to Danielle under section 232.116(1)(h). Cassy appeals from this ruling.

We review termination orders de novo. *In re R.F.*, 471 N.W.2d 821, 824 (Iowa 1991). Our primary concern is the best interests of the children. *In re C.B.*, 611 N.W.2d 489, 492 (Iowa 2000).

On appeal, Cassy first maintains "clear and convincing evidence does not exist in the record to support termination of [her] parental rights where [she] has cooperated with court-ordered services." In order to support termination under sections 232.116(1)(f) and (h), the State must establish, among other things, that "there is clear and convincing evidence the child[ren] cannot be returned to the

custody of the child[ren's] parents” Upon our de novo review of the record, we concur in the juvenile court’s determination David and Danielle could not be returned to Cassy’s custody at the time of the termination hearing.

This family has a long history of involvement with DHS and a long list of founded child abuse complaints. The children have consistently been placed in harm’s way when in Cassy’s care, from exposure to drugs to being interjected into a serious violent episode with Guy. Cassy has a serious drug problem and has given little reason to believe that use is behind her. She tested positive for methamphetamine as recently as March of 2007. The record adequately establishes that were David and Danielle to be returned to Cassy’s care they would be subject to further adjudicatory harm. *See In re J.E.*, 723 N.W.2d 793, 801 (Iowa 2006) (Cady J., concurring specially) (stating children's safety and their need for a permanent home are the defining elements in a child's best interests).

Next, Cassy argues the “Department of Human Services failed to provide reasonable efforts to reunify the children” with her. Iowa Code section 232.102(1)(a) requires the State to make reasonable efforts to either eliminate the need for removal or to make it possible to return the children to the parent’s home. The State not only made reasonable efforts for Cassy, but made extraordinary efforts to reunify Cassy with the children. The record contains an extensive list of varied services provided to Cassy and the family, such as various substance abuse treatment programs and testing, child care assistance, mental health counseling, marital counseling, domestic violence counseling, and family-centered services. These targeted services were aimed at alleviating the

problems that led to the children's removal, namely the parents' drug use and domestic violence. Further, Iowa Code section 232.102(1)(a) is tempered by its further provision that a "child's health and safety shall be the paramount concern in making reasonable efforts." Despite this extensive offering of services, Cassy was not in a position to resume care of the children at the time of the termination hearing. Considering the health and safety of the children, as we must, the DHS provided Cassy more than adequate services. We therefore affirm the termination of Cassy's parental rights.

AFFIRMED.