

IN THE COURT OF APPEALS OF IOWA

No. 9-410 / 09-0624
Filed July 2, 2009

**IN THE INTEREST OF S.B., H.B., and X.B.,
Minor Children,**

**J.B., Mother,
Appellant.**

Appeal from the Iowa District Court for Poweshiek County, Michael R. Stewart, District Associate Judge.

A mother appeals the juvenile court order terminating her parental rights.

AFFIRMED.

Jane Odland of Walker, Billingsley & Bair, Newton, for appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant Attorney General, Michael W. Mahaffey, County Attorney, and Rebecca L. Petig, Assistant Attorney General, for appellee State.

Dennis E. McKelvie, Grinnell, for the father.

Terri A. Menninga, Pella, guardian ad litem for minor children.

Considered by Sackett, C.J., and Vogel, J., and Beeghly, S.J.*

*Senior judge assigned by order pursuant to Iowa Code section 602.9206 (2009).

BEEGHLY, S.J.**I. Background Facts & Proceedings**

Jennifer and Jarrod are the parents of Hunter, born in 2004, Xavier, born in 2005, and Skylar, born in 2007. The parents' relationship involved many instances of domestic violence. Also, Jarrod used inappropriate discipline with the children. Furthermore, the home was extremely filthy and contained pornographic material that was accessible to the children. The children were removed from the parents' care on February 8, 2008. The children were placed with the maternal grandmother.

The children were adjudicated to be in need of assistance (CINA) under Iowa Code section 232.2(6)(c)(2) (2007). In May 2008, Jennifer reported that she had been raped by Jerrod. The Department of Human Services (DHS) suspended Jerrod's visits with the children until he made arrangements for mental health services. Jerrod stated he wanted no more contact with DHS. The parents separated and filed for a divorce.

In addition to her regular scheduled weekly supervised visitation, DHS stated that Jennifer could see the children three evenings per week at her parents' home, but she did not take advantage of this opportunity. Jennifer resisted going to counseling for domestic violence, and only attended a few sessions. She refused to admit she had been a victim of domestic violence. Jennifer was inconsistent in attending mental health counseling. She continued to have contact with Jerrod, and he provided her with financial assistance.

On February 13, 2009, the State filed a petition seeking termination of the parents' rights. The juvenile court terminated the parents' rights under sections 232.116(1)(f) (2009) (Hunter) and (h) (Xavier and Skylar). The court determined the children could not be returned to Jennifer's care, stating, "There is no evidence that the mother would be able to consistently provide for the needs of the three children on a daily basis, if the children were returned to her care." The court concluded termination of the parents' rights was in the children's best interests. Jennifer appeals the termination of her parental rights.

II. Standard of Review

The scope of review in termination cases is *de novo*. *In re R.E.K.F.*, 698 N.W.2d 147, 149 (Iowa 2000). The grounds for termination must be proven by clear and convincing evidence. *In re T.P.*, 757 N.W.2d 267, 269 (Iowa Ct. App. 2008). Evidence is clear and convincing when it leaves no serious or substantial doubt about the correctness of the conclusion drawn from it. *In re D.D.*, 653 N.W.2d 359, 361 (Iowa 2002). Our primary concern is the best interests of the children. *In re A.S.*, 743 N.W.2d 865, 867 (Iowa Ct. App. 2007).

III. Merits

A. Jennifer contends the State did not engage in reasonable efforts to reunite her with the children. She claims she should have been permitted to have unsupervised visitation with the children. DHS has an obligation to make reasonable efforts toward reunification, but a parent has an equal obligation to demand other, different, or additional services prior to the termination hearing. *In re A.A.G.*, 708 N.W.2d 85, 91 (Iowa Ct. App. 2005).

The record does not show Jennifer requested unsupervised visitation prior to the termination hearing, and we conclude she has failed to preserve this issue for our review. Furthermore, even if this issue had been preserved, Jennifer did not take advantage of the full amount of visitation offered to her, and thus it was reasonable not to further expand her visitation. She was permitted to have visitation with the children at her parents' home on three evenings each week, but seldom visited the children there.

B. Jennifer asserts there was insufficient evidence in the record to support termination of her parental rights under sections 232.116(1)(f) or (h), and she claims the children could be returned to her care. We determine there is clear and convincing evidence in the record to show the children could not be safely returned to Jennifer's care. Jennifer had not addressed the issues that led to the children's removal. Despite the history of domestic violence with Jarrod, she continued to have contact with him and made excuses for his behavior. As the juvenile court noted, "the mother is hard-pressed to keep her own life in order." We conclude Jennifer's parental rights were properly terminated under sections 232.116(1)(f) and (h).

C. Jennifer claims termination of her parental rights is not in the children's best interests. In looking at children's best interests, we look at their long-range, as well as immediate, best interests. *In re C.K.*, 558 N.W.2d 170, 172 (Iowa 1997). We determine it is in the children's best interests to terminate Jennifer's parental rights. Jennifer is unable to meet the children's needs and provide the safety and stability they require.

We affirm the decision of the juvenile court terminating Jennifer's parental rights to her three minor children.

AFFIRMED.