

IN THE COURT OF APPEALS OF IOWA

No. 9-732 / 09-1038
Filed October 7, 2009

**IN THE INTEREST OF D.M. and S.M.,
Minor Children,**

V.L.M., Mother,
Appellant,

G.A.M., Father,
Appellant.

Appeal from the Iowa District Court for Dubuque County, Thomas J. Straka, Associate Juvenile Judge.

A mother and father appeal the district court order terminating their parental rights to their two children. **AFFIRMED.**

Douglas Q. Davis, II of Kintzinger Law Firm, P.L.C., Dubuque, for appellant mother.

Leslie Blair of Blair & Fitzsimmons, P.C., Dubuque, for appellant father.

Thomas J. Miller, Attorney General, Janet L. Hoffman and Kathrine Miller-Todd, Assistant Attorneys General, Ralph Potter, County Attorney, and Jean Becker, Assistant County Attorney, for appellee State.

Jamie Splinter of Splinter Law Office, Dubuque, for minor children.

Considered by Sackett, C.J., and Vaitheswaran and Mansfield, JJ.

VAITHESWARAN, J.

Two children, born in 2000 and 2003, were placed in foster care for a variety of reasons, including domestic abuse and physical abuse and concerns that the parents could not effectively handle the behaviors of their older child. Eventually, the parents' rights to these children were terminated. Both parents appeal the termination ruling. They assert that clear and convincing evidence does not support the ground for termination cited by the juvenile court. See Iowa Code § 232.116(1)(f) (2009). They specifically challenge two elements of that ground.

I. Section 232.116(1)(f) requires proof of several elements, including proof that the children could not be returned to the parents' custody. *Id.* § 232.116(1)(f)(4). Both parents effectively acknowledged that this element was satisfied.

When asked whether the mother was ready for the older child to come home, the mother answered, "I don't believe it is in [this child's] best interest." She continued,

I would love to see her return home, but I do not see that as being a possibility due to the severeness of her problems . . . I would like to see [the child] stay where she is because she is getting what she needs.

When asked if she wished to have more time for reunification with this child, she responded, "I don't foresee that as being able to be reached in a reasonable time." With respect to the younger child, the mother essentially admitted that an immediate return of the child was impractical, stating, "I would love to see the time to implement her coming back into the home."

Similarly, when the father was asked if he thought he could immediately parent the older child, he answered, “No, ma’am.” He continued, “I would love to sit her[e] and say yes, but there is just so many issues surrounding—not just [this child] but the way sometimes I perceive her actions” As for the younger child, the best he could ask for was more time to facilitate reunification.

There is no question that both parents complied with services and made progress towards addressing some of the concerns that led to the children’s removal. However, the father still had unresolved issues that, according to his therapist, would preclude the children from being safely returned to his care and the mother, who was disabled and receiving Supplemental Security Income benefits would have required significant ongoing support and services to parent the children safely. On our de novo review, we conclude that there was clear and convincing evidence to support the fourth element of section 232.116(1)(f). See *In re C.B.*, 611 N.W.2d 489, 492 (Iowa 2000) (noting that review of termination proceedings is de novo).

II. Iowa Code section 232.116(f) also implicates a requirement that the Department of Human Services make reasonable efforts toward reunification. See *id.* “The State must show reasonable efforts as a part of its ultimate proof the child cannot be safely returned to the care of a parent.” *Id.* at 493. The parents contend this requirement was not satisfied.

The department furnished an abundance of reunification services, including weekly supervised visitation, couples counseling, and individual therapy for each of the family members. As the mother testified, “We have wrapped ourselves in services.” The father also itemized the services he received and

acknowledged that at least two of the professionals with whom he worked “really helped us out.” On this record, we conclude the department satisfied its reasonable efforts mandate.

We affirm the termination of the mother and father’s parental rights to these children.

AFFIRMED.