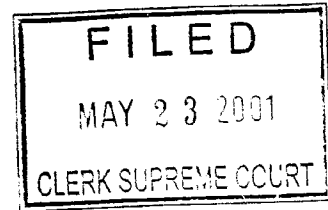


IN THE COURT OF APPEALS OF IOWA

No. 1-318 / 00-1735
Filed May 23, 2001



IN THE INTEREST OF A.J.L., Minor Child,
C.M.L., Mother,
Appellant.

Appeal from the Iowa District Court for Polk County, Larry J. Eisenhower,
Judge.

Mother appeals from the order terminating her parental rights to her son.

AFFIRMED.

Michael B. Oliver, Des Moines, for appellant.

Thomas J. Miller, Attorney General, M. Elise Pippin, Assistant Attorney
General, and Tom Desio, Assistant County Attorney, for appellee-State.

Pamela Vandell, Des Moines, guardian ad litem for minor child.

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

VOGEL, P.J.

A mother appeals the decision of the district court, juvenile division, which terminated her parental rights. She claims the State did not present sufficient evidence to warrant termination of her parental rights, and the State did not engage in reasonable efforts to reunite her with her child. We affirm on appeal.

Clara is the mother of Anthony, born in January 2000.¹ Anthony was removed from Clara's care soon after his birth because he tested positive for amphetamine and methamphetamine. He was placed in the care of the maternal grandmother. Clara also lived in this home. In March 2000, the maternal grandmother was unable to continue to care for Anthony due to her age and health. Anthony was placed in foster care.

Anthony was adjudicated to be a child in need of assistance pursuant to Iowa Code sections 232.2(6)(n) and (o). Clara was ordered to complete substance abuse and mental health evaluations. She was ordered to comply with requests for drug tests. Clara was able to participate in supervised visitation.

Periodic drug tests showed Clara continued to use illegal drugs. In June 2000, Clara entered an inpatient substance abuse treatment program. She left a few days later against medical advice. Clara then entered another program, where she was placed on suicide precautions. Three days later she was

The child's father has not taken part in his life and is not a party to this appeal.

discharged to a half-way house. She did not return for treatment. Clara did not have stable housing or employment.

In September 2000, the State filed a petition to terminate Clara's parental rights to Anthony. The juvenile court terminated Clara's parental rights pursuant to section 232.116(1)(g).² The court stated, "Here the child's mother has continued to use drugs and the child cannot be safely returned to her custody." The court determined termination of Clara's parental rights was in Anthony's best interests. Clara appeals.

I. SCOPE OF REVIEW

The scope of review in termination cases is de novo. *In re J.L.W.*, 570 N.W.2d 778, 780 (Iowa Ct. App. 1997). The grounds for termination must be proven by clear and convincing evidence. *In re S.R.*, 600 N.W.2d 63, 64 (Iowa Ct. App. 1999). Our primary concern is the best interests of the child. *In re T.B.*, 604 N.W.2d 660, 662 (Iowa 2000).

II. SUFFICIENCY OF THE EVIDENCE

Clara contends the State did not present sufficient evidence to warrant termination of her parental rights. She states she attempted to the best of her ability to comply with DHS recommendations, but she was not given enough time to correct her parenting problems.

In considering a parent with substance abuse problems, we have stated:

We have repeatedly followed the principle that the statutory time line must be followed and children should not be forced to wait

² The petition to terminate parental rights refers to sections 232.116(1)(c), (d), (g), and (k). The termination order, however, only refers to section 232.116(1)(g), and we determine Clara's parental rights were terminated under this section alone.

for their parent to grow up. We have also indicated that a good prediction of the future conduct of a parent is to look at the past conduct. Thus, in considering the impact of a drug addiction, we must consider the treatment history of the parent to gauge the likelihood the parent will be in a position to parent the child in the foreseeable future. Where the parent has been unable to rise above the addiction and experience sustained sobriety in a noncustodial setting, and establish the essential support system to maintain sobriety, there is little hope of success in parenting.

In re N.F., 579 N.W.2d 338, 341 (Iowa Ct. App. 1998) (citations omitted).

In the present case, Clara entered a substance abuse treatment program, but did not complete it. At the time of the termination hearing she had not made any progress in achieving sobriety. Anthony should not be forced to wait any longer for Clara to address her parenting problems. At some point, the rights and needs of the child rise above the rights and needs of the parents. *J.L.W.*, 570 N.W.2d at 781. We find there is clear and convincing evidence in the record to show Anthony could not be safely returned to Clara's care.

III. REASONABLE EFFORTS

Clara claims her judgment was impaired, and this impairment had a detrimental impact on her ability to utilize the services offered. She asserts the State did not offer her appropriate and necessary services to allow her to reunite with her child.

Reasonable services must be provided to attempt to reunite a family before the State can terminate parental rights. *In re L.M.W.*, 518 N.W.2d 804, 807 (Iowa Ct. App. 1997). While the State has an obligation to make reasonable efforts, it is a 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). We could find no evidence Clara requested additional or other services prior to the termination hearing, and thus, conclude this issue has not been preserved for our review.

We affirm the decision of the juvenile court.

AFFIRMED.