IN THE COURT OF APPEALS OF IOWA

No. 7-318 / 97-0035

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FILED
JUN 26 1997
CLERK SUPREME COURT

IN THE INTEREST OF J.F., R.F., M.S., Jr., and V.S., Minor Children,

R.B., Father,
Appellant,

D.F., Mother,
Appellant.

Appeal from the Iowa District Court for Polk County, Constance Cohen, Juvenile Judge.

Mother and father appeal the juvenile court's order terminating their parental rights. **AFFIRMED.**

Todd E. Babich of Babich, McConnell & Renzo, P.C., Des Moines, for appellant-father.

Nancy L. Pietz of Cook, Gotsdiner, McEnroe & McCarthy, Des Moines, for appellant-mother.

Thomas J. Miller, Attorney General, Charles K. Phillips, Assistant Attorney General, and Cory McClure, Assistant County Attorney, for appellee-State.

Martha L. Johnson, Des Moines, guardian ad litem for minor children.

Considered by Sackett, P.J., and Huitink and Streit, JJ.

PER CURIAM

Danielle and Martin are the parents of Vanessa, born in 1987; Marty, born in 1989; Joshua, born in 1991; Rita, born in 1992; and Christopher, born in 1996. The parents appeal the termination of their parental rights. We affirm.

The family came to the attention of the Department of Human Services in October 1994 due to reports the parents were using alcohol and illegal drugs and were not supervising the children. There were also reports of domestic abuse. Family preservation services and in-home counseling were provided to the family. The parents refused substance abuse treatment. The children were enrolled in day care.

In August 1995, the children were removed from the home after Marty came to day care with two black eyes. Vanessa also had been injured when her parents threw a fork during an argument. Rita had a bruise and stated, "Mom hit me." DHS issued founded reports of physical abuse due to these incidents. The children were placed in foster care.

On December 14, 1995, Vanessa, Marty, Joshua, and Rita were adjudicated children in need of assistance. After Christopher was born in January 1996, he was also adjudicated a child in need of assistance and placed in foster care.

DHS informed the parents they would need two clean urinary analysis reports in order to begin visitation with the children. Danielle was ordered to continue an aftercare program from substance abuse treatment. She has been diagnosed with

depression. She was also ordered to participate in individual therapy and psychiatric sessions and complete a parenting evaluation. Martin has been diagnosed with a psychotic disorder and a borderline personality disorder. He was ordered to participate in individual therapy and psychiatric sessions. In addition, he was to participate in domestic abuse therapy and substance abuse treatment.

By May 1996, the parents had not been able to begin visitation. At about this time, Vanessa told her therapist she had been sexually abused by her father prior to the time she was removed from the home. DHS issued a founded report of sexual abuse. Due to the allegations of sexual abuse, DHS determined there should be no visits. Danielle did begin visits with Christopher in July 1996.

The parents attended substance abuse treatment and parenting classes. In September 1996, Martin was hospitalized after he took prescription drugs and alcohol. Danielle also had a relapse and consumed alcohol in September 1996. Neither parent has admitted to physically or sexually abusing the children. Throughout the case they were sporadic in cooperating with services.

On October 10, 1996, the State filed a petition to terminate Danielle and Martin's parental rights to their five children. At the termination hearing, the parents asked for more time to acquire parenting skills. The juvenile court found the State had made reasonable efforts to eliminate the need for removal, but the parents had not been able to resume care of the children. The court determined the parent's parental

rights to Vanessa, Marty, Joshua, and Rita should be terminated pursuant to Iowa Code section 232.116(1)(e) and their parental rights to Christopher should be terminated pursuant to section 232.116(1)(g). Danielle and Martin now appeal.

I. The scope of review in termination cases is de novo. *In re S.N.*, 500 N.W.2d 32, 34 (Iowa 1994). The grounds for termination must be proven by clear and convincing evidence. *In re R.R.K.*, 544 N.W.2d 274, 277 (Iowa App. 1995). Our primary concern is the best interests of the children. *In re A.B.*, 554 N.W.2d 291, 293 (Iowa App. 1996).

II. Danielle contends the State failed to show it engaged in reasonable efforts to reunite her with the children. Reasonable efforts to reunite the parent and child are required prior to termination. *In re C.L.H.*, 500 N.W.2d 449, 453 (Iowa App. 1993). In proceedings to terminate parental rights, the reasonableness of services offered by the State to keep families whole is to be carefully scrutinized. *In re C.D.*, 508 N.W.2d 97, 100 (Iowa App. 1993).

Services offered to Danielle included substance abuse treatment, individual therapy, a parenting evaluation, parenting classes, and drug screen. Prior to the time the children were removed from the home, she received family preservation services and in-home counseling. We find these services were reasonable under the facts of the case.

III. Danielle claims the State did not prove by clear and convincing evidence that her parental rights should be terminated. She asserts the State did not adequately show the children could not be returned to her care. She points out that she completed parenting class. Danielle participates in individual therapy and an aftercare program from substance abuse treatment. Danielle believes she has made tremendous progress since the inception of the case.

We agree Danielle has made some progress. However, we do not believe she has made sufficient progress to allow the children to be returned to her care at the present time. Danielle had a relapse from sobriety in September 1996. She was very sporadic in attending therapy and in meeting other service providers. Danielle has not addressed the issues of abuse in the home -- domestic, physical, or sexual. We conclude there was clear and convincing evidence supporting the termination of her parental rights.

IV. Martin contends the State did not prove all of the elements necessary for termination of his parental rights by clear and convincing evidence. In particular, he claims the State did not adequately show the children could not be returned to his care. He asserts he substantially complied with the expectations of the case permanency plan.

We determine there was adequate evidence in the record to show the children could not be returned to Martin's care. He was hospitalized in September 1996 after

he ingested alcohol and prescription drugs. Martin admitted his efforts to turn his life around were probably too little, too late. He had not attended domestic abuse class and had only three individual therapy sessions. Martin was sporadic in providing urinary analysis reports. Additionally, he had not addressed the physical and sexual abuse of the children.

We affirm the decision of the district court to terminate the parental rights of Danielle and Martin to Vanessa, Marty, Joshua, Rita, and Christopher. We determine this termination is in the best interests of the children.

AFFIRMED.