

IN THE COURT OF APPEALS OF IOWA

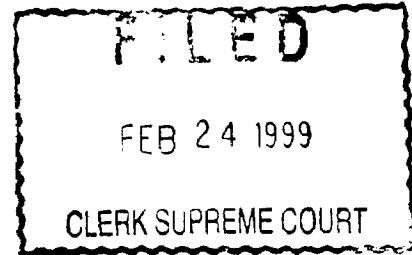
No. 1998-17 (8-753) / 98-1564

**IN THE INTEREST OF J.R., Minor Child,
M.R., Mother,**

Appellant,

K.R., Father,

Appellant.



Appeal from the Iowa District Court for Muscatine County, James A. Weaver,
District Associate, Judge.

Mother and father appeal from a juvenile court order terminating their parental
rights. **AFFIRMED.**

Douglas E. Johnston, Muscatine, for appellant-mother.

Thomas G. Reidel, Muscatine, for appellant-father.

Thomas J. Miller, Attorney General, and Kathrine S. Miller-Todd, Assistant
Attorney General, for appellee-State.

William F. Creasey, Muscatine, guardian ad litem for minor child.

Considered by Huitink, P.J., and Mahan, and Zimmer, JJ.

ZIMMER, J.

Michelle and Keith are the parents of Jasmine, who was born in March 1994. The parents appeal the termination of their parental rights. We affirm on appeal.

The family came to the attention of the Department of Human Services (DHS) in January 1996 due to concerns about domestic conflicts between Michelle and Keith, and the impact of the conflicts on Jasmine. DHS issued a founded report of denial of critical care because Michelle pulled Jasmine out of Keith's arms during an argument. The parents voluntarily accepted services until April 1996.

In May 1996, the State filed a petition to adjudicate Jasmine as a child in need of assistance. The juvenile court determined Jasmine was a child in need of assistance under Iowa Code section 232.2(6)(c)(2). Jasmine was placed in the custody of Michelle, under the protective supervision of DHS.

Michelle began to attend a domestic violence advocacy program. She participated in skill development and therapy sessions. Keith completed a batterer's education program. He also received therapy to deal with anger management.

The parents continued to have domestic abuse problems. They would also yell and scream at Jasmine. Eventually, in the fall of 1996, the parents separated. Keith moved in with his girlfriend, Amanda. This relationship also involved domestic violence. Michelle began a romantic relationship with Alan, who was previously convicted of assault with intent to commit sexual abuse due to an incident involving

a minor. In December 1996, Jasmine was placed in foster care. In March 1997, she was placed with her maternal grandmother, Lori.

Michelle told social workers she was no longer involved with Alan, but continued her relationship with him. In May 1997, Michelle was arrested for third-degree theft for stealing objects from Keith's shed. In July 1997, the juvenile court reduced Michelle's visits to one two-hour visit per week. The court ruled that if Michelle was not fully compliant with the case plan within sixty days, visits would be suspended indefinitely. Keith's visitation was increased, but the court ruled it would be decreased if Keith damaged property, or threatened or harmed another person.

In September 1997, Keith's visitation was reduced because he threatened to harm Amanda. Keith also attempted to use intimidation and control tactics toward Jasmine during visitation. Michelle has had no visitation since September 1997 because she did not become compliant with the case plan. Social workers continued to have concerns because she was involved with Alan. In November 1997, Michelle and Keith moved back together for a short period of time.

In March 1998, the State filed a petition to terminate the parental rights of Michelle and Keith. After the petition was filed, Michelle became involved with Chico, who had a pending assault charge against him.

Jasmine has done very well in foster care. She had a moderate delay in understanding language and a significant delay in the use of language. Jasmine has

made improvements in her speech while in Lori's care. Lori is committed to Jasmine and is prepared to become her permanent guardian.

The juvenile court terminated Michelle's parental rights under sections 232.116(1)(d) and (e). Keith's parental rights were terminated under section 232.116(1)(e). The court found Jasmine would be at risk of adjudicatory harm if returned to the custody of either parent. Both parents have appealed.

I. SCOPE OF REVIEW

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 E.K.*, 568 N.W.2d 829, 830 (Iowa App. 1997). Our primary concern is the best interests of the child. *In re A.B.*, 554 N.W.2d 291, 293 (Iowa App. 1996).

II. MICHELLE

Michelle contends the State did not sufficiently show her parental rights should be terminated. She admits she did not comply with many aspects of the case permanency plan. She asserts, however, termination was premature due to her good relationship with her daughter and her recent progress. She states she has a genuine desire to improve her parenting skills.

We determine there is clear and convincing evidence Jasmine could not be returned to Michelle's care at the present time. While Michelle has made some progress, she continues to associate with violent men. These relationships would put

Jasmine at risk of harm. A court must reasonably limit the time for parents to be in a position to assume care of their children because patience with parents can soon translate into intolerable hardship for the children. *In re A.Y.H.*, 508 N.W.2d 92, 96 (Iowa App. 1996). Here, Michelle was given ample time to correct her parenting deficiencies. We conclude the juvenile court properly terminated Michelle's parental rights.

III. KEITH

Keith asserts termination is not in Jasmine's best interests. He states he had a close bond with Jasmine and she often expressed affection toward him at visits. He points out the juvenile court need not terminate parental rights if there is a close parent-child bond. *See* Iowa Code §232.116(3)(c).

In determining the best interests of a child, a court looks to the child's long-range and immediate interests. *In re C.K.*, 558 N.W.2d 170, 172 (Iowa 1997). The court must consider the physical, mental, and emotional condition and needs of the child in deciding whether to terminate parental rights. *In re C.W.*, 554 N.W.2d 279, 282 (Iowa App. 1996). It is in Jasmine's best interests to terminate Keith's parental rights. He continues to engage in abusive relationships. In addition, at times Keith is intimidating and controlling toward Jasmine during visitation.

Keith claims the State did not engage in reasonable efforts to reunite him with Jasmine. Keith had many different service providers, and he asserts this prohibited

him from making any progress under the case permanency plan. He asks for more time to participate in services.

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 App. 1994). 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 App. 1997). We could find no evidence Keith requested additional services prior to the termination hearing. Thus, we find he has not preserved this issue for our review.

Keith contends the State did not present sufficient evidence to show Jasmine could not be returned to his care at the present time. He states he has never physically or sexually abused Jasmine. Keith believes Jasmine would be safe in his care.

In order to assess Keith's future parenting abilities, we must look at his past. Keith has been involved in at least two relationships where he was physically abusive. Both Michelle and Amanda have stated they were afraid of Keith because of his threats. As noted above, Keith has also tried to use intimidation toward Jasmine during visitation. Keith has not sufficiently addressed his domestic abuse problems and Jasmine could not be returned to his care at the present time.

We affirm the decision of the juvenile court terminating the parental rights of Michelle and Keith to Jasmine.

AFFIRMED.