IN THE COURT OF APPEALS OF IOWA

No. 8-248 / 97-2156

FILED
MAY 29 1998
CLERK SUPREME COURT

IN THE INTEREST OF C.C. AND K.C., Minor Children,

H.C., Mother,
Appellant.

Appeal from the Iowa District Court for Scott County, Nancy S. Tabor, Associate Juvenile Judge.

The mother of two minor children appeals a juvenile court order terminating her parental rights. **AFFIRMED.**

Penelope C. Souhrada, Davenport, for appellant.

Thomas J. Miller, Attorney General, Chris C. Odell, Assistant Attorney General, and Gerda C. Lane, Assistant County Attorney for appellee State.

James Sothman, Davenport, guardian ad litem for minor children.

Considered by Cady, C.J., and Huitink and Vogel, JJ. Sackett, J., takes no part.

CADY, C.J.

Hedia is the mother of Chrisopher, born in July 1992, and Kristina, born in November 1993. Kiley is the father of Chrisopher and Kenneth is the father of Kristina. The fathers are not involved in the present appeal.

The children came to the attention of the Department of Human Services (DHS) in May 1995, when DHS issued a founded report against Hedia's boyfriend, Keith, for physically abusing Kristina. A restraining order was issued prohibiting Keith from having contact with the children. In July 1995, DHS issued a founded report of denial of critical care against Hedia because she continued to allow Keith to come into her home, which presented a risk of harm to the children.

The children were adjudicated to be children in need of assistance. Hedia completed parenting classes. She began to participate in family centered services and a domestic violence group.

In March 1996, DHS issued another founded report of denial of critical care due to unsanitary conditions in the home. Garbage and cat feces were strewn on the floor. Hedia cleaned the home, but by June 1996, the home was again in a deplorable condition. The children were removed on June 18, 1996, and placed in foster care.

Hedia participated in supervised visitation for two hours each week. She had problems supervising the children, such as following through with limits and giving time-outs. The children ignored her redirections and attempts at discipline. The children demonstrated behavioral problems after visits.

Hedia entered into a romantic relationship with a man named Valentin. In October 1996, Hedia received a black eye from Valentin. Hedia reported in April 1997 that Valentin was physically abusive to her and was refusing to leave her residence. Hedia obtained a restraining order against Valentin. In June 1997, Valentin assaulted Hedia and, as a result, was sent to jail.

In February 1997, Hedia's visits with the children were expanded from once a week to twice a week. The children's behavior deteriorated during this period. The children wet their pants and became defiant. Chrisopher acted out in school and kicked his teacher. In April 1997, the visits were reduced to one hour per week. After the visits were reduced the children showed an improvement in behavior.

In June 1997, the State filed a petition to terminate Hedia's parental rights. In July 1997, Hedia filed a motion for increased visits. The parties agreed to gradually increase the length of visits in order to allow Hedia an opportunity to demonstrate her parenting skills. Yet, Hedia had difficulty enforcing rules and recognizing safety concerns. The children became physically aggressive after visits. In September 1997, the visits were again reduced to one hour per week.

The juvenile court entered its decision in October 1997. Despite Hedia's receipt and cooperation with services, the court found the children could not be returned to the home due to Hedia's continual struggle with maintaining employment, her failure to control the children's behavior, and her involvement in abusive

relationships. The court determined Hedia's parental rights should be terminated under Iowa Code sections 232.116(1)(e) and (g). Hedia has appealed.

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 E.K.*, 568 N.W.2d 829, 830 (Iowa App. 1997). Our primary concern is the best interests of the children.

II. Hedia contends the State did not engage in reasonable efforts to reunite her with the children. In August 1997, she asked DHS to have the children evaluated by a psychologist to determine the cause of their behavioral problems. The children were evaluated, but no release of information was sought until the day of the termination hearing, and thus, the information was not available at the hearing. Hedia asserts the State failed to make reasonable efforts to provide professional services to improve the children's behavior.

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). Here, Hedia did request additional services. Because the request was reasonable and the information was relevant, DHS should have arranged to have the information available at the termination hearing. We do note, however, the evidence shows the children's behavior deteriorated when visits were increased and became better when visits were decreased.

Examining services as a whole, we determine Hedia received reasonable services. Hedia received parenting classes and family centered services. She also participated in a domestic violence group. We determine the State engaged in reasonable efforts to reunite Hedia with the children.

III. Hedia claims the State failed to present clear and convincing evidence the children could not be returned to her care, which is an element of section 232.116(1)(e) and (g). She states her only consistent failure has been difficulty in setting limits with the children. Hedia asserts many parents have this problem, and it should not cause her to lose her parental rights. Hedia feels DHS expected her to become a perfect parent.

We find there is clear and convincing evidence the children could not be returned to Hedia's care. "Some progress" by a parent is not sufficient. *In re D.A.*, 506 N.W.2d 478, 479 (Iowa App. 1993). A parent must show an adequate overall ability to care in all custodial areas. *Id.* at 480. Although Hedia was involved in a domestic violence group throughout the case, she still became involved in an abusive relationship. In addition, Hedia's parenting skills did not improve after parenting skills class or family centered services. Hedia showed little improvement in her ability to supervise the children. We conclude Hedia's parental rights were properly terminated under sections 232.116(1)(e) and (g).

IV. Hedia contends termination of her parental rights is not in the best interests of the children. She states she has a close bond with the children.

We determine termination of Hedia's parental rights is in the best interests of the children. The children engaged in very negative behaviors after visits with Hedia. The more visits she had, the worse the children's behavior became. The children need more consistency and stability than Hedia is able to provide.

We affirm the decision of the juvenile court terminating Hedia's parental rights to Chrisopher and Kristina.

AFFIRMED.