IN THE COURT OF APPEALS OF IOWA

No. 1999-15 (9-059) / 98-1943
Filed March 31, 1999

IN THE INTEREST OF
C.F., C.F., D.F., J.C.,
Minor Children,

A.F., Mother,
Appellant.

Appeal from the Iowa District Court for Woodbury County, Mary Timko, Associate Juvenile Judge.

Mother appeals a juvenile court order terminating her parental rights to her four children. **AFFIRMED.**

Martha McMinn, Sioux City, for appellant.

Thomas J. Miller, Attorney General, Chris Odell, Assistant Attorney General, and Marleen Loftus, Assistant County Attorney, for appellee.

Marchelle Denker, Sioux City, guardian ad litem for minor children.

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

VOGEL, J.

Artemisa, the mother of Carlos, Christian, Denise, and Jose, appeals a juvenile court order terminating her parental rights. She contends the court erred because the record does not prove by clear and convincing evidence that she received services to correct the circumstances which led to the termination. We affirm.

Background: Carlos, born in 1988, Christian, born in 1990, and Denise, born in 1994, were adjudicated in need of assistance in January 1996, after a series of founded reports of denial of critical care. Jose, born in February 1996 was adjudicated in need of assistance following a March 1996, hearing. Artemisa told the court she would refuse services unless all four children were returned to her care. She finally agreed to accept services if two of her children were returned. Carlos and Christian were placed in foster care, but Denise and Jose were returned to Artemisa's care.

In July 1996, Carlos and Christian were returned to Artemisa, subject to her compliance with the case permanency plan. She immediately refused to allow service providers into her home. During a fight with her paramour, Artemisa broke out the windows on his truck while Denise was in the truck. Police officers observed Denise spattered with glass and having small cuts on her back. At the time of the fight, five-month-old Jose was locked alone in the house and fell from his bed. A removal hearing set for July was continued to September 1996.

Between July and August 19, Artemisa had supervised visitation. It was suspended on August 19 because of her negative and hostile behaviors during visitation. At the removal hearing in September, the court ordered visitation resumed. The visits were videotaped, with a neutral interpreter present, because Artemisa complained the interpreter was not being accurate. Between October and the modification of disposition hearing in December, Artemisa had eight visits with her children. Three others were canceled because she refused to follow the rules of visitation.

At the December hearing the court continued foster placement of all four children. The court made it clear the case was moving toward termination unless Artemisa participated in services and cooperated with reunification efforts. Until visitation was suspended in March 1997, Artemisa continued to exhibit aggressive speech and behaviors during visitation and meetings with service providers and caseworkers.

At the June 1997 dispositional review hearing, the court found Artemisa had not demonstrated she could provide for her children, properly supervise them, or enforce appropriate limits and boundaries for them. In August the court ordered the State to initiate termination proceedings.

At a review/permanency hearing in October 1997, the court noted Artemisa had not had visitation since March because of her negative, disruptive behaviors. In December, Artemisa, an illegal alien from Mexico, left Iowa without notifying DHS,

traveling to Chicago to seek help from Mexican authorities in regaining custody of her children.

During the course of this case Artemisa has had four court-appointed attorneys. Two withdrew because she was uncooperative, rude, and disruptive to the attorneys and their staff. The same pattern of multiple appointments has occurred with interpreters because of Artemisa's inability to cooperate with the interpreters, even one she, herself, brought to a hearing.

Termination proceedings: Permanency/termination hearings were held in May and July 1998. The court found DHS, service providers, the court, and Artemisa's attorneys "put an inordinate amount of time and energy and resources into a losing proposition." It found Artemisa never was a parent to her children and there was no bond between the children and her. The court found the children to be adoptable and, in the case of Carlos and Christian, to be very much in favor of adoption. The children have few special needs and have integrated well into their foster homes. The court terminated Artemisa's parental rights under Iowa Code sections 232.116(1)(c), (d), (e)/(g), and (h).

Appellate Claims: Artemisa contends that because she only speaks Spanish and she could not understand much of the services provided to her, she was not offered sufficient services to correct the circumstances that led to the termination. Therefore, the evidence of services offered is insufficient to support termination.

The State argues she has not preserved her argument the services provided to her were deficient because they were not provided in a language she could understand. The State asserts this issue was not presented to the juvenile court. The mother responds no particular objection was required because the issue is sufficiency of the evidence.

Scope of review: We review termination proceedings de novo. *In re Dameron*, 306 N.W.2d 743, 745 (Iowa 1981). We give weight to the findings of the juvenile court, particularly with respect to the credibility of witnesses, but are not bound by them. *In re L.L.*, 459 N.W.2d 489, 493 (Iowa 1990). Reasonable efforts to reunite parent and child are required prior to the termination of parental rights. *In Interest of T.C.*, 522 N.W.2d 106, 108 (Iowa App. 1994). *See generally* Iowa Code § 232.102. Generally, the Department of Human Services must make reasonable efforts to provide services to eliminate the need for removal. While the State has the obligation to make reasonable efforts, a parent has a responsibility to demand services prior to the termination hearing. *In re C.D.*, 508 N.W.2d 97, 101 (Iowa App. 1993). Challenges to the plan for reunification should have come when the plan was entered. *In re L.M.W.*, 518 N.W.2d 804, 807 (Iowa App. 1994). Artemisa did not challenge the case permanency plan. It is too late to challenge the service plan at the termination hearing. *See In re C.D.*, 508 N.W.2d at 101. It does not appear from the record Artemisa challenged the plan for reunification at the termination hearing either.

We do not address issues for the first time on appeal, even constitutional issues. *Id.* at 100.

Even if we were to addresses the merits of Artemisa's claim, we would find it without merit. The record reveals Artemisa resisted services, was rude and aggressive to service providers, case workers, interpreters, and her attorneys. Her earlier objections were not based on the plan or her understanding of it, but rather for "personal reasons" or her inability to work with the persons involved. DHS offered a wide range of services. Interpreters were provided. Artemisa's lack of progress is not because she did not understand English or because of a lack of reasonable efforts on the part of DHS. Her lack of progress was due solely to her own actions and resistance to services.

AFFIRMED.