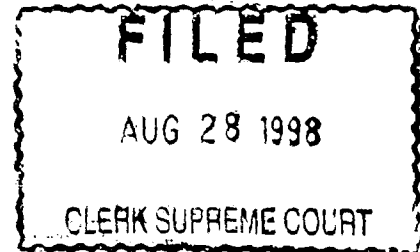


IN THE COURT OF APPEALS OF IOWA

No. 8-392 / 98-460

IN THE INTEREST OF A.J.K., Minor Child,  
S.K., Mother,  
Appellant.



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Appeal from the Iowa District Court for Benton County, Robert E. Sosalla,  
Judge.

The mother of minor child A.J.K. appeals a district court order terminating her  
parental rights. **AFFIRMED.**

Christine L. Crilley, Cedar Rapids, for appellant.

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

Anne M. Lavery, Cedar Rapids, guardian ad litem for minor child.

Considered by Cady, C.J., and Streit, and Mahan, JJ.

**CADY, C.J.**

Stephanie and Randy are the parents of Astin, who was born in April 1988. Stephanie appeals the decision of the juvenile court terminating her parental rights.

Stephanie and Randy were previously married. Stephanie had primary physical care of Astin until 1990, when Randy began caring for him. Stephanie was in prison from May 1994 until December 1995 on drug charges. While in prison she had no contact with Astin. Also, after her release she had only one visit with him prior to involvement by the Department of Human Services (DHS).

In February 1996, Randy sent Astin to live with his maternal grandfather. DHS became involved in October 1996, when it received a report Astin came to school with dog feces on his pants. Astin reported he was required to sleep in a bed which had dog feces on it. Astin was removed from the home and placed in foster care. Astin was adjudicated to be a child in need of assistance pursuant to Iowa Code sections 232.2(6)(c)(2) and (g).

The case permanency plan required Stephanie to participate in counseling, attend visits with Astin, and contact DHS once a week. Stephanie did not cooperate with services. She did not make herself available for appointments with her counselor, and this service was terminated. She attended very few visits with Astin, and had no visits after January 1997. Stephanie did not maintain consistent contact with DHS.

Astin has done very well in foster care. When he was removed from the home he had behavioral problems such that he would growl and snap at people. His behaviors have vastly improved, and he is in a regular classroom at school for most of the day. The foster parents have expressed an interest in adopting him.

In November 1997, the State filed a petition to terminate the parental rights of Stephanie and Randy. Randy consented to termination of his parental rights. Stephanie did not appear at the termination hearing, but through her attorney contested the termination. The juvenile court terminated Stephanie's parental rights under sections 232.116(1)(b), (d), and (e). Stephanie 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. *In re A.B.*, 554 N.W.2d 291, 293 (Iowa App. 1996).

II. Stephanie claims the State presented insufficient evidence to warrant termination of her parental rights. She asserts the State failed to show Astin could not be returned to her care, which is an element of section 232.116(1)(e).

Stephanie's parental rights were terminated under sections 232.116(1)(b), (d), and (e). Her failure to address sections 232.116(1)(b) and (d) means she has waived any arguments on appeal based on these sections. *See Smith v. CRST Int'l, Inc.*, 553 N.W.2d 890, 895 (Iowa 1996). Failure in an appellate brief to state, to argue, or to

cite authority in support of an issue may be deemed waiver of that issue. Iowa R. App. P. 14(a)(3). The termination of Stephanie's parental rights may be upheld based on the sections which she did not appeal.

Furthermore, we find there is sufficient evidence to support termination of Stephanie's parental rights based on section 232.116(1)(e). Due to Astin's behavioral problems, he needs consistency and a very structured routine. Stephanie did not participate in any services to prepare her to care for Astin. There is no evidence to show Stephanie would be able to meet Astin's special needs. We find Astin could not be placed in Stephanie's care without substantial risk of harm.

**III.** Stephanie contends the State failed to make reasonable efforts to reunite her with Astin. The juvenile court denied her request to have the case transferred to the county where she lived. DHS denied her request for funds for transportation.

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). Generally, DHS must make reasonable efforts to provide services to eliminate the need for removal. *In re T.C.*, 522 N.W.2d 106, 108 (Iowa App. 1994).

Stephanie's requests to have the case transferred and for transportation funds were denied because she was not otherwise participating in services. Stephanie did not participate in counseling, even though this service was offered in her own home. She had very little contact with Astin throughout the case, whether in person, by telephone, or by letter. In fact, Stephanie has had little contact with Astin since 1990

when he began to live with Randy. Because of Stephanie's apparent lack of interest in Astin, no further services were offered to her. Under the facts of the case, we find the State's actions were reasonable.

We affirm the decision of the juvenile court terminating Stephanie's parental rights to Astin.

**AFFIRMED.**