IN THE COURT OF APPEALS OF IOWA

No. 0-839 / 00-1372
Filed January 24, 2001

IN THE INTEREST OF
C.O. and R.P., Minor Children,

K.P., Mother,
Appellant.

FILED
JAN 2 4 2001
CLERK SUPREME COURT

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

Mother appeals from the termination of her parental rights to her two children. **AFFIRMED.**

Esther J. Dean, Muscatine, for appellant.

Thomas J. Miller, Attorney General, and Tabitha Gardner, Assistant Attorney General, for appellee-State.

Arlen Poock, Muscatine, guardian ad litem for minor children.

Considered by Zimmer, P.J., and Hecht and Vaitheswaran, JJ.

HECHT, J.

A mother appeals the decision of the juvenile court which terminated her parental rights to her two minor children. She claims the State failed to present sufficient evidence to warrant termination of her parental rights. We affirm.

Kelly is the mother of Curtis, born in November 1994, and Robert, born in April 1996. The children's fathers have not been involved in their lives and are not parties to this appeal.

Kelly came to the attention of the Department of Human Services (DHS) in July 1995. DHS issued a founded report of denial of critical care because Kelly left Curtis alone in her apartment. DHS issued a founded report of physical abuse in May 1996, when Kelly threw a remote control at Curtis, causing a bruise on his forehead. Kelly agreed to participate in family-centered services.

Service workers became increasingly concerned about the condition of Kelly's home because it was extremely filthy and unsanitary. There were mouse droppings on many surfaces. The children's clothing was sometimes soaked with urine because Kelly did not change their diapers. Curtis cut his thumb on broken glass. A temporary removal hearing was scheduled in June 1997. Before the hearing, Kelly took the children to Indiana. The children were returned to Iowa later that month and placed in foster care. The children were adjudicated to be children in need of assistance (CINA) pursuant to Iowa Code sections 232.2(6)(b) and (c)(2).

Kelly had a psychological evaluation in December 1997. The report found Kelly did not appear to recognize a "need for significant changes with regard to

caring for her children." Kelly participated in services and made progress for a period of time. Kelly was living with her paramour, John. In August 1998, the children were returned to her care.

In February 1999, Kelly's interest in housekeeping began to decline and the home again became filthy and unsanitary. In March 1999, while a social worker was at the home, a man came to the door and threatened to kill Kelly. Kelly later admitted she and John had a "threesome" sexual encounter with this man's wife. She also admitted her relationship with John involved incidents of domestic violence, which the children had seen. In June 1999, a social worker observed the children, then ages four and three, playing outside without supervision. The children were then removed from Kelly's care and returned to foster care.

Kelly was inconsistent in participating in services. She usually attended supervised visitation. Kelly sometimes needed prompting by a social worker for her to interact with the children. She was not consistent in enforcing discipline. Kelly ended her relationship with John and became homeless, living with various friends and relatives. Eventually she began living with Tom, who had an extensive criminal history. One week before the termination hearing, Kelly again became essentially homeless.

In March 2000, the State filed a petition to terminate Kelly's parental rights to Curtis and Robert. The termination hearing was held in June 2000. The court terminated Kelly's parental rights under sections 232.116(1)(c), (d), and (e). The

court found Kelly was focused on her own needs rather than the needs of the children. Kelly appealed.

The scope of review in termination cases is de novo. *In re J.L.W.*, 570 N.W.2d 778, 780 (Iowa App. 1997). The grounds for termination must be proven by clear and convincing evidence. *In re S.R.*, 600 N.W.2d 63, 64 (Iowa App. 1999). Our primary concern is the best interests of the children. *In re T.B.*, 604 N.W.2d 660, 662 (Iowa 2000).

Kelly claims the State did not present sufficient evidence to justify termination of her parental rights. She asserts the State did not show the circumstances which led to the children's CINA adjudication continued to exist despite the offer of services, which is an element of section 232.116(1)(c). Kelly points out she did make progress for a period of time. She states if she did not make adequate progress, it was because she did not receive the services she needed.

A good prediction of the future conduct of a parent is to look at the past conduct. *In re N.F.*, 579 N.W.2d 338, 341 (Iowa App. 1998). The parent's past performance may indicate the quality of care the parent is capable of providing in the future. *In re C.K.*, 558 N.W.2d 170, 172 (Iowa 1997).

There is clear and convincing evidence in the record to show the circumstances which led to the children's CINA adjudication continued to exist, despite the offer of services. Kelly made no progress to resume the care of her children after they were removed from her care for a second time. Her inconsistent attendance with services and visitation shows a lack of commitment

to her children. Kelly did not have stable housing. She continued to have relationships with inappropriate men. The record does not show Kelly requested different or additional services prior to the termination hearing. Therefore, she has not preserved for our review the issue of the reasonableness of the services she received. *See In re H.L.B.R.*, 567 N.W.2d 675, 679 (Iowa App. 1997) (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). For all of these reasons, we find Kelly's parental rights were properly terminated under section 232.116(1)(c).

When the juvenile court terminates parental rights on more than one statutory ground, we need only find grounds to terminate under one of the sections cited by the juvenile court to affirm. *In re A.J.*, 553 N.W.2d 909, 911 (Iowa App. 1996). Because we have determined Kelly's parental rights were properly terminated under section 232.116(1)(c), then we need not address her claims regarding sections 232.116(1)(d) and (e).

We affirm the decision of the juvenile court terminating Kelly's parental rights to Curtis and Robert.

AFFIRMED.