IN THE COURT OF APPEALS OF IOWA

No. 1999-242 (9-466) / 99-518
Filed October 15, 1999

IN THE INTEREST OF B.C.,
Minor Child,

J.L., Father,

Appellant,

C.C., Mother,

Appellant.

FILED
OCT 15 1999
CLERK SUPREME COURT

Appeal from the Iowa District Court for Jones County, Susan Flaherty, Associate Juvenile Judge.

A mother and father appeal the termination of their parental rights. **AFFIRMED.**

Mary E. Chicchelly of Seidl & Chicchelly, Marion, for appellant-father.

Michael M. Lindeman of Dolezal & Lindeman, Cedar Rapids, for appellant-mother.

Thomas J. Miller, Attorney General, and Chris Odell, Assistant Attorney General, Nikki Aden, Student Legal Intern, and Craig Elliot, Assistant County Attorney, for appellee-State.

Nick Strittmater, Monticello, guardian ad litem for minor child.

Considered by Sackett, C.J., Vogel, J., and Peterson, S.J.*

*Senior judge assigned by order pursuant to Iowa Code § 602.9206 (1999).

PETERSON, S.J.

A mother and father appeal the termination of their parental rights to their son. They claim termination was not proper because they were never offered services or otherwise afforded an opportunity to continue their relationship with their child. We affirm the juvenile court.

Background. Carla is the mother of Andrea, born in December 1980, and Brandon, born in November 1984. Jeff is Brandon's father; Eddie is Andrea's father. The Department of Human Services (DHS) became involved with the family in August 1996 after Andrea, then age fifteen, became pregnant by Jeff, giving rise to sexual abuse charges. The court ordered Jeff removed from the family home. Brandon is mentally retarded and on ritalin.

In January 1997 allegations were made of sexual abuse of Brandon by Carla and Jeff, and sexual abuse of Andrea by Carla and the maternal grandfather. Brandon stated that he watched his parents have sex and that he and his sister would touch each other. Andrea and her son were placed in foster care. Brandon was placed in foster care. In February 1997, the State filed a CINA petition on behalf of Brandon. In August 1997 the court, in a combined adjudication/disposition hearing, adjudicated Brandon in need of assistance and placed him in the custody of DHS. The court ordered Jeff to have no contact with Brandon. The case permanency plan required Carla to learn to protect her children, to understand her role in the sexual abuse, and

to complete sex offender treatment. The plan required Jeff to complete sex offender treatment.

Carla and Jeff each pled guilty to three counts of sexual abuse in October 1997 and were incarcerated for three terms of up to ten years. In October 1998, the State filed a petition to terminate Carla and Jeff's parental rights. Both remained incarcerated at the time of the termination hearing in January 1999. The juvenile court found Brandon was very attached to his foster parents and afraid of Carla and Jeff. Neither Carla nor Jeff had completed a sex offender program. Both claimed a desire to do so. Carla testified no program was offered by her institution. Jeff had only recently entered a program. The foster parents were committed to caring for Brandon until age eighteen, but had not committed to adopting Brandon if his parents' rights were terminated. The court concluded termination was proper under Iowa Code sections 232.116(1)(c), (e), (h), and (i). The court also concluded termination was in Brandon's best interest so that Carla and Jeff would have no further contact with him and they would have no "right to participate in assisting Brandon in making life decisions." The court did not believe Brandon would be adopted if the foster parents did not adopt him. Carla and Jeff appeal.

Appellate claims. Carla and Jeff claim the State failed to present clear and convincing evidence justifying the termination. In particular, they claim they were never offered an opportunity to continue their relationship with Brandon; that DHS had determined to seek termination as soon as the parents were arrested on the sexual

abuse charges. They also contend they were not offered services to resume care of Brandon.

Discussion. Carla and Jeff do not challenge any of the grounds for termination cited by the district court. They neither cite nor argue any authority for the claims they do raise. Failure to argue or cite authority in support of an issue may be deemed a waiver of that issue. Iowa R. App. P. 14(a)(3); *Luke v. State*, 465 N.W.2d 898, 903 (Iowa App. 1990). There is no indication in the record of any challenges to the case permanency plan or any demand for services. While the State has the obligation to make reasonable efforts, the parents have 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). It is too late to challenge the service plan at the termination hearing. *See In re C.D.*, 508 N.W.2d at 101. This issue should have been raised earlier and we will not consider it now. *Id.*

AFFIRMED.