IN THE COURT OF APPEALS OF IOWA

No. 1-721 / 01-0377
Filed December 12, 2001

FILED
DEC 12 2001
CLERK SUPREME COURT

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

S.D., Mother,
Appellant.

C.F., Father,
Appellant.

Appeal from the Iowa District Court for Polk County, Constance Cohen, Associate Juvenile Judge.

Jennifer S. and Charles F. appeal the termination of their parental rights. **AFFIRMED.**

Brian J. Tingle, Des Moines, for appellant mother.

Karen A. Taylor, Des Moines, for appellant father.

Thomas J. Miller, Attorney General, M. Elise Pippin, Assistant Attorney General, for appellee-State.

Tiffany Koenig, Des Moines, for minor child

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

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HUITINK, P.J.

Jennifer S. and Charles F. appeal the termination of their parental rights pursuant to Iowa Code sections 232.116(1)(d) (child adjudicated child in need of assistance, child removed from physical care of parent for six consecutive months, and parent failed to maintain significant and meaningful contact during previous six consecutive months or to make reasonable efforts to resume care of child despite opportunity), (e) (child, four years or older, adjudicated child in need of assistance, child removed from parent's custody for twelve of last eighteen months or no trial period at home for thirty days or greater during last twelve consecutive months, and clear and convincing evidence child cannot be returned to custody of parent) and 232.116(1)(b) (1999) (clear and convincing evidence child has been abandoned or deserted) respectively. Jennifer argues the district court erred in terminating her parental rights because the grounds for termination were not proven by clear and convincing evidence and termination was not in the children's best interests. Charles contends termination was improper because the Iowa Department of Human Services failed to make reasonable efforts to reunify him with his children.

Our review in termination cases is de novo. *In re J.L.W.*, 570 N.W.2d 778, 780 (Iowa Ct. App. 1997). We find that Jennifer's parental rights were properly terminated under Iowa Code section 232.116 (1)(e). *See In re A.J.*, 553 N.W.2d 909, 911 (Iowa Ct. App. 1996) (where district court terminates parental rights on more than one statutory ground, we need only find grounds to terminate under one of the sections cited to affirm). Despite Jennifer's asserted ability to shelter and clothe her children, we find there has been no change in her ability to

provide a safe home for her children since the March 2000 CINA adjudication. *See In re A.B.*, 554 N.W.2d 291, 293-94 (Iowa Ct. App. 1996) (section 232.116(1)(e)(4) met when children cannot be returned to parental home because definitional grounds of child in need of assistance still exist). Jennifer has failed to take affirmative steps to treat her chronic substance abuse problem, to avail herself of the services offered, or to consistently attend visitation with her children. We find Jennifer has been allowed sufficient time to address her parental deficiencies and affirm on this issue.

We also find that termination of Jennifer's parental rights is in the best interests of the children. Although termination will likely mean the children will be separated from their siblings, each child has special behavioral and emotional needs that Jennifer is currently unable to meet. *See In re M.S.*, 519 N.W.2d 398, 400 (Iowa 1994) (court must consider the physical, mental, and emotional condition and needs of the children in evaluating their best interests). The children should not be forced to wait any longer while Jennifer attempts to create a stable home. *See In re A.Y.H.*, 508 N.W.2d 92, 96 (Iowa Ct. App. 1993) (court must limit time given parents because patience with parents can soon translate into intolerable hardship for children).

Lastly, we decline to address Charles's reasonable efforts argument because it was not preserved for our review. *See In re J.L.W.*, 570 N.W.2d at 781 (preservation of error requires parents to demand services prior to the termination hearing).

The district court is affirmed in its entirety.

AFFIRMED.