

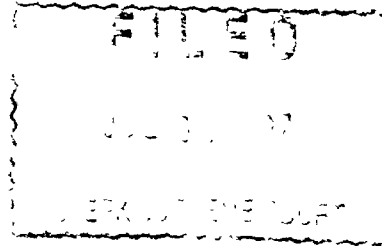
IN THE COURT OF APPEALS OF IOWA

No. 7-323 / 97-0213

000509

**IN THE INTEREST OF
M.T. and T.T., Minor Children,**

**J.T., Mother,
Appellant.**



Appeal from the Iowa District Court for Scott County, John G. Mullen,
Juvenile Judge.

Mother appeals the juvenile court's order terminating her parental rights.

AFFIRMED.

Carol J. Walker, Davenport, for appellant-mother.

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

Donna Humpal, Davenport, guardian ad litem for minor children.

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

HABHAB, C.J.

Julie is the mother of Michael, who was born in 1986, and Travis, who was born in 1992. Michael's father is Fred. Travis's father is Jerry. Julie was not married to either of these men and they have not been involved in the children's lives. In this appeal Julie claims the juvenile court should not have terminated her parental rights. The parental rights of the children's fathers were also terminated, but the fathers have not appealed. We affirm.

The Department of Human Services (DHS) became involved with the family in December 1994 when Julie was involuntarily committed to inpatient treatment for drug abuse. Julie admitted she had smoked crack cocaine in front of the children. When relatives came to get the children, there was no food or clothing for them in the home. DHS issued a founded report of denial of critical care. The children were placed in the home of their aunt.

On February 22, 1995, the juvenile court adjudicated Michael and Travis as children in need of assistance. Julie was required to complete substance abuse treatment, including after-care treatment. After-care treatment involved attending a relapse prevention program and participating in Alcoholics Anonymous (AA) or Narcotics Anonymous (NA) meetings. Julie was to obtain housing and a job and attend meetings with her social worker. Julie was provided with weekly supervised visitation with the children.

Julie completed substance abuse treatment. However, she did not attend after-care treatment. In May 1995, visitation was suspended due to Julie's noncompliance on this issue. In June 1995, Julie had a relapse and again used illegal drugs. She was admitted to a half-way house and visits were reinstated. She did not complete the four-week after-care program.

In August 1995, Travis was removed from the aunt's home due to his destructive actions and defiant behavior and was placed in foster care. In February 1996, Michael was also placed in foster care.

Julie had a second relapse in December 1995. She was readmitted into treatment. Julie continued to be inconsistent in attending AA meetings, and did not attend an after-care treatment program. Julie continued to be inconsistent in meeting with her social worker and had not yet obtained independent housing. She did obtain employment as a waitress.

On September 23, 1996, the guardian ad litem filed a petition to terminate Julie's parental rights. At the termination hearing, Julie admitted she was not ready to be a full-time parent to the children. She indicated she still needed help with parenting skill development. The juvenile court terminated Julie's parental rights pursuant to Iowa Code sections 232.116(1)(c), (e), and (h). Julie now appeals.

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 R.R.K.*, 544 N.W.2d 274, 277 (Iowa App. 1995). Our primary concern is the best interests of the children. *In re A.B.*, 554 N.W.2d 291, 293 (Iowa App. 1996).

II. Julie claims the State failed to make reasonable efforts to aid in reunification. In particular, she contends DHS's demand that she attend after-care treatment was unreasonable. Julie felt after-care was a danger to her sobriety because it put her in contact with people she had associated with while she was using drugs. She points out that she did attend AA.

Reasonable services must be provided to attempt to reunite the family before the State can terminate parental rights. *In re L.M.W.*, 518 N.W.2d 804, 807 (Iowa App. 1994). In proceedings to terminate parental rights, the reasonableness of services offered by the State to keep families whole is to be closely scrutinized. *In re C.D.*, 508 N.W.2d 97, 100 (Iowa App. 1993).

We determine the services offered by the State in the present case were reasonable. Julie had two relapses in sobriety after her initial substance abuse treatment in December 1994. We find it was reasonable of the State to require Julie to attend after-care treatment which included a relapse prevention program. We also note Julie only attended 150 of the 267 AA meetings she was expected to attend.

III. Julie asserts DHS should not have suspended visitation as a punishment for her failure to attend after-care. She believes that because she did not have sufficient visitation, she failed to develop the skills necessary to control the children.

Julie had the ability to increase her visitation. It was her decision not to attend after-care, even though she knew it was a requirement of her case plan. Also, the social worker entered into a contract with Julie on December 8, 1995, which would have increased Julie's visitation if she kept all scheduled visits and appointments for one month. Julie was not able to increase her visitation under this contract until May 1996. Julie later lost these increased visits when she was terminated from a continuing care program.

IV. Julie believes DHS judged her in an unreasonable manner throughout the case. She felt her social worker had an unreasonable negative attitude. We find no evidence to support Julie's allegations in this regard. The social worker testified she found Julie to be a likeable person.

V. Julie claims the juvenile court improperly found she had not developed a proper social support group. She points out she was attending AA and no longer associated with people who were a threat to her sobriety.

In our de novo review of the record, we find Julie's failure to attend a relapse prevention program and consistently attend AA shows her lack of commitment to

maintaining sobriety. We agree with the juvenile court's assessment that there was little in the evidence to show Julie could maintain sobriety on her own.

VI. Julie contends it was not in the children's best interests to terminate her parental rights. She asserts she made great progress in addressing the conditions which led to the removal of her children.

We believe termination is in the best interests of the children. Julie progressed very slowly. She admitted the children could not be returned to her at the time of the termination hearing. We do not believe it is in the children's best interests to require them to wait any longer for permanency in their lives. Children should not be forced to endlessly suffer the parentless limbo of foster care. *In re A.J.*, 553 N.W.2d 909, 913 (Iowa App. 1996).

We affirm the decision of the juvenile court terminating Julie's parental rights to Michael and Travis.

AFFIRMED.