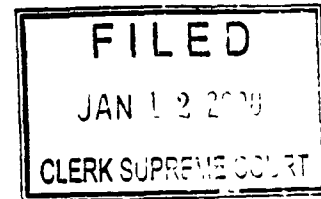


IN THE COURT OF APPEALS OF IOWA

No. 1999-359 (9-687) / 99-1143

Filed January 12, 2000



IN THE INTEREST OF
A.N., Minor Child,

L.N., Mother,
Appellant.

Appeal from the Iowa District Court for Cerro Gordo County, Gerald W. Magee, District Associate Judge.

A mother appeals the juvenile court decision which terminated her parental rights to her minor child. **AFFIRMED.**

Ronald D. Arispe, Clear Lake, for appellant.

Thomas J. Miller, Attorney General, Tabitha Gardner, Assistant Attorney General, and Gregg Rosenblatt, Assistant County Attorney, for appellee.

Mark Young, Young Law Office, Mason City, for the minor child.

Considered by Huitink, P.J., and Mahan, J., and Habhab, S.J.*

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

HABHAH S.J.

A mother appeals the juvenile court decision which terminated her parental rights to her minor child. She claims the State failed to make reasonable efforts to reunite her with her child and there was not sufficient evidence to support termination. We affirm on appeal.

Lisa is the mother of Anthony, who was born in March 1991. Lisa has a history of mental health problems. She has been diagnosed with depression in the past. She was recently diagnosed with a schizo-effective disorder. She is an alcoholic and has had some substance abuse problems with prescription drugs.

In January 1996, the Department of Human Services (DHS) issued a founded report against Lisa for denial of critical care due to failure to properly supervise Anthony. Lisa received services for a period of time, but was uncooperative.

DHS issued another founded report against Lisa for denial of critical care of Anthony in March 1998. Anthony was having problems in school, but Lisa did not respond to the school's many requests to meet with them. Furthermore, Anthony was often left at school for an hour or two after classes were out before anyone would come to pick him up. Anthony was not able to get himself home from school without assistance.

Anthony was adjudicated to be a child in need of assistance pursuant to Iowa Code section 232.2(6)(c)(2) (1997) (child likely to suffer harm due to parent's failure

to exercise care in supervising child). Lisa was ordered to participate in family-centered services and complete a substance abuse evaluation.

One day in April 1998, Lisa appeared to be intoxicated when she got Anthony from school. In May 1998, she had an appointment for a substance abuse evaluation, but was unable to complete the evaluation because of her mental state. Lisa was experiencing withdrawal symptoms including trembling, auditory and visual hallucinations, nausea, and sweats. She was admitted to a hospital for detoxification. Anthony was removed from the home and placed in foster care.

Lisa entered a residential treatment facility later in May 1998, but left against staff advice. She refused to cooperate with services. Her attendance at visitation was sporadic. In November 1998, visits were first reduced and then discontinued altogether because she had been missing visits. Also, Anthony's therapist felt the visits were detrimental to the child's social and emotional well-being. Family-centered services ceased in December 1998 due to Lisa's lack of participation. Lisa was informed she needed to contact DHS before visits would continue. She had no further contact with DHS. Lisa never resumed services or visitation.

Lisa's psychiatrist, Dr. Jeffrey Jackson, suspected she was abusing her prescription medications. She often called his office requesting additional medication. She appeared quite overwrought and was verbally abusive toward his staff. Dr. Jackson testified Lisa would be unable to care for any dependent children because of her own personal problems and effective lability.

Anthony has done well in foster care. He has some behavioral problems. Anthony has been diagnosed with an adjustment disorder with disturbance of conduct and attention deficit hyperactivity disorder. He is on medication for his condition. He is considered adoptable.

In March 1999, the State filed a petition seeking to terminate Lisa's parental rights. The juvenile court terminated Lisa's parental rights pursuant to sections 232.116(1)(b) (abandonment) and (d) (parent has not maintained significant and meaningful contact with the child). The court found Lisa did nothing to affirmatively parent the child or maintain a place of importance in his life. Lisa appealed.

I. 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 E.K.*, 568 N.W.2d 829, 830 (Iowa App. 1997). Our primary concern is the best interests of the child. *In re A.B.*, 554 N.W.2d 291, 293 (Iowa App. 1996).

II. Lisa contends the State did not make reasonable efforts to reunite her with Anthony. She asserts DHS should not have suspended her visits with the child. She states visits were generally appropriate and safe. Lisa claims visits should have been increased instead of restricted. Lisa also contends DHS should have provided her with transportation to services.

Reasonable efforts to reunite parent and child are required prior to the termination of parental rights. *In re M.B.*, 595 N.W.2d 815, 818 (Iowa App. 1999).

The reasonable efforts concept would broadly include a visitation arrangement designed to facilitate reunification while protecting the child from the harm responsible for the removal. *In re M.B.*, 553 N.W.2d 343, 345 (Iowa App. 1996). 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. *In re H.L.B.R.*, 567 N.W.2d 675, 679 (Iowa App. 1997). Services should be challenged when the case plan is entered. *In re L.M.W.*, 518 N.W.2d 804, 807 (Iowa App. 1994).

Lisa had the ability to resume visitation with Anthony. She needed only to contact DHS and participate in services for visitation to begin. She did not request visitation with her child after visitation was suspended in November 1998. Also, there is no evidence Lisa requested transportation at the time the case plan was entered.

III. Lisa claims the State did not present sufficient evidence to support termination of her parental rights. She asserts the State did not present clear and convincing evidence to show she abandoned her child.

"Abandonment" means the giving up of parental rights and responsibilities accompanied by an intent to forego them. *In re A.B.*, 554 N.W.2d 291, 293 (Iowa App. 1996). Parental responsibilities include more than subjectively maintaining an interest in a child. *In re R.L.F.*, 437 N.W.2d 599, 601-02 (Iowa App. 1989). The

concept requires affirmative parenting to the extent it is practical and feasible in the circumstances. *In re D.M.*, 516 N.W.2d 888, 891 (Iowa 1994).

There is sufficient evidence to show Lisa abandoned her child. Lisa has had no contact with Anthony since November 1998. She did not participate in services and did not contact DHS after December 1998. Lisa's lack of contact with her child and DHS shows a lack of interest in her child. She has not affirmatively parented the child for a substantial period of time. Lisa's parental rights were properly terminated under section 232.116(1)(b).

IV. When the juvenile court terminated 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 in order to affirm. *In re A.J.*, 553 N.W.2d 909, 911 (Iowa App. 1996). Because we have found Lisa's parental rights were properly terminated under section 232.116(1)(b), we need not address the termination of her rights under section 232.116(1)(d).

We affirm the decision of the juvenile court which terminated Lisa's parental rights to Anthony.

AFFIRMED.

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