IN THE COURT OF APPEALS OF IOWA

No. 1999-221 (9-445) / 98-1862
Filed September 29, 1999

IN THE INTEREST OF
J.G., M.G., A.G., and B.G.,
Minor Children,

S.S., Mother,
Appellant.

FILED
SEP 29 1999
CLERK SUPREME COURT

Appeal from the Iowa District Court for Polk County, Artis Reis, Judge.

Mother appeals from a district court order terminating her parental rights. **AFFIRMED.**

Thomas J. McCann, Des Moines, for appellant.

Thomas J. Miller, Attorney General, Bruce Kempkes and Kathrine S. Miller-Todd, Assistant Attorneys General, John P. Sarcone, County Attorney, and Emily McConkey, Assistant Polk County Attorney, for appellee-State.

Kimberly Ayotte, Des Moines, guardian ad litem for minor child.

Heard by Sackett, C.J., and Huitink and Mahan, JJ.

HUITINK, J.

I. Background Facts and Proceedings.

Rodney and Sherry are the parents of four children, J.G., M.G., A.G., and B.G. These children were first removed from their home in August 1995 after Sherry was hospitalized for a drug overdose and Rodney was arrested for domestic abuse. All were subsequently adjudicated as children in need of assistance due to Sherry's chronic substance abuse and failure to supervise their care. *See* Iowa Code §§ 232.2(6)(c)(2) and 232.2(6)(n). Following temporary removal, all were returned to Sherry's custody, subject to court-ordered services, including substance abuse treatment for Sherry. Subsequent review hearings indicated Sherry was cooperating with services, but Rodney was not. As a result, a no-contact order was issued excluding Rodney from the home.

In January 1997 the children were again removed after Sherry was found intoxicated and a passenger along with her youngest child, J.G., in a car driven by an intoxicated driver. The removal application also cited Sherry's two suicide attempts and continued relationship with Rodney in violation of the no-contact order. The children were placed with relatives pending further proceedings.

The scheduled permanency hearing was continued, pending disposition of the State's petition to terminate Sherry and Rodney's parental rights. The State cited five separate statutory grounds for termination including: continued abuse and neglect of the children (section 232.1(c)); parental failure to maintain significant and meaningful

contact following placement (section 232.1(d)); the children could not be returned to parental custody (sections 232.1(e) and (g)); and Sherry's continued substance abuse (section 232.1(k)). The juvenile court found clear and convincing evidence supporting each ground alleged and ordered termination of Sherry's parental rights. Because Rodney did not contest the State's petition, his rights were terminated pursuant to Iowa Code section 232.116(1)(a) (parent voluntarily and intelligently consents to termination).

On appeal Sherry contends the State failed to make reasonable efforts to return the children to her and termination of her parental rights was unjustified. The State argues reasonable efforts were made citing the numerous services provided, Sherry's continued substance abuse, and Sherry's failure to maintain contact with the children. The State also claims Sherry has failed to preserve this issue by making timely demands for needed services.

II. Standard of Review.

Appellate review of termination proceedings is de novo. *In re W.G.*, 349 N.W.2d 487, 491 (Iowa 1984) *cert. denied sub nom. J.G. v. Tauke*, 469 U.S. 1222 (1985). We give weight to the findings of fact of the juvenile court, especially when considering the credibility of witnesses, but we are not bound by those determinations. *Id.* at 491-92.

III. The Merits.

The State is required to make reasonable efforts to preserve the family unit. *See In re A.L.*, 492 N.W.2d 198, 201 (Iowa 1992) (citations omitted). Although the State has the obligation to make reasonable efforts, the parents must demand services if they were not offered prior to the termination hearing. *In re C.D.*, 508 N.W.2d 97, 101 (Iowa App. 1993).

Sherry concedes her complaints concerning unsatisfactory services were not made until the time of the hearing resulting in termination. She nevertheless claims she met her duty to request services because the hearing concerned both termination and permanency. We disagree.

Our review of the record fails to support Sherry's characterization of the underlying proceedings. The permanency hearing originally scheduled in February 1998 was continued in part because the State intended to initiate termination proceedings. The permanency hearing was not rescheduled, and the record does not contain any order or notice suggesting otherwise. Sherry's demands for additional services were untimely. Because Sherry has failed to preserve this issue or raise any other on appeal, we affirm the juvenile court's order terminating her parental rights.

AFFIRMED.