IN THE COURT OF APPEALS OF IOWA

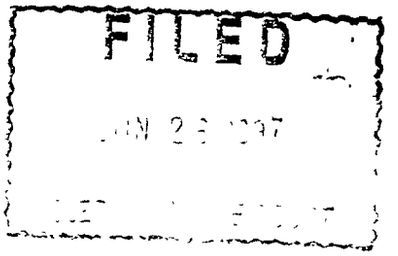
No. 7-316 / 96-2300 000527

IN THE INTEREST OF Tr. W., T.W., D.W, and W.W., Jr., Minor Children,

T.W., Mother,
Appellant,

J.K., Father of Tr. W.,
Appellant,

W.W., Sr., Father,
Appellant.



Appeal from the Iowa District Court for Dubuque County, Jane Mylrea, Associate Juvenile Judge

Mother and fathers appeal the juvenile court's order terminating their parental rights. **AFFIRMED.**

Monica L. Ackley, Dubuque, for appellant-mother.

Stuart G. Hoover, Dubuque, for appellant-W.W., Sr.

Robert E. Sabers, Dubuque, for appellant-J.K.

Thomas J. Miller, Attorney General, Diane M. Stahle, Assistant Attorney General, and Jean Becker, Assistant County Attorney, for appellee-State.

Ann M. McDonough, Dubuque, guardian ad litem for minor children.

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

VOGEL, J.

Tina and William are the parents of Willie, born in 1992; Daniel, born in 1993; and Teraesa, born in 1994. Tina and William were married in September 1993, separated in September 1994, and divorced in March 1996. In 1995, Tina gave birth to Troy. Jerry is the father of Troy.

The parties came to the attention of the Department of Human Services (DHS) in July 1995 because of reports Troy was failing to thrive. At that time Tina was homeless and was living with the children with various friends. Troy was placed in the hospital, and his weight increased. When he was returned to Tina, however, his weight decreased again.

On August 23, 1995, social workers found Tina and the children living in a filthy apartment. The children were all wearing dirty diapers and appeared to be hungry. Tina did not try to stop the children from eating garbage off the floor. The older children had been eating powdered formula from the can. By the time social workers arrived, Tina had no more formula to give to Troy. Troy was extremely dehydrated and was a gray color. Tina agreed to voluntarily place the children in foster care. DHS issued a founded report of denial of critical care.

On October 27, 1995, the children were adjudicated to be children in need of assistance, pursuant to Iowa Code section 232.2(6)(c) and (g) (1995). Under the case permanency plan, Tina and William were required to obtain psychological and

parenting evaluations. They were also required to secure employment and adequate housing. Tina was required to take parenting classes and attend counseling.

Supervised visitation was offered to the parties. William only had visitation with the children about three times. Tina participated in frequent visitation. Social workers found Tina was low-functioning and needed to have correct parenting techniques modeled for her during visitation. Even with this method, Tina was not able to retain proper parenting techniques. Tina was unable to supervise all four of the children, and so she began having visits with two children at a time.

In December 1995, Jerry moved to Iowa from South Carolina. Tina and Jerry thereafter presented themselves to DHS as a couple, although Jerry was married to another woman. Tina and Jerry obtained an apartment in May 1996, which allowed them to have the children for longer visitation periods. In June 1996, Jerry moved back to South Carolina, and Tina soon followed him. Neither Tina nor Jerry informed DHS of their planned move.

On October 11, 1996, the State filed a petition for the termination of the parental rights of Tina, William, and Jerry. Tina and Jerry did not attend the termination hearing. William admitted he could not immediately assume custody of the children, but asked for additional time to allow him to improve his parenting skills. The foster parents expressed an interest in adopting the children. The juvenile court found termination of the parent-child relationship was in the children's best interests. Tina, William, and Jerry appeal the termination of their parental rights.

I. *Scope of Review.*

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. *Tina.*

A. Tina contends the State failed to show, by clear and convincing evidence, that the children could not be returned to her care.

On our de novo review, we find the problems which led to the removal of the children remained largely unchanged, despite the numerous services offered to the mother. She could not retain the disciplinary techniques which had been modeled for her. She could not understand and help the children with their emotional needs. Furthermore, Tina had not addressed her problems through counseling. We determine there was clear and convincing evidence the children could not be returned to Tina's care.

B. Tina claims it was not in the children's best interests to terminate her parental rights. She believes the State failed in this instance because it did not offer her services geared toward her learning disabilities and personality disorders.

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). We find the services which were provided to Tina were designed with consideration of her learning abilities. In addition, the children have some special needs and require stability in their lives. By abruptly leaving Iowa for South Carolina, Tina demonstrated she was unable to provide this stability. We conclude adequate services were offered to Tina, and termination was in the children's best interests.

III. *William.*

A. William contends termination of his parental rights was improper because the State did not offer him reasonable services. William did not have a driver's license because of a previous conviction for driving while intoxicated. He states his transportation problems prevented him from participating in visitation. He believes the State should have offered him services within reasonable proximity to his home.

As noted above, the State must provide reasonable services in an attempt to reunite the family. *Id.* On the other hand, parents have a responsibility to demand services prior to the termination hearing. *Id.* Here, William never requested services be provided nearer to his home. We note he never requested telephone visitation with Willie, Daniel, and Teraesa. In addition, we find he failed to take advantage of the services which were offered to him. Furthermore, William did not obtain a psychological evaluation or attend counseling.

B. William contends the juvenile court should not have terminated his parental rights because the State failed to satisfy its burden of proof. William asserts the State did not present clear and convincing evidence to show Willie, Daniel, and Teraesa could not be placed in his care.

William admitted the children could not be placed in his care at the present time. We must reasonably limit the time for parents to be in a position to assume care of their children because patience with parents can soon translate into intolerable hardship for the children. *In re A.Y.H.*, 508 N.W.2d 92, 96 (Iowa App. 1994). A child should not be forced to wait for responsible parenting. *In re L.L.*, 459 N.W.2d 489, 495 (Iowa 1990). Here, the children had been in foster care for the required statutory time under section 232.116(1)(g), and the children still could not be placed in William's care. We do not believe the children should be required to wait longer while William attempts to obtain parenting skills, when he has shown little interest or cooperation with services since the children were adjudicated to be in need of assistance.

IV. *Jerry.*

A. Jerry claims the State failed to show clear and convincing evidence that Troy could not be placed in his care. He states he was a stabilizing influence. He believes that with his help, Tina was able to satisfactorily parent Troy.

We recognize that Jerry participated in supervised visitation with Troy, and could interact appropriately with him. However, Jerry absconded from the State in June 1996, which prevented further reunification efforts. There was a question concerning Jerry's commitment to the family since he was married to another woman. He was only present in Troy's life from December 1995 to June 1996. We do not find that Jerry presented such a stabilizing influence that it would permit the children to be returned to Tina.

We have considered all other issues on appeal and hereby affirm the juvenile court' ruling. We affirm the termination of Tina's parental rights to Willie, Daniel, Teraesa, and Troy. We affirm the termination of William's parental rights to Willie, Daniel, and Teraesa. We affirm the termination of Jerry's parental rights to Troy.

AFFIRMED.