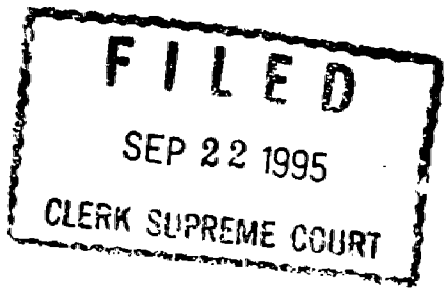
IN THE COURT OF APPEALS OF IOWA



No. 5-414 / 95-0673

IN THE INTEREST OF A.T., Minor Children,

D.H., Father,

Appellant.

Appeal from the Iowa District Court for Harrison County, Gary K. Anderson, Associate Juvenile Judge.

The father of a minor child appeals a district court judgment terminating his parental rights. **AFFIRMED.**

Mark J. Eveloff, Council Bluffs, for appellant.

Thomas J. Miller, Attorney General; Diane Stahle, Special Assistant Attorney General; and Judy Sheirbon, Assistant Attorney General, for appellee.

Jack W. White of Kellogg & Kellogg, P.C., Missouri Valley, guardian ad litem for minor child.

Considered by Donielson, C.J., and Hayden and Cady, JJ.

DONIELSON, C.J.

David appeals a juvenile court order terminating his parental rights to his daughter, Allyson. We affirm.

I. STANDARD OF REVIEW.

We utilize de novo review in determining if there is clear and convincing evidence to support the termination of parental rights. *In re S.A.*, 502 N.W.2d 23, 25 (Iowa App. 1993). A child's rights and needs are paramount in termination proceedings. *Id.* The primary concern is the best interests of the children.

> We look to the child's long-range, as well as immediate, interests. We consider what the future holds for the child if returned to his or her parents. Insight for this determination can be gained from evidence of the parent's past performance, for that performance may be indicative of the quality of the future care the parent is capable of providing. Our statutory termination provisions are preventative as well as remedial. They are designed to prevent probable harm to a child.

In re R.M., 431 N.W.2d 196, 199 (Iowa App. 1988) (citations omitted).

II. BEST INTERESTS OF THE CHILD -- § 232.116(1)(e).

David argues the State failed to meet its burden of proving by clear and convincing evidence that Allyson would suffer harm if placed in his care, and he claims it is not in Allyson's best interests to terminate his parental rights. David

points to the fact he has consistently sought the custody of Allyson, and he contends she should not be deprived of a relationship with him and his extended family.[1]

The record reveals Allyson was born November 1, 1990. She and her two half-brothers were temporarily placed in foster care in April 1991 and were adjudicated children in need of assistance. By December 1991 Allyson's paternity had been determined, and thereafter a June 1992 court order required David be given visitation with Allyson and be included in DHS[2] case permanency plans. In April 1992, Allyson and her brothers were again removed from their mother's care and placed in foster care.

From the outset it was apparent David had substance abuse problems with alcohol and marijuana. The juvenile court ordered David to abstain, to participate in substance abuse treatment and to take urinalysis tests. Numerous attempts were made to involve David in outpatient substance abuse therapy and inpatient treatment. David was not consistent in participating in these opportunities and was dropped from the programs. On one occasion David refused a DHS request to take a drug test, and in May 1994 he tested positive for the presence of marijuana. At one point, David had revoked his consent forms, precluding the DHS from monitoring his progress in various programs.

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[1]Allyson's mother has not appealed the termination of her parental rights.

[2]The Iowa Department of Human Services.

At the time of the December 14, 1994, termination hearing, David was incarcerated for driving while his license was barred. He had a record of several traffic offenses, and he admitted his drug and alcohol use had caused him considerable problems with the criminal justice system. During his testimony David admitted he had plead guilty to the domestic abuse of his girlfriend, and the record revealed David and his girlfriend had separated at least three times during DHS involvement in this case. With the exception of one token $50 payment, David had failed to pay court--ordered child support for Allyson even though he was usually employed. David provided no legitimate explanation for not supporting his daughter.

Evidence offered at the termination hearing indicated David had not been forthright with local law enforcement officials. He did not inform them he had quit his job despite the fact he was on work release in connection with his jail sentence. He had also indicated he could not serve jail time on weekends because of visitation with his daughter, although his visits with Allyson took place on Wednesday evenings.

Allyson has been in continual foster care since April 1992 and is entitled to some permanency in her life. The parental rights to her brothers have been terminated and the DHS desired to place the three in a mutual adoptive placement. David has repeatedly failed to comply with the juvenile court's orders. He lacks the parenting skills and commitment to sobriety necessary to parent Allyson. Despite his

contention regarding Allyson's relationship with his extended family, David cites no evidence in the record of the extent or nature of this relationship. The State proved by clear and convincing evidence that David continued to have a serious substance abuse problem which prevented him from being able to effectively parent Allyson. Allysson would suffer harm if placed in his care. It was in Allysson's best interests to terminate David's parental rights.

III. REASONABLE EFFORTS AT REUNIFICATION.

David contends reasonable efforts were not made at reunification prior to the termination of his parental rights. Reasonable services must be offered to preserve the family unit. *In re L.M.W.*,518 N.W.2d 804, 807 (Iowa App. 1994). A parent's challenge to the sufficiency of the services provided by the State should be made when they are offered. *In re C.D.*,508 N.W.2d 97, 100 (Iowa App. 1993). Objections to the services and reunification efforts offered by the DHS must be raised prior to the termination proceedings. *See In re B.K.K.*,500 N.W.2d 54, 57 (Iowa 1993).

The State asserts David has not preserved error on this issue and we concur. Even had error been preserved, the record reveals the State made reasonable efforts and offered services to reunify the family, but David failed to fully utilize them.

AFFIRMED.