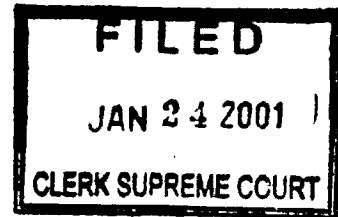


IN THE COURT OF APPEALS OF IOWA

No. 0-766 / 00-1191
Filed January 24, 2001



IN THE INTEREST OF J.P., Minor Child,
M.F., Mother,
Appellant.

Appeal from the Iowa District Court for Boone County, Steven J. Oeth,
District Associate Judge.

The mother of minor child J.P. appeals a district court order terminating
her parental rights. **AFFIRMED.**

John D. Jordan of Payer, Jordan, Mahoney, Jordan, Hunziker & Rhodes,
L.L.P., Boone, for appellant.

Thomas J. Miller, Attorney General, Janet L. Hoffman, Assistant Attorney
General, and David A. Brown, Assistant County Attorney, for appellee State.

Loren A. Nalean of Nalean & Nalean, Boone, guardian ad litem for minor
child.

Heard by Streit, P.J., and Hecht and Vaitheswaran, JJ.

STREIT, P.J.

Mary F. appeals the termination of her parental rights. She claims the State failed to provide her reasonable reunification services and the termination was not in her child's best interests. We affirm.

I. Background Facts & Proceedings.

Mary F. and Michael P. are the biological parents of James P., born December 23, 1996. In January 1999 a police officer found James and his homeless maternal grandmother at a motel wandering from room to room. James was hospitalized for dehydration. Following this incident, the department of human services discovered Mary had a substance abuse problem and no stable home environment. James was adjudicated a child in need of assistance in March 1999. Mary's and Michael's parental rights were both terminated in June 2000. Mary appeals from the juvenile court's order.

II. Standard of Review.

We review termination proceedings de novo. *In re S.N.*, 500 N.W.2d 32, 34 (Iowa 1993). The State must prove the grounds for termination by clear and convincing evidence. *In re E.K.*, 568 N.W.2d 829, 831 (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).

III. The Merits.

Mary claims there was not clear and convincing evidence to support the termination of her parental rights because the State failed to provide her reunification services. Mary's rights were terminated pursuant to sections 232.116(1)(g) and (k) of the Iowa Code. Because both of these sections require

a showing James cannot be safely returned to Mary's care,¹ they also both require a showing the State provided Mary reasonable reunification services. See *In re C.B.*, 611 N.W.2d 489, 493 (Iowa 2000) ("The State must show reasonable efforts as a part of its ultimate proof the child cannot be safely returned to the care of a parent."). Mary was obligated to request such services before her termination hearing. See *id.* at 493-94.

Mary requested parenting classes on one occasion. The State apparently did little to satisfy this particular request. The State did, however, provide Mary with opportunities for outpatient and inpatient substance abuse treatment. Because one of the State's primary expectations was for Mary to maintain a drug-free lifestyle, it was reasonable for the State to offer Mary services addressing her substance abuse problem rather than services addressing her parenting skills. The services the State provided Mary were reasonable under the circumstances.

Mary also claims the termination was not in James's best interests given his relationships with her and his older brother. James is a four-year-old who, at the time of the termination hearing, had been out of Mary's care for about sixteen months. During this sixteen-month period, Mary was arrested and convicted for

¹ The final element of section 232.116(1)(g) requires the court to find "[t]here is clear and convincing evidence that the child cannot be returned to the custody of the child's parents as provided in section 232.102 at the present time." Iowa Code § 232.116(1)(g)(4) (1999). The final element of section 232.116(1)(k) requires the court to find "[t]here is clear and convincing evidence that the parent's prognosis indicates that the child will not be able to be returned to the custody of the parent within a reasonable period of time considering the child's age and need for a permanent home." Iowa Code § 232.116(1)(k)(3).

drunk driving, arrested and convicted for third-degree theft, and continually failed to complete available substance abuse treatment programs. Although Mary finally completed a treatment program in February 2000, she was still using marijuana as recently as May 2000. James cannot wait any longer for Mary to adequately attend to her on-going substance abuse problem and other parental deficiencies. See *E.K.*, 568 N.W.2d at 831 ("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 J.P.*, 499 N.W.2d 334, 339 (Iowa App. 1993) ("A child should not be forced to endlessly suffer the parentless limbo of foster care."). His best interests require Mary's parental rights be terminated.

This conclusion is not undermined by the fact James has an older brother. The two boys had also been separated for at least sixteen months at the time of the termination hearing. "[S]iblings should not be *separated* without good and compelling reasons." *In re J.W.D.*, 456 N.W.2d 214, 219 (Iowa 1990) (emphasis added). There is no evidence of a strong attachment between James and his brother.² See *id.* We affirm the juvenile court.

AFFIRMED.

² Until one week before the termination hearing, James's older brother was in the custody of the boys' father and had been so for approximately two years. Mary apparently never requested that her older son be included in her visits with James.