IN THE COURT OF APPEALS OF IOWA

No. 7-644 / 97-0703
Filed December 29, 1997

IN THE INTEREST OF C.J.C. and B.A.W.,
Minor Children,

S.L.C., f/k/a S.L.W., Mother,
Appellant.

Appeal from the Iowa District Court for Polk County, Constance Cohen, Associate Juvenile Judge.

Mother appeals from an order terminating her parental rights to her two minor children. **AFFIRMED.**

John F. Sprole of Law Office of John F. Sprole, Des Moines, for appellant.

Thomas J. Miller, Attorney General, and Kathrine S. Miller-Todd, Assistant Attorney General, for appellee-State.

David C. Backstrom of Juvenile Public Defender Office, Des Moines, guardian ad litem for minor children.

Considered by Cady, C.J., and Huitink and Streit, JJ.

STREIT, J.

A mother appeals the termination of her parental rights to her two minor children. We affirm on appeal.

Stacey is the mother of Calvin, born in July 1985, and Beau, born in May 1992. Ronald is the father of Calvin. Stacey was married to Mark, the father of Beau. They have since divorced. Stacey's relationships with Ronald and Mark involved incidents of domestic violence.

In February 1995, Stacey began living with Gary. The Department of Human Services (DHS) became involved in May 1995 due to a report Gary had physically abused Beau by causing bruises on his buttocks. DHS issued a founded report of physical abuse based on this incident. A second founded report of physical abuse was issued against Gary later the same month. Beau was hospitalized due to injuries to his head as a result of the second incident of physical abuse. Gary was arrested. Stacey told DHS workers she believed Gary was innocent and she would not break up with him. The children were placed in foster care. Stacey did then end her relationship with Gary.

Calvin and Beau were adjudicated children in need of assistance on July 20, 1995. The disposition order directed Stacy to participate in individual therapy, assertiveness training, and parenting classes. Stacey participated in supervised visitation.

In September 1995, Calvin and Beau were placed in the home of Stacey's aunt, Jan. Stacey completed a parenting evaluation which showed she had co-dependency problems. Stacey began individual therapy in October 1995. She also began participation in a parenting class. When she completed the class it was recommended she take it again because of her anger during class. Stacey had problems during visitation when the children misbehaved.

Stacey had a relationship with Earl, who had a history of domestic violence. She told her DHS worker she was no longer involved with Earl, but Earl told the worker he and Stacey were "boyfriend and girlfriend." After she ended her relationship with Earl she lived with Michael for a period of time because she felt he would help protect her from Earl.

In June 1996, Calvin revealed during therapy that Stacey's step-father, Dennis, had sexually exposed himself to the children in the past. DHS issued a founded report of sexual abuse against Dennis. During the same month, the children's therapist asked Stacey to attend an apology session for the abuse the children had suffered. Stacey performed so poorly at the session that the therapist recommended a neuro-psychological evaluation to assess her functioning level. The evaluation showed Stacey had no neurological or psychological problems. Stacey made better progress at a second apology session.

By May or June 1996, Stacey established independent housing and employment. She refused to allow DHS workers to make unannounced visits to the

home. In October 1996, she finally agreed to allow an unannounced visit. Without telling DHS, however, she moved to a different apartment. Stacey began living with a female roommate, Tammy. Tammy would not agree to give her name and social security number to DHS to allow a check for a history of child abuse. Stacey later moved in with her mother and Dennis.

The children have special needs. They have both been diagnosed with post-traumatic stress disorder. They also have some behavioral problems. Calvin wears hearing aids and attends speech therapy. Beau is developmentally delayed. Jan and her husband have expressed an interest in adopting the children.

On October 14, 1996, the State filed a petition to terminate the parental rights of Stacey, Ronald, and Mark. Ronald did not contest the termination and Mark signed a consent to the termination of his parental rights. The juvenile court terminated Stacey's parental rights pursuant to Iowa Code sections 232.116(1)(c) and (e). Stacey has appealed.

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

II. Stacey contends the State did not present sufficient evidence to support termination of her parental rights. In particular, she believes the State did not adequately show the children could not be returned to her care.

At the termination hearing, Stacey admitted the children could not be returned to her care at that time. She testified she would need time to find adequate housing for the children. The children could not be returned to Stacey's care while she was living in the same home as Dennis, who had previously sexually abused the children. Additionally, the record does not show Stacey has been able to break free of the cycle of relationships with abusive men. She would not be able to protect the children from potential abusers. Stacey puts her relationships with men above her relationship with her children. For this reason, we determine Stacey's parental rights were properly terminated under section 232.116(1)(e).

III. When the juvenile court terminates 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 to affirm. *In re A.J.*, 553 N.W.2d 909, 911 (Iowa App. 1996). We have already found Stacey's parental rights were properly terminated under section 232.116(1)(e), and not need address her arguments directed at section 232.116(1)(c).

IV. Stacey claims the State did not provide adequate services to achieve reunification of the family. Reasonable services must be provided to attempt to reunite a family before the State can terminate parental rights. *In re L.M.W.*, 518

N.W.2d 804, 807 (Iowa App. 1994). Parents should demand additional or other services prior to the termination hearing. *In re B.K.K.*, 500 N.W.2d 54, 57 (Iowa 1993). Stacey did not raise this issue prior to the termination hearing. We determine Stacey did not preserve this issue for our review.

She also questioned whether she should have received more visitation. The nature and extent of visitation is controlled by the best interests of the child. *In re M.B.*, 553 N.W.2d 343, 345 (Iowa App. 1996). The issue of visitation was to be considered after the apology session. Because Stacey performed so poorly at the session, the visitation was not increased. We determine the State made reasonable efforts to reunite the family.

V. Stacey asserts the juvenile court improperly placed the burden on her to prove her parental ability, rather than placing the burden on the State to show she could not care for her children. We believe the State did show, by clear and convincing evidence, the children could not be returned to Stacey's care. We do not find the juvenile court improperly placed the burden of proof on her.

VI. Stacey contends the juvenile court should not have terminated her parental rights. She points out that the juvenile court had other options under section 232.116(3). Stacey did not raise this issue before the juvenile court, and we find she has not preserved it for appeal.

Even if this issue had been preserved, we find termination is in the best interests of the children. Stacey had been in individual therapy for a period of time,

and still was not able to put the children's needs above her own. The children need stability and consistency, which Stacey was not able to give them.

We affirm the decision of the juvenile court terminating Stacey's parental rights to Calvin and Beau.

AFFIRMED.