IN THE COURT OF APPEALS OF IOWA

No. 1999-167 (9-384) / 98-1596
Filed July 23, 1999

IN THE INTEREST OF L.S. and M.D.,

Minor Children,

JUL 23 1999

L.D., Mother,

Appellant.

Appeal from the Iowa District Court for Polk County, Karla J. Fultz, Associate Juvenile Judge.

Mother appeals from a juvenile court order terminating her parental rights to her two minor children. **AFFIRMED.**

Kermit L. Dunahoo of the Dunahoo Law Firm, Des Moines, for appellant.

Thomas J. Miller, Attorney General, Mary W. Vavorch, Assistant Attorney General, for appellee-State.

Michael R. Sorci, Des Moines, guardian ad litem for minor child.

Considered by Huitink, P.J., Mahan, J., and Schlegel, S.J.*

*Senior judge assigned by order pursuant to Iowa Code § 602.9206 (1999).

SCHLEGEL, S.J.

Linda is the mother of Lieresa, born in April 1989, and Marissa, born in January 1997. Linda appeals the juvenile court order which terminated her parental rights. She contends reasonable efforts were not made to reunify her with her children. We affirm on appeal.

Linda has a history of substance abuse. The family came to the attention of the Department of Human Services (DHS) in October 1995, when school officials became concerned because Lieresa was filthy and often ill. Lieresa also reported her mother had spanked her with a belt. DHS issued a founded report of denial of critical care and physical abuse. Lieresa was hospitalized for a respiratory ailment in November 1995. DHS was concerned about whether Linda would be able to administer regular nebulizer treatments which were necessary for Lieresa's asthma. Lieresa was placed in foster care when she was released from the hospital.

Lieresa was adjudicated to be a child in need of assistance pursuant to Iowa Code sections 232.2(6)(e) and (n) (1995). Linda was to be permitted visitation once she provided two clean drug tests. Under the case permanency plan, Linda was required to obtain psychological, psychosocial and parenting evaluations, participate in counseling, obtain a substance abuse evaluation and complete all recommended treatment, and maintain a stable home environment.

Linda was not cooperative with service providers. She attended a substance abuse treatment program, but was unsuccessfully discharged due to lack of participation. Because she did not provide drug tests she did not have any visitation.

When Marissa was born in January 1997, she tested positive for cocaine. Marissa was also placed in foster care. Marissa was adjudicated to be a child in need of assistance under sections 232.2(6)(c)(2), (n), and (o).

After Marissa was born, Linda entered a substance abuse treatment program. She completed the program, but relapsed soon afterwards. She began a new substance abuse treatment program in February 1997, but was discharged for noncompliance. Linda had one visit with Lieresa in February 1997. No other visits were scheduled because Linda failed to produce additional clean drug tests.

After the State filed a petition to terminate Linda's parental rights to Lieresa and Marissa in June 1997, Linda began to cooperate with services. She became involved with a religious support group, began individual counseling, and participated in a parenting class. She was able to begin visitation in July 1997, but visitation was suspended later that month when Linda admitted she had been driving while intoxicated. Visitation began again in August 1997. Linda obtained an apartment in October 1997. Due to Linda's recent progress, the termination hearing was continued.

In January 1998, Linda produced drug tests which were positive for cocaine. Visitation was then terminated. Linda continued to have drug tests which were positive for cocaine in February 1998. In March 1998, Linda started to work to get her GED. She obtained part-time employment taking care of children.

Lieresa and Marissa have done well in foster care. Lieresa's psychologist believes Lieresa needs permanency. She has had some problems with tantrums. The children were in pre-adoptive placements.

The termination hearing was held in March 1998. Linda admitted she was still using crack cocaine about one month before the hearing. The juvenile court found:

> The children have been adjudicated as Children in Need of Assistance. The children are fourteen months and eleven years of age. Lieresa has been in foster care for approximately twenty nine months. Marissa has been in foster care her whole life of fourteen months. The respective parents of these children are either not available or able today to assume custody of them. The mother has a history of drug abuse, instability and neglect of her children and has refused or has not been cooperative with treatment and services. She has been unsuccessful in treatment, and still uses illegal substances and has not cooperated with services such as individual therapy and accessing a GED program. The children have been abandoned by their putative and unknown fathers.

The court terminated Linda's parental rights under sections 232.116(1)(c), (e), (h), and (k). Linda appealed.

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).

Linda contends the State failed to engage in reasonable efforts to reunite her with the children. She asserts the State should have offered her a sponsor to help her in recovery. She also asserts social workers could have used better communication

skills. Linda claims DHS could have done much more to help her reunite with the children.

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). While the State has an obligation to make reasonable efforts, it is a parent's responsibility to demand services if they are not offered prior to the termination hearing. *In re H.L.B.R.*, 567 N.W.2d 675, 679 (Iowa App. 1997). We could find no evidence Linda requested additional or different services prior to the termination hearing. We determine she has not preserved this issue for our review.

Even if Linda had preserved this issue, we find the State offered reasonable services under the facts of this case. Throughout most of the case, Linda was not very cooperative with the services which were offered to her. Linda's participation in services was too little, too late. She accepted some services after the petition to terminate her parental rights was filed. Even then, however, she continued to use drugs. Furthermore, a DHS social worker testified no additional services were available for Linda because she did not have her children in her care.

We affirm the decision of the juvenile court terminating Linda's parental rights to Lieresa and Marissa.

AFFIRMED.