

IN THE COURT OF APPEALS OF IOWA

No. 0-530 / 10-0889
Filed August 11, 2010

**IN THE INTEREST OF T.G.,
Minor Child,**

**J.J.G., Mother,
Appellant,**

**C.G., Father,
Appellant.**

Appeal from the Iowa District Court for Scott County, John G. Mullen,
District Associate Judge.

A mother and father appeal separately from the order terminating their
parental rights. **AFFIRMED ON BOTH APPEALS.**

Cynthia Z. Taylor, Davenport, for appellant mother.

Timothy J. Tupper, Davenport, for appellant father.

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

Lucy Valainis, Davenport, for minor child.

Considered by Vaitheswaran, P.J., and Eisenhauer and Danilson, JJ.

DANILSON, J.

J.G. is the mother and C.G. is the father of T.G. Both are mentally challenged adults. J.G. voluntarily placed T.G. in foster care in April 2009 when he was approximately one week old because she was not able to meet his needs. A child abuse report was founded for denial of critical care. T.G. was adjudicated a child in need of assistance due to the inability or failure of the parents to provide appropriate care, supervision, and safety for the child due to their low mental functioning and parenting deficiencies. T.G. has remained in foster care since April 2009, and the foster parents have indicated a desire to adopt.

J.G. is not now capable of independently parenting T.G. Despite parenting training and services, J.G. continues to need prompts to provide even basic care for T.G. She is unable to multi-task. She relies upon C.G. to make most daily decisions. Moreover, J.G. has chosen to marry and live with C.G.

C.G. is a registered child sex offender on probation. J.G. and C.G. got married after T.G.'s birth, believing their marriage would allow C.G. to parent T.G. without violating sex offender registry laws. However, the terms of C.G.'s probation prohibit him from living with a child T.G.'s age. C.G. is undergoing sex offender treatment, and his probation is scheduled to end in January 2011, at which point he will be subject to special sentence of supervision similar to parole. Whether C.G. can live with a child in the future is currently unknown.

On February 16, 2010, a termination of parental rights petition was filed. At the April 26, 2010 termination hearing, J.G. and C.G. each asked that they be

granted additional time. The district court ordered termination pursuant to Iowa Code section 232.116(1)(d), (e), (h), and (l) (2009). The parents each appeal.

“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 S.R.*, 600 N.W.2d 63, 64 (Iowa Ct. App. 1999). After our de novo review of the record, *In re P.L.*, 778 N.W.2d 33, 40 (Iowa 2010), we affirm the termination of J.G.’s and C.G.’s parental rights pursuant to Iowa Code section 232.116(1)(h) (child is three years of age or younger; has been adjudicated a child in need of assistance; has been removed from the physical custody of the child’s parents for at least six months of the last twelve months; and there is clear and convincing evidence that the child cannot be returned to the custody of the child’s parents at the present time).

No one doubts that these parents love T.G. and have made some improvements in their parenting. However, T.G. cannot now be placed in their care. “When the statutory time standards found in section 232.116 are approaching, and a parent has made only minimal progress, the child deserves to have the time standards followed by having termination of parental rights promptly pursued.” *In re J.L.W.*, 570 N.W.2d 778, 781 (Iowa Ct. App. 1997).

It is well-settled law that we cannot deprive a child of permanency after the State has proved a ground for termination under section 232.116(1) by hoping someday a parent will learn to be a parent and be able to provide a stable home for the child. Consequently, termination was proper under sections 232.116(1) and (2).

P.L., 778 N.W.2d at 41.

J.G. is married to and lives with C.G. It is unknown at this time whether C.G. will be allowed to live with a child in the future. He cannot do so now, which means T.G. cannot be placed in the parents' care. T.G.'s foster parents have been providing a safe and nurturing home for over one year and indicate a desire to adopt him. We conclude this pre-adoptive home best addresses T.G.'s long-term nurturing and growth, as well as his physical, mental, and emotional needs. See Iowa Code § 232.116(2) (directing the court to consider the best placement for furthering the long-term nurturing and growth of the child). None of the exceptions to termination under section 232.116(3) apply in this case.

We therefore affirm the decision of the district court.

AFFIRMED ON BOTH APPEALS.