

IN THE COURT OF APPEALS OF IOWA

No. 0-859 / 10-1636
Filed November 24, 2010

**IN THE INTEREST OF M.P., Jr. and R.P.,
Minor Children,**

**C.A.P., Mother,
Appellant,**

**M.P.P., Sr., Father,
Appellant.**

Appeal from the Iowa District Court for Lee County, Gary R. Noneman,
District Associate Judge.

A mother appeals the district court's order terminating her parental rights.

AFFIRMED.

Steven J. Westercamp of Westercamp Law Firm, Farmington, for
appellant mother.

Steven J. Swan of Swan Law Office, Keokuk, for appellant father.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant
Attorney General, Michael Short, County Attorney, and David Andrusyk,
Assistant County Attorney, for appellee State.

Kendra Abfalter, Fort Madison, attorney and guardian ad litem for minor
children.

Considered by Sackett, C.J., and Vogel and Vaitheswaran, JJ.

VOGEL, J.

Christina appeals the termination of her parental rights to her children, M.P. Jr. born June 2001, and R.P., born October 2002.¹ Christina's rights were terminated under Iowa Code section 232.116(1)(f) (2009) (child is four or older, child CINA, removed from home for twelve of last eighteen months, and child cannot be returned home). Our review of termination of parental rights cases is *de novo*. *In re J.E.*, 723 N.W.2d 793, 798 (Iowa 2006).

Christina does not appeal the court's statutory grounds for termination nor contend there was insufficient evidence supporting such grounds. Christina's only argument on appeal is that termination of her parental rights is not in M.P. Jr. and R.P.'s, best interests. Even if a statutory ground for termination is met, a decision to terminate must still be in the best interests of a child after a review of Iowa Code section 232.116(2). *In re P.L.*, 778 N.W.2d 33, 37, 40 (Iowa 2010). We consider "the child's safety," "the best placement for furthering the long-term nurturing and growth of the child," and "the physical, mental, and emotional condition and needs of the child." *Id.* Christina specifically requests the court to "allow the foster mother be appointed as the children's probate court guardian so that in the future the children could be returned to a natural parent's home if such natural parent demonstrated more stability than the foster mother."

M.P. Jr. and R.P. were adjudicated children in need of assistance (CINA) in March 2004, and removed from Christina's custody in March 2005. The children were moved back and forth between foster care and their father's home.

¹ The parental rights of M.P. Jr. and R.P.'s biological father were also terminated. His notice of appeal was dismissed as untimely and his application for extension of deadlines was denied.

Iowa Department of Human Services social worker, Mary Heffernan, testified that Christina has not seen the children since “summer or spring” 2006. Christina has received numerous services over the years, but demonstrates no progress in her ability to care for the children. In her brief, Christina concedes that M.P. Jr. and R.P. are more stable in their current foster home than with either natural parent. With extensive and continued therapy, the children continue to make progress, following the years of physical and emotional abuse suffered at the hand of their father, unprotected by their mother.

Nothing in this record would indicate it would be in the children’s best interests to move them from the healing environment provided by the foster mother. M.P. Jr. and R.P. are in desperate need of consistency and permanency, and should not be forced to continue waiting for Christina to demonstrate stability. See *J.E.*, 723 N.W.2d at 801 (Cady, J., concurring specially) (stating children’s safety and their need for a permanent home are the defining elements in determining a child’s best interests). The juvenile court stated,

Given the suffering and losses that these children have had to endure due to the maltreatment of them by their father and his paramour and the effective desertion of these children by their mother, any loss of the stability they have now achieved with [the foster mother] would be an unconscionable outcome.

We agree and conclude termination of Christina’s parental rights was in M.P. Jr. and R.P.’s best interest as set forth under the factors in section 232.116(2). Therefore, we affirm.

AFFIRMED.