

**IN THE COURT OF APPEALS OF IOWA**

No. 1-359 / 10-1785  
Filed June 15, 2011

**IN RE THE MARRIAGE OF S.R.R.W.S.  
AND W.K.S.**

**Upon the Petition of  
S.R.R.W.S.,**  
Petitioner-Appellee,

**And Concerning  
W.K.S.,**  
Respondent-Appellant.

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**In the Matter of the Termination of  
Parental Rights of R.L.S.,**

**By  
S.R.R.W.S.,**  
Petitioner-Appellee,

**And Concerning  
W.K.S.,**  
Father-Appellant.

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Appeal from the Iowa District Court for Story County, Timothy J. Finn,  
Judge.

William appeals the district court's termination of his parental rights to  
R.L.S., under Iowa Code section 600A.8. **AFFIRMED.**

Gerald A.L. Moothart of Moothart Law Office, Ames, for appellant.

Tara M. van Brederode of Legal Aid Society of Story County, Nevada, for appellee.

Mark Olberding of Olberding Law Office, Nevada, attorney and guardian ad litem for minor child.

Considered by Vogel, P.J., Vaitheswaran, J., and Miller, S.J.\*

\*Senior judge assigned by order pursuant to Iowa Code section 602.9206 (2011).

**VOGEL, P.J.**

William appeals the district court's termination of his parental rights to R.L.S., under Iowa Code section 600A.8 (2009). We affirm.

William and Sarah were married in 2003. R.L.S. was born to the couple in 2004, in the State of Georgia. Due to the ongoing threat of physical and emotional abuse, Sarah left William, taking R.L.S. with her to the State of Iowa. Not long after, William killed his girlfriend in the State of Florida. In August 2008, he was convicted of first degree murder and sentenced to life in prison. Sarah filed a petition for dissolution of marriage in Iowa in October 2009, and a petition to terminate William's parental rights under Iowa Code section 600A.8 in February 2010.

The petitions were consolidated and came on for trial on September 30, 2010, with Sarah personally present and William testifying via telephone from prison. After hearing the evidence, the district court terminated William's parental rights under Iowa Code sections 600A.8(3) (abandonment), (4) (failure to support), and (9) (imprisoned likely more than five years).<sup>1</sup>

We review termination of parental rights cases de novo. *In re M.M.S.*, 502 N.W.2d 4, 5 (Iowa 1993). When the district court terminates on more than one

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<sup>1</sup> In the proceedings below, William's mother filed a motion to intervene, which the district court denied on May 5, 2010. She did not appeal from that ruling. In this appeal, she filed an untimely motion seeking to file an amicus brief. Iowa R. App P. 6.906(1) ("An amicus curiae shall serve and file a brief within the time allowed the party whose position the brief will support."). Further, Iowa Rule of Appellate Procedure 6.906(1) states an amicus brief may be served on leave of the appropriate appellate court, if it "would assist the court in resolving issues preserved for appellate review in the case." Finding the motion untimely, and the stated purpose not within the purview of the rule, as it simply repackages her motion to intervene, we deny the motion.

ground, we only need to find evidence supporting one of those grounds to affirm the termination. *In re B.L.A.*, 357 N.W.2d 20, 22 (Iowa 1984).

The evidence is uncontroverted as to William's conviction and sentence. On our review of the record, we agree that his parental rights were appropriately terminated under Iowa Code section 600A.8(9), as he is serving a life sentence for first degree murder. Iowa Code § 600A.8(9) (providing that termination of parental rights is appropriate when the parent has been imprisoned and it is unlikely that the parent will be released from prison for a period of five or more years). Having affirmed the termination of William's parental rights, we need not address his argument that he should be afforded visitation under the dissolution of marriage decree, which granted Sarah sole physical care of R.L.S. We therefore affirm the district court.

**AFFIRMED.**