

IN THE COURT OF APPEALS OF IOWA

No. 1-406 / 11-0405
Filed June 15, 2011

**IN THE INTEREST OF C.S.,
Minor Child,**

**S.J.S., Father,
Appellant.**

Appeal from the Iowa District Court for Polk County, Carol S. Egly, District Associate Judge.

A father appeals the district court's order terminating his parental rights.

AFFIRMED.

Tod J. Beavers of Tod J. Beavers, P.C., Des Moines, for appellant father.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant Attorney General, John P. Sarcone, County Attorney, and Kevin Brownell, Assistant County Attorney, for appellee State.

Nathaniel A. Tagtow of Pargulski, Hauser & Clarke, P.L.C., Des Moines, for appellee mother.

Nicole Nolan of Youth Law Center, Des Moines, attorney and guardian ad litem for minor child.

Considered by Eisenhauer, P.J., and Potterfield and Tabor, JJ.

POTTERFIELD, J.

Seth appeals from the district court's order terminating his parental rights. He asserts: (1) clear and convincing evidence did not exist to support termination of his parental rights pursuant to Iowa Code section 232.116(1)(b) (2009); and (2) termination is not in the child's best interests because the child is in the mother's care.

The juvenile court terminated Seth's parental rights pursuant to Iowa Code section 232.116(1)(b), (e), and (f). We only need to find grounds to terminate his parental rights under one of the subparts to affirm the ruling of the juvenile court. *In re S.R.*, 600 N.W.2d 63, 64 (Iowa Ct. App. 1999). Seth does not argue on appeal that the juvenile court erred in terminating his parental rights pursuant to Iowa Code section 232.116(1)(e) and (f) and has therefore waived any argument relating to these code provisions. See Iowa R. App. P. 6.903(2)(g). Accordingly, we conclude statutory grounds existed to terminate Seth's parental rights.

We further conclude termination was proper in spite of the fact that the child's mother had legal custody of the child. Iowa Code section 232.116(3)(a) provides termination is not required when a relative has legal custody of the child. The exceptions set forth in 232.116(3) have been interpreted as permissive, rather than mandatory. *In re J.L.W.*, 570 N.W.2d 778, 781 (Iowa Ct. App. 1997), *overruled on other grounds by In re P.L.*, 778 N.W.2d 33, 39 (Iowa 2010).

The record reveals the child was not bonded with Seth. Seth took no steps to engage in services provided by the Iowa Department of Human Services or to end his involvement with illegal substances and was incarcerated at the

time the district court filed its order terminating his parental rights. Further, the child's mother has been and still is working to maintain a lifestyle of sobriety. Seth has not shown a willingness or capability to live such a lifestyle. Maintaining Seth's parental rights may interfere with the mother's efforts, altering her ability to effectively care for the child. See *In re N.M.*, 491 N.W.2d 153, 155 (Iowa 1992) (finding termination of one parent's rights may be justified when that parent's conduct is likely to interfere with the effective caregiving of the custodial parent). The juvenile court did not err in terminating Seth's parental rights.

AFFIRMED.