

IN THE COURT OF APPEALS OF IOWA

No. 1-514 / 11-0535
Filed July 13, 2011

**IN THE INTEREST OF T.C. and T.C.,
Minor Children,**

**T.J.C., Father,
Appellant.**

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

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

AFFIRMED.

Timothy J. Tupper of Tupper Law Firm, Davenport, for appellant father.

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

Patricia E. Zamora of Zamora, Taylor, Woods & Frederick, Davenport, for
appellee mother.

Stephen W. Newport of Newport & Newport, P.L.C., Davenport, 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.

Tyrun appeals the district court's order terminating his parental rights to his children, T.C. (born 2006) and T.C. (born 2007).¹ The district court terminated Tyrun's rights under Iowa Code sections 232.116(1)(e) (child CINA, child removed for six months, parent has not maintained significant and meaningful contact with the child), (f) (child four or older, adjudicated CINA, removed from home for twelve of last eighteen months, and child cannot be returned home), (h) (child is three or younger, child CINA, removed from home for six of last twelve months, and child cannot be returned home), and (l) (child CINA, parent has substance abuse problem, child cannot be returned home within a reasonable time) (2009). We affirm.

Our review of termination of parental rights cases is de novo. *In re J.E.*, 723 N.W.2d 793, 798 (Iowa 2006).

On appeal, Tyrun does not contest the statutory grounds for termination of his parental rights. The only issue on appeal is whether termination serves the best interests of the children. 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.*

¹ The parental rights of the biological mother of T.C. and T.C. were also terminated and she does not appeal.

Tyrun believes he is in a position to support his family, as he has maintained employment and is working toward reunification. Tyrun is on work release, to be released upon completion of repayment of his fines, and argues he can provide his children a good home. Tyrun has struggled with drugs and alcohol addiction for nearly half of his life. Lynn Hamel, Iowa Department of Human Services (DHS) social worker, reports, "Tyrun shared he used drugs and alcohol from the age of 15-years until he went to jail at the age of 30-years." In her testimony, Hamel "recommends termination due to his lack of participation, also in services which have been geared towards parenting skills and domestic violence."

The children were placed with their grandmother in Arizona and are doing well. The district court found,

From the home study prepared on the grandmother, it appears that she is able and willing to provide appropriate physical, financial, emotional, and intellectual care for the children. The parents do not offer permanency for these children. The grandmother does offer permanency for these children.

On appeal, the guardian ad litem urges us to affirm the termination as to Tyrun. The family first came to the attention of DHS in May 2009, and Tyrun has yet to meaningfully participate in services such that his children's best interests could be served in his care. We agree with the district court's conclusion that Tyrun was not prepared to parent T.C. and T.C., and they are in need of a permanent home. *In re J.E.*, 723 N.W.2d at 801 (Cady, J., concurring specially) ("A child's safety and the need for a permanent home are now the primary concerns when determining a child's best interests."). We conclude termination

of Tyrun's parental rights was in T.C. and T.C.'s best interests as set forth under the factors in section 232.116(2).

AFFIRMED.