

**IN THE COURT OF APPEALS OF IOWA**

No. 17-1212  
Filed September 27, 2017

**IN THE INTEREST OF E.P., B.B., and D.B.,  
Minor Children,**

**K.M., Mother,  
Appellant.**

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Appeal from the Iowa District Court for Jasper County, Steven J. Holwerda, District Associate Judge.

A mother appeals the termination of her parental rights to her children.

**AFFIRMED.**

Shane P. O'Toole of Law Office of Shane P. O'Toole, Des Moines, for appellant mother.

Thomas J. Miller, Attorney General, and Ana Dixit, Assistant Attorney General, for appellee State.

Meegan M. Langmaid Keller of Keller Law Office, P.C., Altoona, guardian ad litem for minor children.

Considered by Vaitheswaran, P.J., and Doyle and Bower, JJ.

**DOYLE, Judge.**

A mother appeals the termination of her parental rights to her three children. She argues there is insufficient proof of the grounds for termination and requests additional time to have the children returned to her care. We review her claims de novo. See *In re A.M.*, 843 N.W.2d 100, 110 (Iowa 2014).

The State filed a petition to adjudicate the children to be in need of assistance (CINA) in May 2016 and removed the children from the mother's care in August 2016.<sup>1</sup> The juvenile court adjudicated the children to be CINA in September 2016. After the DHS offered the mother services to address her substance-abuse and mental-health issues to no avail, the State filed a petition to terminate the mother's parental rights in March 2017. By June 2017, the mother had lost her housing, was without transportation, continued to use methamphetamine, and had failed to complete the mental-health treatment necessary to allow her to safely parent her children. As a result, the juvenile court terminated the mother's parental rights pursuant to Iowa Code section 232.116(1)(b), (e), and (f) (2017).

The mother contends the State failed to prove by clear and convincing evidence the grounds for terminating her parental rights under section 232.116(1)(b) and (e). The mother does not challenge the termination of her parental rights under section 232.116(1)(f) and has therefore waived any challenge to termination on that ground. See Iowa R. App. P. 6.903(2)(g)(3); *L.N.S. v. S.W.S.*, 854 N.W.2d 699, 702-03 (Iowa Ct. App. 2013). We need only

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<sup>1</sup> Although the family first came to the attention of the Iowa Department of Human Services (DHS) in April 2016, the record shows the family has had extensive involvement with another state's department of human services before moving to Iowa.

find grounds to terminate parental rights under one of the sections cited by the juvenile court to affirm. See *In re S.R.*, 600 N.W.2d 63, 64 (Iowa Ct. App. 1999).

The mother requests that we delay termination an additional six months. We deny her request. Children need a permanent home. See *In re J.E.*, 723 N.W.2d 793, 802 (Iowa 2006) (Cady, J., concurring specially) (noting the “defining elements in a child’s best interest” are the child’s safety and “need for a permanent home”). “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.” *In re P.L.*, 778 N.W.2d 33, 41 (Iowa 2010).

The mother squandered the opportunities afforded to her to preserve the family, which led the court to waive the reasonable-efforts requirement of section 232.102. The mother’s claim at the termination hearing that she was ready to re-engage in services is not credible. Moreover, a parent “cannot wait until the eve of termination, after the statutory time periods for reunification have expired, to begin to express an interest in parenting.” *In re C.B.*, 611 N.W.2d 489, 495 (Iowa 2000). At some point, the rights and needs of the child must rise above the rights and needs of the parent. See *In re C.S.*, 776 N.W.2d 297, 300 (Iowa Ct. App. 2009). For these children, that time is now. Accordingly, we affirm the order terminating the mother’s parental rights under Iowa Code section 232.116(1)(I).

**AFFIRMED.**