

IN THE COURT OF APPEALS OF IOWA

No. 3-814 / 13-1173
Filed September 5, 2013

**IN THE INTEREST OF C.H. III,
Minor Child,**

F.F., Mother,
Appellant.

Appeal from the Iowa District Court for Scott County, Christine Dalton,
District Associate Judge.

A mother appeals from the order terminating her parental rights.

AFFIRMED.

Neill Kroeger, LeClaire, for appellant mother.

Christine Frederick of Zamora, Taylor, Woods & Frederick, Davenport, for
father.

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

Lucy Valainis, Davenport, for minor child.

Considered by Eisenhauer, C.J., and Vaitheswaran and Doyle, JJ.

EISENHAUER, C.J.

A mother appeals from the order terminating her parental rights. She contends the court erred in finding clear and convincing evidence supported terminating her parental rights. She also contends the court erred in terminating her parental rights after placing the child with the father. We affirm.

When the child was born in 2012, the mother was already incarcerated on her convictions of felony child endangerment. The mother's older children suffered physical and sexual abuse at the hands of her paramour. The child was removed from the mother's care at birth and later placed with the biological father, where the child has remained. The mother's parental rights have been terminated to four older children, half-siblings of this child. The mother's tentative discharge date from prison is 2026. The court terminated the mother's parental rights under Iowa Code section 232.116(1)(d), (e), (g), (h), (j), (m), and (n) (2013) and placed the child in the sole custody and guardianship of the biological father.

We review terminations of parental rights de novo. *In re H.S.*, 805 N.W.2d 737, 745 (Iowa 2011). We examine both the facts and law, and we adjudicate anew those issues properly preserved and presented. *In re L.G.*, 532 N.W.2d 478, 480-81 (Iowa Ct. App. 1995). We accord considerable weight to the findings of the juvenile court, especially concerning the credibility of witnesses, but are not bound by them. *Id.* at 481.

The mother first contends the court erred in finding clear and convincing evidence supports the statutory grounds for termination. When the juvenile court terminates parental rights on more than one statutory ground, we only need to find the evidence supports termination on one of the grounds cited by the juvenile

court to affirm. *In re D.W.*, 791 N.W.2d 703, 706 (Iowa 2010). The mother was in prison at the time of the termination. We find clear and convincing evidence supports termination of the mother's parental rights under section 232.116(1)(h) (child cannot be returned safely to parent's care at time of termination).

The mother also contends the court should not have terminated her parental rights because the child is placed with the biological father. See Iowa Code § 232.116(3)(a). "A child's safety and the need for a permanent home are now the primary concerns when determining a child's best interests." *In re J.E.*, 723 N.W.2d 793, 801 (Iowa 2006) (Cady, J., concurring specially). Those best interests are determined by looking at both the child's long-range and immediate interests. *In re C.K.*, 558 N.W.2d 170, 172 (Iowa 1997). We conclude the child's placement with the biological father does not preclude termination in this case. See *D.W.*, 791 N.W.2d at 706-07. Given the severity of what the mother subjected her other children to, this child's safety requires termination of the mother's parental rights. Termination of the mother's parental rights protects the child from future interference from the mother, gives the father the sole ability to determine what would happen to the child if the father should die, gives the father the sole right to decide if any future contact with the mother should occur, and provides a clear path to permanency for the child.

AFFIRMED.