

IN THE COURT OF APPEALS OF IOWA

No. 6-332 / 06-0299

Filed May 10, 2006

IN THE INTEREST OF H.F., Minor Child,

K.M.M., Mother,
Appellant,

J.F., Father,
Appellant.

Appeal from the Iowa District Court for Johnson County, Sylvia A. Lewis,
District Associate Judge.

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

AFFIRMED.

Dai Gwilliam, Iowa City, for appellant-mother.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant
Attorney General, J. Patrick White, County Attorney, and Deborah Farmer Minot,
Assistant County Attorney, for appellee.

Shannon Walsh of Walsh Law Firm, Iowa City, for father.

Shelly Mott, Coralville, guardian ad litem for minor child.

Considered by Mahan, P.J., and Hecht and Eisenhauer, JJ.

EISENHAUER, J.

A mother appeals the termination of her parental rights to her child. She contends the court erred in waiving the reasonable efforts requirement set forth in Iowa Code section 232.102(7) (2005). She further contends the State failed to prove the grounds for termination by clear and convincing evidence and termination is not in the child's best interest. We review these claims de novo. *In re C.H.*, 652 N.W.2d 144, 147 (Iowa 2002).

The child was born in February 2000. She was removed from her parents' care in October 2004, following allegations the father was sexually abusing the child and abusing narcotics. Although the allegation of sexual abuse was unsubstantiated, marijuana was found in the residence and the father admitted to using methamphetamines. The child had been the subject of three prior confirmed reports of child neglect while in the care of other family members, beginning in October 2000.

In early 2004, the mother and father separated. Shortly thereafter, the mother and child lost their housing and had to stay with friends and relatives. Three separate reports of child abuse or neglect of the child were investigated in the spring of 2004.

In February 2005, the Department of Human Services received a report that the child had suffered physical abuse by the mother's new boyfriend. Physical evidence and other evidence was consistent with the child's description of what had occurred. The child was removed from her mother's care and placed with a foster family. The mother denied her boyfriend's responsibility in harming her child and continued to have a relationship with him.

In June 2005, the State filed an application to waive reasonable efforts, which the court granted. At the hearing, the mother revealed she was pregnant with the boyfriend's child. At the time of termination, the mother was romantically involved with a new man who was supporting her.

Iowa Code section 232.102(12) sets forth several circumstances in which the requirement of reasonable efforts may be waived. Here, the court found waiver was applicable because the circumstances described in Iowa Code section 232.116(1)(i) were applicable to the child. See Iowa Code § 232.102(12)(b). Because the mother's parental rights were also terminated under this section, we consider the waiver of reasonable efforts and the grounds for termination of parental rights together.

Iowa Code section 232.116(1)(i) states termination is appropriate where:

- (1) The child meets the definition of child in need of assistance based on a finding of physical or sexual abuse or neglect as a result of the acts or omissions of one or both parents.
- (2) There is clear and convincing evidence that the abuse or neglect posed a significant risk to the life of the child or constituted imminent danger to the child.
- (3) There is clear and convincing evidence that the offer or receipt of services would not correct the conditions which led to the abuse or neglect of the child within a reasonable period of time.

In its order of May 11, 2005, the juvenile court found by clear and convincing evidence "this child did suffer physical abuse at the hands of a caretaker." Over the years, the mother has been involved with a series of men who have neglected or abused the child, and she has demonstrated her inability to determine appropriate caretakers. Her actions have created an imminent danger to the child. For instance, when the child was three she was found wandering across a highway unsupervised. The mother continued a relationship with a man

accused of physically abusing her child, even after the child was removed from her care. This pattern and practice of placing the child in dangerous circumstances continued in spite of the receipt of services meant to correct the situation. We conclude the requirements of section 232.116(1)(i) have been met both with respect to the waiver of reasonable efforts and to the grounds for termination. We need only find termination proper under one ground to affirm. *In re R.R.K.*, 544 N.W.2d 274, 276 (Iowa Ct. App. 1995). Accordingly, we affirm.

The mother also contends termination is not in the child's best interest. She argues she is closely bonded with her child and the child is not in a permanent placement. However, the mother has not demonstrated the ability to protect her child and to provide her with the consistency she needs. The child has special educational needs and has not developed appropriate social skills for her age. She has improved while in foster care. The bond with her mother does not outweigh her need for a safe and stable home. Children should not be forced to endlessly await the maturity of a natural parent. *In re C.B.*, 611 N.W.2d 489, 494 (Iowa 2000). At some point, the rights and needs of the child rise above the rights and needs of the parent. *In re J.L.W.*, 570 N.W.2d 778, 781 (Iowa Ct. App. 1997).

AFFIRMED.