

IN THE COURT OF APPEALS OF IOWA

No. 6-443 / 06-0462
Filed July 12, 2006

IN THE INTEREST OF

E.A.V. and A.A.V., Minor Children,

P.A.V., Father,
Appellant.

Appeal from the Iowa District Court for Linn County, David M. Remley,
Judge.

A father appeals the termination of his parental rights. **AFFIRMED.**

Cory Goldensoph, Cedar Rapids, for appellant-father.

Robert Davison, Cedar Rapids, for appellee-mother.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant
Attorney General, Harold L. Denton, County Attorney, and Kelly Kaufman,
Assistant County Attorney, for appellee-State.

Richard Mitvalsky, Cedar Rapids, for minor child.

Considered by Vogel, P.J., and Zimmer and Vaitheswaran, JJ.

VAITHESWARAN, J.

Patrick is the father of E.V., born in 1999, and A.V., born in 2001. The district court terminated his parental rights to these children on the ground that they could not be returned to his custody. See Iowa Code § 232.116(1)(f) (2005).¹ On appeal, Patrick argues that the district court should have declined to terminate his rights, as the children were with his parents. See Iowa Code § 232.116(3)(a). We disagree.

The children were voluntarily placed with their paternal grandparents in December 2004. Further concerns arose that the children's parents were consuming alcohol to excess and that their mother was failing to supervise them. The State initiated child in need of assistance proceedings which culminated with a petition to terminate the parents' rights. The children remained with their grandparents throughout these proceedings. A home study revealed that the grandparents were appropriate caretakers.

Meanwhile, Patrick was sentenced to a federal prison term for conspiracy to distribute cocaine. He began serving his sentence in 2005. He testified that he was sentenced to 135 months. His anticipated discharge date is in 2014, and, even with good and honor time credits, he did not expect a release date prior to 2012.

The district court concluded that deferral of termination for this lengthy period was not a viable option. The court noted that Patrick did not provide a parenting plan, the children would need a stable home environment to help support them through adolescence, abeyance of termination would create

¹ The children's mother consented to the termination.

uncertainty in the children's lives, and there was no guarantee of immediate reunification upon Patrick's release, given his "criminal history involving drugs."

The district court's assessment is supported by the record. The children's caseworker testified that a possible transfer of care and custody to Patrick at some point in the future "would be a disruption in their life, and we would want to make sure that [Patrick] would be able to care for them in the same way they've been cared for in the past eight years and keep that stability." She also testified that Patrick's imprisonment was not the sole obstacle to reunification; he also needed to address his substance-abuse history.

The record reveals that this history is lengthy. Patrick had two convictions for operating while intoxicated and one conviction for possession of a controlled substance, in addition to the federal conviction for conspiracy to distribute cocaine.

Even Patrick recognized that his son and daughter might not benefit from a delay in termination. When asked whether the children needed to have permanent orders in place so they knew where they were going to be spending their childhood, he answered, "[Y]es, I think that is very important." When asked whether he believed the children's best interests would be well served if his parents were allowed to adopt the children, he answered, "Yes."

On our de novo review, we agree with the district court that immediate termination of Patrick's parental rights to E.V. and A.V. served their best interests.

AFFIRMED.