

IN THE COURT OF APPEALS OF IOWA

No. 6-481 / 06-0830

Filed July 12, 2006

IN THE INTEREST OF

**J.T.C., JR., A.L.C., and M.R.Y.,
Minor Children,**

**J.S., SR., Father,
Appellant.**

Appeal from the Iowa District Court for Pottawattamie County, Kathleen A. Kilnoski, District Associate Judge.

A father appeals the termination of his parental rights to his children.

AFFIRMED.

William F. McGinn of McGinn, McGinn, Jennings & Springer, Council Bluffs, for appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant Attorney General, Matthew Wilber, County Attorney, and J. Joseph Narmi, Assistant County Attorney, for appellee.

Roberta Megal, Council Bluffs, for mother.

Ryan Sewell, Council Bluffs, guardian ad litem for minor children.

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

EISENHAUER, J.

A father appeals the termination of his parental rights to his two children, J.T.C. Jr. and A.L.C.¹ He contends the State failed to prove the grounds for termination by clear and convincing evidence. He also contends termination is not in the children's best interest. We review these claims de novo. *In re C.H.*, 652 N.W.2d 144, 147 (Iowa 2002).

The father's parental rights were terminated pursuant to Iowa Code sections 232.116(1)(d), (e), (f), (i), and (l) (2005). The father argues termination was not proper under section 232.116(1)(d). He does not make any argument regarding termination under sections 232.116(1)(e), (f), (i), and (l). Failure to argue an issue may be deemed to be a waiver of the issue. *In re J.J.A.*, 580 N.W.2d 731, 740 (Iowa 1998). The father's failure to raise any arguments regarding sections 232.116(1)(e), (f), (i), and (l) means he has waived these issues, and we may affirm the termination of her parental rights under these sections. *In re R.R.K.*, 544 N.W.2d 274, 276 (Iowa Ct. App. 1995) (holding termination need only be found proper under one ground to affirm).

We conclude the record demonstrates termination is in the children's best interest. During the two years in which these children lingered in the juvenile court system, the father delayed taking the steps necessary to regain care of them. He waited nearly a year before obtaining the required substance abuse and mental health evaluations. He did not complete drug treatment until March 9, 2006, less than two weeks before the termination hearing. Despite drug treatment, the father tested positive for marijuana use on March 2, 2006.

¹ The mother's parental rights were terminated to all three children, and she has not appealed. M.R.Y.'s father is unknown.

Additionally, he frequently failed to provide urine samples for analysis. He also testified at the termination hearing that he did not agree to participate in the relapse prevention program recommended by his drug counselor. Coupled with the father's documented history of drug use dating back to 2000, his prognosis for maintaining sobriety is poor at best.

The father has also failed to master even the most rudimentary of parenting skills, such as disciplining his children. He did not consistently attend visitation, and visitation never progressed to unsupervised visitation. A.L.C. experienced anxiety, bedwetting, and night terrors as a result of visitation with the father. When visitations were decreased, A.L.C.'s adverse behavior decreased.

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). The crucial days of childhood cannot be suspended while the father experiments with ways to face up to his own problems. See *In re C.K.*, 558 N.W.2d 170, 175 (Iowa 1997). The children simply cannot wait for responsible parenting. *Id.*

The children are in a pre-adoptive placement with an aunt and uncle. They are closely bonded and call them "mom" and "dad." It is in the best interest of the children to terminate the father's parental rights so that they may find a permanent home.

AFFIRMED.