

IN THE COURT OF APPEALS OF IOWA

No. 6-511 / 06-0827

Filed July 12, 2006

IN THE INTEREST OF C.R., Minor Child,

R.R., Mother,
Appellant.

Appeal from the Iowa District Court for Polk County, Karla J. Fultz,
Associate Juvenile Judge.

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

AFFIRMED.

J. Michael Mayer, Des Moines, for appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd,
Assistant Attorney General, John P. Sarcone, County Attorney, and Faye
Jenkins, Assistant County Attorney, for appellee.

Edward Bull of Bull Law Office, P.C., Des Moines, for father.

Kimberly Ayotte, Youth Law Center, Des Moines, guardian ad litem
for minor child.

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

EISENHAUER, J.

A mother appeals from the termination of her parental rights to her child. She contends the State failed to prove the grounds for termination by clear and convincing evidence. She also contends termination is not in the child's best interest. We review her claim de novo. *In re C.H.*, 652 N.W.2d 144, 147 (Iowa 2002).

The mother's parental rights were terminated pursuant to Iowa Code sections 232.116(1)(a), (b), (d), (e), (g), (h), and (l) (2005). 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). In order to terminate parental rights under section 232.116(1)(h), the State must prove by clear and convincing evidence that the child is three years old or younger, has been adjudicated in need of assistance, and has been removed from the home for six of the last twelve months. The State has undisputedly met this burden. However, the State must also prove the child cannot be returned to the home. Iowa Code § 232.116(1)(h).

We conclude termination is proper under section 232.116(1)(h). At the time of the termination hearing, the mother was incarcerated. Although she may be released in the near future, she agrees she needs additional time to demonstrate her stability. The mother hopes to enter the House of Mercy and resume care of her child within six months of her release. However, she testified that the House of Mercy has a waiting list of up to one year. The mother previously was unable to complete a program at the House of Mercy.

The mother has an extensive history of substance abuse and has failed treatment three times. If the House of Mercy is unavailable at the time of her

release, the mother intends to live with her own mother, who tested positive for methamphetamine use during the course of this case. The maternal grandmother has not only been determined to be an unsuitable caretaker for the child, but her own drug use may lead to the mother's relapse.

The child cannot be returned to the mother's home at this time. The mother is essentially requesting additional time. While the law requires a "full measure of patience with troubled parents who attempt to remedy a lack of parenting skills," this patience has been built into the statutory scheme of chapter 232. *In re C.B.*, 611 N.W.2d 489, 494 (Iowa 2000). Children should not be forced to endlessly await the maturity of a natural parent. *Id.* The crucial days of childhood cannot be suspended while parents experiment with ways to face up to their own problems. *In re A.C.*, 415 N.W.2d 609, 613 (Iowa 1987).

We also conclude termination is in the child's best interest. The child is currently being cared for by his paternal grandparents and is doing well. The grandparents hope to adopt the child. The child needs stability. 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). That time is now.

We affirm the juvenile court's order terminating the mother's parental rights to her child.

AFFIRMED.