

IN THE COURT OF APPEALS OF IOWA

No. 6-514 / 06-0804

Filed July 12, 2006

IN THE INTEREST OF A.C.

Minor child,

M.G., Father,

Appellant.

Appeal from the Iowa District Court for Scott County, Gary P. Strausser,
District Associate Judge.

A father appeals the district court's order terminating his parental rights.

AFFIRMED.

Jean Capdevila, Davenport, for appellant father.

Thomas J. Miller, Attorney General, and Kathrine Miller-Todd, Assistant
Attorney General, William E. Davis, County Attorney, and Gerda Lane, Assistant
County Attorney, for appellee State.

Jennifer Olsen, Davenport, for child.

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

VOGEL, P.J.

A father appeals the termination of his parental rights to his daughter Alexis. Because we conclude the State proved the grounds for termination by clear and convincing evidence, we affirm.

Alexis, born in June 2004, is the daughter of Casey and Maurice. She was removed from Casey's care in February 2005 due to the presence of methamphetamine in Alexis's system, Casey's substance abuse, and the presence of a sex offender in the home. Alexis was placed in foster care in Iowa under supervision of the Department of Human Services and was adjudicated a child in need of assistance (CINA) in March 2005. Maurice has been incarcerated in Illinois since before Alexis's birth and has virtually no relationship with his daughter, never having provided any form of financial or emotional support. He has been in and out of jail since 1996 for theft, criminal sex acts with a minor, obstruction of justice, and manufacturing methamphetamine. Although he has written Alexis some letters while in prison, DHS characterized the content of the letters as inappropriate for Alexis's age. Maurice was not present at the termination hearing and failed to provide the district court with any verifiable information regarding his date of release from incarceration in Illinois.

In January 2006, the State proceeded with termination of parental rights petitions against both Casey¹ and Maurice, which the district court granted after a contested hearing in April 2006. Maurice's parental rights were terminated pursuant to Iowa Codes sections 232.116(1)(b) (abandonment), (e) (child CINA, child removed from home for twelve of last eighteen months, child cannot be

¹ Termination of Casey's parental rights is not the subject of this appeal.

returned home), (h) (child is three or younger, child CINA, removed from home for six of last twelve months, child cannot be returned home), and (l) (child CINA, parent has substance abuse problem, child cannot be returned within a reasonable time) (2005). Maurice now appeals, arguing that the State failed to prove the grounds for termination by clear and convincing evidence.

We review termination of parental rights cases de novo. *In re R.E.F.K.*, 698 N.W.2d 147, 149 (Iowa 2005). We need only find clear and convincing evidence in support of one ground to affirm the termination of parental rights. *In re A.J.*, 553 N.W.2d 909, 911 (Iowa Ct. App. 1996). Our primary concern is that termination of parental rights must be in the best interests of the child. *In re D.G.*, 704 N.W.2d 454, 460 (Iowa Ct. App. 2005).

We agree with the district court that the State proved by clear and convincing evidence grounds for termination of Maurice's parental rights. At the time of the termination hearing in April 2006, Maurice remained incarcerated in Illinois. He did not participate at the termination hearing, but did present the testimony of his father, Maurice Sr. Although Maurice Sr. and Maurice had not seen each other since Maurice was an infant, which was over twenty years ago, Maurice Sr. testified he planned on his son living with him upon his release. There was no verifiable or official documentation presented from the Illinois correctional authorities as to when Maurice would be released from prison. Maurice did not present evidence as to his prospects for employment or other services to address his substance abuse issues and support his reintegration into the community upon his release. Although Maurice wrote Alexis several letters from prison until December 2005, he has never had a parental relationship with

his daughter. Maurice failed to demonstrate that he would be able to assume Alexis's care in the near future. He cannot excuse his lack of relationship with Alexis on his incarceration. *In re M.M.S.*, 502 N.W.2d 4, 8 (Iowa 1993).

Clear and convincing evidence supports the district court's findings that Alexis would not be able to be placed in Maurice's care due to his continuing incarceration, substance abuse problems, and/or his lack of preparation and ability to establish a stable life for Alexis upon his release. A child should not be forced to suffer in the limbo of parentless foster care. *In re C.K.*, 558 N.W.2d 170, 175 (Iowa 1997). Alexis deserves stability and permanency in her young life, and we agree with the district court that termination of Maurice's parental rights is in Alexis's best interests.

AFFIRMED.