IN THE COURT OF APPEALS OF IOWA

No. 6-656 / 06-1124
Filed September 21, 2006

IN THE INTEREST OF J.N., Minor Child,

R.S.N., Father,
Appellant.

Appeal from the Iowa District Court for Woodbury County, Brian L. Michaelson, Associate Juvenile Judge.

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

Douglas L. Roehrich, Sioux City, for appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant Attorney General, Thomas S. Mullin, County Attorney, and David A. Dawson, Assistant County Attorney, for appellee-State.

John C. Nelson, Sioux City, for appellee-mother.

Michelle Dreibelbis, Juvenile Law Center, Sioux City, guardian ad litem for minor child.

Considered by Vogel, P.J., and Miller and Eisenhauer, JJ.

EISENHAUER, J.

A father appeals the termination of his parental rights to his child. He contends the State failed to prove the grounds for termination by clear and convincing evidence and that 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).

J.N. was born on December 1, 1998. Her father's parental rights were terminated pursuant to Iowa Code sections 232.116(1)(d), (f), (k), 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). Termination is proper under section 232.116(1)(f) where:

> (1) The child is four years of age or older.
> (2) The child has been adjudicated a child in need of assistance pursuant to section 232.96.
> (3) The child has been removed from the physical custody of the child's parents for at least twelve of the last eighteen months, or for the last twelve consecutive months and any trial period at home has been less than thirty days.
> (4) There is clear and convincing evidence that at the present time the child cannot be returned to the custody of the child's parents as provided in section 232.102.

The father does not dispute the first three elements have been proven. Instead, he contends the State failed to prove by clear and convincing evidence that the child cannot be returned to his care "within a reasonable period of time considering the child's age and need for a permanent home." Although he did not testify at trial, he addressed the court at the end of the evidence and asked for more time to reunite with his daughter.

The father has a thirty-year documented history of mental health and substance abuse issues. He has had multiple hospitalizations for his mental health and has a history of suicide attempts. He was most recently hospitalized

in November 2005 for suicidal thoughts. He then entered a halfway house for residential substance abuse treatment. He was discharged on May 29, 2006, one month before the termination hearing. Although he maintained sobriety for that month, his prognosis for maintaining long-term sobriety is poor given his extensive history of chronic substance abuse.

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). The one-year statutory time provided in section 232.116(1)(f) had expired at the time of the termination hearing, yet the child was unable to be returned to the father's care. More time is unlikely to allow reunification; we can judge a father's future behavior by his past actions. *See In re K.F.,* 437 N.W.2d 559, 560 (Iowa 1989). We conclude the State has proven the grounds for termination by clear and convincing evidence.

The father also argues termination is not in the child's best interest. We disagree. Due to the father's noncompliance with services, he has not seen the child since September 2005. Prior to the termination hearing, he had not had contact with the Department of Human Services social worker since February 2006. The child was placed in a preadoptive foster home in April 2006 at the recommendation of her therapist. The child immediately began calling her foster parents "Mom" and "Dad." She has adapted well to the foster home and shows excitement about her new situation. Prior to this, the child had been experiencing stress over permanency issues. We adopt with approval the following from the trial court's order:

> [J.N.], through her response to the preadoptive home and preadoptive parents, has sent this Court a clear message that permanency needs to be established now, not at some point in the future. It would be emotionally cruel to [J.N.] if this Court were to delay the establishment of a permanent home for this child."

The child should not be forced to endlessly wait for the father to face up to his own problems. *In re A.C.*, 415 N.W.2d 609, 613 (Iowa 1987). 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 point is now.

Because the grounds for termination were proven by clear and convincing evidence, and termination is in the child's best interest, we affirm.

AFFIRMED.