

IN THE COURT OF APPEALS OF IOWA

No. 6-764 / 06-1225
Filed October 11, 2006

**IN THE INTEREST OF P.S.,
Minor Child,**

L.S., Mother,
Appellant.

Appeal from the Iowa District Court for Black Hawk County, Daniel L. Block, Associate Juvenile Judge.

A mother appeals from the termination of her parental rights. **AFFIRMED.**

Mary Kennedy, Waterloo, for appellant mother.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant Attorney General, Thomas J. Ferguson, County Attorney, and Steven J. Halbach, Assistant County Attorney, for appellee State.

Sharon Briner, Waterloo, for minor child.

Considered by Huitink, P.J., and Mahan and Zimmer, JJ.

MAHAN, J.

A mother appeals the termination of her parental rights to her child. She contends termination is not in the child's best interests. We review her claims de novo. *In re C.B.*, 611 N.W.2d 489, 492 (Iowa 2000).

The mother waives any claim of error concerning the statutory grounds for termination by failing to raise such claims in her appeal. See Iowa R. App. P. 6.14(1)(c). Therefore, we affirm the termination of her parental rights on statutory grounds.

Even if statutory requirements for termination are met, the decision to terminate must still be in the child's best interests. *In re M.S.*, 519 N.W.2d 398, 400 (Iowa 1994). The child at issue in this case is five years old and had resided in family foster care for sixteen months at the time of the termination hearing in June 2006. He was removed from his mother's care due to concerns regarding the mother's substance abuse, instability, and a lack of supervision. The child has a limited I.Q. and functions at the level of a two- or three-year old; he continues to exhibit behavioral difficulties due to a lack of discipline. His teeth were rotted at the time of removal due to sweets provided by his mother. The mother's repeated incarcerations and continued substance abuse have prevented her from being able to parent her son. Under the facts of this case, we conclude termination is in the child's best interests.

AFFIRMED.