

**IN THE COURT OF APPEALS OF IOWA**

No. 7-008 / 06-1968  
Filed January 31, 2007

**IN THE INTEREST OF S.A.M.,  
Minor Child,**

**J.R.M., Father,  
Appellant.**

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Appeal from the Iowa District Court for Linn County, Barbara H. Liesveld,  
District Associate Judge.

J.R.M. appeals from the termination of his parental rights. **AFFIRMED.**

Cory Goldensoph, Cedar Rapids, for appellant father.

Mary McGee Light, Cedar Rapids, for mother.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant  
Attorney General, Harold L. Denton, County Attorney, and Troy Powell, Assistant  
County Attorney, for appellee State.

Barbara Connolly, Cedar Rapids, for minor child.

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

**HUITINK, P.J.**

***I. Background Facts and Proceedings***

Jeffrey appeals the termination of his parental rights with respect to S.A.M., age seven. The parental rights of S.A.M.'s mother were also terminated and are not at issue here.

S.A.M. has been the subject of child in need of assistance (CINA) proceedings for a substantial portion of her life. S.A.M. and her older step-sister were adjudicated CINA from October 28, 2002, through January 23, 2004, due to lack of supervision and allegations their mother was using illegal drugs in their presence.

In November 2004 new allegations surfaced that the mother was once again using drugs in the presence of her children. At that time, S.A.M., her step-sister, and a younger step-brother were living with their mother. Drug tests were completed on all three children. S.A.M. tested negative, but her younger step-brother tested positive for cocaine. S.A.M. was adjudicated CINA on May 5, 2005. On June 30, 2005, the court removed all three children and placed them with their maternal grandmother.

The mother took advantage of a number of services during the CINA proceedings. She participated in substance abuse treatment, mental health services, and family-centered services. Despite these services, the mother could not overcome her drug addiction.

On September 14, 2006, the State petitioned to terminate the parental rights of the mother and the separate fathers of all three children. The mother did not contest the terminations and requested to be excused from the

proceedings. Jeffrey was incarcerated in Minnesota at the time of the termination proceedings.<sup>1</sup>

The State alleged the following grounds for termination of Jeffrey's parental rights: Iowa Code sections 232.116(1)(a) (parents consent to termination), (e) (child CINA, child removed for six months, parent has not maintained significant and meaningful contact with the child), (f) (child 4 or older, child CINA, removed from home twelve of last eighteen months, and child cannot be returned home), (l) (child CINA, parent has substance abuse problem, child cannot be returned within a reasonable time) (2005).

On November 21, 2006, the juvenile court terminated the parental rights of Jeffrey with respect to S.A.M., pursuant to Iowa Code sections 232.116(1)(e) and (f) resulting in this appeal.

On appeal, Jeffrey does not contest the grounds for termination. He only contends termination of his parental rights is not in S.A.M.'s best interests.

## ***II. Standard of Review***

Our standard of review in termination cases is de novo. *In re J.L.W.*, 570 N.W.2d 778, 780 (Iowa Ct. App. 1997). Although we are not bound by them, we give weight to the trial court's findings of facts, especially when considering the credibility of witnesses. Iowa R. App. 6.14(6)(g); *In re M.M.S.*, 502 N.W.2d 4, 5 (Iowa 1993). The grounds for termination must be proven by clear and convincing evidence. *In re A.B.*, 554 N.W.2d 291, 293 (Iowa Ct. App. 1996). Our primary concern is the best interests of the child. *Id.*

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<sup>1</sup>Jeffrey believes he will be paroled in January of 2007.

### **III. The Merits**

Jeffrey does not dispute (1) he failed to maintain significant and meaningful contact with S.A.M. during the past six months, (2) he failed to make reasonable efforts to resume care of S.A.M., and (3) S.A.M. cannot currently be returned to his care. His only argument on appeal is that it is in S.A.M.'s best interests to delay the termination of parental rights until such time as he can prove he can adequately care for her.

The best interests of a child are to be determined by looking at the child's long-range as well as immediate interests. *In re L.L.*, 459 N.W.2d 489, 493 (Iowa 1990). We are to consider what the future likely holds for the child if that child is returned to his or her parents. *Id.* at 493-94. Insight for that determination can be gained from evidence of the parent's past performance because such performance may be indicative of the quality of the future care that parent is capable of providing. *Id.* at 494.

Jeffrey's past relationship with S.A.M. does not support further delay in the termination of his parental rights. S.A.M. has only met her father on two separate occasions. He held her once when she was a newborn and visited her once when she was approximately two years old. Jeffrey did not participate in any of the services offered during the child in need of assistance proceedings. He had no contact with S.A.M. during the proceedings and told the Iowa Department of Human Services social worker he did not want to be actively involved in the case.

Waiting for Jeffrey's release and readiness to be a father does not advance S.A.M.'s long-range or immediate best interests. Children should not be forced to endlessly await the maturity of their parents. *In re T.D.C.*, 336 N.W.2d

738, 744 (Iowa 1983). Furthermore, “[a] child's safety and the need for a permanent home are now the primary concerns when determining a child's best interests.” *In re J.E.*, 723 N.W.2d 793, 801-02 (Iowa 2006) (Cady, J. concurring specially) (citing *In re K.M.*, 653 N.W.2d 602, 608 (2002) (noting “the child's safety and need for a permanent home” are “the concerns that clearly impact a child's best interests”)). S.A.M. deserves permanency now.

Termination is in S.A.M.'s best interests. She has been thriving in the care of her maternal grandmother. In addition, her maternal grandmother intends to adopt S.A.M. and her two siblings at the conclusion of the termination proceedings. Termination would facilitate the adoption into a family S.A.M. knows and a family that can meet her needs.

The juvenile court's order terminating Jeffrey's parental rights with respect to S.A.M. is affirmed.

**AFFIRMED.**