

IN THE COURT OF APPEALS OF IOWA

No. 7-385 / 07-0644
Filed June 13, 2007

**IN THE INTEREST OF K.H.-I.,
Minor Child,**

**A.A.P., Mother,
Appellant.**

Appeal from the Iowa District Court for Scott County, John Mullen, District Associate Judge.

A mother appeals from the order terminating her parental rights.

AFFIRMED.

Timothy Tupper, Davenport, for appellant mother.

Jennifer Olsen, Davenport, for father.

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

Cheryl Newport of Newport & Newport, P.L.C., Davenport, for minor child.

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

MAHAN, P.J.

A mother appeals from the order terminating her parental rights. She argues the juvenile court should have ordered a guardianship placement with the child's grandmother rather than terminating parental rights. We affirm.

I. Background Facts and Proceedings

Afton is the mother of K.H.-I., born in November 2004. Afton was sixteen at the time of the child's birth and eighteen at the time of termination. Due to his mother's failure to provide appropriate care and supervision, the child was adjudicated a child in need of assistance (CINA) on March 30, 2006. He was removed from her care on approximately March 3, 2006.

The State has provided Afton with reunification services. She, however, has failed to follow through on her case plan. She actively abuses substances, is unemployed, depends on her mother for housing, and has not participated in parenting education or substance abuse treatment. She believes she can parent and does not need assistance. The service provider states she has some skills with childcare, but she lacks initiative or motivation. When she lives with her mother and her child, she is frequently absent. She has failed or refused to meet with the service provider since the fall of 2006. She also has failed to cooperate with mental health services, despite the presence of domestic violence between her and the child's father. Afton spent some time at the Youth and Shelter Services, Inc., but was discharged "partially successful." Since her return, she has reverted to her past behavior. Afton's mother has expressed interest in adopting the child.

The juvenile court terminated her parental rights pursuant to Iowa Code sections 232.116(1)(e), (h), (l) and 232.117. Afton appeals.

II. Standard of Review

We review the termination of parental rights de novo. *In re D.G.*, 704 N.W.2d 454, 456 (Iowa Ct. App. 2005). The State must prove the circumstances for termination by clear and convincing evidence. *In re L.E.H.*, 696 N.W.2d 617, 618 (Iowa Ct. App. 2005). Our primary concern is the best interests of the child. *Id.* In determining the child's best interests, we look to both long-term and immediate needs. *Id.*; *In re J.E.*, 723 N.W.2d 793, 798 (Iowa 2006).

III. Merits

Afton argues the juvenile court erred in terminating her rights instead of placing guardianship with the child's grandmother. Afton claims she is young and immature, and should be allowed to someday parent her child.

In the year since K.H.-I. was adjudicated, Afton has not improved. She has been given ample opportunity to alter her behavior and numerous chances to learn to parent. See *J.E.*, 723 N.W.2d at 798 (noting a parent's past performance is indicative of the quality of care the parent will provide in the future). Rather than accepting responsibility, she has chosen to abuse substances, engage in criminal behavior, and spend time with her friends. Her child should not have to suffer the consequences. He cannot put off his own growing up while his mother grows up. *In re A.C.*, 415 N.W.2d 609, 613 (Iowa 1987) ("The crucial days of childhood cannot be suspended while parents experiment with ways to face up to their own problems."). Although Afton is still a teenager, grounds for termination have been met, and she has given neither

reason nor demonstrated behavior that indicates she will be able to care for her child in the future. See *In re M.R.*, 487 N.W.2d 99, 103 (Iowa Ct. App. 1992) (noting a child's rights are not a function of his or her parent's age). Nor can Afton use her mother's willingness to care for the child as a surrogate for her own willingness to parent. See *In re L.M.F.*, 490 N.W.2d 66, 67-68 (Iowa Ct. App. 1992) (noting termination may be in the child's best interests even when the child is in relative placement and relative placement under a permanency order is not preferable to termination). We conclude termination is in the child's best interests.

AFFIRMED.