

IN THE COURT OF APPEALS OF IOWA

No. 7-732 / 07-1364
Filed October 12, 2007

**IN THE INTEREST OF Z.R. and J.B.,
Minor Children,**

N.M.R., Father of Z.R.,
Appellant,

A.N.K., Mother,
Appellant.

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

A mother and father appeal the termination of their parental rights to their children. **AFFIRMED.**

Delmer D. Werner, Cedar Rapids, for appellant father.

James R. Wilson, Dysart, for appellant mother.

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

Heather Feldkamp of Feldkamp Law Office, P.C., Waterloo, for appellee father.

Linnea Nicol, Juvenile Public Defender, Waterloo, for minor children.

Considered by Mahan, P.J., and Miller and Vaitheswaran, JJ.

VAITHESWARAN, J.

Nathan and Amber are the parents of Z.R., born in 2000. Amber is also the mother of J.B., born in 2006. Both parents appeal the termination of their parental rights.

I. Father

Nathan argues the record does not support the grounds for termination cited by the juvenile court.¹ We may affirm if we find clear and convincing evidence to support any of those grounds. *In re R.R.K.*, 544 N.W.2d 274, 276 (Iowa Ct. App. 1995). On our de novo review, we conclude the State proved that termination was warranted under Iowa Code section 232.116(1)(f) (2007) (requiring proof of several elements including proof that child cannot be returned to parent's custody).

Nathan was incarcerated in Colorado for possession of a controlled substance. He remained incarcerated at the time of the termination hearing. Although he was at a work camp and he expected to graduate to a halfway house "sometime soon," he was not slated to discharge his sentence until October, 2008. It is clear, therefore, that Nathan could not assume custody of Z.R. at the time of the termination hearing.

II. Mother

Amber's parental rights to Z.R. and J.B. were terminated under several grounds. Amber does not challenge the evidence supporting those grounds.

¹ Nathan also cites one ground on which the court did not rely. We find it unnecessary to examine that ground.

Instead, she argues the children's best interests would have been served by deferring termination for six months. Iowa Code § 232.104(2)(b). We disagree.

Amber acknowledged a lengthy history of marijuana and methamphetamine use. She also acknowledged a lengthy criminal history. She was found guilty of forgery in 2001 and, after Z.R.'s birth, was found guilty of possession of drug paraphernalia, voluntary absence, harassment, and interference with official acts. She admitted to using drugs "[a]bout six times" from January 1, 2007, until her arrest for violating probation in April 2007. She was imprisoned in May 2007 and remained in prison at the time of the termination hearing. She testified that, on her release, she intended to resume a relationship with Nathan, who was also an admitted methamphetamine user. Although Amber hoped for parole in September 2007 and expected to discharge her sentence in November 2007, she acknowledged the children could not immediately be returned to her care on her release. We conclude deferral of termination under these circumstances was not warranted.

We affirm the termination of Nathan's parental rights to Z.R. and Amber's parental rights to Z.R. and J.B.

AFFIRMED.