

IN THE COURT OF APPEALS OF IOWA

No. 7-800 / 07-1047
Filed November 15, 2007

**IN THE INTEREST OF K.S., K.S., D.S., N.S., and Y.L.,
Minor Children,**

**C.L.H., Mother,
Appellant.**

Appeal from the Iowa District Court for Johnson County, Stephen C. Gerard, II, Judge.

A mother appeals the termination of her parental rights to one child.

AFFIRMED.

Dawn Wilson, Cedar Rapids, for appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant Attorney General, Janet Lyness, County Attorney, and Kristin Parks, Assistant County Attorney, for appellee.

Ryan Tang, Cedar Rapids, and Shannon Walsh, Iowa City, for father.

Shelly Mott, Corallville, guardian ad litem for minor children.

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

EISENHAUER, J.

A mother appeals the termination of her parental rights to her child, Y.L., born July 2004.¹ She contends the State failed to prove a ground for termination by clear and convincing evidence, her due process rights were violated when the court refused to continue the termination hearing, reasonable efforts were not made to reunify her with her children, and termination is not in the child's best interest.

The mother's parental rights were terminated pursuant to Iowa Code sections 232.116(1)(d), (h), and (i) (2005). The mother contends termination was not appropriate under section 232.116(1)(f). It appears she is arguing the State failed to prove the grounds for termination under section 232.116(1)(h) by clear and convincing evidence. However, 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). Because the mother does not challenge termination under sections 232.116(1)(d) and (i), we affirm on those grounds.

The mother next contends her due process rights were violated when the court refused to continue the termination hearing until a case worker was available to testify. We review denial of a motion for continuance for abuse of discretion, and will reverse only if injustice will result to the party seeking the

¹ The mother has four other children who are half siblings of Y.L. They are placed with their father in Indiana. They are not at issue in this appeal.

continuance. *In re C.W.*, 554 N.W.2d 279, 281 (Iowa Ct. App. 1996). Denial of the motion must be unreasonable under the circumstances before we will reverse. *Id.*

We conclude it was reasonable for the district court to deny the mother's motion to continue the termination hearing. Although the current case worker was unavailable to testify, his supervisor had reviewed the information with him and testified at the hearing. In denying the motion, the court cited the difficulty in finding time to reschedule such hearings. See *In re C.D.*, 508 N.W.2d 97, 99 (Iowa Ct. App. 1993) ("Time is of the essence in dealing with children's issues."). We affirm the court's denial of the motion.

The mother also contends the State failed to make reasonable efforts to reunite her with the child. A challenge to the sufficiency of services should be raised in the course of the child in need of assistance proceedings. *In re L.M.W.*, 518 N.W.2d 804, 807 (Iowa Ct. App. 1994). Because the mother did not raise the lack of reasonable efforts claims at the appropriate times, we decline to address the issue.

Finally, the mother contends termination is not in the child's best interest. We disagree. As the court found, "there is no reason to believe that any parent associated with this could ever become a safe and appropriate placement for the child." The evidence supports this conclusion. The mother is still of the belief that the children should fear her to respect her and that corporal punishment is an acceptable punishment. Meanwhile, the child is in a preadoptive foster home.

Children should not be forced to endlessly await the maturity of a natural parent. *In re C.B.*, 611 N.W.2d 489, 494 (Iowa 2000). 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). We conclude termination is in the child's best interest, and accordingly, we affirm.

AFFIRMED.