

**IN THE COURT OF APPEALS OF IOWA**

No. 7-805 / 07-1605  
Filed November 15, 2007

**IN THE INTEREST OF A.M. and D.C.,  
Minor Children,**

**J.C., Father of D.C.,**  
Appellant.

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

A father appeals from the termination of his parental rights. **AFFIRMED.**

Andrew Abbott of Abbott Law Office, P.C., Waterloo, for appellant father.

Delmer Werner, Cedar Rapids, for mother.

Mark Milder, Waverly, for grandparents

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

Linnea Nicol, Waterloo, for minor children.

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

**ZIMMER, J.**

Jason appeals from the juvenile court order terminating his parental rights to his child. We affirm.

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

Maranda is the mother of Alana, born in July 2003, and Dillon, born in May 2005. Raul is the father of Alana, and Jason is the father of Dillon.

The children came to the attention of the Iowa Department of Human Services (Department) in October 2005 because of concerns regarding the conditions of the mother's home. The children were removed from the parental home on November 4, 2005, due to a lack of parental supervision, denial of critical care, unavailability of a parent, and the mother's failure to follow through with mental health care.

Alana and Dillon were adjudicated children in need of assistance (CINA) on December 16, 2005. Following adjudication, Maranda and Jason were offered or received a variety of services designed to safely transition the children back to their parents' care.<sup>1</sup> However, neither Maranda nor Jason consistently complied with the expectations of the Department. Jason was incarcerated from December 2005 through January 2007, and was unable to participate in many of the services offered. Neither parent demonstrated the ability to provide a safe and stable home for the children.

The State filed a petition to terminate Maranda's, Raul's, and Jason's parental rights on February 26, 2007. The juvenile court held a contested

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<sup>1</sup> Raul has not participated in any proceedings since the time of his child's removal. His current whereabouts are unknown, and it is believed he has returned to Mexico.

termination hearing on May 24, 2007. At the hearing, Maranda voluntarily consented to the termination of her parental rights to Alana and Dillon. The court heard testimony from two service providers, who both recommended Maranda's, Raul's, and Jason's parental rights be terminated. The children's attorney and guardian ad litem requested that a termination of the parental rights occur so that the children could achieve permanency through an adoptive placement.

In an order filed August 31, 2007, the juvenile court terminated Maranda's parental rights to Alana and Dillon pursuant to Iowa Code sections 232.116(1)(a), (e), (h), and (k) (2007); Raul's parental rights to Alana pursuant to section 232.116(1)(e); and Jason's parental rights to Dillon pursuant to sections 232.116(1)(e) (child CINA, child removed for six months, parent has not maintained significant and meaningful contact with the child), 232.116(1)(g) (child CINA, parent's rights to another child were terminated, parent does not respond to services), and 232.116(1)(h) (child is three or younger, child CINA, removed from home for six of last twelve months, and child cannot be returned home). Only Jason has appealed the termination of his parental rights.

## ***II. Scope and Standards of Review.***

We review termination proceedings de novo. *In re R.E.K.F.*, 698 N.W.2d 147, 149 (Iowa 2005). The grounds for termination must be supported by clear and convincing evidence. *In re T.B.*, 604 N.W.2d 660, 661 (Iowa 2000). We are primarily concerned with the child's best interests in termination proceedings. *In re J.L.W.*, 570 N.W.2d 778, 780 (Iowa Ct. App. 1997). When we consider the child's best interests, we look to his long-range as well as immediate best interests. *In re C.K.*, 558 N.W.2d 170, 172 (Iowa 1997).

### **III. Discussion.**

In this appeal, Jason contends the grounds for termination were not supported by clear and convincing evidence. Upon our review of the record, we find no merit in the father's arguments.

When the juvenile court terminates parental rights on more than one statutory ground, we only need to find grounds to terminate under one of the sections cited by the court in order to affirm the court's ruling. *In re S.R.*, 600 N.W. 2d 63, 64 (Iowa Ct. App. 1999). In this case, we choose to focus our attention on section 232.116(1)(h) (child is three or younger, child CINA, removed from home for six of last twelve months, and child cannot be returned home) as the basis for termination.

Since Dillon's birth, Jason has been sporadically involved in his son's life. The father has a lengthy history of substance abuse. Jason was incarcerated for burglary in December 2005, when his son was just seven months old. He remained unavailable to his son because of imprisonment through January 2007. Following his release from prison, Jason had supervised visitation with his son. Although Jason did exhibit appropriate parenting skills during visitation, he has not demonstrated the ability to provide a safe and stable environment for his child. In the months prior to the termination hearing, Jason lived with his mother, who refused to let the Department inspect her home. Several days before the termination hearing, Jason moved in with his girlfriend, who has a history of substance abuse and law violations. His girlfriend has previously been found responsible for failing to provide appropriate supervision for children on two separate occasions. Jason has recently tried to get disability based on his

mental health needs. We agree with the juvenile court's conclusion that Dillon cannot be returned to his father's care at the present time or in the foreseeable future. We find clear and convincing evidence supports the juvenile court's decision to terminate Jason's parental rights under section 232.116(1)(h).

Even when the statutory grounds for termination are met, the decision to terminate parental rights must reflect the child's best interests. *In re M.S.*, 519 N.W.2d 398, 400 (Iowa 1994). Despite receiving intensive services, Jason's parental rights to another child were terminated in 2002 based on illegal substance abuse, domestic violence relationship difficulties, and limited parenting skills. It is apparent that serious concerns still exist regarding Jason's stability and his ability to provide adequate care for his son. A child should not be forced to endlessly await the maturity of a natural parent. *In re T.D.C.*, 336 N.W.2d 738, 744 (Iowa 1983). The evidence does not support the conclusion that additional time would allow the child to be returned to his father's care.

Dillon has spent more than twenty-two months in foster care. To continue to keep a child in temporary or even long-term foster homes is not in the child's best interests, especially when the child is adoptable. *C.K.*, 558 N.W.2d at 175. This child deserves stability and permanency, which his father cannot provide. *In re C.D.*, 509 N.W.2d 509, 513 (Iowa Ct. App. 1993). We agree with the juvenile court's finding that termination of Jason's parental rights is in the child's best interests.

#### ***IV. Conclusion.***

We affirm the juvenile court's decision to terminate Jason's parental rights.

**AFFIRMED.**