

**IN THE COURT OF APPEALS OF IOWA**

No. 8-1000 / 08-1817  
Filed January 22, 2009

**IN THE INTEREST OF A.W.,  
Minor Child,**

**A.W., Father,**  
Appellant,

**I.T.M., Mother,**  
Appellant.

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Appeal from the Iowa District Court for Polk County, Louise Jacobs,  
District Associate Judge.

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

Angela Y. Gruber-Gardner, Johnston, for appellant father.

James B. Morris, Des Moines, for appellant mother.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant  
Attorney General, John P. Sarcone, County Attorney, and Cory McClure,  
Assistant County Attorney, for appellee State.

Michelle Saveraid of Youth Law Center, Des Moines, for minor child.

Considered by Vogel, P.J., and Vaitheswaran and Potterfield, JJ.

**POTTERFIELD, J.****I. Background Facts and Proceedings**

On August 11, 2008, the State filed a petition to terminate the parental rights of leisha and Antione, the parents of A.W., who was seven years old at the time of the termination hearing.<sup>1</sup> On October 22, 2008, the district court terminated the parental rights of leisha pursuant to Iowa Code section 232.116(1)(f), (k) (2007) and terminated the rights of Antione pursuant to Iowa Code section 232.116(1)(e), (f). Both parents appeal the termination of their parental rights, arguing that termination is not in the best interests of the child. Antione also argues that the Iowa Department of Human Services (DHS) did not make reasonable efforts to prevent termination.

**II. Standard 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). Our primary concern is the child's best interests. *In re J.L.W.*, 570 N.W.2d 778, 780 (Iowa Ct. App. 1997). Even if the statutory requirements for termination are met, the decision to terminate parental rights must still reflect the child's best interests. *In re M.S.*, 519 N.W.2d 398, 400 (Iowa 1994). When we consider the child's best interests, we look to her long-range as well as immediate best interests. *In re C.K.*, 558 N.W.2d 170, 172 (Iowa 1997).

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<sup>1</sup> leisha has another child who is not at issue in this case.

### **III. DHS Efforts to Prevent Termination**

Antione argues that he had difficulty seeing his daughter due to lack of funds and that the DHS failed to provide him with bus fare except for one occasion. The DHS is required to make “reasonable efforts to provide services to a parent before termination proceedings may be instituted.” *In re C.H.*, 652 N.W.2d 144, 147 (Iowa 2002). In order for the DHS to be able to provide the funds requested by Antione, the Interstate Compact had to first approve placement. When the DHS tried to conduct a home study to determine placement, Antione did not cooperate, and placement was declined. Antione requested a second home study, with which he cooperated, but placement was not recommended. Because placement was never approved, the DHS was unable to provide Antione with bus fare. We find that the DHS made reasonable efforts to provide services to Antione.

### **IV. Best Interests of the Child**

We find that it is in the best interests of the child that both parents’ parental rights be terminated. The child was removed from her mother’s custody on July 11, 2007, and has lived in a foster home since that time. Tami Trimble, the DHS social worker assigned to Leisha’s case, testified that Leisha has not maintained regular phone contact with the child. While she does have a job, Leisha does not have a permanent residence and testified that she has been staying with her cousins since she was kicked out of the Lighthouse residential program. Leisha has a history of mental illness and has been hospitalized on more than one occasion for mental health treatment. Trimble testified that Leisha’s “mental health has not been restored at this time.” She also testified that

she felt that there were “ongoing issues there that could lead to harm” for the child. Hospital staff involved with leisha’s other child reported concerns to the DHS as to whether leisha could care for the children. A.W. is now integrated into her foster home. She is bonded with her foster family, and they wish to adopt her. We find that stability is in the child’s immediate and long-range best interests, and leisha is not capable of providing that stability.

Antione has never been a primary caretaker or active father for the child. He has a lengthy criminal history that indicates a problem related to illegal substances. He was arrested for possession of cannabis as recently as January 18, 2008. As part of the CINA proceedings, Antione was ordered to obtain drug treatment and participate in supervised visitation consistently, both of which he has failed to do. The record establishes that Antione did not see the child between November 2007 and October 6, 2008. It is not in the best interests of A.W. to continue to keep her in temporary foster homes while her natural parents get their lives together. *In re C.K.*, 558 N.W.2d 170, 175 (Iowa 1997). Because neither Antione nor leisha is able to provide a safe and stable home for A.W., we find that the district court properly terminated their parental rights.

**AFFIRMED.**