

IN THE COURT OF APPEALS OF IOWA

No. 8-1003 / 08-1853
Filed December 31, 2008

IN THE INTEREST OF R.L., Minor Child,

R.L.L, Father,
Appellant.

Appeal from the Iowa District Court for Polk County, Karla J. Fultz,
Associate Juvenile Judge.

A father appeals the termination of his parental rights to his child.

AFFIRMED.

Edward W. Bull of Bull Law Office, P.C., Des Moines, for appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant
Attorney General, John P. Sarcone, County Attorney, and Annette Taylor,
Assistant County Attorney, for appellee.

Lynn Poschner of Borseth Law Offices, Altoona, for appellee mother.

Nicole Garbis Nolan, Des Moines, guardian ad litem for minor child.

Considered by Sackett, C.J., and Eisenhauer and Doyle, JJ.

EISENHAUER, J.

A father appeals the termination of his parental rights to his child. He contends the State failed to prove the grounds for termination by clear and convincing evidence and termination is not in the child's best interest. We review these claims de novo. *In re C.H.*, 652 N.W.2d 144, 147 (Iowa 2002).

The child was born in May 2007 and tested positive for cocaine. She was removed in early June 2007 and has remained in foster care. Paternity testing confirmed the appellant is the father of the child. In September 2007, the father's probation was revoked because of drug use and a conviction for public intoxication. He was in prison until August 2008.

The father's parental rights were terminated pursuant to Iowa Code sections 232.116(1)(b), (d), (e), (h), (i), and (l) (2007). 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). Termination is appropriate under section 232.116(1)(l) where:

- (1) The child has been adjudicated a child in need of assistance pursuant to section 232.96 and custody has been transferred from the child's parents for placement pursuant to section 232.102.
- (2) The parent has a severe, chronic substance abuse problem, and presents a danger to self or others as evidenced by prior acts.
- (3) There is clear and convincing evidence that the parent's prognosis indicates that the child will not be able to be returned to the custody of the parent within a reasonable period of time considering the child's age and need for a permanent home.

The father contends the State failed to prove he has a chronic substance abuse problem or that the child will be unable to be returned to his custody.

We conclude termination is appropriate under section 232.116(*l*). The father testified that he had been using crack cocaine for twenty-two years, as well as alcohol. During those twenty-two years, the father had only maintained sobriety for a period of one year, despite having completed substance abuse treatment several times. Part of that year of sobriety occurred while the father was serving a prison sentence for possession of crack cocaine. Since his release from prison six weeks prior to the termination hearing visited with the child and provided clean drug screens. However, he had failed to attend AA meetings or to obtain a sponsor.

Insight for the future can only be gained from the father's past actions. *In re R.L.F.*, 437 N.W.2d 599, 600-01 (Iowa Ct. App. 1989). Considering the father's lengthy history of substance abuse, his past relapses, and his failure to address his substance abuse issues upon release from prison, his prognosis for maintaining his newfound sobriety is poor. Six weeks of sobriety weighed against a twenty-two year history of drug use failed to convince the trial court and us that the child could safely be placed with her father. Additional time would be necessary for the father to demonstrate he is able to maintain sobriety. While the law requires a "full measure of patience with troubled parents who attempt to remedy a lack of parenting skills," this patience has been built into the statutory scheme of chapter 232. *In re C.B.*, 611 N.W.2d 489, 494 (Iowa 2000). Children should not be forced to endlessly await the maturity of a natural parent. *Id.* 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). Granting

the father additional time is not reasonable considering the child's age and need for a permanent home. Nor is it in the child's best interest. Accordingly, we affirm the district court order terminating the father's parental rights to his child.

AFFIRMED.