

IN THE COURT OF APPEALS OF IOWA

No. 9-168 / 09-0130
Filed March 26, 2009

IN THE INTEREST OF K.C., Minor Child,

W.C., Father,
Appellant.

Appeal from the Iowa District Court for Clinton County, Phillip J. Tabor,
District Associate Judge.

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

AFFIRMED.

J. David Zimmerman, Clinton, for appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant
Attorney General, Mike Wolf, County Attorney, and Cheryl Newport, Assistant
County Attorney, for appellee.

Neill Kroeger, LeClaire, for mother.

Edward Cross, Clinton, attorney and guardian ad litem for minor child.

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

EISENHAUER, J.

A father appeals the termination of his parental rights to his child. He does not dispute the State proved the grounds for termination by clear and convincing evidence. Instead, he contends he was deprived of due process by the denial of his request to be personally present at the termination hearing. This court has held:

Where a parent receives notice of the petition and hearing, is represented by counsel, counsel is present at the termination hearing, and the parent has an opportunity to present testimony by deposition, we cannot say the parent has been deprived of fundamental fairness.

In re J.S., 470 N.W.2d 48, 52 (Iowa Ct. App. 1990). Accordingly, we reject the father's due process claim.

The father also contends termination is not in the child's best interest. Upon our de novo review, *In re C.H.*, 652 N.W.2d 144, 147 (Iowa 2002), we disagree.

At the time of the termination hearing, the father—a seven-time convicted felon—was imprisoned in Illinois and was not expected to be released for several years. The child is two years old and the father has been incarcerated for the majority of his life. The child should not be forced to endlessly suffer in parentless limbo. See *In re E.K.*, 568 N.W.2d 829, 831 (Iowa Ct. App. 1997). 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). Considering the child's young age and need for stability, we find termination is in his best interest. Accordingly, we affirm.

AFFIRMED.