

IN THE COURT OF APPEALS OF IOWA

No. 9-205 / 09-0212
Filed April 22, 2009

IN THE INTEREST OF M.T., Minor Child,

P.M.T., Mother,
Appellant,

J.M.M., Father,
Appellant.

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

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

Cathleen J. Siebrecht of Siebrecht Law Firm, Des Moines, for appellant-
mother.

William E. Sales, III, of Sales Law Firm, P.C., Des Moines, for appellant-
father.

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.

Kayla Stratton, Des Moines, attorney and guardian ad litem for minor
child.

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

EISENHAUER, J.

A mother and father appeal the termination of their parental rights to their child. They contend the State failed to prove the grounds for termination by clear and convincing evidence. We review their claims de novo. *In re K.B.*, 753 N.W.2d 14, 15 (Iowa 2008).

The child was removed from the parents' care shortly after birth in November 2007 and was adjudicated in need of assistance the following month. Concerns were raised about the mother's ability to care for a newborn given her mental health issues. There were also concerns about the father because of a claim of sexual abuse the mother made regarding another child. It was later concluded that the accusation was false. However, the father's inexperience with raising children made him unavailable as a placement. Both parents received services to reunite them with the child.

The mother's parental rights were terminated pursuant to Iowa Code sections 232.116(1)(g) and (h) (2007). The father's parental rights were terminated pursuant to section 232.116(1)(h). 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)(h) where the State has proved by clear and convincing evidence the following:

- (1) The child is three years of age or younger.
- (2) The child has been adjudicated a child in need of assistance pursuant to section 232.96.
- (3) The child has been removed from the physical custody of the child's parents for at least six months of the last twelve months, or for the last six consecutive months and any trial period at home has been less than thirty days.

(4) There is clear and convincing evidence that the child cannot be returned to the custody of the child's parents as provided in section 232.102 at the present time.

There is no dispute the first three elements of this section have been met. On de novo review, we likewise conclude the child cannot be returned to the custody of the parents.

The mother's parental rights to seven children have been terminated in the past; four in 2003 and three in 2007. Those children suffered both physical abuse and neglect at the hands of their mother. Despite the mother's receipt of services since 2002, the mother was not in a position to be able to parent the child safely at the time of the termination hearing. The mother had not demonstrated basic parenting skills and had admitted to abusing her other children. The mother's past actions are evidence of the quality of her future care. *In re K.F.*, 437 N.W.2d 559, 560 (Iowa 1989).

The mother requests additional time to correct the deficiencies in her parenting. 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). Looking at long-range and immediate interests, we conclude termination is in the best interest of the child. See *In re C.K.*, 558 N.W.2d 170, 172 (Iowa 1997).

The father has also not demonstrated an ability to parent the child safely. Although he had made some improvements in his parenting ability, the child could not be returned to his care by the time of the termination hearing. It was reported that the father had difficulty implementing new skills or techniques. In addition, there were concerns about the father's relationship with the mother. Although the father ended the relationship and had begun counseling to address his co-dependency issues, he only did so on the eve of termination. He only started taking medication for his depression the day before the termination hearing. A parent cannot wait until the eve of termination, after the statutory time periods for reunification have expired, to begin to express an interest in parenting. *C.B.*, 611 N.W.2d at 495.

Because the State proved the grounds for termination by clear and convincing evidence and termination is in the child's best interest, we affirm.

AFFIRMED.