

IN THE COURT OF APPEALS OF IOWA

No. 9-884 / 09-1428
Filed November 12, 2009

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

**T.H., Mother,
Appellant.**

Appeal from the Iowa District Court for Jones County, Casey D. Jones,
District Associate Judge.

A mother appeals the termination of her parental rights to her child.

AFFIRMED.

Jessica L. Wiebrand, Cedar Rapids, for appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant
Attorney General, Connie S. Ricklefs, County Attorney, and Phillip W. Parsons,
Assistant County Attorney, for appellee.

James Moriarty, Cedar Rapids, for father.

Troy Powell, Cedar Rapids, attorney and guardian ad litem for minor child.

Considered by Eisenhauer, P.J., Potterfield and Danilson, JJ.

EISENHAUER, P.J.

A mother appeals the termination of her parental rights to her child. She contends the State failed to prove the grounds for termination by clear and convincing evidence. She also contends termination is not in the child's best interest. We review these claims de novo. *In re T.P.*, 757 N.W.2d 267, 269 (Iowa Ct. App. 2008).

The mother's parental rights were terminated pursuant to Iowa Code sections 232.116(1)(f) and (g) (2009). 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(f) where there is clear and convincing evidence:

- (1) The child is four years of age or older.
- (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 twelve of the last eighteen months, or for the last twelve consecutive months and any trial period at home has been less than thirty days.
- (4) There is clear and convincing evidence that at the present time the child cannot be returned to the custody of the child's parents as provided in section 232.102.

There is no dispute the first three elements of this section have been proved. However, the mother contends there is insufficient evidence to show the child cannot be returned to her care at the present time.

The child came to the attention of the Department of Human Services in June of 2007, after her parents left her unsupervised. She was three years of age at the time. The mother had become so intoxicated she passed out. The mother was offered services to address her significant history as a victim of

domestic abuse, her substance abuse, her mental health issues, and the child's special needs, but failed to regularly participate. Although over two years have passed, the mother has failed to adequately address these concerns. At trial, she admitted that she was unable to care for the child because of her mental state. Accordingly, the grounds for termination have been proved.

We also find termination is in the child's best interest. The child needs stability, which the mother is unable to provide. Children should not be forced to endlessly await the maturity of a natural parent. *In re C.B.*, 611 N.W.2d 489, 494 (Iowa 2000). 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). Over two years have passed and the mother has not progressed to the point of being able to safely parent the child. Meanwhile, the child has been in foster care, without a permanent home. 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).

AFFIRMED.