

**IN THE COURT OF APPEALS OF IOWA**

No. 6-861 / 06-1403  
Filed November 30, 2006

**IN THE INTEREST OF B.M.S., A.N.S. and Z.J.S.,  
Minor Children,**

**D.S.D., Mother,  
Appellant.**

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Appeal from the Iowa District Court for Shelby County, Kathleen A. Kilnoski, District Associate Judge.

A mother appeals the termination of her parental rights to her three children. **AFFIRMED.**

Chad Douglas Primmer of Chad Douglas Primmer P.C., Council Bluffs, for appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant Attorney General, Marcus Gross, Jr., County Attorney, and Susan Larson Christensen, Assistant County Attorney for appellee.

Joel Niebaum, Missouri Valley, guardian ad litem for minor children.

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

**EISENHAUER, J.**

A mother appeals the termination of her parental rights to her three children. She contends the State failed to prove the grounds for termination by clear and convincing evidence. We review her claim de novo. *In re C.H.*, 652 N.W.2d 144, 147 (Iowa 2002).

The mother's parental rights were terminated pursuant to Iowa Code sections 232.116(1)(f), (h), and (j) (2005). 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)(j) 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 been imprisoned for a crime against the child, the child's sibling, or another child in the household, or the parent has been imprisoned and it is unlikely that the parent will be released from prison for a period of five or more years.

There is no dispute the first element has been met. The mother instead argues that there is not clear and convincing evidence that she is unlikely to be released from prison for a period of five or more years.

We conclude clear and convincing evidence supports termination under section 232.116(1)(j). The mother is currently serving a fifty-year prison sentence. Her conviction and sentence were affirmed on direct appeal. Although she currently has a pending application before the Iowa Board of Parole and has postconviction relief and habeas corpus options, the juvenile court noted, "There was no evidence presented at termination trial regarding the likelihood that [the mother] will succeed in being released from prison through

these means.” We agree the State met its burden to prove mother is unlikely to be released from prison for a period of five or more years.

It is in the best interest of the children that parental rights be terminated. The children are doing well in their placement with their maternal aunt and uncle. The children are bonded with them and the aunt and uncle plan to adopt. The aunt and uncle offer the children the stability and safety they need. Accordingly, we affirm.

**AFFIRMED.**