

**IN THE COURT OF APPEALS OF IOWA**

No. 6-934 / 06-1510  
Filed November 30, 2006

**IN THE INTEREST OF E.V. and D.V.,  
Minor Children,**

**H.A., Mother,**  
Appellant.

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Appeal from the Iowa District Court for Washington County, Lucy J. Gamon, District Associate Judge.

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

**AFFIRMED.**

Jeffrey L. Powell of Tindal & Kitchen, P.L.C., Washington, for the mother.

Noelle Murray, Coralville, for the father.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant Attorney General, and Barbara A. Edmondson, County Attorney, for appellee-State.

Kathryn J. Salazar, Washington, 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 children. She contends the State failed to prove the grounds for termination by clear and convincing evidence. She further contends termination is not in the children's best interest. She requests the termination order be reversed and she be granted an additional six months to resume care of her children pursuant to Iowa Code section 232.104(2)(b) (2005). We review her claims 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)(d) and (f). 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). We conclude termination is appropriate under section 232.116(1)(f). There is no dispute both children are four years of age or older, have been adjudicated in need of assistance, and have been removed from their mother's physical care for at least twelve of the last eighteen months. See Iowa Code § 232.116(1)(f)(1)-(3). The only dispute is as to whether the children can be returned to the mother's care as provided in section 232.102.

We find clear and convincing evidence proves the children cannot be returned to their mother's care. At the time of termination, the mother did not have appropriate housing for the children despite receiving services over the course of a year to resolve this deficiency. She was living with a man who has criminal convictions for theft and domestic abuse. Although the mother had obtained a voucher for Section 8 housing and had found a suitable apartment to rent, the mother needed to demonstrate she had more than thirty hours per week

of employment available to her. She had requested her employer to send the verification of her hours to the housing authority, but there was no evidence presented at the hearing that it had received the verification. Furthermore, the mother has been unable to obtain permanent employment, having only worked sporadically for temporary employment agencies over the course of the year. The mother worked thirty hours in the week preceding the termination hearing, but had not previously attained this feat. At the termination hearing, the mother acknowledged the children could not be returned to her care. The issues that led to the children's removal continued to exist one year later, despite the mother's receipt of services.

We further conclude termination is in the children's best interest. Although the mother made some progress while this case was pending, she never progressed past the point of supervised visitation with her children. She continued to be involved with men who posed a risk to her or her children's well-being. Although the children are bonded to their mother, she has a long history of abuse and neglect of the children, extending back nearly six years. We note with approval the following statement by the trial court:

[The mother] has the best of intentions for establishing a stable living environment for herself and her children. Unfortunately, the Court has no confidence that these intentions and expectations are likely to be fulfilled. Allowing [the mother] to have additional time in this case would seem to be merely prolonging the inevitable outcome of this case.

The mother's past actions are evidence of the future quality of her care. See *In re T.B.*, 604 N.W.2d 660, 662 (Iowa 2000). The children have progressed in foster care and need permanency in their lives. 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). Termination will allow the children an opportunity at permanency the mother cannot provide. Accordingly, we affirm the district court order terminating the mother's parental rights.

**AFFIRMED.**