IN THE COURT OF APPEALS OF IOWA

No. 3-701 / 13-0881
Filed July 24, 2013

IN THE INTEREST OF C.R.M.,
Minor Child,

A.M., Mother,
        Appellant.
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Appeal from the Iowa District Court for Hamilton County, Paul Ahlers,

District Associate Judge.

A mother appeals from the order terminating her parental rights.

AFFIRMED.

Douglas Cook, Jewell, for appellant mother.

Thomas J. Miller, Attorney General, Diane Stahle, Assistant Attorney

General, and Patrick Chambers, County Attorney, for appellee State.

Justin Deppe, Jewell, for minor child.

Considered by Eisenhauer, C.J., and Vaitheswaran and Doyle, JJ.

EISENHAUER, C.J.

A mother appeals from the juvenile court order terminating her parental rights. She contends the court erred in terminating her parental rights instead of establishing a guardianship with a relative. We affirm.

The child, born in 2006, was removed from the mother's care in April 2012 when the mother was arrested on federal drug manufacturing charges. The mother was convicted and will be incarcerated at least until a month or two before the child turns eighteen. The court terminated her parental rights under Iowa Code section 232.116(1)(f) and (j) (2013).

We review terminations de novo. *In re H.S.*, 805 N.W.2d 737, 745 (Iowa 2011). We examine both the facts and law and adjudicate anew those issues properly preserved and presented. *In re L.G.*, 532 N.W.2d 478, 480-81 (Iowa Ct. App. 1995).

The mother does not contest the statutory grounds for termination. She contends termination is not in the child's best interests because of the parent-child bond and because the mother has strong family support from relatives who are willing to serve as guardians for the child. She argues she could continue to be involved in the child's life and the child could be raised by family members without juvenile court involvement.

The best interests of a child are determined by looking at the child's long-range as well as immediate interests. *In re M.N.W.*, 577 N.W.2d 874, 875 (Iowa Ct. App. 1998). When considering a child's best interests, we give primary consideration to "the child's safety, . . . the best placement for furthering the long-term nurturing and growth of the child, and . . . the physical, mental, and

emotional condition and needs of the child." Iowa Code § 232.116(2). This assessment may include a parent's imprisonment for a felony as a relevant consideration. *In re D.W.*, 791 N.W.2d 703, 708 (Iowa 2010).

A home study on the maternal grandmother's home was completed, but placement with her was not recommended. A home study on the home of a relative in South Dakota does not appear to have been completed before the time of the termination hearing. A guardianship with a relative is not an appropriate permanency option in this case. Guardianship is not a legally preferable alternative to termination of parental rights and adoption. *In re L.M.F.*, 490 N.W.2d 66, 67-68 (Iowa Ct. App. 1992). Termination is the preferred solution when a parent is unable to regain custody within the time frames of chapter 232. *See In re C.K.*, 558 N.W.2d 170, 174 (Iowa 1997) ("An appropriate determination to terminate a parent-child relationship is not to be countermanded by the ability and willingness of a family relative to take the child."). We conclude termination of the mother's parental rights is in the child's best interests.

The mother also contends there is a strong parent-child bond. *See* Iowa Code § 232.116(3)(c). The juvenile court need not terminate a parent's parental rights if any of the exceptions in Iowa Code section 232.116(3) exist. A court has discretion, based upon the unique circumstances of each case and the best interests of the child, whether to apply this section to save the parent-child relationship. *In re D.S.*, 806 N.W.2d 458, 475 (Iowa Ct. App. 2011). The record reveals there is a parent-child bond, but we find nothing to show termination of the mother's parental rights "would be detrimental to the child at the time due to

the closeness of the parent-child relationship." *See id.* This discretionary exception to termination does not apply.

AFFIRMED.