

**IN THE COURT OF APPEALS OF IOWA**

No. 7-256 / 07-0391

Filed April 25, 2007

**IN THE INTEREST OF J.B., JR.,  
Minor Child,**

**J.W.B., SR., Father,  
Appellant.**

---

Appeal from the Iowa District Court for Linn County, Susan F. Flaherty,  
Associate Juvenile Judge.

A father appeals from the termination of his parental rights to his son.

**AFFIRMED.**

Richard F. Mitvalsky of Gray, Stefani & Mitvalsky, P.L.C., Cedar Rapids, for  
appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant  
Attorney General, Harold Denton, County Attorney, and Troy M. Powell, Assistant  
County Attorney, for appellee.

Erek Sittig, North Liberty, for mother,

Jessica Wiebrand, Cedar Rapids, for minor child.

Considered by Sackett, C.J., and Vogel and Miller, JJ.

**SACKETT, C.J.**

A father appeals from the termination of his parental rights to his son.<sup>1</sup> He contends the court erred in concluding (1) he failed to maintain significant and meaningful contact with his son, (2) he continues to lack the ability or willingness to respond to services, and (3) an additional period of rehabilitation would not correct the situation. We affirm.

J.B., born in May of 2006, was removed from his parents when he was one day old because of his parents' history of substance abuse, domestic violence, and denial of critical care to his older sister.<sup>2</sup> During the pendency of this case, the father was charged with burglary, theft, possession of a controlled substance, domestic abuse assault displaying a weapon, and operating while intoxicated. He was in jail from June 20 to July 4, August 20 to September 3, and September 13 to December 13. On his release from jail in December, the father was transferred to a residential halfway house, where he resided at the time of the termination hearing in February of 2007. The court terminated the father's parental rights under Iowa Code sections 232.116(1)(e) and (g) (2005).

Our review is de novo. Iowa R. App. P. 6.4; *In re D.G.*, 704 N.W.2d 454, 456 (Iowa Ct. App. 2005). The State must prove the statutory grounds for termination by clear and convincing evidence. *In re L.E.H.*, 696 N.W.2d 617, 618 (Iowa Ct. App. 2005). If the juvenile court terminates a parent's rights on more than one statutory ground, we will affirm if at least one ground has been proved by clear and convincing evidence. *In re A.J.*, 553 N.W.2d 909, 911 (Iowa Ct. App. 1996).

---

<sup>1</sup> The mother's parental rights were terminated also, but she did not appeal.

<sup>2</sup> The older child was in foster care at the time of J.B.'s removal. Parental rights to the older child were terminated in August of 2006.

The father contends the court erred in concluding he did not maintain significant and meaningful contact with the child and that he continued to lack the willingness or ability to respond to services. We find clear and convincing evidence supports termination on both statutory grounds cited by the court. Although the father visited the child three times in July of 2006 and five times in January and February of 2007, he did not maintain “significant and meaningful contact” with J.B. or “establish and maintain a place of importance in the child’s life.” Iowa Code § 232.116(1)(e)(3). There was no “affirmative assumption . . . of the duties encompassed by the role of being a parent.” *Id.* The father’s incarceration and drug abuse hindered his ability to parent J.B. There was no bond between the child and the father. At the time of the termination, the father still was in a residential facility. The child could not be returned to his care at that time. Iowa Code § 232.116(1)(g)(4). We affirm the termination on both statutory grounds.

The father also contends the court erred in concluding an additional period of rehabilitation would not correct the situation. The father received services both during the time before the termination of his parental rights to his daughter and during the pendency of this case. He has not demonstrated an ability to obey the law or to maintain sobriety when he is not in custody. A good predictor of the future conduct of a parent is to look at the parent’s past conduct. See *In re C.C.*, 538 N.W.2d 664, 666 (Iowa Ct. App. 1995). “Thus, in considering the impact of a drug addiction, we must consider the treatment history of the parent to gauge the likelihood the parent will be in a position to parent the child in the foreseeable future.” *In re N.F.*, 579 N.W.2d 338, 341 (Iowa Ct. App. 1998) (citing *In re R.*, 591 So. 2d 1130, 1132-33 (Fla. Dist. Ct. App. 1992)). “Where the parent has been

unable to rise above the addiction and experience sustained sobriety in a noncustodial setting, and establish the essential support system to maintain sobriety, there is little hope of success in parenting.” *Id.* The court did not err in concluding additional time was not appropriate. See *In re A.C.*, 415 N.W.2d 609, 613 (Iowa 1987) (“The crucial days of childhood cannot be suspended while parents experiment with ways to face up to their own problems.”).

**AFFIRMED.**