

**IN THE COURT OF APPEALS OF IOWA**

No. 7-510 / 06-1322

Filed July 12, 2007

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

**R.J., Father,**  
Appellant.

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Appeal from the Iowa District Court for Polk County, Louise Jacobs,  
District Associate Judge.

R.J. appeals from the order terminating his parental rights. **AFFIRMED.**

Gregory Greiner of Greiner Law Office, P.C., Des Moines, for appellant  
father.

Jennifer Steffens of Bennett, Steffens & Grife, P.C., Marshalltown, for  
mother.

Thomas J. Miller, Attorney General, Kathrine Miller-Todd, Assistant  
Attorney General, John P. Sarcone, County Attorney, and Corey McClure,  
Assistant County Attorney, for appellee State.

Patrick Wilson, Marshalltown, for intervenor.

Felicia Rocha, Des Moines, for minor child.

Considered by Mahan, P.J., and Eisenhauer and Baker, JJ.

**MAHAN, P.J.****I. Background Facts and Proceedings**

A.J., born in September 2005, is the child of Randal and Thomasine. A.J. was removed from her mother's care on September 8, 2005, and adjudicated a child in need of assistance on December 21, 2005. She has remained with her maternal aunt since her removal. Both Randal and Thomasine received services due to A.J.'s removal and adjudication. Randal was not consistent in exercising his visitation. He also did not provide evaluators an accurate history of his substance abuse. He has an extensive criminal history, including a domestic assault conviction. Despite services, Randal was arrested on February 12, 2006, and later convicted of possession of a controlled substance, third offense. On June 28, 2006, he was sentenced to five years in prison. Between his arrest and his sentencing, he had no contact with A.J.

Randal argues the juvenile court erred in terminating his parental rights. He argues that the court should have instead ordered a guardianship so he can be reunited with A.J. once he completes his sentence. We review his claim de novo. *In re D.G.*, 704 N.W.2d 454, 456 (Iowa Ct. App. 2005). Our primary concern is the child's best interests. *In re J.E.*, 723 N.W.2d 793, 798 (Iowa 2006).

**II. Merits**

Randal's parental rights were terminated pursuant to Iowa Code sections 232.116(1)(d) and (h) (2005). After a de novo review of the record, we conclude all the statutory grounds for termination found by the juvenile court have been met. The child spent only a week of her life in her parents' care. Despite

services, Randal continued to engage in criminal activity. A.J. cannot be returned to his care in the near future. It was Randal's choice to engage in the criminal activity that resulted in his conviction, and he must take responsibility for it. *In re J.L.W.*, 523 N.W.2d 622, 624 (Iowa Ct. App. 1994). This child is adoptable and both needs and deserves permanency. *See In re L.M.F.*, 490 N.W.2d 66, 67-68 (Iowa Ct. App. 1992) (noting termination may be in the child's best interests even when the child is in relative placement and relative placement under a permanency order is not preferable to termination). She needs a parent and cannot put off her childhood until her father gets out of prison. *In re A.C.*, 415 N.W.2d 609, 614 (Iowa 1987). The juvenile court's ruling terminating Randal's parental rights is affirmed.

**AFFIRMED.**