

IN THE COURT OF APPEALS OF IOWA

No. 9-128 / 08-2057
Filed March 11, 2009

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

**L.J.H., Mother,
Appellant.**

Appeal from the Iowa District Court for Linn County, Barbara H. Liesveld,
District Associate Judge.

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

AFFIRMED.

Deborah M. Skelton, Walford, for appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant
Attorney General, Harold Denton, County Attorney, and Robert Hruska, Assistant
County Attorney, for appellee.

Cory Goldensoph, Cedar Rapids, for appellee-father.

Annette Martin, Cedar Rapids, attorney and guardian ad litem for minor
child.

Considered by Vogel, P.J., and Vaitheswaran and Eisenhauer, JJ.

EISENHAUER, J.

A mother appeals the termination of her parental rights to her child. She contends the State failed to prove the grounds for termination by clear and convincing evidence. She also contends termination is not in the child's best interest. We review these 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)(g) and (h) (2007). 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)(g) where the State proves the following by clear and convincing evidence:

- (1) The child has been adjudicated a child in need of assistance pursuant to section 232.96.
- (2) The court has terminated parental rights pursuant to section 232.117 with respect to another child who is a member of the same family or a court of competent jurisdiction in another state has entered an order involuntarily terminating parental rights with respect to another child who is a member of the same family.
- (3) There is clear and convincing evidence that the parent continues to lack the ability or willingness to respond to services which would correct the situation.
- (4) There is clear and convincing evidence that an additional period of rehabilitation would not correct the situation.

The mother does not dispute the first two elements have been proved. She contends the State failed to prove by clear and convincing evidence that she continues to lack the ability to respond to services that would correct the situation, and that an additional period of rehabilitation would not correct the situation. See Iowa Code § 232.116(1)(g)(3)-(4).

The child was born in November of 2006 and removed from the mother's care a few days later because the mother was unable to follow directions for basic care of the child. The child was adjudicated in need of assistance on December 20, 2006. Despite the receipt of multiple services in the two years this case has been pending, the mother has not progressed beyond supervised visitation with the child. While the mother characterizes this as the Department of Human Services denying her the opportunity to visit more often, our review confirms the decision was based on mother's inability to properly care or supervise the child. Although the mother has been able to learn simple tasks, like feeding and bathing the child, she is unable to master more complex skills or multitask. As a result, service providers did not believe it was safe to leave the mother alone with the child for more than fifteen or twenty minutes. There was no evidence the child could safely be returned to the mother's care at the time of the termination hearing and additional time would not result in the mother being prepared to safely parent the child.

We conclude the grounds for termination under section 232.116(1)(g) have been proved. We further conclude termination is in the child's best interest. The child has been awaiting reunification with the mother for over two years. 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). Furthermore, the child has been in foster care her entire life and is bonded with her foster family. The evidence

shows the child has not bonded with the mother in a manner typical between a parent and child. For these reasons, we affirm the order terminating the mother's parental rights.

AFFIRMED.