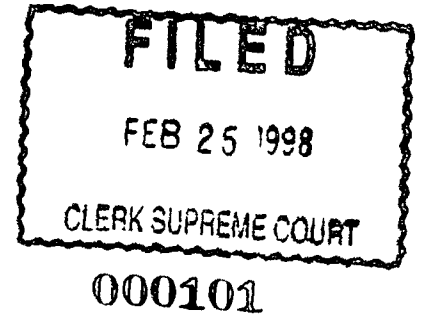


IN THE COURT OF APPEALS OF IOWA

No. 7-796 / 97-942



**IN THE INTEREST OF T.E., a/k/a T.G.,
and J.E., a/k/a J.G., Minor Children,**

J.J.E., Father,

Appellant.

Appeal from the Iowa District Court for Jasper County, Thomas W. Mott,
District Associate Judge.

Father appeals the termination of his parental rights. **AFFIRMED.**

David L. Rose of Selby, Updegraff, Smith & Holwerda, Newton, for appellant-
father.

Thomas J. Miller, Attorney General, Charles K. Phillips, Assistant Attorney
General, and Michael K. Jacobson, Assistant County Attorney, for appellee-State.

Pamela A. Vandel, Des Moines, guardian ad litem for minor children.

Considered by Huitink, P.J., and Vogel and Mahan, JJ.

VOGEL, J.

Cindy and James are the parents of Justin, born in February 1985, and Tina, born in March 1991. The parents are married, but are separated.

The children had previously lived with James, but in the summer of 1995, were living with Cindy. The Department of Human Services (DHS) issued a founded report of denial of critical care against Cindy because she neglected the children. On July 18, 1995, the children were removed from her care and placed in a foster home. Justin and Tina were adjudicated to be children in need of assistance.

The case permanency plan required the parents to complete a psycho-social parenting evaluation, and complete all counseling as indicated; obtain a substance abuse evaluation, and complete all treatment as indicated; maintain safe, stable housing; sign releases of information; attend all staffing and court hearings; meet with the DHS worker every sixty days; and visit the children.

James appeared at a hearing in July 1995, and signed a stipulation in October 1995. He then disappeared from the children's lives. James is an alcoholic. He admitted he had been drinking, and had a "no-care attitude" during the period of time he had no contact with the children or DHS.

In October 1996, the State filed a petition for termination of the parental rights of Cindy and James. James was found and served with notice of the proceedings in December 1996. James contacted the children in December 1996, and contacted DHS

in January 1997. James began to telephone the children and has sent some cards. He did not see the children from July 1995 until the termination hearing in March 1997.

James had a substance abuse evaluation in March 1995, and completed substance abuse treatment in April 1995. These are the only requirements of the case permanency plan which he completed. James suffered a relapse in September 1995. In August 1996, James pled guilty to possession of methamphetamine.

James was convicted of third offense operating while intoxicated. In February 1997, as part of his sentence, he began to live at a half-way house, where he was expected to remain for six months. He was living at the half-way house at the time of the termination hearing, and receiving substance abuse treatment. James is employed. He admitted the children could not be returned to his care on the date of the termination hearing.

Justin testified he would like to live with James. Justin has no special problems. Tina has some behavioral problems, and needs a structured environment.

The juvenile court terminated the parental rights of Cindy and James pursuant to Iowa Code sections 232.116(1)(c), (d), and (e). Only James has appealed.

I. The scope of review in termination hearings is de novo. *In re S.N.*, 500 N.W.2d 32, 34 (Iowa 1994). The grounds for termination must be proven by clear and convincing evidence. *In re E.K.*, 568 N.W.2d 829, 830 (Iowa App. 1997). Our primary concern is the best interests of the children. *In re A.B.*, 554 N.W.2d 291, 293 (Iowa App. 1996).

II. James contends the State failed to present clear and convincing evidence the children could not be returned to his care, which is a requirement of section 232.116(1)(e)(4). James admitted he could not assume the care of the children on the date of the termination hearing. He asks for more time, stating he should be released from the half-way house by August 1997. James believes his mother could care for the children until he is released.

When the statutory time standards found in section 232.116 are approaching, and a parent has made only minimal progress, the child deserves to have the time standards followed by having termination of parental rights promptly pursued. *In re J.L.W.*, 570 N.W.2d 778, 781 (Iowa App. 1997). At some point, the rights and needs of the child rise above the rights and needs of the parents. *Id.* The legislature, through section 232.116, directs us to that point. *Id.*

James has made only minimal progress. His contacts with the children have been too little, too late. Section 232.116(1)(e) permits the termination of parental rights after the children have been removed for twelve consecutive months. In the present case, the State could have initiated termination proceedings on July 18, 1996. Here, the termination proceedings against James were not initiated until December 1996, and the termination hearing was held in March 1997. We determine James has already been given ample time to reunite with the children. We conclude James's parental rights were properly terminated under section 232.116(1)(e).

III. When the juvenile court terminates parental rights on more than one statutory ground, we need only find grounds to terminate under one of the sections cited by the juvenile court to affirm. *In re A.J.*, 553 N.W.2d 909, 911 (Iowa App. 1996). We have already found James's parental rights were properly terminated under section 232.116(1)(e) and, therefore, need not address his claims regarding sections 232.116(c) and (d).

IV. James claims termination is not in the best interests of the children. He points to Justin's testimony he wanted to live with his father. He also asserts he cared for the children without problems for years before Cindy assumed their care.

We find termination is in the children's best interests. While Justin indicated an interest in living with James, Justin had not seen his father in almost two years. We note Justin also indicated he wanted a permanent placement. Furthermore, Tina has behavioral problems and needs a structured environment. James has not demonstrated the necessary parenting skills to meet Tina's special needs.

We affirm the decision of the juvenile court terminating James's parental rights to Justin and Tina.

AFFIRMED.