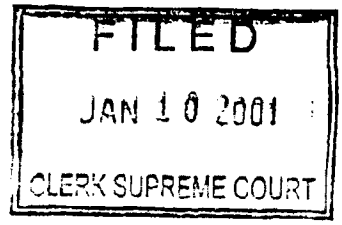
IN THE COURT OF APPEALS OF IOWA

No. 0-690 / 00-1153
Filed January 10, 2001



IN THE INTEREST OF
J.P., Minor Child,

D.P., Mother,
Appellant.

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

Mother appeals from an order terminating her parental rights to her son. **AFFIRMED.**

John D. Hedgecoth of Terpstra & Epping, Cedar Rapids, for appellant.

Thomas J. Miller, Attorney General, Janet L. Hoffman, Assistant Attorney General, and Susan Conn, Assistant County Attorney, for appellee.

Ronald Ricklefs, Cedar Rapids, guardian ad litem for minor child.

Heard by Streit, P.J., and Vogel and Miller, JJ.

PER CURIAM

Debra P. appeals the termination of her parental rights. She claims the grounds for the termination were not supported by clear and convincing evidence and the termination was not in her child's best interests. We affirm the juvenile court.

I. Background Facts & Proceedings.

Debra and an unknown father are the biological parents of James P., born December 19, 1996. James was removed from Debra's home when he was nine months old after Debra overdosed on prescription medication, alcohol, and crank. James was adjudicated a child in need of assistance in November 1997. Debra's parental rights were terminated in June 2000 pursuant to sections 232.116(1)(c) and (g) of the Iowa Code.

II. Standard of Review.

We review termination proceedings de novo. *In re S.N.*, 500 N.W.2d 32, 34 (Iowa 1993). The State must prove the grounds for termination by clear and convincing evidence. *In re E.K.*, 568 N.W.2d 829, 831 (Iowa App. 1997). Our primary concern is the best interests of the child. *In re A.B.*, 554 N.W.2d 291, 293 (Iowa App. 1996).

III. The Merits.

Debra argues the State has not proven all the grounds necessary for terminating her parental rights pursuant to section 232.116(1)(g). The termination was justified if James was three years old or younger; James had been adjudicated a child in need of assistance; James had been removed from

Debra's physical custody for at least six of the twelve months preceding the termination hearing, or for the six consecutive months preceding the termination hearing and any trial period at Debra's home was less than thirty days; and there was clear and convincing evidence James could not be returned to Debra's custody at the time of the termination hearing. *See* Iowa Code § 232.116(1)(g) (1999). Only the final element is at issue in this case.

"A child cannot be returned to the custody of the parent, within the meaning of section 232.116(1)(g), when any one of the grounds listed in section 232.2(6) (child in need of assistance) can be proven by clear and convincing evidence." *In re B.K.J., Jr.*, 483 N.W.2d 608, 610 (Iowa App. 1992). In the months preceding her termination hearing, Debra made significant progress in tackling her long-term substance abuse problem. However, her lack of consistent progress in other areas—including providing James with an appropriate residence, nutrition, supervision, and discipline—continued to jeopardize her young son's physical and emotional well-being. Significantly, none of the professionals working with Debra recommended she be allowed to have unsupervised visitation with him. The State proved by clear and convincing evidence James could not be returned to Debra's custody at the time of the termination hearing.

Debra also argues terminating her parental rights was not in James's best interests. At the time of Debra's termination hearing, James had been out of her care for twenty-two of the thirty-five months of his life. James should not be forced to wait any longer for Debra to consistently engage in adequate,

responsible parenting. *See In re E.K.*, 568 N.W.2d at 831 ("We must reasonably limit the time for parents to be in a position to assume care of their children because patience with parents can soon translate into intolerable hardship for the children."); *In re J.P.*, 499 N.W.2d 334, 339 (Iowa App. 1993) ("A child should not be forced to endlessly suffer the parentless limbo of foster care."). James's best interests require Debra's parental rights be terminated.

In summary, the juvenile court properly terminated Debra's parental rights pursuant to section 232.116(1)(g). We do not address Debra's claim the State did not prove all the grounds necessary for terminating her parental rights pursuant to section 232.116(1)(c).[1] *See* In re A.J., 553 N.W.2d 909, 911 (Iowa App. 1996). We affirm.

AFFIRMED.

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[1] The termination of Debra's parental rights pursuant to 232.116(1)(c) was justified if James had been adjudicated a child in need of assistance and the circumstances that led to the adjudication continued to exist even though Debra had been offered or had received services. *See* Iowa Code § 232.116(1)(c) (1999).