

IN THE COURT OF APPEALS OF IOWA

No. 0-337 / 10-0555
Filed May 26, 2010

**IN THE INTEREST OF E.C.A.D.,
Minor Child,**

**M.K.D., Father,
Appellant.**

Appeal from the Iowa District Court for Jackson County, Phillip J. Tabor,
District Associate Judge.

A father appeals from the order terminating his parental rights.

AFFIRMED.

John L. Kies of Kies Law Firm, Bellevue, for appellant father.

Matthew Noel of Blair & Fitzsimmons, P.C., Dubuque, for mother.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant
Attorney General, and Christopher M. Raker, County Attorney, for appellee State.

Mark R. Lawson of Mark R. Lawson, P.C., Maquoketa, for minor child.

Considered by Vaitheswaran, P.J., Doyle, J., and Schechtman, S.J.*
Tabor, J., takes no part.

*Senior judge assigned by order pursuant to Iowa Code section 602.9206 (2009).

DOYLE, J.

A father appeals the termination of his parental rights to his child. He contends the State failed to establish grounds for termination because the father was not offered nor did he receive services to reunite him with the child. We review his claims de novo. See *In re P.L.*, 778 N.W.2d 33, 40 (Iowa 2010).

The child first came to the attention of the Iowa Department of Human Services (Department) in December 2008 after the child was born drug affected. At the time of the child's birth, the father was serving a ten-year prison sentence, which commenced in June 2008, for a first-degree theft conviction. The child was adjudicated a child in need of assistance (CINA) and later placed in foster care. A petition for termination of the parents' parental rights was filed in December 2009, and the father's parental rights were terminated pursuant to Iowa Code sections 232.116(1)(d) (child CINA for physical abuse or neglect, circumstances continue despite receipt of services) and (h) (child is three or younger, child CINA, removed from home for six of last twelve months, and child cannot be returned home) (2009). The father now appeals.

The father contends the grounds for termination were not met because reasonable services were not offered to him and because he did not have enough time to request services after paternity testing evidenced he was the child's biological father. The State argues that the father failed to properly preserve the issue because he did not request services. We agree.

"While the State has the obligation to provide reasonable reunification services, the [parent] ha[s] the obligation to demand other, different, or additional services prior to the termination hearing." *In re S.R.*, 600 N.W.2d 63, 65 (Iowa

Ct. App. 1999). Here, the record indicates the father was under the jurisdiction of the juvenile court at the dispositional hearing in September 2009. However, he made no requests for services then or thereafter. After paternity was established, he continued to deny he was the child's biological father and stated he had no interest in the child. The father did not even become involved in the case until a month after the termination petition was filed, and he did not present any evidence at the termination hearing or make any request for services. Clearly the father was given numerous opportunities during the pendency of the case to request services and to seek involvement in the child's life. However, the father failed to request any services. We therefore conclude he has failed to preserve this issue for our review. Accordingly, we affirm the judgment of the juvenile court.

AFFIRMED.