

IN THE COURT OF APPEALS OF IOWA

No. 0-994 / 10-1794
Filed January 20, 2011

**IN THE INTEREST OF A.W.-F.,
Minor Child,**

**A.C.F., Father,
Appellant.**

Appeal from the Iowa District Court for Pottawattamie County, Gary K. Anderson, District Associate Judge.

A father appeals from the order terminating his parental rights.

AFFIRMED.

Roberta A. Megel, Council Bluffs, for appellant father.

Don Peterson, Council Bluffs, for mother.

Thomas J. Miller, Attorney General, Kathrine Miller-Todd, Assistant Attorney General, Matthew Wilber, County Attorney, and Dawn M. Landon, Assistant County Attorney, for appellee State.

Maura Gaoley, Council Bluffs, for minor child.

Considered by Mansfield, P.J., and Danilson and Tabor, JJ.

DANILSON, J.

A father appeals from the termination of his parental rights to his daughter, born August 2009, pursuant to Iowa Code section 232.116(1)(b), (d), (e), (g), (h), (i), and (j) (2009).¹ We review his claim de novo. *In re P.L.*, 778 N.W.2d 33, 40 (Iowa 2010).

Because the father does not dispute the grounds for termination have been proved, we may affirm on those grounds. See Iowa R. App. P. 6.903(2)(g)(3) (“Failure in the brief to state, to argue or to cite authority in support of an issue may be deemed waiver of that issue.”); *In re S.R.*, 600 N.W.2d 63, 64 (Iowa Ct. App. 1999) (“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.”). However, the father contends the State failed to make reasonable efforts to reunify the family or eliminate the need for removal. He alleges the Iowa Department of Human Services “did not help him with additional visits with his daughter and with his substance abuse issues,” and he feels his rights were terminated “because he did not comply with the case plan.”

The child was removed from the parents’ care shortly after her birth in August 2009. Drug screens revealed the child’s meconium tested positive for methamphetamine. Since the removal, the father has received extensive substance abuse evaluation and treatment, mental health treatment, inpatient and outpatient services, visitation, domestic violence treatment, batterer’s education, family support, and family safety, risk, and permanency services. The

¹ The mother does not appeal the termination of her parental rights to the child.

father had also been receiving similar services for a separate child-in-need-of-assistance proceeding involving the parents' older child since August 2008, who also tested positive for methamphetamine at birth.²

Throughout these proceedings, the father has repeatedly tested positive for alcohol and illegal drugs, including methamphetamine and marijuana. He was arrested at least twice, for alcohol and domestic violence related offenses. In March 2010, he stopped participating in drug screens. Although the father was offered visitation, his participation was inconsistent. His last visit with the child was in May 2010. After that time, the father made no effort to visit or contact the child. The father became incarcerated in August 2010 and remained incarcerated in the county jail at the time of the termination hearing.

The father attended the dispositional hearing in November 2009; he attended review hearings in March and May 2010; and although he remained in custody, he was permitted to attend the termination hearing in August 2010. However, prior to the termination hearing, no mention was ever made in regard to the sufficiency of the services. A parent's challenge to services by the State should be made when they are offered, not when termination of parental rights is sought after services have failed to remedy a parent's deficiencies. *In re A.A.G.*, 708 N.W.2d 85, 91 (Iowa Ct. App. 2005). The father fails to identify what services he previously requested, or how he otherwise challenged the adequacy of services prior to the termination hearing. We conclude this issue has been waived. See *id.* (concluding parent's reasonable efforts claims were not

² Shortly after A.W.-F.'s birth, both parents consented to the termination of parental rights to their older child. A.W.-F. is the father's ninth child, and the mother is currently pregnant with his tenth child. He does not have custody of any of his children.

preserved on appeal where DHS “has an obligation to make reasonable efforts toward reunification, but a parent has an equal obligation to demand other, different, or additional services prior to a permanency or termination hearing.”).

Having considered the issue raised on appeal, we find no reason to further delay the permanency the child needs and deserves. Termination of parental rights is in the child’s best interests, see Iowa Code § 232.116(2), and no factor weighing against termination in section 232.116(3) requires a different conclusion. We affirm the termination of the father’s parental rights.

AFFIRMED.