

IN THE COURT OF APPEALS OF IOWA

No. 1-404 / 11-0557
Filed June 15, 2011

**IN THE INTEREST OF S.S.,
Minor Child,**

**S.S., Father,
Appellant.**

Appeal from the Iowa District Court for Dubuque County, Thomas J. Straka, Associate Juvenile Judge.

A father appeals from the order terminating his parental rights.

AFFIRMED.

John T. Nemmers of Reynolds & Kenline, L.L.P., Dubuque, for appellant father.

Whitney Jacque of O'Connor & Thomas, Dubuque, for mother.

Thomas J. Miller, Attorney General, Kathrine Miller-Todd, Assistant Attorney General, Ralph Potter, County Attorney, and Jean Becker, Assistant County Attorney, for appellee State.

Mary Kelley, Dubuque, for minor child.

Considered by Eisenhauer, P.J., and Potterfield and Tabor, JJ.

EISENHAUER, P.J.

A father appeals the termination of his parental rights to his child. He contends his attorney was not allowed proper and sufficient time to prepare for trial. He also contends the State failed to prove the grounds for termination by clear and convincing evidence.

We review termination of parental rights cases de novo. See *In re P.L.*, 778 N.W.2d 33, 40 (Iowa 2010). We review the denial of a motion for continuance under an abuse of discretion standard. *In re C.W.*, 554 N.W.2d 279, 281 (Iowa Ct. App. 1996).

The father first contends the juvenile court abused its discretion in denying his motion to continue. Counsel was appointed to represent the father five days before trial. The father sought a continuance on the day of trial. In his oral motion to continue he claimed his attorney needed more time to review the file and he wished to become involved in the child's life. The court denied the motion, citing the fact the father had proper notice of the termination proceedings and his lack of involvement in the child's life. The father did not appear in person for trial but attended and testified by telephone. It was his first participation in a court proceeding since the commencement of the child's case in April 2010. We may look at a parent's past performance in determining whether a continuance of a termination proceeding should be granted. *In re T.D.H.*, 344 N.W.2d 268, 270 (Iowa Ct. App. 1983). We will only reverse the denial of a motion to continue if injustice will result to the party requesting the continuance and the denial was unreasonable under the circumstances. *C.W.*, 554 N.W.2d at 281. We conclude the trial court did not abuse its discretion.

The father's parental rights were terminated pursuant to Iowa Code section 232.116(1)(b) and (f) (2011). He challenges termination under section 232.116(1)(b) but not under section 232.116(1)(f). His failure to do so waives any right to appeal that issue, and we accordingly affirm the juvenile court's order terminating his parental rights. See *In re S.R.*, 600 N.W.2d 63, 64 (Iowa Ct. App. 1999) (stating when the juvenile court terminates parental rights on more than one statutory ground, the appellate court only needs to find grounds to terminate parental rights under one of the sections cited by the juvenile court in order to affirm the ruling of the juvenile court).

AFFIRMED.