

IN THE COURT OF APPEALS OF IOWA

No. 1-888 / 11-1592
Filed November 23, 2011

**IN THE INTEREST OF I.L. and L.C.,
Minor Children,**

**J.A.C., Father,
Appellant.**

Appeal from the Iowa District Court for Franklin County, Peter B. Newell,
District Associate Judge.

A father appeals from the district court's ruling terminating his parental
rights to his two children. **AFFIRMED.**

Patrick D. McMullen of McMullen Law Offices, Cedar Rapids, for appellant
father.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant
Attorney General, Dan Wiechmann, County Attorney, and Brent J. Symens,
Assistant County Attorney, for appellee State.

Michael J. Cross of Cross Law Firm, Hampton, for mother.

Megan R. Rosenberg of Hobson, Cady & Cady, Hampton, attorney and
guardian ad litem for minor children.

Considered by Vaitheswaran, P.J., and Potterfield and Doyle, JJ.

POTTERFIELD, J.

A father appeals from the district court's ruling terminating his parental rights to his two children.¹ He contends (1) reasonable efforts were not made to reunify the children with him; and (2) that termination was not in the children's best interests.

The father does not dispute that the grounds for termination exist under Iowa Code section 232.116(1) (2011).² Consequently, we need not address the matter and deem the grounds established by clear and convincing evidence. See *In re P.L.*, 778 N.W.2d 33, 40 (Iowa 2010).

The father argues the Iowa Department of Human Services failed to make reasonable efforts of reunification. While the State has an obligation to make reasonable efforts toward reunification, a parent has an equal obligation to demand other, different, or additional services prior to a permanency or termination hearing or the issue is considered waived for further consideration on appeal. *In re A.A.G.*, 708 N.W.2d 85, 91 (Iowa Ct. App. 2005); see also Iowa Code § 232.102(7). The father did not participate in services. Nor did he timely seek other, different, or additional services. This issue is therefore waived.

The father argues that the State failed to show that termination was in the best interests of the children. We disagree. The children were removed from the parents' care and custody on October 6, 2010, as a result of domestic violence

¹ The mother's parental rights were also terminated and she has not appealed.

² The father's rights were terminated pursuant to Iowa Code section 232.116(1)(b) (child abandoned or deserted); (e) (child adjudicated in need of assistance (CINA), removed from parent's custody at least six consecutive months, and failure to maintain significant and meaningful contact); (h) (child under three years of age, adjudicated CINA, removed at least six months, and cannot be returned presently); and (j) (child adjudicated CINA and removed from parent's custody, and parent has a severe, chronic substance abuse problem and presents a danger to self or others as evidenced by prior acts) (2011).

and substance abuse. The father thereafter had four visits with his children: on November 12, December 17, December 27, and then on January 3, 2011. He telephoned one daughter on her birthday in May 2011, but has otherwise had no contact with them since January 3, 2011. He has not provided any financial or emotional support to his children. In addition, he is currently incarcerated having pleaded guilty to federal drug charges and testified he is facing a term of twenty years to life. The father has abdicated his parental responsibilities. The children, meanwhile, have been in the care of relatives since December 2010 and are fully integrated into that home. Terminating the father's parental rights so the children can be permanently placed gives primary consideration to their safety, to the best placement for furthering the long-term nurturing and growth of the child, and to the physical, mental, and emotional needs of the child under section 232.116(2). "It is well-settled law that we cannot deprive a child of permanency after the State has proved a ground for termination under section 232.116(1) by hoping someday a parent will learn to be a parent and be able to provide a stable home for the child." *P.L.*, 778 N.W.2d at 41.

We affirm the termination of parental rights.

AFFIRMED.