

**IN THE COURT OF APPEALS OF IOWA**

No. 1-908 / 11-0844  
Filed November 23, 2011

**IN THE INTEREST OF A.F., M.F., Jr. and T.F.,  
Minor Children,**

**M.F., Father,**  
Appellant,

**T.F., Mother,**  
Appellant.

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Appeal from the Iowa District Court for Scott County, John G. Mullen,  
District Associate Judge.

A father appeals the termination of his parental rights. **AFFIRMED.**

Dana L. Copell of Law Office of Dana Copell, Davenport, for appellant  
father.

Lucy H. Valainis, Davenport, and Eric D. Puryear of Puryear Law, P.C.,  
Davenport, for appellant mother.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant  
Attorney General, Michael J. Walton, County Attorney, and Julie A. Walton,  
Assistant County Attorney, for appellee State.

Jack E. Dusthimer, Davenport, attorney and guardian ad litem for minor  
children.

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

**POTTERFIELD, J.**

A father appeals the termination of his parental rights to his three children. On appeal, he asserts termination was not in the children's best interests. Using the framework provided in Iowa Code section 232.116(2) (2011), we conclude a termination of the father's parental rights best provides for the children's safety, long-term growth, and physical, mental, and emotional needs.

The record establishes that throughout the course of these proceedings, the father was involved in a highly conflicted relationship with the children's mother.<sup>1</sup> The instability in the parents' relationship reached a point that it became a safety concern for the children. After one dispute with the children's mother, the father was so upset that he went to the hospital for treatment of anxiety. The father reported the mother had anger issues and "fits of rage" in front of the children. This led to a decrease in the parents' visits with the children. The father also reported he had difficulty dealing with his own anger, but he failed to follow through with services to address this issue.

In November 2010, the mother reported she had been physically abused by the father. The mother later recanted this accusation, which the father had consistently denied, although he did acknowledge he used physical force in an attempt to control the mother's physical outbursts during arguments. The parents each reported having difficulty communicating with one another and each discussed divorce at times during this case, though at the time of trial they planned to remain married. We believe the escalating stress and conflict

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<sup>1</sup> The mother's appeal from termination of her parental rights was not timely filed and was therefore dismissed.

between the parents, which has reportedly resulted in physical and verbal abuse, affected the parents' abilities to care for the children.

In addition, the record shows the father's ability to provide for his children is affected by his mental capacity. See Iowa Code § 232.116(2)(a). In its order adjudicating the children to be in need of assistance, the court noted the father had "mental health issues and appear[ed] to be lower functioning." The court further noted the father had "limited knowledge of child development issues and [could] become easily frustrated with the stresses of parenting." We find these conclusions to be supported by the record. The parents experienced such high stress as a result of the requirements of caring for their children in 2009 that they requested the removal of the older two children.<sup>2</sup> When the caseworker came to take the children into foster care pursuant to the parents' request, the father was playing video games and had to be asked to help find the children's shoes. The father stated he was unable to care for the children at the time because he was mentally unstable. The record further shows that at times the father failed to respond to cues that the children were hungry, failed to recognize potential safety hazards, and was unable to manage the children's behavior during visits. Care providers reported the father would have difficulty managing his anxiety in a way that would allow him to consistently care for the children. While we acknowledge the father appears to be a loving and caring parent, he has been unable to provide for the children's best interests on a consistent basis.

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<sup>2</sup> The youngest child was removed shortly after birth. The children remained in out-of-home placement at the time of the trial on the petition to terminate parental rights.

The children are currently placed together in a foster home and appear to be happy in the home. Though the children have been in this home for only two or three months, the foster family is willing and able to integrate all three children into their home permanently. See *id.* § 232.116(2)(b).

On our de novo review, we affirm the juvenile court's order finding termination was in the children's best interests. See *In re P.L.*, 778 N.W.2d 33, 40 (Iowa 2010) (“[T]he proper standard of review for all termination decisions should be de novo.”).

**AFFIRMED.**