

IN THE COURT OF APPEALS OF IOWA

No. 2-1148 / 12-2079
Filed January 9, 2013

**IN THE INTEREST OF J.H. AND A.G.,
Minor Children,**

**D.H., Father,
Appellant.**

Appeal from the Iowa District Court for Clinton County, Philip J. Tabor,
District Associate Judge.

A father appeals the termination of his parental rights to his child.

AFFIRMED.

J. David Zimmerman, Clinton, for appellant father.

Thomas J. Miller, Attorney General, Katherine S. Miller-Todd, Assistant
Attorney General, Mike Wolf, County Attorney, and Cheryl J. Newport, Assistant
County Attorney, for appellee State.

Carrie Coyle, Davenport, for appellee mother.

Neill Kroeger, LeClaire, attorney and guardian ad litem for minor children.

Considered by Eisenhauer, C.J., and Vogel and Vaitheswaran, JJ. Tabor,
J., takes no part.

VAITHESWARAN, J.

A father appeals the termination of his parental rights to his child, born in 2009.¹ He contends the record lacks clear and convincing evidence to support the grounds for termination cited by the juvenile court. On our de novo review, we find clear and convincing evidence to support termination under Iowa Code section 232.116(1)(h) (2011) (requiring proof of several elements including proof that the child cannot be returned to the parent's custody). See *In re S.R.*, 600 N.W.2d 63, 64 (Iowa Ct. App. 1999) (setting forth the standard of review and also providing that the appellate court may affirm a juvenile court's order terminating parental rights to a child if there is evidence to support any one ground relied upon by the juvenile court).

The child initially came to the attention of the Department of Human Services in June 2011 after her sister was born with drugs in her system. Both children were removed from the mother's custody and were briefly placed in foster care. They were returned to the mother's care the same month. At this time, the father was living in California.

The father returned to Iowa in October 2011 and began living with the mother and the children. A month later, the children were again removed based on the mother's lapse in sobriety. The father moved out shortly thereafter.

The department soon discovered that the father was living in New York. An employee attempted to maintain contact with him without success.

¹ The father lists two children of the mother as being the subject of this appeal. However, he notes he was only on the birth certificate of the older child, born in 2009, and an affidavit he proffered only confirmed paternity as to that child. Finally, the juvenile court only terminated his parental rights to this child. For these reasons, our opinion will only address his parental rights to the child born in 2009.

Approximately one month before the termination hearing, the father initiated contact with the department and began having twice-weekly supervised telephone conversations with the child for a few minutes each time. The juvenile court characterized these contacts as “inconsequential to the development of a relationship with [the child].” This characterization is supported by a department report in which an employee stated, “[The father] has not had interactions with his daughter, he has not address[ed] any parenting issues, and he has taken off to New York without telling anyone that he was gone.” The employee noted that the father “was not involved in [the child’s] first year of life and has only been involved with [the child] for a total of six months out of 36 months.” He had no in-person contact with the child during the nine months preceding the termination hearing.

Based on this record, we conclude the child could not be returned to the father’s custody. We affirm the termination of the father’s parental rights to this child.

AFFIRMED.