

**IN THE COURT OF APPEALS OF IOWA**

No. 3-280 / 13-0099  
Filed April 10, 2013

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

**N.M., Father,  
Appellant.**

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Appeal from the Iowa District Court for Johnson County, Deborah F. Minot, District Associate Judge.

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

**AFFIRMED.**

John J. Bishop, Cedar Rapids, for appellant father.

Thomas J. Miller, Attorney General, Katherine S. Miller-Todd, Assistant Attorney General, Janet M. Lyness, County Attorney, and Emily Voss, Assistant County Attorney, for appellee State.

Anthony Haughton of Linn County Advocates, Cedar Rapids, attorney and guardian ad litem for minor child.

Considered by Vaitheswaran, P.J., and Tabor and Mullins, JJ.

**VAITHESWARAN, P.J.**

A father appeals the termination of his parental rights to his daughter, born in 2011. He concedes the State proved that the child could not be returned to his custody. See Iowa Code § 232.116(1)(h) (2011) (authorizing termination of parental rights where State proves several elements, including proof that child cannot be returned to parent's custody). His focus is on whether termination was in the child's best interests. See *id.* § 232.116(2); *In re P.L.*, 778 N.W.2d 33, 37 (Iowa 2010). He specifically contends the district court should have afforded him a six-month extension to facilitate reunification. See Iowa Code § 232.104(2)(b). On our de novo review, we disagree. *P.L.*, 778 N.W.2d at 40.

The father had a short relationship with a woman, which resulted in her pregnancy. The woman told him she miscarried. In fact, the woman gave birth to a girl.

The Department of Human Services became involved with mother and child after the mother left the child with a caretaker who, in turn, left the child in a vehicle. The child was removed from the mother's custody and placed in the home of her maternal grandfather, where she remained throughout the proceedings.

The father learned of his daughter in a notice of these proceedings. When the child was approximately one year old, his paternity was confirmed and he began exercising supervised visits with her. Those visits briefly transitioned to semi-supervised visits but reverted to supervised when the department discovered that the father recently pled guilty to child endangerment involving another girl.

Approximately one month before the termination hearing, the father was committed to the custody of the department of corrections for a prison term not exceeding five years and was placed on probation, subject to special conditions. Among the conditions was a requirement that he have no contact with anyone under the age of eighteen without the permission of his supervising officer. Because his partner had a child and the probation condition prohibited him from living in the home with her, he was placed in jail pending an opening at a halfway house.

At the termination hearing, the father testified that he anticipated spending four to six months at the halfway house. He was uncertain whether the prohibition of contact with children would remain in effect following the completion of his stay at the facility.

A department social worker who oversaw the case characterized the father's circumstances as being "too . . . uncertain" and "too unstable." He expressed concern with the father's "extensive criminal history." He additionally testified the father had not "demonstrated any consistent parenting skills" and had a "limited understanding of child development and the needs of a child that young." He opined that reunification was not a viable option because the child had been out of a parental home for almost a year and the father would be incarcerated "for at least four to six months," assuming compliance with all conditions, after which he would have to find suitable housing.

The district court concluded termination was in the child's best interests. The court reasoned:

Although [the child] enjoyed spending time with [the father] there is no evidence of a loving, secure parent-child attachment. Due to his incarceration, he will not be available to parent her for several months. He has not established a stable, mature lifestyle consistent with parenting. He has not demonstrated the commitment or the ability to provide for a child's basic needs on a day-to-day basis.

We agree a six-month extension was not warranted. While the child enjoyed the company of her father during the thirteen visits that preceded his incarceration, the relationship could not progress beyond supervised visits as long as the father remained in a halfway house. After that point, there was no guarantee he would be allowed to have any further contact with her.

We affirm the termination of the father's parental rights to this child.

**AFFIRMED.**