

IN THE COURT OF APPEALS OF IOWA

No. 3-321 / 13-0374
Filed April 24, 2013

**IN THE INTEREST OF A.V., A.V., AND A.V.,
Minor Children,**

**P.V., Father,
Appellant.**

Appeal from the Iowa District Court for Polk County, Rachael E. Seymour,
District Associate Judge.

A father appeals the termination of his parental rights to his three children.

AFFIRMED.

Nathaniel Tagtow of Tagtow & Lockwood, P.L.L.C., Des Moines, for
appellant father.

Thomas J. Miller, Attorney General, Katherine S. Miller-Todd, Assistant
Attorney General, John P. Sarcone, County Attorney, and Christina Gonzalez,
Assistant County Attorney, for appellee State.

Penny Reimer, West Des Moines, for appellee mother.

ConGarry Williams of the Juvenile Public Defender Office, Des Moines,
attorney and guardian ad litem for minor children.

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

VAITHESWARAN, P.J.

A father appeals the termination of his parental rights to his three children, born in 2002, 2003, and 2010. He does not contest the grounds for termination cited by the district court. Instead, he focuses on whether termination was in the children's best interests. See *In re P.L.*, 778 N.W.2d 33, 39 (Iowa 2010). He specifically contends "[t]he children would benefit physically, mentally, and emotionally from maintaining a parent-child relationship with [him]" and the court did not need to terminate his parental rights because the children were placed with a relative. See Iowa Code § 232.116(3)(a) (2011). On our de novo review, we disagree with these contentions. See *P.L.*, 778 N.W.2d at 40 (setting forth the standard of review).

The children were removed from the mother's care based on her drug use. The mother underwent services to address her addiction but struggled to maintain her sobriety. Her parental rights to the children were eventually terminated. She has not appealed.

The father also abused substances, including methamphetamine and cocaine. In March, 2012, he moved to California to live with his sister. A month later, on a visit to Iowa, he tested positive for barbiturates in his system. While he expressed a commitment to engage in treatment services in California, he provided no documentation that he followed through with this commitment.

The father's contact with the children diminished following the move. Initially, the Department of Human Services (department) afforded him weekly supervised telephone calls. The department later suspended the calls based on concerns that the father was "making false promises" to the children.

In November 2012, the father moved back to Iowa and expressed an interest in re-engaging with the children. The same month, the State filed a petition to terminate his parental rights.

At the termination hearing, the father testified that, on his return to Iowa, he obtained a substance abuse evaluation, began outpatient treatment, secured a job, and found a place to live. He expressed deep sorrow with his separation from the children and said he was willing to assume their custody and care. At the same time, he acknowledged he had not seen them “for a long time.”

While we do not doubt the sincerity of the father’s expressions of love for his children, we are convinced he was a long way away from being able to parent the children safely and independently. For that reason, we agree with the district court that termination was in the children’s best interests. Absent the likelihood of imminent reunification, we also agree there was no reason to invoke an exception to termination based on the children’s placement with a relative.

We affirm the termination of the father’s parental rights to his children.

AFFIRMED.