

**IN THE COURT OF APPEALS OF IOWA**

No. 6-590 / 06-0805  
Filed August 23, 2006

**IN THE INTEREST OF A.B., and D.B., JR.,  
Minor Children,**

**D.B., SR., Father,**  
Appellant,

**J.K., Mother,**  
Appellant.

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Appeal from the Iowa District Court for Warren County, John P. Crouch,  
Judge.

The father appeals from the order terminating his parental rights to two  
children. **AFFIRMED.**

Yvonne Naanep, Des Moines, for appellant father.

Thomas J. Miller, Attorney General, Kathrine Miller-Todd, Assistant  
Attorney General, Gary Kendell, County Attorney, and Alyssa Kenville, Assistant  
County Attorney, for appellee.

Jeffrey Mains of Mains Law Office, P.L.C. Des Moines, guardian ad litem  
for minor children.

Considered by Sackett, C.J., and Hecht and Vaitheswaran, JJ.

**HECHT, J.**

David Sr. is the father of Ashley, who was born in 1991, and David Jr., who was born in 1992. The children were removed from the home of their mother and step-father in October of 2003 based upon allegations that Ashley's step-father had sexually abused her. In April of 2004, the children were adjudicated as children in need of assistance (CINA) under Iowa Code sections 232.2(6)(b), (c)(2), and (n) (2005) based on the sexual abuse and their mother's drug use. On February 13, 2006, the children's guardian ad litem filed a petition seeking the termination of David Sr.'s parental rights. Following a hearing, the juvenile court granted the petition, terminating David Sr.'s parental rights pursuant to sections 232.116(1)(b), (d), (e), and (f).<sup>1</sup> David Sr. appeals from this order.

We review termination orders de novo. *In re R.F.*, 471 N.W.2d 821, 824 (Iowa 1991). While the district court terminated the parental rights on more than one statutory ground, we will affirm if at least one ground has been proved by clear and convincing evidence. *In re R.R.K.*, 544 N.W.2d 274, 276 (Iowa Ct. App. 1995). Our primary concern in termination proceedings is the best interests of the children. *In re Dameron*, 306 N.W.2d 743, 745 (Iowa 1981).

On appeal, David maintains clear and convincing evidence does not support termination under any of the grounds cited by the juvenile court. Additionally, he asserts termination is not in the children's best interests. Upon

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<sup>1</sup> The court also terminated the rights of the children's mother, Jolynn; however, her rights are not at issue in this appeal.

our careful de novo review of the record, we reject both of these contentions and affirm the termination of David Sr.'s parental rights to Ashley and David Jr.

We believe termination was appropriate under section 232.116(1)(f), which requires a finding by clear and convincing evidence that the children cannot be returned to the custody of their parents as provided in section 232.102. First, David Sr. has had little meaningful contact with Ashley and David Jr. during their lives. Since the initiation of the CINA case, David Sr. has seen Ashley only four times. Prior to his first contact with David Jr. during this case,<sup>2</sup> David Sr. had not seen him in nearly one and one-half years. Accordingly, there appears to be little bond between David Sr. and the children, and precious little insight by David Sr. on how to parent appropriately these children.

Prior to the involvement of the Iowa Department of Human Services (DHS) in this case, David Sr. spent time in prison on drug charges. Despite DHS's current concerns about David's possible drug use, David initially refused to provide drug screens, claiming he would only do so if actually ordered by the court. He claimed the drug screens violated his constitutional rights. Other than two early hearings and the termination hearing, he attended none of the court proceedings in this case. His only excuse for his absences from court proceedings was that he had not been notified. The juvenile court found the excuse incredible, and so do we.

It further appears that David Sr. lacked motivation to take reasonable measures to maximize his opportunity for visitation with his children. Without

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<sup>2</sup> DHS contacted David Sr. in order to receive permission for a surgery planned for David Jr.

excuse, he cancelled a scheduled parenting assessment, which he knew to be essential to his prospects for establishment of relationships with Ashley and David, Jr. In fact, David Sr.'s failure to make timely efforts to demonstrate his genuine desire to parent the children delayed his first supervised visit until approximately two weeks prior to the termination hearing.

Accordingly, we concur in the juvenile court's judgment that the children cannot be returned to David Sr. David Sr.'s lack of serious effort toward reunification and refusal to meet DHS's rudimentary and reasonable expectations cause us to conclude that if the children were to be returned to his care, they would likely be subjected to further adjudicatory harm. These reasons, together with the fact that the children are currently living together in a suitable pre-adoptive home, support our determination that termination of David Sr.'s parental rights is clearly in the best interests of the children. We therefore affirm the termination of his parental rights.

**AFFIRMED.**