

IN THE COURT OF APPEALS OF IOWA

No. 6-602 / 06-1122
Filed September 7, 2006

**IN THE INTEREST OF M.C. AND V.S.,
Minor Children,**

J.S., Father,
Appellant.

Appeal from the Iowa District Court for Woodbury County, John D. Ackerman, Judge.

A father appeals a juvenile court order which terminated his parental rights. **AFFIRMED.**

Al Sturgeon, Sioux City, for appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant Attorney General, Tom Mullin, County Attorney, and Marti Sleister, Assistant County Attorney, for appellee State.

Stephanie Parry of Forker & Parry, Sioux City, for mother.

John C. Nelson of Thomas & Nelson Law Firm, P.C., Sioux City, guardian ad litem for minor children.

Bruce G. Thomas, successor to the attorney/guardian ad litem for minor children.

Considered by Sackett, C.J., and Vaitheswaran, J., and Robinson, S.J.*

*Senior Judge assigned by order pursuant to Iowa Code section 602.9208 (2005).

VAITHESWARAN, J.

Johnny appeals the termination of his parental rights to Victoria, born in 2002. He contends: (1) the State did not present clear and convincing evidence to support the grounds for termination on which the district court relied and (2) the State did not make reasonable efforts towards reunification.

I. When the district court terminates parental rights on several statutory grounds, we may affirm if we find evidence to support any one of those grounds. *In re S.R.*, 600 N.W.2d 63, 64 (Iowa Ct. App. 1999). On our de novo review, we find clear and convincing evidence to support termination under Iowa Code section 232.116(1)(e) (2005) (requiring proof of several elements including proof that parent has not maintained significant and meaningful contact).

The legislature has defined the term “significant and meaningful contact,” as follows:

This affirmative duty, in addition to financial obligations, requires continued interest in the child, a genuine effort to complete the responsibilities prescribed in the case permanency plan, a genuine effort to maintain communication with the child, and requires that the parents establish and maintain a place of importance in the child’s life.

Iowa Code § 232.116(1)(e)(3).

Johnny, Victoria, and the child’s mother, Michelle, lived together in Minnesota until August 2004. At that time, Michelle and Victoria moved to Iowa. In Iowa, Michelle used drugs and did not properly care for Victoria. As a result, the Department of Human Services became involved.

The Department notified Johnny of court proceedings involving the child. Johnny initially advised the Department that he lived with his mother in

Minnesota and wished to assume Victoria's care. The Department contacted its sister agency in Minnesota to begin a home study.

Johnny did not meet the Minnesota agency's expectations. He appeared to be staying in a different city or county than the one in which his mother lived and he was not "following through with appointments." In light of these concerns, the two agencies decided to perform an independent home study of Johnny's mother. This approach was unsuccessful as well, as his mother expressed an unwillingness to share information about her spouse.

Johnny continued to miss appointments with the Minnesota agency. Toward the end of 2005, the Department advised the Minnesota agency to stop work on Johnny's home study "due to [Johnny's] lack of follow-through and interest in the process."

Approximately two and a half months before the termination hearing, Johnny's mother asked the Department whether Johnny and his girlfriend could be jointly considered as a placement option. A caseworker informed her that they would jointly have to participate in a home study. Although demographic information was obtained from Johnny, the record is unclear as to whether this option was pursued.

What is clear is that Johnny saw Victoria only three times in the year preceding the termination hearing.¹ The Department's case manager testified, "The lack of interaction between the two, based on my observations, concerns me." This lack of interaction was also of concern to the district court. We agree

¹ He also made arrangements to see Victoria on the day of the termination hearing, which he conceded was only his fourth time in the preceding year.

with the court that Johnny failed to maintain significant and meaningful contact with Victoria. See *In re A.J.*, 553 N.W.2d 909, 912 (Iowa Ct. App. 1996) (finding absence of significant and meaningful contact where mother only visited children once in six months prior to the termination hearing and father visited them only six times within that period); *In re L.M.F.*, 490 N.W.2d 66, 68 (Iowa Ct. App. 1992) (finding no significant and meaningful contact where mother visited child only once during relevant period and called only once every two to three months).

II. Johnny also claims the Department did not engage in reasonable reunification efforts. We disagree. The Department commissioned a home study, followed-up with the Minnesota agency responsible for conducting the study, and met with Johnny and his mother at their convenience. Given Johnny's non-responsiveness to these services, we are not persuaded that the Department was required to do more.

We affirm the termination of Johnny's parental rights to Victoria.

AFFIRMED.