

**IN THE COURT OF APPEALS OF IOWA**

No. 6-766 / 06-1189  
Filed October 11, 2006

**IN THE INTEREST OF L.F., Minor Child,**

**T.D.F., Father,**  
Appellant.

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Appeal from the Iowa District Court for Polk County, Karla J. Fultz,  
Associate Juvenile Judge.

A father appeals from a juvenile court order terminating his parental rights  
to one child. **AFFIRMED.**

Bryan J. Tingle of Kragnes, Tingle & Koeneg, P.C., Des Moines, for  
appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant  
Attorney General, John P. Sarcone, County Attorney, and Faye Jenkins,  
Assistant County Attorney, for appellee.

Jesse Macro, Des Moines, for mother.

Nicole Garbis Nolan, Des Moines, guardian ad litem for minor child.

Considered by Vogel, P.J., and Miller and Eisenhauer, JJ.

**MILLER, J.**

April is the mother, and Tyler the father, of Logan, born in June 2003. Tyler appeals from a July 2006 juvenile court order terminating his parental rights to Logan. The order also terminated April's parental rights, and she has not appealed. We affirm.

The juvenile court terminated Tyler's parental rights on each of the statutory grounds set forth in Iowa Code sections 232.116(1)(d), (e), (i) and (l) (2005). Tyler claims the juvenile court erred in finding termination to be in Logan's best interest, asserting termination of his parental rights is not in Logan's best interest because of the closeness of their parent-child relationship. He cites Iowa Code section 232.116(3)(c) and *In re C.L.H.*, 500 N.W.2d 449, 454 (Iowa Ct. App. 1993). The State responds that Tyler has not preserved error on this issue and even if error was preserved the discretionary exception relating to the closeness of the parent-child relationship does not apply in this case.

A review of the transcript of the termination hearing and the juvenile court's resulting ruling reveals that no claim or issue regarding a finding pursuant to section 232.116(3)(c), that termination of Tyler's parental rights to Logan would be detrimental to Logan due to the closeness of their parent-child relationship, was presented to the juvenile court, passed upon by the juvenile court, or pursued by way of a post-ruling motion. We conclude error was not preserved on the issue which Tyler now attempts to present on appeal. See *In re K.C.*, 660 N.W.2d 29, 38 (Iowa 2003) ("Even issues implicating constitutional rights must be presented to and ruled upon by the district court in order to preserve error for appeal."); *In re C.D.*, 508 N.W.2d 97, 100 (Iowa Ct. App. 1993)

“Matters not raised in the trial court, including constitutional questions, cannot be asserted for the first time on appeal.”). A motion pursuant to Iowa Rule of Civil Procedure 1.904(2) (formerly rule 179(b)) is essential to the preservation of error when a trial court does not resolve an issue. *In re A.M.H.*, 516 N.W.2d 867, 872 (Iowa 1994); *State Farm Mut. Auto. Ins. Co. v. Pflibsen*, 350 N.W.2d 202, 206-07 (Iowa 1984). Because error was not preserved on the issue presented we decline to address the merits, or lack of merits, of the issue and affirm the decision of the juvenile court.

**AFFIRMED.**