

IN THE COURT OF APPEALS OF IOWA

No. 6-891 / 06-1560
Filed November 30, 2006

**IN THE INTEREST OF P.S.,
Minor Children,**

R.C., Father,
Appellant.

Appeal from the Iowa District Court for Lee (South) County, Gary R. Noneman, District Associate Judge.

A father appeals the district court's permanency ruling. **AFFIRMED.**

Emily S. Dean of Saunders, Humphrey, Johnson & Dean, L.L.P., Fort Madison, for appellant father.

Kendra Abfalter, Keokuk, for mother.

Thomas J. Miller, Attorney General, Bruce Kempkes, Assistant Attorney General, Michael Short, County Attorney, and David Andrusyk, Assistant County Attorney, for appellee State.

Laura Krehbiel, Donnellson, for minor children.

Considered by Mahan, P.J., and Miller and Vaitheswaran, JJ.

PER CURIAM

A father appeals the district court's permanency ruling. He argues (1) the Iowa Department of Human Services (DHS) failed to provide services for unification; (2) the permanency ruling is not in the child's best interests; and (3) the State failed to show the child could not be placed in the father's home. We affirm.

I. Background Facts and Proceedings

Richard and Natasha are the parents of P.S., born in February 2001. Richard resides with his mother in Milwaukee, Wisconsin, while Natasha and P.S. currently reside in Keokuk, Iowa. Sometime in 2004, Natasha left P.S. in her mother's care while she was on probation and there were outstanding warrants for her arrest. Richard told a child protective worker that he planned to take P.S. to Milwaukee. He also told DHS Natasha and P.S. had lived with him and that he cared for P.S. for a few months while Natasha was in jail. He stated that he had not seen P.S. since July 2003. He claimed he maintained telephone contact with Natasha. He had never paid child support.

On October 8, 2004, the State filed a petition alleging P.S. was a child in need of assistance (CINA). At the initial hearing, Richard reported he had no job, no income, and no assets worth more than \$100. He also claimed to have two children living with him. Richard did not appear at two subsequent hearings, though his counsel was present. P.S. was adjudicated CINA on December 3, 2004. Richard filed an appeal, but time on the appeal was allowed to expire.

On June 20, 2005, paternity tests established Richard as P.S.'s biological father. A month later, the court ordered Richard to complete a home study. Richard filed another notice of appeal. The supreme court dismissed his appeal on November 9, 2005.

A permanency hearing was held on December 1, 2005 and January 5 and 31, 2006, during which Richard testified. He provided long, confusing, and often nongermane answers to direct questions asked about his personal, educational, work, and criminal history. The court was unable to determine a straight-forward, chronological history of what he had been doing in the last twenty years. Further, it also noted there was little documentary evidence to verify his testimony.¹ The court found reasonable efforts had been made to provide Richard with services. It ordered him to complete a mental health evaluation and parental skills training. It also ordered visitation at DHS's discretion.

Another permanency hearing was held September 7, 2006. In its ruling the court again noted at length both the inconsistencies in Richard's statements to DHS and the court and its inability to discern anything of Richard's personal background. The ruling stated

The bottom line is that Richard himself has not truly demonstrated any sustained commitment to raising or even regularly seeing [P.S.] and that he views the efforts of everyone else to improve his parenting skills as an unjustified waste of his time. Indeed, [Richard] has come to hearings and DHS staffings and has talked about being [P.S.]'s parent, but in terms of actual substantive follow

¹ In addition to his testimony, Richard has sent several letters to the court and his attorneys during this case. In one of the letters, dated January 5, 2005, Richard accused the court, DHS, and various attorneys of issuing "an untrue, unjust, and illegal order against him," kidnapping his child, and extorting money from him.

through, deeds have been lacking. He has paid no financial support. He has visited his son largely only at times that coincided with court proceedings or DHS meetings. He missed two scheduled visits in July and August of 2006. When actual visits have taken place, the social worker has noted a lack of true parent-child interaction between Richard and [P.S.], even to the point of [Richard]'s acting like it was the social worker's job to deal with [P.S.]'s behaviors on visits rather than his own job to do so.

The court ruled that visitation should continue with Richard according to DHS's discretion and that P.S. should stay with his maternal grandmother. Richard appeals.

II. Standard of Review

Our review of permanency orders is de novo. *In re A.A.G.*, 708 N.W.2d 85, 90 (Iowa Ct. App. 2005).

III. Merits

After careful review of the record, we must affirm the district court's permanency ruling. Richard has received sufficient services from DHS.² It is Richard himself who has failed to take advantage of them. Though he expresses a desire to have P.S. placed in his care, he provides nothing other than demands that we should do so simply because he is the child's biological father. Richard would also have us move his young son to a state he does not remember to live with individuals he does not know and who have not been involved in the case. It is clearly in P.S.'s best interests to stay with his grandmother where he can be near his mother, younger sister, and other maternal relatives. Finally, Richard has not demonstrated, even at supervised visitation, that he can perform even

² The guardian ad litem argues we do not have to address services offered to Robert. However, because we find services were sufficient, we decline to address that argument.

the most rudimentary of parenting activities. It is clear P.S. cannot be placed in his home.

AFFIRMED.