

IN THE COURT OF APPEALS OF IOWA

No. 7-168 / 07-0134
Filed March 28, 2007

**IN THE INTEREST OF G.S.E.G.,
Minor Child,**

**B.E.G., Father,
Appellant.**

Appeal from the Iowa District Court for Mahaska County, Michael R. Stewart, District Associate Judge.

A father appeals the termination of his parental rights to his child.

AFFIRMED.

John E. Billingsley, Newton, for appellant father.

Thomas J. Miller, Attorney General, Kathrine Miller-Todd, Assistant Attorney General, Rose Anne Mefford, County Attorney and Misty White-Reinier, Assistant County Attorney, for appellee State.

Richard F. Scott, Oskaloosa, for appellee mother.

Randy S. DeGeest, Oskaloosa, for minor child.

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

VAITHESWARAN, J.

G.S.E.G., born in 2003, was removed from his parents' home following a lengthy episode of domestic abuse between his father, Brent, and his mother. At the time of the removal, authorities discovered a home that was filthy and dangerous. G.S.E.G. showed signs of neglect and abuse. Brent later admitted to extensive substance abuse spanning twenty-two years.

Brent was charged with several crimes arising from the domestic abuse episode. He entered into a plea agreement that called for a combined sentence not exceeding thirty-two years. Although Brent stated he would be eligible for parole in approximately January 2008, he acknowledged there was no guarantee that a parole request would be granted.

The State petitioned to terminate Brent's parental rights to G.S.E.G. At the termination hearing, Brent admitted the child could not be returned to him immediately or within the following six months. The district court terminated Brent's parental rights pursuant to Iowa Code section 232.116(1)(h) (2005) (authorizing termination on proof of several elements including proof that the child cannot be returned to the custody of the child's parents).

On appeal, Brent contends (1) the Iowa Department of Human Services (Department) did not make reasonable efforts towards reunification and (2) termination is not in the child's best interests. Our review of these issues is de novo. Iowa R. App. P. 6.4.

I. The Department must make reasonable efforts towards reunification. *In re C.B.*, 611 N.W.2d 489, 493 (Iowa 2000). This obligation is “a part of its ultimate proof the child cannot be safely returned to the care of a parent.” *Id.*

Brent argues he “requested visitation through the court but did not have visitation even though the Department reports provided for visitation.” The record reveals that the district court’s temporary removal order prohibited any contact between Brent and his son. Two months after this order was entered, a Department report contained a “request [] recommendation[]” that visits between Brent and his son be “supervised/unsupervised at the discretion of the Department.” There is no indication that the court granted this request or approved the recommendation. Several months later, Brent filed an “application for hearing on visitation.” The application stated that Brent wished to be heard “in the matter of visitation, specifically as to the issue of the no-contact order which prevents the father from [having any] contact with his son.” No hearing was held on this application. At the termination hearing, a Department social worker testified that, when Brent asked if he could see his child, she advised him that she thought “there was a no-contact order.” She later confirmed that such an order existed. She stated, “I couldn’t go forward [with visitation] with the knowledge that there was a no-contact order with the father.” Because Brent has not pointed to evidence that the no-contact order was lifted, we conclude the Department could not furnish visitation services. Accordingly, this ground is not a basis for reversal of the termination ruling.

II. Brent next contends termination is not in the child’s best interests because he is willing to financially support the child and he established a bond with the child.

The district court detailed the extensive evidence belying this assertion. That evidence amply supports a conclusion that termination of Brent's parental rights to G.S.E.G. was in the child's best interests.

AFFIRMED.