

**IN THE COURT OF APPEALS OF IOWA**

No. 7-880 / 07-1716  
Filed December 12, 2007

**IN THE INTEREST OF D.J.D., Minor Child,**

**F.A.D., JR., Father,**  
Appellant.

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Appeal from the Iowa District Court for Polk County, Constance Cohen,  
Associate Juvenile Judge.

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

Scott L. Bandstra, Des Moines, for appellant.

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

Michelle Saveraid, Youth Law Center, Des Moines, guardian ad litem for  
minor child.

Jeffrey Carter, Des Moines, for mother.

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

**MILLER, J.**

Frederic appeals from a juvenile court order terminating his parental rights to his daughter, Destiny. The order also terminated the parental rights of Destiny's mother, and she has not appealed. Frederic's sole claim on appeal is:

The Juvenile Court Erred in Terminating Father's Parental Rights Because Appellant Had Complied with Services While Incarcerated and He Should be Released Shortly From Incarceration.

Our scope and standards of review are well settled.

We review termination proceedings *de novo*. Although we are not bound by them, we give weight to the trial court's findings of fact, especially when considering credibility of witnesses. The primary interest in termination proceedings is the best interests of the child. To support the termination of parental rights, the State must establish the grounds for termination under Iowa Code section 232.116 by clear and convincing evidence.

*In re C.B.*, 611 N.W.2d 489, 492 (Iowa 2000) (citations omitted).

The juvenile court found the State had proved by clear and convincing evidence the grounds for termination of Frederic's parental rights pursuant to Iowa Code sections 232.116(1)(h) (child three or younger; adjudicated a child in need of assistance (CINA); removed from parents six of last twelve months, or last six months with any trial period at home less than thirty days; cannot be returned to parents without being a CINA), and 232.116(1)(l) (child adjudicated a CINA and custody transferred from parents for placement; parent has severe, chronic substance abuse problem, and presents danger to self or others as shown by prior acts; parent's prognosis indicates child cannot be returned to parent within reasonable period of time) (2007). On appeal Frederic does not mention section 232.116(1)(h). Although he does cite section 232.116(1)(l), his argument does not address the elements of that provision but instead relates to

the elements of section 232.116(1)(j). We deem waived any issue concerning grounds for termination pursuant to the two statutory provisions relied on by the juvenile court. See Iowa R. App. P. 6.14(1)(c) (“Failure in the brief to state, to argue or to cite authority in support of an issue may be deemed waiver of that issue.”); *In re W.R.C.*, 489 N.W.2d 40, 41 (Iowa Ct. App. 1992) (quoting, in part, rule 6.14(1)(c)).<sup>1</sup>

Although not stated as an issue, Frederic argues that termination of his parental rights is not in Destiny’s best interest, asserting he anticipates immediate release from prison and while imprisoned completed courses to make him a better person. We reject this argument.

Destiny was born in March 2004, and was three years of age at the time of the September 2007 termination hearing and resulting order. It appears that Frederic has had little if any involvement in her life. Destiny was removed from the care of her mother and her mother’s paramour in August 2006 and was initially placed in the custody of the Iowa Department of Human Services (DHS) for foster care placement. She was shortly thereafter placed in the legal custody of a couple who were family friends and former day care providers for Destiny, under DHS supervision, a status which continued through the termination hearing that was held over a year later. Destiny was adjudicated a CINA in September 2006.

During the early months of the CINA proceeding Frederic was on the run, having absconded from a work release program. He was arrested in early

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<sup>1</sup> Even if Frederic had not waived any issue concerning the statutory grounds for termination, based on the facts we note hereafter concerning whether termination is in Destiny’s best interest we find the State proved the grounds for termination pursuant to section 232.116(1)(h).

November 2006 and was later returned to prison where he has subsequently remained throughout the CINA and termination proceedings. Frederic took the classes to which he refers not during his present incarceration but rather prior to absconding from supervision in 2006. By reason of being on the run and subsequently imprisoned he has not attended hearings in these cases. His tentative discharge date is June 2008. Destiny could not be returned to Frederic's physical custody at the time of the termination hearing or within the foreseeable future without remaining a child in need of assistance.

Destiny has resided with her current caretakers for over a year. She is bonded to them. There is no evidence that she has any bond with Frederic. Destiny is thriving in the care of her caretakers, who are participating in the process of becoming licensed foster parents and hope to adopt her. Destiny needs and deserves the stability, security, and permanence that she can acquire through termination of Frederic's parental rights. We agree with the juvenile court's finding that termination of Frederic's parental rights is in Destiny's best interest.

**AFFIRMED.**