

**IN THE COURT OF APPEALS OF IOWA**

No. 7-884 / 07-1708  
Filed November 29, 2007

**IN THE INTEREST OF A.H., A.H. AND A.W.,  
Minor Children,**

**A.L.H., Father,  
Appellant.**

---

Appeal from the Iowa District Court for Linn County, Barbara H. Liesveld,  
District Associate Judge.

A father appeals the termination of his parental rights to his three children.

**AFFIRMED.**

John Bishop, Cedar Rapids, for appellant father.

Thomas J. Miller, Attorney General, Kathrine Miller-Todd, Assistant  
Attorney General, Harold Denton, County Attorney, and Lance Heeren, Assistant  
County Attorney, for appellee State.

David Nadler, Cedar Rapids, for minor child.

Considered by Sackett, C.J., and Vaitheswaran and Baker, JJ.

**BAKER, J.**

A father appeals the termination of his parental rights to his three children, claiming the State failed to provide reasonable efforts toward reunification. The father failed to preserve the issue for appellate review, and the services provided by the State were reasonable under the circumstances of the case. We affirm.

**I. Background and Facts**

Amy was the mother of three daughters, A.P., born in June 1991, Al.H., born in June 1992, and Au.H., born in September 1994, and one son, A.W., born in December 1995. Amy died of a drug overdose in August 2006.

Timothy is the father of A.P., and Alan is the father of the other three children. The children were first adjudicated to be children in need of assistance (CINA) in 1995, and after six months in foster care were returned to Amy's care. In May 2004, they again came to the attention of the Iowa Department of Human Services (DHS), when they were removed from Amy's home due to her drug use. At that time, all four children were placed with Alan and his wife. In August 2004, they were again adjudicated to be CINA pursuant to Iowa Code sections 232.2(6)(c)(1) and (2), and 232.2(6)(n) (2003).

On August 24, 2005, the children were removed from Alan's home and placed in foster family care due to allegations of Alan's lascivious acts with his older daughter, including propositioning her to engage in sexual relations with him. Alan was arrested on September 1, 2005, and charged with lascivious acts with a child. In March 2006, Alan's younger daughter reported that she had been abused by him. The girls testified at Alan's criminal trial in January 2007. Alan

was convicted of second-degree sexual abuse and sentenced to twenty-five years in prison. The lascivious acts with a child charges are still pending.

At the time the children were removed from Alan's custody, they were placed together with a foster family, where they currently reside. They have flourished in the foster home. The family has indicated a desire to adopt all four of the children. The children have indicated a desire to remain together, and to live "normal" lives, away from the involvement of DHS, and to be adopted by their foster family. Alan's children have stated they do not want to be returned to his care or to have contact with him.

In September 2005, DHS stated that visits would not be arranged between Alan and the children until he became involved in sexual abuse treatment. Alan has not had visitation with the children since that time. At a May 2006 review hearing, where Alan appeared by counsel, he failed to request additional services or assistance. In August 2006, DHS reported that, because Alan had failed to seek treatment for his sexual abuse issues, the department was not providing visitation. Alan was not present for the August 18, 2006 hearing, where the permanency goal was changed from reunification with a parent to another planned living arrangement. Following an August 20, 2007 trial, the district court terminated Alan's parental rights to Al.H., Au.H., and A.W. pursuant to Iowa Code section 232.116(1)(e), (f), and (j). Timothy's parental rights to A.P. were also terminated, although he is not a party to this appeal.

## II. Merits

We review termination orders de novo. *In re R.F.*, 471 N.W.2d 821, 824 (Iowa 1991). Our primary concern in termination proceedings is the best interests of the children. *In re C.B.*, 611 N.W.2d 489, 492 (Iowa 2000).

Alan contends the State failed to provide reasonable efforts toward reunification. “The State must make reasonable efforts to provide services to a parent before termination proceedings may be instituted.” *In re C.H.*, 652 N.W.2d 144, 147 (Iowa 2002) (citing Iowa Code §§ 232.102(7), (10)(a) (1999); *C.B.*, 611 N.W.2d at 492-93). “[I]f a parent fails to request other services at the proper time, the parent waives the issue and may not later challenge it at the termination proceeding.” *Id.* at 148 (citations omitted). There is nothing in the record to indicate Alan requested additional services prior to the termination hearing. Because he failed to raise the issue of reasonable efforts prior to the termination hearing, Alan’s contention that the State failed to provide reasonable services to reunify him with the children was not preserved for appellate review. We therefore need not consider his argument on appeal.

Were we to consider his argument, we would reject it. What constitutes reasonable services necessarily varies based upon the unique requirements of each case. *C.H.*, 652 N.W.2d at 147. Alan has not sought a psychological evaluation or treatment for his sexual abuse and was not allowed visitation with his children until he did so. Based upon the nature of his actions against his daughters, the State’s services were reasonable. *In re S.J.*, 620 N.W.2d 522, 525 (Iowa Ct. App. 2000) (“The services required to be supplied an incarcerated parent, as with any other parent, are only those that are reasonable under the

circumstances.”); *In re M.T.*, 613 N.W.2d 690, 692 (Iowa Ct. App. 2000) (noting an incarcerated parent “cannot fault DHS for being unable to provide him additional services when his own actions prevented him from taking advantage of them”). Further, there is no indication what services might have been provided or how those services might have changed the outcome of this case. We agree with the district court that “no amount of services would keep these children safe in their father’s home.”

The children are flourishing in their new foster home. Their foster family wants to adopt all four of them, and they want to remain together and be adopted by the family. These children deserve their wish—to live “normal” lives. It is in their best interests to affirm the termination.

**AFFIRMED.**