

**IN THE COURT OF APPEALS OF IOWA**

No. 8-504 / 08-0676

Filed June 25, 2008

**IN THE INTEREST OF A.B., L.F., and M.F.,  
Minor Children,**

**B.F., Father,**  
Appellant.

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

A father appeals from the order terminating his parental rights.

**AFFIRMED.**

Allen Anderson of Spayde, White & Anderson, Oskaloosa, for appellant father.

Charles Stream, Oskaloosa, for mother.

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

Randy DeGeest, Oskaloosa, for minor children.

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

**ZIMMER, J.**

A father appeals from the juvenile court order terminating his parental rights to his three children. We affirm.

Brian and Karla are the parents of Analicia, born in 1998; Levi, born in 2000; and Marcus, born in 2003. Karla is also the mother of Cory, who is not the subject of this termination appeal. Cory, Analicia, Levi, and Marcus came to the attention of the Iowa Department of Human Services (Department) in December 2006 after Cory was assaulted by Karla's boyfriend for allegedly stealing his marijuana.<sup>1</sup> Karla admitted to manufacturing and distributing marijuana with her boyfriend. Subsequently, the children were adjudicated children in need of assistance (CINA) on January 25, 2007.

Initially, the children remained in Karla's care. However, after Karla was arrested for possession of methamphetamine, the children were removed from her care and placed with Karla's father. Brian was incarcerated in Colorado for the duration of the CINA proceedings.

The State filed a petition to terminate Brian's and Karla's parental rights to Analicia, Levi, and Marcus on February 29, 2008. The juvenile court held a termination hearing on April 10, 2008. At the hearing, Karla consented to the termination of her parental rights; however, Brian contested termination of his parental rights. The Department social worker testified that Brian had not maintained significant, meaningful contact with his children. She testified that Brian was unable to resume care and custody of his children at the time of the hearing due to his incarceration in Colorado. The children's guardian ad litem

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<sup>1</sup> Brian is not the person who assaulted Cory.

agreed with the social worker's conclusion that it was in the children's best interests to terminate both Brian's and Karla's parental rights.

In an order filed on April 10, 2008, the juvenile court terminated Brian's parental rights to Analicia, Levi, and Marcus pursuant to Iowa Code sections 232.116(1)(b) (2007) (abandonment) and 232.116(1)(e) (children CINA, children removed for six months, parent has not maintained significant and meaningful contact with the children).<sup>2</sup> Brian appeals from this order.

We review termination proceedings de novo. *In re R.E.K.F.*, 698 N.W.2d 147, 149 (Iowa 2005). The grounds for termination must be supported by clear and convincing evidence. *In re T.B.*, 604 N.W.2d 660, 661 (Iowa 2000). We are primarily concerned with the children's best interests in termination proceedings. *In re J.L.W.*, 570 N.W.2d 778, 780 (Iowa Ct. App. 1997). When we consider the children's best interests, we look to their long-range as well as immediate best interests. *In re C.K.*, 558 N.W.2d 170, 172 (Iowa 1997).

On appeal, Brian does not contend the State failed to offer clear and convincing evidence supporting termination under either of the provisions cited by the juvenile court in its termination order. He does contend, however, the State failed to prove termination of his parental rights was in the children's best interests.<sup>3</sup> Upon our review of the record, we disagree.

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<sup>2</sup> The court also terminated Karla's parental rights to Analicia, Levi, and Marcus pursuant to Iowa Code section 232.116(1)(a) (parent consents to termination).

<sup>3</sup> Brian also contends his parental rights should not have been terminated because the Department failed to make reasonable efforts to reunite him with his children. However, because Brian did not identify any deficiency in services or request additional services prior to the termination hearing, we will not review this claim on appeal. *See In re S.R.*, 600 N.W.2d 63, 65 (Iowa Ct. App. 1999) (holding that when the parent alleging inadequate services fails to demand services other than those provided, the issue of whether services were adequate is not preserved for appellate review).

Brian has been in and out of jail since 1998. The children have been out of Brian's care for at least fourteen consecutive months. Throughout the CINA proceedings, and at the time of the termination hearing, Brian was incarcerated in Colorado. The Department social worker testified that Brian's earliest expected release date from prison would be three to four months after the termination hearing. These children deserve stability and permanency, which their father cannot provide. *In re C.D.*, 509 N.W.2d 509, 513 (Iowa Ct. App. 1993).

Analia, Levi, and Marcus have been in the custody of their maternal grandparents since April 2007, when they were removed from Karla's care. It is the intention of the children's maternal grandfather to adopt them. The children have a strong bond with their grandfather and with their older brother, Cory, who also resides with their grandfather. It is the social worker's recommendation that the children remain with the grandfather and that they be adopted by him.

We agree with the juvenile court's finding that termination of Brian's parental rights is in the children's best interests. Therefore, we affirm the termination of Brian's parental rights.

**AFFIRMED.**