

IN THE COURT OF APPEALS OF IOWA

No. 8-585 / 08-0966
Filed July 16, 2008

**IN THE INTEREST OF C.C.,
Minor Child,**

**M.C., Father,
Appellant.**

Appeal from the Iowa District Court for Butler County, Peter Newell,
District Associate Judge.

A father appeals from the order terminating his parental rights.

AFFIRMED.

Michael Bandy of Bandy Law Office, Waterloo, for appellant father.

Rodney Mulcahy, Charles City, for appellee mother.

Thomas J. Miller, Attorney General, Katherine S. Miller-Todd, Assistant
Attorney General, Gregory M. Lievens, County Attorney, and Martin Petersen,
Assistant County Attorney, for appellee State.

Marilyn Dettmer, Charles City, for minor child.

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

VAITHESWARAN, J.

Michael appeals the termination of his parental rights to Corey, born in 2001. He contends termination was not in Corey's best interests. See *In re C.B.*, 611 N.W.2d 489, 492 (Iowa 2000). On our de novo review, we disagree.

Corey was twice removed from his parents' care. When he was approximately two years old, a Kansas human services agency determined that Corey's parents and stepfather physically abused his half brother. The children were placed in foster care for twenty-one months. The Kansas agency re-integrated Corey into his home in 2005, after which the family moved to Iowa.

Corey was again removed in 2007 based on concerns that the children missed too much school and their mother inappropriately medicated them. The Iowa Department of Human Services (Department) placed Corey in foster care, where he remained throughout the proceedings.

Corey was diagnosed with attention deficit hyperactivity disorder, oppositional defiant disorder, and mood disorder. He initially had severe behavioral issues and was characterized by a social worker as "wild." Corey's behavior improved after he was placed in two structured foster homes.

Immediately after Corey's second removal, Michael's involvement with him was limited. At the termination hearing, a social worker with the Department testified that Michael moved back to Kansas in early 2007 and did not return until "Christmastime of 2007." While he initially had telephone contact with Corey and submitted to a Kansas home study, he did not fully cooperate with Kansas reunification services.

After Michael returned to Iowa, he attempted to fulfill the Department's expectations. He completed a parenting course, regularly attended supervised visits with his son, obtained independent housing, and underwent a psychological evaluation. These efforts were laudable but belated. The psychological evaluation, performed less than two months before the termination hearing, raised concerns about Michael's temper. The evaluator also made reference to depression and suicidal tendencies and recommended treatment for these conditions.

Michael was unable to secure individual therapy and medication prior to the termination hearing. While he was not responsible for the post-evaluation delays in obtaining these services, he was responsible for postponing serious reunification efforts for eight months. Given the limited window of opportunity for reunification, these months were crucial. See *C.B.*, 611 N.W.2d at 495.

We recognize that when Michael initiated visits with Corey, he proved to be an affectionate and engaging father. However, his contact was limited to one hour every other week and he did not ask the Department to increase the number or duration of visits. Without more sustained interaction, the Department was unable to determine that Michael could effectively parent this special-needs child on a long-term basis.

On our de novo review, we agree with the district court that reunification with Michael was not in Corey's best interests and that a deferral of termination for six months was not warranted.

AFFIRMED.