

IN THE COURT OF APPEALS OF IOWA

No. 8-659 / 07-1564
Filed September 17, 2008

**IN THE INTEREST OF W.S.T.,
Minor Child,**

C.J.H., Mother,
Petitioner-Appellee,

S.A.T., Father,
Respondent-Appellant.

Appeal from the Iowa District Court for Carroll County, James A. McGlynn,
Associate Juvenile Judge.

A father appeals from the order terminating his parental rights to his son.

AFFIRMED.

Joseph Halbur, Carroll, for appellant-father.

Julie Greteman Mayhall of Green, Siemann & Greteman, P.L.C., Carroll,
for appellee-mother.

A. Eric Neu of Neu, Minnich, Comito & Neu, P.C., Carroll, guardian ad
litem for minor child.

Considered by Sackett, C.J., and Miller and Potterfield, JJ.

SACKETT, C.J.

A father appeals from the order terminating his parental rights to his son, who was born in 2002. He contends the petitioner, the child's mother, has failed to show clear and convincing evidence he abandoned the child or failed to pay child support without good cause. He also contends termination is not in the child's best interest. On de novo review, *In re R.K.B.*, 572 N.W.2d 600, 601 (Iowa 1998), we affirm.

I. Background.

The marriage of the child's father and mother was dissolved when the child was nearly two years old. The dissolution court granted the parties joint legal custody, with physical care of the child with his mother. The father was awarded visitation and ordered to pay child support of \$500 monthly. The decree included a mutual no-contact order between the parents. The mother has remarried and seeks this termination so that her current husband can adopt the child. She contends that the father's parental rights should be terminated because he abandoned the child and failed to pay support without good cause. Following hearings the court ordered the father's parental rights terminated, finding that abandonment and failure to pay child support without just cause were proved by clear and convincing evidence. See Iowa Code §§ 600A.8(3)-(4) (2007).

II. Scope of Review.

We review orders terminating parental rights de novo. *R.K.B.*, 572 N.W.2d at 601. The petitioning parent must establish the statutory grounds for

termination by clear and convincing evidence. Iowa Code § 600A.8. “[W]e give weight to the juvenile court’s findings of fact because the juvenile court has had the unique opportunity to hear and observe the witnesses firsthand.” *In re S.V.*, 395 N.W.2d 666, 668 (Iowa Ct. App. 1986). When the court terminates a parent’s rights on more than one statutory ground, we may affirm if any of the grounds cited are supported by substantial evidence. *In re S.R.*, 600 N.W.2d 63, 64 (Iowa Ct. App. 1999).

III. Merits.

There is clear and convincing evidence to support termination for failure to pay child support without good cause. By the time of the termination hearings, the father should have paid \$18,000 in support for the child. Only \$7450 had been paid. No payments were made in the year preceding the termination.

The father argues he has shown good cause for not paying child support because his business failed and he had business equipment stolen. He claims his net monthly income is \$382 a month. He has skills that can be employed in the construction trade and, while he has some issues that may make obtaining good employment more difficult, we agree with the juvenile court’s findings that the father had the ability to pay support had he chosen to do so, and that the failure to pay even a nominal amount of support on a regular basis indicated he did not intend to support his child. We agree with the juvenile court that the evidence establishes the father failed to pay support without good cause. We affirm the termination of his parental rights on this ground without addressing the father’s challenge to the claim of abandonment.

The father also argues termination is not in the child's best interest. In order to prevail, the mother must also show termination is in the child's best interests. *R.K.B.*, 572 N.W.2d at 602; see *In re B.L.A.*, 357 N.W.2d 20, 23 (Iowa 1984). The father contends the evidence shows that he has a bond with the child and it is in the child's interest to continue to have a relationship with his biological father. We recognize the father loves his son and he has a bond with the child. To affirm the termination will cut the child off from the father and his extended family. Yet the father has not maintained the contact with the child he should have. We recognize this is in part because his relationship with the child's mother has been fraught with strife. Both parents contend the other is the cause of the problem. While we rarely find problems such as these to be the fault of only one person, the mother has shown more stability, credibility, and interest in the child than has the father. She is of the opinion that the child will be better off if adopted by his stepfather, and we give her opinion weight. We also recognize that the stepfather has a relationship with the child, has contributed to the child's support for some time, and the evidence indicates it is his intent to do so in the future. From the record made the only conclusion we can make at the present time is that the termination is in the child's best interest.

AFFIRMED.