

IN THE COURT OF APPEALS OF IOWA

No. 9-244 / 09-0237
Filed April 8, 2009

**IN THE INTEREST OF D.P. and L.P.,
Minor Children,**

**B.G.P., Father,
Appellant.**

Appeal from the Iowa District Court for Hancock County, Gregg R. Rosenblatt, District Associate Judge.

A father appeals from the order terminating his parental rights.

AFFIRMED.

Cynthia Foos, Mason City, for appellant.

Brian D. Jones of Siegrist & Jones, P.C., Britt, for mother.

Thomas J. Miller, Attorney General, Kathrine Miller-Todd, Assistant Attorney General, and Karen Salic, County Attorney, for appellee State.

Theodore Hovda, Garner, for minor children.

Considered by Mahan, P.J., and Miller and Doyle, JJ.

MAHAN, P.J.

Brad appeals the district court's order terminating his parental rights to his five-year-old daughter, D.P., pursuant to Iowa Code sections 232.116(1)(d) and (f) (2007); and his two-year-daughter, L.P., pursuant to sections 232.116(1)(d) and (h). He argues the court erred in limiting his contacts with his daughters. He further contends the court erred in denying his motions for recusal.

We review termination of parental rights *de novo*. *In re Z.H.*, 740 N.W.2d 648, 650-51 (Iowa Ct. App. 2007). In this case, we find clear and convincing evidence supports termination of Brad's parental rights. Reasonable efforts were made towards reunification, and the district court did not abuse its discretion in limiting Brad's contacts with D.P. and L.P. due to the evidence of Brad's sexual and physical abuse of the children. Moreover, Brad fails to indicate that he requested or otherwise challenged the adequacy of reunification services prior to this appeal. *In re A.A.G.*, 708 N.W.2d 85, 91 (Iowa Ct. App. 2005) (finding a parent's challenge to services by the state should be made when they are offered, not when termination of parental rights is sought after services have failed to remedy a parent's deficiencies).

We review the court's denial of Brad's motions for recusal for abuse of discretion. *State v. Farni*, 325 N.W.2d 107, 110 (Iowa 1982). The moving party has the burden to show actual prejudice before a recusal is required. *In re C.W.*, 522 N.W.2d 113, 117 (Iowa Ct. App. 1994) (noting an appearance of impropriety is not sufficient to merit recusal). Brad has failed to show actual prejudice, and we therefore conclude the court did not abuse its discretion in denying Brad's motions for recusal.

By the time of the termination hearing, Brad had been removed from the home and prohibited from seeing the children for over sixteen months due to his sexual abuse of both children and physical abuse of D.P. Brad has many unresolved issues, and the children have suffered severe trauma while in his care. Grounds for termination have been proved by clear and convincing evidence, and termination of Brad's parental rights is in D.P.'s and L.P.'s best interests. *In re J.E.*, 723 N.W.2d 793, 798 (Iowa 2006)

AFFIRMED.