

**IN THE COURT OF APPEALS OF IOWA**

No. 9-729 / 09-1187  
Filed September 17, 2009

**IN THE INTEREST OF D.H.,  
Minor Child,**

**T.J.H., Father,  
Appellant.**

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Appeal from the Iowa District Court for Appanoose County, William S. Owens, Associate Juvenile Judge.

A father appeals from the order terminating his parental rights.

**AFFIRMED.**

Michael S. Fisher of Fisher Law Office, Oskaloosa, for appellant father.

Amanda Demichelis of Demichelis Law Firm, Chariton, for mother.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant Attorney General, Robert Bozwell, County Attorney, and Richard Scott, Assistant County Attorney, for appellee State.

Jonathan Willier, Centerville, for minor child.

Considered by Sackett, C.J., and Eisenhauer and Doyle, JJ.

**DOYLE, J.**

A father appeals from the order terminating his parental rights. We affirm.

***I. Background Facts and Proceedings.***

T.J.H. is the father and T.H. is the mother of D.H., born June 2007.<sup>1</sup> D.H. came to the attention of the Iowa Department of Human Services (Department) in January 2008 after law enforcement received protective concerns that the mother was at a local store and seemed confused and did not know her name. The father was incarcerated at the time and unable to care for the child. Thereafter, the mother absconded with the child because she was fearful D.H. would be removed from her care. The Department then filed an application for temporary removal.

On January 17, 2008, the State filed a petition asserting D.H. was a child in need of assistance (CINA). The court granted the Department's application for removal. D.H. was placed in foster care.

On April 3, 2008, the juvenile court adjudicated D.H. a CINA. At that time, the mother's whereabouts were unknown and the father continued to be incarcerated. A dispositional hearing was held on May 15, 2008, and the mother's whereabouts were unknown and the father was still incarcerated.

A permanency hearing was held on September 25, 2008. The father had been released from custody and attended the hearing; the mother's whereabouts were unknown. The juvenile court found that D.H. should remain in the custody of the Department for foster care placement.

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<sup>1</sup> This appeal concerns only the father's parental rights. The mother does not appeal from the termination of her parental rights.

On March 19, 2009, the State filed a petition seeking termination of the parents' rights. A hearing on the petition was held July 16, 2009. At the termination hearing, both parents consented, orally and in written form, to the termination of their parental rights.

On July 23, 2009, the juvenile court filed its ruling terminating the father's parental rights under sections 232.116(1)(a) (2009) (parent consents to termination), and (h) (child is three or younger, child CINA, removed from home for six of last twelve months, and child cannot be returned home). The court concluded termination of parental rights was in D.H.'s best interests.

The father now appeals.

## ***II. Scope and Standards of Review.***

The scope of review in termination cases is de novo. *In re R.E.K.F.*, 698 N.W.2d 147, 149 (Iowa 2000). The grounds for termination must be proved by clear and convincing evidence. *In re T.P.*, 757 N.W.2d 267, 269 (Iowa Ct. App. 2008). Evidence is clear and convincing when it leaves no serious or substantial doubt about the correctness of the conclusion drawn from it. *In re D.D.*, 653 N.W.2d 359, 361 (Iowa 2002). Our primary concern is the best interests of the children. *In re A.S.*, 743 N.W.2d 865, 867 (Iowa Ct. App. 2007).

## ***III. Discussion.***

The father has only appealed the termination of his parental rights under section 232.116(1)(a), asserting he did not voluntarily consent to the termination of his parental rights. However, he does not challenge termination of his parental rights under section 232.116(1)(h), the second ground found by the district court in support of the termination of his parental rights, and we may thus affirm on that

ground. “When the juvenile court terminates parental rights on more than one statutory ground, we need only find grounds to terminate under one of the sections cited by the juvenile court to affirm.” *In re S.R.*, 600 N.W.2d 63, 64 (Iowa Ct. App. 1999). The father’s failure to raise an issue regarding section 232.116(1)(h) means he has waived that issue on appeal. See Iowa R. App. P. 6.903(2)(g)(3) (2009) (“Failure to cite authority in support of an issue may be deemed waiver of that issue.”). We therefore conclude the issue termination of the father’s parental rights may be affirmed under section 232.116(1)(h).

***IV. Conclusion.***

Because we conclude the father failed to challenge termination of his parental rights pursuant to section 232.116(1)(h) and he waived that issue on appeal, we affirm the judgment of the juvenile court.

**AFFIRMED.**