

IN THE COURT OF APPEALS OF IOWA

No. 9-777 / 09-1168
Filed October 7, 2009

**IN THE INTEREST OF S.R.J.,
Minor Child,**

**J.O.J., Father,
Appellant.**

Appeal from the Iowa District Court for Dubuque County, Thomas J. Straka, District Associate Judge.

A father appeals from the termination of his parental rights. **AFFIRMED.**

Les M. Blair, III, of Blair & Fitzsimmons, P.C., Dubuque, for appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant Attorney General, Ralph Potter, County Attorney, and Jean Becker, Assistant County Attorney, for appellee.

Mary Kelley, Assistant Public Defender, Dubuque, attorney and guardian ad litem for minor child.

Emily Reiners of O'Connor Law Firm, Dubuque, for mother.

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

SACKETT, C.J.

The father of a two-year-old daughter appeals from the juvenile court order terminating his parental rights.¹ He contends the court erred in finding clear and convincing evidence to terminate his parental rights. We affirm.

The father's parental rights were terminated under Iowa Code section 232.116(1)(h) (2009) based on clear and convincing evidence the child could not be returned to the father's custody at the time of the termination hearing and that termination was in the child's best interest. The father argues he is employed, has a suitable residence, pays attention to the child during visitation, interacts with the child, and takes an interest in the child's care and development. The father testified he works construction jobs for cash and spends all his money on cars and "just . . . buying stuff that I need, you know, clothes." He has some history of substance abuse and lives with his mother's ex-boyfriend, who has a history of drug use. He did not participate in sessions with the assigned family support worker because he didn't like her because "she is stuck up." He did not take advantage of visitation when offered, missing visits and cutting others short. He testified he would not pay child support. We find clear and convincing evidence the child could not be returned to his care at the time of the termination hearing without being at risk of adjudicatory harm. We agree with the juvenile court's findings and affirm the decision to terminate the father's parental rights.²

AFFIRMED.

¹ The mother's parental rights were terminated, but are not at issue in this appeal.

² See Iowa Court Rule 21.29(d), (e).