

**IN THE COURT OF APPEALS OF IOWA**

No. 2-760 / 12-1236  
Filed September 19, 2012

**IN THE INTEREST OF S.N.,  
Minor Child,**

**D.C., Father,  
Appellant.**

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Appeal from the Iowa District Court for Johnson County, Stephen C. Gerard II, District Associate Judge.

A father appeals from the termination of his parental rights to his child.

**AFFIRMED.**

Jean C. Lawrence, Clinical Law Programs, Iowa City, for appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant Attorney General, Janet M. Lyness, County Attorney, and Emily A. Voss, Assistant County Attorney, for appellee.

Don W. Schroeder, West Liberty, for mother.

Patrick Ingram, Iowa City, for legal father.

Anthony A. Haughton of Linn County Advocate, Inc., Cedar Rapids, attorney and guardian ad litem for minor child.

Considered by Vaitheswaran, P.J., and Potterfield and Bower, JJ.

**BOWER, J.**

A father appeals the termination of his parental rights to his child, who was conceived during his two-week relationship with the mother in 2006. The father moved to Missouri in January 2007 and was convicted of a robbery charge and was sentenced to ten years in prison—his fourth incarceration. Because the mother was married, her husband is listed as the child's legal father. Because the mother never provided the Department of Human Services with the biological father's last name, he was never notified of the child-in-need-of-assistance proceedings that were initiated in August 2010.

On October 14, 2011, the father, who has had minimal contact with the child and has never provided for the child's support, received notice of the termination hearing, which was scheduled for October 19, 2011. The termination hearing was continued to confirm the father's paternity, which was done in December 2011. The termination hearing was held in February and March 2012. The father testified by phone. On June 27, 2012, the juvenile court entered its order terminating the father's parental rights.

On appeal, the father contends the State failed to make reasonable efforts to reunify him with the child. He also contends his due process rights were violated because he was never given notice of the child-in-need-of-assistance proceeding.

Even if a parent has abandoned a child, notification of a child-in-need-of-assistance proceeding should be served if the parent's whereabouts are known or ascertainable. *In re M.L.M.*, 464 N.W.2d 688, 690 (Iowa Ct. App. 1990).

However, failure to include the father in the child-in-need-of-assistance proceeding does not require a reversal of the termination. See *id.* The father received notice of the termination proceeding.

The juvenile court found the father abandoned the child and terminated his rights pursuant to section 232.116(1)(b) (2011). The father does not contest this finding and, accordingly, has waived the issue on appeal. See Iowa R. App. P. 6.903(2)(g)(3) (“failure to cite authority in support of an issue may be deemed waiver of that issue.”). Because termination under paragraph (b) does not require a previous child-in-need-of-assistance proceeding or reasonable efforts, we affirm. See *M.L.M.*, 464 N.W.2d at 691 (“[T]ermination of parental rights for desertion under section 232.116(1) does not require a previous child in need of assistance proceeding or offering of services to assist with parenting.”).

**AFFIRMED.**