

IN THE COURT OF APPEALS OF IOWA

No. 2-885 / 12-1410
Filed October 3, 2012

**IN THE INTEREST OF L.J. and M.L.,
Minor Children,**

T.J., Father,
Appellant.

Appeal from the Iowa District Court for Tama County, Angie Wilson,
District Associate Judge.

A father appeals from the order terminating his parental rights.

AFFIRMED.

Dennis Mathahs, Marengo, for appellant father.

Abigail Hillers, Marshalltown, for mother.

Thomas J. Miller, Attorney General, Kathrine Miller-Todd, Assistant
Attorney General, and Brent D. Heeren, County Attorney, for appellee-State.

Jennifer Meyer, Marshalltown, for minor children.

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

EISENHAUER, C.J.

A father appeals from the order terminating his parental rights to two children. He contends the court erred in terminating the mother's parental rights, it should have given her an additional six months to pursue reunification, and termination of her parental rights is not in the children's best interests because of the emotional attachment the children have with the mother. We affirm.

Other than a one-sentence request "the termination of his parental rights be set aside," the father's claims and arguments relate solely to the termination of the mother's parental rights. He lacks standing to challenge the termination of her parental rights. See *In re D.G.*, 704 N.W.2d 454, 460 (Iowa Ct. App. 2005) (holding one parent cannot argue facts or legal positions pertaining to the other parent); see also *In re K.R.*, 737 N.W.2d 321, 323 (Iowa Ct. App. 2007) (determining a father did not have standing to raise arguments on the mother's behalf in an effort to obtain a reversal of the termination of his parental rights). The father raises no claims on his own behalf.

The court terminated the father's parental rights under Iowa Code section 232.116(1)(h) (2011) (child three or younger, in need of assistance, removed from parents for at least six of the last twelve months, and cannot be returned to parent's custody at the present time). At the time of the termination hearing, the father was in prison and not scheduled for release until 2016. The court concluded the father "is not a viable option for the children based on his incarceration and lengthy substance abuse problems." We affirm.

AFFIRMED.