

**IN THE COURT OF APPEALS OF IOWA**

No. 3-595 / 13-0677

Filed June 26, 2013

**IN THE INTEREST OF F.T.,  
Minor Child,**

**B.T., Father,  
Appellant.**

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Appeal from the Iowa District Court for Des Moines County, Mark E. Kruse, Associate Juvenile Judge.

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

**AFFIRMED.**

Stephanie L. Schultz of Swanson, Engler, Gordon, Benne & Clark, L.L.L.P., Burlington, for appellant father.

Thomas J. Miller, Attorney General, Katherine S. Miller-Todd, Assistant Attorney General, Patrick C. Jackson, County Attorney, and Todd Chelf, Assistant County Attorney, for appellee State.

Ross Braden, Fort Madison, for appellee mother.

Rashawn Logan, Burlington, attorney and guardian ad litem for minor child.

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

**VAITHESWARAN, J.**

A father appeals the termination of his parental rights to his child, born in 2009. He does not challenge the ground for termination on which the district court relied. He contends (1) the court should have declined to terminate his parental rights based on his bond with the child and (2) the court should have allowed him “more time to work through his legal issues and stabilize after being incarcerated,” because he “had previously been making significant progress and cooperating with the department.”

Our de novo review of the record reveals the following facts. See *In re P.L.*, 778 N.W.2d 33, 40 (Iowa 2010) (setting forth the standard of review). The Department of Human Services became involved with the family in the spring of 2011 based on the toddler’s vulnerable condition, including developmental delays and concerns with the functioning of her kidneys. The department questioned the adequacy of the parents’ follow-through with medical care and the condition of the family home. The family voluntarily accepted department services. The child was later adjudicated in need of assistance.

In the spring of 2012, the child was placed with the father, who was no longer living with the mother. Several months later, the conditions in his home deteriorated and the child was removed and placed in foster care.

Following the child’s removal, the father made efforts to sanitize his home. He also attended the child’s medical and dental appointments and consistently visited the child. At the end of 2012, the department reported that his home was clean, “with no safety issues at this time.” The department gave the father approval to have the child in his home for a week.

Circumstances changed dramatically in 2013. The father's home was found to be "filthy" and he was arrested and jailed based on a complaint of criminal activity several years earlier. On his release pending trial, the father declined to sign a safety plan that was a condition of reinstating visits with the child. He later agreed to attend supervised visits, but missed two out of four of those visits in the month preceding the termination hearing. He informed a department employee that he anticipated a plea and sentence in the criminal matter that would result in three years of prison time.

With these facts in mind, we turn to the father's first argument relating to the bond he shared with the child. Iowa Code section 232.116(3)(c) (2013) sets forth an exception to termination based on the closeness of the parent-child relationship. See *id.* at 41. While the record contains evidence that the father loved his daughter, there is scant, if any, evidence relating to their interactions during visits. Given the paucity of information relating to the parent-child bond, we conclude this exception did not preclude termination of the father's parental rights.

The father's second argument implicates the best-interests framework set forth in Iowa Code section 232.116(2). See *id.* at 37. That provision requires the court to "give primary consideration to the child's safety, to the best placement for furthering the long-term nurturing and growth of the child, and to the physical, mental, and emotional condition and needs of the child." Iowa Code § 232.116(2); accord *P.L.*, 778 N.W.2d at 39.

The father is correct that he initially showed significant progress in addressing the concerns that resulted in the child's removal. But he was unable

to sustain that progress. For that reason, we conclude termination of the father's parental rights to the child was in the child's best interests.

We affirm the termination of the father's parental rights to the child.

**AFFIRMED.**