

IN THE COURT OF APPEALS OF IOWA

No. 8-956 / 08-1602
Filed December 17, 2008

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

**G.F., Father,
Appellant.**

Appeal from the Iowa District Court for Scott County, John G. Mullen,
District Associate Judge.

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

AFFIRMED.

James G. Sothmann, Davenport, for appellant father.

Timothy Tupper, Davenport, for appellee mother.

Thomas J. Miller, Attorney General, Kathrine Miller-Todd, Assistant
Attorney General, Michael J. Walton, County Attorney, and Gerda C. Lane,
Assistant County Attorney, for appellee State.

Cynthia Taylor of Zamora, Taylor, Woods & Frederick, Davenport, for
minor child.

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

VAITHESWARAN, J.

Greg appeals the termination of his parental rights to Tyrae, born in 2004. He contends (1) the record lacks clear and convincing evidence to support the grounds for termination cited by the juvenile court and (2) termination is not in the child's best interests. Our review of these issues is de novo. Iowa R. App. P. 6.4.

Tyrae was adjudicated a child in need of assistance based on the acts of his mother. Greg did not appear at the adjudicatory proceeding. Shortly after the adjudicatory order was filed, the Department of Human Services reported that Greg only had a three-month relationship with Tyrae's mother and was the subject of a restraining order requested by her.

Greg asserts he saw mother and child regularly prior to March of 2005, when he left the state. While this may be true, there is no indication he had any contact with Tyrae after this child in need of assistance action was filed in April 2007. As recently as April 2008, the department reported that "[Greg] has not participated in DHS services since the Department's involvement, and his whereabouts are unknown."

Greg did not appear at the termination hearing or testify by telephone. At the beginning of the hearing, his attorney advised the court that Greg was scheduled to be tried on criminal charges in Illinois within a month and it was "quite possible" that the charges would be dismissed. The attorney said Greg would likely be free after that point to "establish a relationship with his son."

We agree with the juvenile court that Tyrae could not be returned to the custody of his father, Greg. See Iowa Code § 232.116(f); see also *In re S.R.*,

600 N.W.2d 63, 64 (Iowa Ct. App. 1999) (allowing court to affirm if there is clear and convincing evidence to support any of the grounds cited by the trial court). We also agree with the court that reunification would be contrary to Tyrae's best interests.

We affirm the termination of Greg's parental rights to Tyrae.

AFFIRMED.