

IN THE COURT OF APPEALS OF IOWA

No. 9-614 / 09-0865
Filed August 6, 2009

**IN THE INTEREST OF H.T. and M.T.,
Minor Children,**

**R.E.T., Father,
Appellant.**

Appeal from the Iowa District Court for Plymouth County, Robert J. Dull,
District Associate Judge.

A father appeals the termination of his parental rights to his two children.

AFFIRMED.

Dewey P. Sloan, Jr. of Law Office of Dewey P. Sloan, Jr., P.C., LeMars,
for appellant father.

Michael Murphy of Murphy, Collins & Bixenman, LeMars, for appellee
mother.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant
Attorney General, Darin J. Raymond, County Attorney, and Amy K. Oetken,
Assistant County Attorney, for appellee State.

Chad Thompson of Metcalf, Thompson & Phipps, Remsen, for minor
children.

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

VAITHESWARAN, J.

Robert appeals the termination of his parental rights to his two children, born in 2006 and 2007. His attorney states that Robert “would like additional time to keep his family together.”

Our de novo review of the record, see *In re R.E.K.F.*, 698 N.W.2d 147, 149 (Iowa 2005), reveals the following facts. Robert has a history of illegal drug use and criminal activity. In early July 2008, Robert was arrested for child endangerment after the Department of Human Services found that he left his children alone in his trailer while he went to party in another trailer. The State initiated child-in-need-of-assistance proceedings. The children were placed with their mother, who agreed to separate from Robert.

In September 2008, Robert met with Department employees and agreed to cooperate with services. The Department recommended he obtain a substance abuse evaluation, follow recommendations in the evaluation, participate in counseling, and submit to random drug testing. The Department also indicated an intent to seek the removal of a protective order requiring him to stay away from the children’s mother.

Robert did not comply with the recommendations and violated the protective order on the evening after the Department recommended its removal. He had no contact with the children following his arrest in July 2008.

In March 2009, the Department reported:

It is very clear that Robert has made the decision to not participate with the recommended services to become actively involved in the lives of his children. Robert has decided to live his own lifestyle which is not in the best interest of his children, as his lifestyle still involves criminal activity, lack of suitable housing or employment

and no involvement with the recommendation[s] of the DHS or Juvenile Court.

Robert did not appear for a termination hearing in May 2009. His attorney advised the court that his office notified Robert of the scheduled hearing and the notice was not returned to the office. The attorney stated, "I can only assume that he got it, um, and I haven't had any contact with him, uh, regarding this matter."

On this record, we find no basis for affording Robert additional time, as his attorney requests. We affirm the decision terminating Robert's parental rights to his children, born in 2006 and 2007.

AFFIRMED.