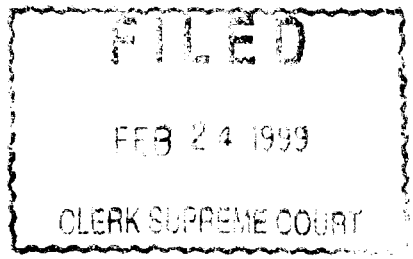
IN THE COURT OF APPEALS OF IOWA

No. 9-045 / 98-0458
Filed February 24, 1999



IN THE INTEREST OF Z.G., Minor Child,

C.F., Father of Z.G.,
Appellant.

Appeal from the Iowa District Court for Polk County, Karla J. Fultz, Associate Juvenile Judge.

A father appeals the termination of his parental rights. **AFFIRMED.**

Jane E. Rosien, Des Moines, for appellant.

Thomas J. Miller, Attorney General, Chris Odell, Assistant Attorney General, and Emily McConkey, Assistant County Attorney, for appellee State.

Barbara D. Romar, Des Moines, for minor child.

Heard by Huitink, P.J., and Vogel and Zimmer, JJ.

VOGEL, J.

Cardell F. appeals the termination of his parental rights. We affirm.

Background facts. Zachary G. was born in February of 1994. In August of 1994, Zachary was adjudicated a child in need of assistance.

In April 1996, Cardell F. attended a review hearing with counsel asserting that he was Zachary's father. The court required Cardell to file an affidavit of paternity because Zachary's mother, Rochell G., had previously filed statements under oath with the court that the identity of the father was unknown. Cardell, through his attorney, agreed to sign the affidavit, but failed to do so. Cardell then twice moved to Missouri before eventually returning to Iowa in approximately May of 1997. His counsel was allowed to withdraw in September of 1996 after Cardell failed to keep in contact with him.

A petition to terminate Cardell's parental rights was filed in April of 1997. Cardell again sought and was granted court-appointed counsel. Following hearing, the juvenile court terminated Cardell's parental rights by order dated January 29, 1998, pursuant to Iowa Code sections 232.116(1)(b), (d), (e), and (g) (1997).

I. Unpreserved CINA issues. Among the issues raised on appeal, Cardell claims that the juvenile court erred in requiring him to file an affidavit of paternity in its order following the April 1996 CINA review hearing, and the court-appointed counsel who represented him in the CINA proceedings was ineffective. However, Cardell did not raise these issues during the CINA proceedings and did not appeal the

CINA review hearing orders. As Cardell failed to preserve error, we need not consider these issues on appeal. *See In re C.D.*, 508 N.W.2d 97, 100 (Iowa App. 1993) ("Matters not raised in the trial court, including constitutional questions, cannot be asserted for the first time on appeal."). Even if we were to address these matters, we would find Cardell's arguments to be without merit.

II. Reasonable efforts. Cardell also contends the State failed to make reasonable efforts to reunite him and his son prior to the termination. Although Cardell did not raise this issue in any of the prior proceedings, we address the issue as it may arise again in other termination proceedings. *See In re V.M.K.*; 460 N.W.2d 191, 193 (Iowa App. 1990).

Reasonable efforts to reunite parent and child are required prior to the termination of parental rights. *See In re A.B.*, 554 N.W.2d 291, 294 (Iowa App. 1996). The State has the obligation to make the efforts. *See C.D.*, 508 N.W.2d at 100.

Cardell asserts that he was not offered services and his requests for services were denied only because he had not filed the paternity affidavit ordered by the juvenile court in the April 1996 CINA review hearing. He argues that this was unreasonable since the Department of Human Services routinely provides services to fathers without evidence of paternity. However, given Rochell's position that the father was unknown, and the limited resources of the juvenile court and DHS, an affidavit of paternity was a reasonable requirement to make prior to beginning

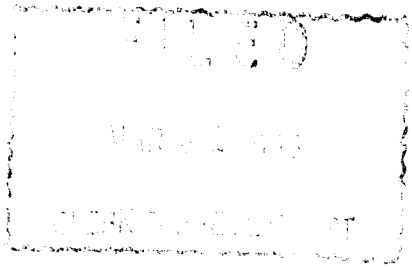
services. Cardell waited fourteen months to comply. Furthermore, Cardell moved frequently during this time and did not maintain sufficient contact with DHS. Cardell clearly had the opportunity to receive services and squandered it.

III. Clear and convincing evidence. Finally, Cardell contends that the juvenile court erred in concluding the State had proved by clear and convincing evidence that his parental rights should be terminated pursuant to Iowa Code sections 232.116(1)(b), (d) & (f). We disagree. Furthermore, we need only find grounds to terminate parental rights under one of the sections cited by the juvenile court in order to affirm. *See In re A.J.*, 553 N.W.2d 909, 911 (Iowa App. 1996). Cardell's parental rights were also terminated under section 232.116(e), and he has failed to appeal his termination under that section. *See* Iowa R. App. P. 14(a)(3); *Luke v. State*, 465 N.W.2d 898, 903 (Iowa App. 1990) (failure to argue or cite authority in support of an issue may be deemed a waiver of that issue). For these reasons, we hereby affirm the termination of Cardell's parental rights to Zachary.

AFFIRMED.

IN THE COURT OF APPEALS OF IOWA

No. 9-045 / 98-0458
Filed March 31, 1999



IN THE INTEREST OF Z.G., Minor Child,

C.F., Father of Z.G.,
Appellant.

Appeal from the Iowa District Court for Polk County, Karla J. Fultz, Associate Juvenile Judge.

A father appeals the termination of his parental rights. **AFFIRMED.**

Jane E. Rosien, Des Moines, for appellant.

Thomas J. Miller, Attorney General, Chris Odell, Assistant Attorney General, and Emily McConkey, Assistant County Attorney, for appellee State.

Barbara D. Romar, Des Moines, for minor child.

Heard by Huitink, P.J., and Vogel and Zimmer, JJ.

VOGEL, J.

Cardell F. appeals the termination of his parental rights. We affirm.

Background facts. Zachary G. was born in February of 1994. In August of 1994, Zachary was adjudicated a child in need of assistance.

In April 1996, Cardell F. attended a review hearing with counsel asserting that he was Zachary's father. The court required Cardell to file an affidavit of paternity because Zachary's mother, Rochell G., had previously filed statements under oath with the court that the identity of the father was unknown. Cardell, through his attorney, agreed to sign the affidavit, but failed to do so. Cardell then twice moved to Missouri before eventually returning to Iowa in approximately May of 1997. His counsel was allowed to withdraw in September of 1996 after Cardell failed to keep in contact with him.

A petition to terminate Cardell's parental rights was filed in April of 1997. Cardell again sought and was granted court-appointed counsel. Following hearing, the juvenile court terminated Cardell's parental rights by order dated January 29, 1998, pursuant to Iowa Code sections 232.116(1)(b), (d), and (g) (1997).

I. Unpreserved CINA issues. Among the issues raised on appeal, Cardell claims that the juvenile court erred in requiring him to file an affidavit of paternity in its order following the April 1996 CINA review hearing, and the court-appointed counsel who represented him in the CINA proceedings was ineffective. However, Cardell did not raise these issues during the CINA proceedings and did not appeal the

CINA review hearing orders. As Cardell failed to preserve error, we need not consider these issues on appeal. *See In re C.D.*, 508 N.W.2d 97, 100 (Iowa App. 1993) ("Matters not raised in the trial court, including constitutional questions, cannot be asserted for the first time on appeal."). Even if we were to address these matters, we would find Cardell's arguments to be without merit.

II. Reasonable efforts. Cardell also contends the State failed to make reasonable efforts to reunite him and his son prior to the termination. Although Cardell did not raise this issue in any of the prior proceedings, we address the issue as it may arise again in other termination proceedings. *See In re V.M.K.*, 460 N.W.2d 191, 193 (Iowa App. 1990).

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services. Cardell waited fourteen months to comply. Furthermore, Cardell moved frequently during this time and did not maintain sufficient contact with DHS. Cardell clearly had the opportunity to receive services and squandered it.

III. Clear and convincing evidence. Finally, Cardell contends that the juvenile court erred in concluding the State had proved by clear and convincing evidence that his parental rights should be terminated pursuant to Iowa Code sections 232.116(1)(b), (d) & (g). We disagree. Although Cardell acknowledged that he had always known himself to be Zachary's father, he did not assert his paternity until April of 1996. Cardell provided no emotional or financial support and had no contact with Zachary for the eight months preceding the termination hearing. *See In re M.M.S.*, 502 N.W.2d 4, 8 (Iowa 1993); *In re Goettsche*, 311 N.W.2d 104, 105 (Iowa 1981) (total desertion is not required for a showing of abandonment). His lack of interest in being a father to Zachary was further demonstrated by his failure to comply with the requirements in the case permanency plan. Finally, the evidence supported that Cardell was unable to provide an appropriately safe and stable home for Zachary. For these reasons, we hereby affirm the termination of Cardell's parental rights to Zachary.

AFFIRMED.