IN THE COURT OF APPEALS OF IOWA

No. 7-319 / 97-104 000145

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

T.R., Father,

Appellant,

FILED
JUL 30 1997
CLERK SUPREME COURT

Appeal from the Iowa District Court for Johnson County, Sylvia A. Lewis, District Associate Judge.

The biological father of a minor child appeals a district court ruling terminating his parental rights. **AFFIRMED.**

Davis L. Foster, Iowa City, for appellant.

Thomas J. Miller, Attorney General, Chris Odell, Assistant Attorney General, and Deborah Minot, Assistant County Attorney, for appellee State.

Sally Weyer of Bergan & Weyer, Iowa City, for appellee mother.

Mark C. Meyer of Kinnamon, Kinnamon, Russo & Meyer, Iowa City, guardian ad litem for minor child.

Considered by Habhab, C.J., and Cady and Vogel, JJ.

CADY, J.

Marian and Travis are the parents of Melissa, who was born on September 6, 1993. Melissa suffered some medical problems at the time of her birth, and has problems using her right eye and right hand. She is developmentally delayed and is considered a special needs child.

Marian and Travis are both low-functioning adults. Marian became involved with the Department of Human Services (DHS) in 1994. The juvenile court ordered paternity testing for Melissa. Blood tests in August 1994 showed Travis was Melissa's father. In September 1994, Melissa was adjudicated a child in need of assistance. Travis had no contact with Melissa until after the blood tests showed he was her father. Later in 1994 he moved to Iowa from New Mexico and began to see Melissa. He had no involvement with DHS, and did not request services.

In August 1995, Melissa was placed in foster care. She was placed in the same home as her half-brother. Travis had no contact with Melissa after she was placed in foster care. In December 1995 Travis moved to Arizona. While he was in Arizona, he did not call Melissa or send her any letters. He did call Marian occasionally and asked about Melissa.

On September 11, 1996, the State filed a petition to terminate the parental rights of Marian and Travis. Marian voluntarily consented to the termination of her parental rights. In October 1996, Travis moved to Iowa. He contacted DHS and

expressed an interest in obtaining custody of Melissa. He agreed to attend a parenting class. DHS did not approve visitation between Travis and Melissa.

At the termination hearing, the State presented evidence to show Travis had not attended any previous court hearings. He had only expressed an interest in services in October 1996, and had only time to attend eight parenting classes before the termination hearing. He was very tired during class and sometimes fell asleep. Travis had a job and was living with friends. He admitted he was not ready to assume the care of Melissa, but stated he was willing to work with DHS. On December 20, 1996, the juvenile court terminated Travis's parental rights to Melissa pursuant to Iowa Code sections 232.116(1)(b) and (g).

Travis has appealed. Marian and the State oppose the appeal. Marian seeks to have Travis's parental rights terminated because she hopes Melissa and her half-brother may be adopted by the foster family.

I. The scope of review in termination cases is de novo. *In re S.N.*, 500 N.W.2d 32, 34 (Iowa 1994). The grounds for termination must be proven by clear and convincing evidence. *In re R.R.K.*, 544 N.W.2d 274, 277 (Iowa App. 1995). Our primary concern is the best interests of the children. *In re A.B.*, 554 N.W.2d 291, 293 (Iowa App. 1996).

II. Travis contends there is not clear and convincing evidence in the record to support the termination of his parental rights. He argues the State did not

sufficiently prove the elements of abandonment found in section 232.116(1)(b). He points out he had contact with his child while he was in Iowa.

Abandonment is characterized as a giving up of parental rights and responsibilities accompanied by an intent to forego them. *In re A.B.*, 554 N.W.2d at 293. The giving up of parental rights and responsibilities refers to conduct. *In re D.M.*, 516 N.W.2d 888, 891 (Iowa 1994). The intent element refers to the accompanying state of mind. *Id.* Parental responsibilities include more than subjectively maintaining an interest in a child. *In re A.B.*, 554 N.W.2d at 293. The concept requires affirmative parenting to the extent it is practical and feasible under the circumstances. *Id.*

We find clear and convincing evidence in the record to show Travis abandoned Melissa. He did not have any contact with her from August 1995 to October 1996. He presented no valid reason for making no attempt to contact her after he moved to Arizona. Furthermore, Travis has not provided regular support for Melissa, and has not provided her with day-to-day care.

III. Travis contends the State did not sufficiently prove his parental rights should be terminated under section 232.116(1)(g). When the juvenile court terminates parental rights on more than one statutory ground, we need only find grounds to terminate under one of the sections cited by the juvenile court to affirm. *In re A.J.*, 553 N.W.2d 909, 911 (Iowa App. 1996). We have already found Travis's parental rights were properly terminated under section 232.116(1)(b), and therefore,

need not address this issue. We do note, however, that Travis admitted Melissa could not be placed in his care at the time of the termination hearing.

IV. Travis claims termination was not in Melissa's best interests. He states that he is motivated to obtain the parenting skills to meet Melissa's special needs.

We find termination is in Melissa's best interests. Travis waited until after the petition to terminate parental rights was filed before he showed a desire to become a parent to Melissa. Melissa needs stability in her life, and she should not be forced to endlessly suffer the parentless limbo of foster care. *See In re J.P.*, 499 N.W.2d 334, 339 (Iowa App. 1993). In addition, Melissa has a strong bond with her half-brother, who also lives with the same foster family. This family has expressed an interest in adopting the children.

V. Travis contends the State did not make reasonable efforts to reunite him with Melissa. He believes DHS should have provided him with visitation as soon as he returned to Iowa in October 1996. Reasonable services must be provided to attempt to reunite a family before the State can terminate parental rights. *In re L.M.W.*, 518 N.W.2d 804, 807 (Iowa App. 1994).

It is clear that Travis did not request any services until October 1996. Tra was provided with parenting class. Social workers determined it would be be have Travis complete class before visitation began. Travis did not complete until the week before the termination hearing. The court decided not t

visitation while the case was under advisement. We find the services offered to Travis were reasonable under the facts of the case.

VI. Travis believes the juvenile court's decision violated his substantive due process rights. Travis did not raise this issue before the juvenile court. An issue not timely presented to the juvenile court may not be raised for the first time on appeal. *In re Voeltz*, 271 N.W.2d 719, 722 (Iowa 1978). We find Travis has not preserved error on this issue and we do not address it.

We affirm the decision of the juvenile court terminating Travis's parental rights to Melissa.

AFFIRMED.