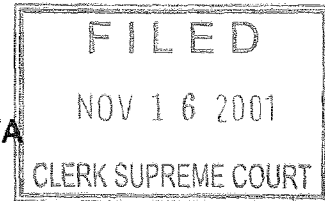


IN THE COURT OF APPEALS OF IOWA

No. 1-501 / 01-0416
Filed November 16, 2001



IN THE INTEREST OF J.A.H., Minor Child,

J.L., Father,
Appellant.

Appeal from the Iowa District Court for Woodbury County, Patrick H. Tott,
Judge.

J.L. appeals from the termination of his parental rights. **AFFIRMED.**

William L. Binkard, Sioux City, for appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant
Attorney General, and Dewey Sloan, Assistant County Attorney, for appellee-
State.

Richard H. Moeller of Berenstein, Moore, Berenstein, Heffernan & Moeller,
L.L.P., Sioux City, for minor child.

Considered by Hayden, Peterson, and Harris, Senior Judges.*

*Senior Judges assigned by order pursuant to Iowa Code section
602.9206 (2001).

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PER CURIAM

A father brought this appeal to challenge the termination of his relationship with his infant daughter. Termination was granted for both abandonment, Iowa Code section 232.116(1)(b) (2001), and by CINA, removal of the child for six months and failure to maintain significant and meaningful contacts with the child, Iowa Code section 232.116(1)(d). The record clearly demands termination on either ground, and we affirm.

At the time of the termination hearing, the father remained incarcerated for sexual abuse in his relationship with the child's fifteen-year-old mother. Conception of the child was the consequence of the abuse.

There are two elements to abandonment under Iowa Code section 232.116(1)(b). They are (1) giving up of parental rights and responsibilities, and (2) forming an accompanying attempt to forego them. *In re D.M., Jr.*, 516 N.W.2d 888, 891 (Iowa 1994); *In re A.B.*, 554 N.W.2d 291, 293 (Iowa Ct. App. 1996). This father has seen the child briefly only twice since she was born March 1, 1998. The first time was when the child was two months old; the second was five months later when she was brought to the jail where the father was then confined. Incarceration of course restricted the father's opportunities but cannot justify his wholesale failure to explore the chances he was accorded. He made no effort to communicate with the department of human services caseworker who regularly sent him case plans. The plans contain ample opportunity to undertake a relationship. He was not interested, and his indifference supports the trial court's finding of abandonment.

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The same indifference amounts to a failure to maintain significant and meaningful contacts under Iowa Code section 232.116(1)(d). The trial court was correct in so holding.

AFFIRMED.

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