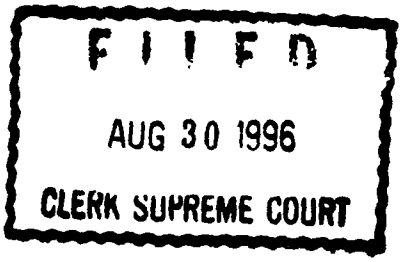
IN THE COURT OF APPEALS OF IOWA

No. 6-499 / 96-371



IN THE INTEREST OF D.F., A Minor Child,

A.F., Father,
Appellant.

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

Father appeals the termination of his parental rights. **AFFIRMED.**

Jeno M. Berta of Jeno M. Berta, P.C., Davenport, for appellant.

Thomas J. Miller, Attorney General, Diane Stahle, Special Assistant Attorney General, Maureen McGuire, Assistant Attorney General, and William E. Davis, County Attorney, for appellee State.

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

CADY, J.

A father appeals an order by the juvenile court terminating his parental rights to his child. He challenges the sufficiency of the evidence and asserts the termination failed to fully acknowledge his rights in his child and was not in the child's best interest. We affirm the decision of the juvenile court.

Dasiaune was born March 4, 1994. Numerous illegal substances were detected in Dasiaune's blood following his birth, including cocaine, heroine, PCP and marijuana. His parents, Tameshia and Angelo, were not married and did not live together. Tameshia has a long history of drug abuse. Angelo is a known drug dealer and member of the Vice Lords gang.

Dasiaune was placed in the custody of Angelo's mother following his release from the hospital. He was subsequently adjudicated a child in need of assistance, and placement was continued in the custody of the paternal grandmother.

Dasiaune remained in his grandmother's care until September 1995, when she decided she no longer wanted to raise him. Dasiaune was then placed in a foster home with his half-sister. The State filed a petition to terminate the rights between Dasiaune and his parents in October 1995.

Angelo showed virtually no interest in parenting Dasiaune following his birth. He repeatedly failed to appear for appointments with department of human services case workers, and acknowledged in March 1995 he was not ready to be a parent.

Case plans were prepared but never implemented due to Angelo's lack of interest. He was often difficult to locate.

The termination hearing was held in January 1996. Angelo testified he had not visited Dasiaune since May 1995 because he believed his parental rights had been terminated. He also testified he resided at a half-way house from June to October 1995, following a conviction for possession of crack cocaine. He acknowledged he could not presently care for Dasiaune.

The juvenile court terminated Angelo's parental rights based on a finding of abandonment and an inability to return the child following removal. *See* Iowa Code §§ 232.116(1)(b) and 232.116(1)(g) (1995). Angelo filed an appeal.

Our review is de novo. *In re Dameron*, 306 N.W.2d 743, 745 (Iowa 1981). We review all the evidence and adjudicate the parent's rights anew. *Id.* Termination must be established by clear and convincing evidence. Iowa Code § 232.117(2) (1995).

Abandonment is the relinquishment of the rights, duties or privileges of a parent-child relationship. Iowa Code § 232.2(1) (1995). It must be supported by evidence of conduct accompanied by an intention to abandon. *In re D.M.*, 516 N.W.2d 888, 891 (Iowa 1994). It requires no specific period of time. Iowa Code § 232.2(1).

Angelo's conduct dispels any claim he lacked an intent to relinquish his parental rights. *See In re D.M.*, 516 N.W.2d at 892. He was clearly content to allow

his mother to raise Dasiaune and failed to take any action to illustrate an ability or desire to maintain a parent-child relationship. Angelo rebuffed all efforts by the department to initiate parenting, and excluded himself from the life of his child. There is clear and convincing evidence he abandoned Dasiaune.

Parental rights may also be terminated when a child three years old or younger has been adjudicated in need of assistance, removed from the parent's custody for at least six of the last twelve months, and cannot presently be returned as provided by Section 232.102. Iowa Code § 232.116(1)(g). Angelo asserts there is no evidence he would harm Dasiaune if placed in his care or could not be a good parent if given the opportunity.

The legislature has determined the interval of time parents should be given to become responsible caretakers after a child has been removed from the home. *See In re R.J.*, 436 N.W.2d 630, 636 (Iowa 1989). Such a limitation is necessary because an abundance of patience on behalf of a parent can soon translate into intolerable hardship for the child. *Id.* Children must not languish in parentless limbo. *Id.*

Angelo's request for additional time to exhibit his parenting abilities comes too late. He has failed to conduct himself as a parent since Dasiaune's birth, and has all ready been given a considerably longer period of time to assert himself as a parent than defined by statute. There is clear and convincing evidence Dasiaune cannot be placed in Angelo's care at this time.

We have considered all Angelo's arguments and find them to be unpersuasive. We conclude the statutory grounds for termination of parental rights have been met in this case. We also conclude termination is in the best interest of Dasiaune. *See In re M.S.*, 519 N.W.2d 398, 400 (Iowa App. 1994). His foster parents are interested in adopting Dasiaune, as well as his half-sister. We affirm the juvenile court.

AFFIRMED.