

IOWA COURT OF APPEALS

In the Interest of A.W., Minor Child

No. 26-0293 (Iowa Ct. App. June 10, 2026) · No. No. 26-0293 · Decided June 10, 2026

SUMMARY

The Iowa Court of Appeals affirmed termination of the father’s parental rights to his two-year-old daughter under Iowa Code section 232.116(1)(h). The court held that the State proved the statutory ground and that termination was in the child’s best interests, citing the father’s incarceration, probation violations, domestic violence history, and ongoing instability. The court also denied the father’s requests for a six-month extension and a guardianship with the paternal grandmother.

CASE DETAILS

COURT	Iowa Court of Appeals
WRITING FOR THE COURT	Tabor, Chief Judge; Chicchelly, Judge; Sandy, Judge
JURISDICTION	Iowa Court of Appeals
DECIDED	June 10, 2026
DOCKET	No. 26-0293
DISPOSITION	affirmed
PROCEDURAL POSTURE	Father appealed the juvenile court's order terminating his parental rights to A.W.
STANDARD OF REVIEW	De novo review applies to termination proceedings. The appellate court is not bound by the juvenile court's factual findings but gives them respectful consideration, particularly regarding credibility determinations.
PRECEDENTIAL VALUE	published and precedential
PARTIES	D.W., Father v. State

TOPICS

- termination of parental rights
- domestic violence
- guardianships
- standard of review
- appellate procedure

PRACTICE AREAS

- family law
- parental rights
- juvenile law
- domestic violence
- guardianships

QUESTIONS PRESENTED

1. Whether the State proved the statutory ground for termination under Iowa Code section 232.116(1)(h), including that A.W. could not be returned to the father's custody at the time of the termination hearing.
2. Whether termination of the father's parental rights was in A.W.'s best interests under Iowa Code section 232.116(2).
3. Whether the father was entitled to a six-month extension to work toward reunification under Iowa Code section 232.104(2)(b).
4. Whether a guardianship with A.W.'s paternal grandmother was preferable to termination of parental rights.

HOLDINGS

1. The State proved by clear and convincing evidence that A.W. could not be safely returned to the father's custody at the time of the termination hearing. The father was incarcerated and facing possible probation revocation, and the evidence showed that returning A.W. to his custody would continue to place her safety at risk.
2. Termination was in A.W.'s best interests because the father's domestic violence, continued destabilizing relationship with the mother, incarceration, substance-use concerns, and lack of accountability prevented him from providing for A.W.'s physical, mental, and emotional needs or her long-term nurturing and growth.
3. The father was not entitled to a six-month extension because the court could not find that the need for A.W.'s removal would no longer exist at the end of the extension, and delaying permanency was not in A.W.'s best interests.
4. A guardianship with the paternal grandmother was not preferable to termination because A.W. was too young to express a preference and the guardianship could continue for many years while remaining vulnerable to interference and loss of stability.

KEY QUOTATIONS

“Upon our de novo review of the record, we affirm.” (1)

“Under that ground, the State must prove that the child (1) is three years old or younger; (2) has been adjudicated as a CINA; (3) has been removed from the parents’ physical custody for at least six months; and (4) cannot be returned to the father’s custody at the present time.” (4)

“Generally, “a guardianship is not a legally preferable alternative to termination.”” (7)

FACTUAL BACKGROUND

The Iowa Department of Health and Human Services became involved after the father assaulted the mother and, during a later assault, struck A.W. while the mother was holding her. A.W. was removed from parental custody, adjudicated a child in need of assistance, and placed with her paternal grandparents. Although the father completed a domestic-abuse program and participated to some extent in therapy and substance-use services, he violated probation, returned to jail, continued contact with the mother despite domestic-violence concerns, and

faced possible probation revocation at the termination hearing. The juvenile court terminated his parental rights under Iowa Code section 232.116(1)(h).

PROCEDURAL HISTORY

The Iowa Department of Health and Human Services became involved after incidents of domestic violence and child abuse involving the father. A.W. was removed, adjudicated a child in need of assistance, and placed with her paternal grandparents. After the reunification goal was abandoned and a termination hearing was held, the juvenile court terminated the father's parental rights. The Iowa Court of Appeals reviewed the termination de novo and affirmed.

DISPOSITION

affirmed

CASES CITED

- In re A.B., 957 N.W.2d 280, 293 (Iowa 2021)
- In re W.T., 967 N.W.2d 315, 322-323 (Iowa 2021)
- In re P.L., 778 N.W.2d 33, 40 (Iowa 2010)
- In re L.M., 904 N.W.2d 835, 839 (Iowa 2017)
- In re A.B., 956 N.W.2d 162, 169 (Iowa 2021)
- In re A.A.G., 708 N.W.2d 85, 92 (Iowa Ct. App. 2005)
- In re A.S., 906 N.W.2d 467, 478 (Iowa 2018)
- In re B.T., 894 N.W.2d 29, 32, 34 (Iowa Ct. App. 2017)
- In re A.M., No. 20-1008, 2020 WL 7021576, at *3 (Iowa Ct. App. Nov. 30, 2020)

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