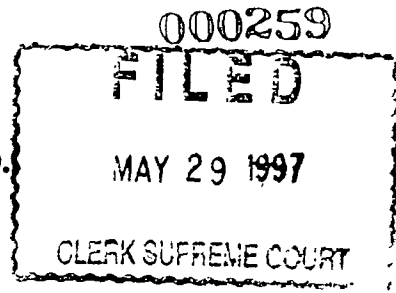


IN THE COURT OF APPEALS OF IOWA

No. 7-176 / 96-1432

IN THE INTEREST OF J.O., C.O., C.O., S.O., and B.O.
Minor Children,

J.O., Mother,
Appellant.



Appeal from the Iowa District Court for Tama County, Susan Flaherty,
Associate Juvenile Judge.

A mother appeals from the adjudication of her three youngest children as
children in need of assistance. **AFFIRMED.**

Stephen T. Brennecke of Bisbee & Brennecke Law Office, Grinnell, for
appellant.

Thomas J. Miller, Attorney General, Diane Stahle, Special Assistant Attorney
General, Chris Odell, Assistant Attorney General, and Brent Heeren, County
Attorney, for appellee State.

Patrick Wilson, Marshalltown, for minor children.

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

PER CURIAM.

This is an appeal by a mother claiming the juvenile court should not have adjudicated her three youngest children as children in need of assistance. We affirm on appeal by memorandum opinion pursuant to Iowa Supreme Court Rule 9.

Janeen and Patrick are the parents of Jennifer, born in 1983; Christopher, born in 1987; Christina, born in 1990; Shirley, born in 1991; and Briana, born in 1994. The Department of Human Services (DHS) began its involvement with the family in 1984 when there was a founded report of denial of critical care of Jennifer. The family had additional founded reports of physical abuse of Jennifer in 1988, denial of critical care of Christopher in 1989, and physical abuse of Christopher in 1991. The 1991 incident resulted in Patrick's criminal conviction for simple assault. Christopher was adjudicated a child in need of assistance in 1991. The juvenile court dismissed the case in 1994 because of the family's progress.

In 1995, however, the State filed petitions to have all five children adjudicated children in need of assistance due to new founded reports of denial of critical care and physical abuse of Christopher. On November 13, 1995, Jennifer and Christopher were placed in foster care. The court allowed Christina, Shirley, and Briana to remain in the custody of their parents, subject to the protective supervision of DHS.

The parties stipulated all of the children were in need of assistance. The parties agreed to ask the court to withhold adjudication and suspend judgment in regard to the three younger children. On July 10, 1996, the juvenile court determined

Christina, Shirley, and Briana should be adjudicated children in need of assistance.

The court stated:

The Court's reasons for entry of adjudication are the longstanding nature of this family's problems, the slow progress that has been demonstrated thus far and the statements of all of the treating professionals in this case that this family will require the support of the juvenile court system for an extensive time period.

The three younger children were allowed to remain in the parental home.

Janeen now appeals the juvenile court order adjudicating Christina, Shirley, and Briana as children in need of assistance. She states the family's only problems have been with the two older children. Janeen relies on Iowa Code section 232.96(9), which provides:

If the court concludes that facts sufficient to sustain the petition have been established by clear and convincing evidence and that its aid is required, the court may enter an order adjudicating the child to be a child in need of assistance.

She admits the children are in need of assistance, but claims the State failed to show its aid was required. She asserts State intervention is not required for the three younger children because they are not at risk of imminent harm.

Our scope of review of CINA proceedings is de novo. *In re A.S.T.*, 508 N.W.2d 735, 737 (Iowa App. 1993). Although we give weight to the factual determinations of the juvenile court, especially when considering the credibility of witnesses, we are not bound by them. *In re T.A.L.*, 505 N.W.2d 480, 482 (Iowa

1993). Our paramount concern is the best interests of the children. *In re N.M.W.*, 461 N.W.2d 478, 480 (Iowa App. 1990).

We find there was clear and convincing evidence Christina, Shirley, and Briana are in need of assistance. The workers involved in providing services to the family testified the family would continue to need services for an extensive period of time. The parents still did not accept responsibility for the past incidences of abuse. Patrick testified he had not been shown any other disciplinary technique as effective as the physical discipline he used with the children. We find evidence of the past care of other children in the same family is relevant to the question of the parents' ability to care for these children. We believe State aid is required to assist Christina, Shirley, and Briana.

We affirm the decision of the juvenile court adjudicating Christina, Shirley, and Briana as children in need of assistance.

AFFIRMED.