FILED
FEB 24 1981
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN THE INTEREST OF:

JEREMY EUGENE NORTON,)

a child)

KAREN T. NORTON,)

Appellant.)

Filed February 24, 1981

0-421
3-65081

Appeal from Calhoun District Court - Albert Habhab, Judge.

Natural mother appeals juvenile court's termination of parental rights pursuant to section 232.114(5), The Code 1979. - AFFIRMED.

Ann Beneke, of Legal Services Corp. of Iowa, Ft. Dodge, for appellant.

Thomas J. Miller, Attorney General of Iowa , Brent D. Hege, Assistant Attorney General of Iowa, and John G. Black, Special Assistant Attorney General of Iowa for appellee.

Heard by Oxberger, C.J., and Donielson, Snell, Carter, and Johnson, JJ.

PER CURIAM

Natural mother, Karen T. Norton, appeals juvenile court's termination of parental rights puruant to section 232.114(5), The Code 1979. We affirm.

On December 10, 1979, Calhoun County Department of Social Services filed a petition for termination of Karen's parental rights with respect to her child, Jeremy. On January 18, 1980 a full hearing was held on the petition, after which the record was left open for Karen to present additional evidence. On March 5, 1980, when Karen indicated that she would be presenting no more evidence in her own behalf, the record was closed and the matter was finally submitted to the juvenile court. On April 10, 1980, the juvenile court filed its order terminating Karen's parental rights.

Our review is de novo. In Interest of Kelley, 262 N.W.2d 781, 782 (Iowa 1978); Long v. Long, 255 N.W.2d 140, 143 (Iowa 1977).

Karen contends that the juvenile court's order to terminate her parental rights was invalid because a notice requirement demanded by section 232.111(3)(c), The Code 1979, was not included in the petition. Section 232.111(3)(c) requires that the petition for termination of parental rights include "[a] plain statement of those facts ... which indicate that the parent-child relationship should be terminated." Karen alleges that the petition did not contain such a statement of facts. Karen also argues that since it is error to terminate parental rights on a ground not alleged in the petition, see Kelley, 262 N.W.2d at 784, by analogy, it is error to terminate parental rights based on facts not alleged in the petition.

Karen raised these issues for the first time on appeal. Since Karen failed to raise these issues in the juvenile court, she has failed to preserve error on them. In Interest of Hoppe, 289 N.W.2d 613, 617 (Iowa 1980); In re Staros, 280 N.W.2d 409, 411 (Iowa 1979); In Interest of Voeltz, 271 N.W.2d 719, 722 (Iowa 1978).

Even if Karen preserved error on the notice issues, she could not prevail on the merits. Karen appeared personally and was represented by counsel at the hearing. No objection to defective notice was made. The hearing was held on the merits of the case and included testimony by Karen and two other witnesses on her own behalf and cross-examination by Karen's attorney. After the hearing the record was held open for one and one-half months so as to enable Karen to produce additional evidence. The record reveals that Karen was prepared to present her case at the hearing and had additional

opportunity after the hearing to further bolster her case. Because Karen appeared at the termination hearing, failed to object to any defect in notice, and participated fully in the hearing on the merits, she made a general appearance, and not a special appearance, thereby giving the juvenile court personal jurisdiction over her. See In re Interest of Hewitt, 272 N.W.2d 852, 857-58 (Iowa 1978). No question of subject matter jurisdiction is here involved.

A judgment should not be reversed and litigation prolonged unless error appears which we may reasonably suppose affected the result to the prejudice of the losing party. Baysinger v. Haney, 261 Iowa 577, 583, 155 N.W.2d 496, 499 (1968). It is clear that the defect in stating the facts in the notice did not impair Karen from receiving a full and fair opportunity to present her case to juvenile court in the best light possible. Cf. Evans v. Moore 472 S.W.2d 540, 543 (Tex. Civ. App. 1971) (defect in notice not reversible error when no harm could have resulted therefrom to appellant). Moreover, since Karen, while represented by counsel, appeared at the hearing, failed to object to a defect in notice, and argued the case on the merits, she waived any defect in notice. RLR v. State, 487 P.2d 27, 41 (Alaska 1971); Doe v. State, 487 P.2d 47, 56-57 (Alaska 1971; People in Interest of G.A.T., 183 Colo. 111, 115, 515 P.2d 104, 106 (1973); State in Interest of Baswell, 294 So.2d 896, 899 (La. Ct. App. 1974); Evans, 472 S.W.2d at 543. But see In re Interest of Herron, 212 N.W.2d 474, 476 (Iowa 1973) (failure to afford stepfather of children with notice of time, place, and purpose of hearing necessitates reversal, even though he voluntarily appeared at hearing).

AFFIRMED.