IN THE COURT OF APPEALS OF IOWA

No. 1-656 / 00-1911
Filed December 28, 2001

FILED
DEC 28 2001
CLERK SUPREME COURT

IN THE INTEREST OF M.L.B., Minor Child,

M.L.B., Minor Child,
Appellant.

Appeal from the Iowa District Court for Woodbury County, Mary L. Timko, Associate Juvenile Judge.

M.L.B. appeals the juvenile court's order requiring her to register on the sexual offender registry. **AFFIRMED.**

Martha M. McMinn, Sioux City, for appellant.

Thomas J. Miller, Attorney General, Karen Doland, Assistant Attorney General, Thomas S. Mullin, County Attorney, and Michele Lauters, Assistant County Attorney, for appellee-State.

Considered by Vogel, P.J., and Miller and Eisenhauer, JJ.

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VOGEL, P.J.

Michele was adjudicated delinquent for sexual contact engaged in when she was sixteen years old and which involved a twelve-year-old boy. At a later hearing, Michele was ordered to register as a sexual offender. Michele appeals the court's registration decision, arguing the record demonstrated she should be excepted from the registration requirement.[1] Upon review we find this matter fits the criterion outlined in Supreme Court Rule 9, for the issuance of a memorandum opinion.

Scope of Review. A juvenile court's statutory interpretation is reviewed for errors at law. *In re G.J.A.*, 547 N.W.2d 3, 5 (Iowa 1996). Decisions as to whether an otherwise qualifying juvenile should be excepted from registration are reviewed for an abuse of discretion. *In re S.M.M.*, 558 N.W.2d 405, 407 (Iowa 1997).

Registration Requirement. In maintaining the consensual nature of the underlying acts and her minimal risk of reoffending should relieve her from the registration requirement, Michele appears to makes a two-prong argument. She seems to contend the acts she committed are not subject to registration under the applicable statutes and, even if the statutes apply to her case, the juvenile court abused its discretion when it ordered her to register.

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[1] Michele also contends certain files and reports should not have been admitted into evidence. However, as counsel lodged no objection at any time prior to the court's consideration of the documents, this issue is not preserved for our review. *See In Interest of A.V.E.*, 356 N.W.2d 204, 205 (Iowa 1984) (considering on appeal only those objections raised at the delinquency hearing).

The juvenile court is not allowed to determine which offenders fall within the criteria of the registration statute. *In re S.M.M.*, 558 N.W.2d at 407. Inclusion is statutorily prescribed. *Id.* Chapter 692A mandates registration of any juveniles adjudicated delinquent of a qualifying sexual offense, including "[a]ny indictable offense against a minor involving sexual contact with the minor," Iowa Code § 692A.1(4)(g) (1999), "unless the juvenile court finds that the person should not be required to register . . . ." Iowa Code § 692A.2(4). In this case the offense underlying the adjudication involved conduct with another minor that constituted sexual abuse in the third degree, a class C felony.[2] Clearly, on the face of the statute, registration was presumptively required.

It then fell to the juvenile court to determine whether Michele should be exempted from registration. *In re S.M.M.*, 558 N.W.2d at 407. We agree with the juvenile court that in addition to the underlying facts of her current delinquency adjudication, the record is replete with evidence of Michele's lengthy history of sexual encounters and sexually acting out. We therefore find no abuse of discretion in the court's determination that Michele should not be exempted from the registration requirements.

AFFIRMED.

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[2] *See* Iowa Code §§ 709.1, 709.4(2)(b) (1999).