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CLERK SUPREME COURT
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IN THE COURT OF APPEALS OF IOWA

No. 3-485 / 93-0536

IN THE INTEREST OF R.W., N.W., K.P. and T.O.P.,

Minor Children,

T.P., Father,

Appellant.

Appeal from the Iowa District Court for Poweshiek County, Michael R. Stewart, Judge.

Father appeals a juvenile court order requiring supervised visitation and his participation in a sex abuser treatment program. **AFFIRMED.**

Terry Rickers, of Matthias, Tyler, Nuzum & Greta, Newton, for appellant father.

Bonnie J. Campbell, Attorney General; John M. Parmeter, Special Assistant Attorney General; Charles K. Phillips, Assistant Attorney General; and John C. Heinicke, County Attorney, for appellee State.

Donald L. Schild, Grinnell, guardian ad litem for minor children.

Nancy L. Burk, Toledo, for appellee mother.

Heard by Schlegel, P.J., and Habhab, J., and Perkins, S.J.* Donielson, J., takes no part.

*Senior judge from the 5th Judicial District serving on this court by order of the Iowa Supreme Court.

HABHAB, J.

Appellant T.P. is the stepfather of R.W. and N.W., and the father of K.P. and T.O.P. S.P. is the mother of all four children. On May 8, 1992, a child in need of assistance (CINA) petition was filed regarding these children. The factual basis for the petition involved the sexual abuse of R.W. by a third party.

On July 14, 1992, the parties stipulated that the allegations of the petition were true. On October 2, 1992, the parties stipulated the children be placed in temporary foster care; T.P. was granted supervised visitation rights. In a January 5, 1993, hearing the parties stipulated that all four children were in need of assistance under Iowa Code section 232.2(6)(c)(2) (1991).

On February 3, 1993, a dispositional hearing was held. The court rejected the father's and mother's requests to have the children returned to their respective homes. The court ordered that the children remain in temporary foster care. The court allowed only supervised visitation between T.P. and the children because the court found that T.P. had sexually abused his former daughters (his parental rights to these two girls were terminated in Missouri in 1990). The court also ordered T.P. to engage in treatment for perpetrators of sexual abuse. T.P. appeals. We affirm.

Appellate review of a dispositional proceeding held pursuant to Iowa Code Chapter 232 is de novo. Iowa R. App.

P. 4. We give weight to the findings of fact of the juvenile court, especially when considering the credibility of the witnesses, but we are not bound by them. Iowa R. App. P. 14(f)(7).

T.P. contends the juvenile court erred by allowing him only supervised visitation and by requiring him to attend sex offender counseling. T.P. points out that he has not been accused of inflicting physical or sexual abuse on any of the children named in the CINA petition. T.P. also claims there is no evidence he has sexually abused his former daughters who live in Missouri. T.P. maintains he was forced to acquiesce in the termination of his parental rights in Missouri due to financial hardship.

Iowa Code section 232.1 states the children's welfare is paramount to any other consideration. In re E.W., 434 N.W.2d 898, 900 (Iowa App. 1988). The juvenile court based its decision on T.P.'s past history as a parent. T.P. admits to being physically abusive to his wife. He has served time in jail because of domestic abuse. He also admits that he has not given the children adequate care and supervision in the past, but he claims he has changed.

T.P.'s two former daughters were sexually abused in Missouri. In 1984, while in her mother's care in Maine, the oldest daughter was sexually abused by a third party, whose first name was the same as T.P.'s. In March or May of 1985, the daughters were returned to the custody of T.P. In late June of 1985, physical examinations of these

two daughters revealed evidence of ongoing sexual abuse. In 1988, a founded Missouri abuse report concluded that T.P. had sexually abused his former daughters. T.P.'s parental rights to these two girls were terminated. T.P. claims the children named him as the perpetrator because they confused him with the abuser in Maine. The juvenile court found this explanation "untenable."

We agree with the juvenile court that it would be inappropriate to give T.P. unsupervised visitation at this time. We find a pattern of neglect and sexual abuse of T.P.'s former and current children while in T.P.'s care. This shows at a minimum a failure or inability of T.P. to protect his children from physical and sexual abuse by others.

The juvenile court also required T.P. to seek sexual offender treatment at the Treatment for Adults and Children Affected by Sexual Abuse (TACASA). We note that T.P.'s supervised visitation was not made conditional on his completion of the TACASA program. See In re S.W., 469 N.W.2d 278, 281, (Iowa App. 1991) (child's best interest was not served by decreasing parents visitation because father refused to admit he sexually abused the child). We find that independent assessment and treatment of T.P.'s tendencies towards sexual abusiveness would be valuable to a juvenile court in future determinations of a disposition which would adequately protect the children. We therefore

affirm the juvenile court's order that T.P. participate in the TACASA program.

AFFIRMED.