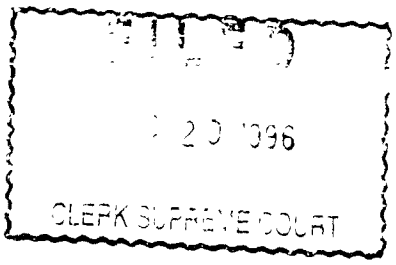
IN THE COURT OF APPEALS OF IOWA

No. 6-686 / 96-1190

IN THE INTEREST OF T.R.J., B.W.J.,

A.R.J., and A.S.J., Minor Children,



S.A.J., Mother,

Appellant.

Appeal from the Iowa District Court for Clinton County, Arlen Van Zee, Juvenile Judge.

S.A.J. appeals a district court order terminating her parental rights to four minor children. **AFFIRMED.**

Robert J. McGee, Clinton, for appellant.

Thomas J. Miller, Attorney General, Diane Stahle, Special Assistant Attorney General, Maureen McGuire, Assistant Attorney General, and Ross J. Barlow, Assistant County Attorney, for appellee State.

Ben Rowold, Clinton, guardian ad litem for minor children.

Considered by Cady, P.J., Huitink, J., and Schlegel, S.J.*

* Senior judge from the Iowa Court of Appeals serving on this court by order of the Iowa Supreme Court.

SCHLEGEL, S.J.

Tim and Sherry J. are the parents of four minor children, Tracey, born August 12, 1986; Bradley, born March 8, 1988; Amber, born April 21, 1989; and Amanda, born December 17, 1991. The Department of Human Services became involved with this family in November 1993, following a founded sexual abuse report of four-year old Amber by an acquaintance who was being used as a babysitter. On January 24, 1994, the four children were placed in the home of their paternal grandmother, Pam W., following the hospitalization of their parents, both of whom had attempted suicide. The DHS found the parents had denied the children critical care and had failed to provide for proper supervision. The children were adjudicated in need of assistance in March 1994. The children remained with Pam W. after their parents were released from the hospital.

The juvenile court found that while living with their parents, the children were exposed to a chaotic life, due to the actions of their parents. It found that the family moved frequently, selling its possessions to buy drugs and trashing houses when moving on. The children were unsupervised and undisciplined much of the time. The court found that the children did not receive adequate food, clothing, shelter, or medical care. They were physically abused. In addition to the founded sexual abuse of Amber, sexual abuse of Tracey was suspected. The children had been forced to watch adults having sex, both in person and on T.V. They had been made to drink

alcohol, smoke drugs, drink urine from a pop bottle, steal to obtain drugs for their parents, and had been required to witness a puppy being tortured by burning.

Sherry and Tim both have long arrest records. At the time of the hearing on the petition to terminate parental rights, Tim was in prison.

Sherry appeals the termination of her parental rights. Tim has not appealed. She simply claims that the court erred in terminating her parental rights pursuant to section 232.116(1)(e), Iowa Code. That section provides as follows:

> 1. [T]he court may order the termination of both the parental rights with respect to a child and the relationship between the parent and the child on any of the following grounds:
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> * * *
>
> e. The court finds that all of the following have occurred:
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> (1) The child is four years of age or older.
> (2) The child has been adjudicated a child in need of assistance pursuant to section 232.96.
> (3) The child has been removed from the physical custody of the child's parents for at least twelve of the last eighteen months, or for the last twelve consecutive months and any trial period at home has been less than thirty days.
> (4) There is clear and convincing evidence that at the present time the child cannot be returned to the custody of the child's parents as provided in section 232.102.

In termination cases, the rights and needs of the child are paramount. *In re S.A.*, 502 N.W.2d 23, 25 (Iowa App. 1993). We review the record de novo. *In re A.C.*, 415 N.W.2d 609, 613 (Iowa 1987). The record is replete with a number of instances where the parents of these children, either by affirmative action, or by

neglect, have placed these children in danger. Sherry claims that she has progressed in her ability to parent these children appropriately. She acknowledges that her former life style was detrimental to the children. She does not deny that the children were forced to endure unspeakable harm from their parents. She claims that Tim's drug use was the principle cause of the abuse of the children. Sherry, however, acknowledges that she and Tim are still married and that she hopes to renew the relationship with Tim upon his release from prison.

These children are afraid of the prospect of being returned to their parents at some future time. As a juvenile court found:

> The children have been very seriously traumatized by the abuse and neglect at the hands of their parents. They are fearful, angry and emotionally disturbed. In the past the parents have not participated in any services to resolve those issues. The children will not benefit from any contact with their mother at the current time. Even incidental contact threatens their security and their sense of safety and interferes with their progress in therapy. All the contact between the mother and the children should be strictly prohibited and efforts should be made to prevent even [sic] incidental contact between the children and the mother. Contact between either the mother or the father with the children should be prohibited until it becomes appropriate given the best interest of the children and their progress in therapy.

Although there has perhaps been some progress in Sherry's rehabilitation as a parent, it is obvious that she is not ready to resume custody and parenting of these children. The children have progressed in a far more organized and caring environment, and it would cause regression to even suggest that they may be required to return to their parents. It is unquestionably in the best interests of the children that

the parental rights of Sherry and Tim J. be terminated. There is clear and convincing proof that the children will be harmed if termination is not ordered. The trial court's ruling is affirmed.

AFFIRMED.