

IN THE COURT OF APPEALS OF IOWA

No. 2-457 / 92-629

FILED

OCT 27 1992

CLERK SUPREME COURT

IN THE INTEREST OF D.H., D.H., and S.A., Minor Children,

C.H., Mother,

Appellant.

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Appeal from the Iowa District Court for Linn County,
Patrick Grady, Juvenile Court Referee.

Mother appeals from the portion of the juvenile court's order which adjudicated her two sons to be children in need of assistance based upon a finding she had sexually abused them. **AFFIRMED BY OPERATION OF LAW.**

Mark C. Meyer of Kinnamon, Kinnamon, Russo & Meyer, Cedar Rapids, for appellant.

Bonnie J. Campbell, Attorney General, John M. Parmeter, Special Assistant Attorney General, Judy Sheirbon, Assistant Attorney General, and Rebecca Belcher, Assistant County Attorney, for appellee State.

Duane Rohovit, Cedar Rapids, guardian ad litem for D.H. and D.H.

Considered en banc.

PER CURIAM

The court being equally divided, the judgment is affirmed by operation of law. Iowa Code § 602.5106(1) (1991).

AFFIRMED.

Donielson, Hayden and Habhab, JJ., would affirm.

Oxberger, C.J., and Schlegel and Sackett, JJ., would modify with instructions.