FILED
MAY 31 1978
CLERK SUPREME COURT

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IN THE COURT OF APPEALS OF IOWA

IN THE INTEREST OF MARY JANE RAINER, et al.,	)	
Minor Children,	)	Filed May 31, 1978
And	)	
EUGENE RAINER, Father	)	524
Appellant;	)	3-61128
MARION WATSON and MARJORIE WATSON,	)	
Intervenors-Appellees.	)	

Appeal from Decatur District Court - A. V. Hass, Judge.

Appeal from termination of parental rights. Affirmed.

David E. Linquist, Mt. Ayr, for appellant.

Richard C. Turner, Attorney General, Theodore R. Boecker, Assistant Attorney General, Robert L. Fulton, Decatur County Attorney, for appellee State of Iowa.

Robert Burdette, Leon, Guardian ad Litem for minor children.

Charles L. Elson, Leon, for intervenors-appellees.

Submitted to Allbee, C.J., Donielson, Snell, Oxberger and Carter, JJ.

PER CURIAM

This appeal involves termination of the parental rights of Eugene Rainer. Trial court found by clear and convincing evidence that appellant had substantially and continuously or repeatedly refused to give necessary parental care and protection to his children, Mary Jean, Rufus Larmar, Eugene, Jr., and Maggie May. The court also found that the best interests of those children required the termination decreed. We agree and affirm.

This proceeding was initiated under § 232.41, The Code, 1975.[1] Appellant raises no procedural due process questions and makes no constitutional attacks upon the statute invoked in this action.

Our review is de novo. Section 232.58, The Code, 1975; Long v. Long, 255 N.W.2d 140, 143 (Iowa 1977). The several considerations to be taken into account in appellate review recited in Long have served to guide us in our examination of this record. As a result of our review we are satisfied the evidence is clear and convincing; the termination of appellant's parental rights on the grounds found by trial court is justified. And of particular importance here, the termination serves the long-range as well as the immediate best interests of the children.

We are mindful that appellant complains of trial court's reception into evidence of three exhibits and certain testimony. Appellant's objections to such evidence were overruled in two instances; in the others the evidence was received subject to the objections. See In re Scarlett, 231 N.W.2d 8, 10 (Iowa 1975); In re Marriage of Erickson, 228 N.W.2d 57, 59 (Iowa 1975). The propriety of the questioned evidence, however, is not controlling here. Under our de novo review we arrive at the same result on the merits of the appeal with or without that evidence. Davidson v. VanLengen, No. 60120, slip. op. at 7 (Iowa May 17, 1978); Stookey v. Stookey, 229 N.W.2d 256, 257-58 (Iowa 1975).

AFFIRMED.

[1] This section has since been repealed. Acts 66 G.A., ch. 1229 § 38. The new statutory provisions on termination of parental rights became effective on January 1, 1977 and, therefore, do not affect this proceeding. Acts 66 G.A., ch. 1229 § 26. Those new provisions are now codified as chapter 600A, The Code, 1977; grounds for termination under the new statute are listed in § 600A.8.