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IN THE COURT OF APPEALS OF IOWA

IN THE INTEREST OF K.J.G. AND O.R.J., JR., Minor Children;

S.M.D., Natural Mother,

Appellant.

2-465
3-68504

Appeal from Marshall District Court, Juvenile Division, Sandra J. Holien, Judge.

The natural mother of two children appeals from the trial court order terminating her parental rights pursuant to Iowa Code section 232.116(5). AFFIRMED.

Kent L. Geffe for appellant mother.

Thomas J. Miller, Attorney General, and Brent D. Hege, Assistant Attorney General, for appellee State of Iowa.

Heard en banc.

OXBERGER, C.J.

The natural mother of two children appeals from the trial court order terminating her parental rights pursuant to Iowa Code section 232.116(5). The natural mother asserts on appeal that there was not sufficient evidence that the children could not be returned to her custody.

The Department of Social Services originally became involved with S.M.D. (Susan) and her two sons, K.J.G. and O.R.J., Jr., after receiving reports of child abuse. In March, 1980, the two boys were adjudicated children in need of assistance. They were placed in foster care until April 1981, when they were returned to Susan. In November, 1981, however, they were again placed in foster care, where they remain.

In January, 1982, the State of Iowa filed a petition to terminate the parental rights of Susan and the boys' fathers, D.G. and O.R.J., Sr. Susan resisted the petition; the boys' fathers did not. At the termination hearing, there was testimony about physical abuse of the boys by their stepfathers; about the occasions on which the children had been hungry, dirty and unsupervised; about Susan's emotional instability, lack of employment and frequent moves; and about her attempts to improve her parenting skills.

In April, 1982, the juvenile court found that the boys had been adjudicated children in need of assistance, that they had been in foster care for more than twelve months, and that they should not be returned to their parents' custody. The juvenile court therefore terminated the parental rights of Susan, D.G., and O.R.J., Sr. pursuant to Iowa Code section 232.116(5) and transferred guardianship and custody to the Department of Social Services. Susan's appeal of each of these terminations is considered in this consolidated appeal.

Under Iowa Code section 232.116(5)(1981), the elements required to terminate parental rights must be established by clear and convincing evidence. In the Interest of Chad, 318 N.W.2d 213, 219 (Iowa 1982). Our review of termination actions is de novo. In re J.R.S.R., 315 N.W.2d 750, 752 (Iowa 1982). The guiding principle to be considered by the court is the best interests of the children. In the Interest of Dameron, 306 N.W.2d 743, 745 (Iowa 1981). There is a rebuttable presumption that the interests of a child are best served by remaining in the custody of its natural parents. Chad at 218.

On de novo review, we find that there is clear and convincing evidence that the appellant is emotionally unstable, that she is prone to enter into relationships with abusive men, that she moves frequently, that she is chronically unemployed, and that her children have been physically abused and otherwise adversely affected by the persons with whom she associates and by her life-style. The children have been subject to violent beatings and even to burnings. The evidence is overwhelmingly convincing that the best interests of these children would not be well served if they were to be returned to their mother.

The district court's judgment is therefore affirmed.

AFFIRMED.