IN THE COURT OF APPEALS OF IOWA

FILED
DEC 2 8
CLERK SUPREME COURT

No. 1-818 / 00-0712
Filed December 28, 2001

IN THE INTEREST OF A.T., A.T., J.T., AND G.T., Minor Children,

D.T., Father,
Appellant.

Appeal from the Iowa District Court for Cherokee County, Mary L. Timko, Associate Juvenile Judge.

A father appeals the termination of his parental rights to four minor children. **AFFIRMED.**

Patrick T. Parry, Sioux City, for appellant.

Thomas J. Miller, Attorney General, and Kathrine S. Miller-Todd, Assistant Attorney General, for appellee.

John Polifka, Sioux City, for minor children.

Considered by Vogel, P.J., and Miller and Eisenhauer, JJ.

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VOGEL, P.J.

Daniel, the father of four children ages fifteen, thirteen, twelve and eight,[1] appeals the termination of his parental rights. Four of Daniel's claims on appeal were not raised before the juvenile court and are therefore not preserved for our review. *In re M.T.*, 613 N.W.2d 690, 692 (Iowa Ct. App. 2000).[2] His only remaining claim is the failure of the evidence to support termination under Iowa Code section 232.116(1)(c), (e), (h), (i) and (l) (1999). Upon review we find this matter fits the criterion outlined in Iowa Rule of Appellate Procedure 9, for the issuance of a memorandum opinion.

Scope of Review. The standard of review in termination cases is de novo. Iowa R. App. P. 4; *In re J.J.S., Jr.*, 628 N.W.2d 25, 28 (Iowa Ct. App. 2001). We need only find clear and convincing evidence in support of one ground to affirm the termination of parental rights. *In re K.L.C.*, 372 N.W.2d 223, 227 (Iowa 1985).

Clear and Convincing Evidence. The children were adjudicated as children in need of assistance (CINA) following allegations Daniel had sexually abused two of the children and Daniel's subsequent guilty plea to and conviction for sexual abuse in the third degree, a class C forcible felony in violation of Iowa Code section 709.4(2)(a) (1995), and indecent contact with a child, an aggravated misdemeanor in violation of section 709.12. Daniel received

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[1] The three oldest children are Daniel's adoptive, rather than biological, children.

[2] Although Daniel was represented by counsel, his attorneys did not make the motions or objections necessary to preserve the issues for our review. While Daniel does complain of his attorneys' shortcomings, such statements do not constitute a cognizable ineffective assistance of counsel claim.

concurrent indeterminate sentences of up ten years on the sexual abuse count and up to two years on the indecent contact count. The custody of the children was subsequently transferred from their mother to the Department of Human Services for foster-care placement. By the time of the termination proceedings, Daniel had served four years of his sentence. During the termination hearing the juvenile court, without objection, took judicial notice of Daniel's criminal file, which had been made part of the CINA file. *See In re T.C.*, 492 N.W.2d 425, 429 (Iowa 1992) (finding juvenile court entitled to judicially notice pleadings and exhibits from CINA proceeding). It then found clear and convincing evidence of five different grounds for the termination of Daniel's parental rights.

One of those grounds, found in Iowa Code section 232.116(1)(i), provides for termination of parental rights if the children have been adjudicated in need of assistance, custody has been transferred from the parents for placement pursuant to Iowa Code section 232.102 (1999), and the parent has been imprisoned for a crime against the child or the child's sibling. Clearly, these criteria have been met as to all four children. Termination of Daniel's parental rights to the two children he sexually abused is also appropriate under section 232.116(1)(l) (1999), which requires a CINA adjudication on the ground of physical or sexual abuse or neglect, and a felony conviction and imprisonment of the parent for such abuse or neglect of the child, the child's sibling, or any other child in the household. Termination of Daniel's parental rights was both statutorily appropriate and in the children's best interests.

AFFIRMED.