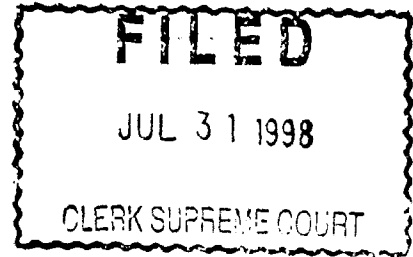


IN THE COURT OF APPEALS OF IOWA

No. 8-314 / 97-2247

IN THE INTEREST OF A.A., T.A., and A.A.,
Minor Children,,

K.A., Mother,
Appellant,
S.A., Father,
Appellant.



Appeal from the Iowa District Court for Polk County, Karla J. Fultz, Judge.

Parents appeal the juvenile court decision terminating their parental rights to their three minor children. **AFFIRMED.**

William A. Price, Des Moines, for appellant-mother.

Marcia L. Schober, Des Moines, for appellant-father.

Thomas J. Miller, Attorney General, Charles K. Phillips, Assistant Attorney General, and Jaki Livingston, Assistant County Attorney, for appellee.

Pamela Vandel, Des Moines, guardian ad litem for minor children.

Considered by Cady, C.J., and Streit, and Vogel, JJ.

CADY, C.J.

Karen and Scott are the parents of Alex, born in August 1990; Taylor, born in September 1992; and Abbie, born in November 1993. Karen and Scott's marriage was filled with hostility and domestic violence.

The family came to the attention of the Department of Human Services (DHS) in November 1995, due to allegations Scott had slapped Taylor, leaving a bruise. DHS issued a founded report of physical abuse. No further action was taken.

In December 1995, Karen and Scott were in the process of getting a divorce. During a time when the children were home, they got into an argument and Karen stabbed Scott. The children were removed from the home and placed with Karen's sister, Tracie. The children were adjudicated to be children in need of assistance pursuant to Iowa Code sections 232.2(6)(b), (c)(2), and (n).

Karen and Scott were separated, and subsequently received a dissolution of marriage. DHS provided them with individual service plans. The juvenile court ordered Karen to have substance abuse and psychosocial evaluations. She was also ordered to have random drug tests.

Karen completed a psychosocial evaluation in May 1996 and began individual therapy. She also had a substance abuse evaluation which recommended outpatient treatment. Karen successfully completed the program in August 1996, and began aftercare treatment. She participated in parenting classes.

In December 1996, Karen had a drug test which showed positive for methamphetamine. She entered a residential treatment program in February 1997, and completed the program. After her discharge from treatment she was inconsistent in providing drug tests. In April 1997, Karen had a drug test which showed positive for methamphetamine. She also had a positive drug test in June 1997.

Scott was ordered to participate in weekly counseling, complete a domestic abuse program, participate in a substance abuse program, complete a psychosocial evaluation, and have random drug tests.

Scott completed his psychosocial evaluation in April 1996. He had a substance abuse evaluation which recommended weekly counseling. He began individual therapy in May 1996. Scott entered a substance abuse treatment program in July 1996, but was discharged due to lack of attendance. He then entered a different program, but was incarcerated before he completed the program.

Scott was in jail from October 1996 until December 1996. He entered a substance abuse treatment program in January 1997. In February 1997 he started to attend a domestic abuse program. Scott continued to have drug tests which showed positive for amphetamine. He entered a relapse treatment program in April 1997.

The children remained in Tracie's home until January 1997, when they were placed in a foster home. Alex and Taylor attend art therapy. The therapist felt the children cared for the parents by meeting their emotional needs, but the parents did not meet the children's emotional needs. The children have some behavioral

problems. On the therapist's suggestion, the parents had no visits after April 1997 due to the emotional state of the children.

In March 1997, the State filed a petition to terminate the parental rights of Karen and Scott. The juvenile court found the parents failed to cooperate with services to alleviate their drug and domestic abuse problems. The court concluded the children could not be returned to the custody of either parent. The court terminated the parental rights of Karen and Scott pursuant to sections 232.116(1)(e), (g), and (k). Karen and Scott have each appealed.

I. SCOPE OF REVIEW

The scope of review in termination cases is de novo. *In re S.N.*, 500 N.W.2d 32, 34 (Iowa 1994). The grounds for termination must be proven by clear and convincing evidence. *In re E.K.*, 568 N.W.2d 829, 830 (Iowa App. 1997). Our primary concern is the best interests of the children. *In re A.B.*, 554 N.W.2d 291, 293 (Iowa App. 1996).

II. KAREN

Karen contends the State has failed to show her parental rights should be terminated. She admits she had a recent relapse in sobriety, but states she is actively working on issues of domestic violence and substance abuse. Karen asserts she has a close bond with the children. She points out DHS has not taken steps to find an adoptive family for the children. Karen believes it would be more devastating for the children to be permanently removed from her care, and perhaps separated, than it

would be for them to be returned to her care. Karen believes it is in the best interests of the children to be reunited with her.

We determine termination is in the best interests of the children. The evidence shows Karen has not been able to overcome her problems with substance abuse. In addition, Karen has still not fully dealt with the issues of domestic abuse. Because Karen has not completely addressed these issues, if the children were returned to her care they would be subject to the same harm which necessitated their removal in the first place. The children need more stability than Karen is able to provide, and we conclude the juvenile court properly terminated Karen's parental rights.

III. SCOTT

Scott claims the State failed to present sufficient evidence to support termination of his parental rights. He asks for more time to show abstinence and to improve his parenting skills. Scott asserts he made progress during the case, and would continue to make progress. He feels he could correct his parenting deficiencies within a reasonable amount of time. Additionally, Scott claims his problems with domestic abuse have ended because he is no longer married to Karen.

We find there is clear and convincing evidence the children could not be returned to Scott's care at the present time. Scott has made some progress. Some progress, however, by a parent is not sufficient. *In re D.A.*, 506 N.W.2d 478, 479 (Iowa App. 1993). A parent must show an adequate overall ability to care in all custodial areas. *Id.* Due to evidence of Scott's continued substance abuse problems,

we believe Scott would not be able to care for the children. Furthermore, Scott had not sufficiently dealt with the issues of domestic abuse. We conclude his parental rights were properly terminated by the juvenile court.

We affirm the decision of the juvenile court terminating the parental rights of Karen and Scott.

AFFIRMED.