IN THE COURT OF APPEALS OF IOWA

No. 7-641 / 97-0828

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FILED
DEC 29 1997
CLERK SUPREME COURT

IN THE INTEREST OF T.C., C.N., S.N., and K.N.,
Minor Children,
C.N., Father,
Appellant.

Appeal from the Iowa District Court for Linn County, Michael J. Newmeister, District Associate Judge.

A father appeals the decision of the juvenile court terminating his parental rights to his four minor children. **AFFIRMED.**

Thomas J. O'Flaherty of O'Flaherty Law Firm, Swisher, for appellant.

Thomas J. Miller, Attorney General, Chris C. Odell, Assistant Attorney General, and Rebecca Belcher, Assistant County Attorney, for appellee/State.

Joseph G. Bertroche of Bertroche Law Offices, Cedar Rapids, guardian ad litem for minor children.

Considered by Sackett, P.J., and Vogel and Mahan, JJ.

SACKETT, P.J.

A father appeals the decision of the juvenile court terminating his parental rights to his four minor children. He claims there is insufficient evidence to support the juvenile court's decision. We affirm on appeal.

Charles and Judy are the parents of Travis, born in 1985; Charlie, born in 1988; Shane, born in 1991; and Kelsey, born in 1993. While Charles and Judy were married, their relationship was marked by domestic violence. In 1990, the Department of Human Services issued a report Charles and Judy had denied their children critical care. The couple separated in July 1994 and planned to obtain a divorce. The children lived with Judy after the separation.

The family again came to the attention of the Department of Human Services in April 1995 because Judy had difficulty finding housing. The children were placed in foster care on October 25, 1995. At that time Judy decided to seek inpatient treatment for substance abuse. Judy did not know where Charles was living.

The children were found to be children in need of assistance on November 29, 1995. In the dispositional order filed on January 12, 1996, the court adopted a case permanency plan that required Charles abstain from use of illegal substances, attend and successfully complete a parenting skills education program, refrain from criminal activities, maintain adequate housing, and maintain employment.

Charles had no contact with the children from the time they were placed in foster care until January 1996. He had five visits with the children between January

and April 1996. He had no contact with the children or the Department of Human Services for several months thereafter. Charles has a problem with alcoholism. He drank heavily during this period. He was sentenced to a work release center in December 1996 for third offense operating a motor vehicle while intoxicated. Charles was treated for substance abuse while incarcerated.

Charles contacted the Department of Human Services on January 2, 1997, and requested he be allowed to visit his children. On January 8, 1997, the State filed a petition to terminate the parental rights of Charles and Judy. Judy agreed to termination of her parental rights if Charles's parental rights were also terminated. She did not want Charles to have custody of the children.

On January 17, 1997, the juvenile court determined Charles could resume visitation. Charles participated in three visits before the termination hearing. He began taking parenting skills class, but was unable to keep up with assigned reading. Charles expected to be incarcerated until June 1997.

All four children have special needs and behavior problems. They need structure in their environment. Travis has an attention deficit hyperactivity disorder. He is on medication and attends therapy. He is in a foster home separate from the other three children. Charlie, Shane, and Kelsey receive skill development services. Charlie has an adjustment disorder and attends therapy. Shane is defiant and aggressive. Kelsey is also aggressive and is delayed in her development.

The termination hearing was held in April 1997. On April 14, 1997, the juvenile court terminated the parental rights of Charles and Judy pursuant to Iowa Code sections 232.116(1)(d), (e), and (k). Charles alone has appealed.

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).

Charles contends he had done all he was required to do under the case permanency plans. He was making progress in his relationship with his children by attending visitation. He was maintaining sobriety and he claimed he was on the path to stability. Charles believes his only problem was he did not progress in his reading assignments as quickly as the Department of Human Services would have liked.

We determine there was clear and convincing evidence in the record to support termination of Charles's parental rights under section 232.116(1)(d). The children were found to be children in need of assistance and had not been in the physical custody of their parents for at least six months. *See* Iowa Code §232.116(1)(d)(1), (2).

Charles failed to maintain significant contact with the children. *See* Iowa Code §232.116(1)(d)(3). From October 1995 to April 1997, Charles had eight visits with the children. He did not telephone them or write letters during his absence. Charles does not understand the children's needs and tends to minimize their problems. He knew little about the children. The children know little about him.

When the juvenile court terminates parental rights on more than one statutory ground, we need only find grounds to terminate under one of the sections cited by the juvenile court to affirm. *In re A.J.*, 553 N.W.2d 909, 911 (Iowa App. 1996). Charles's parental rights were properly terminated under section 232.116(1)(d). Therefore, we do not need to address his claims involving sections 232.116(1)(e) and (k).

We affirm the decision of the juvenile court terminating Charles's parental rights to his four minor children.

A social worker from the Department of Human Services testified there were families requesting sibling groups of up to four children. The worker did not feel the children's special needs would be a hindrance to adoption and believed the four children could be adopted as a sibling group. We have to trust this is credible testimony and the Department of Human Services will immediately focus on placing the children in an adequate home. Termination does not guarantee adoption. The guardian ad litem has a responsibility to see that the State is kept on track in finding these children an adoptive home.

AFFIRMED.