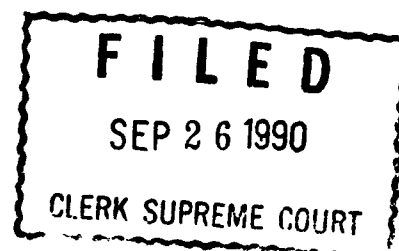


IN THE COURT OF APPEALS OF IOWA

No. 0-534 / 90-227



IN THE INTEREST OF B.J.L., C.L. Jr., T.L. AND A.L.,
Children,

R.M., Natural Mother,
Appellant.

Appeal from the Iowa District Court for Sioux County,
Cameron B. Arnold, District Associate Judge.

R.M., mother of four children, appeals the termination
of her parental rights. **AFFIRMED.**

Mayer Kanter, Sioux City, for appellant mother.

Thomas J. Miller, Attorney General, Gordon E. Allen,
Deputy Attorney General, and Judy Sheirbon, Assistant
Attorney General, for appellee State.

Bradley K. De Jong, Orange City, guardian ad litem.

Heard by Schlegel, P.J., and Sackett and Habhab, JJ.

SCHLEGEL, P.J.

R.M., the natural mother of four children, appeals a juvenile court order terminating her parental rights. The children involved are B.J.L. (born 1980), C.L. Jr. (born 1981), T.L. (born 1982), and A.L. (born 1983). She argues that the juvenile court erred both in failing to make adequate findings of fact and conclusions of law and in failing to base its decision on clear and convincing evidence. Upon our de novo review we agree with the trial court and, therefore, affirm the judgment and order of the juvenile court.

This family first came to the attention of the Department of Human Services (DHS) in 1978. R.M., the natural mother, became distraught when her first child died at the age of two months. DHS rendered vocational rehabilitation and psychiatric services to R.M. and C.L. Sr., the natural father. DHS has rendered assistance in the form of homemaker and various health services on and off from 1978 to the present.

In December 1981 there was a child abuse charge for neglect in O'Brien County because of inappropriate clothing and a domestic abuse incident. In June 1982 there were unsanitary conditions of the home and children. On June 23, 1982, removal of B.J.L. and C.L. Jr. was ordered by the O'Brien County Juvenile Court, but the parents did not appear because they had moved to Texas.

In April 1985 O'Brien County DHS provided the family with a protective payee and day care. R.M. would not accept homemaker health care services.

In December 1985 DHS received a physical abuse report against R.M. on T.L. Reports in November 1985 from Northwest Iowa Mental Health Institute stated that the psychiatrist considered R.M. a danger to herself and to her children. The children were placed in foster care on May 1, 1986, because of unsanitary conditions and inadequate supervision. This was upheld in juvenile court on May 9, 1986. The children returned to their parents' home on May 19, 1986.

In August 1986 the family entered a contract with DHS and were provided with a protective payee, homemaker health care services, and therapy through Plains Area Mental Health. In September of 1986 the children again were removed from the home because of a domestic abuse incident and again were placed in foster care. On September 4, 1986, a children in need of assistance petition was filed. On September 11, 1986, they were adjudicated CINA and returned to the home. On October 16, 1986, the dispositional hearing was held, and R.M. was ordered to abide by the sixteen terms of the contract with DHS, including counseling. On November 11 there was another domestic abuse incident and that same day C.L. Sr. and R.M. separated.

Immediately after the separation, Robert M. moved into the home. Robert M. and R.M. were provided with homemaker service, family centered services through Lutheran Social Services, a protective payee, fuel assistance, free clothing, and food pantry. The home had broken windows which the family was resistant to having fixed, the children were not bathed sufficiently, and R.M. threw temper tantrums through the family centered services sessions. In December 1986 a social worker had to clean up dog feces in the house. In January the house was reported extremely dirty, and the children had lice and fleas. R.M. continued to be resistive and to have temper tantrums.

In June 1987 C.L. Jr. was sexually molested at the home of a family friend. In September 1987 the children had head lice again. In November 1987 Robert M. was picked up for drunk driving. R.M. and C.L. Sr. were divorced. In December 1987 the children had head lice again. In January 1988 Robert M. and R.M. were married. In April 1988 the DHS update said the home's cleanliness had deteriorated. In April 1989 DHS again received a child abuse report for denial of critical care when C.L. Jr. fell from the top peak of the house. In May 1988 the DHS report to the court said the children continued to be at risk because of a lack of supervision. A May 1988 Court Appointed Special Advocate report discussed the children using more sexual language and gestures than their peers and stated there were questions from the children's teachers whether the children were receiving adequate food.

In August 1988 the family was moved from the home after it was condemned by the city of Sioux Center. It was reported to be filthy and infested with cockroaches. The whole family had lice and fleas. DHS received a denial of critical care abuse report for this incident.

On August 22 the children were placed in foster care because the parents were unable to provide housing. On August 21 Robert M. and R.M. separated, and in September DHS found housing for R.M. By October a boyfriend, C.V.W., had moved in with R.M. In November 1988 R.M. admitted that Robert M. had beaten the children with a belt and that she had allowed this.

In January 1989 a report from Lutheran Social Services reported major problems in the family, including poor parenting, inappropriate role definition, poor care of children, lack of supervision, spouse abuse, and physical abuse of children. The report also described numerous perpetrators of sexual abuse on the children. The report recommends that the children never be returned to R.M., Robert M. or C.L. Sr. A January DHS report to the court stated that Rochelle was offered numerous services but had not accomplished any goals set or followed through with services as ordered by the juvenile court.

During the spring of 1989 the Sioux City sheriff's office interviewed the perpetrators of the sexual abuse of the children. J.J. admitted he fondled all the children, attempted sexual intercourse with the three girls and C.L.

Jr. performed oral sex on him. He did this while a babysitter for R.M. M.H. admitted to having A.L. touch him while he was masturbating when he was babysitting the children in O'Brien County. R.H. admitted to fondling all of the children and stated Robert M. and R.M. hit the kids with a belt a lot. D.J. admitted to fondling A.L. in O'Brien County. C.L. Sr. admits to having fondled A.L. and having sexual intercourse with her. R.M. stated that T.L. and A.L. had reported J.J. was touching them in the vaginal area but she still let him babysit. She also stated she suspected R.H. at first because people told her to watch out for him but she still let him babysit. She also admitted that C.L. Sr. hit the kids and threw them across the room. The DHS investigation established a sexual abuse and denial of critical care charge against R.M. because of collateral reports she sexually abused C.L. Jr. and allowed babysitters in her home whom she suspected of abusing the children.

In April 1989 Robert M. and R.M. were convicted of possessing marijuana. In June of 1989 R.M. told DHS she had stopped receiving services and counseling. On September 5, 1989, C.L. Sr. was charged with sexual abuse in the second degree, lascivious acts with a child, and incest.

In sum, the mother, the natural father, and the stepfather have all profoundly neglected the children's physical and emotional needs. The record also clearly

reflects the fact that these children have been physically and sexually abused either by the parents or persons the parents have allowed repeated contact with the children despite suspicions of abuse. The children have been raised in filthy and unsafe conditions with inadequate nutrition and personal hygiene. At least three of the children are developmentally delayed. The parents all have criminal records and extensive histories of job failure and residential instability.

The children were adjudicated to be children in need of assistance in September 1986. They have been in foster care continuously since August 1988. In September 1989 the State filed a petition to terminate the parental rights of both natural parents with respect to all four children. The State relied on Iowa Code section 232.116(1)(c) (physical or sexual abuse) and section 232.116(1)(e) (children cannot be returned safely after CINA adjudication). The juvenile court terminated both natural parents' rights after a hearing. The juvenile court's brief order made a specific finding that the children had been sexually abused, either by the parents themselves or with the knowledge and acquiescence of the parents. The court indicated it relied on sexual abuse as a ground for termination. The court did not specifically cite any statutory provisions as grounds for termination, and the court made no factual findings on subjects other than sexual abuse.

The natural mother has appealed the juvenile court's termination order. The father has not appealed. The guardian ad litem has filed a brief in support of the State and the termination order. The mother challenges the sufficiency of the evidence to warrant termination. She also contends the juvenile court erred by failing to state adequate findings of fact and conclusions of law to support its termination order.

Appellate review of termination proceedings is de novo. In re W.G., 349 N.W.2d 487, 491 (Iowa 1984), cert. denied, 469 U.S. 1222 (1985). We give weight to the findings of fact of the juvenile court, especially when considering the credibility of witnesses, but we are not bound by those determinations. Id. at 491-92.

R.M. contends that the juvenile court's terse order was in contravention of Iowa Rule of Civil Procedure 179(a), which requires a court sitting as a trier of fact to "find the facts in writing, separately stating its conclusions of law." Although the court stated that "a prolonged finding of fact [would be] useless," it did find sexual abuse had occurred. R.M. argues that this does not satisfy rule 179 and is insufficient evidence for the court to terminate parental rights.

We are well aware of that the purpose of this rule is to provide the appellate courts and counsel with the basis for the trial court's rationale. Berger v. Amana Society, 254 Iowa 1036, 1040, 120 N.W.2d 465, 467 (1963). The

juvenile court here could have, and should have, made much more extensive findings of fact, at the very least by making reference to other court documents. Having examined the order and the facts in this case, which we have set out in detail above, we are convinced that the trial court did not commit error requiring either reversal or remand. We do not sanction such scanty orders in weighty matters such as termination of parental rights; however, we note that with the extensive record in this case and our de novo review, R.M. cannot claim to have suffered prejudice because of a lack of a detailed finding of fact.

R.M. contends the trial court erred in failing to base its decision on clear and convincing evidence as required under Iowa law. See Iowa Code § 232.166 (1989). She argues that the juvenile court's statement that there are "ample grounds for termination of parental rights" is an inappropriate standard of proof. We disagree.

Upon our de novo review we conclude that there is clear and convincing evidence to support termination of the parent's rights. Iowa Code §§ 232.166(1)(c), 232.166(1)(e) (1989).

We have set out in detail above this family's long history of neglect, abuse, and other social and psychological problems, and we will not repeat them here. We find, as did the trial court, that there was extensive physical and sexual abuse of these children. The sexual abuse was either directly attributable to R.M., her

husbands or persons she knowingly allowed to have contact with the children. We note that, although the juvenile court did not recite the statutory formulation for the standard of proof as it should have done, with the extensive record before us and our de novo review, no prejudice resulted.

Having thus determined that the juvenile court did not err and, upon de novo review, that there was sufficient evidence to terminate parental rights, we affirm.

AFFIRMED.