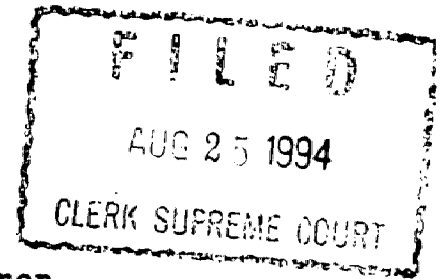


IN THE COURT OF APPEALS OF IOWA

No. 4-323 / 94-350



IN THE INTEREST OF C.A.D. and R.E.M., Minor Children,

M.C.M., Mother,
Appellant,

C.A.D. and R.E.M.,
Appellants.

Appeal from the Iowa District Court for Woodbury
County, Brian L. Michaelson, Associate Juvenile Judge.

Mother appeals an order terminating her parental
rights, and the children also appeal, arguing they wish to
remain in contact with their mother. **AFFIRMED.**

Johns S. Moeller of O'Brien, Galvin, Moeller & Neary,
Sioux City, for appellant mother.

Thomas A. Vakulskas of Vakulskas & Hoffmeyer, P.C.,
Sioux City, attorney for appellants minor children.

David L. Gill of Baron, Sar, Goodwin, Gill, Lohr and
Horak, Sioux City, guardian ad litem for appellees minor
children.

Bonnie J. Campbell, Attorney General, Gordon E. Allen,
Deputy Attorney General, Debora L. Hewitt, Assistant
Attorney General, and Rhoda Tenuta, Assistant County
Attorney, for appellee State.

Considered by Donielson, C.J., and Habhab and Huitink,
JJ.

HUITINK, J.

The children, C.A.D. and R.E.M., and their mother, M.C.M., appeal the juvenile court's order terminating the mother's parental rights. We affirm.

C.A.D. and R.E.M. are the eleven- and eight-year-old children of M.C.M. On November 29, 1990, both children were adjudicated children in need of assistance as the result of their repeated sexual abuse by M.C.M.'s male companions. The juvenile court's dispositional order entered January 4, 1991, placed them with M.C.M. subject to the protective supervision of the department and other conditions imposed by the court. The children remained with M.C.M. until February 11, 1992, when they were placed in foster care following additional allegations of sexual abuse.

During the three years following the juvenile court intervention, this family has been provided with a variety of services intended to preserve the family unit. These included the Big Sister program, Homemaker Services, individual counseling for C.A.D. and M.C.M., play therapy for R.E.M., psychological testing for M.C.M., and A.E.A. services for the children. At the time of the termination hearing the children were receiving therapeutic services, and M.C.M. was receiving individual therapy. The family's progress in therapy was characterized as unsatisfactory by their respective therapists. All of the professional service providers are opposed to returning the children to

M.C.M. They all doubt M.C.M.'s ability to protect the children from further abuse.

The juvenile court concluded there was clear and convincing evidence in the record to support the statutory requirements for termination found in Iowa Code section 232.116(1)(c), (e), and (h). After finding there were sufficient grounds to terminate M.C.M.'s parental rights, the juvenile court considered the strong bond existing between M.C.M. and the children and C.A.D.'s objections to the termination. The juvenile court found these facts were not sufficiently mitigating and determined the best interests of the children required termination.

The mother and the attorney for the children do not dispute the juvenile court properly determined each of the three grounds alleged for termination of parental rights with respect to M.C.M. were proven by clear and convincing evidence. They, however, argue that termination was not required because of C.A.D.'s objections to the termination. M.C.M. also argues the closeness of the parent-child relationship makes termination unnecessary under the circumstances of this case.

Appellate review of termination proceedings is do novo. In re W.G., 349 N.W.2d 487, 491 (Iowa 1984), cert. denied sub nom J.G. v. Tauke, 469 U.S. 1222 (1985). We give weight to the juvenile court's findings of fact, but we are not bound by them. Id. at 491-92.

The primary concern in termination proceedings is the best interest of the child. Iowa R. App. P. 14(f)(15); In re Dameron, 306 N.W.2d 743, 745 (Iowa 1981). Termination of parental rights may be ordered on any of the grounds set forth in Iowa Code section 232.116(1)(c), (e), and (h). After finding these statutory grounds have been established, the court must further determine whether termination is in the children's best interest. In re T.R., 483 N.W.2d 334, 339 (Iowa App. 1992).

There is ample evidence supporting the juvenile court's finding that all of the statutory grounds for termination have been established. These children have been subjected to sexual abuse by their mother's boyfriends, and she has failed to comply with the court orders intended to prevent further sexual abuse of her children. We agree with the juvenile court's conclusion that the children cannot be safely returned to their mother's custody.

We also agree with the juvenile court's decision to terminate despite the close relationship of this family and the eleven-year-old child's objections to the termination. These considerations are clearly outweighed by the consequences of the abuse these children have already suffered and the high probability of its recurrence in the future. The children's best interests require termination.

We deny the children's motion to dismiss, and we affirm the juvenile court.

AFFIRMED.