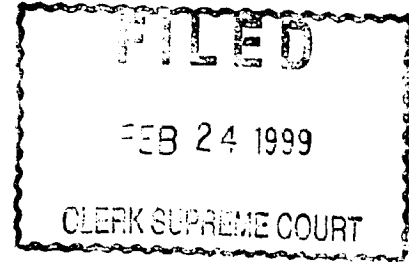


IN THE COURT OF APPEALS OF IOWA

No. 1999-8 (9-050) / 98-1504

Filed February 24, 1999



**IN THE INTEREST OF N.D.P.,
E.R.P., and J.P., Minor Children,**

**V.L.P., Mother,
Appellant.**

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

Mother appeals the termination of her parental rights to two of her minor children. **AFFIRMED.**

Martha M. McMinn, Sioux City, for appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant Attorney General, and Stacy L. Dillard, Assistant County Attorney, for appellee State.

John C. Polifka, Sioux City, for minor children.

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

STREFF, J.

Valerie and Ramon, Sr., are the parents of Ramon, Jr. (R.J.), born in June 1981; Anthony, born in February 1983; Nicholas, born in December 1987; Emilita, born in May 1990; and Jordan, born in November 1993. The present appeal involves only Emilita and Jordan. Valerie appeals the decision of the juvenile court terminating her parental rights to these two children. We affirm on appeal.

The family first came to the attention of the Department of Human Services (DHS) in 1990, when there was a founded report that Ramon had physically abused R.J. In 1991, DHS issued a founded report of denial of critical care because the parents had not sought adequate medical care for Emilita, who was injured when she was dropped by R.J. A founded report of physical abuse was entered in 1992, when Valerie hit Anthony, causing him to have a bloody nose. A founded report of denial of critical care was entered in 1993, due to two instances where the parents left the children home alone.

In October 1994, Valerie sought help with the children because she felt she was unable to control them. The family voluntarily received family-centered services. R.J. and Anthony were diagnosed with Attention Deficit Hyperactivity Disorder (ADHD). ~~In March~~ 1995, information was received that the two oldest children had physically abused the younger children and had also sexually abused Emilita. In addition, there were concerns about domestic violence in the home.

The children were removed from the parents' care in March 1995. R.J. was placed in a residential treatment program because he needed an intensive program for adolescent sexual offenders. Anthony and Nicholas were placed in one foster home, and Emilita and Jordan were placed in another foster home. The children were adjudicated to be children in need of assistance.

Valerie began to attend a therapy group for families involved in sexual abuse and to attend individual therapy. In July 1995, family strengthening services were initiated. During this time, the parents progressed from supervised visits to unsupervised visits. Valerie and Ramon had a history of marital difficulties and they separated. Valerie lived for a short period of time with a man who had a criminal history. The parents were divorced in September 1996.

In October 1996, DHS issued a founded report that Valerie had physically abused Nicholas during an unsupervised visit by pushing him, which caused him to hit his head on a car door. Visitation was subsequently changed back to supervised visits. Valerie began family therapy with Nicholas and Emilita. In August 1997, Valerie was again permitted some unsupervised visits.

In September 1997, the juvenile court entered a permanency order placing R.J. and Anthony in long-term foster care. The court ordered the implementation of an intensive reunification plan to reunite Valerie with Nicholas, Emilita, and Jordan. Emilita and Jordan were returned to Valerie's care later that month under certain conditions, which included a prohibition against men in the home.

In November 1997, Valerie had a man in the home until about 2:00 a.m. She also permitted Jordan, who was then four years old, to play unsupervised outside the home, although the home was on a busy street. The children were removed from Valerie's care and placed in foster care. In December 1997, the juvenile court entered a permanency order placing Nicholas in long-term foster care.

Emilita and Jordan have made progress while in foster care. Emilita participates in play therapy and group therapy. She has been diagnosed with ADHD, and takes medication for this condition. The children are considered to be adoptable.

In March 1998, the State filed a petition to terminate the parental rights of Valerie and Ramon to Nicholas, Emilita and Jordan. Ramon voluntarily consented to the termination of his parental rights to Emilita and Jordan. The juvenile court determined Nicholas should stay in long-term foster care. The court terminated Valerie's parental rights to Emilita and Jordan pursuant to Iowa Code sections 232.116(1)(c) and (h). The court found termination was in the best interests of these children because of their need for security and permanency. Valerie 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). Our primary concern is the best interests of the children. *In re A.B.*, 554 N.W.2d 291, 293 (Iowa App. 1996).

Valerie contends the State did not present sufficient evidence to support a finding she received sufficient services to correct the circumstances which led to the children's adjudication, which is a requirement of section 232.116(1)(c). She challenges the removal of the children from her home in November 1997. Valerie believes there was insufficient evidence to show the children were in danger, and asserts reunification should have proceeded, instead of ending at that time.

We find there is clear and convincing evidence in the record to support termination of Valerie's parental rights under section 232.116(1)(c). The children had been previously adjudicated to be children in need of assistance due to physical or sexual abuse, or neglect.

Valerie received services to correct the circumstances which led to the adjudication. She received family strengthening services from July 1995 until November 1997. During the trial reunification, Valerie received intensive services in her home. She also received individual therapy and family therapy. Despite the receipt of these services, the circumstances which led to the adjudication continue to exist. The trial reunification showed Valerie still made poor choices in regard to the children and was not able to properly supervise them. Valerie did not understand why having men stay in her home, or allowing the children to play unsupervised near a busy street presented a danger to the children. Although one of the problems or incidents would not, alone, warrant termination, all of these difficulties prove the children are in danger and their relationship with their parents should be terminated.

We conclude Valerie's parental rights to Emilita and Jordan were properly terminated. We affirm the decision of the juvenile court.

AFFIRMED.