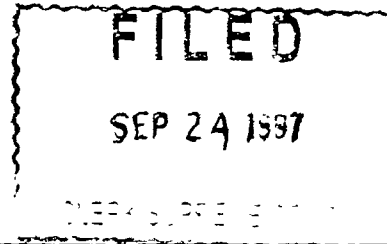


IN THE COURT OF APPEALS OF IOWA

No. 7-393 / 97-299

000237

**IN RE THE INTEREST OF I.O., Minor Child,
C.G., Mother,
Appellant.**



Appeal from the Iowa District Court for Muscatine County, James A. Weaver,
District Associate, Judge.

Mother appeals from the court order terminating her parental rights.

AFFIRMED.

Paul Bouska, Muscatine, for appellant.

Thomas J. Miller, Attorney General, Gordon E. Allen, Assistant Attorney
General, and Christine Dalton, Assistant County Attorney, for appellee State.

Esther J. Dean, Muscatine, guardian ad litem for minor child.

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

CADY, P.J.

Carrie and Kevin are the parents of Isabella, who was born on September 2, 1995. Carrie appeals the termination of her parental rights.

The Department of Human Services (DHS) became involved with the family before Isabella was born. Kevin was advised to complete treatment for sexual abuse perpetrators. DHS advised Carrie that Kevin should not reside with her until he completed treatment because there were two founded reports of sexual abuse of children against him. Although Kevin did not complete treatment, Carrie continued to allow him to reside in her home.

Isabella was adjudicated a child in need of assistance on January 26, 1996. The juvenile court found Isabella was at imminent risk of sexual abuse by her father until he received treatment, and Carrie was unwilling to protect her daughter. The court determined Isabella should be placed in foster care under the supervision of DHS.

Carrie was generally consistent in attending visitation, and was appropriate during the visits. She was inconsistent, however, in attending parent skill sessions with a family therapist. These sessions dealt with male dependency issues, as well as parenting skills. In May 1996, DHS implemented a system where if Carrie missed a parent skill session, she lost the next scheduled visitation with Isabella. Despite the consequences, Carrie continued to miss many parent skill sessions. Carrie refused to

join a young mom's support group, stating the hours were not conducive to her schedule. Carrie failed to complete a nurturing program.

On August 12, 1996, the State filed a petition to terminate the parental rights of Carrie and Kevin. The guardian ad litem filed a report recommending termination of parental rights. The juvenile court determined the parents' rights should be terminated under Iowa Code section 232.116(1)(d) and (g). Only Carrie has appealed.

I. 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 R.K.K.*, 544 N.W.2d 274, 277 (Iowa App. 1995). Our primary concern is the best interests of the children. *In re A.B.*, 554 N.W.2d 291, 293 (Iowa App. 1996).

II. Carrie contends the State did not meet its burden of proof to show by clear and convincing evidence that grounds for termination existed under section 232.116(1)(g). In particular, she asserts the State failed to show Isabella could not be returned to her care. On appeal, Carrie asserts she now realizes Kevin poses a danger to her child, and claims she will not let him have contact with Isabella.

Carrie testified at the termination hearing she did not believe Kevin had a problem and did not believe he needed therapy. She testified she did not think Isabella would be in danger if she was around Kevin. Based on Carrie's statements and the other evidence presented at the termination hearing, we find there is clear and

convincing evidence Isabella cannot be returned to her care. Because Carrie does not believe Kevin poses a threat of sexual abuse to her child, she would be unable to protect Isabella from this threat. We conclude Carrie's parental rights were properly terminated under section 232.116(1)(g).

III. Carrie claims the State failed to show, by clear and convincing evidence, that grounds for termination existed under section 232.116(1)(d). This section provides, in part:

(3) There is clear and convincing evidence that the parents have not maintained significant and meaningful contact with the child during the previous six consecutive months and have made no reasonable efforts to resume care of the child despite being given the opportunity to do so. For the purposes of this subparagraph, "*significant and meaningful contact*" includes but is not limited to the affirmative assumption by the parents of the duties encompassed by the role of being a parent. This affirmative duty, in addition to financial obligations, requires continued interest in the child, a genuine effort to complete the responsibilities prescribed in the case permanency plan, a genuine effort to maintain communication with the child, and requires that the parents establish and maintain a place of importance in the child's life.

In our de novo review, we find there is clear and convincing evidence Carrie did not make a genuine effort to complete the responsibilities prescribed in the case permanency plan. Carrie did not attend a young mom's support group. She missed many parenting skill sessions, and was unwilling to address the issues of male dependency which kept her in an unsatisfactory relationship with Kevin. Due to missing parenting skill sessions, Carrie lost many opportunities to have visitation with

her daughter. Carrie's conduct shows her lack of commitment to her daughter. We determine Carrie's parental rights should be terminated under section 232.116(1)(d).

IV. Carrie contends termination of parental rights is not in Isabella's best interests. She states she visited Isabella quite frequently, and there was a mother-daughter bond between them. Carrie points out that the reason for Isabella's removal was not her lack of parenting skills, but the presence of Kevin in her home.

We find termination of Carrie's parental rights is in Isabella's best interests. Carrie continued to have a relationship with Kevin, although she had been informed many times he posed a threat to her child. Also, Carrie refused to address the issues of male dependency which kept her in a relationship with Kevin. Carrie's refusal to participate in services shows she is not willing to place Isabella's interests before her own.

We affirm the decision of the juvenile court terminating Carrie's parental rights to Isabella.

AFFIRMED.