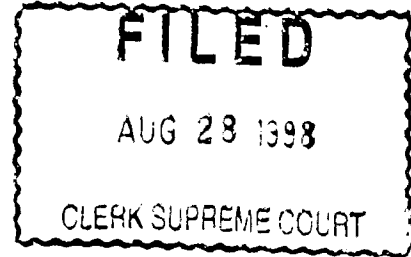


IN THE COURT OF APPEALS OF IOWA

No. 8-391 / 98-0097

IN THE INTEREST OF D.B., Minor Child,

L.B., Father,  
Appellant.



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Appeal from the Iowa District Court for Scott County, John G. Mullen, District Associate Judge.

The father of minor child D.B. appeals a district court order terminating his parental rights. **AFFIRMED.**

Benjamin A. Yeggy, Davenport, for appellant.

Thomas J. Miller, Attorney General, Charles K. Phillips, Assistant Attorney General, and Gerda C. Lane, Assistant County Attorney, for appellee State.

Janice H. Roemer, Davenport, guardian ad litem for minor child.

Considered by Cady, C.J., and Streit and Mahan, JJ.

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**MAHAN, J.**

Louis and Sheila are the parents of Danyell, who was born in June 1995. Louis appeals the juvenile court decision terminating his parental rights.

Danyell came to the attention of the Department of Human Services (DHS) in May 1996, when DHS issued a founded report of denial of critical care due to environmental safety hazards in the home. There were also concerns about domestic violence. Due to a prior criminal conviction, Louis was ordered to attend a batterer's education program. In addition, a court order prohibited him from having contact with Sheila.

Danyell was removed from the care of her parents in August 1996 after she was injured during a domestic dispute. The parents revealed they had consistently violated the no-contact order. Danyell was adjudicated to be a child in need of assistance pursuant to Iowa Code section 232.2(6)(c)(2).

The juvenile court encouraged Louis to complete the batterer's education program. The court required him to complete substance abuse and psychological evaluations. The court also asked him to attend individual therapy sessions.

Louis was not cooperative with services. He started to attend a batterer's education program in September 1996, but quit after attending three sessions. He chose not to attend parenting classes which were offered to him. Louis made no attempt to comply with the requirements imposed by the juvenile court.

Louis has had no contact with Danyell since March 1997. He continued to have contact with Sheila, in violation of the no-contact order, until June 1997. Louis and Sheila have now separated and Louis lives in an apartment with his new girlfriend. Louis is employed.

In August 1997, the State filed a petition to terminate the parental rights of Louis and Sheila. The juvenile court terminated Louis's parental rights pursuant to sections 232.116(1)(b), (d), and (g). The court found Louis had not maintained a substantial relationship with the child. The court also found the risk of harm to Danyell would be extremely high if she was placed in his care. Sheila's parental rights were also terminated. Only Louis 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 child. *In re A.B.*, 554 N.W.2d 291, 293 (Iowa App. 1996).

Louis contends the State failed to present sufficient evidence to show Danyell could not be returned to his care. He asserts the risk of adjudicatory harm ceased to exist because he has ended his volatile relationship with Sheila. He claims the requirements of the case permanency plan were irrelevant because there was no evidence to show he had substance abuse or psychological problems. Louis believes

he has improved himself by becoming employed, finding housing, and having a stable relationship with his girlfriend.

We find there is clear and convincing evidence in the record to show Danyell could not be returned to Louis's care at the present time without substantial risk of harm. Louis has not addressed the problems which led to Danyell's removal. He did not cooperate with services and did not address his domestic abuse problems. Louis's lack of effort to participate in services shows a lack of interest in caring for Danyell. Louis did not have much contact with Danyell while she was in foster care. We find the juvenile court properly terminated Louis's parental rights.

We affirm the decision of the juvenile court.

**AFFIRMED.**