IN THE COURT OF APPEALS OF IOWA

No. 6-561 / 96-963

FILED
SEP 30 1996
CLERK SUPREME COURT

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

M.B., Father,
Appellant.

Appeal from the Iowa District Court for Wapello County, Gene W. Glenn, Associate Juvenile Judge.

Father appeals from the termination of his parental rights pursuant to Iowa Code section 232.116(1)(e) (1995). **AFFIRMED.**

Steven Gardner of Kiple, Kiple, Denefe, Beaver & Gardner, Ottumwa, for appellant.

Thomas J. Miller, Attorney General, and Diane M. Stahle, Special Assistant Attorney General, Des Moines, for appellee.

Lloyd E. Keith of Keith Law Firm, P.C., Ottumwa, for minor child.

Decided en banc.

PER CURIAM

In this case the father appeals the termination of his parental rights to one of his children.

Marty and Tarrie are the parents of Damian, born in July 1987; Tonisna, born in December 1988; and Timothy, born in July 1991. The Department of Human Services became involved with the family in March 1992 when it issued a founded report of physical abuse of Damian and Tonisna by Marty. At that time Damian stated, "My dad been beaten' us hard, " and "He beats our butt and he be mean to us and hit us on the leg." Marty was required to move out of the home. He and Tarrie were later divorced.

On April 3, 1992, the children were determined to be children in need of assistance. They were placed in Tarrie's physical care under DHS supervision. In May 1993, Tarrie asked to have Damian placed in foster care because she could not control his behavior. Damian has been diagnosed as having attention deficit disorder. Tonisna and Timothy were also placed in foster care.

In June 1993, Marty expressed an interest in obtaining custody of the children. He decided to participate in services, and in December 1993 began supervised visitation with the children. He had not had any contact with the children for about one and one-half years prior to this. Marty's visits with Tonisna and Timothy progressed very well. Damian, however, continued to have negative feelings towards

Marty. In August 1994, DHS changed its goal from reunification of the children with Tarrie to reunification with Marty.

Supervised visitation between Marty and Damian was increased. Although Marty showed vastly improved parenting skills, Damian remembered how he had been treated in the past and consistently stated he did not want to see Marty. Damian had bonded with his foster family. Damian had some difficult behavior that required specific structured rules and routines. He gets the structure he needs from his foster family, and he recognizes this. Joan Summers, a licensed social worker, found that an attempt to force a relationship between Marty and Damian would likely be detrimental to Damian's sense of security and well-being. The foster parents have expressed an interest in adopting Damian.

In August 1995, Tonisna and Timothy were placed in Marty's care. There have apparently been no problems with this placement. Damian continued to resist a relationship with his father.

On December 27, 1995, the State filed a petition to terminate the parental rights of Marty and Tarrie to Damian, pursuant to Iowa Code section 232.116(1)(e). The juvenile court determined Damian could not be returned to Marty's care due to the likelihood of emotional abuse arising from Damian's consistent request not to be placed with his father. The court also found that returning Damian to Marty would likely result in an increase of negative behavior. The court terminated the parental rights of Marty and Tarrie to Damian. Marty has appealed.

I. The scope of review in termination cases is de novo. *In re S.N.*, 500 N.W.2d 32, 34 (Iowa 1993). Our primary concern is the best interests of the child. *In re A.Y.H.*, 508 N.W.2d 92, 94 (Iowa App. 1994). Those best interests include the child's long-range as well as immediate interests. *Id.* The grounds for termination must be proven by clear and convincing evidence. *In re R.R.K.*, 544 N.W.2d 274, 277 (Iowa App. 1995).

II. Marty claims the juvenile court should not have terminated his parental rights to Damian. He agrees the statutory elements of section 232.116(1)(e) have been fulfilled, but contends it is not in Damian's best interests to terminate. He states it would be detrimental to Damian to be separated from Tonisna and Timothy. Marty acknowledges Damian cannot be returned to his home at the present time, but states he would like to be considered a possible placement for Damian in the future.

We find termination was in Damian's best interests. Damian has been separated from his siblings since May 1993, with no apparent negative effects. When Damian would see his siblings at visitation, he would exhibit aggressive tendencies. There was evidence Damian had bonded with members of his foster family and that he rarely mentioned his siblings.

Furthermore, we do not find it would be in Damian's best interests to allow him to continue in foster care, under the hope he would someday come to have a better relationship with Marty. Marty had visitation with Damian for almost two

years, with no improvement in Damian's attitude. Damian remembers the treatment he previously received at Marty's hands, and refuses to see Marty in a more positive light.

III. Marty claims DHS made insufficient efforts to reunite him with Damian. He believes they could have benefitted from joint counseling. Marty believes alternative forms of paired counseling would enable Damian to form a more positive bond with him, and would enable Damian to be reunited with the family.

Reasonable services must be provided to attempt to reunite the family before the State can terminate parental rights. *In re L.M.W.*, 518 N.W.2d 804, 807 (Iowa App. 1994). Here, Marty attended a nurturing program, received a psychological evaluation and individual counseling, and was provided parent skill development services. Damian also received individual counseling and play therapy. In addition, DHS provided supervised visitation. DHS considered the possibility of providing joint counseling, but Damian's individual counselor felt it was not appropriate give his strong beliefs about his father. We find the services which were provided were reasonable under the facts of the case.

We affirm the decision of the juvenile court terminating Marty's parental rights to Damian.

AFFIRMED.