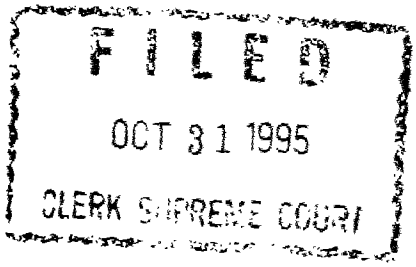
# IN THE COURT OF APPEALS OF IOWA

No. 5-409 / 94-2154




**IN THE INTEREST OF W.B., M.W., A.B., AND D.B., Minor Children,**

**W.B., Sr., Father,**

Appellant.

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

Father appeals the juvenile court's review order continuing the placement of two of his children in the custody of the Department of Human Services for placement in family foster care. **AFFIRMED.**

Robert J. Phelps, Davenport, for appellant.

Thomas J. Miller, Attorney General, Debora L. Hewitt, Assistant Attorney General, and H.C. Filseth, Assistant County Attorney, for appellee-State.

Heard by Donielson, C.J., and Hayden and Cady, JJ.

**CADY, J.**

This is an appeal from a review order in a child in need of assistance case denying the fathers request for custody or visitation with two of his children. On our de novo review, we affirm.

William, Sr., is the father of four children. At the time of the review hearing, M.W. was 6 years old. W.B. was 4 years old. A.B. was 2 years old, and D.B. was 14 months old. The juvenile court previously adjudicated the children to be in need of assistance, and the Department of Human Services had been providing services to William and his wife since 1991. The two oldest children, M.W., and W.B., were eventually placed in foster care.

Following a review hearing in May 1994, the juvenile court ordered William to attend a domestic violence batter's education program as a part of multi-based case plan. William failed to comply with the order, and the court directed that his visitation with W.B. and M.W. terminate pending completion of the program. The juvenile court also found William in contempt of court and sentenced him to serve 30 days in the county jail.

The review hearing, which is the subject of this appeal, was held on December 6, 1994. Testimony indicated William finally enrolled in the domestic violence program on December 1, 1994. His second meeting was scheduled for December 7. The court continued the visitation restrictions until the impact of the domestic abuse program could be determined.

William appeals. He claims the juvenile court abused its discretion by failing to modify the review order to provide for visitation or reunification.

Generally, dispositional orders in juvenile proceedings may be modified for good cause. Iowa Code § 232.103 (5) (1993). Moreover, a modification of custody or placement must be based on a material and substantial change in circumstances. *In re J.F.*, 386 N.W.2d 149, 152 (Iowa App. 1986); 43 C.J.S. *Infants* § 74 (1988). A child may be returned home following a periodic review hearing only if no harm in the manner specific under section 232.2 (6) would result to the child. Iowa Code § 232.102 (8) (1993).

We are cognizant of the legislative mandate that a child should be returned to their family home as quickly as possible. *See* Iowa Code § 232.102 (7) (1993). However, under the facts of this case, the juvenile court correctly denied William's request to modify the review order. The interests of the children cannot properly be assessed until William has completed, or substantially completed, the domestic abuse program. Moreover, the circumstances of the case have not changed since the prior hearing due to William's delay in enrolling in the program. His enrollment, by itself, is insufficient to support modification of custody or visitation. More must be shown to adequately protect the interests of the children.

**AFFIRMED.**