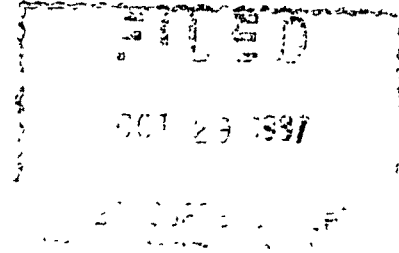


IN THE COURT OF APPEALS OF IOWA

000161

No. 7-515 / 97-0520

Filed 10/29/97



IN THE INTEREST OF E.G., J.G., and M.G.,
Minor Children,

J.L., Mother,
Appellant.

Appeal from the Iowa District Court for Johnson County, Sylvia A. Lewis,
District Associate Judge.

The mother appeals from the termination of her parental rights to her minor
children. **AFFIRMED.**

Paul D. Miller of Zimmerman and Miller, Iowa City, for appellant.

Thomas J. Miller, Attorney General, Chris Odell, Assistant Attorney General,
and Deborah F. Minot, Assistant County Attorney, for appellee-State.

L. Jay Stein of Stein, Russell & Pugh, L.L.P., Iowa City, guardian ad litem for
minor children.

Considered by Sackett, P.J., and Streit and Mahan, JJ.

STREIT, J.

A mother appeals the decision of the juvenile court terminating her parental rights to her minor children. We affirm on appeal.

Janet and Bob are the parents of Elizabeth, who was born in December 1987, and twins Jenni and Melissa, who were born in September 1988. They are also the parents of a younger child, Bobby, who was born in 1995 and who is not involved in this case.

Janet had two older children from previous relationships. She was involved with the Department of Human Services (DHS) from 1983 to 1987 in regard to these children. DHS issued seven founded reports against Janet and Bob during this time. Janet voluntarily agreed to the termination of her parental rights to these children.

DHS became involved with the family again in May 1994 due to reports of failure to supervise the children and physical abuse. DHS issued a founded report of denial of critical care against Janet and Bob because the children had been running away and playing in the street. Melissa had been setting fires. The parents admitted the children were out of control. DHS issued a founded report of physical abuse against Bob because he had spanked Melissa, leaving a bruise. The family agreed to receive family preservation services, individual and family therapy, play therapy for the children, and protective day care.

On September 23, 1994, the children were adjudicated children in need of assistance. Bob refused to participate in services. Janet was required to assume all

of the parenting responsibilities. In September 1994, DHS issued a founded report of physical abuse against Janet for striking Jenni on the neck. The children's behavior deteriorated, and on August 4, 1995, they were removed from the home and placed in foster care.

The parents remained uncooperative with services. They told social workers they did not have any parenting deficiencies, and did not need assistance. Bob stated nurturing children was synonymous with "kissing kid's butts."

Janet has consistently attended supervised visitation, which was held at the parent's home. Bob attended some visitation. After the children were removed, the parents kept a parrot in the children's room. The children were afraid of the parrot. When Bob did attend visitation, he was emotionally abusive to the children. At one visit, Elizabeth asked him for a hug. Bob refused, stating no one could demand affection from him. Bob did show affection to the parrot, sometimes kissing it in front of the children.

In January 1996, Bob's visits were suspended because the children expressed fear of him. Janet then attended supervised visitation at a church. In June 1996, Bob's visits were reinstated. At the second visit with Bob, Melissa refused to get out of the car, and Elizabeth and Jenni locked themselves in the bathroom. All of the children stated they did not want to see Bob. Bob's visits were terminated in August 1996.

Bob has been diagnosed with an anti-social personality disorder. He takes psychiatric medication. Bob has also had problems with substance abuse. At times when Bob runs out of psychiatric medication he self-medicates with alcohol. Bob had a relapse in sobriety in September 1995. There have been problems with domestic violence in the home, particularly when Bob is drinking. Bob is not employed, but receives social security benefits.

Janet is very devoted to Bob, and has stated she will never leave him. Janet is not able to discipline the children with any consistency. The children have no respect for her, and do not follow her directions. When social workers tried to introduce new discipline techniques, Janet stated they would not work with her children. Janet blames the children for their behavioral problems. Janet was generally negative with the children, and saw no reason to change her approach. Visitation with the three children remained chaotic, even though Janet was receiving parenting advice.

All three of the children have some behavior problems. Jenni and Melissa have been diagnosed with attention deficit hyperactivity disorder. Jenni has struck the baby, Bobby, who was then less than a year old, during a visit. In addition, Jenni has mild mental retardation. The children's behavior has improved while they have been in foster care. The State considers the children to be adoptable.

On October 1, 1996, the State filed a petition for termination of Janet and Bob's parental rights to the children. Janet testified she would like to have the children returned to her care. The juvenile court terminated Janet's parental rights

pursuant to Iowa Code sections 232.116(1)(c), (e), and (f). Bob's parental rights were also terminated. Only Janet 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. Janet contends the State failed to produce clear and convincing evidence to show her parental rights should be terminated. She first claims the State failed to show the children could not be returned to her care, as required by section 232.116(1)(e)(4). She states the children present a high level of challenge to anyone because the twins have attention deficit hyperactivity disorder. Janet believes her parenting techniques were improving.

We find there is sufficient evidence in the record to show the children could not be returned to Janet's care. Janet began receiving services in 1983. She has yet to gain any insight into her parenting deficiencies. Janet continued to blame the children for their behavioral problems. Even with supervision and instruction, Janet was not able to discipline the children with consistency, which resulted in chaotic visitation. Janet's inability to control the children led to safety concerns. In addition, Janet continues to live with Bob. Janet has not been able to protect the children from Bob's temper in the past, and it is unlikely she would be able to do so in the future.

We determine Janet's parental rights were properly terminated pursuant to section 232.116(1)(e).

III. Janet claims the State failed to show that an additional period of rehabilitation would not correct the situation, as required by section 232.116(1)(f)(4). When the juvenile court terminates parental rights on more than one statutory ground, we need only find grounds to terminate under one of the sections cited by the juvenile court to affirm. *In re A.J.*, 553 N.W.2d 909, 911 (Iowa App. 1996). We have already found Janet's parental rights were properly terminated under section 232.116(1)(e), and therefore, need not address this issue.

IV. Janet contends termination was not in the children's best interests. The children have shown they are very afraid of Bob. Bob does not display affection toward the children and is very strict. Bob must be considered in this case because Janet is devoted to him, and he remains a part of the children's home environment. The children need a stable home because of their behavioral difficulties. Janet is not able to provide this stability. We conclude termination is in the children's best interests.

V. Janet asserts the juvenile court should have entered an order pursuant to section 232.117(4), continuing the legal custody of the children with DHS while allowing her to work toward reunification. Janet did not seek an order pursuant to section 232.117(4) before the juvenile court. An issue not presented in the juvenile court, even a constitutional one, may not be raised for the first time on appeal. *In re*

V.M.K., 460 N.W.2d 191, 193 (Iowa App. 1990). We determine Janet has not preserved error on this issue.

We affirm the decision of the juvenile court terminating Janet's parental rights to Elizabeth, Jenni, and Melissa.

AFFIRMED.