IN THE COURT OF APPEALS OF IOWA

No. 2-642 / 92-1207

FILED
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CLERK SUPREME COURT

IN THE INTEREST OF K.D.J., A Child,

K.D.J.,

Appellant.

Appeal from the Iowa District Court for Woodbury County, Mary L. McCollum Timki, Associate Juvenile Judge.

A minor appeals a juvenile court adjudication that he had committed a delinquent act of sexual abuse in the second and third degree. **AFFIRMED.**

Jack A. Faith, Sioux City, for appellant.

Bonnie J. Campbell, Attorney General, John M. Parmeter, Special Assistant Attorney General, Judy Sheirbon, Assistant Attorney General, and Dewey Sloan, Assistant County Attorney, for appellee State.

Heard by Oxberger, C.J., and Hayden and Habhab, JJ.

OXBERGER, C.J.

On October 17, 1991, the State filed a delinquency petition regarding K.D.J. The State alleged in counts I and II that K.D.J. committed sexual abuse in the second degree upon M.B., a child under the age of twelve. The State alleged in counts III, IV and V that K.D.J. committed sexual abuse in the third degree and extortion upon K.M., a child twelve or thirteen years of age. In count VI, the State alleged that K.D.J. committed sexual abuse in the third degree upon Jane Doe, a child twelve or thirteen years of age.

The associate juvenile judge found beyond a reasonable doubt that K.D.J. had committed sexual abuse in the second degree on M.B.(count I) and sexual abuse in the third degree on M.P. (count IV). The associate juvenile judge found K.D.J.'s story about the events to be unbelievable and not supported by any of the witnesses. The associate juvenile judge was unable to find beyond a reasonable doubt that K.D.J. committed counts II, III, IV and V and accordingly dismissed these counts.

On May 28, 1992, K.D.J. sought juvenile court review of the associate juvenile judge's decision. On July 10, 1992, the associate juvenile judge filed a dispositional order ordering K.D.J. to remain in a residential treatment care. On July 20, 1992, K.D.J. filed notice of appeal. The juvenile court determined that the request for judicial review was rendered moot by the filing of the appeal.

Scope of Review

Juvenile delinquency proceedings are not criminal prosecutions but are special proceedings which serve as ameliorative alternatives to prosecution of children. In re J.D.S., 436 N.W.2d 342, 344 (Iowa 1989). Our scope of review in juvenile matters is de novo. In re D.L.C., 464 N.W.2d 881, 882 (Iowa 1991). We give weight to the fact findings of the juvenile court, especially when considering the credibility of witnesses, but are not bound by them. J.D.S., 436 N.W.2d at 343.

The State must prove, beyond a reasonable doubt, the juvenile committed a delinquent act. Iowa Code § 232.47(10) (1991); In re S.C.S., 454 N.W.2d 810, 814 (Iowa 1990).

K.D.J. contends that directing him to answer the question regarding whether he previously admitted having sexual intercourse with two girls was a violation of K.D.J.'s confidentiality privilege provided in Iowa Code section 622.10 (1991). The State contends the directive was permissible as impeachment of a prior inconsistent statement.

We are unable to reach this question. The record does not provide information regarding the person K.D.J. allegedly confided to regarding this issue. K.D.J. testified only that he "think[s] it was a man named Dale up

at ACP." From this, we are unable to determine whether K.D.J. made a disclosure to a protected class of professionals. Accordingly, we do not address the impact, if any, of Iowa Code section 622.10 (1991) on impeachment by prior inconsistent statements.

Our de novo review allows us to review the evidence otherwise and reach a conclusion regarding the delinquency adjudication of K.D.J. See J.D.S., 436 N.W.2d at 349.

Ample evidence supports this delinquency adjudication. The testimony of the victims and the corroborating testimony of witnesses provides sufficient evidence. We affirm.

AFFIRMED.