

IN THE COURT OF APPEALS OF IOWA

No. 0-761 / 10-1179
Filed October 20, 2010

**IN THE INTEREST OF B.K.R., K.M.R.,
T.J.R., S.J.R., and M.R.R.,
Minor Children,**
Appellants,

J.R., Father,
Appellee.

Appeal from the Iowa District Court for Sac County, James A. McGlynn,
Associate Juvenile Judge.

The guardian ad litem of five children appeals following a child in need of
assistance review hearing. **AFFIRMED.**

Martha A. Sibbel of Law Office of Martha Sibbel, P.L.C., Carroll, guardian
ad litem for minor children.

Peter Goldsmith of Boerner & Goldsmith Law Firm, P.C., Ida Grove, for
appellee father.

Charles Schulte, Sac City, for appellee mother.

Thomas J. Miller, Attorney General, Bruce Kempkes, Assistant Attorney
General, Earl Hardisty, County Attorney, Tina Meth-Farrington, Assistant County
Attorney, for appellee State.

Considered by Sackett, C.J., and Vogel and Vaitheswaran, JJ.

VOGEL, J.

The guardian ad litem of five children appeals following a child in need of assistance review hearing, asserting the district court should have ordered a psycho-sexual evaluation be conducted on the father.¹

At the July 7, 2010 hearing, the district court noted that a psycho-social evaluation was previously ordered, and had been completed. Having reviewed the court file, including the evaluation report, the court stated:

[w]hat I have is an evaluation that I ordered, that I now have, that does not really support further testing. At this point. So, we could have all kinds of testing, but I don't know what additional testing to do at this point. I am pretty confident that Dr. Rogers has done a thorough job of evaluation. So, I am not inclined to order that at this point.

The court's written ruling reflected this reasoning, "[T]he court is unable to find that a valid need exists to order a psycho-sexual evaluation on the father."

While the children remain in foster care, the parents are both working with the Department of Human Services and reportedly making good progress towards the goal of reunification.²

On our de novo review, we find nothing in the record on appeal that would cause us to reverse the district court's ruling. *In re J.E.*, 723 N.W.2d 793, 798 (Iowa 2006) (de novo review). Accordingly, we affirm. See Iowa Ct. R. 21.29(1)(a), (b), (d), (e).

AFFIRMED.

¹ The State filed a notice to the court agreeing with the argument of the guardian ad litem, but does not separately appeal.

² The children were adjudicated in need of assistance on February 3, 2010, under Iowa Code section 232.2(6)(g) (2009) (parent fails to provide adequate food, clothing, or shelter).