

IN THE COURT OF APPEALS OF IOWA

No. 1-975 / 11-1730
Filed January 19, 2012

**IN THE INTEREST OF B.V. and B.V.,
Minor Children,**

E.V., Father,
Appellant.

Appeal from the Iowa District Court for Polk County, Carol S. Egly, District Associate Judge.

A father appeals from the order adjudicating his children as children in need of assistance. **AFFIRMED IN PART, VACATED IN PART, AND REMANDED.**

Ryan Gravett, Windsor Heights, for appellant father.

Bridget Bott, Des Moines, for mother.

Thomas J. Miller, Attorney General, Bruce Kempkes, Assistant Attorney General, John P. Sarcone, County Attorney, and Kevin Brownell, Assistant County Attorney, for appellee State.

Nicole Nolan of the Youth Law Center, Des Moines, and Jami Hagemeyer, Des Moines, for minor children.

Considered by Danilson, P.J., and Tabor and Mullins, JJ.

DANILSON, P.J.

A father appeals from the juvenile court's order adjudicating B.V., his eight-year-old son, and B.V., his six-year-old daughter, to be children in need of assistance (CINA). He contends the juvenile court erred in finding the State proved the grounds for adjudicating the children as CINA under Iowa Code section 232.2(6)(c)(2) (2011); confirming the children to be CINA in its dispositional order; ordering additional case plan requirements; and not allowing him to have unsupervised visitation with the children. Considering the severe, life-threatening physical abuse of D.D., a child also living with and in the care of the father, we agree with the juvenile court's findings that B.V. and B.V. were exposed to neglect, violence, and abuse.

We affirm the adjudication and dispositional orders of the juvenile court, with the exception of the court's approval and adoption of the case plan requirement that the father admit to any involvement he may have had in the physical abuse of D.D., as that requirement is a violation of the father's constitutional right against self-incrimination. *In re C.H.*, 652 N.W.2d 144, 149 (Iowa 2002) (finding the court may not compel a father "to admit his guilt in order to be eligible to regain custody of his daughter," but may require the father "to comply with the case permanency plan which includes treatment."); *see also In re J.W.*, 415 N.W.2d 879, 883 (Minn. 1987) ("[T]he trial court's order, to the extent it requires appellants to incriminate themselves, violates appellants' Fifth Amendment rights and is unenforceable.").

Accordingly, we reverse and remand to the juvenile court to delete the case plan requirement that the father must admit any involvement he had in the physical abuse of D.D.

AFFIRMED IN PART, VACATED IN PART, AND REMANDED.