

IN THE COURT OF APPEALS OF IOWA

No. 3-712 / 12-1414

Filed July 24, 2013

**IN THE INTEREST OF D.L.N.,
Minor Child.**

Appeal from the Iowa District Court for Lee (North) County, Gary R. Noneman, District Associate Judge.

D.N. appeals from the juvenile court's order requiring him to register as a sex offender. **AFFIRMED.**

William C. Glass, Keosauqua, for appellant.

Thomas J. Miller, Attorney General, Bruce Kempkes, Assistant Attorney General, Michael Short, County Attorney, and Clinton Boddicker, Assistant County Attorney, for appellee State.

Considered by Eisenhauer, C.J., and Vaitheswaran and Doyle, JJ.

DOYLE, J.

D.N. appeals from the juvenile court's order requiring him to register as a sex offender. We affirm.

D.N. was born in June 1994. At age thirteen, D.N. was adjudicated delinquent for acts constituting assault with intent to commit sexual assault. At age fifteen, D.N. was adjudicated delinquent for acts constituting third-degree sexual abuse after he performed a sex act on an eight-year-old boy. He was ordered, among other things, to register as a sex offender pursuant to Iowa Code Chapter 692A (2009). D.N. was then placed at a juvenile detention facility where he received extensive services including placement in the Sexual Offender Program.

D.N. was discharged from the program at age seventeen and given a chance to return to the community with services in place. Thereafter, D.N. had an inappropriate incident with another boy in treatment. However, no other complaints were reported regarding D.N.'s behavior after that incident.

Just before D.N.'s eighteenth birthday, the juvenile court held a hearing to determine whether D.N. should be required to continue to register as a sex offender upon reaching his eighteenth birthday. See Iowa Code §§ 232.54(1)(i), 692A.103(3) (2011). D.N.'s juvenile court officer and the State both recommended D.N. be required to register due to the serious nature of D.N.'s prior two offenses and his classification as a Tier III offender.¹ D.N.'s juvenile court officer testified he believed that having D.N. continuing to register following his reaching adulthood would be the best possible outcome in terms of

¹ See Iowa Code § 692A.102(1)(c) (defining the different tier classifications).

the continued safety of the community. Thereafter, the juvenile court entered an order finding D.N. should continue to be required to register as a sex offender.

D.N. now appeals. He asserts the juvenile court should not have ordered him to continue his placement on the sex offender registry.

Our review of this issue is de novo. *In re B.A.*, 737 N.W.2d 665, 667 (Iowa Ct. App. 2007). However, we note that “where the legislature has built into a statute the element of the juvenile court’s discretion, the appellate court applies a de novo review ‘to the extent of examining all the evidence to determine whether the court abused its discretion.’” *Id.* (citation omitted). An abuse of discretion occurs when the juvenile court’s decision is based on grounds or reasons that are clearly untenable or unreasonable. *Id.* at 667-68.

Upon our review of the record, we cannot find the juvenile court’s decision to continue D.N.’s placement on the sex offender registry was untenable or unreasonable. Although the juvenile court’s ruling was short, the court explained the scales in this case tipped in favor of protecting the community from D.N.’s behavior rather than in D.N.’s interest in starting adulthood with a clean sheet. We agree.

Here, the court noted that while D.N. appeared to have successfully completed the sex offender program, he had had two previous incidents involving sexual conduct. These incidents were serious offenses against younger children. Additionally, after his release, it was determined D.N. had engaged in inappropriate behavior with a young boy in treatment, where he asked the boy if he could rub his leg. A few days after this incident was discussed with D.N. as inappropriate, D.N. was found with a note written to that boy “asking the boy for

permission to talk with him as he really wanted to be with him.” In our de novo of the evidence in this case, we cannot find the juvenile court abused its discretion. Accordingly, we affirm the juvenile court’s order requiring D.N. to continue to register as a sex offender.

AFFIRMED.