

IN THE COURT OF APPEALS OF IOWA

No. 6-397 / 06-0559

Filed May 24, 2006

**IN THE INTEREST OF Q.S.,
Minor Child,**

D.S., Father,
Appellant,

G.S., Mother,
Appellant.

Appeal from the Iowa District Court for Polk County, Joe E. Smith, District Associate Judge.

Parents appeal the juvenile court decision terminating their parental rights.

AFFIRMED.

Jesse A. Macro, Des Moines, for appellant father.

Cathleen Siebrecht of Siebrecht & Siebrecht, Des Moines, for appellant mother.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant Attorney General, John Sarcone, County Attorney, and Michelle Chenoweth, Assistant County Attorney, for appellee State.

Rachael Seymour, Juvenile Public Defender, Des Moines, guardian ad litem for minor child.

Considered by Mahan, P.J., and Hecht and Eisenhauer, JJ.

PER CURIAM***I. Background Facts & Proceedings***

David and Gail are the parents of Quentin, who was born in January 2005. David had one child from an earlier relationship, and Gail had three girls. The parents severely physically abused these children, and their parental rights were subsequently terminated. Due to the past history of abuse, Quentin was removed from the parents' care soon after his birth and placed with relatives.

Quentin was adjudicated to be a child in need of assistance (CINA) pursuant to Iowa Code sections 232.2(6)(b) (2005) (parent is imminently likely to abuse child), (c)(2) (child is likely to suffer harm due to parent's failure to supervise), and (n) (parent's mental condition results in child not receiving adequate care). The parents appealed the dispositional order, which determined Quentin could not be returned to their care. We affirmed the CINA orders. *In re* Q.S., No. 06-0129 (Iowa Ct. App. May 10, 2006).

In January 2006 the State filed a petition seeking to terminate the parents' rights. The juvenile court terminated the parents' rights under sections 232.116(1)(d) (child CINA for neglect, circumstances continue despite the receipt of services), (g) (child CINA, parents' rights to another child were terminated, parent does not respond to services), (h) (child is three or younger, CINA, removed for at least six months, and cannot be safely returned home). The juvenile court found:

Here both parents display a history of inconsistent and halting cooperation with services. Their lack of compliance is largely responsible for the decisions reached here. When I consider all the

evidence it is clear the State has carried its burden by providing clear and convincing evidence that Quentin cannot be returned.

David and Gail each appeal the termination of their parental rights.

II. Standard of Review

The scope of review in termination cases is de novo. *In re R.E.K.F.*, 698 N.W.2d 147, 149 (Iowa 2005). The grounds for termination must be proven by clear and convincing evidence. *In re T.B.*, 604 N.W.2d 660, 661 (Iowa 2000). Our primary concern is the best interests of the child. *In re J.L.W.*, 570 N.W.2d 778, 780 (Iowa Ct. App. 1997).

III. Sufficiency of the Evidence

Both parents claim the State did not present sufficient evidence to show that their parental rights should be terminated. They point out that they have made progress in improving their parenting skills.

We note that the parents were required to participate in parenting-skill sessions and address their mental health problems. David was diagnosed with generalized anxiety disorder, dysthymic disorder, and mixed personality disorder, while Gail with diagnosed with generalized anxiety disorder and mixed personality disorder. Although individual therapy was recommended for both parents, they only sporadically attended. Also, the parents did not fully disclose their past abuse of the other children to their therapists, so those concerns were not adequately addressed.

The parents have not taken adequate steps to correct the issues that led to the removal of Quentin from their care, and thus, he could not be safely returned to their care. We conclude their parental rights were properly

terminated under section 232.116(1)(h). Because we have affirmed on this ground, we do not need to address the other grounds relied upon by the juvenile court. See *In re S.R.*, 600 N.W.2d 63, 64 (Iowa Ct. App. 1999).

IV. Best Interests

The parents claim termination of their parental rights is not in Quentin's best interests. The parents are still in the process of addressing their own problems, and we conclude they remain unable to meet Quentin's needs. It would not be in Quentin's best interests to be returned to the care of the parents.

To the extent the parents may be relying on section 232.116(3)(c), which allows the juvenile court to decide not to terminate parental rights based on a close parent-child relationship, that issue was not raised before the juvenile court, and we conclude error has not been preserved. See *In re T.J.O.*, 527 N.W.2d 417, 420 (Iowa Ct. App. 1994). Even if that issue had been preserved, we would still find termination of the parents' rights is in Quentin's best interests.

We affirm the decision of the juvenile court.

AFFIRMED.