

IN THE COURT OF APPEALS OF IOWA

No. 6-399 / 06-0412

Filed June 28, 2006

**IN THE INTEREST OF K.J.C., K.M.C., and J.R.C.,
Minor Children,**

J.L.C., Father,
Appellant,

R.A.C., Mother,
Appellant.

Appeal from the Iowa District Court for Clarke County, Gary J. Kimes,
Judge.

Parents appeal a juvenile court order terminating their parental rights.

AFFIRMED.

George F. Hoffman III of Hoffman Law Firm, Leon, for appellant father.

William A. Eddy of Eddy Law Firm, Indianola, for appellant mother.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant
Attorney General, and Elisabeth S. Reynoldson, County Attorney, for appellee
State.

Monty Franklin of Franklin Law Office, Humeston, guardian ad litem for
minor children.

Considered by Sackett, C.J., and Huitink and Miller, JJ.

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

Jason is the father of Kaylea, born in June 1996; Kelcy, born in February 1999; and Jayden, born in January 2002. Roberta is the mother of Jayden.¹ The children were removed from Jason's and Roberta's care in February 2004 after reports that the parents had physically abused the children. The children were made to spend long hours cleaning the house and were beaten if they did not comply. Furthermore, in notes Roberta had threatened to kill the children or beat them with a belt. The children were placed in foster care.

The children were adjudicated to be in need of assistance (CINA) on March 4, 2004, under Iowa Code sections 232.2(6)(b) (2003) (parent is imminently likely to abuse or neglect child) and (c) (child is likely to suffer harmful effects due to mental injury or lack of supervision). The parents were ordered to have a mental health evaluation and participate in family-centered services. In the April 8, 2004, dispositional order, the parents were ordered to participate in individual therapy.

The parents completed parenting classes. Roberta had a psychiatric evaluation and was diagnosed with an adjustment disorder. She participated in individual therapy. During parenting sessions, both parents made threats to the service providers. The parents did not take any responsibility for their actions, and they blamed others for their problems. The parents did not make any progress in improving their parenting skills. Roberta admitted that she hated

¹ The parental rights of the mother of Kaylea and Kelcy were not terminated, and she is not a party to this appeal.

Kelcy, and that if the Iowa Department of Human Services had not intervened Kelcy would be dead.

During a visit in June 2004, Roberta yelled loudly at the service provider and the children. She also grabbed Kelcy's arm, leaving a bruise. Roberta's visits were suspended until September 2004, with the condition that they be supervised by two service providers. The children continued to display fear and anxiety during visits, and they were suspended again in October 2004. Later in October, Roberta was committed to a psychiatric ward for a few days due to a concern she might hurt herself or others. Visits were reinitiated in January 2005.

Kaylea and Kelcy were diagnosed with post-traumatic stress disorder due to abuse they suffered in the past. They attended individual therapy to help them learn to feel safe. The girls continued to express fear of Jason and Roberta. In June 2005 the parents again yelled at a service provider during a supervised visit. On June 17, 2005, the juvenile court ordered that all visitation cease.

In June 2005 the State filed petitions seeking termination of Jason's and Roberta's parental rights to Jayden, and Jason's parental rights to Kaylea and Kelcy. The juvenile court terminated the parents' rights pursuant to sections 232.116(1)(d) (2005) (child CINA due to abuse or neglect, circumstances continue despite the receipt of services), (f) (child four or older, CINA, removed for at least twelve months, and cannot be safely returned home) (Kaylea and Kelcy), and (h) (child three or younger, CINA, removed at least six months, and cannot be safely returned home) (Jayden). The court found the children had been physically abused by the parents and "the parents have not adequately

addressed the issues which led to removal and that the child[ren] cannot be returned to their custody now or in the near future.” Jason and Roberta both 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 children. *In re J.L.W.*, 570 N.W.2d 778, 780 (Iowa Ct. App. 1997).

III. Jason

Jason contends there is insufficient evidence to support termination of his parental rights under sections 232.116(1)(d) and (h). His parental rights to Kaylea and Kelcy, however, were terminated under section 232.116(1)(f). Because Jason has failed to raise any argument regarding section 232.116(1)(f), we may affirm the termination of his parental rights to Kaylea and Kelcy on this ground. See Iowa R. App. P. 6.14(1)(c) (“Failure in the brief to state, to argue or to cite authority in support of an issue may be deemed waiver of that issue.”).

Furthermore, looking at the record, we find clear and convincing evidence to support termination of Jason’s parental rights to all three children. Jason participated in the physical abuse of the children and failed to protect them from physical abuse by Roberta. Jason has not fully addressed the problems which led to the children’s removal, and we find the children cannot be safely returned to his care. We determine Jason’s parental rights were properly terminated

under sections 232.116(1)(f) and (h). Because we have affirmed the termination of Jason's parental rights under these sections, we do not need to address the other section cited by the juvenile court. See *In re S.R.*, 600 N.W.2d 63, 64 (Iowa Ct. App. 1999).

IV. Roberta

Roberta asserts the State did not present clear and convincing evidence to support termination of her parental rights to Jayden. We find sufficient evidence in the record to show Jayden could not be safely placed in Roberta's care. Roberta has a history of physical abuse to children, which she either denied or minimized. Roberta still has many problems with anger management. Although she participated in services, she did not improve her parenting skills, and continued to engage in problematic behavior even during supervised visitation. We conclude Roberta's parental rights were properly terminated under section 232.116(1)(h). When the juvenile court terminates parental rights on more than one statutory ground, we need only find grounds to terminate under one of the sections cited by the juvenile court to affirm. *S.R.*, 600 N.W.2d at 64.

We affirm the decision of the juvenile court.

AFFIRMED.