

IN THE COURT OF APPEALS OF IOWA

No. 7-425 / 07-0760

Filed July 12, 2007

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

L.F., Mother,
Appellant,

E.E., Father,
Appellant.

Appeal from the Iowa District Court for Marshall County, Victor G. Lathrop,
Associate Juvenile Judge.

A mother and father appeal the juvenile court order terminating their
parental rights. **AFFIRMED.**

Randall Giannetto of Mowry Law Firm, Marshalltown, for appellant mother.

Darrell Meyer, Marshalltown, for appellant father.

Thomas J. Miller, Attorney General, Kathrine Miller-Todd, Assistant
Attorney General, and Jennifer Miller, County Attorney.

Jennifer Steffens of Bennett, Steffens & Grife, P.C., Marshalltown, for the
minor child.

Considered by Vogel, P.J., and Miller, J. and Beeghly, S.J.

*Senior judge assigned by order pursuant to Iowa Code section 602.9206 (2007).

BEEGHLY, S.J.**I. Background Facts and Proceedings**

Eli and Larinda are the parents of Daeja, who was born in April 2006. Both parents have had mental health issues. In May 2006, the parents had a domestic disturbance and Larinda dropped the infant about eighteen inches onto a bed. Eli and Larinda were each charged with domestic assault. Larinda asked to be transported to a mental health hospital. Daeja was removed from the parents' care and placed in foster care. The parties agreed Daeja should be adjudicated a child in need of assistance (CINA) pursuant to Iowa Code section 232.2(6)(c)(2) (2005) (child is likely to suffer harm due to parent's failure to exercise care in supervising child).

Larinda has problems with anger management and at times became verbally aggressive with social workers. She was not open to suggestions from social workers, and her parenting skills did not improve. Larinda did not complete a batterers' education program. Due to a no-contact order, Larinda and Eli lived separately for much of the CINA proceedings. They later reunited and got an apartment together. Eli did not have visits from September to November 2006. In January 2007, the parents began couple's counseling and Eli began attending batterers' education class.

In November 2006 the State filed a petition seeking termination of the parents' rights. After a hearing in February 2007, the juvenile court determined the parents' rights should be terminated under section 232.116(1)(h) (2007) (child is three or younger, child CINA, removed from home for at least six months, and child cannot be returned home). The court found neither parent was

motivated to get Daeja returned to their custody. The court concluded the child could not be returned to the custody of the parents. The court also found neither parent was capable of providing for the child's long-term nurturing and growth, so that termination of the parents' rights was in Daeja's best interests. Both parents 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 P.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. Eli

Eli claims the juvenile court should not have terminated his parental rights. He points out that Larinda's sister could help the couple take care of Daeja. He states he did not participate in services or visitation as much as he could have because he was working long hours in the construction industry. Eli states he could provide food, clothing, and shelter for the child.

We find clear and convincing evidence in the record to support termination of Eli's parental rights. At the time of the termination hearing Eli and Larinda had reunited, but they had not addressed the domestic violence concerns that had lead to Daeja's removal. Larinda had continuing problems with anger management, but Eli stated he thought she was a good mother. If the child were returned to Eli's care, he would allow Larinda to care for the child. We affirm the termination of Eli's parental rights.

IV. Larinda

Larinda claims the juvenile court improperly terminated her parental rights under section 232.116(1)(h) because although she suffered from mental health issues, she had the support of family members to help her care for the child.

As noted above, Larinda and Eli have reunited but have not yet addressed their issues relating to domestic violence. Also, the juvenile court found “Larinda was difficult to work with, she would get upset easily and refuse to follow suggestions. There were times when visits were cut short because Larinda claimed she was too tired.” Due to Larinda’s anger management problems and uncooperative behavior, she was unable to improve her parenting skills. We conclude there is clear and convincing evidence to show Daeja could not be safely returned to her care. We affirm the juvenile court’s termination of Larinda’s parental rights.

AFFIRMED.