

**IN THE COURT OF APPEALS OF IOWA**

No. 8-1043 / 08-0685  
Filed January 22, 2009

**IN THE INTEREST OF S.M.S. and L.M.S.,**  
**Minor children,**

**N.S., Mother,**  
Petitioner,

**E.S., Father,**  
Appellant.

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Appeal from the Iowa District Court for Wapello County, William S. Owens,  
Associate Juvenile Judge.

A father appeals from the termination of his parental rights. **AFFIRMED.**

Joseph P. Goedken of Orsborn, Milani & Mitchell, L.L.P., Centerville, for  
appellant father.

Bryan J. Goldsmith of Webber, Gaumer & Emanuel, P.C., Ottumwa, for  
petitioner mother.

Mary Krafka of Krafka Law Firm, Ottumwa, for minor child.

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

**EISENHAUER, J.**

A father appeals the termination of his parental rights to his children. He contends the district court erred in granting termination pursuant to Iowa Code section 600A.8(10) (2007). He also contends termination is not in the children's best interest. We review termination proceedings de novo. *In re R.K.B.*, 572 N.W.2d 600, 601 (Iowa 1998).

N.S. and E.S. were divorced in 2003. They have two children, S.S. and L.S. In September of 2006, E.S. was convicted of lascivious acts with a child for acts committed against L.S., and lascivious acts with a child for acts committed against S.S. E.S. was sentenced to concurrent terms of imprisonment of ten years and two years, respectively.<sup>1</sup>

In August 2007, N.S. filed a petition asking the district court to terminate E.S.'s parental rights pursuant to section 600A.8(9) (2007) and "other portions of Iowa Code Section 600A.8 . . . ." In its April 2008 ruling, the district court granted termination pursuant to sections 600A.8(9) and (10). On appeal, E.S. only contends the court erred in terminating his parental rights pursuant to section 600A.8(10). He does not dispute termination was proper under section 600A.8(9). Accordingly, we affirm termination pursuant to section 600A.8(9). It is therefore unnecessary to consider whether termination was appropriate under section 600A.8(10). See *In re R.R.K.*, 544 N.W.2d 274, 276 (Iowa Ct. App. 1995)

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<sup>1</sup> He was also convicted of two counts of third-degree sexual abuse for acts committed against his stepson. E.S. was sentenced to two ten-year terms of imprisonment on these charges, which were to run consecutively to each other and concurrently with the sentences for the crimes against S.S. and L.S.

("[W]e only need to find grounds under one of the sections in order to affirm the ruling of the district court terminating parental rights.").

E.S. also contends termination is not in the children's best interest. We disagree. E.S. was convicted of sex offenses against both children and is currently in prison for those offenses. He testified his earliest possible release from prison is 2010 or 2011. A no contact order was entered in January 2007, prohibiting E.S. from having contact with the children until September 2011. He has not had contact with the children since January 2006. The children live with their mother and stepfather and the children have a close bond with the stepfather. Termination allows the stepfather to adopt the children, a prospect S.S. testified she was excited about. Given the children's need for a safe and secure home, free from fear of a father who has sexually abused them, termination is in the children's best interest.

Accordingly, we affirm the district court order terminating E.S.'s parental rights.

**AFFIRMED.**