

**IN THE COURT OF APPEALS OF IOWA**

No. 8-299 / 07-1903  
Filed April 30, 2008

**IN THE INTEREST OF E.F.C.,  
Minor Child,**

**D.C. and E.C., parents,  
Appellants.**

---

Appeal from the Iowa District Court for Wayne County, John D. Lloyd,  
Judge.

A mother and father appeal from the termination of their parental rights.

**AFFIRMED.**

George Jones, Lamoni, for appellants.

Thomas J. Miller, Attorney General, Kathrine Miller-Todd, Assistant  
Attorney General, and Alan M. Wilson, County Attorney, for appellee State.

Dustria Relph of Chamber Law Firm, Corydon, for minor child.

Considered by Vogel, P.J., and Zimmer and Baker, JJ.

**ZIMMER, J.**

A mother and father appeal from the termination of their parental rights to their child. We affirm.

***I. Background Facts and Proceedings.***

Donald is the father and Edna is the mother of Eugene, born in January 1994. During January of 2004, Eugene was removed from his parents' care, adjudicated a child in need of assistance (CINA), and placed in foster care. The removal was based on concerns that Eugene was not enrolled in school and his parents were being dishonest about his involvement in home schooling. In addition, the child had significant dental health issues, which indicated neglect on the parents' part. There were also boundary issues between the parents and the child.

After his removal, it was discovered that Eugene suffered from encopresis, and treatment was started for that condition. The primary symptoms for this disease are constipation, stool retention, and soiling. The parents had not sought any medical attention for Eugene's condition while he was in their care.

Following Eugene's adjudication, Donald and Edna received a variety of services designed to transition the child safely back to their care, including family and individual counseling, supervised visits, and parent skill development and counseling. After nearly a year in foster care, Eugene was returned to his parents' home on December 23, 2004. His parents continued to receive services.

Approximately one year later, a social worker filed an abuse report raising concerns about missed appointments and noncompliance with recommended

medical treatment for Eugene's encopresis. Following this report of abuse, Eugene was removed from his parents' care during January 2006 and again placed in foster care.

After Eugene was removed from his parents' care, they were gradually allowed to resume playing a role in administering Eugene's medication to him. In June and July 2006, Eugene was permitted to stay at his parents' house for ten to fourteen days at a time. However, after it was discovered that Eugene had an impacted bowel at the end of July 2006, Donald's and Edna's visitation with Eugene was changed from extended unsupervised to weekly supervised visits. In addition, all responsibility for Eugene's medication was removed from the parents.

The State filed a petition to terminate Donald's and Edna's parental rights on February 16, 2007. The juvenile court held a contested termination hearing on August 22 and 23, 2007. At the hearing, the court heard evidence the parents were not following medical directions and were unable or unwilling to accurately report the information needed to monitor Eugene's progress. The child's psychologist stated that he did not believe Eugene could be safely returned to his parents' care, and recommended termination of Donald's and Edna's parental rights. The family's social worker also concluded that it was in Eugene's best interests to terminate his parents' parental rights.

In an order filed October 29, 2007, the juvenile court terminated Donald's and Edna's parental rights to Eugene pursuant to Iowa Code sections 232.116(1)(d) (2007) (child CINA for physical or sexual abuse or neglect, circumstances continue despite receipt of services) and 232.116(1)(f) (child four

or older, child CINA, removed from home for twelve of last eighteen months, and child cannot be returned home). Donald and Edna have appealed.

## ***II. Scope and Standards of Review.***

We review termination proceedings de novo. *In re R.E.K.F.*, 698 N.W.2d 147, 149 (Iowa 2005). The grounds for termination must be supported by clear and convincing evidence. *In re T.B.*, 604 N.W.2d 660, 661 (Iowa 2000). We are primarily concerned with the child's best interests in termination proceedings. *In re J.L.W.*, 570 N.W.2d 778, 780 (Iowa Ct. App. 1997). Even when the statutory grounds for termination are met, the decision to terminate parental rights must reflect the child's best interests. *In re M.S.*, 519 N.W.2d 398, 400 (Iowa 1994). When we consider the child's best interests, we look to his long-range as well as immediate best interests. *In re C.K.*, 558 N.W.2d 170, 172 (Iowa 1997).

## ***III. Discussion.***

In this appeal, Donald and Edna first contend the statutory grounds for termination were not supported by clear and convincing evidence. Upon our review of the record, we find no merit in the parents' argument.

When the juvenile court terminates parental rights on more than one statutory ground, we only need to find grounds to terminate under one of the sections cited by the court in order to affirm the court's ruling. *In re S.R.*, 600 N.W.2d 63, 64 (Iowa Ct. App. 1999). In this case, we choose to focus our attention on section 232.116(1)(f) as the basis for termination.

Donald and Edna contend the State failed to prove by clear and convincing evidence that Eugene could not be returned to their care without

suffering adjudicatory harm. Upon our de novo review of the record, we disagree.

While the parents appear to understand the medical instructions they receive, they have demonstrated they are unable or unwilling to provide proper care for Eugene. The parents have failed to accurately report the information that is needed to monitor Eugene's medical condition. They have falsified logs of toileting activity that are critical to their son's health care provider. In addition, the parents have been caught telling Eugene to lie to the Iowa Department of Human Services (Department) about his toileting activity.

The parents have also failed to set limits for Eugene, failed to deal with his school situation, and failed to deal with his socialization. As the juvenile court noted, Eugene "lags behind his age mates in both intellectual functioning and socialization, even though he has demonstrated the ability to make strong progress in both areas when allowed to attend school and engage in normal academic and social interactions."

The parents have not accepted responsibility for any of Eugene's physical or intellectual problems. As reported by several service providers, the parents have little or no insight into their own shortcomings. The psychologist hired by Donald and Edna came to the "inescapable conclusion" that Eugene could not be safely returned to the care of his parents. We find clear and convincing evidence supports the juvenile court's decision to terminate Donald's and Edna's parental rights under section 232.116(1)(f).

The parents also maintain termination is not in Eugene's best interests. Even when the statutory grounds for termination are met, the decision to

terminate parental rights must reflect the child's best interests. *M.S.*, 519 N.W.2d at 400. Donald and Edna argue that their parental rights should not be terminated because of the strong bond they share with their son. While the juvenile court agreed that there was a bond between Eugene and his parents, the court found the bond was not a healthy one for a variety of reasons. We agree with this assessment. Eugene's parents appear unable to allow their son to grow up normally and move into healthy adulthood as a separate individual.<sup>1</sup>

Eugene's psychotherapist testified that permanency is extremely important to Eugene. She stated that if his parents' parental rights are terminated, Eugene will be able to get through the grieving process. Eugene had been making progress in the current foster home and was beginning to form a bond with that home. To continue to keep Eugene in temporary or even long-term foster homes is not in his best interests. *C.K.*, 558 N.W.2d at 175. Eugene deserves stability and permanency, which his parents cannot provide. *In re C.D.*, 509 N.W.2d 509, 513 (Iowa Ct. App. 1993). We agree with the juvenile court's finding that termination of Donald's and Edna's parental rights is in Eugene's best interests.

Finally, Donald and Edna assert their substantive due process rights were violated. However, this issue was not ruled upon by the juvenile court; therefore, we will not review it on appeal. See *In re K.C.*, 660 N.W.2d 29, 38 (Iowa 2003) (stating an issue not presented to and passed on by the juvenile court may not be raised on appeal for the first time, even one of constitutional dimensions).

---

<sup>1</sup> The record reveals that Eugene was nursed until age seven. His parents have kept him at home to the detriment of his social and educational development and have failed to recognize his medical needs.

***IV. Conclusion.***

We affirm the juvenile court's decision to terminate Donald's and Edna's parental rights.

**AFFIRMED.**