

IN THE COURT OF APPEALS OF IOWA

No. 8-696 / 08-1118
Filed September 17, 2008

**IN THE INTEREST OF A.M., M.M., D.F., and H.F.,
Minor Children,**

J.F., Mother,
Appellant.

Appeal from the Iowa District Court for Polk County, Constance Cohen,
Associate Juvenile Judge.

On interlocutory appeal, J.F. challenges the sufficiency of the evidence supporting the juvenile court's order adjudicating her four children as children in need of assistance. **AFFIRMED.**

Scott Michels of Gourley, Rehkemper & Lindholm, P.C., Des Moines, for appellant mother.

Jason Hauser, Des Moines, for father R.S.

David Pargulski, Des Moines, for father C.N.

Thomas J. Miller, Attorney General, Bruce Kempkes, Assistant Attorney General, John P. Sarcone, County Attorney, and Stephanie Brown, Assistant County Attorney, for appellee State.

Marc Elcock, Des Moines, for minor children A.M., M.M., and D.F.

Jessica Miskimins of the Youth Law Center, Des Moines, for minor child H.F.

Considered by Huitink, P.J., and Vogel and Eisenhauer, JJ.

HUITINK, P.J.

On interlocutory appeal, J.F. challenges the sufficiency of the evidence supporting the juvenile court's order adjudicating her four children as children in need of assistance (CINA) pursuant to Iowa Code section 232.2(6)(c)(2) (2007) (children suffer harmful effects of parent's failure to exercise a reasonable degree of care in supervising the children). We affirm.

We review J.F.'s claims de novo. *In re H.G.*, 601 N.W.2d 84, 85 (Iowa 1999). The State has the burden to prove the grounds supporting the children's adjudication by clear and convincing evidence. *In re N.C.*, 551 N.W.2d 872, 872 (Iowa 1996).

The record indicates eight-year-old H.F. was admitted to a Des Moines psychiatric hospital in November 2007. She was diagnosed with bipolar disorder and attention deficient hyperactivity disorder. H.F. also reported she was sexually abused by a family acquaintance.

After receiving notification of H.F.'s sexual abuse allegations, the department initiated a community care plan and offered J.F. in-home family services and therapy. All four of the children were subsequently removed and adjudicated CINA based on the juvenile court's findings that

[J.F.] has failed to cooperate with voluntary services placing her children at risk of further harm. [H.F.] is not in therapy. [J.F.] does not keep appointments consistently. [J.F.] cannot meet basic needs of adequate food and sanitary living conditions. She sleeps through noise that should reasonably awaken her. The children are not adequately supervised during the times they are in her care.

Testimony and reports by witnesses with personal knowledge of J.F.'s attention to the children's safety and nutritional needs is more than sufficient to support the children's adjudication under section 232.2(6)(c)(2). J.F. specifically argues:

the State has not shown that [J.F.] was aware of the alleged abuser's nature or that she left her children in the care of the alleged abuser after she was made aware of the allegations.

. . . .

The evidence offered by the State regarding [J.F.'s] failure to provide or to facilitate therapy for H.F.'s sexual abuse does not bear on the issue of failure to exercise reasonable care in supervising [the children].

J.F.'s arguments ignore or otherwise fail to address the testimony of the police officer and caseworkers supporting the juvenile court's earlier-quoted findings of fact. We accordingly find the record supports the children's adjudication and affirm the juvenile court's adjudicatory order.

AFFIRMED.