

IN THE COURT OF APPEALS OF IOWA

No. 9-078 / 09-0047
Filed March 11, 2009

**IN THE INTEREST OF J.C. and D.C.,
Minor Children,**

**W.C., Father,
Appellant.**

Appeal from the Iowa District Court for Polk County, Joe E. Smith, District Associate Judge.

A father appeals the juvenile court order terminating his parental rights.

AFFIRMED.

Tammi M. Blackstone of Gaudineer, Comito & George, L.L.P., West Des Moines, for appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant Attorney General, John Sarcone, County Attorney, and Michelle Chenoweth, Assistant County Attorney, for appellee State.

Nancy Trotter, Des Moines, for mother.

Michelle R. Saveraid, Youth Law Center, Des Moines, guardian ad litem for minor child.

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

PER CURIAM

Wade and Sandra are the parents of Deven and Justin. The family came to the attention of the Department of Human Services (DHS) in October 2006 after police officers who were responding to a report of domestic violence found unsanitary conditions in the home. The family received services, with limited success due to Wade's uncooperative attitude.

A petition alleging the children were in need of assistance (CINA) was filed on June 27, 2007, after Wade threw Deven across a room, struck him several times, and threatened to choke him with a shoelace that he placed around the child's neck. Sandra tried to call the police, and Wade tore the telephone out of the wall and smashed it on the floor. Sandra moved with the children to a shelter. The children were adjudicated under Iowa Code sections 232.2(6)(b), and (c)(2) (2007). The children remained in the care of Sandra, with Wade having supervised visitation.

On October 5, 2007, the juvenile court removed the children from Sandra's care and placed them in foster care. Sandra had permitted Wade to help her move to a new residence, so he was aware of where she and the children were living. Wade made threatening statements about taking the children and leaving the State. The juvenile court ordered that Wade could have no contact with the children.

In February 2008, the court ordered that Wade could have visitation at the discretion of Deven's therapist. Deven expressed fear of his father and stated he would like to see him if there were no shoestrings around. Wade had an

accountability session with Deven and his therapist in July 2008. Deven did not recognize his father when he came to the session.

Wade attended individual therapy, but made little progress. He stated he did not believe he needed parenting assistance, and that he was a wonderful parent. During one therapy session he threatened to kill his brother, and the therapist felt this was sufficiently serious that she warned the police. In a psychosocial evaluation Wade was diagnosed with an adjustment disorder with depressive features. The report noted he had minimal knowledge in regard to parenting.

On September 17, 2008, the State filed a petition seeking to terminate the parental rights of Wade and Sandra. The juvenile court determined the parents' rights should be terminated under sections 232.116(1)(d), (f) (Deven), and (h) (Justin). The court determined termination of the parents' rights was in the children's best interests. The court noted the parents "have not resolved their own relationship and need issues to the point that they can concentrate on being effective and safe parents to their sons." Wade appeals the decision of the juvenile court.

The scope of review in termination cases is *de novo*. *In re R.E.K.F.*, 698 N.W.2d 147, 149 (Iowa 2005). 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 C.V.*, 611 N.W.2d 489, 492 (Iowa 2000).

Wade contends the State failed to present clear and convincing evidence of each and every element of sections 232.116(1)(d), (f), and (h). In particular, he claims the reasons for the CINA adjudication no longer exist and the children could be immediately returned to his care.

We find clear and convincing evidence in the record to show the children could not be safely returned to Wade's care. Wade is still in the process of addressing his anger management issues, which led to the children's removal from his care. Because Wade does not believe he needs assistance in parenting, he has not made much progress in improving his parenting skills. We conclude there is sufficient evidence in the record to support the termination of Wade's parental rights under sections 232.116(1)(d), (f), and (h).

Wade asserts termination of his parental rights is not in the children's best interests. He states that he has a close bond with the children. On our de novo review of the record in this case, we conclude termination of Wade's parental rights is in the children's best interests. The evidence clearly shows the children are not bonded with Wade.

We affirm the decision of the juvenile court.

AFFIRMED.