

IN THE COURT OF APPEALS OF IOWA

No. 9-870 / 09-1114
Filed December 30, 2009

**IN THE INTEREST OF A.L. and H.L.,
Minor Children,**

**J.P.L., Father,
Appellant.**

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

A father appeals from the juvenile court order adjudicating his children in need of assistance. **AFFIRMED.**

Frank Steinbach of McEnroe, Gotsdiner, Brewer, Steinbach & Henrichsen, P.C., West Des Moines, for appellant father.

David Erickson of Davis, Brown, Koehn, Shors & Roberts, P.C., Des Moines, for appellee mother.

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

Karl Wolle and Charles Fuson of Youth Law Center, Des Moines, for minor children.

Considered by Eisenhauer, P.J., and Potterfield and Danilson, JJ.

EISENHAUER, P.J.

A father appeals from part of the juvenile court order adjudicating his children in need of assistance. He contends the State failed to prove by clear and convincing evidence the children were sexually abused. We review his claim de novo.

The children were adjudicated in need of assistance based on three grounds: failure to supervise, past or imminent sexual abuse, and failure to provide adequate care due to mental health or substance abuse problems. See Iowa Code § 232.2(6)(c)(2), (d), (n) (2007). He only challenges the adjudication under Iowa Code section 232.2(6)(d). Because the unchallenged grounds support the adjudication, we may affirm. See *In re L.G.*, 532 N.W.2d 478, 480 (Iowa Ct. App. 1995). However, as our court has noted,

The underlying grounds of adjudication in child in need of assistance cases have important legal implications beyond the adjudication. The grounds for adjudication may affect the course of the dispositional phase of the case, and may even be the basis for a subsequent proceeding for termination of a parent-child relationship.

Id. Therefore, we choose to address the merits of the father's claim.

Upon de novo review of the record, we find clear and convincing evidence supports adjudicating the children in need of assistance on the grounds they have suffered or are imminently likely to suffer sexual abuse. The evidence shows the older child, then five years old, began acting in a sexualized way with her younger sister. She reported she had learned this behavior from her father who had told her not to tell anyone. The child then reported to her therapist that she had been sexually abused by her father on multiple occasions. The therapist

did not believe the child had been coached to make the allegations. Accordingly, we affirm the juvenile court order adjudicating the children in need of assistance pursuant to section 232.2(6)(d).

AFFIRMED.