

IN THE COURT OF APPEALS OF IOWA

No. 7-931 / 07-1896
Filed December 28, 2007

**IN THE INTERST OF A.A. and M.A.,
Minor Children,**

A.A., Father,
Appellant.

Appeal from the Iowa District Court for Black Hawk County, Daniel L. Block, Associate Juvenile Judge.

A father appeals from a permanency order in child in need of assistance proceedings. **AFFIRMED.**

James Wilson, Dysart, for appellant father.

Thomas J. Miller, Attorney General, Bruce Kempkes, Assistant Attorney General, Thomas J. Ferguson, County Attorney, and Steven Halbach, Assistant County Attorney, for appellee State.

Timothy Baldwin, Waterloo, for minor children.

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

ZIMMER, J.

A father appeals from a permanency order in child in need of assistance (CINA) proceedings. We affirm.

Alija is the father and Veriza is the mother of Rusmir, born in 1989; Alma, born in 1993; and Mujo, born in 1996. The family is from Bosnia and came to the United States in 2000.

Rusmir, Alma, and Mujo came to attention of the Iowa Department of Human Services (DHS) in 2000 because of reports of child abuse. Alija and Veriza ended their relationship in 2002. That same year, the children were removed from the father's home following a report Alija had been arrested for child endangerment. The mother's whereabouts were unknown at the time of removal. The juvenile court placed the children in the temporary custody of DHS.

The children were adjudicated CINA in November 2002. Veriza's parental rights to her children were eventually terminated in 2003; however, the State's petition to terminate Alija's parental rights was denied. The children were returned to their father's care, and services were made available to assist Alija in correcting the conditions which led to the abuse of his children.

In 2006 Alma and Mujo again came to the attention of DHS after witnesses reported seeing their father physically abuse them. The children were removed from their home and placed in foster care in October 2006.¹ The following month, Alija was arrested on two counts of child endangerment and placed in jail.

¹ Rusmir now resides in a state training school and was not living at home when Alma and Mujo were removed from their home.

Alma and Mujo were adjudicated as CINA on January 3, 2007. Alija subsequently reached a plea agreement which resolved his pending criminal charges. In March 2007 he pled guilty to one count of child endangerment, received a term of probation, and was released from jail. The court issued a no-contact order that prevented contact between Alija and his children until March 2008. Following the CINA adjudication, the father was offered a variety of services designed to transition the children back to his care. However, he failed to cooperate with any of the family-centered services offered.

A permanency hearing was held on October 9, 2007. At the hearing, the guardian ad litem recommended against the father having any contact with his children. After considering the evidence presented, the court ordered that Alma and Mujo remain in the custody of DHS and continued their placement in foster care. The court also ordered that any visitation between Alija and his children occur at the discretion of DHS. Alija appeals from this order.

We review permanency orders de novo. *In re K.C.*, 660 N.W.2d 29, 32 (Iowa 2003). We review both the facts and the law and adjudicate rights anew on the issues properly presented. *In re H.G.*, 601 N.W.2d 84, 85 (Iowa 1999). We give weight to the juvenile court's findings, but are not bound by them. *In re N.M.*, 528 N.W.2d 94, 96 (Iowa 1995). The best interests of the children are paramount to our decision. *Id.*

On appeal, Alija argues the juvenile court erred in making its findings of fact in support of the permanency order. He also argues that it was contrary to the welfare of the children to place them in foster care. Upon our review of the record, we find no merit in the father's arguments.

Alija has a lengthy history of abusing alcohol and harming his children. Despite compelling evidence to the contrary, Alija continues to deny abusing alcohol and endangering his children. He claims he pled guilty to child endangerment so he could get out of jail. Alija has refused to participate in services because he insists he has never harmed his children.

Alija's assertions that the allegations in the CINA case and the child endangerment criminal case are false are not persuasive. Between 2000 and 2006 there were ten founded or confirmed child abuse reports involving the father. The children were adjudicated CINA a second time following reports that Alija had hit both of his children. At the permanency hearing, the guardian ad litem recommended against returning the children to Alija based upon Alija's lack of participation in services and history of denial of his abuse problems.

Alma is now fourteen years old, and Mujo is eleven years old. "We must reasonably limit the time for parents to be in a position to assume care of their children because patience with parents can soon translate into intolerable hardship for the children." *In re E.K.*, 568 N.W.2d 829, 831 (Iowa Ct. App. 1997). The children are making progress in their current foster home, and their foster parents have stated their intention to remain a placement option for the children long term. The children have stated that they have no desire to have any contact with their father. At the time of permanency hearing, the no-contact order between Alija and his children had not been modified. We conclude that not returning the children to their father's care at this time is in the children's best interests. Accordingly, we affirm the juvenile court's permanency ruling.

AFFIRMED.