

**IN THE COURT OF APPEALS OF IOWA**

No. 1-644 / 11-0955  
Filed August 24, 2011

**IN THE INTEREST OF J.A.D., A.E.D., and T.D.G.,  
Minor Children,**

**K.M.D., Mother,  
Appellant.**

---

Appeal from the Iowa District Court for Pottawattamie County, Gary Anderson, District Associate Judge.

A mother appeals the juvenile court's dispositional order placing one child with the child's father. **AFFIRMED.**

Kristina M. Kaeding of Kaeding Law Offices, Council Bluffs, for appellant mother.

Marti Nerenstone, Council Bluffs, for father of J.D.

Mandy Whiddon, Council Bluffs, for father of T.D.G.

Thomas J. Miller, Attorney General, Bruce Kempkes, Assistant Attorney General, Matthew Wilber, County Attorney, and Eric Strovers, Assistant County Attorney, for appellee State.

Roberta Megal, Council Bluffs, for minor child.

Considered by Eisenhauer, P.J., and Doyle and Mullins, JJ.

**DOYLE, J.**

The mother appeals the juvenile court's dispositional order placing one of her children with the child's noncustodial father and her other children with their maternal grandmother pursuant to Iowa Code section 232.102(1)(a) (2009). On appeal, she asserts placing the child in the father's care was not in the child's best interests and the juvenile court erred in separating the three children. We affirm.

K.D. and D.G. are the parents of T.G., born in 2000. K.D. and J.D. are the parents of two younger children, J.D. Jr. and A.D. D.G. lives in Washington state, and T.G. lived with the mother.

The children first came to the attention of the Iowa Department of Human Services (Department) in January 2010. At that time, the children were living with the mother and J.D. The condition of the mother and J.D.'s home was found unsafe for the children, and the children were adjudicated children in need of assistance (CINA). The children were removed from the mother and J.D.'s care and placed with their maternal grandmother. The children were returned to the mother and J.D.'s care in September 2010, and the CINA proceedings were terminated.

The children again came to the attention of the Department in February 2011. The mother's relationship with J.D. ended, and the mother attempted to commit suicide while the children were in school. The children were again adjudicated CINA on April 15, 2011.

The dispositional hearing took place on June 7, 2011. At the hearing, the Department recommended the children should remain with their grandmother,

but noted D.G. continued to want T.G. placed with him. The Department reported a home study had been started in Washington, and the home study provider's preliminary finding was that placement with D.G. would be appropriate. The Department noted it was not opposed to placement of T.G. with his father and it would defer to the juvenile court. The Department's permanency plan for the children remained reunification with the mother. The children's guardian ad litem recommended T.G. have an extended home visit with his father, with T.G. having contact with his siblings.

At the hearing, the mother requested the children be returned to her care. She also testified that she had concerns about T.G. going to Washington to live with his father. She testified that T.G. had been with her his whole life and she believed it would "really disrupt [T.G.] if he is made to go out to live with his [father]." She testified that D.G. had weekly phone contact with T.G.

In its June 10, 2011 dispositional order, the juvenile court ordered K.D. and J.D. remain in their grandmother's care and custody of T.G. be transferred to D.G., subject to the supervision of the Department through the Interstate Compact. The mother now appeals.

We review this matter de novo. *In re K.N.*, 625 N.W.2d 731, 733 (Iowa 2001). Upon our de novo review of the record properly before us, we agree with the juvenile court's decision. The juvenile court must make the least restrictive disposition that is appropriate considering all the circumstances of the case. Iowa Code § 232.99(4). Placement with a noncustodial parent is less restrictive than with a relative or other suitable person. See *id.* § 232.102(1)(a) (providing legal custody of a child may be transferred to a parent who does not have

physical care, other relative, or other suitable person); *In re N.M.*, 528 N.W.2d 94, 97 (Iowa 1995) (stating Iowa Code chapter 232 favors relative placements over non-relative placements). Although D.G. has not had T.G. in his custody previously, the evidence presented at the dispositional hearing indicated D.G. and T.G. had regular contact and T.G. had enjoyed his time with his father when D.G. had visited Iowa. From the evidence presented at the hearing, placement of T.G. with the father is appropriate.

It is true courts prefer to keep siblings together unless there are good and compelling reasons to separate them. *In re A.M.S.*, 419 N.W.2d 723, 734 (Iowa 1988). Yet here we believe this principle must yield to the legal preference in favor of the natural parent.

Our ultimate concern is with the best interests of the child. *In re J.E.*, 723 N.W.2d 793, 800 (Iowa 2006). In determining T.G.'s best interests, we must take into account the "strong societal interest in preserving the natural parent-child relationship." *Northland v. Starr*, 581 N.W.2d 210, 212 (Iowa Ct. App. 1998). We find maintaining the natural parent-child relationship justifies the dispositional order in this case. Accordingly, we affirm the decision of the juvenile court.

**AFFIRMED.**