

IN THE COURT OF APPEALS OF IOWA

No. 1-922 / 11-1598
Filed December 7, 2011

**IN THE INTEREST OF G.K.,
Minor Child,**

**M.C. and G.C., Grandparents,
Appellants.**

Appeal from the Iowa District Court for Scott County, John G. Mullen,
District Associate Judge.

The grandparents/guardians for a minor child appeal a juvenile court order
denying their petition to terminate parental rights. **AFFIRMED.**

Jack E. Dusthimer, Davenport, for appellants.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant
Attorney General, Michael Walton, County Attorney, and Julie A. Walton,
Assistant County Attorney, for appellee-State.

Carrie E. Coyle, Davenport, for appellee-father.

Stephen W. Newport, Davenport, for appellee-mother.

Rebecca Ruggero, Bettendorf, attorney and guardian ad litem for minor
child.

Considered by Danilson, P.J., and Tabor and Mullins, JJ.

MULLINS, J.

The maternal grandparents of G.K., who also serve as the child's guardians, appeal a juvenile court order denying their petition to terminate parental rights. Upon our de novo review, we affirm. See *In re C.B.*, 611 N.W.2d 489, 492 (Iowa 2000) (reviewing termination proceedings de novo).

G.K. was born in March 2003. G.K. is a special needs child due to seizures, cerebral palsy, diabetes insipidus, and mild mental retardation. His condition necessitates consistency in medication and in following a prescribed regimen of care.

On March 3, 2008, G.K. was removed from parental care due to concerns over the parents' ability to meet his significant medical needs as well as concerns of domestic violence and prescription drug abuse by the mother.¹ G.K. was placed in the custody of his maternal grandparents. The parents subsequently stipulated to G.K. being adjudicated a child in need of assistance under Iowa Code sections 232.2(6)(c)(2) and (e) (2007).

On April 23, 2009, the juvenile court established permanency by creating a guardianship for G.K. under the maternal grandparents' custody and care. At this time, the juvenile court refused to terminate the parents' parental rights citing the importance of the emotional bond between the parents and G.K. and the recognition that the parents were an important emotional resource for the child.

Following the first annual review of the guardianship in May 2010, see Iowa Code § 232.104(7)(a) (2009), the maternal grandparents/guardians filed a

¹ An older sibling of G.K. was also removed from parental care, but is not at issue in this case.

petition seeking to terminate the parents' parental rights to G.K. The termination petition came to contested hearings on April 14, August 16, and August 18, 2011.

On September 19, 2011, the juvenile court denied the maternal grandparents/guardians petition. Although the juvenile court found clear and convincing evidence established the statutory grounds for termination because G.K. could not presently be returned to the custody of the parents; the court held:

[T]he parents continue to constitute an appropriate emotional resource for [G.K.]. He enjoys contact and visits with them. He lights up and is happy to see them. Because of the importance of this emotional support for [G.K.] both the guardian ad litem and the Department of Human Services do not recommend termination of parental rights. They recommend continuation of the guardianship to allow contact between the child and the parents.

It is suggested that [the maternal grandparents/guardians] would continue to allow the parents access to the child even if parental rights were terminated. The Court does not believe that would occur. The enmity between the guardian grandparents of [G.K.] and both the mother and the father is strong, long-running, bitter, and untrusting.

The Court concludes that while the evidence establishes grounds to terminate parental rights, the petition for termination should be denied because it is not in the best interests of the child. The guardianship should continue and the parents should be entitled to visitation with the child. . . .

The maternal grandparents/guardians appeal. They argue the juvenile court erred in determining termination of parental rights was not in the best interests of the child. Based upon our review of the entire record, we find the juvenile court's findings to be supported by ample evidence. The guardianship is a safe placement that ensures G.K.'s medical needs are met while encouraging his mental and emotional development through visitations with his natural parents. See *In re V.F.*, 490 N.W.2d 87, 89-90 (Iowa Ct. App. 1992). We agree with the juvenile court that the guardianship is the best placement for furthering

G.K.'s long-term nurturing and growth. Iowa Code § 232.116(2). Accordingly, we affirm the juvenile court's decision.

AFFIRMED.