

IN THE COURT OF APPEALS OF IOWA

No. 6-470 / 06-0006

Filed July 12, 2006

IN THE INTEREST OF C.M.L.,
Minor Child,

BETHANY CHRISTIAN SERVICES,
Petitioner,

V.L., Mother,
Appellant.

Appeal from the Iowa District Court for Polk County, Scott D. Rosenberg,
Judge.

A mother appeals from the order denying her application to revoke the
release of custody to her infant child. **AFFIRMED.**

Brandon Brown of Parrish, Kruidenier, Moss, Dunn, Boles, Gribble &
Cook, L.L.P., Des Moines, for appellant.

Alice Helle of Brown, Winick, Graves, Gross, Baskerville & Schoenebaum,
P.L.C., Des Moines, for appellee.

Craig Rogers, Waukee, for minor child.

Considered by Mahan, P.J., and Hecht and Eisenhauer, JJ.

EISENHAUER, J.

The appellant, V.L., appeals from the order denying her application to revoke the release of custody to her infant child pursuant to Iowa Code section 600A.4(4) (2005). She contends the district court erred in determining there was not good cause to revoke the release of custody. We review her claim de novo. *In re Adoption of Gibson*, 239 N.W.2d 540, 542 (Iowa 1976).

V.L., age thirty-three, gave birth to C.M.L. on May 26, 2005. She did not know she was pregnant prior to her hospital admission. After giving birth, V.L. expressed to the hospital social worker her interest in talking to someone about placing the baby for adoption. The social worker contacted Bethany Christian Services (Bethany) on V.L.'s behalf. Two Bethany social workers visited with V.L. at her request.

After explaining to V.L. her options, V.L. stated she was interested in adoption and asked to see profiles of prospective adoptive parents. She chose a family to come to the hospital to meet with her. After meeting the family, V.L. decided she wanted them to adopt C.M.L.

Six days after C.M.L.'s birth, V.L. signed a release of custody placing C.M.L. in Bethany's custody for an adoptive placement. The release was signed in the presence of V.L.'s attorney, Bethany's branch director, and a Bethany social worker. The attorney reviewed the provisions of the release with her prior to the social worker's arrival. The social worker then read each paragraph aloud and clarified its terms. V.L. indicated she understood the release. The release stated she had ninety-six hours to revoke her consent.

Nearly six weeks after signing the release, V.L. contacted her attorney and indicated she wanted C.M.L. back. Eleven days later, on July 22, 2005, she filed her application to revoke. A hearing was held on August 18, 2005, and the district court denied the application on September 19, 2005. V.L. moved the court to reconsider its ruling. Another hearing was held on November 23, 2005, and the court denied the motion on November 29, 2005.

Iowa Code section 600A.4(4) states:

Either a parent who has signed a release of custody, or a nonsigning parent, may, at any time prior to the entry of an order terminating parental rights, request the juvenile court designated in section 600A.5 to order the revocation of any release of custody previously executed by either parent. If such request is by a signing parent, and is within ninety-six hours of the time such parent signed a release of custody, the juvenile court shall order the release revoked. Otherwise, the juvenile court shall order the release or releases revoked only upon clear and convincing evidence that good cause exists for revocation. Good cause for revocation includes but is not limited to a showing that the release was obtained by fraud, coercion, or misrepresentation of law or fact which was material to its execution. In determining whether good cause exists for revocation, the juvenile court shall give paramount consideration to the best interests of the child including avoidance of a disruption of an existing relationship between a parent and child. The juvenile court shall also give due consideration to the interests of the parents of the child and of any person standing in the place of the parents.

V.L. contends the district court erred in determining no good cause existed to revoke her release of custody. She asserts good cause exists because (1) she possesses a low-functioning mental capacity, and (2) her release was obtained by fraud, coercion, and misrepresentation.

Section 600A.4(4) states good cause is shown where a custody release was obtained by fraud, coercion, or misrepresentation. Because V.L. asks us to consider her mental capacity as good cause to revoke her consent, we consider

her two issues together. We conclude V.L. has failed to show the release was obtained under circumstances permitting revocation of her release of custody. Rather, the record indicates she was represented by counsel at the time the release was executed, both counsel and a Bethany social worker read the release to her, the terms of the release were explained to her, and she stated she understood the release. Significantly, V.L.'s brother was not present during the discussion of the release form in V.L.'s attorney's office and when she signed the release. At the hearing, V.L. claimed she was coerced into signing the release by her brother. However, the only evidence of any such coercion was the testimony of V.L. herself. No other corroborating evidence exists. The district court did not find V.L.'s testimony credible, and we defer to this finding on appeal. *In re L.G.*, 532 N.W.2d 478, 481 (Iowa Ct. App. 1995).

Section 600A.4(4) does not limit a showing of good cause to cases of fraud, coercion, or misrepresentation. However, no other Iowa case has defined other good cause. V.L. asks this court to include a parent's low-functioning mental capacity in the list of instances of good cause for revocation of a release of custody. We decline to do so. Like the trial court we consider V.L.'s mental capacity in determining if fraud, coercion, or misrepresentation was proven. The trial court noted V.L.'s limitations in its order and concluded, "[V.L.] knew in fact what she was doing on June 1, 2005, when she signed the release of custody." We agree. Accordingly, we affirm the district court order denying V.L.'s application to revoke the release of custody.

AFFIRMED.