

IN THE COURT OF APPEALS OF IOWA

No. 6-477 / 06-0704
Filed June 28, 2006

**IN THE INTEREST OF B.H. and I.P.,
Minor children,**

**C.P., Sr., Grandfather,
Appellant.**

Appeal from the Iowa District Court for Marion County, Terry L. Wilson,
District Associate Judge.

A grandfather appeals from the ruling denying his request for placement of
his two grandchildren. **AFFIRMED.**

Andrew B. Howie of Hudson, Mallaney & Shindler, P.C., West Des
Moines, for appellant grandfather.

Thomas J. Miller, Attorney General, Kathrine Miller-Todd, Assistant
Attorney General, Terry E. Rachels, County Attorney, and Marc R. Wallace,
Assistant County Attorney, for appellee State.

Terri Beukelman, Pella, guardian ad litem for minor child.

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

HECHT, J.

Charles is the paternal grandfather of B.H. and I.P., whose parents' parental rights were terminated in April of 2005. After this court affirmed the termination in *In re E.H., B.H., and I.P.*, No. 05-0671 (Iowa Ct. App. Aug. 17, 2005), Charles urged the juvenile court to grant concurrent jurisdiction to the district court to address the issues of custody, guardianship, and placement of B.H. and I.P. The juvenile court rejected the request for concurrent jurisdiction, and on appeal this court affirmed that decision in *In re B.H. and I.P.*, No. 06-0009 (Iowa Ct. App. March 1, 2006). Charles subsequently filed a motion seeking placement of B.H. and I.P. in his care. After considering the best interests of the children, the juvenile court denied the motion.

Charles appeals from the adverse placement ruling, claiming the best interests of the children would be served by placement with him. Charles also contends this court should order concurrent jurisdiction so that he may seek appointment in the district court as the children's guardian. Our scope of review in juvenile court proceedings is *de novo*. *In re K.N.*, 625 N.W.2d 731, 733 (Iowa 2001). Although we give weight to the juvenile court's factual findings, we are not bound by them. *Id.* Our primary concern is the best interests of the children. *In re E.H.*, 578 N.W.2d 243, 248 (Iowa 1998).

Upon our *de novo* review of the record, we see no reason to disturb the district court's conclusion that the children's best interests are best served by denying Charles's request for placement. First, the clear and convincing evidence shows that B.H. and I.P. are currently doing well in a pre-adoptive home with licensed foster parents. At the time of the hearing on Charles's

request for placement, the evidence established that the proposed adoption was scheduled to be finalized by May of 2006. Second, B.H. and I.P. are now placed with a third sibling, E.H., to whom they are very strongly bonded. *In re T.J.O.*, 527 N.W.2d 417, 420 (Iowa Ct. App. 1994) (noting Iowa's preference to keep siblings together when possible). Charles has no legal relationship with E.H. and is not a placement option for him. Finally, testimony from social worker Marite Maurer evidenced that although Charles might be a potential guardian for B.H. and I.P., he was not a good candidate to serve as an adoptive parent. We believe adoption is preferable to a long-term guardianship in this case. See *In re J.L.P.*, 449 N.W.2d 349, 353 (Iowa 1989). In consideration of these factors, we conclude the children's best interests clearly call for remaining in their current placement. The same factors lead us to conclude that the juvenile court did not err in declining to order concurrent jurisdiction in the district court.

AFFIRMED.