

IN THE COURT OF APPEALS OF IOWA

No. 6-994 / 06-1832
Filed December 28, 2006

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

**S.R.K., Mother,
Appellant.**

Appeal from the Iowa District Court for Muscatine County, Gary P. Strausser, District Associate Judge.

A mother appeals from a juvenile court order that adjudicated her daughter as a child in need of assistance. **AFFIRMED.**

Mark Neary, Muscatine, for appellant mother.

Thomas J. Miller, Attorney General, Bruce Kempkes, Assistant Attorney General, Gary Allison, County Attorney, and Korie Shippee, Assistant County Attorney, for appellee State.

Cheryl Newport, Davenport, for minor child.

Considered by Sackett, C.J., and Zimmer and Eisenhauer, JJ.

ZIMMER, J.

A mother appeals from a juvenile court order that adjudicated her daughter as a child in need of assistance (CINA) under Iowa Code sections 232.2(6)(c)(2) and 232.2(6)(n) (2005). She contends the evidence does not support the juvenile court's decision. We affirm.

I. Background Facts and Proceedings

Sarah is the mother of Shyanne, born in September 2005. Sarah was seventeen when she gave birth to her daughter. Sarah either does not know who fathered her child or she refuses to disclose the father's identity. She identified three men as the possible father of Shyanne but claims not to know any of their last names.

In late May 2006 the Iowa Department of Human Services (DHS) received a report that Sarah and her current boyfriend, Roger, were living in a car with Shyanne and several dogs. DHS also received information that Sarah and Roger were spending time in a filthy apartment and smoking marijuana in Shyanne's presence.

After an investigation, DHS issued a child abuse report finding Sarah had denied Shyanne critical care. Sarah agreed to a plan which called for her parents to supervise all contact between Sarah and her daughter, and DHS contracted with Family Resources to begin providing services. Sarah submitted to urinalysis, and the results of the drug test were negative. Roger refused to submit to a drug test.

Sarah's relationship with Roger is problematic. Roger has an extensive criminal history, including numerous convictions for assault. There was an

incident of domestic violence between Sarah and Roger in April 2006, which Sarah later denied. Roger has left threatening messages with DHS, and he has personally threatened DHS workers. Sarah told DHS workers she was not seeing Roger, but the record reveals Sarah visited Roger twice when he was in jail. At a family meeting, Sarah again denied she had any contact with Roger, but a DHS worker saw her leaving the meeting in a car with Roger.

Soon after services commenced, Sarah's DHS caseworker expressed concerns regarding Sarah's instability, her irrational thought patterns, and her dishonesty about "nearly everything." The caseworker described Sarah's behavior as "generally non-cooperative and belligerent." A DHS worker also observed Sarah screaming at her parents and using profanities in Shyanne's presence. Sarah has threatened DHS workers with physical harm, telling one caseworker she would "find [her] in an alley."

The State filed a CINA petition on July 26, 2006. Sarah received a mental health evaluation the following month. The psychologist reported Sarah was uncooperative, had grandiose ideas, and expressed irrational thought patterns. He recommended Sarah undergo therapy and medication management, but she declined and left the office. After the evaluation, Sarah told her caseworker the psychologist was "a quack, and she [Sarah] knows more than he does about psychology."

Following a contested adjudicatory hearing held September 18, 2006, the juvenile court adjudicated Shyanne CINA pursuant to Iowa Code sections 232.2(6)(c)(2) and 232.2(6)(n) (child is likely to suffer harm due to parent's failure to exercise care in supervising child; parent's mental condition results in child not

receiving adequate care).¹ The court found the evidence overwhelming that Sarah is mentally unstable, and it concluded Shyanne would suffer harm if she remained in Sarah's care. The court ordered Shyanne to be placed in the custody of Sarah's parents subject to DHS supervision. In an order entered October 26, 2006, the court denied the mother's motion to set aside its adjudicatory order. Sarah has appealed.

II. Scope and Standards of Review

We review CINA cases de novo. Iowa R. App. P. 6.4; *In re D.D.*, 653 N.W.2d 359, 361 (Iowa 2002). The State bears the burden of proving the allegations by clear and convincing evidence. Iowa Code § 232.96(2). Clear and convincing evidence is evidence that leaves "no serious or substantial doubts as to the correctness or conclusions of law drawn from the evidence." *In re C.B.*, 611 N.W.2d 489, 492 (Iowa 2000) (citation omitted). Although the juvenile court relied on two sections to adjudicate Shyanne CINA, we only need to find grounds under one of the sections in order to affirm the court's ruling. *In re R.R.K.*, 544 N.W.2d 274, 276 (Iowa Ct. App. 1995).

III. Discussion

Sarah contends the evidence does not support the juvenile court's adjudication of Shyanne as CINA on any of the statutory grounds alleged by the State. She points out that the State did not prove she used marijuana and did not prove she was living in a car as reported to DHS in May 2006. She also argues she has never harmed and will not harm her daughter. For the reasons

¹ At the hearing, Shyanne's guardian ad litem joined in the State's request to reaffirm the removal of Shyanne from Sarah's custody and her placement in the home of Sarah's parents.

which follow, we find clear and convincing evidence supports a finding that Shyanne is a child in need of assistance under section 232.2(6)(n) (parent's mental condition results in child not receiving adequate care).

The record reveals Sarah's behavior has been a cause for concern since she first came to the attention of DHS. Sarah has failed to cooperate with DHS and has repeatedly lied to caseworkers. Sarah has also been dishonest with the court. The juvenile court found Sarah was "volatile, threatening, dishonest, and associates with inappropriate individuals." The court concluded Sarah was mentally unstable and that her child would suffer harm if left in her care.

Sarah has demonstrated little ability to control her temper. She has threatened to physically harm her parents and caseworkers. A psychological evaluation revealed Sarah has difficulty with anger management. She expresses grandiose ideas and has a very irrational thought pattern. A precise diagnosis could not be obtained because Sarah would not cooperate with testing. Sarah left the psychologist's office after he recommended therapy and medication management.

Sarah is unemployed and appears unable to provide for herself or Shyanne. Sarah has refused to give DHS or her parents her address. As a result, DHS has been unable to visit and evaluate her current home. The record also reveals concerns regarding Sarah's lack of parenting skills. For example, Sarah told DHS workers she was feeding Shyanne pizza when the child was only three months old.

Sarah's behavior showed some improvement in the period immediately preceding the adjudicatory hearing; however, Sarah still appears unable or

unwilling to appreciate the risks her erratic behavior poses to her young child. She also appears unable or unwilling to appreciate the risks that Roger poses to her and her child.

Upon our de novo review, we find no reason to disagree with the juvenile court's conclusion that Shyanne is a child in need of assistance pursuant to Iowa Code section 232.2(6)(n).

IV. Conclusion

We conclude the juvenile court properly adjudicated Shyanne as a child in need of assistance. We affirm the court's order placing the child with Sarah's parents.

AFFIRMED.