

IN THE COURT OF APPEALS OF IOWA

No. 7-001 / 06-1757
Filed January 31, 2007

IN THE INTEREST OF B.J.D., Minor Child,

A.A.D., Mother,
Appellant.

Appeal from the Iowa District Court for Wapello County, William S. Owens,
Associate Juvenile Judge.

A mother appeals from the juvenile court dispositional order continuing
placement of her daughter with the child's father. **AFFIRMED.**

Ryan J. Mitchell of Orsborn, Bauerle, Milani, Grothe & Mitchell, L.L.P.,
Ottumwa, for appellant.

Thomas J. Miller, Attorney General, Bruce Kempkes, Assistant Attorney
General, Mark Tremmel, County Attorney, and Seth Harrington, Assistant County
Attorney, for appellee.

Cynthia Hucks, Ottumwa, for father.

Joni Keith of Keith Law Firm, Ottumwa, guardian ad litem for minor child.

Considered by Sackett, C.J., and Huitink and Mahan, JJ.

SACKETT, C.J.

Ammy, the mother of seven-year-old Brooklyn, appeals from the juvenile court's dispositional order continuing the child's placement with her father. She contends the evidence does not support the child's continued removal from her care when she has cooperated with court-ordered services. She further contends the placement is not in the child's best interest. We affirm.

The child came to the attention of the Department of Human Services after testing positive for cocaine and methamphetamine. Ammy also tested positive for cocaine and methamphetamine in February of 2006. She denies any drug use and contends her positive test was due to heavy exposure while working undercover for a drug task force. The juvenile court expressly found Ammy's explanation not credible. At the dispositional hearing the department expressed a number of concerns about returning Brooklyn to Ammy's care. The court found:

[Ammy] is simply not ready at this point to have Brooklyn returned to her. She has only recently obtained her current housing, she has not been honest regarding her drug use, has not completed substance abuse treatment, and has not participated in individual counseling. In addition, none of the professionals working with [Ammy] recommend that the child be returned to her at this time.

We recognize Ammy has received parent skill training and participated in supervised visitation. From our review of the record, however, we find Brooklyn cannot safely be returned to Ammy's care at this time. We share the same concerns as the juvenile court. In addition, Ammy's pending felony charges could mean she would be unavailable to care for her children if they were returned to her care. Placement with their father is the "least restrictive placement disposition appropriate" under the circumstances before us. Iowa Code §§ 232.99(4); 232.102(1)(a) (2005).

AFFIRMED.