

IN THE COURT OF APPEALS OF IOWA

No. 7-169 / 07-0166
Filed March 28, 2007

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

K.S., Mother,
Appellant.

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

A mother appeals from the juvenile court order adjudicating her daughter to be a child in need of assistance. **AFFIRMED.**

Jeffrey A. Smith, Oskaloosa, for appellant.

Thomas J. Miller, Attorney General, Bruce Kempkes, Assistant Attorney General, Tim W. Dille, County Attorney, and Patrick McAvan, Assistant County Attorney, for appellee.

Stephen Small, Fairfield, for father.

William Glass, Keosauqua, for minor child.

Considered by Vogel, P.J., and Vaitheswaran and Eisenhauer, JJ.

EISENHAUER, J.

A mother appeals from the juvenile court order adjudicating her daughter to be a child in need of assistance (CINA) within the meaning of Iowa Code sections 232.2(6)(c)(2) and (e) (2005). She contends the State failed to prove the grounds for adjudication by clear and convincing evidence.

We review CINA proceedings de novo. *In re K.N.*, 625 N.W.2d 731, 733 (Iowa 2001). While we give weight to the trial court's findings of fact, we are not bound by them. *Id.* It is the State's burden to prove the allegations by clear and convincing evidence. *In re B.B.*, 598 N.W.2d 312, 315 (Iowa Ct. App. 1999).

We conclude the State has proved by clear and convincing evidence the child is in need of assistance under section 232.2(6)(c)(2). Under this section, a child is in need of assistance when he or she has suffered, or is imminently likely to suffer, harmful effects as a result of "[t]he failure of the child's parent, guardian, custodian, or other member of the household in which the child resides to exercise a reasonable degree of care in supervising the child." Iowa Code § 232.2(6)(c)(2).

The child came to the Department of Human Service's attention in July of 2006 when she was discovered to have severe, life-threatening second- and third-degree burns covering nearly twenty percent of her body. These burns were sustained after the child's clothing accidentally caught fire while she was standing next to a wood-burning stove. The mother and father did not seek medical attention for treatment of the burns. Instead, they researched the burns on the Internet, determined they were first- and second-degree burns, and treated them with raw honey, and over-the-counter treatments. Photographs of

the child taken two months after she was burned were described by the juvenile court as “horrendous.” Having reviewed the photographs, this court concludes that no parent exercising reasonable care could allow their child to suffer these burns without immediate medical intervention. The State has proved the grounds for CINA adjudication pursuant to section 232.2(6)(c)(2) by clear and convincing evidence.

The State has also proved the grounds for CINA adjudication pursuant to section 232.2(6)(e). This section refers to a child “[w]ho is in need of medical treatment to cure, alleviate, or prevent serious physical injury or illness and whose parent, guardian or custodian is unwilling or unable to provide such treatment.” Iowa Code § 232.2(6)(e). After being hospitalized, the child was diagnosed with Psychosis NOS and her treating physician strongly suspected she suffers from schizophrenia. In spite of this diagnosis and concerns that the child was unable to care for herself in her current state, the mother refused to follow physician advice regarding her medical treatment. Although the record suggests the parents may have a religious objection to medical treatment, the issue was not raised on appeal.

We conclude the State proved both grounds for adjudicating the child in need of assistance. Accordingly, we affirm.

AFFIRMED.