

**IN THE COURT OF APPEALS OF IOWA**

No. 7-448 / 07-0908  
Filed July 25, 2007

**IN THE INTEREST OF A.M.G.-L.,  
Minor Child,**

**M.M.G., Mother,  
Appellant.**

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Appeal from the Iowa District Court for Polk County, Carol S. Egly, District Associate Judge.

A mother appeals the adjudication and disposition orders in child in need of assistance proceedings. **AFFIRMED.**

Jeffrey T. Mains of Mains Law Office, P.L.C., Des Moines, for appellant mother.

Thomas J. Miller, Attorney General, Bruce Kempkes, Assistant Attorney General, John Sarcone, County Attorney, and Jon Anderson, Assistant County Attorney, for appellee State.

Michael Miller, Des Moines, for father.

Jessica Miskimins, Youth Law Center, Des Moines, guardian ad litem for minor child.

Considered by Huitink, P.J., and Zimmer, J., and Nelson, S.J.\*

\*Senior judge assigned by order pursuant to Iowa Code section 602.9206 (2007).

**NELSON, S.J.****I. Background Facts & Proceedings**

Michelle and Pheune are the parents of Anthony, who was born in February 2007. At the time Anthony was born, Michelle was in jail on felony drug charges. There were also concerns that the father was actively using illegal drugs. Because neither parent could care for the child, he was removed from the mother's care after birth and placed with a maternal great-aunt.

In April 2007, after a hearing, Anthony was adjudicated to be a child in need of assistance (CINA) under Iowa Code section 232.2(6)(c)(2) and (n) (2007). The juvenile court noted Michelle admitted using illegal drugs at the beginning of her pregnancy. The court also noted Michelle's plan for Anthony was to have Pheune care for him, but Pheune tested positive for methamphetamine and marijuana when he was contacted by social workers. Furthermore, the court noted Michelle's long history of substance abuse, and involvement in the sale of drugs. The court concluded continuing supervision by the juvenile court system was necessary. After the disposition order was filed, Michelle appealed.

**II. Standard of Review**

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 child. *In re E.H.*, 578 N.W.2d 243, 248 (Iowa 1998).

### **III. Merits**

Michelle contends the State failed to present an adequate factual basis for adjudicating Anthony a CINA. She states Anthony was in a good placement at this time, and he was not at risk for neglect. Michelle asserts the aid of the juvenile court was not required in this case.

At the time Anthony was born, Michelle was in jail awaiting trial on felony drug charges. She was unable to care for Anthony at that time, and will be unable to care for him for an unknown amount of time in the future. Even if Michelle is not sent to prison, she will need to confront her substance abuse problems before she can adequately provide for Anthony. Michelle has a lengthy history of substance abuse and has been involved in the sale and delivery of illegal drugs. In addition, Michelle did not have an adequate plan for the care of Anthony after his birth. Her plan, to leave the child in the care of Pheune, would have placed the child at risk for neglect due to Pheune's use of illegal drugs.

These facts show Anthony was in imminent risk of harm without intervention by the Department because there was no caretaker for him. Anthony is now in the care of a maternal great-aunt. Continuing supervision by the juvenile court is necessary to make sure all of the parties receive adequate services to give Anthony the stability and safe environment he needs.

We affirm the decision of the juvenile court.

**AFFIRMED.**