

**IN THE COURT OF APPEALS OF IOWA**

No. 7-455 / 07-0789

Filed July 25, 2007

**IN THE INTEREST OF J.S.C.,  
Minor Child,**

**S.K.C., Mother,  
Appellant.**

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Appeal from the Iowa District Court for Union County, Sherman W. Phipps, Judge.

A mother appeals the dispositional order by the district court. **AFFIRMED.**

Loretta L. Harvey of Mullin, Mullin & Harvey, Creston, for appellant mother.

Thomas J. Miller, Attorney General, Bruce Kempkes, Assistant Attorney General, Timothy R. Kenyon, County Attorney, and Stephanie Nielsen, Assistant County Attorney, for appellee State.

Jane Orlanes, Des Moines, for appellee father.

Todd Nielsen of Steffes, Kenyon & Nielsen, P.C., Creston, for minor child.

Considered by Sackett, C.J., and Vogel and Miller, JJ.

**VOGEL, J.**

S.C., mother of J.S.C., appeals from the district court's dispositional and permanency order following removal of the child from her care. Upon our de novo review, *In re M.A.F.*, 679 N.W.2d 683, 684 (Iowa Ct. App. 2004), we affirm.

The child was initially adjudicated in need of assistance on March 5, 2007, but allowed to remain in her mother's home. However, the child was removed from the mother's custody on March 20, 2007. A dispositional and permanency hearing was held on April 24, the order from which the mother appeals, arguing the State failed to prove that she abandoned the child as the basis for removal and placement in family foster care. The district court's ruling does not make findings as to abandonment but rather confirms that the child is in need of assistance under Iowa Code section 232.2(6)(c)(2) (2007) (child is likely to suffer harm due to parent's failure to exercise care in supervising child). It further finds the child's best interests require placement outside the mother's home due to the adverse effects on the child from the domestic violence between the mother and her abusive paramour. Therefore, as the issue raised on appeal is not found in the district court ruling, we do not address it. *Benavides v. J.C. Penney Life Ins. Co.*, 539 N.W.2d 352, 356 (Iowa 1995).

The mother next argues that the Iowa Department of Human Services (DHS) failed to consider placing the child with a relative and that the district court further erred in not ordering a home study investigating the suitability of placement with the child's maternal aunt. Again, the dispositional order does not address the issue of relative placement with the maternal aunt, nor does the transcript reflect that the mother presented evidence as to this placement. We

conclude that the issue is waived for purposes of our review of the dispositional order. See *In re C.D.*, 508 N.W.2d 97, 100 (Iowa Ct. App. 1993) (holding that we do not consider for the first time on appeal an issue that was not first passed on by the trial court). We affirm.

**AFFIRMED.**