

IN THE COURT OF APPEALS OF IOWA

No. 8-137 / 07-2166
Filed March 14, 2008

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

**R.E.B., n/k/a R.E.N., Grandmother,
Appellant.**

Appeal from the Iowa District Court for Osceola County, David C. Larson,
District Associate Judge.

A grandmother appeals the district court order placing custody and
guardianship of her granddaughter with the Department of Human Services.

AFFIRMED.

Eugene Philip of E.H. Philip Law Firm, Sibley, for appellant
grandmother.

Thomas J. Miller, Attorney General, Kathrine Miller-Todd, Assistant
Attorney General, and Robert E. Hansen, County Attorney, for appellee State.

Harold Dawson, Sibley, for appellee mother.

Frank Kennedy of Koopman, Kennedy & Feller, Sibley, for appellee father.

Shannon Sandy of Sandy Law Firm, Spirit Lake, for minor child.

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

VOGEL, P.J.

Robin appeals from the December 2007 order placing the custody and guardianship of her granddaughter, Katie, with the Iowa Department of Human Services (DHS). Because we agree with the district court that placement with DHS is in Katie's best interests, we affirm.

Katie was born in September 2005. In June 2006, Katie was removed from her parents' care, adjudicated a child in need of assistance, and placed with her paternal grandmother, Robin. However, DHS workers became concerned that Robin's home was inappropriate and unsafe due to domestic abuse and substance abuse issues. In October 2006, Katie was removed from Robin's care and placed with a foster family. In December 2007, after a hearing, the district court terminated the parental rights of Katie's parents.¹ The district court also denied Robin's request that Katie be placed with her and found that it was in Katie's best interests to have guardianship and custody transferred to DHS. Robin appeals from this order.

In a case involving the placement of a child after a termination of parental rights, our review is de novo. See *In re J.M.W.*, 492 N.W.2d 686, 689 (Iowa 1992). Our primary concern is the best interests of the child. Iowa R. App. P. 6.14(6)(o). We agree with the district court that it is in Katie's best interests that DHS have guardianship and custody. Katie was previously removed from Robin's care after DHS workers determined that Robin's home was unsafe. See *J.M.W.*, 492 N.W.2d at 690 (discussing that we look to past performance because it may indicate the quality of care a child will receive in the future). The

¹ Neither the mother's nor the father's parental rights are at issue in this appeal.

most recent report indicated that Katie could not be placed with Robin because the safety concerns that led to Katie being removed from Robin's care still existed, which included domestic violence and substance abuse in the home, and a lack of healthy parent-child boundaries. DHS workers testified Katie was in need of a safe and permanent home. Furthermore, at the time of the termination hearing, Katie had been in the care of her foster parents for thirteen months. They are willing to adopt her and so she will remain in a healthy, safe, and stable environment. *See In re J.E.*, 723 N.W.2d at 802 (Cady, J., concurring specially) (stating a child's safety and need for a permanent home are the defining elements in a child's best interests). Therefore, we affirm the district court.

AFFIRMED.