

IN THE COURT OF APPEALS OF IOWA

No. 8-743 / 08-1274
Filed October 1, 2008

**IN THE INTEREST OF C.W.,
Minor Child,**

**K.D.H., Mother,
Appellant.**

Appeal from the Iowa District Court for Black Hawk County, Stephen C. Clarke, Judge.

A mother appeals from the district court's permanency order. **AFFIRMED.**

Michael Bandy, Waterloo, for appellant mother.

Thomas J. Miller, Attorney General, Bruce Kempkes, Assistant Attorney General, Thomas J. Ferguson, County Attorney, and Kathleen Hahn, Assistant County Attorney, for appellee State.

Melissa Anderson-Seeber of Black Hawk Public Defender's Office, Waterloo, for minor child.

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

VOGEL, J.

Kim appeals from the permanency order that transferred custody of her son, C.W. (born in 2003), to his father pursuant to Iowa Code section 232.104(2)(d)(2) (2007). She claims that the transfer of custody was not in C.W.'s best interests. We affirm.

Upon our de novo review, we find that the permanency order was in C.W.'s best interests. See *In re K.C.*, 660 N.W.2d 29, 32 (Iowa 2003) (stating review of a permanency order is de novo). In July 2007, the Iowa Department of Human Services (DHS) became involved with Kim and her two children, C.W. and K.H.¹ Kim's live-in boyfriend, who was a registered sex offender, had sexually abused K.H. Subsequently, the children were adjudicated to be in need of assistance pursuant to Iowa Code section 232.2(6)(c)(2). Although Kim was offered services, she did not progress such that she could safely parent C.W. At the permanency hearing, a DHS worker testified she remained concerned because Kim has refused to admit that K.H. had been sexually abused and has been unable to maintain a safe home environment. Additionally, she remained concerned about Kim's ability to protect C.W. from abuse, especially because C.W. has special needs. Although DHS remained concerned about alcohol abuse, Kim had yet to complete a substance abuse evaluation.

C.W. was last removed from his mother's home in March 2008, and has bonded with his father who provides him with a safe home. A recent DHS report stated that C.W.'s father had been tending to C.W.'s academic and medical needs. Thus, we agree with the district court that it is in C.W.'s best interests

¹ The permanency order regarding K.H. is not at issue in this appeal.

that custody is transferred to his father. See *J.E.*, 723 N.W.2d 793, 801 (Iowa 2006) (Cady, J., concurring specially) (stating children's safety and their need for a permanent home are the defining elements in determining a child's best interests).

AFFIRMED.