

**IN THE COURT OF APPEALS OF IOWA**

No. 8-952 / 08-1599  
Filed November 26, 2008

**IN THE INTEREST OF R.M.,  
Minor Child,**

**J.A.M., Father,  
Appellant.**

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Appeal from the Iowa District Court for Bremer County, Peter Newell,  
District Associate Judge.

R.M.'s father appeals from the juvenile court's dispositional order placing  
R.M. with R.M.'s maternal grandmother. **AFFIRMED.**

Andrew Abbott of Abbott Law Office, P.C., Waterloo, for appellant father.

Heather Prendergast, Waterloo, for mother.

Thomas J. Miller, Attorney General, Bruce Kempkes, Assistant Attorney  
General, Kasey E. Wadding, County Attorney, and Jill Dashner, Assistant County  
Attorney, for appellee State.

Kelly Smith, Waterloo, for minor child.

Considered by Huitink, P.J., and Vaitheswaran and Potterfield, JJ.

**HUITINK, P.J.**

R.M.'s father, J.M., appeals from the juvenile court's dispositional order placing R.M. with R.M.'s maternal grandmother. We review J.M.'s claims de novo. *In re Marriage of H.G.*, 601 N.W.2d 84, 85 (Iowa 1999).

The record indicates R.M. was adjudicated a child in need of assistance (CINA) pursuant to Iowa Code section 232.2(6)(n) (2005) (parent's mental capacity (or condition, or drug or alcohol abuse) results in child not receiving adequate care). The juvenile court declined to place R.M. with J.M. because:

[J.M.] did not, prior to the initiation of the Child in Need of Assistance proceedings, attempt to establish through a District Court action custody or visitation with [R.M.]. At the time the Child in Need of Assistance proceedings were initiated, [J.M.'s] whereabouts were unknown. [J.M.'s] contact with [R.M.] has been sporadic and infrequent. The Department is at this time endeavoring to establish a relationship between [R.M.] and [J.M.].

Our de novo review of the record discloses abundant evidence supporting the juvenile court's findings of fact, and we adopt them as our own. We also note that J.M. has a significant criminal record, including assault and drug related convictions. He also has a history of substance abuse, mental health issues, unemployment, and child abuse.

The record indicates R.M. has resided with his maternal grandmother since March 2008. The evidence also shows that R.M.'s maternal grandmother has assisted with R.M.'s primary care needs since he was born. Contrary to J.M.'s assertion, we find R.M.'s placement with his maternal grandmother is decidedly in R.M.'s best interests and is the least restrictive placement option under these circumstances.

**AFFIRMED.**