

**IN THE COURT OF APPEALS OF IOWA**

No. 9-783 / 09-1291  
Filed October 7, 2009

**IN THE INTEREST OF D.G., Minor Child,**

**A.A.G., Mother,**  
Appellant.

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Appeal from the Iowa District Court for Clayton County, Alan D. Albee,  
Associate Juvenile Judge.

A mother appeals the termination of her parental rights to her child.

**AFFIRMED.**

Steve McCorkindale of Ehrhardt, Gnagy & McCorkindale, Elkader, for  
appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant  
Attorney General, Kevin H. Clefish, County Attorney, and Stephen D. Saunders,  
Assistant County Attorney, for appellee.

Gregory Schiller, Monona, attorney and guardian ad litem for minor child.

Considered by Sackett, C.J., and Eisenhauer and Doyle, JJ.

**EISENHAUER, J.**

A mother appeals the termination of her parental rights to her child. She contends the juvenile court abused its discretion in denying her motion to continue the termination hearing. She also asserts the court erred in not granting her “request for leave of court and concurrent jurisdiction to pursue a guardianship for the minor child” with the grandmother.

At the time of the termination hearing, the mother was incarcerated in Wisconsin with over two years left to serve on her sentence. However, her term of incarceration could be reduced by up to one-third. The day before the termination hearing, she filed a motion to continue, seeking to continue the trial until November 2009 when she would have a more definite release date. The State and guardian ad litem resisted the motion, citing the best interest of the child.

We review a ruling on a motion for continuance under an abuse of discretion standard and will only reverse if injustice will result to the party desiring the continuance. *In re C.W.*, 554 N.W.2d 279, 281 (Iowa Ct. App. 1996). To warrant reversal, denial of a motion to continue must be unreasonable under the circumstances. *Id.*

We conclude the juvenile court did not abuse its discretion in denying the mother’s motion for a continuance. The child, born in February 2008, has been out of the mother’s care for over half her life. At the time of the termination hearing, the mother had another ten to fifteen months of incarceration left. Given

the child's young age and need for permanency, denial of the motion to continue was not unreasonable.

The mother also contends the court abused its discretion in denying her "request for leave of court and concurrent jurisdiction to pursue a guardianship." At the termination hearing, the mother's counsel indicated the mother wished to file an application for concurrent jurisdiction, although none had yet been prepared. The mother also wrote a letter to the juvenile court in June 2009 stating her request that her mother be granted guardianship of the child. The record before us contains no written request for concurrent jurisdiction and no ruling on the same. Accordingly, there is nothing for us to review. See *In re T.J.O.*, 527 N.W.2d 417, 420 (Iowa Ct. App. 1994) (holding an issue not presented to the trial court may not be raised on appeal). We note the court placed custody and guardianship with the maternal grandmother. To the extent the mother is arguing additional time should have been granted to allow her to seek concurrent jurisdiction, we find no abuse of discretion for the reasons stated above.

We affirm the juvenile court order terminating the mother's parental rights to her child.

**AFFIRMED.**