IN THE COURT OF APPEALS OF IOWA

No. 5-248 / 94-1876

IN THE INTEREST OF A.M. and A.S., Minor Children,

C.S., Mother,

Appellant.

Appeal from the Iowa District Court for Poweshiek County, Michael Stuart, Judge.

The mother appeals a permanency order in a CINA proceeding continuing placement of her two minor children in foster care. **AFFIRMED.**

Randy S. DeGeest of DeGeest Law Office, Oskaloosa, for appellant.

Thomas J. Miller, Attorney General, Gordon E. Allen, Deputy Attorney General, Judy Sheirbon, Assistant Attorney General, and Stephen T. Brennecke, Assistant County Attorney, for appellee-State.

Nancy L. Burk, Toledo, for minor children.

Heard by Hayden, P.J., and Sackett and Cady, JJ.

HAYDEN, P.J.

On June 7, 1993, the Poweshiek County Attorney filed an application for temporary removal of A.M., born January 12, 1980, and A.S., born December 20, 1982, from the home of their mother, C.S., born April 10, 1960. The application alleged removal was necessary because C.S. had physically abused A.M. and allowed a convicted sex offender, S.W., to stay in their home. The county attorney also filed a petition alleging A.M. and A.S. were children in need of assistance (CINA).

The juvenile court denied the temporary removal application on June 9, 1993, and ordered the children returned to C.S.'s custody. The order noted C.S. had consented to receipt of services from the department of human services (DHS). The court finally ordered the parties have no contact with S.W.

On July 2, 1993, the court entered an order adjudicating the children to be in need of assistance pursuant to Iowa Code section 232.3(6)(c)(2) (1993), continuing placement with the mother, and maintaining the no-contact order.

Following a hearing, the court entered a dispositional order on September 3, 1993, placing the children in foster care. The court then continued the foster care placement in an order filed March 17, 1994. The order noted the mother had not addressed her problems and wanted to place the blame on others, including DHS. The court found the mother continued to place her needs ahead of her children's. The court required the parties to follow the case permanency plan.

At the October 4, 1994, permanency hearing, the county attorney elicited testimony from C.S. that she had failed to stay in contact with her DHS caseworker, Rhonda Paisley. C.S. maintained their work schedules were irreconcilable and Paisley was biased. C.S. later testified, on her own behalf, that: she had followed the no-contact order; she was willing to support individual and family therapy; the man she had moved in with, S.Z., would not be abusive to her or the children; and she no longer believed in physical punishment.

S.Z. testified he did not believe physical discipline was appropriate for children as old as A.M. and A.S. He admitted he had an OWI conviction and had recently been charged with a second OWI. He indicated he drank two or three drinks a day but denied having a drinking problem, despite being advised to abstain in a recent evaluation.

Rhonda Paisley testified C.S. had established some housing stability since moving in with S.Z. She believed the parties were at a stalemate as far as individual and family counseling. She acknowledged day visitations between C.S. and the children had gone well but indicated she was hesitant to support overnight visitations until further compliance with DHS expectations was obtained. She noted C.S. discouraged contact between the children and C.S.'s family.

A.S. testified her visits with her mother had been "great" and she felt safe at her mother's home.

On October 14, 1994, the court entered a permanency order continuing placement in foster care for an additional six months. The court found the children could not safely be returned to C.S.'s home and further services were necessary.

C.S. appeals. C.S. contends the juvenile court erred when it found the children should remain in foster care.

I. Scope of Review.

Review of orders arising out of child in need of assistance proceedings is de novo. *In re Blackledge*, 304 N.W.2d 209, 210 (Iowa 1981) (citation omitted). We give considerable weight to the juvenile court's fact findings but are not bound by them. Iowa R. App. P. 14(f)(7). The paramount concern is the children's welfare and best interests. *In re D.L.*, 401 N.W.2d 201, 202 (Iowa App. 1986) (citation omitted).

II. Foster Care.

C.S. is appealing a juvenile court order continuing the children's foster care placement. The court set the case for review in another six months to see if sufficient progress in visitation, family therapy, and other goals had been made to allow for reunification at that time.

The record below amply demonstrates an additional period of foster care is necessary. The additional six months ordered by the court is needed to allow for progress on case permanency plan requirements and recommendations made following a home study. The recommendations indicated further family therapy was needed,

successful extended and overnight visitation should occur before full-time reunification was attempted, and substance abuse evaluation recommendations needed to be complied with by the mother's live-in boyfriend. The mother still needs to admit and work on some problem areas in her parent-child relationship with the girls, especially A.M., who still wanted to stay in foster care as of the hearing.

Under this record, we affirm the juvenile court order continuing the services and foster care placement of the children for another six months. More progress must be seen on court-ordered goals before the children can be returned to the home on a full-time basis.

AFFIRMED.

Cady, J., concurs; Sackett, J., concurs specially without opinion.