IN THE COURT OF APPEALS OF IOWA

FILED
MAY 31 1996
CLERK SUPREME COURT

No. 6-247 / 95-907

IN THE INTEREST OF A.S.T. AND C.R.T., Minor Children,

K.U., Mother,

Appellant.

Appeal from the Iowa District Court for Woodbury County, Mary L. McCollum-Timko, Associate Juvenile Judge.

Mother appeals juvenile court order granting guardian ad litem's motion to dismiss juvenile court jurisdiction. **AFFIRMED.**

Robert J. Rehan, Sioux City, for appellant.

Thomas J. Miller, Attorney General, Diane Stahle, Special Assistant Attorney General, Judy Sheirbon and Maureen McGuire, Assistant Attorneys General, and Dewey Sloan, Assistant County Attorney, for appellee-State.

John C. Polifka of the Juvenile Law Center, Sioux City, guardian ad litem for minor children.

Considered by Huitink, P.J., Streit, J., and Hayden, S.J.* Vogel, J., takes no part.

*Senior judge from the Iowa Court of Appeals serving by order of the Iowa Supreme Court.

HAYDEN, S.J.

At issue in this appeal is the juvenile court's dismissal of its jurisdiction over the appellant's children. Our review of these juvenile proceedings is de novo *See In re R.G.*, 450 N.W.2d 823, 825 (Iowa 1990). We affirm.

Kimberly is the mother of Christopher, born October 16, 1986, and Andrew, born August 30, 1987. In January 1990 the children were adjudicated children in need of assistance, and, at Kimberly's request, the children were placed in the care of her maternal aunt and uncle in Kansas in June 1991.

The State later filed a petition to terminate Kimberly's parental rights. The juvenile court denied this request. Kimberly agreed to long-term foster care and/or guardianship of the children with her aunt and uncle. The juvenile court entered a permanency order continuing the children's placement with the aunt and uncle.

In May 1992 Kimberly filed a motion to modify the permanency order and obtain an opportunity to care for her children. A resistance to the motion was filed as well as a request for an order authorizing concurrent jurisdiction so the aunt and uncle could seek appointment as guardians for the children.

In its October 1992 order denying the motion to modify, the juvenile court sustained the motion for concurrent jurisdiction to allow the establishment of a guardianship. The district court affirmed the ruling of the juvenile court in January 1993, and Kimberly sought appellate review. This court affirmed the juvenile court's

denial of the motion to modify the permanency order. *In re A.S.T*, 508 N.W.2d 735 (Iowa App. 1993).

In May 1994 the aunt and uncle sought appointment as guardians for the children in the probate section of the Kansas district court. Kimberly sought a continuance of the matter and the appointment of counsel. No counsel was appointed to represent Kimberly, and she did not appear for the guardianship hearing. The aunt and uncle were appointed guardians for the children. Kimberly filed an appeal from the order approving the guardianship, but it was dismissed due to her failure to perfect the appeal.

In October 1994, the children's guardian ad litem filed a motion, in which the State joined, requesting the Iowa juvenile court dismiss its jurisdiction over the case. Kimberly resisted this motion. She requested the Iowa court maintain jurisdiction until a visitation arrangement could be established. In support of her resistance she noted that absent jurisdiction in Iowa's courts, she would have no right to court-appointed counsel to protect her legal rights.

The juvenile court concluded there was no longer a need for juvenile court jurisdiction. It cited three grounds for its decision: 1) the reasons which brought this matter to the court's attention had been addressed and alleviated; 2) services were no longer being provided to any party in the case; and 3) the children and guardians resided in the state of Kansas. It granted the motion to dismiss jurisdiction.

Kimberly appeals. She argues the juvenile court's dismissal of jurisdiction was premature and was not in the children's best interests. She contends it is in the children's best interests for the Iowa court to maintain jurisdiction over the case until a visitation agreement is established. Kimberly argues her ability to advocate for visitation with the children is seriously impaired in Kansas because she will not have court-appointed counsel.

A juvenile court's termination of a dispositional order and its jurisdiction is governed by statute.

> The court may terminate an order and release the child if the court finds that the purposes of the order have been accomplished and the child is no longer in need of supervision, care or treatment.

Iowa Code §232.103(4) (1995). This section "should be liberally construed to effect the best interests of the children." *In re T.M.C.*, 429 N.W.2d 165, 167 (Iowa App. 1988). The issue is whether the needs of the children require the dispositional order remain in effect. *Id.*

A review of the record reveals the children have resided with their aunt and uncle in Kansas since June 1991. They consider the aunt and uncle as their parents and Kansas as their home. The children have stability in Kansas and appear well-adjusted. The purposes of the dispositional order have been accomplished and the children are no longer in need of supervision, care or treatment from the Iowa Department of Human Services or Iowa's juvenile court system.

Kimberly claims she is not requesting the juvenile court retain jurisdiction indefinitely, but just long enough to allow her to negotiate a visitation arrangement with the children's guardians. She cites no authority as to why or how the lack of court-appointed counsel in Kansas should influence the outcome of this case.

The record reveals Kimberly has had contact with the children during their placement in Kansas. We agree with the juvenile court continued contact should be forthcoming even if jurisdiction is dismissed in the juvenile court. The statutory requirements for terminating the dispositional order have been met and the best interests of the children support termination of the juvenile court's jurisdiction.

AFFIRMED.