FILED
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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN THE INTEREST OF B.K.,
A Minor,

Appellant.

Filed January 27, 1988

342

7-456
87-478

Appeal from the Iowa District Court for Black Hawk (Juvenile) County (No. J3976), Walter Rothschild, District Associate Judge.

The child has appealed from the review order continuing his placement at the Iowa Juvenile Home. **AFFIRMED.**

John S. Pieters of Pieters & Pieters, Waterloo, for appellant juvenile.

Thomas J. Miller, Attorney General; Charles K. Phillips, Assistant Attorney General; and Bruce Zager, Assistant Black Hawk County Attorney, for appellee State.

Patricia McGivern of Clark, Butler, Walsh & McGivern, Waterloo, for the mother.

Considered by Donielson, P.J., and Schlegel and Hayden, JJ.

DONIELSON, P.J.

313

The child in question, a boy named B.K. born in 1970, was adjudicated to be a child in need of assistance in 1986 and was placed at the Iowa Juvenile Home in Toledo. Following a six-month review hearing, the juvenile court entered an order continuing the placement at the Toledo Juvenile Home. We affirm the juvenile court.

B.K. is now seventeen years old. Since at least the age of nine, he has exhibited behavioral problems resulting in intermittent foster care and institutional placement. Between such placements he has lived with his mother.

In July 1986, B.K. was adjudicated to be a child in need of assistance after the mother indicated she could not control his belligerent, aggressive, and assaultive behavior. In an August 1986 dispositional order, B.K. was placed in the custody of the Department of Human Services for placement at the Iowa Juvenile Home in Toledo.

In February 1987, a six-month review of the dispositional order was held pursuant to Iowa Code chapter 232.102(7) (1987). On March 2, the juvenile court entered an order continuing the previous placement at the Toledo Juvenile Home. B.K. has appealed from this order.

Our scope of review is de novo. Iowa R. App. P. 4.

I. B.K. contends the dispositional order of August 19, 1986, which removed him from his home failed to contain or address any of the findings justifying the disposition and explaining why a less restrictive disposition would be inappropriate, as required by Iowa Code sections 232.99 and 232.102.

We find that B.K. should have raised any alleged defects in the August 19, 1986, order in a timely appeal from that order, pursuant to Iowa Code section 232.133, rather than raise these allegations now on appeal from the March 2, 1987, review hearing order. In addition, we find the August 19, 1986, order

does include the necessary findings in justifying the disposition and explaining why a less restrictive disposition would be inappropriate.

II. B.K. also contends the evidence at the review hearing showed that a return to his mother's home would be in his best interests. B.K. argues that the court should consider his mother's willingness to seek aid from various agencies, the lack of his success of the initial placement at the juvenile home, his resistance to residential treatment, and the strong desire of both the mother and child to be reunited.

We find the juvenile court did not err in finding B.K. could not be returned to the home. Although the mother initially requested her son be removed from the home because she could not handle him or his assaultive behavior, she testified that she desired his return home. This is a pattern which has been often repeated. The mother also testified she planned to move to Florida, where she would have her son work at a gas station during the day and he would go to school at night. However, other than her testimony, there was no other verification of these plans. An extensive "Six Month Progress Report to the Court" compiled on February 17, 1987, by a social worker from the Youth Services Unit details B.K.'s situation. The report states B.K. is on medication for mood swings. Problems encountered with him include his destruction of property, resentment of authority figures, experimentation with drugs and alcohol, sniffing lighter fluid, and his demanding attitude and inability to be calmed down when angry, as well as being strongly opinionated, stubborn, defensive, immature, aggressive, unmanageable, and extremely defiant. B.K. is felt to be in more need of psychiatric help than the juvenile home can provide; thus, another facility was recommended. In light of the foregoing, we affirm the juvenile court in not returning B.K. to his home. We do not believe the mother is capable of providing the

services which B.K. needs, nor has she demonstrated an improved ability to deal with B.K.'s defiant attitude.

AFFIRMED.