FILED
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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN THE MATTER OF ADOPTION OF STAN LaJUAN VAN ARSDALE BY ANNIE BYRD ANDERSON HOPKINS, TINA MARIE VAN ARSDALE and DANNY DEAN MONTGOMERY, Natural Parents-Appellants.	)	Filed April 29, 1980 0-49 3-63252

Appeal from Black Hawk District Court - Forest E. Eastman, Judge.

Appellants appeal judgment and order terminating their parental rights, granting adoption of their child to his foster parent, and denying their writ of habeas corpus. Affirmed.

Douglas V. Coonrad of Paterson Law Firm, Waterloo, for natural parents-appellants.

Marjorie Patin, Waterloo, for appellee, Annie Byrd Hopkins.

John Pieters, Waterloo, for appellee, Stan Van Arsdale.

Heard by Oxberger, C.J., Donielson, Snell, Carter and Johnson, JJ.

PER CURIAM

Appellants appeal judgment and order terminating their parental rights, granting adoption of their child to his foster parent, and denying their writ of habeas corpus. We affirm.

On June 24, 1976, Annie Hopkins filed a petition to adopt Stan Van Arsdale. Consent statements signed by the child's natural mother, appellant, Tina Van Arsdale, and his natural father, appellant, Danny Montgomery, were attached with the adoption petition. The natural parents then filed a writ of habeas corpus on July 12, 1978 seeking to have the child returned to them. On December 18, 1978 they also filed a petition to revoke their consents to adoption. These matters were consolidated for trial and on February 13, 1979, the trial court terminated the parential rights of Tina and Danny, denied their writ of habeas corpus, and granted Annie Hopkins the adoption. Tina and Danny appeal and our review of their contentions is de novo. Iowa R. App. P 4.

The heart of this appeals rests with the future of Stan Van Arsdale, who at the time of trial was five years old. His natural parents, Tina and Danny, were unmarried, fifteen year old junior high school students when Stan was born, July 23, 1974. Tina's foster father objected to Tina's adding Stan to his household so Tina consented to Mrs. Hopkins' adoption of Stan. Tina now contests the validity of the consent. In our review, we limit discussion to her first consent to adoption, executed March 21, 1975 since we find it was valid and correctly was relied on by the trial court as the basis for granting the adoption petition.

The first issue regarding the consent is whether Tina knowingly and voluntarily executed it. Although we are aware Tina was faced with a difficult choice at the time she executed the consent, we find she knowingly and voluntarily relinguished her parental rights. As she said, in answer to social worker Kathy Ween's question, "Well, she was saying 'well, do you really, really want to do this.' And I said, 'not really but Mr. Birden not give any other choice, that's all I have to do is decide. I don't have any other choice. I just give up.' I just gave up too soon, maybe." Although Tina was pressured by the circumstances, we agree with the trial court finding that her consent agreement was freely and voluntarily entered.

Tina further asserts that even if the consent was valid, the trial court should have allowed her to withdraw it. Withdrawl of consent must be by permission of the trial court and that decision rests in the trial court's discretion. In Matter of Adoption of Gibson, 239 N.W.2d 540, 543 (Iowa 1976). The party wishing to withdraw the consent to adoption must demonstrate adequate cause. Id. Even if cause is shown, the court still must determine if it is in the best interests of the parties, with the interest of the child paramount, to allow the withdrawl. Id.

In this case, it was not in the best interests of the parties, especially Stan, to allow withdrawl of consent. While it is true Mrs. Hopkins, the Department of Social Services workers, and Tina had considered Tina's first consent revoked by subsequent acts, the decision to withdraw rested solely with the trial court. It did not err by determining the best interests of Stan would be served by leaving him in the only home he had known and in the custody of his foster mother, who had raised him since birth. Under the Gibson standard the trial court did not err by denying Tina's withdrawl request.

Tina and Danny claim that even if her consent was valid, consent from both natural parents was necessary before the adoption could be granted. They further claim Danny's consent was not valid and thus, the adoption could not have been granted. We find under section 600.3, The Code 1975, Danny's consent was not required. That section clearly states when the natural parents are unmarried, consent is required of only one parent. Although Tina did not have physical custody of Stan, nor did she contribute to his financial needs, she has directed his placement. She originally placed Stan with Mrs. Hopkins. In effect, she has seen to his care through Mrs. Hopkins. Danny always has recognized Tina's claim to custody of Stan as superior to his and accordingly, we find his consent was not required.

In our de novo review, we find the trial court correctly ruled Tina's consent was valid and we hold it did not err by granting the adoption.

AFFIRMED.