

IN THE COURT OF APPEALS OF IOWA

No. 4-450 / 94-36

FILED

NOV 28 1994

CLERK SUPREME COURT

IN THE INTEREST OF K.D., G.M. AND S.G., Children,
K.G., Mother,
Appellant.

Appeal from the Iowa District Court for Jackson County,
James A. Weaver, District Associate Judge.

The mother challenges the order finding S.G. to be a child in need of assistance and the dispositional order transferring custody of K.D., G.M., and S.G. to the department of human services for the purpose of placement into foster care. **AFFIRMED.**

Thomas F. Peckosh, Maquoketa, for appellant.

Bonnie J. Campbell, Attorney General, Gordon E. Allen, Deputy Attorney General, Kathrine S. Miller-Todd, Assistant Attorney General, and Phil Tabor, County Attorney, for appellee State.

Corliss C. Baty, Maquoketa, attorney and guardian ad litem for minor children.

Considered by Sackett, P.J., and Habhab and Huitink,
JJ.

HUITINK, J.

Kathy appeals an order of the juvenile court finding S.G. to be a child in need of assistance and the dispositional order transferring custody of K.D., G.M., and S.G. to the department of human services for the purpose of placement in foster care. We affirm.

Kathy is the mother of B.D., born in December 1980; K.D., born in August 1983; G.M., born in January 1988; and S.G., born in March 1993. The children previously lived with their mother in a mobile home.

In December 1992 the juvenile court adjudicated B.D., K.D., and G.M. to be children in need of assistance (CINA). The court found the living conditions in the trailer to be "deplorable," stating:

With the infestation of mice and roaches, the presence of dogs with fleas and dog excretions within the trailer home, the dirty clothing scattered on the floor and throughout the home, the dishes left unwashed and stacked on the kitchen counter and table and the general failure to maintain a minimum level of cleanliness within the trailer, it is no small wonder that the children have head lice, have a poor school attendance, are required to shower and change into clean clothing at school and that their school work is below that which they are capable to achieve.

In October 1993 S.G. was adjudicated CINA pursuant to Iowa Code section 232.2(6)(b). The court found Kathy "suffers from emotional cycles which limit her ability to identify and meet the needs of her children including . . . S.G." The court also found there was a significant flea problem resulting in serious flea bites on the children, including S.G.

In December 1993 the juvenile court filed a dispositional order transferring custody of K.D., G.M., and S.G. to the department for placement in foster care. B.D. had been placed in group foster care pursuant to stipulated order in August of 1993, and his placement is not a subject of this appeal.

Our scope of review of juvenile court proceedings is de novo. In re D.L.C., 464 N.W.2d 881, 882 (Iowa 1991). We give weight to the fact findings of the juvenile court, especially when considering the credibility of the witnesses, but we are not bound by them. Iowa R. App. P. 14(f)(7).

We review the record to determine whether the child in need of assistance finding as well as the decision to transfer custody are supported by clear and convincing evidence. Iowa Code §§ 232.96(2) and 232.102(5). Our primary concern is the welfare and long-term, as well as immediate, best interests of the children. In re D.T., 435 N.W.2d 323, 329 (Iowa 1989). The State has a duty to ensure every child receives minimally adequate care and treatment and will intercede when parents abdicate their responsibilities to their children. In re Dameron, 306 N.W.2d 743, 745 (Iowa 1981).

Kathy contends there is insufficient evidence to support a findings that S.G. is a child in need of assistance. We disagree.

Kathy asserts the child was adjudicated CINA solely on the basis of flea bites. However, our review of the record reveals Kathy's emotional cycles severely affected her parenting abilities. The children suffered from extreme neglect when Kathy entered one of her cycles. As an infant S.G. was exposed to numerous hazardous conditions around the home which jeopardized her physical safety. The flea bites were one of several problems stemming from Kathy's neglect of the children and the household. We find clear and convincing evidence in the record to support the adjudication. The juvenile court is affirmed on this issue.

Next we address Kathy's claim that the juvenile court erred in transferring custody of the children to the department for family foster care placement. The record indicates Kathy is unable to properly care for her children as long as she suffers from the emotional cycles caused by her own sexual abuse.

Although extensive services have been provided to Kathy to help her deal with the abuse and improve her overall condition, providers testified there has been little success. The record reveals, however, Kathy did make some improvements in her ability to deal with her situation once B.D. was placed in group foster care.

We, like the juvenile court, believe placing the children in the temporary custody of the department will (1) serve the best interests of the children and

(2) provide Kathy with the opportunity to obtain maximum benefits from treatment. Accordingly, we affirm the juvenile court's dispositional order.

Our decision to affirm assumes the department will continue to make every reasonable effort to comply with its statutory duties to return the children to their home as quickly as possible pursuant to section 232.102(7). The juvenile court is affirmed.

AFFIRMED.