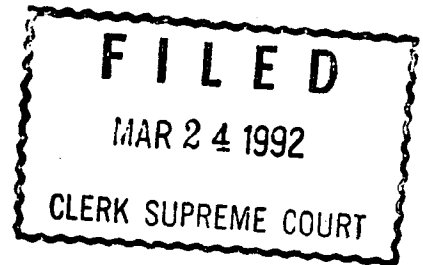


IN THE COURT OF APPEALS OF IOWA

No. 2-084 / 91-846



IN THE INTEREST OF C.D., B.D., E.D. and A.D.,
Minor Children,

B.D., Mother,
Appellant.

49

Appeal from the Iowa District Court for Linn County,
Robert E. Sosalla, District Associate Judge.

Mother appeals from juvenile court order awarding legal
guardianship of her four children to the guardian ad
litem. **AFFIRMED.**

Christine L. Crilley, Cedar Rapids, for appellant
mother.

Bonnie J. Campbell, Attorney General; John M. Parmeter,
Special Assistant Attorney General; and Judy Sheirbon,
Assistant Attorney General, for appellee State.

Crystal Usher, Cedar Rapids, guardian ad litem for the
children.

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

DONIELSON, P.J.

This case involves four children: a boy born in June 1981, and three girls born in May 1979, September 1983, and September 1986. On April 14, 1989, the father of these children was found to have sexually abused one of them. All four children were adjudicated in need of assistance and placed in foster care. The juvenile court also concluded the mother was unable to protect the children from abusive persons. In its ruling, the juvenile court noted the mother continued to associate with the children's father and with two other men who had previously been convicted of sexually abusing children.

While the court allowed the mother to retain legal guardianship of the children, custody was granted to the Department of Human Services for foster care placement. The children have remained in foster care since the 1989 placement order, and they have had extensive contact and visitation with the mother. The initial goal of the case permanency plan was to reunify the mother and children. However, on January 1991 the juvenile court entered an order changing the goal of the permanency plan. The court found the original goal of reunification was no longer realistic.

On March 29, 1991, the State filed an application for termination of the guardianship rights of the mother and requested legal guardianship of the children be transferred to the children's guardian ad litem and attorney, Crystal

Usher. The State noted the mother had frequently delayed and expressed reluctance before eventually permitting the children to take part in school activities or trips with the foster family. The State also noted the mother had on two occasions delayed and hesitated in allowing the children to receive medical care.

After a hearing, the juvenile court granted the State's request and transferred the legal guardianship of the children to Ms. Usher. However, the juvenile court provided continued visitation rights for the mother due to the mutual bond which still exists between the children and their mother.

The mother has appealed from this order. She challenges the sufficiency of the evidence supporting the transfer of legal guardianship. She argues that in every instance she eventually signed permission slips for the activity or medical treatment requested, and she had legitimate medical, religious or other reasons for questioning some of the requests. She also argues the evidence demonstrated her strong love and concern for the children and her capacity to act as their legal guardian.

On our de novo review, Iowa R. App. P. 4, we affirm. In doing so, we recognize our paramount concern is the welfare and best interests of the children. Iowa R. App. P. 14(f)(15); In re S.V., 395 N.W.2d 666, 669 (Iowa App. 1986)(citing In re J.R.H., 358 N.W.2d 311, 317 (1984)).

In January the mother was told the foster family wanted to take the children on vacation on Easter and again in the summer. The mother initially approved, but when asked to sign a permission slip, she refused. Apparently the mother did not want the children to develop a grandparent-grandchild relationship with the parents of their foster parents.

Recently one of the children began suffering from low-level seizures. Despite a recommendation for a neurological examination, the mother wanted the child to see a chiropractor and quoted from pamphlets in which chiropractors were said to cure schizophrenia through chiropractic manipulation. Alternatively, the mother suggested the children be treated by the "laying on of hands" and "speaking in tongues."

Permission for the neurological exam was not obtained until the mother was taken to the hospital and after numerous discussions. It was similarly difficult to obtain the mother's permission for another of the children to be seen by a doctor for her scoliosis condition. Again the mother requested the child be treated by a chiropractor. Because the children's medical conditions require ongoing care, future problems with obtaining the mother's consent were anticipated.

The mother's written consent was also requested to allow one of the children to attend a summer program called "College for Kids" offered to advanced students. The

mother delayed in consenting because she was convinced one of the offered courses entitled "Higher Order Thinking" would contain material that was contrary to her religious beliefs regarding the theory of evolution. Despite assurances it was merely a mathematics class on problem solving, the mother refused to sign the consent form for three days. Because the classes were offered on a first-come, first-served basis, the mother's delay jeopardized the child's participation in the program. The distressed child spent a night crying and worrying her mother would not allow her to attend.

We believe the mother's actions constitute an abuse of her guardianship authority. Such unreasonable hesitancy in granting consent is harmful to the children. Therefore, we conclude the juvenile court's order transferring the children's guardianship to their attorney and guardian ad litem is in the best interests of the children. We affirm.

The costs of this appeal are taxed to the appellant.

For all the reasons stated, the judgment of the juvenile court is affirmed.

AFFIRMED.