IN THE COURT OF APPEALS OF IOWA

No. 0-275 / 99-1555
Filed May 31, 2000

FILED
MAY 31 2000
CLERK SUPREME COURT

FILED
MAY 3 1 2000
CLERK SUPREME COURT

IN THE INTEREST OF C.B., JR., Minor Child,

J.M.B., Mother,
Appellant.

Appeal from the Iowa District Court for Van Buren County, William S. Owens, Associate Juvenile Judge.

The mother of minor child C.B., Jr. appeals an order terminating juvenile court jurisdiction pursuant to Iowa Code section 232.103(4) (1999). **AFFIRMED.**

Kevin S. Maughan of Maughan Law Office, Albia, for appellant.

Thomas J. Miller, Attorney General, Tabitha Gardner, Assistant Attorney General, and Crystal S. Cronk, County Attorney, for appellee-State.

Considered by Vogel, P.J., and Mahan and Miller, JJ.

MAHAN, J.

The mother of minor child C.B., Jr. appeals an order terminating juvenile court jurisdiction pursuant to Iowa Code section 232.103(4) (1999). She contends the juvenile court erred when it terminated its jurisdiction over her son Christopher. We affirm.

Christopher and Juliana (Julie) are the parents of Christopher, Jr., born January 18, 1994. On May 30, 1997, Christopher, Jr. was adjudicated by admission of all parties to be a child in need of assistance (CINA) pursuant to Iowa Code section 232.2(6)(f)[1]. At the disposition hearing, the juvenile court ordered legal custody of Christopher, Jr. be placed with the Department of Human Services (DHS) for the purpose of placement with his father.

At the review hearing on September 16, 1997, the juvenile court continued services and granted concurrent jurisdiction to the district court for the purpose of deciding permanent custody. At the April 21, 1998 review hearing, temporary custody of Christopher, Jr. was placed with his father. Julie continued to have weekly supervised visits with Christopher, Jr. These visits were moved from the community and Julie's home to the conference room at DHS because of allegations Julie made regarding the case aide.

On June 12, 1999, a dissolution decree was filed dissolving the marriage between Christopher and Julie with sole custody of Christopher, Jr. awarded to

---

[1] "Child in need of assistance" means an unmarried child who is in need of treatment to cure or alleviate serious mental health disorder, or emotional damage as evidenced by severe anxiety, depression, withdrawal or untoward aggressive behavior toward self or others and whose parent, guardian, or custodian is unwilling or unable to provide such treatment. Iowa Code § 232.2(6)(f) (1995).

his father. Julie was granted visitations consistent with that previously awarded in juvenile court. Another review hearing was held on September 8, 1999. It was at this time an order terminating the juvenile court's jurisdiction was entered and all parties agreed to such termination. Julie appeals.

I. Standard of Review. Child in need of assistance proceedings are reviewed de novo. *In re J.D.F.*, 553 N.W.2d 585, 587 (Iowa 1996); *In re L.S.K.*, 451 N.W.2d 819, 821 (Iowa 1990). We give weight to findings of the juvenile court, especially to the credibility of witnesses, but we are not bound by them. Iowa R. App. P. 14(f)(7). The first governing consideration of the court is the best interest of the child. Iowa R. App. P. 14(f)(15).

II. Termination of Juvenile Court Jurisdiction. Julie claims the juvenile court erred in terminating its jurisdiction in this case. The State contends Julie did not preserve error on this issue. We agree with the State's contention.

An issue not presented in the juvenile court may not be raised for the first time on appeal, even a constitutional issue. *In re T.J.O.*, 527 N.W.2d 417, 420 (Iowa App. 1994); *In re C.M.*, 526 N.W.2d 562, 566 (Iowa App. 1994); *In re C.D.*, 508 N.W.2d 97, 100 (Iowa App. 1993); *In re S.A.*, 502 N.W.2d 23, 25 (Iowa App. 1993); *In re R.J.*, 495 N.W.2d 114, 117 (Iowa App. 1992); *In re V.M.K.*, 460 N.W.2d 191, 193 (Iowa App. 1990).

Not only was there no indication in the record this issue was raised in the juvenile court, the evidence would indicate Julie was in support of termination of the juvenile court's jurisdiction which is in direct contradiction to her claim on

appeal. On July 14, 1999, Julie wrote a letter to the juvenile court judge requesting the CINA case be closed. The letter reads as follows:

> I am writing to request that the CHINA (sic) action be Dismissed, as there is now a Dissolution of Marriage Decree & I do not believe that any more can be accomplished in the continued involvement with Department of Human Services. Whether or not my ex-husband choses (sic) to follow the Decree as Ordered is irrevelant (sic) as this will be the reason they will wish to continue these proceedings. I feel I believe this will only worsen my position & cause undue stress on my son.

In addition, Julie and her attorney were present at the September 8, 1999 review hearing and stipulated the case be terminated. Her attorney on appeal states in the brief:

> The undersigned counsel can not argue to this court that error has been preserved other than by filing of a Notice of Appeal. This has been explained to J.B., but she strongly wishes to pursue her appeal regardless of the rules on preservation of error.

We conclude error has not been preserved with respect to this issue and it will not be reviewed on appeal. We therefore affirm the juvenile court.

AFFIRMED.