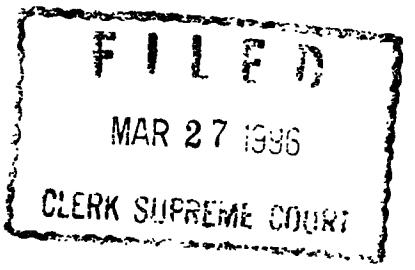
IN THE COURT OF APPEALS OF IOWA



No. 6-114 / 95-1610

IN THE INTEREST OF A.S., A Minor Child,

S.M.S., Mother,

000135

Appellant,

S.P.H., Father,

Appellee.

Appeal from the Iowa District Court for Polk County, Artis Reis, District Associate Judge.

Mother appeals an order of the juvenile court granting father's motion for concurrent jurisdiction. **AFFIRMED.**

Martha L. Johnson, Des Moines, for appellant.

Douglas J. Reed, Des Moines, for appellee.

Thomas J. Miller, Attorney General, and Kathrine S. Miller-Todd, Assistant Attorney General, for appellee State.

Nicole Garbis of Youth Law Center, Des Moines, for minor child.

Heard by Habhab, P.J., Huitink, J., and McCartney, S.J.*

*Senior judge from the second judicial district serving on this court by order of the Iowa Supreme Court.

HUITINK, J.

Mother appeals a juvenile court order granting father's motion for concurrent jurisdiction. We affirm.

Sarah and Shaun are the unmarried parents of Amber, born July 9, 1991. Sarah was Amber's sole custodian until February 1995 when she was discovered operating a vehicle while intoxicated with children in the vehicle. A subsequent dispositional order placed Amber in Shaun's temporary care and adopted a case permanency plan for Sarah. After two unsuccessful attempts by Sarah to complete substance abuse treatment, Shaun moved for concurrent juvenile and district court jurisdiction in an effort to gain custody of Amber. The juvenile court granted Shaun's motion. Sarah appeals contending the juvenile court improperly granted concurrent jurisdiction because she was not allowed sufficient opportunity to complete her case permanency plan.

Our review of juvenile court proceedings is de novo. Iowa R. App. P. 4. The juvenile court has the legal discretion to authorize a party to litigate concurrently a specific issue related to custody, guardianship, or placement of a child who is the subject of a pending juvenile action. Iowa Code § 232.3 (2) (1995). This discretion must be exercised in the best interest of the child. *In re R.G.*, 450 N.W.2d 823, 825 (Iowa 1990).

Sarah's failure to maintain sobriety despite two attempts at treatment calls into question her ability to adequately care for Amber. Amber should not be deprived of a

stable home while awaiting Sarah's completion of treatment. *See In re R.J.*, 436 N.W.2d 630, 636 (Iowa 1989) ("patience on behalf of the parent can quickly translate into hardship for the children"). We therefore find Amber's best interests require rapid determination of custody issues. We affirm.

AFFIRMED.