

IN THE COURT OF APPEALS OF IOWA

No. 1-637 / 91-825

FILED

FEB 25 1992

CLERK SUPREME COURT

IN THE INTEREST OF S.W., A.W., and K.W., Minor Children,

L.W., Mother,

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Appellant.

Appeal from the Iowa District Court for Wapello County,
Gene Glenn, Juvenile Referee, and Dan Morrison, Judge.

Three children were adjudicated to be children in need
of assistance. Their mother has appealed from the
subsequent dispositional order. **AFFIRMED.**

Kirk A. Daily of Webber, Gaumer, Emanuel & Daily, P.C.,
Ottumwa, for appellant mother.

Bonnie J. Campbell, Attorney General; John M. Parmeter,
Special Assistant Attorney General; and Kathrine S.
Miller-Todd, Assistant Attorney General, for appellee.

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

DONIELSON, P.J.

In January 1991 S.W., A.W., and K.W. were adjudicated to be children in need of assistance. They had been physically abused and inadequately supervised by their mother and her boyfriend (the father of the youngest child).

In a March 1991 dispositional order, the juvenile court placed all three children in foster care. The juvenile court expressly rejected the mother's request that the children be placed in the home of the maternal grandmother. The juvenile court expressed the concern that the grandmother might allow the mother to have inappropriate contact with the children and might not protect the children from physical abuse or neglect by the mother.

The mother has appealed from the juvenile court's dispositional order. She does not challenge the CINA adjudications but contends the court should have placed the children in the home of the maternal grandmother. She asserts the maternal grandmother has cared for the children well in the past and placement with the maternal grandmother would be in the children's best interests. She also asserts such placement would be the least restrictive alternative for proper care of the children.

Our review of this dispositional order is de novo. In re J.R.H., 358 N.W.2d 311, 317 (Iowa 1984). Of paramount

concern is the welfare and best interest of the children.
In re Dameron, 306 N.W.2d 743, 745 (Iowa 1981).

Placement with the grandmother poses two problems. First, it is not clear that the grandmother is capable of caring for the children over an extended period of time, and the time for which the children will be placed outside the home may well be lengthy. Second, it is not clear that the grandmother will be able to protect the children from their mother. The grandmother's expressed devotion to her daughter may override her will to refuse her daughter access to the children.

On our review, we give weight to the factual findings of the juvenile court, especially when considering the credibility of witnesses, because the juvenile court has had the unique opportunity to hear and observe the witnesses first hand. Iowa R. App. P. 14(f)(7); In re S.V., 395 N.W.2d 666, 668 (Iowa App. 1986). We believe foster care placement is in the best interest of the children.

The costs of this appeal are taxed to the mother.

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

AFFIRMED.