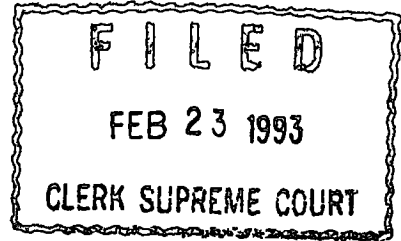


IN THE COURT OF APPEALS OF IOWA

No. 2-682 / 92-1253

IN THE INTEREST OF S.V., A Child,
S.V., Natural Mother,
Appellant.



Appeal from the Iowa District Court for Black Hawk County, James D. Coil, Juvenile Court Judge.

The mother appeals from the juvenile court permanency order that placed her natural child, S.V., in the custody of his great-aunt. **AFFIRMED.**

Douglas V. Coonrad of Douglas V. Coonrad, P.C., Hudson, for appellant.

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

Patricia McGivern of Clark, Butler, Walsh & McGivern, Waterloo, for the minor child.

Considered by Oxberger, C.J., and Sackett and Habhab, JJ.

OXBERGER, C.J.

S.V. is the natural mother of four children, including S.V., born April 26, 1987. S.V. has been out of his mother's care for the last three years. He resided alternately with his great-grandmother and his great-uncle. The great-grandmother requested she be relieved of the responsibilities of caring for S.V. She currently cares for one of S.V.'s siblings. The great-uncle also cares for one of S.V.'s siblings. S.V.'s siblings all live in different relatives' homes.

S.V.'s great-aunt, who lives in Washington, requested her home be considered a placement for S.V. The Iowa Department of Human Services arranged for a home study through the Washington Department of Human Services. The Washington DHS determined the great-aunt's home would be an appropriate placement.

Sometime thereafter, S.V.'s maternal grandmother, who resides in Minnesota, requested her home be considered a placement for S.V. The grandmother had been S.V.'s primary caregiver for the first two years of his life.

The mother filed a motion with the juvenile court requesting it order a home study of the grandmother's home in Minnesota. The motion was granted and the home study ordered. The Iowa DHS sent an Interstate Compact request for the home study. The Minnesota DHS was unwilling to comply with the request based on prior physical abuse

reports regarding grandmother. The most recent report was received in 1989, when grandmother allegedly physically abused her daughter, S.V.'s mother.

Following a hearing, the juvenile court ordered the guardianship and custody of S.V. be transferred to his great-aunt. The court determined delay in the placement of S.V. to allow for a home study of his grandmother's home "would perpetrate a great injustice and disservice to the child." The mother appeals.

Scope of Review

In CINA and placement proceedings, we review the evidence de novo. In re J.R.H., 358 N.W.2d 311, 317 (Iowa 1984). Although we are not bound by the findings of the juvenile court, we give weight to the juvenile court's findings of fact because that court has had the unique opportunity to hear and observe the witnesses first hand. In re S.V., 395 N.W.2d 666, 668 (Iowa App. 1986).

Discussion

The mother contends the juvenile court erred in ordering permanent placement for S.V. prior to the completion of a home study at S.V.'s maternal grandmother's home in Minnesota. She claims the juvenile court should have ordered a private home study following the Minnesota DHS's refusal to conduct the home study. She also claims the Iowa DHS refused to obey the court order to conduct a home study of the grandmother's home.

Of paramount concern is the welfare and best interests of the child. In re D.L., 401 N.W.2d 201, 202 (Iowa App. 1986). "[T]he provisions of Iowa Code chapter 232 are to be liberally construed to protect the welfare of the child." In re B.B., 440 N.W.2d 594, 596 (Iowa 1989).

We do not believe the juvenile court was required to order a private home study of the maternal grandmother's home prior to ordering permanent placement of S.V. with the great-aunt in Washington. Ample evidence supports this placement. The grandmother is a newly recovering crack cocaine addict currently on probation for possession of an illegal substance. While the grandmother is to be commended for the strides she has made in getting her own life in order, her present situation continues to be somewhat unstable. She has been reported for alleged physical abuse of her own children as recently as 1989. S.V.'s mother resides with her and was recently "thrown out" of a substance abuse treatment facility. The grandmother also has two sons currently on probation and in out-of-home placements. While the mother argues S.V. will have more contact with his siblings in Iowa if he is placed with his grandmother in Minnesota, the record indicates the grandmother has visited S.V.'s siblings in Iowa only a few times in the past three years. The grandmother has seen S.V. only four times in the past three years.

The great-aunt has three children: ages 20, 14 and 5. The oldest child has completed one year of college and planned to continue his education. S.V. would have a same-age cousin residing in the home. The great-aunt has no criminal or child abuse history. She has visited S.V. and maintains phone contact with him. The Washington DHS indicated the great-aunt "is quite capable of providing a loving and stable environment for her great-nephew."

Finally, we do not find merit in the mother's claim DHS refused to conduct a home study of grandmother's home. The record indicates the Iowa DHS requested a home study of the grandmother's home through the Interstate Compact Office. The request was denied due to prior abuse reports regarding grandmother. In addition, we agree with the juvenile court's finding sufficient evidence before it upon which to make a determination of the best interests of the child.

Accordingly, we affirm the decision of the juvenile court.

AFFIRMED.