IN THE COURT OF APPEALS OF IOWA

No. 0-604 / 90-0932

IN THE INTEREST OF D.B., A Child,

Appellant.

FILED
FEB 26 1991
CLERK SUPREME COURT

Appeal from the Iowa District Court for Black Hawk County, Stephen C. Clark, Juvenile Referee.

D.B. has appealed a dispositional order placing him in foster group care. **AFFIRMED.**

Paul T. Shinkle, Cedar Falls, for appellant.

Bonnie J. Campbell, Attorney General, Gordon E. Allen, Deputy Attorney General, Kathrine S. Miller-Todd, Assistant Attorney General, for appellee.

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

OXBERGER, C.J.

D.B. is a boy born in October 1975. In July 1989 he, along with two other boys stole a riding lawn mower. The state filed a petition alleging D.B. was delinquent due to the commission of acts constituting third-degree theft. In September, D.B. appeared before the juvenile court, entered a plea admitting the theft and was adjudicated delinquent.

An initial dispositional order, filed in November 1989, placed D.B. in the home of his parents. However, due to continuing behavioral problems, a June 1990, dispositional order placed D.B. in foster group care.

D.B. has appealed the June 1990 dispositional order. D.B. contends that placement outside his parents' home is not in his best interest and is not warranted by the evidence. D.B. also challenges the juvenile court plea proceeding under Iowa Code section 232.43 which led to his September 1989, delinquency adjudication. He contends the plea proceeding was defective because the juvenile court did not inform him the crime of theft requires more than a temporary taking.

We are without jurisdiction to entertain D.B.'s challenge to the September 1989 proceeding. Appeals of juvenile court proceedings are governed by the same provisions applicable to appeals from district court. In re Clay, 246 N.W.2d 263, 265 (Iowa 1976). Appeals must be taken within thirty days from the entry of the order,

judgment, or decree appealed upon. Iowa R. App. P. 5(a). The requirements of Iowa Rule of Appellate Procedure 5(a) are mandatory and jurisdictional. Hayes v. Kerns, 387 N.W.2d 302, 305 (Iowa 1986). Failure to comply with rule 5(a) requires we dismiss this issue of D.B.'s appeal. Id.

D.B. timely filed his appeal challenging his placement in foster group care. We review juvenile matters de novo. In re W.B., 328 N.W.2d 518, 518 (Iowa 1983). In its dispositional order of June 1, 1990, the juvenile court stated:

> The court, having considered the documentary evidence and statements of the parties as well as the evidence taken at the hearing of April 6th, 1990, find that this juvenile continues to be in violation of the terms of release. Although there has been a slight improvement in his behavior, it is not sufficient for the Court to determine that his rehabilitation can be successfully completed outside a residential treatment setting. The Court therefore concludes that the least restrictive alternative available under the circumstances is placement in foster group care.

After reading the record we agree with the juvenile court that it is in D.B.'s best interest to be placed in foster group care. D.B. needs more supervision than his parents have been able to provide at home even with the assistance of community services.

AFFIRMED.