

IN THE COURT OF APPEALS OF IOWA

FILED

JAN 24 1984

CLERK SUPREME COURT

IN THE INTEREST OF J.E.V.,)

A Child,)

Filed January 24, 1984

63

K.V., Natural Mother,)

Appellant.)

3-445

83-883

Appeal from the Iowa District Court for Woodbury Juvenile Division -
William E. Adams, Judge.

K.V., the natural mother of J.E.V., appeals from the trial court's denial of her application under Iowa Code section 232.103 to terminate the juvenile court order placing the child in the custody of the Department of Social Services.
AFFIRMED.

Richard L. McCoy of McCoy, Goodwin, Thomas & Gill, Sioux City, Iowa, for appellant.

Thomas J. Miller, Attorney General, and Brent D. Hege, Assistant Attorney General, for the State.

Lester J. Gurdin, Sioux City, Iowa, for the child.

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

K.V., the natural mother of J.E.V., appeals from the trial court's denial of her application under Iowa Code section 232.103 to terminate the juvenile court order placing her child in the custody of the Department of Social Services. We affirm.

In December, 1981, K.V., who was twelve years old at the time, gave birth to a son, J.E.V. Although her mother and sister were in the house at the time, K.V. had no assistance during delivery and the child was delivered into the toilet. Subsequently the child was taken to the hospital and the State instituted child-in-need-of-assistance (CHINA) proceedings immediately. In February, 1982, a dispositional order was entered giving the Department of Social Services custody for placement in foster care. At the six-month review foster care was continued. In August, 1982, K.V. filed the present application to terminate the dispositional order. K.V. claims that she has matured and is now capable of caring for the child.

Our review of this juvenile court decision is **de novo**. In Interest of Blackledge, 304 N.W.2d 209, 210 (Iowa 1981).

When a parent seeks the return of a child removed as the result of a CHINA adjudication, the burden is on the parent to show by a preponderance of the evidence that the child will not suffer harm if returned to the home. In Interest of Blackledge, 304 N.W.2d at 214. In this case K.V. did not prove that she could adequately care for the child. She maintains only that she has matured in two years and has no problems caring for the children for whom she babysits. The evidence in this case shows, however, that K.V. is only fourteen years old and is, herself, under the supervision of the court as a child-in-need-of-assistance. She has not been cooperative with her caseworker regarding visitation with the child or improvement of her parenting skills. She has refused to give the names of those employing her to babysit so that her performance in that job could be verified. Since K.V. has not met the burden of proof required of her, we affirm the lower court's denial of her application.

AFFIRMED.