FILED
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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

549

IN RE THE MATTER OF THE ADOPTION OF ROBERT DEAN PONX, JR.

By James W. Robertson, Sr. and Marjorie Robertson,

Petitioners-Appellees.

Filed April 29, 1980

IN RE THE MATTER OF THE ADOPTION OF ROBERT DEAN PONX, JR.

By Elvern Bootsma and Helen Bootsma,

Petitioners-Appellants.

0-71
3-63827

Appeal from Polk District Court - James P. Denato, Judge.

Prospective adoptive parents appeal from trial court order approving a petition for adoption filed on behalf of another set of parents. AFFIRMED.

Mark J. Schouten of Oostra, Bierma & Schouten, Sioux Center, Iowa, and Mark C. Smith of Stamatelos & Smith, Des Moines, Iowa, attorneys for petitioners-appellants.

Leslie Babich and Gordon E. Allen of Allen, Babich & Bennett, Des Moines, Iowa, attorneys for petitioners-appellees.

Heard by Oxberger, C.J., and Donielson, Snell, Carter and Johnson, JJ.

PER CURIAM

This is an appeal by prospective adoptive parents from trial court order approving a petition for adoption filed on behalf of another set of parents. We affirm the trial court.

The child who is the subject of these competing petitions for adoption is Robert Dean Ponx, Jr., hereinafter referred to as Bobby. The parent-child relationship between Bobby and his natural parents was terminated in Polk County Juvenile Court and that order was affirmed by the supreme court in April of 1979. In Interest of Ponx, 276 N.W.2d 425 (Iowa 1979). Shortly after the filing of this decision of the supreme court, two different families, the Robertsons (appellees herein) and the Bootsmas (appellants herein) each filed a petition seeking to adopt Bobby. These separate petitions were heard together in the court below. Following a full evidentiary hearing, the trial court granted the adoption petition of the Robertsons.

I. Litigation between two sets of adoptive parents is rare in this jurisdiction. Most of the reported decisions concern disputes between prospective adoptive parents and natural parents. In this setting, the rule has been applied that while the best interests of the child is a principal consideration, it is not the only consideration in light of natural parental rights. Matter of Adoption of Gustafson, 240 N.W.2d 674, 676 (Iowa 1976). Because parental rights have been terminated in the present case, we consider only the best interests of the child in accordance with Iowa R. App. P. 14(f)(15). Our review is **de novo.** In re Adoption of Blanchard, 179 N.W.2d 441, 441 (Iowa 1970).

II. Applying the foregoing principles to the record before us, we agree with the trial court's ultimate finding that the Robertsons' petition should be favored over the Bootsmas'. In making this determination we fully consider the evidence showing the Bootsmas to be excellent parents, motivated and well equipped to provide an excellent home for Bobby. But we believe this situation is over-shadowed by the fact that, except for a relatively brief period of time when he was placed in the Bootsmas' home on a pre-adoption placement, Bobby, born in August of 1974, has resided with the Robertsons at all times since he was ten months old. During this time Bobby has substantially overcome the consequences of his prior deprivation and has functioned well as a member of the Robertson family.

The Bootsmas' appeal is premised primarily on a comparative analysis of the advantages to be found in the respective homes. They urge that they are more "multi-dimensional" than the Robertsons. The record may bear this out. But economic and cultural advantages must be weighed against emotional and psychological factors.

Linda Skeers, a social worker with the Des Moines Child Guidance Center, who prepared a pre-adoption report on the Robertson home and who testified at the hearing, concluded that psychologically Bobby sees the Robertsons as his parents. She concluded that the loss to Bobby of these psychological parents would cause him to experience feelings of rejection and loss of self-esteem. Based upon these considerations, we favor the result reached by the trial court.

We recognize that we are separating Bobby from his half-brother Jay, who was also in foster care with the Robertsons, but who has since been adopted by the Bootsmas. But there is reason to suspect that Bobby's separation from Jay is, in the psychological sense, no more traumatic than would be his separation from Jimmy, the Robertsons' natural child. In balance and without further elaboration, we conclude that the trial court's order was correct.

III. Lastly, we consider the Bootsmas' claim that section 600.7, The Code, precludes granting the Robertsons' petition absent the consent of Bobby's guardian. We disagree. Section 600.7(4), The Code, empowers the granting of a petition for adoption absent such consent based upon a finding that to do so is in the best interests of the child. Because we have concluded that Bobby's adoption by the Robertsons is in his best interest, section 600.7 presents no obstacle to the granting of their petition.

AFFIRMED.