

**IN THE COURT OF APPEALS OF IOWA**

No. 2-157 / 12-0038  
Filed March 14, 2012

**IN THE INTEREST OF M.S.,  
Minor Child,**

**M.B.S., Mother,  
Appellant.**

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Appeal from the Iowa District Court for Cass County, Susan Larson Christensen, District Associate Judge.

A mother appeals from the order adjudicating her child a child in need of assistance. **AFFIRMED.**

Michael J. Murphy of Murphy & Murphy Law Firm, Council Bluffs, for appellant.

Thomas J. Miller, Attorney General, Bruce Kempkes, Assistant Attorney General, and Dan Fiestner, County Attorney, for appellee.

Karen L. Mailander, Anita, attorney and guardian ad litem for minor child.

Considered by Eisenhauer, C.J., and Danilson and Bower, JJ.

**DANILSON, J.**

A mother appeals from the juvenile court's October 10, 2011 order adjudicating M.C.S., her sixteen-year-old daughter, to be a child in need of assistance (CINA), as well as the court's November 30, 2011 dispositional order confirming the child to be a CINA. She contends the juvenile court erred in finding the State proved the grounds for adjudicating the child a CINA under Iowa Code sections 232.2(6)(b) (2011) (parent physically abused or neglected the child, or is imminently likely to do so), and 232.2(6)(c)(2) (failure of parent to exercise a reasonable degree of care in supervising the child).<sup>1</sup> Although the mother admits "there were injuries" to M.C.S., she argues: M.C.S.'s testimony as to how the injuries occurred was not credible; M.C.S.'s injuries were self-inflicted; M.C.S. is "profoundly disturbed"; the "disciplinary methods" she used on M.C.S. did not rise to the level of physical abuse; and she "was actually on vacation during the time M.C.S. alleged she had been locked in her room."

Considering the extensive evidence in the record that contradicts the mother's claims and supports the conclusions of the juvenile court, we agree with the court's findings that M.C.S. was exposed to abuse, neglect, and lack of supervision. Specifically, we observe the juvenile court's finding the mother's testimony is not credible "regarding M.C.S.'s injury and circumstances

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<sup>1</sup> The State argues we must dismiss the mother's appeal for lack of jurisdiction because the mother's "post-dispositional motion (which never complained about the dispositional findings or conclusions) did not toll the appellate deadline." We disagree. The mother's rule 1.904(2) motion to reconsider, which was timely filed on December 14, 2011, *did* challenge specific dispositional findings made by the juvenile court, as well as the grounds for the child's "original adjudication." The juvenile court overruled the motion on December 27, 2011, and the mother filed a timely notice of appeal on January 11, 2012.

surrounding the injuries,” and find “M.C.S.’s account of her injuries and the circumstances surrounding the injuries to be believable when taking the physical evidence into consideration as well as the corroborating evidence by numerous witnesses.” An Iowa Department of Human Services child protective assessment completed in August 2011 included founded reports against the mother for physical abuse and denial of critical care to M.C.S. We disagree with the mother’s contentions that the definitions for “denial of critical care” and “physical abuse” were not correctly applied by the DHS.

We affirm the adjudication and dispositional orders of the juvenile court.

**AFFIRMED.**