

IN THE COURT OF APPEALS OF IOWA

No. 9-826 / 09-1229
Filed October 21, 2009

**IN THE INTEREST OF K.B. and S.B.,
Minor Children,**

**J.M.B., Mother,
Appellant.**

Appeal from the Iowa District Court for Grundy County, Stephen C. Clarke,
Judge.

A mother appeals from the district court order denying her visitation with
her children. **AFFIRMED.**

Michael Bandy of Bandy Law Office, Waterloo, for appellant mother.

Michael Lanigan, Waterloo, for appellee father.

Thomas J. Miller, Attorney General, Bruce Kempkes, Assistant Attorney
General, Kirby D. Schmidt, County Attorney, and Erika Allen, Assistant County
Attorney, for appellee State.

Tammy L. Banning of Tammy L. Banning, P.L.C., Waterloo, for minor
children.

Considered by Vogel, P.J., and Doyle and Mansfield, JJ.

VOGEL, P.J.

Julie appeals the district court order denying her visitation with her children, K.B., born in 1996, and S.B., born in 2000. We review this child-in-need-of-assistance hearing order de novo. *In re L.G.*, 532 N.W.2d 478, 480 (Iowa Ct. App.1995).

The children have been out of Julie's care since October 2008 due to her failure to supervise, which resulted in serious emotional harm to K.B. and S.B. Reasonable services have been offered repeatedly to Julie, yet she has failed to take advantage of the services or cooperate with the Iowa Department of Human Services (DHS). She continues to deny the events that led to the adjudication. Consequently, in a July 20, 2009 report to the court, DHS concluded that progress was at a standstill and visitation should not occur until some preliminary benchmarks were met by Julie.

The district court reviewed past orders, as well as past and current DHS and guardian ad litem reports, and concluded it was Julie's own lack of cooperation that had caused the visits to be suspended. It added,

If the mother can show a change of circumstances, including but not limited to her full disclosure of her mental health records and treatment, the court may reconsider these orders upon such a showing and a showing that the mother is fulfilling her obligations under the case plan, among which is an ability to protect her children, which she has not yet been able to demonstrate.

On our de novo review, we agree with the district court's findings of facts, reasoning, and conclusions, and affirm pursuant to Iowa Court Rule 21.29(1)(a), (b), (d), and (e).¹

AFFIRMED.

¹ We note noncompliance with the rules of appellate procedure, requiring the appellant in a child-in-need-of-assistance proceeding to attach the order or judgment from which the appeal is taken to the petition on appeal. See Iowa R. App. P. 6.201(1)(e)(1)(1).