

IN THE SUPREME COURT OF IOWA

IOWA SUPREME COURT NO. 23-0579

**IN THE INTEREST OF J.V.,
Minor Child,**

**D.B. and M.B., Guardians,
Petitioners - Appellants,**

vs.

**J.V., Mother.,
Respondent - Appellee.**

**APPEAL FROM THE IOWA DISTRICT COURT
IN AND FOR POLK COUNTY
HONORABLE SAMANTHA GRONEWALD,
DISTRICT COURT JUDGE
Polk County No. JVJV251326**

APPELLEE'S BRIEF

**CATHLEEN J. SIEBRECHT
SIEBRECHT LAW FIRM
PO Box 57647
Pleasant Hill, IA 50327
Phone Number: 515-288-4005
Email: Siebrechtlaw@gmail.com
ATTORNEY FOR APPELLEE**

BRIEF

PROOF OF SERVICE

On the 10th day of November, 2023, the undersigned hereby certifies that she electronically served the within Appellee's Brief on the following attorneys of record via EDMS:

Mark Hinshaw
1200 Valley West Drive, Suite 208
West Des Moines, IA 50266
mark@hawkeyedivorce.com
Attorney for Guardians-Appellants

Jeremy Feitelson
1200 Valley West Drive, Suite 606
West Des Moines, IA 50266
jeremy@feitelsonlaw.com
Guardian ad Litem

Respectfully Submitted:

/s/ Cathleen J. Siebrecht

Cathleen J. Siebrecht AT0007320
SIEBRECHT LAW FIRM
PO Box 57647
Pleasant Hill, IA 50327
Phone Number: 515-288-4005
Email: Siebrechtlaw@gmail.com
ATTORNEY FOR APPELLEE

CERTIFICATE OF FILING

I hereby certify that I did file the within Appellee's Brief with the Clerk of the Iowa Supreme Court via electronic filing (EDMS) on the 10th day of November, 2023.

Respectfully Submitted:

/s/ Cathleen J. Siebrecht

Cathleen J. Siebrecht AT0007320

SIEBRECHT LAW FIRM

PO Box 57647

Pleasant Hill, IA 57647

Phone Number: 515-288-4005

Email: Siebrechtlaw@gmail.com

ATTORNEY FOR APPELLEE

TABLE OF CONTENTS

PROOF OF SERVICE2

CERTIFICATE OF FILING3

TABLE OF CONTENTS4

TABLE OF AUTHORITIES.....5

STATEMENT OF ISSUES PRESENTED FOR REVIEW7

ROUTING STATEMENT8

STATEMENT OF THE CASE8

NATURE OF THE CASE8

COURSE OF THE PROCEEDINGS8

STATEMENT OF THE FACTS.....9

ARGUMENT12

 STANDARD OF REVIEW.....12

 PRESERVATION OF ERROR12

 ISSUE I: MERITS13

 ISSUE II: MERITS19

 ISSUE III: MERITS21

CONCLUSION23

CONDITIONAL REQUEST FOR ORAL ARGUMENT.....23

COST CERTIFICATE24

CERTIFICATE OF COMPLIANCE25

TABLE OF AUTHORITIES

STATUTES

IOWA CODE CHAPTER 600A..... 12, 21
IOWA CODE §600A.1 22
IOWA CODE §600A.1(1)..... 22
IOWA CODE §600A.1(2)..... 21
IOWA CODE §600A.8(3)(B) 14
IOWA CODE §600A.8(3)(B)(1)..... 16
IOWA CODE §600A.8(3)(B)(2)..... 16

RULES

IOWA R. APP. 4 12
IOWA R. APP. 6.14(6)(G)..... 12
IOWA R. APP. 6.903(2)(D)..... 8
IOWA R. APP. 6.903(2)(G)(3) 13, 19
IOWA R. APP. 6.1101(3)(A)..... 8

CASES

SANTOSKY V. KRAMER, 455 U.S. 745 (1982)..... 14
TROXEL V. GRANVILLE, 530 U.S. 57 (2000). 14

GENETZKY V. IOWA STATE UNIVERSITY, 480 N.W.2D 858 (IOWA
1992)..... 20
IN RE D.M., 516 N.W.2D 888 (IOWA 1994)..... 15
IN RE ESTATE OF RUTTER, 633 N.W.2D 740 (IOWA 2001)..... 12
IN RE GOETTSCHKE, 311 N.W.2D 104 (IOWA 1981)..... 15

IN RE GUARDIANSHIP OF SAMS, 256 N.W.2D 570 (IOWA 1977) 15

IN RE Q.G., 911 N.W.2D 761 (IOWA 2018).....21, 22

IN RE R.K.B., 572 N.W.2D 600 (IOWA 1998) 12

IN THE INTEREST OF L.H., 480 N.W.2D 43 (IOWA 1992) 14

IN THE INTEREST OF CHAD, 318 N.W.2D 213 (IOWA 1992) 15

SOO LINE R. CO. V. IOWA DEPT. OF TRANSP., 521 N.W.2D 685 (IOWA 1994).....20

STATE V. SEERING, 701 N.W.2D 655 (IOWA 2005) 13, 20

IN RE E.K., 568 N.W.2D 829 (IOWA CT. APP. 1997)..... 12

JOHNSON V. STATE FARM AUTO. INS. CO., 504 N.W.2D 135 (IOWA CT. APP. 1993)20

IN RE K.P., NO. 14-2068, 2015 WL 4644800, AT *3 (IOWA CT. APP. AUG. 5, 2014)..... 18

IN THE INTEREST OF S.S. NO. 19-0291 (IOWA CT. APP. FILED DECEMBER 18, 2019)..... 18

STATEMENT OF THE ISSUE PRESENTED FOR REVIEW

I. THE TRIAL COURT WAS CORRECT IN FINDING THE MOTHER DID NOT ABANDON HER CHILD.

Iowa Code §600A.8(3)(b)

Iowa Code §600A.8(3)(b)(1)

Iowa Code §600A.8(3)(b)(2)

Santosky v. Kramer, 455 U.S. 745 (1982).

Troxel v. Granville, 530 U.S. 57 (2000).

In re D.M., 516 N.W.2d 888 (Iowa 1994).

In re Goettsche, 311 N.W.2d 104 (Iowa 1981).

In the Interest of Chad, 318 N.W.2d 213 (Iowa 1992).

In re K.P., No. 14-2068, 2015 WL 4644800, at *3 (Iowa Ct. App. Aug. 5, 2014).

In the Interest of S.S. No. 19-0291 (Iowa Ct. App. Filed December 18, 2019).

II. THE CHILD WOULD NOT BE AT RISK OF ABUSE AND NEGLECT IF RETURNED TO THE CUSTODY OF HIS MOTHER.

Iowa R. App. P. 6.903(2)(g)(3).

Genetzky v. Iowa State University, 480 N.W.2d 858 (Iowa 1992).

Soo Line R. Co. v. Iowa Dept. of Transp., 521 N.W.2d 685 (Iowa 1994).

State v. Seering, 701 N.W.2d 655 (Iowa 2005).

Johnson v. State Farm Auto. Ins. Co., 504 N.W.2d 135 (Iowa Ct. App. 1993).

III. MAINTAINING THE MOTHER'S PARENTAL RIGHTS IS IN THE CHILD'S BEST INTEREST

Iowa Code Chapter 600A.

Iowa Code 600A.1.

Iowa Code 600A.1(1).

Iowa Code 600A.1(2).

In re Q.G., 911 N.W.2d 761 (Iowa 2018)

ROUTING STATEMENT

Appellant's brief does not include a routing statement. See Iowa R. App. P. 6.903(2)(d) (requiring the Appellant's brief to include a routing statement indicating whether the case should be retained by the Supreme Court).

Appellee submits that this case should be transferred to the Court of Appeals as the issues raised herein involve applying existing legal principles. Iowa R. App. P. 6.903(2)(d) and 6.1101(3)(a).

STATEMENT OF THE CASE

Nature of the Case:

This is an appeal by the legal Guardians of a minor Child following their unsuccessful attempt to terminate his Mother's parental rights. (Order 3/30/2023). (App. 48-51). In this appeal, the Guardians argue: 1) The Trial Court erred in determining that the Mother did not abandon the child; 2) The Child would be at risk of abuse and neglect if returned to the Mother's custody; and 3) Termination of the Mother's parental rights is in the Child's best interests.

Course of the Proceedings:

Appellee agrees with the Appellants' summary of the Course of the Proceedings as sufficient to frame the issues for review. The Appellee however

does not believe the Appellants' Statement of the Facts is sufficient and Appellee supplements the Statement of Facts below.

Statement of the Facts:

J.V. is the biological Mother of J.L.V., born in 2017. D.B. and M.B. are the current legal Guardians of J.V. (TPR Petition 10/20/2020). (App. 6-9). At the time of trial in 2023, the Child was 5 years of age.

The Mother was incarcerated when the Child was born. (Trans. Vol. I, part 1, p. 8-9). (Trans. Vol. I, part 2, p. 4, 39). She was in need of a safe home for her son until she was released and able to take him back into her care. (Trans. Vol. I, part 1, p. 8-9). (Trans. Vol. I, part 2, p. 4, 38-39). The Mother met D.B. and M.B. through Safe Families, an agency that assists families in crisis to provide care for children with the goal of keeping families together. (Trans. Vol. I, part 1, p. 8-9). (Trans. Vol. I, part 2, p. 38). Three days after his birth, the Mother returned to prison and D.B. and M.B. took the Child into their home. (Trans. Vol. I, part 2, p. 38-39).

When the Mother was released from custody, she went to live at the House of Mercy. While living at the House of Mercy, her son returned to her care and remained with her for approximately 18 months. (Trans. Vol. 1, part 2, p. 20). (App. 20, 27, 38-39). Although the Child was no longer in living with them, D.B.

and M.B. continued their supportive relationship with him and his Mother. D.B. and M.B. would occasionally provide care for the Child at his Mother's request. The Mother admits she began to struggle with her drug addiction. She relapsed and agreed for D.B. and M.B. to take the child back into their home again. (Trans. Vol. I, part 2, p. 24, 42, 43).

On April 19, 2019, D.B. and M.B. filed a Petition for Guardianship of the child in Polk County GCPR074793. The Mother resisted the guardianship proceeding. She wanted to maintain custody. Despite her resistance, D.B. and M.B. were appointed Guardians on November 1, 2019. However, pursuant to the Guardianship Order, the Mother was allowed a visitation schedule and regular contact. D.B. and M.B., the newly appointed Guardians, did not follow the Court's visitation order. On their own, D.B. and M.B. determined that they could dictate the Mother's contact with the child. D.B. and M.B. began restricting her visits, and then eventually denied her visits altogether. At some point D.B. and M.B. moved from the state of Iowa to Colorado, then to Texas, taking the child with them. They did not seek permission from the guardianship Court to move the child out of state; they did not notify the Mother of their intention; and they did not file the statutorily required annual guardianship reports. (Trans. Vol. I, part 1, p. 9, 12, 14). (Trans. Vol. I, part 2, p. 4-11, 20, 24, 29, 40, 42-44, 46-47).

Less than a year after obtaining legal guardianship, D.B. and M.B. filed their first Petition for Termination of Parental Rights on October 10, 2020 in Dallas County JVJV005781. (TPR Petition 10/10/2020). (App. 6-9). The Mother again attempted to resist the legal proceedings brought against her. The Dallas County Court granted the termination and on February 23, 2021, issued an Order terminating the Mother's parental rights. However, she had not been informed of her right to counsel and was not provided proper notice. The Mother appealed and counsel was appointed to her for the first time in her legal dealings with D.B. and M.B. The Iowa Court of Appeals reversed the Dallas County Juvenile Court, and remanded the case for compliance with the appropriate notice requirements including notifying the Mother of her right to be represented by counsel at the time of the termination hearing. Procedendo issued on April 4, 2022. (Court of Appeals Ruling).

Despite their initial loss on appeal, shortly after procedendo issued the Guardians again pursued termination of the Mother's parental rights. At their request, a Trial Scheduling Conference was scheduled. The Mother made application and was appointed counsel; trial was scheduled, and venue was transferred to Polk County. Trial was ultimately held on January 19 and February 3, 2023. Following trial, the Court refused to terminate the Mother's parental rights and dismissed the Petition. (Order 3/30/2023). (App. 48-51). D.B. and

M.B. then filed Notice of Appeal on April 6, 2023. (NOA 4/6/2023). D.B. and M.B. have now been in litigation with the Mother regarding the child's custody for more than 4 of his 6 years of life.

ARGUMENT

Standard of Review:

Private termination proceedings under Iowa Code Chapter 600A are reviewed de novo. In re R.K.B., 572 N.W.2d 600, 601 (Iowa 1998); Iowa R. App.P. 4. In equity cases, especially when considering the credibility of witnesses, the Appellate Court gives weight to the fact findings of the District Court but is not bound by them. In re Estate of Rutter, 633 N.W.2d 740, 746 (Iowa 2001); Iowa R. App. P. 6.14(6)(g). The primary interest in termination proceedings is the best interests of the child. In re R.K.B., 572 N.W.2d 600, 601 (Iowa 1998). The grounds for termination must be proven by clear and convincing evidence. In re E.K., 568 N.W.2d 829, 830 (Iowa Ct. App. 1997).

Preservation of Error:

Appellee does not dispute that the Appellants preserved error on Issue I (Abandonment) and Issue III (Best Interests of Child) but maintains that the

District Court was correct in finding that the Mother had not abandoned the Child and termination of parental rights was not in the Child's best interests.

Appellee submits that error was not preserved as to Issue II (Risk of Harm), as Appellants failed to cite authority in support of this issue. *State v. Seering*, 701 N.W.2d 655, 661 (Iowa 2005). The Appellant is required to present arguments and supportive authority in an appeal brief. "Failure to cite authority in support of an issue may be deemed waiver of that issue." Iowa R. App. P. 6.903(2)(g)(3). This Court need not consider the extent to which this argument may have merit, as under our rules and our precedents it has been waived.

ISSUE I. THE TRIAL COURT WAS CORRECT IN FINDING THE MOTHER DID NOT ABANDON HER CHILD.

Merits:

The allegation in the Petition relevant to this appeal is that the biological Mother had abandoned her child within the meaning of Iowa Code 600A.8(3)(b). (TPR Petition 10/20/2020). (App. 6-9).

The Iowa Supreme Court has determined that the termination of parental rights may not occur except upon a showing of one or more of the statutory grounds that the State legislature has established. In *the Interest of L.H.*, 480 N.W.2d 43, 47 (Iowa 1992). Additionally, the statutory grounds for the

termination of parental rights must be proven by clear and convincing evidence. *Santosky v. Kramer*, 455 U.S. 745, 770; 102 S. Ct. 1388; 71 L. Ed. 2d 599, 617 (1982). A Mother's interest in parenting her son is a fundamental right that is of the utmost importance. *Troxel v. Granville*, 530 U.S. 57, 65 (2000).

The Iowa Code enumerates the ways in which a parent can be deemed to have abandoned a minor child. Iowa Code Section 600A.8(3)(b) states as follows:

If the child is six months of age or older when the termination hearing is held, a parent is deemed to have abandoned the child unless the parent maintains substantial and continuous or repeated contact with the child as demonstrated by contribution toward support of the child of a reasonable amount, according to the parent's means, and as demonstrated by any of the following:

1. Visiting the child at least monthly when physically and financially able to do so and when not prevented from doing so by the person having lawful custody of the child; and
2. Regular communication with the child or with the person having the care or custody of the child, when physically and financially unable to visit the child or when prevented from visiting the child by the person having lawful custody of the child; 3. Openly living with the child for a period of six months....(portions omitted due to lack of relevance in this action); Iowa Code, § 600A.8(3)(b)(1)-(3) (2021). See also Iowa code section 600A.2(19) (2021) (definition of "to abandon a minor child").

Although total desertion is not necessary to establish abandonment, it does require clear and convincing evidence of giving up parental rights and responsibilities accompanied by an intent to forego them. *In re Goettsche*, 311 N.W.2d 104, 106 (1981). *See also* *In re D.M.*, 516 N.W.2d 888, 891 (Iowa 1994).

Here, the record demonstrates the Mother intended to maintain a relationship with her son and eventually have him return to her care, rather than abandon him.

In this case, the Mother should not be punished for having sought assistance from the Petitioners when her child was born, or when she relapsed. (Trans. Vol. I, part 1, p.8-12; (p. 36, 40) (Trans. Vol. 1, part 2, p. 4, 27, 38-40, 43). Parents should be encouraged to look for help in caring for their children in time of need without risking the loss of custody. In re Guardianship of Sams, 256 N.W.2d 570, 573 (Iowa 1977).

This case is akin to *In the Interest of Chad*, 318 N.W.2d 213, (Iowa 1992), where our Iowa Supreme Court held that a mother's parental rights could not be terminated on the basis of statutory provision pertaining to refusal or neglect of parental duties, since there was no clear and convincing proof that the mother substantially, continuously, or repeatedly refused or neglected to comply with the duties engendered by the parent-child relationship but, on the contrary, the mother was ready, willing and able to assume her parental role, though she had been prevented from doing so by the Guardians and the prolonged pendency of the legal proceedings. (Trans. Vol. I, part 1, p. 15, 16, 21, 23). (Trans. Vol I, part 2, p. 6, 7, 8, 9, 10, 11, 13, 14, 15, 20, 26, 29, 32). (Trans. Vol. II, p. 8, 23, 24).

The Mother maintains that 600A.8(3)(b)(1) and (2) were not met by the Petitioners. The Mother asserts that the Petitioners prevented her from having contact with her son by refusing to allow visits and phone calls and by moving the child from Iowa to Colorado and Texas. (Trans. Vol. I, part 1, p. 15, 16, 21, 23). (Trans. Vol I, part 2, p. 6, 7, 8, 9, 10, 11, 13, 14, 20, 26, 29, 32). (Trans. Vol. II, p. 8, 23, 24).

The Mother attempted to communicate with the Petitioners and her son via calls and text messages. While these efforts may not have been consistent each month, the Mother did continue her attempts at contact even when ignored by the Petitioners. (Trans. Vol. I, part 1, p. 15, 16, 21, 23). (Trans. Vol I, part 2, p. 6, 7, 8, 9, 10, 11, 13, 14, 20, 26, 29, 32). (Trans. Vol. II, p. 8, 23, 24).

The Mother provided for her Child while out of her care as well as she could. She provided supplies, food, and gifts when she was allowed; she purchased gifts and saved them when she was forbidden from giving them. The Guardians knew she did not have the means to provide regular financial support, and even discouraged it. (Trans. Vol. I, part 1, p. 16, 19). (Trans. Vol. I, part 2, p. 9, 11, 30-32). (Trans. Vol. II, p. 48, 51).

The Mother has maintained her sobriety. She went back to school. She obtained employment. She obtained her own residence with room and furnishings for the child. She sought out schooling as well as medical and dental

care providers. She has cared for her own mental health needs. She has even sought out programming to improve her parenting. (Trans. Vol. I, part 1, p. __). (Trans. Vol. I, part 2, p. 37, 38, 44,). (Trans. Vol. II, p. 5-6, 8-9, 14-15, 17-22). (Mother's Exhibits A-G). (App. 18-37).

All of this shows the Mother had the intent to maintain a meaningful relationship with her son.

Further, the Guardians acknowledged that they denied the Mother the ability to maintain a meaningful relationship. They would not allow visits between the time they filed for guardianship until they were appointed Guardians. They put restrictions on her visits. They denied visits. They moved to different states without informing the Mother or even the Court. They came back to Iowa monthly without informing the Mother. They refused calls and would not return messages. They did not request financial support and refused gifts. They put the young child in the middle by leaving the decision to him as to whether they would allow his Mother to speak with him and by telling him they would change his name to their name. (Trans. Vol. I, part 1, p. 15-19, 21, 23). (Trans. Vol. I, part 2, p. 6, 7-11, 13-14, 20-21, 25-26, 29-32, 44, 46-48). (Trans. Vol. II, p. 23).

One cannot prove abandonment "when his or her own actions prevented the other parent from contacting the child." In re K.P., No. 14-2068, 2015 WL

4644800, at *3 (Iowa Ct. App. Aug. 5, 2014); In the Interest of S.S. No. 19-0291 (Iowa Ct. App. Filed December 18, 2019). As applied here, the Guardians testified about denying Mother visits and contact with her Child when it was not on their terms, and moving the Child's residence without first notifying the Mother or obtaining permission from the Court through the guardianship case. The Guardians would not even provide the child's new addresses to his Mother. The Guardians' refusal to allow the Mother information and contact cannot now be used to bootstrap a claim of abandonment. The Mother did not voluntarily abandon her son when she was prevented from having a meaningful relationship and any contact with him. She resisted the multiple legal actions against her. She attempted to maintain contact and obtain information. When contact was not allowed, she gained what information she could through her own mother. (Trans. Vol. I, part 1, p. 15, 16, 21, 23). (Trans. Vol I, part 2, p. 6, 7, 8, 9, 10, 11, 13, 14, 20, 26, 29, 32). (Trans. Vol. II, p. 8, 23, 24).

The Mother did not have the financial means to provide ongoing monetary support for the child. But she did provide gifts, food and supplies when she could and was allowed to do so. The Guardians each testified that they did not want, need, or even request that the Mother provide any monetary support for the child. They knew she did not have the means. They should not be allowed to make the Mother believe her financial support was not needed or necessary for nearly five

years, and then turn around and use it against her. (Trans. Vol. I, part 1, p. 16, 19). (Trans. Vol I, part 2, p. 9-11, 30-32). (Trans. Vol. II, p. 48, 51).

ISSUE II: THE CHILD WOULD NOT BE AT RISK OF ABUSE AND NEGLECT IF RETURNED TO THE CUSTODY OF HIS MOTHER.

Merits:

The Guardians argue that the Child would be at risk of abuse and neglect if returned to his Mother's custody. However, as indicated above regarding preservation of error, they cite no authority in support of this issue. The Appellant is required to present arguments and supportive authority in an appeal brief. "Failure to cite authority in support of an issue may be deemed waiver of that issue." Iowa R. App. P. 6.903(2)(g)(3). This Court need not consider the extent to which this argument may have merit, as under our rules and our precedents it has been waived. See *State v. Seering*, 701 N.W.2d 655, 661 (Iowa 2005). A litigant's random mention of an issue, without elaborating or providing supportive authority, is insufficient to raise the issue for review. See *Soo Line R. Co. v. Iowa Dept. of Transp.*, 521 N.W.2d 685 (Iowa 1994). An issue included in a party's appellate brief is deemed to be waived on appeal if no authority is cited in the brief on the issue. See *Genetzky v. Iowa State University*, 480 N.W.2d 858

(Iowa 1992). Johnson v. State Farm Auto. Ins. Co., 504 N.W.2d 135 (Iowa Ct. App. 1993).

Further, this issue is irrelevant as the guardianship is still in place and the Child remains in the Guardians' care. The Court's refusal to terminate the Mother's parental rights does not terminate the guardianship. Although the Mother believes that she can safely take the child into her care immediately and that it is in his best interest that he return to her care, she did not request that the guardianship be terminated. She asked that the termination of parental rights petition be denied so that she could be afforded the opportunity to build a relationship with her son and eventually allow the Court to consider returning her son to her custody through the guardianship proceeding. (Trans. Vol. 2 p. 21, 22, 25).

ISSUE III. MAINTAINING THE MOTHER'S PARENTAL RIGHTS IS IN THE CHILD'S BEST INTERESTS.

Merits:

Even if the threshold showing of abandonment is met, termination is not in the child's best interest. The Guardians failed to prove by clear and convincing evidence that termination is in his best interest. "The best interest of the child

subject to the proceedings of this chapter shall be the paramount consideration in interpreting this chapter.” Iowa Code 600A.1(1).

Termination proceedings under Iowa Code 600A require a two-step analysis. In re Q.G., 911, N.W.2d 761, 770 (Iowa 2018). The first step requires that the party seeking termination must first show with clear and convincing evidence that a threshold event has occurred to open the door to termination. *Id.* After the initial threshold has been established then the Petitioner must prove by clear and convincing evidence that the termination of parental rights is in the best interest of the child. *Id.*

“The best interest of the child requires that [the] biological parent affirmatively assume the duties encompassed by the role of being a parent. In determining whether a parent has affirmatively assumed the duties of a parent, the court shall consider, but is not limited to consideration of, the fulfillment of financial obligations, demonstration of continued interest in the child, demonstration of a genuine effort to maintain communication with the child, and demonstration of the establishment and maintenance of a place of importance in the child’s life.” Iowa Code 600A.1(2).

The parents’ interest must also be given due consideration. Iowa Code 600A.1. “Whether the best interest of a child will be served by the termination of parental rights must be decided on a case-by-case basis.” Further, “caselaw

has limited utility” when considering the best interest of the child framework.”
In re Q.G., 911 N.W.2d 761, 771 (Iowa 2018). Each case must be decided on its
own facts. Id.

At trial, the Guardians simply argued that they were able to provide stability to the Child and wanted to adopt him. However, the Mother has demonstrated that she has proven her stability as well. At the time of hearing the Mother was employed full time, attending college courses, actively engaging in mental health therapy, was medication compliant, and had remained sober for more than three years. She had appropriate housing for her and the child, and had made arrangements for the child’s schooling, child care and medical care in the event he were to return to her care in the future. (Trans. Vol. I, part 1, p. __). (Trans. Vol. I, part 2, p. 37, 38, 44,). (Trans. Vol. II, p. 5-6, 8-9, 14-15, 17-22). (Mother’s Exhibits A-G). (App. 18-39).

CONCLUSION

For the reasons set forth by the District Court and herein, the Mother respectfully requests that this Court issue a ruling affirming the District Court, maintaining the Mother’s parental rights to her Child, and any other relief the Court deems just and equitable and in the best interest of the Child.

Respectfully Submitted:

/s/ Cathleen J. Siebrecht

Cathleen J. Siebrecht AT0007320
SIEBRECHT LAW FIRM
PO Box 57647
Pleasant Hill, IA 50327
Phone Number: 515-288-4005
Email: Siebrechtlaw@gmail.com
ATTORNEY FOR APPELLEE

CONDITIONAL REQUEST FOR ORAL ARGUMENT

In the event oral argument is granted, counsel for Appellee hereby requests to be heard.

Respectfully Submitted:

/s/ Cathleen J. Siebrecht

Cathleen J. Siebrecht AT0007320
SIEBRECHT LAW FIRM
PO Box 57647
Pleasant Hill, IA 50327
Phone Number: 515-288-4005
Email: Siebrechtlaw@gmail.com
ATTORNEY FOR APPELLEE

COST CERTIFICATE

I, Cathleen J. Siebrecht, hereby state that the actual cost of printing the foregoing Appellee's Brief was the sum of \$0.00 as it is electronically submitted.

Respectfully Submitted:

/s/ Cathleen J. Siebrecht

Cathleen J. Siebrecht AT0007320

SIEBRECHT LAW FIRM

PO Box 57647

Pleasant Hill, IA 50327

Phone Number: 515-288-4005

Email: Siebrechtlaw@gmail.com

ATTORNEY FOR APPELLEE

Certificate of Compliance with Type-Volume Limitation, Typeface Requirements, and Type-Style Requirements

1. This brief complies with the type-volume limitation of Iowa R. App. P. 6.903(1)(g) because this brief contains 3,534 words, excluding the parts of the brief exempted by Iowa R. App. P. 6.903(1)(g).

2. This brief complies with the typeface requirements of Iowa R. App. P. 6.903(1)(e) and the type-style requirements of Iowa R. App. P. 6.903(1)(f) because this brief has been prepared this brief has been prepared in a proportionally spaced typeface using Microsoft Word 14 point Times New Roman.

/s/ Cathleen J. Siebrecht

Cathleen J. Siebrecht AT0007320
SIEBRECHT LAW FIRM
PO Box 57647
Pleasant Hill, IA 50327
Phone Number: 515-288-4005
Email: Siebrechtlaw@gmail.com
ATTORNEY FOR APPELLEE

Date: 11/10/2023