FILED
AUG 31 1978
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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN THE INTEREST OF:

PATRICIA ROTHMEYER and
KENNETH PAUL EUGENE ROTHMEYER,

Children,

MILDRED LANE,

Appellant.

Filed August 31, 1978

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3-61694

Appeal from Linn District Court - Brent G. Harstad, Magistrate.

Appeal by natural mother from court order terminating her parental rights pursuant to provisions of § 600A.8(6), The Code 1977. Reversed and remanded for further proceedings.

Susan E. Harman, of Lynch, Dallas, Smith & Harman, of Cedar Rapids, counsel for appellant.

Richard C. Turner, Attorney General of Iowa, Stephen C. Robinson, Special Assistant Attorney General, John James Piazza, Assistant Attorney General, and Henry Nathanson, of Cedar Rapids, counsel for children.

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

PER CURIAM

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This is an appeal by Mildred Lane, the natural mother of Kenneth and Patricia Rothmeyer, from a court order terminating her parental rights with regard to the two children pursuant to provisions of § 600A.8(6), The Code 1977.

On June 26, 1975, Kenneth and Patricia Rothmeyer were found to be children in need of assistance pursuant to chapter 232, The Code 1975. A review hearing concerning the status of Kenneth and Patricia held February 23, 1977 resulted in the court's adoption of a 16-point program requiring the correction of conditions which led to the adjudication of neglect. On August 31, 1977, the State petitioned for termination of Mildred Lane's parental rights under § 600A.8(6), The Code 1977, alleging that she had failed to make reasonable efforts to correct the conditions giving rise to the adjudication of neglect. The Juvenile Court agreed and final judgment terminating the parent-child relationship was entered on January 30, 1978. Mildred Lane asserts that it was not shown by clear and convincing evidence that reasonable efforts had failed to correct the conditions giving rise to Kenneth and Patricia's previous adjudication as children in need of assistance.

Our review of termination proceedings under chapter 600A, The Code 1977, is de novo. In Interest of Kelley, 262 N.W.2d 781, 782 (Iowa 1978). After reviewing the facts urged to establish § 600A.8(6) grounds for termination, it is our judgment that the record in this case does not support a termination at this time. Mildred Lane has made progress in her effort to regain her children, and the State has not shown by clear and convincing proof that her parental rights should be terminated at this time. However, Mildred still has substantial progress to make before Kenneth and Patricia should be returned to her.

Oral argument highlighted for this court a genuine concern for both the welfare of these children and the interest of the parent. Counsel for appellee's suggestion for disposition not far from that urged by appellant was admirable advocacy in this sensitive situation.

Accordingly, we reverse the order of termination and remand the case with directions that custody of Kenneth and Patricia Rothmeyer remain in the Department of Social Services for at least six months pending a review hearing, or until the State can show by clear and convincing proof that the parental rights of Mildred Lane should be terminated.

REVERSED AND REMANDED FOR FURTHER PROCEEDINGS.