FILED
NOV 30 1987
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

229

IN THE INTEREST OF T P , C.B., K.B., and D.O.C., Minor Children,	)	Filed November 30, 1987
K.C , Natural Mother,	)	
Appellant,	)	7-370 / 87-436
J C., Natural Father,	)	
Appellant.	)	

Appeal from the Iowa District Court for Mahaska County (No. J 6-158), Gene W Glenn, Juvenile Referee.

The natural mother and natural father appeal from an order in the juvenile court terminating their parental rights pursuant to Iowa Code section 232.116(5) (1985) **AFFIRMED.**

H. Edwin Detlie, Ottumwa, for the natural mother-appellant.

Alfredo Parrish and Artis Reis of Parrish & Kruidenier, Des Moines, for natural father-appellant.

David D. Dixon of Heslinga, Heslinga & Dixon, Oskaloosa, guardian ad litem, for the children.

Thomas J. Miller, Attorney General, and Charles K. Phillips, Assistant Attorney General, for the State.

Considered by Donielson, P.J., and Schlegel and Hayden, JJ.

DONIELSON, P.J.

The natural mother and natural father appeal from an order in the juvenile court terminating their parental rights pursuant to Iowa Code section 232.116(5) (1985). They claim the district court erred in finding by clear and convincing evidence that the children could not be returned to the parents. We affirm.

K.C. is the natural mother of T.P., born in 1973; C.B., born in 1977; K.B., born in 1975; and D.O.C., born in 1982. J.C. is the natural father of D.O.C. The natural father of C.B. and K.B. is F.B. The natural father of T.P. is unknown. This appeal involves only J.C. On November 4, 1983, C.B. was adjudicated to be a child in need of assistance under Iowa Code section 232.2(6)(b) and (c)(2) after J.C. kicked him in the head for spilling a drink. T.P., K.B., and D.O.C. were found to be children in need of assistance under section 232.2(6)(c)(2) on December 9, 1983, because of K.C.'s failure to protect the children from abuse by J.C. The court ordered placement of the children with K.C., stating there should be no contact by J.C. K.C. and J.C. were not married at that time.

On June 1, 1984, the juvenile court found that K.C. had permitted J.C. to live with her for a time and had allowed another male to reside with her who had physically abused the children. The children were placed in foster care and have not been returned to the home. K.C. and J.C. were offered family services and help for J.C.'s drinking. K.C. and J.C. have since married and had two more children. On November 15, 1985, the court found that K.C. and J.C. were not cooperating with services. A petition for termination of parental rights was filed on May 30, 1986. At the hearing there was evidence that J.C. had given the children alcohol and marijuana and sometimes made them wear only their underwear. The juvenile court terminated the parental rights of K.C., J.C., and F.B.

K.C. and J.C. contend the juvenile court erred in finding by clear and convincing evidence that the children could not be returned to their custody. They claim there is no evidence the children would be harmed if they were to be returned to them. J.C. acts as a father to all four of the children. They argue that the original incident which caused the children to be removed from the home was not that serious. K.C. and J.C. did not benefit from counseling as much as was hoped, but J.C. did testify he had limited his consumption of alcohol. K.C. and J.C. point out that their visits with the children went well.

On appeal, we review parent-child terminations de novo. In Interest of K.L.C., 372 N.W.2d 223, 227 (Iowa 1985). We give weight to the fact findings of the trial court, especially when considering the credibility of witnesses, but we are not bound by them. Iowa R. App. P. 14(f)(7). Central to a determination of this nature are the best interests of the child. In Interest of Dameron, 306 N.W.2d 743, 745 (Iowa 1981). Intrinsic to the evaluation of a child's best interests is an examination of the parent's past performance, from which valuable insight may be gleaned as to future quality of care the parents are able to provide. In Interest of O'Neal, 303 N.W.2d 414, 423 (Iowa 1981). The State has a duty to see that every child receives minimally adequate care and treatment and will intercede when parents abdicate their responsibility. Interest of Dameron, 306 N.W.2d at 745. To justify termination of parental rights, the court must find by clear and convincing evidence proof of the statutory grounds. Iowa Code § 232.117(2) (1985).

We initially note that not only may the court look at the past behavior of the parent, but that it is an important factor. In the Interest of M.H., 367 N.W.2d 275 (Iowa App. 1985). We look to the child's long-range and immediate interests and consider what the future could hold for the child if returned to the parent. Id. We may obtain insight for this determination from evidence

of the parent's past performance, for that performance may be indicative of the quality of the future care that parent is capable of providing. Interest of Dameron, 306 N.W.2d at 745; Interest of M.H., 367 N.W.2d at 278. Also, the current statutory termination provisions are preventative as well as remedial and, therefore, mandate action to prevent probable harm to a child and do not require delay until after harm has occurred. In the Interest of N.H., 383 N.W.2d 570, 572 (Iowa 1986); Interest of Dameron, 306 N.W.2d at 745.

We have reviewed the record in this case thoroughly and believe the best interests of the children involved require a termination of the parental rights. The facts on which we base our decision include the following: (1) the CHINA orders which reveal several incidents of inappropriate parental care, followed by years of unprofitable services such as parenting classes, mental health counselors, and homemaker services; (2) the final reports of those persons and agencies providing the aforementioned services; (3) the incidents demonstrative of J.C.'s volatile, aggressive, and explosive personality, such as kicking C.B. in the head for spilling J.C.'s drink, breaking furniture, throwing bottles and glasses, striking K.C., making threats to Department of Human Services providers, throwing D.O.C. in his bed, causing the two oldest girls to fear him because of his temper if they did not do as he requested, which included having the girls run around in their underwear, touching the girls in their vaginal and chest areas, and giving them alcohol and marijuana; and (4) the children's emotional problems due to the instability of the home.

We cannot let the children return to their parents to be further subjected to physical abuse, emotional abuse, and substance abuse. Evidence has shown that J.C. is a child abuser, and K.C. is unwilling to leave him and unable to control him. We cannot allow the children to remain in imminent danger of harm.

We find that the order of termination entered by the juvenile referee was made in the best interests of the children; our de novo review of the record discloses there is clear and convincing evidence to support the juvenile referee's order terminating parental rights.

AFFIRMED.