IN THE COURT OF APPEALS OF IOWA

FILED
NOV 30 1987
CLERK SUPREME COURT

IN THE INTEREST OF G.T. and **D.T.**, Minor Children,	)	Filed November 30, 1987
D.T. and **J.T.**, Parents,	)	7-294 86-1694
Appellants.	)	155

Appeal from the Iowa District Court for Linn County (Nos. JT 511 and JT 514), Brent G. Harstad, District Associate Judge.

The parents of four-year-old twins appeal from the juvenile court's termination of their parental rights. **AFFIRMED.**

Matthew Glasson of Glasson, Grove & Sole, Cedar Rapids, for appellant parents.

Thomas J. Miller, Attorney General; Valencia Voyd McCown, Assistant Attorney General; and Susan Flaherty, Assistant Linn County Attorney, for appellee State.

Ron L. Luehrsmann, Cedar Rapids, for appellee children.

Considered by Oxberger, C.J., and Hayden and Sackett, JJ.

OXBERGER, C.J. 456

The parents of four-year-old twins appeal the juvenile court's termination of their parental rights. They contend: (1) that the State failed to show by clear and convincing evidence that the children could not be returned to their parents without risk of harm; (2) that the termination cannot be justified on any other ground permitted by statute; and (3) that they were denied effective assistance of counsel. We affirm.

Our review of the proceedings to terminate parent-child relationships is de novo. In the Interest of L.P., 370 N.W.2d 839, 840 (Iowa App. 1985); In the Interest of M.H., 367 N.W.2d 275, 278 (Iowa App. 1985). We accord weight to the fact findings of the juvenile court, especially when considering the credibility of the witnesses whom the court heard and observed firsthand, but we are not bound by them. Interest of L.P., 370 N.W.2d at 840; Interest of M.H., 367 N.W.2d at 278. 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). The State has the duty to see that every child receives minimally adequate care and treatment and will intercede when parents abdicate their responsibility. Dameron, 306 N.W.2d at 745; Interest of M.H., 367 N.W.2d at 278. The State may revoke the rights of parents if their allegations are proven by clear and convincing evidence. Iowa Code § 232.116(5)(c) (1985); Dameron, 306 N.W.2d at 745.

Since the parents' first two issues are intertwined, we will address them together. The parents contend that clear and convincing evidence has not been produced to show the children will suffer harm if returned home, and that termination was improper under any other grounds in the statute. The State argues the children will be subject to neglect if returned to the home.

An important factor that we consider is the past behavior of the parents. Interest of M.H., 367 N.W.2d at 275. We look to the child's long-range and im-

mediate 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 parents' past performance, for that performance may be indicative of the quality of the future care that parent is capable of providing. Dameron, 306 N.W.2d at 745; Interest of M.H., 367 N.W.2d at 278. We have reviewed the record in this case thoroughly and conclude the State carried its burden, and that termination is in the best interests of the children.

The record shows that these twins would be subject to neglect if returned to their parents. The parents already have four children at home; the addition of two more would place an unbearable burden on the parents' already deficient parenting skills. The parents are of limited intelligence and, while mental disability standing alone is not a sufficient reason for the termination of the parent-child relationship, it is a contributing factor to the inability to perform the duties of a parent. State ex rel. Leas in Interest of O'Neal, 303 N.W.2d 414, 422 (Iowa 1981); In re Wardle, 207 N.W.2d 554, 563 (Iowa 1973). It is a proper factor to consider in determining whether a child is neglected to the point where his or her interest and welfare require termination of the parent-child relationship. Id.

The record reveals several examples of these parents' deficient parenting skills. D.T. and G.T. were the subject of a neglect report and the treating physicians were concerned about the parents' inability to respond to the twins' apnea. They failed to keep several appointments to be trained in the use of apnea-monitoring equipment. They have failed to keep several appointments for the medical care of their other children. The parents have also failed to provide their other children medication pursuant to physician's orders.

There is also ample evidence that, even with support services, the parents are incapable of increasing their parenting skills. The doctors and social workers

were in complete agreement that the parents could not provide consistent and reliable care for the children. Additionally, the twins have special developmental needs in speech, hearing, and motor skills. D.T. has been determined to be mildly retarded. To adequately address the needs of these children, the involvement of clinicians and active participation of the parents will be necessary. It was also the opinion of the doctors that the parents, even with support services, would be unable to meet the special needs of the twins. We hold the State has proved by clear and convincing evidence that the children would be subject to neglect because of the parents' minimal ability to parent, and that termination is in the best interests of the twins.

The parents also contend they were denied effective assistance of counsel. The parents were represented by court-appointed counsel, and they allege their counsel was ineffective for not more vigorously requesting the court to issue findings of fact. The State contends the parents were given effective assistance. We conclude the parent's claim must fail.

The juvenile court ordered termination on February 27, 1986. The court stated findings of fact would be issued at a later date. The court finally issued its findings on October 14, 1986. In the interim, the parents' counsel filed an Application for New Trial and an Application for Orders.

Before addressing the ineffective assistance claim, we note that the court's delay in issuing its findings has made our review of this matter very difficult. But, more importantly, the court's unexplained delay has needlessly denied the twins a speedy disposition of this matter. Parent-child termination cases are of the utmost importance and unnecessary delays are inexcusable.

We now turn to the ineffectiveness claim. In termination proceedings the same standards adopted for counsel appointed in criminal proceedings are used. Interest of D.W., 385 N.W.2d 570, 579 (Iowa 1986). The Strickland principles

require the party claiming ineffective assistance of counsel to show (1) that counsel's performance was deficient, and (2) that actual prejudice resulted. Id. at 580. Unless both showings are made, the claim must fail. Id.

We conclude the parents' claim must fail since their counsel was not ineffective. The parents claim their counsel was ineffective since they did not press the court to issue its findings. Counsel made several post-trial motions without the benefit of the court's findings. Trial counsel cannot be held responsible for the court's delay in issuing its findings, and therefore, counsel's actions were not outside the wide range of reasonable professional assistance. The ultimate responsibility to issue findings rests with the court.

AFFIRMED.