FILED
AUG 27 1986
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN THE INTEREST OF L.M.B., A Child;	)	Filed August 27, 1986
L.B., Mother,	)	6-215 / 86-100
Appellant.	)	

Appeal from the Iowa District Court for Scott County (Juvenile No. J(T) 5095-0385) - John A. Nahra, Judge.

The natural mother of a four-year-old girl appeals the juvenile court order terminating her parental rights pursuant to Iowa Code section 232.116(5). AFFIRMED.

John G. Mullen, Davenport, Iowa, for appellant.

Thomas J. Miller, Attorney General of Iowa; Gordon E. Allen, Special Assistant Attorney General; Valencia Voyd McCown, Assistant Attorney General; and James L. Ottesen, Assistant Scott County Attorney; for appellee, State of Iowa.

Vincent J. Motto, Davenport, Iowa, for the children.

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

SCHLEGEL, J.

The natural mother of a four-year-old girl appeals the juvenile court order terminating her parental rights pursuant to Iowa Code section 232.116(5). The natural mother asserts that there was not clear and convincing evidence that the child could not be returned to her. We affirm.

In March 1985, a petition was filed to terminate the parental rights of L.B. and an unknown man, with respect to their child, L.M.B., born in 1981. The termination of the mother's parental rights was on the ground set out in Iowa Code section 232.116(5) (child in need of assistance who has been transferred from parents' custody for at least twelve months cannot be returned there). The termination of the unknown father's parental rights was on that ground and also the ground set out in Iowa Code section 232.116(2) (abandonment). Similar petitions were filed with respect to the mother's two other children.

Trial was held together on the three petitions. The mother contested only the termination with respect to L.M.B. In January 1986, the juvenile court entered an order granting the petition and terminating both parents' parental rights with respect to the child, L.M.B.; the two other termination petitions were also granted. The mother has appealed from the termination order with respect to the child, L.M.B.

The issue presented to us is whether there is clear and convincing evidence that the child, L.M.B., could not be returned home. Our review is de novo. We give weight to the findings of the juvenile court, but we are not bound by them. Iowa R. App. P. 14(b)(7). In the Interest of Dameron, 306 N.W.2d 743, 745 (1981). Iowa Code section 232.116(5)(a)-(c) (1985) provides that in order to obtain a termination of parental rights the State must show:

> a. The child has been adjudicated a child in need of assistance pursuant to section 232.96; and

> b. The custody of the child has been transferred from the child's parents for placement pursuant to section 232.102 for at least twelve of the last eighteen months; and
>
> c. There is clear and convincing evidence that the child cannot be returned to the custody of the child's parents as provided in section 232.102.

In child custody cases, the first and governing consideration of the court is the best interests of the child. Iowa R. App. P. 14(f)(15); In re Marriage of Winter, 223 N.W.2d 165, 167 (Iowa 1974). The only issue in this case is whether there is clear and convincing evidence that the children cannot be returned to the natural mother. See In the Interest of Chad, 318 N.W.2d 213, 219 (Iowa 1982).

The record reveals a terrifying history of abuse of all the children, including the child, L.M.B. Testimony from the Department of Human Services, psychiatrists, social workers, and doctors clearly shows that the best interests of the child demand that L.M.B. not be returned to her mother. The evidence is clear and convincing that the mother is not capable of raising L.M.B. The evidence is clear and convincing that L.M.B. is likely to suffer harm if returned to her mother's home. Nothing in appellant's evidence suggests that the mother has made satisfactory progress in learning how to care for children. This court will not ask the children to wait for the unlikely occurrence of the mother's maturity. In the Interest of Lewis, 257 N.W.2d 505, 512 (Iowa 1977). The decision of the juvenile court is affirmed.

AFFIRMED.