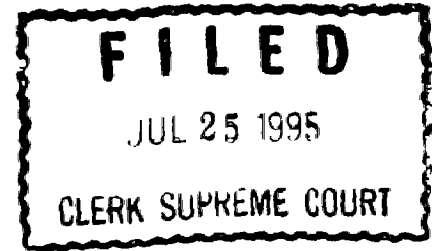


IN THE COURT OF APPEALS OF IOWA

No. 5-311 / 95-230

IN THE INTEREST OF R.L., R.L., K.L., AND A.L.,
Minor Children.

R.K.L., Father,
Appellant.



Appeal from the Iowa District Court for Polk County, Karla J. Fultz, Juvenile Court Judge.

Father appeals a district court ruling terminating his parental rights to his four children. **AFFIRMED.**

Julie A. Miller, Des Moines, for appellant.

Thomas J. Miller, Attorney General, Kathrin S. Miller-Todd, Assistant Attorney General, and Heather Dickinson, Assistant County Attorney, for appellee State.

David C. Backstrom, Juvenile Defender Office, Des Moines, guardian ad litem for minor children.

Considered by Donielson, C.J., and Sackett and Huitink, JJ.

SACKETT, J.

Appellant Ricky, the biological father of children born in 1982, 1983, 1985 and 1989, has appealed an order terminating his parental rights. He contends the State has not properly assessed his abilities as a parent, has not offered him reasonable services, and his trial counsel was ineffective. We affirm.

The mother of the children has voluntarily terminated her parental rights and is not a party to this appeal.

The family has been involved with the courts and the Department of Human Services since 1983, when the two older children were found to be children in need of assistance because of the failure of their parents to properly supervise them. The children remained with their parents but, after an incident of injury, were removed from their parents care and placed with their grandmother. Ricky assaulted the grandmother, and the children were placed in foster care but were returned to their parents in 1985. In 1990, the family again came under scrutiny when there was evidence three men living in the home had physically and sexually abused the children. Ricky was alleged to have been aware the abuse admitted by one of the perpetrators had taken place.

In early 1991, the four children were found to be children in need of assistance. In 1992, Ricky and the children's mother were arrested on charges of pimping and pandering. There were additional allegations of sexual abuse. In the fall of 1992, Ricky's thirteen-year-old niece reported Ricky had forced her to have sexual

intercourse. In December of that year, the children were put in foster care. In March 1993, Ricky pled guilty to lascivious acts with a child and was sentenced to five years in prison.

The petition for termination of parental rights was filed in September 1994, at which time Ricky was incarcerated at Anamosa and was scheduled for parole in September 1995. Ricky's parental rights were terminated, and this appeal follows.

Ricky alleges the State waited a year after the problems before removing the children from their parents' care; he was not provided with the opportunity to parent; and the court looked at his past behavior and rumors. He further contends no provision was made for him to have supervised visitation with the children. Ricky said his trial counsel was not effective because he failed to introduce evidence Ricky had completed classes in prison and alcohol treatment.

Appellate review of termination proceedings is de novo. *In re W.G.*, 349 N.W.2d 487, 491 (Iowa 1984), *cert. denied sub nom. J.G. v. Tauke*, 469 U.S. 1222, 105 S. Ct. 1212, 84 L. Ed. 2d 353 (1985). We give weight to the findings of fact of the juvenile court, especially when considering the credibility of witnesses, but we are not bound by those determinations. *In re W.G.*, 349 N.W.2d at 491-92.

The primary concern in termination proceedings is the interest of the child. Iowa R. App. P. 14(f)(15); *In re Dameron*, 306 N.W.2d 743, 745 (Iowa 1981).

We look to the child's long-range, as well as immediate, interests. We consider what the future holds for the child if returned to his or her parents. Insight for this determination can be gained from

evidence of the parent's past performance, for that performance may be indicative of the quality of the future care the parent is capable of providing. Our statutory termination provisions are preventative as well as remedial. They are designed to prevent probable harm to a child.

In re R.M., 431 N.W.2d 196, 199 (Iowa App. 1988).

There is clear and convincing evidence Ricky's parental rights should be terminated. We have carefully reviewed the record. We have considered his past conduct and the testimony. Ricky is a problem in prison and has not completed a program for sexual offenders. Even if Ricky's trial counsel had introduced evidence he completed classes in prison and alcohol treatment, the result would not be different.

AFFIRMED.