IN THE COURT OF APPEALS OF IOWA

No. 4-182 / 93-1711

FILED
MAY 26 1994
CLERK SUPREME COURT

IN THE INTEREST OF B.B. and Z.B., Minor Children,

M.B., Mother,

Appellant.

Appeal from the Iowa District Court for Mahaska County, Gene W. Glenn, Judge.

Mother appeals from an order terminating her parental rights pursuant to Iowa Code sections 232.116(1)(e) and (g) (1993). **AFFIRMED.**

Randy S. DeGeest, Oskaloosa, for appellant.

Bonnie J. Campbell, Attorney General, John M. Parmeter, Special Assistant Attorney General, Kathrine S. Miller-Todd, Assistant Attorney General, and Vicki Siegel, Assistant County Attorney, for appellee State.

David D. Dixon, Oskaloosa, for minor children.

Considered by Hayden, P.J., and Cady and Huitink, JJ.

CADY, J.

Michalle appeals the termination of her parental rights to two children, Bridget and Zachary. She does not claim the statutory requirements for termination have not been met, but claims the State has failed to make reasonable efforts to reunite her family.

I. Background Facts and Proceedings

Michalle is the biological mother of Bridget, born June 6, 1988, and Zachary, born June 29, 1989. The Iowa Department of Human Services (DHS) became involved with Michalle when it received a report she was trying to give her children away. Upon investigation, DHS learned Michalle had attempted to place the children with acquaintances, family members, and foster parents. Family preservation services were initiated, but Michalle failed to attend scheduled appointments. Michalle then voluntarily placed Bridget and Zachary in foster care.

Bridget and Zachary were adjudicated children in need of assistance (CINA) pursuant to Iowa Code sections 232.2(6)(c)(2) (failure to supervise) and (k) (parent wishes to be relieved) by consent of the parties. They remained in foster care. Michalle was granted supervised visitation and was scheduled to receive in-home treatment and homemaker services.

A review hearing was held in August 1991. The juvenile court found Michalle had regularly visited the children and

was participating in parenting classes. The children remained in foster care, but Michalle was granted both supervised and unsupervised visitation.

In November 1991 Michalle canceled several scheduled visits with her children, moved several times, failed to notify her caseworker of her whereabouts, showed "less than desired" cooperation with in-home treatment providers, and reported her boyfriend had become physically abusive. The children were ordered to remain in foster care. Michalle was allowed only supervised visits and was to receive parent skills development services.

The children remained in foster care after additional review hearings. Michalle was ordered to participate in "intensive personal counseling."

On November 18, 1992, the juvenile court again reviewed the case. It noted the bonding between Michalle and her children was limited. The court ordered the children remain in foster care. The court also ordered Michalle to maintain a stable residence, free of physical abuse; participate in individual counseling; seek and maintain employment to the best of her ability; meet with her caseworker; and continue supervised visitation.

After a February 3, 1993, review hearing, the juvenile court noted Michalle had attended counseling sessions but had minimized or denied any difficulties. The court ordered the filing of a petition to terminate Michalle's parental rights.

The termination hearing was held on July 28, September 9, and October 6, 1993. Michalle testified she had given birth to another child on July 30, 1993. She testified it had been a difficult pregnancy and her doctor had ordered bed rest. On October 25, 1993, the juvenile court terminated Michalle's parental rights pursuant to Iowa Code section 232.116(1)(e) and (g).

Michalle appeals.

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 (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. Id. at 491-92.

II. Reasonable Efforts for Reunification

Michalle does not contend that the statutory grounds for termination have not been met. She complains DHS failed to make reasonable efforts to reunite her family by denying her unsupervised visitation with her children. She further complains the visits were infrequent and inconvenient.

Reasonable efforts to reunite the parent and child are required prior to termination. In re C.H., 500 N.W.2d 449, 453 (Iowa App. 1993). However, the primary concern in termination proceedings is the best 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) (citing Dameron, 306 N.W.2d at 745).

The State has the duty to see that every child within its borders receives proper care and treatment and must intercede when a parent fails to provide it. In re I.L.G.R., 433 N.W.2d 681, 689 (Iowa 1988). The State must act to prevent probable harm to child and need not delay until actual physical harm has occurred. See Dameron, 306 N.W.2d at 745.

Although a parental interest in the integrity of the family unit exists, that interest is not absolute. Id. Children deserve a safe, healthy, and stimulating environment in which to grow and mature. In re J.W.D., 456 N.W.2d 214, 217 (Iowa 1990). They should not be forced to suffer the parentless limbo of foster care endlessly. In re D.J.R., 454 N.W.2d 838, 845 (Iowa 1990). Once the statutory limit of twelve months of out-of-home placement has been reached, the case must be viewed with a sense of urgency. In re L.L., 459 N.W.2d 489, 495 (Iowa 1990).

We find no support in the record for Michalle's claims. DHS made numerous visitation opportunities available to Michalle. While supervised visits were initially required, it was Michalle's own conduct which led the juvenile court to require supervision. Michalle was attempting to give her children to other caretakers. Following Michalle's cooperation with family preservation services, she was granted both supervised and unsupervised visits with her children. Again, it was her conduct which resulted in the court's suspension of unsupervised visitation. Michalle failed to attend numerous scheduled visits. She moved numerous times and failed to notify her caseworker of her whereabouts. Several of the men with whom she was involved were physically abusive towards her. She testified one boyfriend threatened to kill her and her parents. Michalle visited her children only four times between March and August 1993. Michalle claims she failed to visit and failed to notify DHS of her whereabouts because she was suffering from a problem pregnancy. In support of her argument, she notes her doctor ordered bed rest. However, she went camping with her boyfriend and moved several times during this time. In addition, her doctor did not order bed rest until some time in July 1993. She gave birth July 30, 1993. She testified she did not notify her caseworker of her whereabouts because she forgot. While she claims she had difficulty arranging transportation for some visits, we note she gave the automobile she owned to a boyfriend and was then unable to drive herself to visits.

From the record, we conclude DHS made substantial efforts to reunite this family unit. Supervised and unsupervised visitation, parenting classes, intensive personal counseling, in-home treatment, and homemaker services were consistently offered. However, Michalle's refusal to participate in services and failure to provide consistent, stable parenting for her children necessitated termination of her parental rights. We affirm the juvenile court.

AFFIRMED.