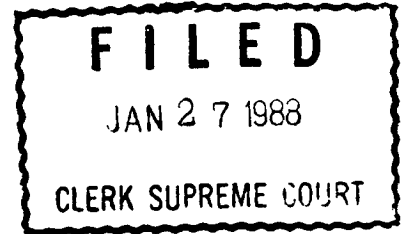


IN THE COURT OF APPEALS OF IOWA



IN THE INTEREST OF
K.L.K. and T.R.K.,

Children,

G.K., Natural Mother,

Appellant.

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Filed January 27, 1988

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87-233

Appeal from the Iowa District Court for Page (Juvenile) County (No. J-41),
James S. Heckerman, District Associate Judge.

The mother of two children appeals from the juvenile court's order terminating her parental rights. **AFFIRMED.**

Gary K. Anderson and Troyce Wheeler of Anderson & Wheeler, Council Bluffs, for the appellant mother.

Thomas J. Miller, Attorney General; Charles K. Phillips, Assistant Attorney General; and Stephen P. O'Meara, Page County Attorney, for appellee State.

Jennifer J. Rose, Shenandoah, for the children.

Considered by Oxberger, C.J., and Donielson and Schlegel, JJ.

DONIELSON, J.

The mother of two children appeals from the juvenile court's order terminating her parental rights. She contends the State did not meet its burden to prove that the children could not be returned to her custody. We affirm.

The children involved here are girls born in 1979 and 1981. Their parents' marriage was dissolved in 1982, and the father apparently played little role in the children's lives thereafter. The children lived with their mother until 1984, when they were found to be children in need of assistance on the ground they had been physically abused, neglected, and denied adequate supervision. At that time the children were placed in foster care, where they have since remained.

The State later filed a petition to terminate the parental rights of both natural parents. After a hearing, the district court terminated the parental rights of both parents on the ground stated in Iowa Code section 232.116(5). That statute permits termination if the juvenile court finds that:

- 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 addition, with respect to the father the juvenile court relied on abandonment as an additional ground for termination.

The mother has appealed from the termination order. (The father has not appealed.) The mother contends the State did not meet its burden to prove that the children could not be returned to her custody.

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.

A review of the record leads us to conclude that the children cannot be returned to their mother based on the following facts: (1) The children had been physically abused, sexually abused, and neglected before their fifth birth-

days. (2) G.K. has a history of alcohol abuse; she has not shown a sincere desire to succeed in overcoming her alcoholism and in fact she was terminated from a treatment center due to her lack of motivation. (3) G.K. has not succeeded with family therapy programs and has not availed herself of therapy involving sexual abuse issues. (4) The record is replete with G.K.'s constant traveling from place to place with a lack of a fixed address. (5) A social worker familiar with this case from the onset testified at trial that she recommended termination because G.K. had not made any progress in two years despite all the help from the agencies that was provided to her. (6) G.K. herself testified she could not care for the children unless she got a job and her G.E.D. (7) G.K. has made little effort to obtain her G.E.D. and to obtain permanent employment. (8) G.K. has exercised inconsistent visitation with the children while they were in foster care.

Based on the foregoing summary of the lengthy record on G.K.'s lack of parenting capabilities, we cannot say it is in the children's best interests to return them to their mother in hopes that she will someday attain the maturity and responsibility to care for herself and the children. G.K. has failed to take any meaningful steps in obtaining custody of her children and being an appropriate caretaker.

We affirm the juvenile court.

AFFIRMED.