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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN THE INTEREST OF B.L.A., A Child,	)	Filed May 31, 1988
B.A., Natural Mother	)	8-166 / 87-1198
Appellant.		

Appeal from the Iowa District Court for Black Hawk County (No. T-573), Joseph Moothart, District Associate Judge.

The natural mother of a six-year-old girl appeals from the juvenile court order terminating her parental rights pursuant to Iowa Code section 232.116(5) (1987) (child in need of assistance who has been transferred from parents' custody for at least twelve months cannot be returned there). **AFFIRMED.**

John S. Pieters of Pieters & Pieters, Waterloo, for appellant.

Thomas J. Miller, Attorney General; Gordon E. Allen, Special Assistant Attorney General; Valencia Voyd McCown, Assistant Attorney General; and Molly Frazen and Bruce Zager, Assistant County Attorneys, for appellee.

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

DONIELSON, J.

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The natural mother of a six-year-old girl appeals from the juvenile court order terminating her parental rights. We affirm.

B.A. and V.A. are the natural parents of B.L.A., born August 21, 1981. In July 1985 B.L.A. was removed from her parents' home because of an allegation that V.A. had sexually abused her. In October 1985 B.L.A. was adjudicated a child in need of assistance pursuant to a stipulation by the parties. In February 1986 custody of B.L.A. was transferred to the human services department for foster care placement; B.L.A. has remained in foster care since.

In February 1987 the State of Iowa filed a petition to terminate the parental rights of both B.A. and V.A. pursuant to Iowa Code section 232.116(5) (1987) (child in need of assistance who has been transferred from parents' custody for at least twelve months cannot be returned there). After a trial was held, the juvenile court entered an order granting the State's petition and terminating B.A.'s and V.A.'s parental rights. B.A. has appealed.

Section 232.116(5) provides termination of parental rights is warranted if the court finds:

> 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
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> 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.

B.A. contends on appeal that there is not clear and convincing evidence that B.L.A. cannot be returned to her custody.

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 that 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. Id.; 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); Interest of Dameron, 306 N.W.2d at 745.

We initially note that not only may the court look at the past behavior of the parent, but that it is an important factor. Interest of M.H., 367 N.W.2d at 275. 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 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.

We find, after a review of the evidence in this case, that B.A. is unable to provide the care needed for her child and thus, termination of B.A.'s parental rights is in order. B.A. suffers from mental retardation; one psychiatric evaluation determined her I.Q. to be 59. It is apparent that B.A. cares for B.L.A.

However, the record demonstrates B.A. is incapable of ministering to B.L.A.'s special needs. B.L.A. is mildly retarded; she also has some physical disabilities. B.L.A. has a high level of hyperactivity and has exhibited sexually inappropriate behaviors, although while she has been in foster care over the past two years her behavior has improved.

B.A.'s judgment affects her ability to be a responsible parent. Her responses as to how to deal with potential sexual abuse of B.L.A. are inappropriate. B.A. has had relationships with many men and is susceptible to being taken advantage of. At one time B.A. worked in a massage parlor for a year. She has not maintained a permanent residence for any length of time. B.A. has trouble managing her own finances. While there is some evidence B.A. may be able to meet B.L.A.'s physical needs, she does not possess the insight to meet the majority of B.L.A.'s special needs surrounding B.L.A.'s own mental and physical handicaps nor is B.A. capable of meeting B.L.A.'s emotional and educational needs, even after receiving the many services offered through the Department of Human Services and other agencies. In addition, several professionals from the service agencies testified B.A. is not capable of adequately caring for B.L.A.

We find there is clear and convincing evidence that B.L.A. cannot be returned to B.A. B.L.A. is in need of a stable and consistent environment where she will be supervised by mature, responsible adults in which she will have the opportunity to have her needs met and a permanent and secure home in which to grow. The best interests of B.L.A. demand termination of B.A.'s parental rights.

AFFIRMED.