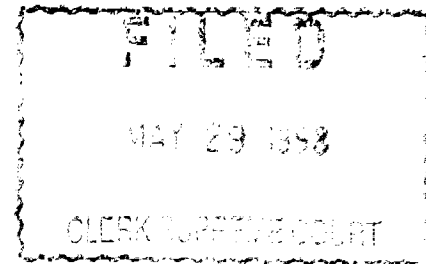


IN THE COURT OF APPEALS OF IOWA

No. 8-238 / 97-1525
Filed May 29, 1998



IN THE INTEREST OF A.C. and M.C.,
Minor Children,

S.R.C., n/k/a S.R.G., Mother,
Appellant.

Appeal from the Iowa District Court for Mahaska County, Michael R. Stewart,
District Associate Judge.

Mother appeals the district court order terminating her parental rights to her
two children. **AFFIRMED.**

Ryan B. Moorman, West Des Moines, for appellant.

Thomas J. Miller, Attorney General, and Kathrine S. Miller-Todd, Assistant
Attorney General, for appellee-State.

George L. Lind, Oskaloosa, guardian ad litem for minor children.

Considered by Sackett, P.J., and Streit and Mahan, JJ.

STREIT, J.

Shawna is the mother of Ashley, born in December 1992, and Makayla, born in December 1994. The children's fathers have not been involved in their lives.

The Department of Human Services (DHS) became involved with the family in February 1995, when Shawna requested services. Shawna has problems with the use of alcohol and drugs. In September 1995, she received a substance abuse evaluation which recommended residential treatment. Shawna did not follow this recommendation.

In November 1995, she left the children with her mother and did not pick them up when expected. DHS issued a founded report of denial of critical care against Shawna. The children were removed from her care for about three weeks. The children were adjudicated to be children in need of assistance (CINA) pursuant to Iowa Code sections 232.2(6)(c) and (n).

Shawna cooperated with services for a period of time. She received a psycho-social evaluation. She participated in homemaker services. Shawna began to attend Alcoholics Anonymous and Narcotics Anonymous meetings. She also began attending individual therapy. Shawna pled guilty to forgery in March 1996, and was placed on probation. In April 1996, Shawna entered a residential treatment program for her substance abuse problems. The children were placed in foster care while she was in treatment.

By July 1996, Shawna was struggling with sobriety. The children were returned to her care so she could enter a treatment program for women with their children. After a few days Shawna left the program. In September 1996, Shawna became intoxicated. The children were removed from her care for a third time.

Shawna's use of alcohol violated her probation, and she was placed in a correctional facility. She had three visits with the children at this facility. In November 1996, Shawna escaped and went to Florida with her boyfriend, Larry. In January 1997, Shawna turned herself in to authorities. She was sentenced to five years at a correctional facility. Shawna did not have any contact with the children from October 1996 until February 1997. She has had one visit per month with the children since February 1997.

Ashley and Makayla are not considered special-needs children. They were placed in the same foster home each time they were removed from Shawna's care. The children are considered to be adoptable.

On May 8, 1997, the State filed a petition to terminate Shawna's parental rights. While in prison, Shawna married Larry, who was also incarcerated. Shawna has recently become involved in Bible study.

The juvenile court found Shawna's past performance provided little reason for optimism about her ability to provide for the children. The court terminated Shawna's parental rights to Ashley pursuant to section 232.116(1)(e), and to Makayla pursuant

to section 232.116(1)(g). The parental rights of the children's fathers were also terminated. Shawna has appealed.

I. The scope of review in termination cases is de novo. *In re S.N.*, 500 N.W.2d 32, 34 (Iowa 1994). The grounds for termination must be proven by clear and convincing evidence. *In re E.K.*, 568 N.W.2d 829, 830 (Iowa App. 1997). Our primary concern is the best interests of the children. *In re A.B.*, 554 N.W.2d 291, 293 (Iowa App. 1996).

II. Shawna contends the State did not engage in reasonable efforts to reunite her with the children. After Shawna returned from Florida she asked DHS to provide her with more visitation with the children.

Reasonable efforts must be provided to attempt to reunite a family before the State can terminate parental rights. *In re L.M.W.*, 518 N.W.2d 804, 807 (Iowa App. 1994). Generally, DHS must make reasonable efforts to provide services to eliminate the need for removal. *In re T.C.*, 522 N.W.2d 106, 108 (Iowa App. 1994). The reasonable efforts concept would broadly include a visitation arrangement designed to facilitate reunification while protecting the children from the harm responsible for the removal. *In re M.B.*, 553 N.W.2d 343, 345 (Iowa App. 1996).

We find DHS did make reasonable efforts to reunite Shawna with the children. Shawna voluntarily gave up contact with the children when she escaped from the correctional facility and went to Florida. When she returned, the children no longer had a strong bond with her. In addition, visits at the prison were frightening to them.

We find DHS properly exercised its discretion to limit visits to one time per month. We note the nature and extent of visitation is controlled by the best interests of the children. *Id.*

III. Shawna claims the State failed to prove, by clear and convincing evidence, the children could not be returned to her care. She testified she was abstaining from using drugs and alcohol. Shawna attended some parenting classes while in prison. She also testified her new interest in religion was giving her stability. Shawna would like to have the children placed with her aunt and uncle until she is released from prison.

It is clear the children cannot be returned to Shawna at the present time because she is in prison. Also, Shawna's past performance as a parent does not bode well for her ability to care for the children in the future. When determining whether a child can safely be returned to a parent's custody the juvenile court can gain insight into the child's future from evidence of a parent's past performance because that performance may be indicative of the quality of future care the parent is capable of providing. *In re D.C.*, 436 N.W.2d 644, 645 (Iowa App. 1988).

Shawna's aunt and uncle have only recently expressed interest in the children, and it was not clear whether they would be willing to make a commitment to the children. Social workers testified the children needed an adoptive setting, and not a setting where Shawna could reenter their lives at will. The children need stability.

We determine the juvenile court properly terminated Shawna's parental rights pursuant to sections 232.116(1)(e) and (g).

We affirm the decision of the juvenile court.

AFFIRMED.