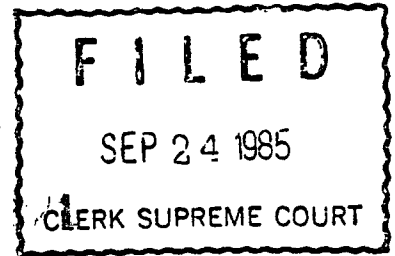


IN THE COURT OF APPEALS OF IOWA

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IN THE INTEREST OF A.P. JR., J.P., M.P.,)
and D.P., Children;)

Filed September 24, 1985

A.P. SR. and D.P., Natural Parents)

5-435
85-60

Appellants.)

Appeal from the Iowa District Court for Pottawattamie County - James
S. Heckerman, Judge.

Appellants appeal from an order terminating their parental rights.
AFFIRMED.

Gary K. Anderson, of Anderson & Wheeler, Tama, for appellants.

Thomas J. Miller, Attorney General, and Charles K. Phillips, Assistant
Attorney General, for appellee.

Heard by Oxberger, C.J., and Snell, and Sackett, JJ.

SACKETT, J.

A.P. Sr. and D.P., the natural parents of minor children A.P. Jr., J.P., M.P., and D.P., appeal from the trial court's order terminating their parental rights. Their only contention on appeal is the state failed to show by clear and convincing evidence the children could not be returned to them.

The four minor children had been adjudicated children-in-need-of-assistance, and their custody had been transferred from their parents over twelve months prior to the filing of the termination petition.

Our review is de novo. In Interest of Dameron, 306 N.W.2d 743, 745 (Iowa 1981). We review the facts as well as the law and adjudicate rights anew on propositions properly preserved and presented to us. Id. We accord weight to the findings of the lower court, especially when considering the credibility of the witnesses heard and observed first-hand by the court. Id. We are not, however, bound by those findings. Id.

These children are the eldest of six born to the parties. A.P. Jr. was born in 1976, J.P. in 1977, M.P. in 1978, and D.P. in 1980. D.P., the natural mother, was born in 1960, and A.P. Sr., the natural father, was born in 1952.

Neither A.P. Sr. nor D.P. adequately assumed the responsibilities of parenthood from the time of the birth of the oldest child. A voluminous record details the problems the family experienced. The children failed to thrive and develop in a normal range. They received little or no attention and nurturing and were underfed. Social service agencies have been involved with the family in Colorado, Nebraska, and Iowa since 1977. There were numerous instances of physical abuse and lack of care.

In July of 1981, the children were determined to be children-in-need-of-assistance. The children remained in the family home subject to strict supervision

and court specified conditions. The family, despite court order, left the jurisdiction. The children had inadequate food and housing.

In May of 1982, at the parents' request, the children were placed in foster care. The children did fairly well, displayed significant physical growth, and improved in social and language skills in foster care. A.P. Sr. and D.P. did complete a program of in-home parenting sessions but their attendance at recommended counselling sessions was poor. They were unable to resolve their financial problems. A.P. Sr. made little or no effort to obtain employment or adequate housing despite the fact that considerable assistance was offered to the family in both areas. Scheduled visitation was unsatisfactory. The children returned from visitation bruised and tired. One child suffered a facial bruise during visitation and another was returned with a black eye. The children blamed the injuries on their siblings. Testimony at the termination hearing indicated that if returned to the home the children would face lack of supervision and abuse.

Central to a determination of this nature are the best interests of the child. [Authority.] In this connection, we look to the child's long-range as well as immediate interests. Hence, we necessarily consider what the future likely 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 future care that parent is capable of providing. [Authorities.]

In Interest of W.G., 349 N.W.2d 487, 492 (Iowa 1984) (quoting In Interest of Dameron, 306 N.W.2d 743, 745 (Iowa 1981)).

We determine there is clear and convincing evidence the children cannot be returned to their parents and affirm the trial court.

AFFIRMED.