FILED
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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN THE INTEREST OF D.A.J. and A.J.J.,	)	
Minors,	)	Filed February 23, 1983
G.J.J.,	)	
Petitioner-Appellant,	)	2-469 3-68890
and D.L.J.,	)	
Defendant-Appellee.	)	

Appeal from Dallas District Court - Ray Hanrahan, Judge.

Petitioner-mother appeals from the dismissal of her petition to terminate the parental rights of her minor children's natural father, pursuant to Iowa Code chapter 600A. AFFIRMED.

Gregory A. Hulse of Van Werden & Hulse, Adel, for petitioner-appellant.

Richard D. Hermann and Bill Durrenberger of Dick Hermann Law Office, Ankeny, for respondent-appellee.

Considered en banc.

PER CURIAM

Petitioner-mother sought to have respondent-natural father's parental rights terminated on grounds of non-payment of child support without good cause pursuant to Iowa Code section 600A.8(4), or abandonment pursuant to section 600A.8(3). Trial court found that petitioner failed to establish sufficient clear and convincing evidence to support such a termination of parental rights. We agree.

Our review of proceedings to terminate a parent-child relationship is de novo. In re Chad, 318 N.W.2d 213, 216 (Iowa 1982); In re Goettsche, 311 N.W.2d 104, 106 (Iowa 1981). We give weight to the fact findings of the juvenile court, but we are not bound by those findings. J.R. and S.R., 315 N.W.2d 750, 753 (Iowa 1982); In re Dameron, 306 N.W.2d 743, 745 (Iowa 1981); Iowa R. App. P. 14(f)(7). Central to a determination of this nature are the best interests of the child. Dameron, 306 N.W.2d at 745.

The legislature intended termination for failure to pay child support under section 600A.8(4) to occur where a parent's failure to pay manifests indifference to a child and is therefore akin to abandonment. Klobnock v. Abbott, 303 N.W.2d 149, 152 (Iowa 1981). We do not condone respondent-father's suspension of his child support payments; however, the fact remains that respondent over the years has paid, and is still paying, substantial amounts of child support. Although not determinative, we note that petitioner has not sought enforcement of respondent's child support obligation via an application for contempt. See Iowa Code § 598.23. We do not believe the circumstances of this case are sufficiently egregious to warrant termination of respondent-father's parental rights on grounds of nonsupport under section 600A.8(4).

Abandonment under section 600A.8(3) is "a giving up of parental rights and responsibilities accompanied by an intent to forego them." Matter of Burney, 259 N.W.2d 322, 324 (Iowa 1977); In re Goettsche, 311 N.W.2d 104, 106 (Iowa 1981).

Although respondent-father has had little contact with these children due to their out-of-state residence and accompanying problems with visitation, the evidence does not show either that he gave up his parental rights or had the requisite intent to do so.

The juvenile court's order dismissing the petition to terminate parental rights is affirmed.

AFFIRMED.