FILED
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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

In the Interest of	)	
S.W., a Child;	)	
N.W., Mother,	)	8-269 87-783 394
Appellant.	)	

Appeal from the Iowa District Court for Davis County (No. 413), James D. Jenkins, Judge.

The mother of a four-year-old girl appeals from the juvenile court order terminating her parental rights. **AFFIRMED.**

Vern M. Ball of Ball Law Offices, Bloomfield, for appellant mother.

Thomas J. Miller, Attorney General; Charles K. Phillips, Assistant Attorney General; and R. Kurt Swaim, Davis County Attorney, for appellee State.

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

HABHAB, J.

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N.W. is the mother of two daughters: T.W., born November 10, 1982, and S.W., born March 13, 1984. N.W. divorced the girls' father, citing his problems with drinking and drug abuse. He has made no appearance in these proceedings nor does he contest the termination of his parental rights.

S.W. has an abnormality of the red blood cells condition, diagnosed as hereditary spherocytosis. As a result of this affliction, she is a high-risk infant. A cold or viral infection causes her blood count to drop and thereby endangers her health or life.

On November 15, 1984, based on findings that their parents had denied them adequate shelter and critical care, both girls were adjudicated to be children in need of assistance under Iowa Code section 232.2(5)(b) and (g). The juvenile court allowed N.W. legal custody of T.W., but transferred custody of S.W. to the human services department for placement in the foster home where she has remained since that time. N.W. was then offered various services to help her secure S.W.'s return. She proved uncooperative with case workers, showed little improvement in her parenting skills, and was ultimately found to be incapable of providing S.W. with the kind of care her condition demands.

The juvenile referee ordered the termination of parental rights as to S.W., and on review the district

court affirmed. N.W. now appeals from the district court's ruling. She urges that it is unsupported by clear and convincing evidence that S.W. could not safely be returned to her custody. N.W. also contends that the district court erred in refusing to order the preparation of transcripts of two child-in-need-of-assistance proceedings she asserts were the basis of the referee's ruling.

We now address the first of these issues.

I.

Iowa Code section 232.116(5) (1987) permits the juvenile court to terminate the parent-child relationship if the child has been adjudicated in need of assistance, has been placed out of the parent's custody for more than twelve of the last eighteen months, and there is clear and convincing evidence that the child will suffer harm specified in Iowa Code section 232.2(6) (1987) if returned to the parent. See In re K.L.C., 372 N.W.2d 223, 227 (Iowa 1985).

The types of harm specified in section 232.2(6) include the physical abuse or neglect of the child, the harm caused by the parent's failure to exercise reasonable care in supervising the child, and the harm caused to a child who is in need of medical treatment to cure, alleviate, or prevent serious physical injury or illness and whose parent is unwilling or unable to provide such treatment. Proof of any one of the types of harm delineated in section 232.2(6)

is sufficient to support termination. See In re K.L.C., 372 N.W.2d at 228.

Our review of proceedings to terminate a parent-child relationship is de novo. We accord weight to the fact findings of the juvenile court, especially when considering the credibility of the witnesses the court has heard and observed first hand, but we are not bound by them. Our primary concern is the best interests of the child. We look to the child's long-range, as well as immediate, interests. In re Dameron, 306 N.W.2d 743, 745 (Iowa 981). We consider what the future holds for the child if returned to his or her parents. Id. 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 the future care the parent is capable of providing. Id. Our statutory termination provisions are preventative as well as remedial. Id. They are designed to prevent probable harm to a child. Id.

The State must prove the allegations of the petition to terminate by clear and convincing evidence. See Santosky v. Kramer, 455 U.S. 745, 770, 102 S. Ct. 1388, 1402, 71 L. Ed. 2d 599, 617 (1982). This includes the requirement that before the court may terminate the parental rights there must be clear and convincing proof that the child will suffer harm in a manner specified in section 232.2(6). See In re Chad, 318 N.W.2d 213, 219 (Iowa 1982). The child should

not be forced to endlessly suffer the parentless limbo of foster care. Long v. Long, 255 N.W.2d 140, 146 (Iowa 1977). He or she need not endlessly await the maturity of his or her natural parent. In Interest of T.D.C., 336 N.W.2d 738, 744 (Iowa 1983). Termination must occur if enough time (twelve to eighteen months) has passed and the parent still cannot take care of the child. Id.

On our de novo review, we find clear and convincing evidence to support the allegations of State's petition. Based on the mother's past performance, there is clear and convincing evidence that S.W. will suffer harm in a manner specified under Iowa Code section 232.2(6).

Among the findings that the juvenile referee made in the proceedings before him, the following give much credence to the State's petition.

When the children were placed in foster care, on or about November 2, 1984, both children had diaper rash, with S.W. having a condition of open sores that were running, which took three days to heal up.

The children were adjudicated children in need of assistance. In this respect, the court found that the children were neglected, or were imminently likely to be neglected for the parents failed to exercise a minimal degree of care in supplying the children with adequate food, clothing, or shelter, and further, the parents refused other means made available to provide for such

essentials. The court further found that the children could not remain in the parental home or the home of either parent, and be protected against the type of harm that had given rise to the adjudication.

S.W. is stable and well cared for in her foster care placement. N.W., the mother, had visited S.W. but four times during a period of six months with the paucity of visits reflecting the parent's minimal interest in the child. The mother had not improved her parenting techniques and understanding, although offered extensive services. S.W. could not be returned safely to her custody either at the time of the first trial or in the foreseeable future, and be protected against the type of harm that gave rise to the adjudication herein.

In June 1985, social worker Robert McGinnis entered into a six-point social contract with the mother. He observed in his testimony that although the mother had made some improvement in her parenting skills, specifically in the area of cleanliness both as to herself and the child, that there was no improvement in the mother's becoming responsible toward the child in terms of meeting the child's medical needs. He further testified that the mother was lacking the skills of following through with appointments and showing responsibility in getting the child back. Moreover, the mother had refused to acknowledge her need for help despite the fact that the

Department of Human Services had offered their best help. The Department's efforts were being resisted by the mother.

In psychiatric evaluation of the mother on July 25, 1986, conducted by L. Elaine Ham, psychiatrist of Southern Iowa Mental Health Center, Ottumwa, Dr. Ham concluded that she could not honestly say at that time that she felt the mother was ready to take on the added responsibility of another young daughter, especially one who has a fairly serious medical disorder.

Following a home visit with the mother in October 1985, a rash was observed on the buttocks and paratanium of the child, together with blisters on the lip of the vagina. S.W.'s physical circumstances were such that she was reported as a case of possible sexual abuse by Nedra Adkins, Van Buren County, Iowa Health employee, a registered nurse. Following examination of the child by Dr. Poole, a conclusion was reached that the child's condition had been caused by neglect in the care of the child, not from sexual abuse.

P.B., the foster mother of S.W., who is hopeful of adopting her, testified that S.W. had incurred diaper rash on four to five occasions following visitations with the mother. P.B. testified further that S.W. exhibited behavioral problems following visitations with her mother. To illustrate her point, P.B. testified that if she told her

that she could not do something, S.W. would throw herself on the floor, have a fit, and get mad.

Although the child and mother are bonded, the mother has shown but limited interest in the child as evidenced by her erratic visits. As it relates to visitation, Social Worker McGinnis had to prod the mother on occasion to visit her child. In addition, the mother has manifested an indifference to services offered that might improve her parenting ability with the enhanced possibility of regaining S.W.'s custody. Although the child does not have as acute a condition as previously existed, she continues to have medical needs that require close monitoring, care in her general treatment, and prompt attention by a doctor as conditions arise. P.B. testified that it was necessary to take the child to a doctor once every three days in the event she developed a cold or bladder infection.

Mr. McGinnis testified that it was his opinion that the child would be at risk if returned to the mother, largely because of her lack of cooperation in availing herself of necessary appropriate services and her failure to improve her parenting skills. He distinguishes between her ability to care for a child such as T.W. and one such as S.W., who would have a life-threatening situation if she were not treated promptly and appropriately.

There is no indication on the mother's part that she is prepared to receive the necessary services and make the

improvements essential to insure the child would be cared for properly if returned to her. In fact, the mother's testimony is that she still does not like to be told what to do, which provides little prospect that she would be more amenable and receptive to the essential services.

We find the above to be clear and convincing evidence that S.W. cannot be returned to the custody of her mother and be protected against neglect and inattention as to her medical needs. In addition, the evidence is clear and convincing that the mother will not in the future improve her ability to administer to the child's needs because of her reluctance and refusal to accept the necessary services made available to her. For these reasons, the trial court did not err when it affirmed the decision of the juvenile referee to terminate the rights of the mother as to S.W.

II.

The appellant argues that the trial court must have the transcripts of the CHINA hearings in order to make determinations on whether or not the child has been adjudicated in need of assistance; whether or not the child has been placed outside of the parent's home for a year; and whether or not the child can be returned home. She contends that it was error for the trial court not to order the preparation of said transcripts. We do not agree. The findings the court is required to make under rule 232.116(5) are a necessary part of the termination proceeding. The tran-

script of the CHINA hearing may, under some circumstances, be helpful, but we are not prepared to say in this case that it is so necessary as to require reversal. This is particularly so here for we review the matter de novo and in doing so we find that the appellant has provided us with those parts of the transcript of the CHINA proceeding she deems necessary for our review.

AFFIRMED.