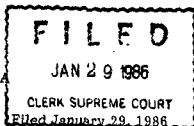


IN THE COURT OF APPEALS OF IOWA



IN THE INTEREST OF T.F.)

A Child,)

R M., Natural Mother,)

Appellant.)

5-558 86
85-477

Appeal from the Iowa District Court for Dubuque County (Juvenile)

Alan L Pearson, District Associate Judge.

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

Paula Stenlund, Dubuque, for the appellant mother.

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

Heard by Donielson, P.J., and Schlegel and Sackett, JJ.

SACKETT, J.

R M the natural mother of T.F. appeals from the trial court's order terminating her parental rights.

The petition for termination was filed under Iowa Code section 232.116(5) which provides:

- 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
- 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.

R M. concedes T.F. has been adjudged a child in need of assistance and has been out of her home for over one year. The sole issue raised on appeal is whether the state proved by clear and convincing evidence T.F. could not be returned to her mother.

Our review is de novo. Iowa R. App. P. 4. We give weight to the findings of the trial court but are not bound by them. Iowa R. App. P. 14(f).

The child was born in June of 1975 when R.M. was seventeen years old. R M was unmarried at the time and named two different persons as T.F.'s father. Paternity has never been legally established.

Through January of 1983, R.M. lived in fifteen different places. She was married twice and had three other children; one by her first husband, and two by her second husband. Two of these children live with their fathers.

In January of 1983 because of what R.M. claims to be discipline and education problems, R.M. sent T.F. to live with her sister and then the child lived with three unrelated family members. Finally in July of 1983, the unrelated family was unable to reach R.M. when the child needed medical care. T.F. was then placed in foster care.

Prior to sending T.F. to her aunt's, R.M.'s mother assumed a majority portion of the responsibility for T.F. R.M. shows little affection for T.F. During the time T.F. was with R.M., she attended six different schools and had a poor attendance record.

T.F. was placed in a foster home on July 27, 1983, and has enjoyed a stable placement. She has made academic progress. Her personal appearance and social relationships show remarkable improvement. During the course of the foster placement, R.M. has made little effort to cooperate with human services. She has cancelled or failed to appear for nearly all scheduled appointments. She has exhibited no consistency in scheduling visits with T.F. She exhibited little or no interest in T.F. when visitations did occur. During one visitation, T.F. was reading a book to R.M. when R.M. just got up and left leaving the child stunned.

R.M., an eighth grade graduate, exhibits little understanding of the problems T.F. has experienced because of her constant moves. She considers the stability T.F. has enjoyed in foster care nonconsequential. R.M. has never been employed. She spends most of her waking hours watching television or window shopping. There are no positive signs that R.M. will alter her attitudes. The attorney appointed for T.F. has determined termination is in her best interest.

We agree with the juvenile court there is clear and convincing evidence T.F. cannot be returned to R.M. R.M. is unable to care for or relate with the child. She is totally unable to meet the child's emotional needs. Despite human services' effort to educate R.M. in proper parenting skills and establish a bonding between T.F. and R.M., R.M. has failed to utilize the services or cooperate with the department.

While R.M. professes to want to improve her ability, her actual desire to do so is doubted when judged by past performance. See In Interest of Dameron,

306 N.W.2d 743, 747 (Iowa 1981). Her actions show a lack of concern for the child. The parental relationship should be terminated. See In Interest of T.D.C., 336 N.W.2d 738, 744 (Iowa 1983).

AFFIRMED.