FILED
APR 25 1989
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN THE INTEREST OF A.L.P.,)
A Child,
)
M.T., Natural Mother,)
Appellant.

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9-47
88-1467

Appeal from the Iowa District (Juvenile) Court for Scott County (J(T)5648-0488), Arlen J. Van Zee, District Associate Judge.

The mother of a child appeals from a juvenile court order terminating her parental rights. **AFFIRMED.**

Gary D. McKenrick of Gomez, May, McKenrick & Kelly, Davenport, for appellant mother.

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

Michael A. Woods, Bettendorf, guardian ad litem for the child.

Heard by Oxberger, C.J., and Schlegel and Hayden, JJ.

SCHLEGEL, J. 251

The natural mother of a child appeals a juvenile court order terminating her parental rights. She challenges the sufficiency of the evidence to establish that the child cannot be returned to her custody or that the child's best interests require termination. We affirm the district court's termination order.

The child in question, A.L.P., is a girl born on February 3, 1983 to M.T., her mother.[1] Within a few months of A.L.P.'s birth, M.T. was arrested for prostitution and placed on probation. While on probation, she was arrested twice for prostitution and possession of marijuana. A revocation hearing was held but M.T. failed to appear. M.T. left Iowa shortly thereafter and moved to California, where A.L.P. was first placed in foster care on July 31, 1985 due to M.T.'s involvement with drugs. A.L.P. remained in foster care a short period of time and then was sent to M.T.'s mother's home in Arizona. A.L.P. was placed in foster care in Arizona on November 21, 1985, but was returned to M.T. on December 13, 1985.

In 1986 M.T. returned to Davenport, Iowa and resumed the practice of prostitution there. On August 27, 1986,

1. The birth certificate names T.T., M.T.'s ex-husband, as A.L.P.'s father. In May of 1988, M.T. identified another man, C.E., as the father. Since court involvement began, no one has claimed to be the child's father.

A.L.P. was placed in an emergency foster home due to M.T.'s arrest. On October 17, 1986 A.L.P. was adjudicated to be a child in need of assistance, and she has been in foster care continuously since that time.

During A.L.P.'s foster care, M.T. has continued to be suspected of prostitution. She denies she actually engaged in prostitution in recent months, but she acknowledges working as a nude dancer and operating an escort service. She was employed briefly at Hardee's and at a cleaning service but was fired from both jobs.

In April 1988 the State filed the present petition to terminate M.T.'s parental rights. A.L.P. had been out of her mother's care for a total of two years and four months at the time of the termination hearing. After a hearing, the juvenile court terminated the parental rights of M.T. and T.T., the child's putative father.[2]

This case involves termination of parental rights pursuant to Iowa Code Supp. section 232.116(1)(e) (1987). That section 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

2. The court terminated T.T.'s rights on grounds of abandonment. T.T. has not appealed this order.

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).[3] Appellant mother claims that the State failed to establish by clear and convincing evidence that A.L.P. would suffer harm if returned to her custody and that A.L.P.'s best interests required termination of M.T.'s parental rights.

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 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 1981). 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 care the parent is capable of providing.

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

3. The court relies upon Iowa Code section 232.116(5) (1987), which has been recodified at 232.116(1)(e) (1989).

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 record indicates that we are dealing here with a very troubled young mother whose transient lifestyle has involved activities such as substance abuse, criminal activity, and inappropriate employment. Although it is not our place to pass moral judgment, it is the function of this court to intervene when a parent's overall lifestyle is harmful to a child's best interests. See In Interest of Rice, 236 N.W.2d 40, 43-44 (Iowa 1975). We believe the record supports the finding that A.L.P has been adversely affected by her mother's lifestyle, and suggests that she will continue to be affected by it in the future. Reports from caseworker Maritia Griffith indicate that A.L.P. has been observed acting out violent "scenes" which occurred between her mother and a man named "Tee," and foster parents have expressed concerns over A.L.P.'s behavior centering around provocative dancing as well as other sexually-oriented behavior. Although there is evidence that M.T. has recently acknowledged her substance abuse and has made some effort to improve her parenting skills, we are particularly concerned, as was the trial court, with M.T.'s latest employment endeavor involving an escort

service. As the trial court noted, "[M.T.'s] commencement of the escort service in June of 1988 coupled with her belief that [A.L.P.] could accompany her mother and the paid date emphasizes the fact that little to no progress has been made." As the supreme court noted in In Interest of Kester, 228 N.W.2d 107, 110 (Iowa 1975), "[This case involves] a history of good intentions, but feeble resistance to temptation and wrongdoing, and little or no consideration for the unwholesome influences created or the moral and mental welfare of [this child]".

The record shows that A.L.P. had been out of her mother's care for a total of two years and four months at the time of the termination hearing. In the context of child custody problems we have frequently said custody should be quickly fixed and little disturbed. Interest of Kester, 228 N.W.2d at 110. 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). We find clear and convincing evidence to support termination of M.T.'s parental rights and we affirm the trial court's termination order.

AFFIRMED.