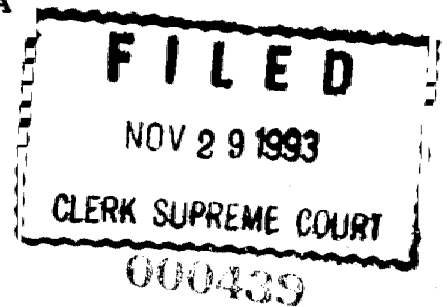


IN THE COURT OF APPEALS OF IOWA

No. 3-456 / 93-241

IN THE INTEREST OF J.N., A Minor Child,
S.N., Mother,
Appellant.



Appeal from the Iowa District Court for Black Hawk
County, Stephen C. Clarke, Associate Juvenile Judge.

Mother appeals an order terminating her parental rights
pursuant to Iowa Code section 232.116(1)(g) (1991),
contending the State failed to present clear and convincing
evidence that her child could not be returned to her
custody. **AFFIRMED.**

Don E. Gottschalk, Cedar Falls, for appellant.

Bonnie J. Campbell, Attorney General; John M. Parmeter,
Special Assistant Attorney General; Kathrine S.
Miller-Todd, Assistant Attorney General; and Daniel Block,
Assistant County Attorney, for appellee State.

Sharon Briner, guardian ad litem for minor child.

Heard by Schlegel, P.J., and Oxberger, C.J., and
Sackett, J. Donielson, J., takes no part.

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OXBERGER, C.J.

This is an appeal from a tragic case involving the termination of the parental rights of a natural mother. The mother contends the State failed to present clear and convincing evidence that her child could not be returned to her custody.

Jason was born December 7, 1989. The mother was, at the time of his birth, 16 years old and in the Department of Human Services' (DHS) custody. On December 11, 1989, Jason was removed from the mother's care and placed in family foster care. On February 9, 1990, mother and son were placed in a specialized program for teenage mothers and their children (T.A.P.P.).

On February 19, 1991, the mother left the program without permission, taking Jason with her. On March 8, 1991, the mother placed Jason (who had contracted pneumonia) in foster care. Jason has remained in foster care since that placement.

On April 24, 1991, the court ordered custody of Jason remain with DHS. A review hearing was held on October 17, 1991. The court found the mother had not made progress in reaching her goals to receive individual counseling, attend parenting classes, find a stable home and complete her GED.

In January 1992, the mother began attending counseling sessions with Ron Larson and regularly visited with Jason. Shortly thereafter, the court noted if substantial progress towards reunification was not made, termination of parental

rights might be an appropriate plan. A petition for termination of parental rights was filed August 11, 1992.

A hearing was held in October 1992. On January 19, 1993, the court terminated the mother's parental rights.

The mother now appeals. While conceding that subsections 232.116(1)(g)(1) - (3) have been met, she contends there is not clear and convincing evidence that Jason could not be returned to her custody. She acknowledges that DHS worker, Barb Weum offered her opinions that the mother and Jason had not bonded and that Jason could not safely be returned to the mother. However, mother points out that Weum also testified the mother had attended all visits with Jason; had been involved in a parenting support group, a high risk pregnancy program, and Parent Connection; was attending individual counseling; and could meet Jason's physical needs. Ron Larson testified he had worked with the mother for several years and believed she could parent Jason and the new infant with outside assistance.

Appellate review of termination proceedings is de novo. In re W.G., 349 N.W.2d 487, 491 (Iowa 1984) cert. denied sub nom. J.G. v. Tauke, 469 U.S. 1222 (1985). We give weight to the findings of fact of the juvenile court, especially when considering the credibility of witnesses, but we are not bound by those determinations. Id. at 491-92.

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The primary concern in termination proceedings is the best interest of the child. Iowa R. App. P. 14(f)(15); In re Dameron, 306 N.W.2d 743, 745 (Iowa 1981).

We look to the child's long-range, as well as immediate, interests. We consider what the future 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 the future care the parent is capable of providing. Our statutory termination provisions are preventative as well as remedial. They are designed to prevent probable harm to a child.

In re R.M., 431 N.W.2d 196, 199 (Iowa App. 1988) (citing Dameron, 306 N.W.2d at 745).

Following a thorough review of the record in this case, we find substantial evidence supports the juvenile court's decision terminating mother's parental rights. A psychological evaluation of the mother indicated her parental competence is severely limited by her inability to tolerate dependence and her resistance to change. The psychologist also reported the mother has been unable to form an emotional attachment to Jason. In the psychologist's opinion, Jason could not safely be returned to his mother's care. Also, during the evaluated interaction between Jason and his mother, Jason was unable to identify her as his mother, stating his mother was at home. Also during this interaction, Jason did not look to his mother for assistance but instead asked the psychologist or asked for his caseworker. At the time of termination, Jason has been in foster care placement during

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the past 22 consecutive months. Jason was 37 months old at the time of termination. The social worker who observed Jason's visits with his mother also indicated Jason did not identify her as his mother nor did he look to her for nurturing or assistance. He occasionally asked about the social worker but took no interest in pursuing a relationship with his mother.

We, like the juvenile court, are impressed by the very recent, very positive changes in mother. We commend her interest and active role in parenting her new child. However, like the juvenile court, we are unable to find these changes to be long-lasting enough to override our concerns for Jason's safety and well-being. We, therefore, affirm the decision of the juvenile court terminating mother's parental rights.

AFFIRMED.

All judges concur except Sackett, J., who specially concurs without opinion.