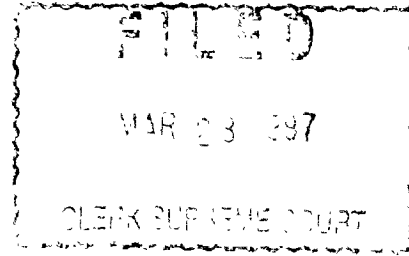


IN THE COURT OF APPEALS OF IOWA

No. 7-050 / 96-1635

**IN THE INTEREST OF B.L., Y.L., A.D.,
and J.D. II, Minor Children,**

**D.D., a/k/a D.J., Mother,
Appellant.**



Appeal from the Iowa District Court for Linn County, Robert E. Sosalla, District Associate Judge.

Mother appeals from the termination of her parental rights under Iowa Code sections 232.116(1)(c), (e), (h) and (k) (1995). **AFFIRMED.**

Raphael M. Scheetz, Cedar Rapids, for appellant.

Thomas J. Miller, Attorney General, Daniel W. Hart, Assistant Attorney General, Denver D. Dillard, County Attorney, and Lance J. Heeren, Assistant County Attorney, for appellee-State.

Christine L. Crilley of Ackley, Kopecky & Kingery, Cedar Rapids, attorney and guardian ad litem for appellee-minor children.

Considered by Sackett, P.J., and Cady and Streit, JJ.

STREIT, J.

A mother who has pursued a “lifestyle” of alcohol and drug abuse, prostitution, and other crimes, appeals from the termination of her parental rights under Iowa Code sections 232.116(1)(c), (e), (h) and (k) (1995). She contends the trial court erred because termination is not in the children’s best interests.

Debra D. is the biological mother of Breonda L., born February 28, 1981, Yolanda L., born October 28, 1985, Angel D., born October 26, 1987, and James D. II, born February 28, 1989. Debra received services from the Department of Human Service (DHS) beginning in 1990, as a result of a child abuse investigation. The children were adjudicated as children in need of assistance (CINA) on January 21, 1993, but remained in Debra’s custody. After a dispositional hearing in October 1993, Breonda was placed with her biological father, Arthur L., who lived in Minnesota. Following a modification hearing in August 1994, Yolanda was placed in the custody of DHS for placement in foster care. Angel and James were placed with their biological father, James D. Sr. In December 1994, Angel and James were removed from James Sr.’s custody, and placed in foster care. In January 1995, Breonda was also placed in foster care. The children never returned to their parents.

In March 1996, the State filed a petition for termination of parental rights. Trial commenced in May 1996. At the time of the hearing, Debra was thirty-seven years old, and resided in the Lary Nelson Center because she had violated her parole from a five-

year sentence for forgery and delivery of a controlled substance. The alleged violations included failure to maintain contact with her parole officer, prostitution, and drug usage.

The court terminated Debra's parental rights and the children's father's parental rights. It determined that although Debra is personable and friendly, she is highly self-absorbed and a sociopath. It recounted her criminal history and found she views criminal activity as an appropriate lifestyle and prostitution as an appropriate profession. The children could not be returned to Debra's custody because circumstances had not improved despite the receipt of services. The children were in imminent danger of abuse or neglect in Debra's custody. They could not be returned to Debra's custody within a reasonable time due to her substance abuse problem. It also concluded termination was in the best interests of the children although all four children may not be adopted by the same family.

Debra appeals. Arthur and James D. Sr. do not appeal. Debra contends, among other things, termination is not in the best interests of the children because (1) the children will be separated, (2) there was no evidence the three youngest children will be adopted, (3) the three youngest children will lose their racial identity because they may not be adopted or placed with an African-American family, (4) foster care placement of Breonda with her cousin would allow both permanency and continued

contact with Debra, and (5) the three youngest children have a close relationship with Debra.

Appellate review of termination proceedings is de novo. *In re W.G.*, 349 N.W.2d 487, 491 (Iowa 1989), *cert. denied sub nom., J.G. Tauke*, 469 U.S. 1222 (1985). We give weight to the findings of fact made by the juvenile court, but we are not bound by them. *Id.* at 491-92.

The primary concern in termination proceedings is the best interests 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).

The State presented evidence that while the children were in Debra's care, there were allegations they were physically and/or sexually abused by various persons including Debra, her paramour, and a neighbor. Debra was also unable to maintain a clean and safe home environment, failed to provide the bare essentials such as food and clothing, and failed to provide adequate supervision.

Debra argues she has a strong bond with her children. Her eldest daughter, Doneta O., testified it would be painful for the children to be separated from Debra.

Debra's neighbor and friend testified Debra properly supervised and cared for the children, and there was a strong relationship between them. Evidence was also presented that Debra successfully completed several parenting courses while she was incarcerated.

During the six years Debra received services from DHS and the department of corrections, her progress was minimal. Debra was convicted of prostitution four times, and numerous theft charges. The children's therapist and the DHS worker recommended termination of parental rights based, in part, on the lack of a strong relationship between Debra and the children. The DHS worker also testified Breonda was placed with her biological cousin in Des Moines, and adoption was a possibility. She also stated the other three children were in separate foster homes in the Cedar Rapids area.

We find, after reviewing all of the evidence, termination of Debra's parental rights is in the best interests of the children. She has shown little improvement or change in attitude towards her parenting responsibilities since receiving services. Although Debra claims to have a strong bond with the children, it is difficult to believe her activities allow for a genuinely close relationship with her children and are not disruptive to the children's well being.

AFFIRMED.

Cady, J., concurs; Sackett, P.J., specially concurs without opinion.