

IN THE COURT OF APPEALS OF IOWA

No. 1-01 / 90-1397

FILED

FEB 26 1991

CLERK SUPREME COURT

IN THE INTEREST OF T.D., W.D., AND J.D.,
Children;

81

L.J.D., Father,

Appellant.

Appeal from the Iowa District Court for Polk County,
Vincent M. Hanrahan, Judge.

The father of three children appeals the termination of
his parental rights. **AFFIRMED.**

James S. Blackburn of Carney, Hudson, Williams,
Blackburn & Grask, Des Moines, for appellant father.

Bonnie J. Campbell, Attorney General, Gordon E. Allen,
Deputy Attorney General, and Judy Sheirbon, Assistant
Attorney General, for appellee State.

Considered by Donielson, P.J., and Hayden and Sackett,
JJ.

HAYDEN, J.

This case involves three children: a boy born in August 1976, a girl born in March 1979, and a boy born in August 1980. Their parents were married to each other throughout most of the children's lives.

In January 1989 all three children were adjudicated to be children in need of assistance due to repeated sexual abuse by both parents. The children have been in foster care continuously since October 1988. As a result of his sexual abuse of the children, the father was convicted of two counts of third-degree sexual abuse. He was sentenced to a prison term of up to ten years, and he is presently serving that sentence.

In April 1990 the State filed a petition to terminate the parental rights of both parents with respect to all three children. The mother consented to the termination of her parental rights. After a hearing, the juvenile court terminated the parental rights of both parents on the ground stated in Iowa Code section 232.116(1)(e). That subsection permits termination if a child is four years old or older, has been adjudicated CINA, has been in foster care for twelve of the last eighteen months, and cannot safely be returned to the parents' care. With respect to the mother, the juvenile court also relied on the ground of consent to termination.

The father has appealed the termination order. The mother has not appealed.

The father challenges the sufficiency of the evidence to establish the children cannot safely be returned to his care at some time in the future. He asserts he is remorseful for his past actions, he has learned from his mistakes, he has benefited from prison counseling, and he has reformed his life and attitudes. He states upon his release from prison he will be able to parent the children effectively.

Appellate review of termination proceedings is de novo. In re W.G., 349 N.W.2d 487, 491 (Iowa 1984), cert. denied, 469 U.S. 1222, 105 S. Ct. 1212, 84 L. Ed. 2d 353 (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.

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 to Dameron, 306 N.W.2d at 745); see also In re A.C., 415 N.W.2d 609, 613 (Iowa 1987).

The facts of this case reveal long-term and continuous sexual abuse by the father. The father has pled guilty to two counts of second degree sexual abuse with his own children. Additionally, he appears to have been physically abusive to his wife. The father hopes to be released from prison in 1991.

We determine these children may not be safely returned to their father. No matter his protestations of good intentions, his past actions reveal an ingrained, deep-seated sexual perversion. To return these children to their father would be an abdication of our judicial mandate to act in the best interest of the children.

We affirm the decision of the trial court.

AFFIRMED.