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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

No. 9-572 / 89-882

IN THE INTEREST OF J.T., M.T., D.T., A.T., D.T., AND D.T.,
Minor Children,

L.T., Mother,
Appellant.

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Appeal from the Iowa District Court for Polk County, Robert O. Frederick, Judge.

The mother of six children appeals from the juvenile court order terminating her parental rights. **AFFIRMED.**

Ronald A. Baybayan, Des Moines, for appellant mother.

Thomas J. Miller, Attorney General; Gordon E. Allen, Deputy Attorney General; Judy Sheirbon, Assistant Attorney General; and Ray Blase, Assistant County Attorney, for appellee State.

Karla Fultz, Des Moines, guardian ad litem, for children.

Heard by Schlegel, P.J., and Hayden and Habhab, JJ.

HABHAB, J.

This case involves six of the nine children born to a Runnells couple. The children's birth dates range from August 1977 to September 1987.

Over a period of several years, in a consistent pattern of behavior, both parents have neglected to provide adequate food, shelter, sanitation, medical care, or supervision to their children. In addition, the father has sexually abused some of the children. He has reported auditory hallucinations directing him to inflict physical and sexual abuse on the children and then kill himself. Both parents have been diagnosed as suffering from mental illness. (Further facts concerning the family are discussed in the case of In Interest of D.T., 435 N.W.2d 323 (Iowa 1989), in a supreme court decision concerning a prior CINA adjudication covering several of the children.)

In response to these serious concerns, all nine of the children have been adjudicated to be children in need of assistance and have been placed in foster care. This has been done in several different juvenile court proceedings. Of the six children involved in the present court case, five were adjudicated CINA in April 1987 and the sixth in January 1988. Five of these children have been in foster care continuously since March 1987; the youngest was placed in foster care four days after his birth, in September 1987, and has been in foster care continuously since that time.

In February 1989 the State filed a petition to terminate the parental rights of both parents with regard to the six children involved here. After a hearing, the juvenile court terminated the parental rights of both parents with regard to those six children. The juvenile court relied on Iowa Code section 232.116(1)(e), which permits termination if a child has been adjudicated CINA, has been in foster care for twelve of the last eighteen months, and cannot safely be returned to the parents' home.

The mother has appealed from the termination order. The father has not appealed. The mother challenges the sufficiency of the evidence to establish that the children cannot safely be returned to her care. We affirm the trial court.

Appellate review of termination proceedings is de novo. The fact findings of the juvenile court should be accorded weight, especially when considering the credibility of witnesses the court has heard and observed. In Interest of R.M., 431 N.W.2d 196, 199 (Iowa App. 1988). The primary concern is the child's long-term, as well as immediate, best interests. In the Interest of Dameron, 306 N.W.2d 743, 745 (Iowa 1981). Insight for determining what the future holds for a child if returned to his or her parent can be gained from evidence of the parents' past performance. Id. Our statutory termination provisions are preventative as well as remedial. Id.

L.T.'s parental rights as to these six children were properly terminated under Iowa Code section 232.116(1)(c) (1989) (formerly section 232.116(5)). Under this section, the court may order termination if: (1) The child has been adjudicated a child in need of assistance pursuant to section 232.96; (2) the custody of the child has been transferred from the child's parent pursuant to section 232.102 for at least twelve of the last eighteen months; and (3) the State proves by clear and convincing evidence that the child cannot be returned to the custody of the child's parents as provided in section 232.102. In Interest of A.C., 415 N.W.2d 609, 612 (Iowa 1987). L.T. apparently contends the third requirement was not met in her case. The State contends that more than enough evidence exists in this regard to support a finding by clear and convincing evidence these children cannot be returned to L.T. We agree and accordingly affirm the trial court.

AFFIRMED.