FILED
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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN THE INTEREST OF C.E.B., A Child,	)	
K.B. and C.B., Parents,	)	8-665 88-866
Appellants.		

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Appeal from the Iowa District (Juvenile) Court for Scott County (J(C)5637-0787), Arlen J. Van Zee, District Associate Judge.

The mother and father of the child, C.E.B., appeal the order finding C.E.B. a child in need of assistance and placing her in foster care. **AFFIRMED.**

Steven A. Berger of Wehr, Berger, Lane & Stevens, Davenport, for appellants.

Thomas J. Miller, Attorney General of Iowa, and Kathrine S. Miller-Todd, Assistant Attorney General, for the appellee State.

John R. Aitken of Vandervennet, Motto & Aitken, Davenport, guardian ad litem for the child.

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

SCHLEGEL, J. 13

C.E.B. II, the father, and K.B., the mother, appeal the district court's order adjudicating C.E.B., their infant daughter, a child in need of assistance (CINA) pursuant to Iowa Code section 232.2(6)(b) (1987). They challenge the sufficiency of the evidence to establish that C.E.B. is a child in need of assistance and the sufficiency of the evidence to transfer custody of C.E.B. to the Iowa Department of Human Services.

Our review of this case is de novo. In the Interest of J.R.H., 358 N.W.2d 311, 317 (Iowa 1984). While we give weight to the juvenile court's findings of fact because the juvenile court has had the unique opportunity to hear and observe the witnesses firsthand, we are not bound by them. In the Interest of S.V., 395 N.W.2d 666, 668-69 (Iowa App. 1986). Of paramount concern is the welfare and best interest of the child. In the Interest of D.L., 401 N.W.2d 201, 202 (Iowa App. 1986).

C.E.B. was born on August 6, 1986. At that time, her three siblings had been adjudicated CINA and had been placed in foster care. The parental rights to those three siblings were terminated by the same court order that adjudicated C.E.B. a child in need of assistance. That termination was affirmed by this court on October 20, 1988. In Interest of B.K.B., B.C.B., and C.E.B., Minor Children, No. 8-452, slip op. at 6 (Iowa App. October 20, 1988.

The principal issue in this case is whether the performance of parents which led to the removal of four older children from their home can be the basis for the removal of a younger child. We believe that when that prior performance continues to manifest itself in the lack of care of a later child and causes neglect or developmental difficulties in that child, that child is "imminently likely" to suffer from abuse in the future. We affirm the trial court in its adjudication of C.E.B. as a child in need of assistance and her placement in foster care.

The district court heard the evidence on the issue of the termination of the parental rights of the three siblings and the evidence on the CINA issue as it applied to C.E.B. at the same time. Following the hearing, as to C.E.B., the court made the following ruling:

> [C.E.B.] is a child in need of assistance as defined in Section 232.2(6)(b) of the Code because she is imminently likely to be abused or neglected as is evidenced by the long history of neglect of the other children. This definitely places [C.E.B.] at risk, and the testimony of Dr. Sivan emphasizes this point. . . .

While we look at past performance "for that performance may be indicative of the quality of the future care that parent is capable of providing," In the Interest of Dameron, 306 N.W.2d 743, 745 (Iowa 1981), we do not believe that the history of neglect of the parents' other children, standing alone, would be sufficient to support, by clear and

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convincing evidence, a finding that C.E.B. is a child in need of assistance. However, although the parents allude to that ruling as the court's reason for its finding, we do not find that the court relied upon that history alone. We find that there was sufficient evidence to support a finding that C.E.B. is a child in need of assistance. We find that while these parents have historically failed to provide for their other children, they have failed to provide for C.E.B.'s physical and social needs as well.

The record indicates that C.E.B.'s older siblings suffer from developmental delay, difficulty with language skills, and uncontrollable behavior. The parents refused to recognize that their children suffered from these problems and were unable to adequately provide the educational and emotional services their children so desperately needed. Those same problems manifest themselves with C.E.B., as indicated by her delayed gross motor development past her sixteenth month. Observations of the parents' relationship with this child demonstrate their lack of parenting skills and its effect upon the child. While it is agreed that the parents obviously love the child, they are unable or unwilling to give her the attention and training she needs to progress in a normal fashion. Once again, K.B., the mother, refuses to recognize that there is any problem with C.E.B.'s progress.

These parents are in need of further evaluation and assistance in learning the skills of parenting if they are to ever be able to provide an adequate environment for C.E.B. While they are resistive to the help offered by the Iowa Department of Human Services, that agency still seeks to offer assistance directed to the ultimate return of C.E.B. to the family home. In order for that to happen, K.B. needs to continue psychological counseling and perhaps psychiatric care and medication. These are suggested as further services to be offered to K.B. and to C.E.B. II, the father.

Upon our de novo review of the record, we find that there is sufficient evidence upon which to make a finding that C.E.B. is a child in need of assistance, and that the best interests of the child require that she be placed in the custody of the Department for placement in foster care, subject to the review required by law.

AFFIRMED.