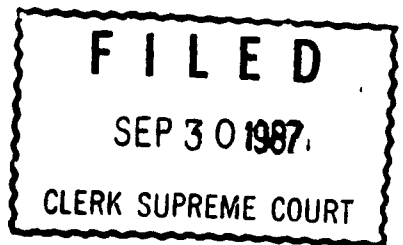


IN THE COURT OF APPEALS OF IOWA



IN THE INTEREST OF
T.R., Minor Child,

N.R., Natural Mother,

Appellant.

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Filed September 30, 1987

7-275
86-1417

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Appeal from the Iowa District Court for Lee County (No. JU 988) - Joel
Kamp, Associate Judge.

Natural mother appeals from an order terminating her parental rights.
AFFIRMED.

Gary L. Hoyer of Saunders, Humphrey, Johnson & Hoyer, Ft. Madison,
for the natural mother-appellant.

Thomas J. Miller, Attorney General; Candy Morgan, Assistant Attorney
General; and Michael P. Short, County Attorney, for the State.

Bryan J. Humphrey, Ft. Madison, for the child.

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

SACKETT, J.

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This is an appeal from a judgment terminating the parental rights of the natural mother of a minor child, T.R. The natural mother contends (1) she did not possess a mental capacity sufficient to comprehend the nature and importance of the proceedings leading to the termination of her parental rights and (2) there was insufficient evidence to establish her parental rights should be terminated. We affirm.

T.R. was born on November 3, 1984. On March 19, 1985, by order of the juvenile court, T.R. was removed from the home of her natural mother and was placed in the custody of the Department of Human Services.

On June 3, 1986, a petition for termination of parental rights was filed.

Our review is de novo. In Interest of Chad, 318 N.W.2d 213, 216 (Iowa 1982); In Interest of L.P., 370 N.W.2d 839, 840 (Iowa App. 1985). We give weight to the factfindings of the trial court, especially when considering the credibility of witnesses, but we are not bound by them. In Interest of W.G., 349 N.W.2d 487, 491 (Iowa 1984); In Interest of L.P., 370 N.W.2d at 840. The question is, is there in fact clear and convincing evidence T.R. cannot be returned. Grounds for termination of parental rights must be proven by clear and convincing evidence. In Interest of Dameron, 306 N.W.2d 743, 745 (Iowa 1981). Our termination statute is preventative as well as remedial. It mandates action to prevent probable harm to children and does not require delay until after the harm has been done. In Interest of Dameron, 306 N.W.2d at 745; Long v. Long, 255 N.W.2d 140, 143 (Iowa 1977).

I.

The mother contends her rights should not be terminated because she did not have the mental capacity to comprehend the nature of the termination

proceeding. The natural mother admits after the child's removal many services were made available to her. She contends, however, the Department of Human Services failed to recognize her limited learning capacity and the services provided were not delivered in such a manner to allow her to understand and apply the skills they were attempting to teach.

The Department of Human Services provided a number of services to the natural mother. Psychological counseling was offered the mother at the Lee County Mental Health Center. Counselling was ultimately terminated because the mother missed appointments. A protective homemaker was available to the mother between April 29, 1985, and August, 1986. Weekly visits were scheduled between the mother and T.R. The homemaker participated in these weekly visits. The mother missed scheduled visits. The homemaker dealt with problems the mother was experiencing in caring for the child and talked to her about what to do. The mother expressed little or no interest in the instruction.

Mental disability standing alone is not a sufficient reason for termination of a parent-child relationship. See In Interest of Wardle, 207 N.W.2d 554, 563 (Iowa 1973). We find on this record a nearly total failure of the mother to make any effort to become an adequate parent. The Department of Human Services delivered services geared to her ability. While the mother's below average intelligence may have made the job of parenting more difficult for her than for a person of normal or above normal intelligence, we determine she made almost no effort to utilize the services rendered. We dismiss her argument.

II.

The mother next contends there is not clear and convincing evidence the child will suffer harm if returned home. We disagree.

The mother had threatened to kill herself and the baby. There have been times when the mother has exhibited emotional instability. She does not have a stable environment. She has made no progress toward improving her mental state and home environment.

We affirm the termination. See In Interest of Dameron, 306 N.W.2d at 745.

AFFIRMED.