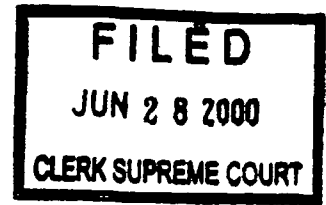


IN THE COURT OF APPEALS OF IOWA

No. 0-292 / 00-0082
Filed June 28, 2000



IN THE INTEREST OF A.B., T.B., and M.B., Minor Children

R.B.,
Mother-Appellant.

Appeal from the Iowa District Court for Polk County, Glenn E. Pille Judge.

Mother appeals an order terminating her parental rights to her three children. **AFFIRMED.**

Jeffrey T. Mains of Benzoni Law Office, P.L.C., Des Moines, for appellant.

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

Mike Bandstra, Des Moines, guardian ad litem for minor children.

Heard by Vogel, P.J., and Mahan and Miller, JJ.

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VOGEL, P.J.

Renee appeals an order terminating her parental rights to her three children. ~~Because we~~ find the record contains clear and convincing evidence the children cannot be returned into Renee's care at this time, we affirm.

Background facts. Renee is the mother of Audrey, born July 13, 1990, Tristan, born July 31, 1992, and Mercedes, born May 26, 1994. The children were removed from Renee's home on November 25, 1998, while she was incarcerated and the children were left with an inappropriate caretaker. The residence was filthy and there was no food for the children. There was one founded physical abuse incident and another pending at the time of the removal. The children remained in foster care until the trial court terminated Renee's parental rights on December 14, 1999.

Scope of review. We review proceedings to terminate parental rights de novo; we review the facts as well as the law and adjudicate parents' rights anew. *In re Dameron*, 306 N.W.2d 743, 745 (Iowa 1981). We give weight to the findings of the juvenile court, particularly with respect to the credibility of witnesses, but are not bound by them. *In re L.L.*, 459 N.W.2d 489, 493 (Iowa 1990); *In re R.R.K.*, 544 N.W.2d 274, 275 (Iowa App. 1995); Iowa R. App. P. 14(f)(7).

Our primary concern in a termination proceeding is the best interests of the child. *R.R.K.*, 544 N.W.2d at 275. Those best interests are determined by looking at the child's long-range as well as immediate interests. *L.L.*, 459 N.W.2d at 493. We consider what the future likely holds for the child if that child

is returned to his or her parents. *Id.* Insight for that determination may be gained from evidence of the parent's past performance, for that performance may be indicative of the quality of the future care that the parent is capable of providing. *In re T.T.*, 541 N.W.2d 552, 555 (Iowa App. 1995).

Clear and convincing evidence. Rennee asserts the State did not present clear and convincing evidence that her children could not be returned to her care due to a risk of further adjudicatory harm under Iowa Code section 232.116(1)(e) (1999). The State contends Rennee has not sufficiently complied with services and addressed the issues that led to the founded abuse reports and need for removal. Therefore, the risk of further abuse is still present.

At the time of removal, the children were diagnosed with multiple problems, including reactive attachment disorder, encopresis, attention deficit/hyperactivity disorder, oppositional defiant disorder and adjustment disorder mixed with anxiety and depressed mood. These problems were attributed by the children's therapist to the chaotic nature of the environment Rennee provided for them during their early years. The therapist testified at trial that the children had made progress in the foster care environment. During her testimony, she stated, "[t]hey need stability, consistency and a parenting figure who's going to be committed to them to raising them until they're able to care for themselves. And without that, that places them in ongoing jeopardy in terms of their ongoing mental health, stability and their emotional growth and development." Further, the children's therapist felt the only way to achieve this goal was to terminate Rennee's parental rights.

The Department of Human Services (DHS) offered many different services to Rennee in order to allow for a reunification of this family. Rennee received a psycho-social evaluation and a substance abuse evaluation, which recommended no further treatment. Although she started the psychiatric intake process on two different occasions, she did not complete the evaluation or follow up with the recommended individual therapy necessary to address her anger management issues. Although Rennee completed the parenting classes, she did not even begin assertiveness training. She did participate with some of the supervised visitations with the children. Rennee had some problems, however, interacting appropriately with the children. The visitation documentation shows she became easily frustrated with the children and the visits were subsequently decreased from one hour twice a week to one hour once a month.

Unfortunately, Rennee was not able to make any measurable improvement during this year of services. Both of the social workers who coordinated services for this family concurred in their determination that additional time and services would not serve to allow these children to be returned into their mother's care. The children's mental health depends on a stable home environment and consistency in their lives. The professionals involved in this case, Rennee's DHS social worker, her Lutheran Social Services service provider, and the children's therapist, all agreed that termination of Rennee's parental rights was necessary for the best interests of the children. Accordingly, we affirm the termination of Rennee's parental rights.

AFFIRMED.

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