

FILED

JUN 28 1979

CLERK SUPREME COURT

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IN THE COURT OF APPEALS OF IOWA

IN THE INTEREST OF	)	
JACHELLE MARIE CAREY, A Child,	)	Filed June 28, 1979
PAULINE CAREY LAY,	)	
Appellant.	)	$\frac{148}{3-61888}$
	)	

Appeal from Story Juvenile Court - Gordon M. Young, Judge.

Natural mother appeals order terminating her parental rights to nine-year-old daughter. - Affirmed.

Greg W. Steensland, of Payer & Steensland, Ames, for Appellant.

Thomas J. Miller, Attorney General of Iowa, George Cosson, Assistant Attorney General, Stephen C. Robinson, Special Assistant Attorney General and John Uhlenhopp, Assistant Story County Attorney, for Appellee, State of Iowa.

Craig R. Hastings, of Clark, Clark & Hastings, Ames, for Appellee, Jachelle Marie Carey.

Timothy J. Finn, Ames, for Appellee, Jack Carey.

Heard by Oxberger, C. J., and Donielson, Snell, Carter and Johnson, JJ.

PER CURIAM

Pauline Carey Lay, natural mother of Jachelle (Shelly) Lay, age nine, appeals juvenile court order which terminated her parental rights. We affirm.

Prior to her 1969 marriage to Jack Carey, Pauline had two children out of wedlock, Micah and Michele. Her third child, Shelly, was born in January, 1970. The Carey marriage proved to be unstable and short-lived. Jack Carey apparently disappeared from the scene sometime in 1971, and he has had no significant contact with Pauline or Shelly since then. He has not appealed from the order terminating his parental rights. From 1971 to 1976 Pauline and her children led a nomadic existence, frequently taking up residence in unfurnished, unheated apartments. During this time period, they received assistance from the Departments of Social Services in Polk, Lee, and Story Counties. From the testimony of various social services employees who worked with Pauline, it is clear that she continuously failed to provide her children with even the minimum physical necessities, to say nothing of their psychological needs. Shelly was described by different witnesses as undernourished, dehydrated, unclean and underclothed while living with Pauline. Although Pauline failed to perform her parental duties to all of the children, she particularly neglected Shelly. The record shows that Pauline instilled in the child a very negative self-image, frequently telling her she was "no good, just like her father." On numerous occasions, the children were left in the care of Pauline's friends and acquaintances. Twice in 1974, Pauline voluntarily had Shelly placed in a foster home. That same year, all three children were adjudged in need of assistance and placed in the custody of the Story County Department of Social Services. Shelly has resided in her present foster home since August, 1974.

Our review of proceedings for the termination of parental rights is de novo. In the Interest of Kelley, 262 N.W.2d 781, 782 (Iowa 1978). One of the grounds relied on by the court below is contained in section 600A.8(4), The Code 1979 - that the parent has substantially, continuously, and repeatedly refused or neglected to comply with the duties imposed by the parent-child relationship. Pauline contends there was insufficient evidence to support a termination on that basis because she has reformed her life and feels she is now capable of being a mother to Shelly. It is true that Pauline has apparently entered into a stable marriage and has established a home for Micah and

Michele in Texas. A report written by a Texas public welfare worker was favorable to Pauline, but the interviewer did not have an opportunity to observe the children who were visiting their grandparents at the time. The fact remains, however, that Shelly has not been in Pauline's care since 1974. The efforts of different social services workers to arrange visitation periods for Pauline proved ineffectual. On the few occasions in which she did attend the visits, her attention was directed at the social worker, not Shelly. After one particular visit with Pauline in Des Moines, Shelly returned to her foster parents' home in a state of extreme anxiety and emotional upset. The record abounds with examples of Pauline's failure to assume the responsibilities of parenthood toward Shelly and nothing will be gained by a further recitation of details in that regard.

In In the Interest of Ponx, 276 N.W.2d 425, 433 (Iowa 1979), the court noted:

The fundamental consideration in termination is what the future holds for the child if he (or she) is returned to the custody of his (or her) mother. The focus is on the best interests of the child. This is best determined by observing the present conditions and the parent's track record.

While the conditions in Pauline's home have improved greatly, her track record as far as Shelly is concerned is abysmal. Unlike the situation which existed in Matter of Burney, 259 N.W.2d 322 (Iowa 1977), we think a transfer of Shelly from her present environment to Pauline's home poses an extraordinary threat to the child's well being. Several experts testified that the psychological trauma which can accompany such a change would be extremely serious in Shelly's case.

Although the decision is a difficult one and is not made to reward or punish anyone, we agree with the trial court that Pauline's parental rights to Shelly should be terminated.

AFFIRMED.