FILED
MAY 26 1994
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

No. 4-132 / 93-1636

IN THE INTEREST OF K.H. and J.M. Jr., Minor Children,

B.J.B., Father,
Appellant,

T.H.-D., Mother,
Appellant.

Appeal from the Iowa District Court for Poweshiek County, Michael R. Stewart, District Associate Judge.

The father of K.H. and mother of K.H. and J.M. Jr., appeal an order terminating their parental rights. **AFFIRMED.**

C. Jean Pendleton of Charnetski, Olson, Lacina & Pendleton, Grinnell, for appellant father of K.H.

Nancy L. Burk, Toledo, for appellant mother.

Bonnie J. Campbell, Attorney General, John M. Parmeter, Special Assistant Attorney General, Kathrine S. Miller-Todd, Assistant Attorney General, and John Heinicke, Assistant County Attorney, for appellee State.

Donald L. Schild of Schild Law Office, Grinnell, for appellees minor children.

Brian P. Bisbee of Bisbee & Brennecke, Grinnell, for father of J.M. Jr.

Heard by Sackett, P.J., and Cady and Huitink, JJ.

HUITINK, J.

Toni is the mother of K.H., born February 26, 1990, and J.M. Jr., born November 17, 1991. Berlou is the father of K.H. Jeff is the father of J.M. Jr. Toni and Berlou appeal the termination of their parental rights. Jeff is not a party to this appeal.

In August 1991 Toni came to the attention of the department of human services because she had no housing, income, or access to medical attention during her second pregnancy. K.H. was placed in protective day care at that time. In October 1991 a founded child abuse report was filed naming Toni as the perpetrator after K.H. was burned after being left unattended in a room with a wood-burning stove.

In March 1992 J.M. Jr. was suffering from bronchiolitis, possible pneumonia, and failure to thrive. Toni dropped him off at the hospital and did not return for twelve days. A second founded child abuse report was filed against Toni for denial of critical care.

In April 1992 K.H. and J.M. Jr. were adjudicated children in need of assistance (CINA) and placed together in family foster care. In May 1992 Berlou became involved with K.H. as a result of the CINA proceedings. He had a long history of alcohol abuse but was reporting a period of sobriety. In August 1992 Berlou committed himself for detoxification and then in-patient alcohol treatment.

In October 1992 a case permanency plan was established which set out goals for both Toni and Berlou. Neither the December 1992 nor July 1993 review orders noted any progress toward these goals. A petition to terminate parental rights was filed on June 24, 1993.

At the September 1993 termination hearing no social worker or treatment provider recommended the children be returned to either parent. The juvenile court terminated parental rights pursuant to Iowa Code section 232.116(1)(g) (1993) (child three years or younger, previously adjudicated in need of assistance, out of home for at least six months and cannot presently be returned to parent's care). Berlou and Toni appeal.

Appellate review of termination proceedings is de novo. In re W.G., 349 N.W.2d 487, 491 (Iowa 1984) cert. denied sub nom. J.G. v. Tauke, 469 U.S. 1222 (1985). We give weight to the findings of fact of the juvenile court, especially when considering the credibility of witnesses, but we are not bound by those determinations. Id. at 491-92.

The primary concern in termination proceedings is the best interest of the child. Iowa R. App. P. 14(f)(15); In re Dameron, 306 N.W.2d 743, 745 (Iowa 1981). In deciding what is best for the child we look to the child's long-range as well as immediate interests. We also look to the past performance of the parents because it is an indication of the quality of care the parents are capable

of providing in the future. In re A.M.S., 419 N.W.2d 723, 726 (Iowa 1988).

Toni contends all reasonable efforts were not made to return K.H. and J.M. Jr. to her care. We disagree. The record is replete with instances where services were offered by the department to enable Toni to regain custody of the children and she refused. Toni failed to follow through with the recommendations made in the social report and failed to keep scheduled appointments at a mental health center for an evaluation.

Both Toni and Berlou contend the State failed to prove by clear and convincing evidence that their parental rights should be terminated. We disagree. Toni's rights to K.H. and J.M. Jr. and Berlou's rights to K.H. were terminated under Iowa Code section 232.116(1)(g). Toni has not visited either child since December 1992. Family therapists who visited with Toni in June 1993 felt Toni's transient lifestyle prevents returning the children to her custody.

Berlou's extensive history of substance abuse is detailed in the record. He has failed to follow through with any form of structured treatment program recommended by the department. Several mental health professionals stated it is not in K.H.'s best interest to be placed with Berlou.

Both Toni and Berlou request more time before a decision terminating their rights is made. However, we

cannot suspend the "crucial days of childhood while parents experiment with ways to face up to their own problems." In re A.C., 415 N.W.2d 609, 613 (Iowa 1987). The legislature has determined six months is the interval for which such patience for parents may last. See Iowa Code § 232.116(1)(g). At the time of the termination hearing K.H. and J.M. Jr. had been in foster care for eighteen months, well beyond the six-month time limit. They are doing well in foster care, and the foster parents have indicated a desire to adopt both of them. We therefore conclude that Toni's and Berlou's parental rights should be terminated.

AFFIRMED.