IN THE COURT OF APPEALS OF IOWA

No. 5-251 / 94-2031

FILED
MAY 30 1995
CLERK SUPREME COURT

IN THE INTEREST OF K.F., Minor Child,

R.F., Mother,

Appellant.

Appeal from the Iowa District Court for Appanoose County, Gene W. Glenn, Juvenile Court Judge.

Mother appeals a district court order terminating her parental rights to her minor child, K.F. **AFFIRMED.**

Daniel J. Jay of Drake, Wilson & Jay, Centerville, for appellant.

Thomas J. Miller, Attorney General, Daniel W. Hart, Assistant Attorney General, and Mark Kruse, Assistant County Attorney, for appellee.

Considered by Hayden, P.J., and Sackett and Cady, JJ.

HAYDEN, P.J.

R.F. is the mother of K.F., born August 14, 1992. C.H. was adjudicated the father of K.F. C.H. signed a release of custody, did not appear at the termination proceedings, and has not appealed the termination of his parental rights.

In May 1993 R.F. contacted the Iowa Department of Human Services (DHS) and voluntarily placed K.F. in foster care after an argument with R.F.'s mother, who had been caring for the child. On May 7, 1993, R.F. voluntarily admitted herself to the Ottumwa Regional Health Center due to depression and inability to cope with her parental responsibilities. Shortly after her admission, the hospital involuntarily committed her due to suicidal threats. Psychological testing indicated R.F. had a borderline IQ of 73 and had very little insight or motivation to provide for herself or the needs of K.F. R.F. was discharged from the hospital to a residential mental health facility on May 20, 1993. K.F. was placed in foster care on May 27, 1993.

In June 1993 the State filed a CINA petition, alleging K.F. was a child in need of assistance pursuant to Iowa Code section 232.2(6)(c)(2)(k) and (n) (1993). R.F. was still committed to the mental health facility. R.F. admitted K.F. was a child in need of assistance, stating she had often left K.F. unattended in her crib and had failed to provide essential care. The juvenile court subsequently adjudicated K.F. to be in need of assistance due to R.F.'s mental health.

R.F. continued to reside in various mental health facilities until February 1994, when she was moved from a residential facility to a supervised apartment. During this period of time, R.F. received significant help from numerous sources, including vocational rehabilitation, parenting skills, homemaking, mediation services, and psychiatric counseling. Despite these efforts, R.F. was moved to a more closely supervised group home.

The State ultimately filed a petition to terminate R.F.'s parental rights, arguing R.F.'s psychological profile had not improved and K.F. had been in foster care for seventeen months. R.F. argued she proved she was a responsible parent by seeking mental help and contacting the DHS and placing K.F. in foster care. She maintained she had made progress and she should have been given more time for reunification. The juvenile court terminated R.F.'s parental rights. R.F. has appealed.

I. Scope of Review.

Appellate review of termination proceedings is de novo. *In re W.G.*, 349 N.W.2d 487, 491 (Iowa 1984), *cert. denied*, 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).

> We look to the child's long-range, as well as immediate, interests. We consider what the future holds for the child if returned to his or her

> parents. Insight for this determination can be gained from evidence of the parent's past performance, for that performance may be indicative of the quality of the future care the parent is capable of providing. Our statutory termination provisions are preventative as well as remedial. They are designed to prevent probable harm to a child.

In re R.M., 431 N.W.2d 196, 199 (Iowa App. 1988) (citing *Dameron*, 306 N.W.2d at 745).

II. Termination of Parental Rights.

R.F. argues she was not given sufficient time to achieve reunification with K.F. She notes she has taken positive steps to protect K.F. and acquire better parenting and homemaking skills. R.F. argues she should have been offered additional services. We disagree.

R.F. does not suggest any new or additional services which might make her a more capable parent -- she just asks for more of the same. As R.F. notes, there were times during the seventeen months she received services she did appear to be making some progress. But given the distance she had to go, any progress she made was not enough. The social report prepared for the dispositional hearing after the CINA adjudication indicated R.F. viewed her daughter as a doll and interacted with her like a little girl playing with a doll. R.F. admitted at the CINA adjudication she had left K.F. in her crib for extended periods and had failed to provide basic care. According to R.F.'s mother, it had not been uncommon for R.F. to take K.F. with her to a nearby store or bar for the stated purpose of getting pop or cigarettes, meet someone there.

leave with them, and not return until the next day. On these occasions R.F. would refuse to tell her mother where she had been and did not see the danger in her actions. In this light, the progress R.F. has shown, such as putting locks on her apartment doors, cooking for her child, and keeping her away from smoke-filled rooms (all in the context of supervised visits), are insufficient to show K.F. can be returned to her care anytime in the foreseeable future.

Further, the record shows at the time of the termination hearing R.F. was regressing in many ways, not progressing. Less than two months before the termination hearing, R.F. was moved from a supervised apartment to a more closely supervised group home. This move was the result of R.F.'s involvement in physical assaults, thefts, disturbances of the peace, phone harassment, violations of program rules, lying to staff, and violations of curfew. The need for a more closely supervised setting shows R.F. was moving in the wrong direction at the time of the termination hearing. It also may explain some of the recent progress R.F. claims to have been making -- she may have been doing better only because she was in a more controlled environment.

Children should not be forced to endlessly await the maturity of their mother. *In re T.D.C.*, 336 N.W.2d 738, 744 (Iowa 1983). For the last seventeen months, R.F. has received an extensive array of services. These services include evaluations by two psychologists, psychiatric and psychological testing and individual and group psychotherapy from the hospital, mediation services from the hospital and DHS,

nurturing and parenting classes from Home Health Care, and vocational rehabilitation, mental health counseling, crisis intervention, therapy, counseling, and skill development from various agencies. K.F. has been in foster care continuously for seventeen months, since she was nine months old. She is doing well in foster care, has a better bond with her foster parents than with her mother, and was described as "highly adoptable." Under this record, we must affirm the juvenile court. It is in K.F.'s best interests her mother's rights be terminated. Judgment of the juvenile court affirmed.

AFFIRMED.

Cady, J., concurs; Sackett, J., concurs specially.

SACKETT, J. (specially concurring)

I concur specially. I concur in the result only.