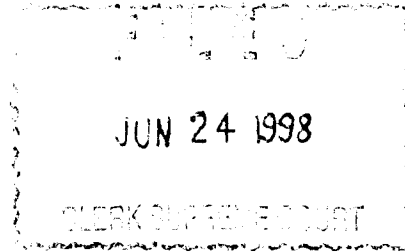


IN THE COURT OF APPEALS OF IOWA

No. 8-250 / 97-1955

IN THE INTEREST OF T.J. and D.J.,
Minor Children,

L.J., Mother,
Appellant.



Appeal from the Iowa District Court for Cerro Gordo County, Gerald W. Magee, Associate Juvenile Judge.

The mother appeals from the district court order terminating her parental rights to her two minor children. **AFFIRMED.**

Frank B. Adams, Mason City, for appellant.

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

Mark A. Young of Young Law Office, Mason City, guardian ad litem for minor children.

Considered by Sackett, P.J., and Huitink and Streit, JJ.

SACKETT, P.J.

The mother, Laurie, appeals from the district court's order terminating her parental rights to her two minor children, Taniesha, born in January 1992, and Dakota, born in February 1993. Laurie contends the district court erred in finding clear and convincing evidence the children could not be returned to her care at the time of the termination hearing. We affirm.

Laurie was incarcerated in August of 1995 in connection with assault charges. Laurie had been incarcerated on other occasions and her children had spent brief periods in foster care. In October 1995, Laurie voluntarily placed Taniesha and Dakota back in foster care during her incarceration. The State filed a child-in-need-of-assistance petition in November alleging Taniesha and Dakota were in danger of physical abuse or neglect, and from their parent's drug or alcohol abuse. Iowa Code §§ 232.2(6)(b) and (n). Laurie admitted the allegations, and the children were found to be children in need of assistance on December 19, 1995. They have remained in foster care throughout the course of the proceedings. Laurie was required to continue counseling and participate in a psychological evaluation, parent skill development, and therapy sessions. She was given visitation as deemed appropriate by the Department of Human Services. Laurie was ordered to avoid criminal activity, alcohol and controlled substances, and to seek employment and stable housing upon her release.

The case status was reviewed in June and December 1996, and in March 1997. Laurie was found to be non-responsive to services, continued to lack parenting skills, and had an unstable home environment. The Department did note in March 1997 Laurie had increased her level of commitment and cooperation with services in the preceding months, though she had relapses.

The State filed a petition to terminate parental rights on May 22, 1997. The fathers' rights were terminated following a hearing in June. They are not involved in this appeal. Following a hearing in August 1997, the juvenile court entered an order terminating Laurie's parental rights. The court found termination was warranted because the circumstances which led to the finding the children were in need of assistance continued to exist despite Laurie's receipt of services, and the children could not presently be returned to her care. Iowa Code §§ 232.116 (1)(c) and (e). The court found the children were doing well in foster care and were adoptable. The court held the parent-child relationship had been lost because of Laurie's inconsistent visitation. The court also found termination was in the children's best interests.

Laurie appeals. She contends the juvenile court erred by finding clear and convincing evidence that her children could not be returned to her care. The State responds in part that Laurie has waived any challenge to the termination under section 232.116(1)(c) because she has not raised the argument in her brief.

We review termination of parental rights *de novo*. *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 review is confined to those propositions relied upon by the appellant for reversal on appeal. *Hylar v. Garner*, 548 N.W.2d 864, 870 (Iowa 1996); *Richardson v. Neppel*, 182 N.W.2d 384, 390 (Iowa 1970).

The juvenile court terminated Laurie's parental rights under both section 232.116(1)(c) and 232.116(1)(e). The issue presented for review in Laurie's brief deals only with termination under section 232.116(1)(e). Consequently, Laurie has not preserved error concerning termination under section 232.116(1)(c). When the juvenile court terminates a parent's rights under more than one statutory provision, we need only find grounds to terminate parental rights under one of the provisions cited to affirm the court's decision. *In re A.J.*, 553 N.W.2d 909, 911 (Iowa App. 1996); *In re R.R.K.*, 544 N.W.2d at 276. We affirm the termination under Iowa Code section 232.116(1)(c).

The court, on assessing the need for termination of parental rights, considers what the future likely holds for the child if that child is returned to his or her parents. 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 the parent is capable of providing. *In re L.L.*, 459 N.W.2d at 493; *Dameron*, 306 N.W.2d at 745; *In re T.T.*, 541 N.W.2d 552, 555 (Iowa App. 1995). The continued

instability in Laurie's life and her continued inability to obey the law have severely damaged the parent-child relationship. The State has met its burden of proof.

There is little in the record concerning adoptive placement for these children. The current foster parents consider themselves too old to adopt the children. We cannot assume termination guarantees adoption. *In re B.H.*, 517 N.W.2d 715, 717 (Iowa App.1994). There is no evidence the children will go together to a stable adoptive home. We cannot refuse to terminate parental rights merely because the Department of Human Services has not made a showing that adoption arrangements have been made. *See In re T.C.*, 522 N.W.2d 106, 109 (Iowa App. 1994). However, we have to trust that the State, in advancing these children's interests are served by terminating their biological parents' rights, is prepared to immediately make the necessary efforts to secure a satisfactory adoptive home for these children and provide the assistance necessary to make the transition of care as easy for these children as is possible.

AFFIRMED.