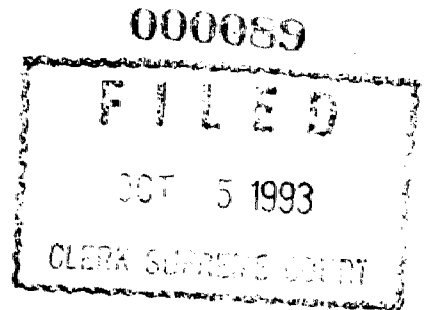


IN THE COURT OF APPEALS OF IOWA

No. 3-455 / 93-568

IN THE INTEREST OF OF B.D., A Minor Child,
M.D., Mother,
Appellant.



Appeal from the Iowa District Court for Polk County,
Larry Eisenhauer, Judge.

M.D. appeals the district court's termination of her
parental rights to B.D. **AFFIRMED.**

J. Michael Mayer, Des Moines, for appellant.

Bonnie J. Campbell, Attorney General, John M. Parmeter,
Special Assistant Attorney General, Judy Sheirbon,
Assistant Attorney General, and Mike Hunter, Assistant
County Attorney, for appellee-State.

Katherine Miller, Youth Law Center, Des Moines,
guardian ad litem.

Heard by Oxberger, C.J., and Donielson and Schlegel,
JJ.

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OXBERGER, C.J.

B.D., born July 11, 1987, was adjudicated a child in need of assistance on December 27, 1988. He had been physically abused by his father, and his parents were uncooperative with voluntary services such as domestic abuse counseling.

B.D. remained in his mother's custody until March 15, 1991, at which time he was placed in foster care. The father's attendance at counseling was sporadic and there were concerns about his drug and alcohol abuse. The parents were dropped from the P.I.N.C. program after three failed appointments. They moved frequently due to evictions and were difficult to locate. A founded denial of critical care report was made stating B.D. was not regularly attending day care or preschool. The family could not be located for family preservation services, and another child of the family was adjudicated CINA.

The mother completed a P.I.N.C. program in August 1991. She missed several visits with B.D. Providers recommended she complete individual long-term therapy. During visitation B.D. would exhibit severe tantrums and violent behavior which his mother could not control.

In June 1992 B.D. was diagnosed with an attention deficit disorder and an adjustment disorder. He required daily medication and seemed particularly violent after visits with his mother. In November 1992 the State filed a petition seeking a termination of parental rights.

At trial, the mother testified she has progressed enough to meet B.D.'s special needs and requested his return to her care. She asserted she still receives counseling regularly for her depression, attends a parent skill group once a week, and meets with a parent skill instructor individually once a week. She also testified her home and lifestyle have improved.

The State presented evidence, through a case worker, a homemaker and a visitation supervisor, that the mother struggles to parent the two children remaining in her care and has not shown an ability to supervise all three children or cater to, and comprehend, B.D.'s special needs. The State also asserted that the mother's involvement in services has been minimal.

The district court terminated the mother's parental rights to B.D. pursuant to Iowa Code section 232.116(1)(e) (1991). The father consented to termination of his rights.

The mother appeals.

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.

Iowa Code section 232.116(1)(e) (1991) permits the juvenile court to terminate the parent-child relationship if the court finds all of the following have occurred:

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- (1) The child is four years of age or older.
- (2) The child has been adjudicated a child in need of assistance pursuant to section 232.96.
- (3) The custody of the child has been transferred from the child's parents for placement pursuant to section 232.102 for at least twelve of the last eighteen months, or for the last twelve consecutive months and any trial period at home has been less than thirty days.
- (4) There is clear and convincing evidence that at the present time the child cannot be returned to the custody of the child's parents as provided in section 232.102.

In addition, these 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). Termination must occur if twelve to eighteen months have elapsed since the child was removed from the home and the parent still cannot take care of the child. Id. Evidence of the parent's past performance may be indicative of the quality of future care he or she is capable of providing. In re Dameron, 306 N.W.2d 743, 745 (Iowa 1981). Finally, the supreme court is emphatic that, after the statutory limit of twelve months, the case must be viewed with a sense of urgency. In re L.L., 459 N.W.2d 489, 495 (Iowa 1990).

Ample testimony supported the juvenile court's finding clear and convincing evidence that B.D. could not be returned safely home. The mother sporadically attended required programs. She currently contends she does not need supportive home services or therapy, in spite of having extreme difficulty parenting B.D.'s younger siblings. During supervised visits, staff members had to

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frequently remind the mother to attend to the needs of the children. The instructors at the mother's parenting classes strongly recommend long-term involvement in their program. The mother failed to follow-through and also failed to attend and was late to several visits. Testifying in support of the termination of the mother's parental rights included Deanna Lensh, B.D.'s DHS caseworker, Lynn Rowe, a protective homemaker, and Sue Alleman, a visitation supervisor.

B.D. is an exceptionally demanding child requiring considerable structure and support. He is hyperactive and has emotional and behavioral disorders. Strong parenting skills are necessary to assist B.D. in his development.

Finally, the mother has two other children in her care. Testimony indicated the mother was unable to care for or supervise all three children at the same time. Both younger siblings have been adjudicated children in need of assistance and one child has substantially similar behavior problems as B.D.

Based on a de novo review of the evidence, we conclude clear and convincing evidence supported the juvenile court's termination of the mother's parental rights. Accordingly, we affirm the decision of the juvenile court.

AFFIRMED.