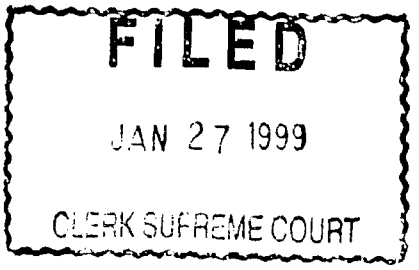
IN THE COURT OF APPEALS OF IOWA

No. 1998-11 (8-682) / 98-1318



IN THE INTEREST OF S.D.N., Minor Child,

R.N., Father,
Appellant.

Appeal from the Iowa District Court for Scott County, Nancy S. Tabor, Juvenile Judge.

Father appeals juvenile court order terminating parental rights to son. **AFFIRMED.**

William J. Bishop of Bribriesco Law Offices, Davenport, for appellant.

Thomas J. Miller, Attorney General, and Charles K. Phillips, Assistant Attorney General, for appellee-State.

Justin A. Teitle, Teitle Law Offices, Davenport, guardian ad litem for minor child.

Heard by Sackett, C.J., and Streit and Vogel, JJ.

SACKETT, C.J.

Randy, the father of Seith, born in April of 1997, appeals from the juvenile court order terminating parental rights to his son.[1] Randy contends the juvenile court incorrectly found (1) he failed to maintain contact with Seith in the six months prior to the hearing; (2) he was unwilling to respond to services; (3) Seith could not be returned to his care; and (4) Randy was a danger to himself and others. We affirm.

Seith had special needs at birth. He suffered from a seizure disorder and hypothyroidism. As a result of his problems, Seith remained at the University of Iowa Hospitals following his birth and was not released until May 18, 1997. Three days after Seith was released from the hospital, Randy and Seith's birth mother, to their credit, recognized they were not able to meet Seith's special needs and asked the Iowa Department of Human Services to help them care for their child. They asked that Seith be put in foster care. He was. Seith has remained in foster care since that time.

On June 30, 1997, the State petitioned to have Seith found to be a child in need of assistance. On September 24, 1997, he was found to be such a child. In January of 1998, the State petitioned to terminate Randy's parental rights to Seith. On June 19, 1998, the court terminated Randy's parental rights.

Randy first contends he did make sufficient contact with Seith but he was afraid Seith's birth mother would not approve. He next contends there was not sufficient time between when the case was commenced and when the State petitioned

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[1] Randy never married Seith's mother. Her parental rights have been terminated and are not at issue.

for termination. Randy contends this prevented him from assessing whether an additional period of rehabilitation would help him. Randy's third premise is Seith no longer has special needs and thus the reasons for finding him in need of assistance have been resolved. He last contends there is no evidence to support the juvenile court's finding he is a danger to himself and others.

We review the termination de novo. *In re W.G.*, 349 N.W.2d 487, 491 (Iowa 1984); *In re Miller Children*, 228 N.W.2d 60, 61 (Iowa 1975). However, we give weight to the juvenile court's findings of fact, especially when considering the credibility of the witnesses. *W.G.*, 349 N.W.2d at 491; *In re L.L.*, 459 N.W.2d 489, 493 (Iowa 1990).

The issue of whether or not to legally sever the biological ties between parent and child is an issue of grave importance with serious repercussions to the child as well as the biological parents. *In re R.B.*, 493 N.W.2d 897, 899 (Iowa App. 1992). The goal of a child-in-need-of-assistance proceeding is to improve parenting skills and maintain the parent-child relationship. *Id.* When the State seeks termination, it is because the State has been unable to furnish the help necessary to correct the parent's deficiencies. An underlying issue in a termination action is whether the parent is beyond help. A parent does not have an unlimited amount of time in which to correct his or her deficiencies. *See In re D.J.R.*, 454 N.W.2d 838, 845 (Iowa 1990); *In re H.L.B.R.*, 567 N.W.2d 675, 677 (Iowa App. 1997). Yet, the State also has a duty to assure children within its borders receive adequate care and treatment. *In re Dameron*, 306 N.W.2d 743, 745 (Iowa 1981). Thus, the State must intervene

when parents do not fulfill their responsibilities. *Id.* The court has often recognized there exists a parental interest in the integrity of the family unit; nonetheless we also are cognizant this interest may be forfeited by certain parental conduct. *Id.*; *In re Wall*, 295 N.W.2d 455, 457 (Iowa 1980). In particular, the State may interfere to prevent possible harm rather than intervene as a remedial measure. *Dameron*, 306 N.W.2d at 745; *In re C.W.*, 554 N.W.2d 279, 282 (Iowa App. 1996).

With these principals in mind, we review the facts. Randy contends the fact he did visit Seith shows he had contact with the child. He said after Seith's birth mother caused problems, he tried to continue his visitation. Randy advances he was concerned if he pushed for visitation Seith's birth mother would have him evicted from their home.

Randy advances, despite this problem, he complied with the case plan and one week before the termination hearing he was employed on a full-time basis and would have insurance benefits after a thirty-day probationary period. Randy further advances he was receiving mental health counseling and the Department of Human Services had signed releases to obtain copies of reports. Randy also contends when he got his life somewhat in order, he asked his attorney to again arrange for visits with Seith but this did not happen.

The State advances Randy did not follow through with scheduled visitation and made no effort to comply with the case plan. The State contends Randy's admission he has post-traumatic stress syndrome and takes Prozac, Phenobarbital, Tegretol, and Zanax, together with evidence he fails to follow through with mental

health treatment and he has a history of being institutionalized, support the finding he is a danger to his child.

The guardian ad litem supports termination. Randy has no home for his child. The evidence shows he does not understand the needs of a small child. While he must be commended for involving the Department of Human Services at the time he needed help with the child, he failed to take immediate steps to position himself to reclaim Seith. While Randy criticizes the State's lack of efforts in his behalf, Randy failed to request any additional services prior to the termination. There is clear and convincing evidence supporting the termination.

Seith has remained in the same foster home since his initial placement. He has bonded with his foster parents. The record gives little guidance as to the State's intention for placement after the termination. The guardian ad litem, in oral argument, told us Seith's foster parents intend to adopt him. The State and guardian ad litem should immediately assure this is accomplished.

AFFIRMED.