FILED
DEC 21 1978
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

In The Interest of	)	
TINA RAY, A child;	)	Filed December 21, 1978
LINDA RAY,	)	
Appellant.	)	743 3-61797

Appeal from Boone Juvenile Court - Paul E. Hellwege, Judge.

Mother appeals order terminating parent-child relationship between herself and daughter. - Reversed.

Wallace L. Taylor, Boone, for Appellant.

Richard C. Turner, Attorney General of Iowa, Francis Hoyt, Jr., Assistant Attorney General, Jim Robbins, Boone County Attorney and Alan C. Schroeder, Assistant Boone County Attorney, for State of Iowa.

Kirke C. Quinn, Boone, for the Children.

Heard by Oxberger, C. J., and Snell, Carter and Johnson, JJ. Donielson, J., takes no part.

PER CURIAM

This is an appeal from trial court's order terminating the parental rights of Linda Ray, natural mother of Tina Ray. Linda argues that certain hearsay reports should not have been admitted into evidence and that there is insufficient evidence to justify the order of termination. We reverse.

Our review of the instant case is de novo. In the Interest of Kelly, 262 N.W.2d 781, 782 (Iowa 1978). After Tina's birth in September, 1974, she and Linda lived with Linda's family. There is evidence that this family is economically and socially disadvantaged and that the home environment is unstable. Linda and Tina also lived periodically with a man named Roswell Elsberry whom Linda married in 1977. A social worker from Boone County Department of Social Services, Phyllis Trites, first became involved in the case in November, 1974. She has attempted to work with Linda to assist her in improving her parenting skills. On October 26, 1977, Tina was adjudged to be a child in need of assistance due to the fact that she was without proper parental care because of Linda's emotional and mental disability. Tina's custody was transferred to the county social services department, and she was placed in a foster home. Under trial court's order, Linda was directed to continue evaluation and consultation at Central Iowa Mental Health Center. On January 13, 1978, hearing was held on the State's petition to terminate parental rights on the grounds listed in § 600A.8(5)(6), The Code. The State relied on the evidence it had offered in the earlier child in need of assistance proceeding plus the written reports of Dr. Jan Dale which contained psychological evaluations of Linda. Dr. Dale's diagnosis of Linda was "inadequate personality with dull-normal intellectual functioning." Thereafter, trial court terminated parental rights on the grounds contained in the State's petition.

Section 600A.8(6) provides for the termination of parental rights:

> If, following an adjudication that the child is in need of assistance under chapter 232, reasonable efforts under the direction of the juvenile court have failed to correct the conditions giving rise to this adjudication.

In the instant case, Linda does not dispute the court's October 26 order finding Tina to be a child in need of assistance. Said order directed Linda to continue consultation with Central Iowa Mental Health Center. She complied with that

directive and received a prescription for medication as an outpatient. Dr. Dale's report states that he does not consider Linda a candidate for psychotherapy. Linda's mother testified she was advised by personnel at the mental health center that no more appointments were to be made there, and Linda was referred to a doctor in Boone. In Dr. Dale's report there is some indication that Linda refused to be hospitalized, but this occurred prior to the court's order of October 26. We note also that only 2 1/2 months elapsed between the child in need of assistance adjudication and the hearing on termination of parental rights. The conclusion is inescapable that there is insufficient evidence to show that "reasonable efforts" under the direction of the court have failed to correct the conditions giving rise to the adjudication.

The other ground relied upon for termination is § 600A.8(5) - the parent is palpably unfit to be a party to the parent-child relationship. The evidence does show that Linda is mentally handicapped and dependent upon others for help. Dr. Dale's prognosis states that Linda needs to be taken care of and lacks independent living skills. Although the record reveals that Tina is lagging in her speech and language development, it appears Linda has provided her daughter with physical necessities. There is no substantial evidence of child abuse. Linda's mother testified that Linda is more calm and controlled as a result of the medication prescribed and that she is able to manage household duties. Based on our de novo review, we find Linda's mental disability is not alone sufficient reason for termination of her parental rights. In the Interest of Wardle, 207 N.W.2d 544, 563 (Iowa 1973). Nor do we find sufficient evidence to support a conclusion that Linda is palpably unfit to be a parent to Tina. Linda has made mistakes, and there are areas in which she needs to improve. We are unable to conclude, however, that her parental rights should be terminated. The order terminating parental rights is reversed. Tina's custody will remain with the Boone County Department of Social Services since Linda has not appealed from the court's order finding the child to be in need of assistance.

REVERSED.