IN THE COURT OF APPEALS OF IOWA

FILED
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CLERK SUPREME COURT

No. 4-557 / 94-1059

IN THE INTEREST OF E.S., Minor Child,

L.S.P., Mother,

Appellant.

Appeal from the Iowa District Court for Linn County, Michael J. Newmeister, District Associate Judge.

Mother appeals from the district court's order terminating her parental rights. **AFFIRMED.**

Carla Garrels Pearson, Cedar Rapids, for appellant.

Thomas J. Miller, Attorney General, Gordon E. Allen, Deputy Attorney General, Charles K. Phillips, Assistant Attorney General, and Karla Henderson, Assistant County Attorney, for appellee-State.

Casey Jones, Cedar Rapids, guardian ad litem for minor child.

Heard by Donielson, C.J., and Cady, J., and Schlegel, S.J.*

*Senior judge from the Iowa Court of Appeals serving on this court by order of the Iowa Supreme Court.

SCHLEGEL, S.J.

L.P., the mother, and L.S., the father, are the parents of E.S., born September 2, 1991. The State filed a petition in September 1991 alleging E.S. was a child in need of assistance (CINA) pursuant to Iowa Code sections 232.2(6)(b), 232.2(6)(c)(2), 232.2(6)(d), 232.2(6)(g), and 232.2(6)(n) (1991). After a pretrial hearing in December 1991, the parties stipulated E.S. should be adjudicated a child in need of assistance pursuant to section 232.2(6)(g).

L.P. requested E.S. be placed in foster care in January 1992. After a January 1992 dispositional hearing, and again after review hearings in July 1992, October 1992 and January 1993, the parties agreed E.S. should remain in foster care.

The State filed a petition in April 1993 for termination of L.P.'s and L.S.'s parental rights. The father, L.S., eventually consented to the termination of his parental rights.

L.P. has had her parental rights to four prior children terminated. L.P. lost custody to a fifth child in a marriage dissolution. L.P. has had significant relationships with five men. Four of these men were physically violent toward L.P. L.P. reported the fifth man has been physically threatening toward her. Two of the last three men L.P. has been involved with have had criminal histories involving sexual assaults on children.

L.P. has a tenth grade education. She attended special education classes throughout her schooling. L.P. has received no post high school training.

L.P.'s prior employment history is sporadic. She has been unable to maintain employment with one employer for longer than one month at a time. Job terminations have occurred due to poor work attendance, showing up late, and personal conflicts with an employer. L.P. has been unemployed and homeless during much of the last two years.

L.P. has also suffered bouts of substance abuse from the time she was seventeen years old. She has sought treatment three or four times. In her most recent evaluation by the Area Substance Abuse Council (ASAC), a recommendation was made that she enter a three-month inpatient program. L.P. abandoned this program after attending for two or three days. Although she claims she is not currently abusing alcohol, L.P. states she used to combine alcohol and speed to help her keep up with caring for the children.

At the termination hearing in December 1993 and January 1994, DHS social worker Karen Johnson testified that L.P. had a history of problems with domestic violence, suicidal ideations, aggression, financial instability, and unemployment which had led to the CINA adjudication. Johnson explained many services had been provided to L.P. in response to these problems. The Taylor School Peace Parenting Project and Linn County Home Health Care provided

parenting instruction to L.P. She was offered employment services through Kirkwood Skills Center, Options, and JTPA. L.P. declined these services. Tanager Place and The Abbe Center for Community Mental Health provided L.P. services to assist her with issues of anger control and domestic violence. L.P. terminated the services with Tanager Place because she felt there was a personality conflict with her service provider.

Johnson stated that, although L.P. seemed willing to work on her problems, she was unable to change her behavior to meet the goals outlined for her in the case permanency plan. Johnson did not think it was possible for E.S. to be returned to L.P. in the reasonably foreseeable future and recommended termination. Johnson further stated that E.S. was adoptable.

Roxanne Dittmer, a parent educator at the Taylor School, was called as a witness by L.P. She testified E.S. has a definite bond with L.P. Dittmer stated L.P. was making some progress in the program and she did not recommend termination of parental rights at this time.

The district court found that even though L.P. "had an extensive opportunity" to use community resources to correct the circumstances that led to E.S.'s adjudication, these circumstances continue to exist. Therefore, the court ordered L.P.'s parental rights terminated pursuant to Iowa Code sections 232.116(1)(c),(f), and (g).

L.P. appeals. She argues the district court erred in finding the services offered to her were adequate or appropriate *for her needs*.

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.

The primary concern in termination proceedings is the best interests 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 (sic) 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).

We find sufficient services have been provided for L.P. Not only were these services sufficient, but L.P.'s motivation to improve herself must be seriously questioned. L.P. has been receiving or has been offerred social services of one form or another for at least the last twelve years. Even with this long history of

services, L.P. is still not able to show she is capable of sufficiently parenting a child, holding down a job, or providing suitable housing for herself. In addition, L.P. has recently declined participation in a job-training program, dropped out of the Tanager Place program, and dropped out of the ASAC recommended drug inpatient program. We find sufficient grounds exist for the termination of L.P.'s parental rights. We affirm the ruling of the district court.

AFFIRMED.