FILED
JAN 30 1981
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN THE INTEREST OF	)	
DANIEL, TAMMY, LINDA and ADAM STREETER,	)	Filed January 30, 1981
Children,	)	
APRIL STREETER,	)	0-358 3-64548
Appellant.		

Appeal from Polk District Court - Richard A. Strickler, Judge.

Appellant mother appeals from order terminating her parental rights, contending that there was insufficient evidence to terminate under section 600A.8(4), The Code 1977. AFFIRMED.

John F. Sprole, Des Moines, for appellant.

Thomas J. Miller, Attorney General of Iowa, John G. Black, Special Assistant Attorney General, and Brent Hege, Assistant Attorney General, for appellee.

Heard by Oxberger, C.J., and Donielson, Snell, Carter, and Johnson, JJ.

Appellant April Streeter appeals from an order terminating her parental rights, contending that there was insufficient evidence to terminate under section 600A.8(4), The Code 1977. We affirm.

Our review of this matter is de novo. In re Ponx, 276 N.W.2d 425, 433 (Iowa 1979); Iowa R. App. P. 4. Our responsibility is to review the facts as well as the law and to determine rights anew from the credible evidence on properly presented and preserved issues. In re Voeltz, 271 N.W.2d 719, 722 (Iowa 1978). The rule that we give weight to the trial court's fact findings, especially with regard to the credibility of witnesses, Iowa R. App. P. 14(f)(7), is particularly applicable in termination cases. In re Long, 255 N.W.2d 140, 143 (Iowa 1977).

I.

April Streeter and Leslie Streeter, whose marriage was dissolved in 1977, are the natural parents of four children, who are now ages nine, seven, five, and four. The dissolution decree awarded custody of the children to April; however, Leslie sometimes lived with April and the children following the dissolution. The children were adjudicated in need of assistance in 1977 and have lived in foster homes since that time. Following this adjudication, April entered into an arrangement with a social services agency whereby it was agreed that she could regain custody of the children if she would find and maintain adequate housing, stabilize her employment pattern, participate in counseling, and exercise her visitation rights. In October, 1978, the State petitioned to terminate the parental rights of both April and Leslie. With regard to April, the State alleged that she had substantially, continuously, or repeatedly refused or neglected to comply with her parental duties (grounds for termination under section 600A.8(4), The Code 1977) and that because she had not complied with the 1977 agreement, she had failed to make reasonable efforts to correct the conditions that gave rise to her children's being adjudicated in need of assistance (grounds for termination under section 600A.8(6), The Code 1977). In January, 1980, the trial court entered an order terminating April's parental rights, relying exclusively on section 600A.8(4).

The testimony given at trial centered largely around two points in time. There was much testimony as to the family situation prior to the 1977 adjudication, including filthy and unsanitary conditions in the home, failure to provide proper hygiene, nutrition, and medical attention for the children, mismanagement of money, and child

and spouse abuse by the father. There was also extensive testimony as to how April lived after her children were placed in foster homes, including her failure to participate in counseling, her refusal or inability to maintain steady employment, her frequent changes of address, and her occasional failure to appear at times scheduled for visitation with her children. County health and inspection department officials also testified that the house occupied by Leslie and April at the time of trial was dilapidated, filthy, uninhabitable, and in the process of being condemned for health and safety hazards.

II.

The appellant mother contends that the evidence is insufficient to show that she had substantially, continuously, or repeatedly refused or neglected to comply with her parental duties and that therefore her parental rights should not have been terminated pursuant to section 600A.8(4), The Code 1977 (which has been deleted from section 600A.8 by amendment subsequent to the filing of this action, 1978 Session, 67th G.A., ch. 1088, § 97). Our de novo review of the record indicates that termination of the appellant's parental rights was appropriate.

In reviewing cases involving termination of parental rights, the primary but not exclusive consideration is the welfare and best interests of the child. Ponx, 276 N.W.2d at 433; In re Griffin, 210 N.W.2d 665, 667 (Iowa 1973) (quoting In re Wardle, 207 N.W.2d 554, 556 (Iowa 1973)). Balanced against this interest is the parent's right to maintain the integrity of the family relationship, unless that right is forfeited by conduct. In re Lewis, 257 N.W.2d 505, 510 (Iowa 1977). There is a rebuttable presumption that the best interests of the child will be served by maintaining the parental relationship. Id. As parens patriae, the State has the obligation to assure proper care and treatment for every child within its borders. Long, 255 N.W.2d 140 at 143; In re Kester, 228 N.W.2d 107, 109 (Iowa 1975). Grounds for termination must be established by clear and convincing evidence. § 600A.8, The Code 1979. Doubts are usually resolved in favor of the parents. In re Scarlett, 231 N.W.2d 8, 12 (Iowa 1975).

Without engaging in an extensive discussion of the evidence presented by this record, we conclude that there is clear and convincing evidence that the appellant has substantially, continuously, or repeatedly refused or neglected to comply with the duties imposed upon her by the parent-child relationship. A review of the record reveals that she is in no better position to take care of her children now than she was in 1977 when

they were adjudicated in need of assistance and placed in foster care. She failed to make a reasonable effort to meet the terms of the social service agency agreement, a fact we find significant because it demonstrates that she is unwilling or unable to create and maintain an environment in which she could adequately provide for the material and emotional needs of her children. For example, between April 1977 and April 1979, appellant has apparently had at least thirteen jobs, the longest of which she held for five months. Often she was fired from jobs after a short time. She persists in her practice of quitting a job without having the slightest idea where she will find the next one. This demonstrates to us a lack of stability and attention to planning that is essential for responsible parenting. Additionally, during the same time period, appellant has lived in ten different residences and in each one has exhibited her lack of concern for cleanliness and sanitary living conditions. She has refused to participate in counseling and has missed or simply not shown up for a good number of appointments to visit her children, in spite of the fact that transportation for the visits was provided for her. In fact, on at least one occasion, appellant apparently disappeared for several months without leaving word as to where she was going or how she could be reached in the event that something happened to her children. As the Iowa Supreme Court has recognized, the primary consideration in termination is what the future holds for a child if he or she is returned to the custody of the parent or parents. Ponx, 276 N.W.2d at 433. This determination is necessarily based on past and present conditions in the home. In re Freund, 216 N.W.2d 366, 369 (Iowa 1974); see Voeltz, 271 N.W.2d at 723. The appellant's children should not be left in foster care indefinitely awaiting what appears to us the very remote possibility that she will change the lifestyle that she has chosen to maintain since at least 1975. In concluding that the appellant's parental rights should be terminated for a substantial, continuous, or repeated refusal or neglect to carry out her parental duties, we need not find proof that the appellant has deliberately or ultimately decided not to care for her children. See In re Robbins, 230 N.W.2d 489, 494 (Iowa 1975) (interpreting the language of section 232.41(2)(b), The Code 1975, the statute in effect immediately prior to section 600A.8(4), The Code 1977, under which the trial court terminated parental rights in the instant case). Instead, we need only find a series of deliberate choices made by the appellant that establish a pattern of living that is destructive to the welfare of the children. We find that this record presents clear and convincing evidence in support of the trial court's decision to terminate appellant's parental rights, and we therefore affirm that decision.

AFFIRMED.