FILED
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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

No. 0-539 / 90-915

IN THE INTEREST OF M.J.D. and J.M.D., Children.

C.D., Mother,

Appellant.

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Appeal from the Iowa District Court for Linn County, Jane F. Spande, District Associate Judge.

C.D., the mother of two children, appeals the juvenile court order terminating her parental rights. **AFFIRMED.**

Gregory J. Epping, Cedar Rapids, for appellant mother.

Thomas J. Miller, Attorney General, Gordon E. Allen, Deputy Attorney General, and Charles K. Phillips, Assistant Attorney General, for appellee.

Considered by Schlegel, P.J., and Hayden and Habhab, JJ.

HAYDEN, J.

This case involves two children, a boy born in December 1986 and a girl born in May 1988. The children have the same mother. Paternity of both children is uncertain.

The older child, while still a tiny infant, suffered from inadequate nutrition and hygiene in the mother's care. He was hospitalized for failure to thrive, mastitis, oral thrush, diarrhea and vomiting. He was adjudicated to be a child in need of assistance in May 1987 when he was less than five months old. About a month later, in June 1987, he was placed in foster care. Except for certain home visits, he has remained in foster care continuously since that time.

The younger child, born in May 1988, was also thought to be a victim of neglect, inadequate supervision, and poor nutrition and hygiene. In March 1989 she was adjudicated to be a child in need of assistance and was placed in foster care, where she has since remained.

Social workers reported when the children had home visitations with the mother, her pattern of neglect and inattentiveness to the children continued. One of the children showed unexplained bruises after home visitation, and neither child received adequate food. Social workers also reported the mother was unreceptive to services, was hostile to service providers, and had made no improvements in parenting skills or life adjustment.

In December 1989 the State filed a petition to terminate the mother's parental rights with regard to both children. After a hearing, the juvenile court terminated the mother's parental rights, as well as the parental rights of two putative fathers. The juvenile court relied on Iowa Code section 232.116(1)(g). That statute permits termination if a child is three years of age or younger, has been adjudicated CINA, has been in foster care for six of the last twelve months, and cannot safely be returned to the parents' care.

The mother has appealed the termination order. Neither putative father has appealed.

The mother challenges the sufficiency of the evidence to prove the children cannot safely be returned to her care.

Appellate review of termination proceedings is de novo. In re W.G., 349 N.W.2d 487, 491 (Iowa 1984), cert. denied, 469 U.S. 1222, 105 S. Ct. 1212, 84 L. Ed. 2d 353 (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 interest 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 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 to Dameron, 306 N.W.2d at 745); see also In re A.C., 415 N.W.2d 609, 613 (Iowa 1987).

The plight of these children has been before the courts of Iowa for at least three and one-half years--almost the entire life of these young children. Numerous and repeated attempts by several social service agencies have been made to help the mother develop necessary parenting skills.

In its ruling, the juvenile court noted some progress has been made by the mother in parental skills. However, these children are at a critical stage in their growth. They have already been diagnosed as having developmental disorders of various kinds. They show little or no affection to the mother during supervised visitations. In fact, their showing of affection apparently increased at one time when the mother and her boyfriend left.

The mother is living with her boyfriend. He is also the putative father of at least one, and possibly both of the children. However, he has not claimed nor taken responsibility, financial or otherwise, for either child. He is incapable of providing adequate care for the children or performing the normal tasks of a father.

The mother herself has been very inconsistent in cooperating with the social service agencies. She has often resisted or been hostile in her dealings with them. She demonstrates little understanding of the role required of her as a parent. She has inadequate knowledge about nutrition and child care. Her home is often filthy. She does not understand the threat of common household hazards to young children. Their safety remains a constant and major concern.

We are guided in our holding by common sense and the dictates of the Iowa Supreme Court. It is obvious at this point the children cannot be safely returned to their mother. However, they should not be forced to suffer indefinitely the parentless limbo of foster care. Long v. Long, 255 N.W.2d 140, 146 (Iowa 1977). The children are presently in their most important formative years. They cannot afford to wait until their mother is ready to parent them. Their needs are immediate and critical. The children should not be forced to wait endlessly for the maturity of their parents. In re T.D.C., 336 N.W.2d 738, 744 (Iowa 1983).

Given the mother's past performance, see Dameron, 306 N.W.2d at 745, her resistance toward service providers, and the children's tender, formative ages, we are convinced the juvenile court's ruling is correct.

AFFIRMED.