IN THE COURT OF APPEALS OF IOWA

FILED
SEP 2 8 1988
CLERK SUPREME COURT

IN THE INTEREST OF J.W.,
A Child,

R.W., Natural Mother,

Appellant.

8-453
88-717

415

Appeal from the Iowa District Court for Pottawattamie County (J998), James S. Heckerman, District Associate Judge.

R.W., the natural mother of J.W., appeals from the juvenile court order terminating her parental rights. **AFFIRMED.**

Troyce A. Wheeler, Council Bluffs, for appellant mother.

Thomas J. Miller, Attorney General of Iowa, and Charles K. Phillips, Assistant Attorney General, for the appellee State.

Roberta Megel, Council Bluffs, guardian ad litem for the children.

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

HAYDEN, P.J. 446

In this appeal, R.W., the mother of J.W., a male child born in November of 1984, challenges the sufficiency of the evidence to establish J.W. cannot be returned to her. We affirm.

Our review of the evidence is de novo. Iowa R. App. P. 4; In the Interest of K.L.C., 372 N.W.2d 223, 227 (Iowa 1985).

Our review of the facts and the background of R.W. leading to the termination proceeding reveal J.W. was born November 21, 1984. He was 3 years old at the time of the termination hearing.

In July 1985, J.W., his two older brothers, and sister, were removed from the parents' home on an emergency basis due to neglect and unsanitary living conditions. In September 1985 all four children were adjudicated to be children in need of assistance and were placed in foster care. The parents had an unstable and violent marriage, the father suffered from chemical dependency, and R.W. had an I.Q. of 72.

After the CHINA hearing the parents separated and their marriage is now dissolved. Both parents received extensive social services, and the father underwent chemical dependency treatment. The three older children have been returned to the father's custody and are apparently doing well there. However, J.W. has remained in foster care

since July 1985. He has not been returned to the father because of doubts about biological paternity, and because the father's abilities and finances are strained to their limits by caring for the three older children. He has not been returned to his mother because she continues to have a confused and chaotic life, marked by a volatile relationship with a new boyfriend. She has visited J.W. only 3 times during the last six months preceding the termination proceedings.

At a review and modification hearing held on October 2, 1987, the father stated it would be in J.W.'s best interest for his parental rights to be terminated as to him. On April 11, 1988, both parents' rights to J.W. were terminated. The father has not appealed. At the termination hearing, R.W. admitted after two and one-half years of foster care she still could not care for J.W. She is still working on gaining an apartment, dealing with her depression problems, and stabilizing her relationships. She conceded she has not cooperated fully with the service providers, and has displayed a lack of initiative. The factual background discloses when R.W. visited J.W., those visits were detrimental and not beneficial to J.W.

In a termination case such as this we determine the following principles enunciated by the Iowa Supreme Court in the case of In Interest of Dameron are appropriate to apply here. They are as follows:

> Central to a determination of this nature are the best interests of the child. In this connection, we look to the child's long-range as well as immediate interests. Hence, we necessarily consider what the future likely 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 that parent is capable of providing.
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> This court has often recognized that there exists a parental interest in the integrity of the family unit; nonetheless we also are cognizant that this interest is not absolute, but rather may be forfeited by certain parental conduct. Because the State, as parens patriae, has the duty to assure that every child within its borders receives proper care and treatment, it must intercede when parents abdicate that responsibility.
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> Furthermore, it is our view that the current statutory termination provisions applicable here, like those they replaced, are preventative as well as remedial. The provisions therefore mandate action to prevent probable harm to a child and do not require delay until after harm has occurred.

In Interest of Dameron, 306 N.W.2d 743, 745 (Iowa 1981) (citations omitted).

We hold there is clear and convincing evidence J.W. cannot be returned to the custody of his mother, R.W., as provided in section 232.102. See Iowa Code § 232,116(4)(c) (1987).

AFFIRMED.