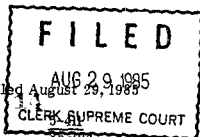


IN THE COURT OF APPEALS OF IOWA



IN THE INTEREST OF M.L.B., A Child,)
L.B.L., Natural Mother,)
Appellant)

FILED
AUG 29 1985
Filed August 29, 1985
CLERK SUPREME COURT
85-194

Appeal from the Iowa District Court (Juvenile) for Keokuk County - Max
H Ruschmeyer, Judge.

The natural mother, L.B.L. appeals from the order terminating her parental
rights in the minor child M.L.B. contending that the findings of the trial court
were not supported by clear and convincing evidence that the child could not
be returned to his natural mother. AFFIRMED.

Randy S. DeGeest, of Morse & DeGeest, Oskaloosa, for the appellant
mother

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

Considered by Oxberger, C.J., and Snell, and Sackett, JJ.

L.B.L., the natural mother of M.L.B., appeals from the trial court's order terminating her parental rights. Her sole contention on appeal is that the trial court's finding that M.L.B. could not be returned to her is not supported by clear and convincing evidence. She argues that a large part of her past behavior may be attributed to her frustration with the juvenile court process and her initial attempts to manipulate and ignore the system. She claims that she now realizes that in order to attain the return of her child she must be willing to work with the system.

Our review is de novo. In re Gottsche, 311 N.W.2d 104, 106 (Iowa 1981).

M.L.B. was adjudicated a child in need of assistance in May of 1981, and in June of that year his custody was placed with the Department of Human Services. He had been in foster care prior to that time and remained in foster care following the dispositional hearing. The dispositional hearing was followed by hearings in September and October of 1981, at which time findings were made that L.B.L. was evasive and uncooperative. L.B.L. failed to attend court order counseling. L.B.L. had been granted visitation during the period. In April L.B.L. had been granted a week's visitation during which time M.L.B. spent the majority of his time in child care. L.B.L. was granted an Easter visitation of three days, two of which the child spent with his grandmother.

A hearing was again held in September of 1982. Human Services reported L.B.L. was making some progress despite the fact that she had been picked up for shoplifting, evicted from her home, dismissed from a CETA program, stopped going to mental health, missed in-home treatment, had been using several names, and had been charged with intoxication. After the September hearing, M.L.B. was returned to L.B.L.'s home. However, L.B.L. was hospitalized and the child was returned to emergency foster care. When returned to L.B.L., he spent extensive periods of time with his great-grandmother and others.

A review hearing was held in February of 1983. At that time the court imposed new requirements including submission of babysitting proposals to the Department of Human Services. The department was also ordered to make unscheduled visits to L.B.L.'s home.

The matter again came on for hearing at which time the court determined that L.B.L. had failed to obey earlier orders and had continued to fail in picking up M.L.B. from babysitters. M.L.B. was again ordered to be placed in foster care.

The case was reviewed again in February of 1984. The court determined L.B.L. had pled guilty to operating a motor vehicle while intoxicated in September, and on June 19 she was again arrested for driving under the influence and driving with her license under suspension. L.B.L. was ordered to undergo evaluation and treatment as appropriate for alcoholism.

In August of 1984, a further hearing was held. The court determined L.B.L. failed to keep counseling appointments and had failed to provide the department with a current address. The court further found L.B.L. had visited with the child only eight times in six months, despite the fact the department had indicated weekly visitation could be arranged if L.B.L. contacted the department. The placement was continued and the department was ordered to file a Termination of Parental Rights proceeding.

A termination proceeding was commenced and L.B.L. was notified. She failed to attend the proceedings and was to testify later she was moving and was confused as to the date. She was, however, represented by counsel at the proceeding. After considering overwhelming evidence of L.B.L.'s inability to assume her parental responsibility, the Referee entered a lengthy order terminating L.B.L.'s parental rights.

L.B.L. subsequently filed a motion to reopen claiming she was confused as to hearing time. The Referee overruled her motion.

L.B.L. filed a request for rehearing and L.B.L. was allowed to testify at the rehearing. The court affirmed the Referee's termination.

The evidence that M.L.B. cannot be returned to his mother is overwhelming. We affirm the trial court.

AFFIRMED.