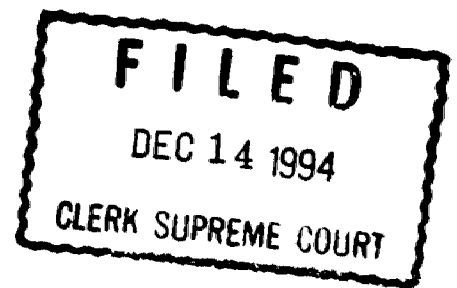


IN THE COURT OF APPEALS OF IOWA

No. 4-483 / 94-946



IN THE INTEREST OF J.C., A Minor Child,
B.C., Mother,
Appellant.

000017

Appeal from the Iowa District Court for Polk County,
Karla J. Fultz, Judge.

Appeal from the termination of parental rights.
AFFIRMED.

Michael J. Burdette of Cook, Gotsdiner, McEnroe &
McCarthy, Des Moines, for appellant.

Bonnie J. Campbell, Attorney General, Gordon E. Allen,
Deputy Attorney General, Judy Sheirbon, Assistant Attorney
General, and Michael Hunter, Assistant County Attorney, for
appellee.

Randall Wilson, Des Moines, guardian ad litem, for
minor child.

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

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

000018

DONIELSON, C.J.

Betty appeals from a juvenile court order terminating her parental rights to her son John. Our review of proceedings to terminate a parent-child relationship is de novo. In re R.M., 431 N.W.2d 196, 199 (Iowa App. 1988). We have reviewed the record and conclude there was clear and convincing evidence John could not be safely returned to the custody of his mother. We affirm the juvenile court's order terminating Betty's parental rights.

John was five weeks old when he was removed from his mother's care. The basis for removing John and determining him to be a child in need of assistance was prior physical and sexual abuse inflicted upon his older sister and the belief Betty was not able to protect John from the risk of similar abuse. John's older sister, Tiffany, was removed from Betty's care in February 1988 when she was four years old. There was conclusive physical evidence Tiffany had been physically and sexually abused, and, as a result of the sexual abuse, had contracted genital herpes.

Betty denied the fact Tiffany had been abused and denied she or her paramour, James, had abused her daughter. Betty's parental rights to Tiffany were terminated by the juvenile court in October 1989. That decision was affirmed by this court. In re T.C., No. 0-115 / 89-1809 (Iowa App. April 24, 1990).

As soon as DHS authorities learned of his existence, John was removed from his mother's home. The juvenile

000019

court adjudicated John to be a child in need of assistance. It found he was imminently likely to be physically or sexually abused. Betty appealed and this court affirmed the CINA adjudication. In re J.C. No. 3-208 / 92-1719 (Iowa App. Sep. 2, 1993). In affirming we agreed with the juvenile court's conclusion Betty had to satisfactorily resolve the issues of abuse and neglect of her older child before she could be considered a safe and adequate parent for John.

In October 1993 the State filed a termination petition. Following a hearing the district court found the mother had continued to associate with known sexual offenders, had made no progress in therapy, had failed to use services, had failed to acknowledge fundamental problems in her parenting, had violated a no contact order, and had failed to disassociate herself from potentially dangerous or neglectful environments. Betty's parental rights to John were terminated pursuant to Iowa Code section 232.116(1)(g).

Betty appeals. She claims there was a lack of clear and convincing evidence John could not be returned to her custody. She asserts she should be given a trial period in which to prove herself.

On the question of termination of parental rights, the best interests of the child are our paramount concern. In re L.L., 459 N.W.2d 489, 493 (Iowa 1990). In deciding what is best for the child we look to the child's long-range as

000020

well as immediate interests. Id. We must consider what the future holds for a child if returned to the parent. Id. at 493-94. In making this decision we look to the parent's past performance because it may indicate the quality of care the parent is capable of providing in the future. Id. at 494.

The record in this case reflects a mother who is unwilling to disassociate herself from individuals who pose a risk to her son's safety. Of considerable concern is Betty's relationship with at least four men who have been the subject of founded child abuse investigations or termination proceedings. Following the removal of John from her care, Betty resided and continued to have a relationship with James, the man who had abused her daughter. At the time of the termination hearing Betty continued to provide uncertain and ambivalent responses when asked if James had abused her daughter.

At the time John was removed from her care, Betty was residing with her brother, a man who is alleged to have abused his step-daughter. Throughout these proceedings Betty has continued to have regular contact with her brother, despite strong DHS recommendations she not do so.

For several months in 1993 Betty was seeing a boyfriend, Henry, who was the subject of a founded child abuse report. Although her case worker informed her of this, it took Betty several months afterward to completely break off her relationship with Henry. Finally, at the

time of the termination hearing Betty was residing with Dennis, a man whose parental rights were terminated with regard to one of his own children and who Betty's DHS case worker did not feel was an appropriate individual to be around children.

Betty's prior inability to protect her daughter from abuse and her present failure to disassociate herself from known child-abusers is highly probative of her future ability to protect John from abuse should he be returned to her care. Despite numerous recommendations she disassociate herself from these people and develop a new support network, Betty has not done so. She was aware this was part of her case permanency plan and her compliance was necessary in order to regain custody of her son.

Betty provided troubling testimony regarding how she determines if an alleged child abuser is just an "accused abuser" or is a "known abuser." It appears she is more likely to rely on the alleged perpetrators for information rather than rely on DHS reports and investigations.

Of additional concern is evidence indicating Betty was not always truthful with her various service providers. Despite the fact she had been told to inform DHS staff of any individuals with whom she was involved or residing, she failed to promptly inform them when James and Dennis had resided with her or that she had been seeing Henry. The purpose served by informing DHS staff of those with whom she was involved or resided was to allow criminal and child

abuse checks to be done on those individuals. By failing to comply with this requirement, Betty increased the risk she would reside in an environment potentially harmful to her son.

Betty was the subject of a no contact order involving her brother and sister-in-law's children. Her violation of that order three months before the termination hearing was consistent with her general disregard for court or DHS directives intended to protect children from people or environments perceived to be detrimental to their welfare.

DHS offered Betty services and therapy in which she would not have to admit having abused her daughter, but would have to acknowledge the abuse and her failure to protect her child from it. Despite this therapy Betty failed to demonstrate she could take the steps necessary to provide a safe and protective home for her son. Through her conduct Betty has expressed a preference to associate with known child abusers rather than take the actions necessary to regain custody of her son. There was clear and convincing evidence to support termination pursuant to section 232.116(1)(g) and we affirm the termination order of the juvenile court.

AFFIRMED.