IN THE COURT OF APPEALS OF IOWA

No. 6-559 / 96-837

IN THE INTEREST OF D.W.Jr., L.W., T.C., L.C., L.W., and R.W., Minor Children,

D.W., Sr., Father,
Appellant,

W.C., Mother,
Appellant.

FILED
SEP 30 1996
CLERK SUPREME COURT

Appeal from the Iowa District Court for Scott County, John G. Mullen, District Associate Judge.

The mother and father appeal from the juvenile court's order terminating their parental rights. **AFFIRMED.**

Jill A. Cirivello, Davenport, for appellant-father.

Donna M. Humpal of M.W. Liebbe Law Office, Davenport, for appellant-mother.

Thomas J. Miller, Attorney General, Diane Stahle, Special Assistant Attorney General,, Kathrine S. Miller-Todd, Assistant Attorney General, William E. Davis, County Attorney, and Gerda C. Lane, Assistant County Attorney, for appellee.

John R. Aitken, Davenport, for minor children.

Decided en banc.

PER CURIAM

Donnie and Wanda appeal the termination of their parental rights. Donnie and Wanda are the parents of Lonnie, born in 1986; Donnie Jr., born in 1987; Lockoe, born in 1988; Lakaya, born in 1989; and Raylin, born in 1992. Wanda is also the mother of Tyrell, born in 1983.

The Department of Human Services became involved with the family in April 1992. A founded report of denial of critical care was entered due to the fact there was no food in the home. DHS was also concerned because Raylin had tested positive for cocaine when he was born.

In July 1993, Wanda contacted DHS and asked to have the children placed in foster care. She stated she was addicted to crack cocaine and was planning to start in-patient treatment. She did not feel she could leave the children in the care of Donnie because he was also using crack cocaine. Shortly after the children were placed in foster care, Wanda and Donnie were charged and then convicted of first-degree theft. On November 10, 1993, the children were determined to be children in need of assistance.

The parents were released from prison in August 1994 and they began supervised visitation with the children. By November 1994, Donnie was again using illegal substances. In April 1995, he received in-patient substance abuse treatment, but relapsed shortly thereafter. In May 1995 he was required to attend a parole violators program. He was released in July 1995, but incarcerated again in November

1995. Even when Donnie was not in prison he was inconsistent in attending visitation with the children. When he was present he demonstrated minimum involvement with the children. In addition to his substance abuse problems, Donnie has brain damage due to a head injury and admitted he had schizophrenia.

Wanda returned to using illegal substances in January 1995. She attended in-patient treatment in February 1996, but did not complete the program. Wanda also suffers from depression, but was resistant to participating in mental health counseling. Wanda was fairly consistent in attending visitation, but sometimes engaged in inappropriate conduct. She provided little or no supervision of the children. On occasion she would verbally attack the children or make threats to them. Prior to a visit in the home, Wanda was advised to obtain some toys for the children. When the children arrived, she stated she had gotten them a dog instead--an untrained pit bull.

On October 4, 1995, Wanda told the children Donnie was a "gangsta" and on the run from the police. She presented this as a positive black role model. She affirmed Tyrell's interest in gangs. Later the same day, Tyrell started a fire at his foster home which caused extensive damage. He told the Fire Marshall he had intentionally started the fire because of his anger toward his parents.

On January 8, 1996, the State filed a petition for termination of parental rights for the six children, pursuant to Iowa Code sections 232.116(1)(e) and 232.117. The juvenile court found the parents had failed to demonstrate any improvement in their parenting abilities. The children have been classified as special needs children

because of acting-out behaviors. The court determined the parents' inconsistent visitation, and inappropriate conduct during visitation had exacerbated the children's problems. The court concluded the children could not be returned to the parents and it was in the children's best interests to terminate their parental rights. Wanda and Donnie have appealed the termination of their parental rights.

I. The scope of review in termination cases is de novo. *In re S.N.*, 500 N.W.2d 32, 34 (Iowa 1993). Our primary concern is the best interests of the children. *In re A.Y.H.*, 508 N.W.2d 92, 94 (Iowa App. 1993). Those best interests include the children's long-range as well as immediate interests. *Id.* The grounds for termination must be proven by clear and convincing evidence. *In re R.R.K.*, 544 N.W.2d 274, 277 (Iowa App. 1995).

II. Both parents claim termination is not in the best interests of the children. They ask to have the children placed in long-term foster care so they may continue visitation. They point out there is no guarantee the children will be adopted. They assert the children are bonded to the parents and to each other.

We conclude termination is in the best interests of the children. The evidence showed the parents' visits exacerbated the children's behavior. Despite repeated requests, the parents continued to engage in inappropriate behavior during visitation, such as promoting or affirming negative conduct. The parents were unable to consistently visit the children, or to engage in consistent parenting techniques during visitation. We believe continued visitation would not be beneficial for the children.

Additionally, Russ Furne of DHS, testified he believed adoptive homes could be found for the children. He stated an effort would be made to allow the siblings to maintain contact. The guardian ad litem was also committed to finding adoptive homes for the children.

III. Wanda raises the argument that the State failed to show by clear and convincing evidence that the children could not be returned to her care. She claims she did everything requested by DHS, except find suitable housing for herself and the six children. She states she has applied for low-income housing and is on a waiting list.

We do not agree with Wanda's claim that her housing situation was the only thing preventing her from taking custody of the children. Wanda has continually demonstrated inadequate parenting skills during visitation. Although she completed a parenting class, she was unable to apply the techniques she learned. She did not supervise the children and sometimes made threats to them. She also made statements promoting gangs and a criminal lifestyle. In addition, there is some question as to whether Wanda has completely addressed her drug addiction and mental health problems. We conclude there is clear and convincing evidence the children cannot be returned to her care at the present time.

We affirm the decision of the district court terminating the parental rights of Donnie and Wanda.

AFFIRMED.