

IN THE COURT OF APPEALS OF IOWA

No. 0-605 / 90-914

FILED

NOV 29 1990

CLERK SUPREME COURT

IN THE INTEREST OF H.S.K., A Child.

S.K. and K.K., Parents,

Appellants.

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Appeal from the Iowa District Court for Polk County,
Vincent Hanrahan, Judge.

The parents of a child appeal the termination of their
parental rights. **AFFIRMED.**

Jacqueline Jorgensen, Des Moines, for appellants.

Thomas J. Miller, Attorney General, Gordon E. Allen,
Deputy Attorney General, and Kathrine S. Miller-Todd,
Assistant Attorney General, for appellee.

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

PER CURIAM

S.K. and K.K., natural parents of H.S.K., appeal the termination of the parent-child relationship with H.S.K. We affirm.

H.S.K. was removed from her parents and placed in the custody of the Department of Human Services on May 27, 1989, when she was one day old. On July 24, 1989, H.S.K. was adjudicated a child in need of assistance within the meaning of Iowa Code sections 232.2(6)(b) and 232.2(6)(c)(2). She has remained in foster care continuously.

The child's parents have three older children. In 1989 their parental rights regarding the three older children were terminated. The Iowa Court of Appeals affirmed this termination decision in December 1989. In re R.K., No. 9-635/89-1197 (Iowa App. Dec. 21, 1989) (unpublished opinion).

The parents move frequently, and they have a long history of failing to maintain a home that is minimally safe or sanitary. They have been observed to respond to stressful situations with explosions of temper. One of the older children was physically abused in their home. In addition, they seriously disregarded the special medical needs of one of the older children. The record shows that the parents have demonstrated no improvement in parenting skills and have failed to benefit from intensive social services, either before or after the terminations with regard to the three older children.

In February 1990 the State filed a petition to terminate the parent-child relationship with respect to H.S.K. After a hearing, the juvenile court terminated the parent-child relationship, relying on Iowa Code section 232.116(1)(g), which permits termination if a child cannot be returned to the parents' home after custody of the child has been transferred from the parents for six consecutive months or six out of twelve months. The juvenile court also relied on Iowa Code section 232.116(1)(c), which permits termination if the parents have failed to correct conditions which led to abuse adjudications regarding other children in the home.

The parents challenge the sufficiency of the evidence to support termination. They suggest the juvenile court impermissibly relied on their poverty and their intellectual limitations.

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 parents contend the trial court based its decision on the parents' economic factors alone or the parents' mental retardation per se. These contentions are without merit.

Our review of the record as a whole leaves us with a profound conviction that returning the child to her natural parents could result in harm to the child. Indeed, we determine the possibility of harm is quite high. As always, we are reluctant to take so radical a step; however, the evidence taken as a whole is clear and convincing termination is in the best interest of the child.

The parents seem to have made some tentative steps towards correcting the situation. Temporary improvement in the parents' coping and homemaking skills was noted. This improvement appears, however, to have declined. The improvement in the situation is not such as to erase our abiding fear for the safety and well-being of the child if she is returned to her parents.

As we have stated so often, the child 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 child is presently in her most important formative years. She cannot afford to wait until her natural father and mother are ready to parent her. Her needs are immediate and critical. H.S.K. should not be forced to wait endlessly for the maturity of her parents. In re T.D.C., 336 N.W.2d 738, 744 (Iowa 1983).

Given the parents' past performance, see Dameron, 306 N.W.2d at 745, their resistance toward service providers, the length of time necessary for them to acquire the necessary parenting skills if they were inclined to do so, their inconsistency at skill training, and the child's formative age, we are convinced the juvenile court's ruling is correct.

AFFIRMED.