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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

No. 9-627 / 89-816

IN THE INTEREST OF L.T., A Child,

L.T., Mother,

Appellant.

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Appeal from the Iowa District Court for Polk County, Robert O. Frederick, Judge.

Mother appeals the dispositional order of the district court. **AFFIRMED.**

Ronald A. Baybayan, Des Moines, for the appellant.

Thomas J. Miller, Attorney General, Gordon E. Allen, Deputy Attorney General, and Judy Sheirbon, Assistant Attorney General, for the appellee.

Heard by Oxberger, C.J., and Donielson and Hayden, JJ.

OXBERGER, C.J.

The mother appeals from the dispositional order removing her son, L.T., from her physical care on the grounds there was insufficient evidence to justify removal. We affirm the decision of the juvenile court.

Our review of this case de novo. In Interest of S.R.A., 440 N.W.2d 619, 620 (Iowa 1989). We give weight to the fact findings of the trial court, especially when considering the credibility of witnesses, but we are not bound by them. Iowa R. App. P. 14(f)(7). Our paramount concern is the welfare and the long-term, as well as immediate, best interests of the child. In Interest of D.T., 435 N.W.2d 323, 329 (Iowa 1989); In Interest of S.V., 401 N.W.2d 201, 202 (Iowa App. 1986). The State has a duty to see that every child receives minimally adequate care and treatment and will intercede when parents abdicate their responsibility. In Interest of Dameron, 306 N.W.2d 743, 745 (Iowa 1981).

The child in question is a boy born in September 1988. He lived with his parents for about three months, until early December 1988. At that time he was removed from the home on an emergency basis after his father, D.T., made threats to harm various family members. He was returned to his mother's care about a week later, but he was subsequently adjudicated a child in need of assistance as a result of the juvenile court proceeding set in motion by the December 1988 emergency removal.

Following the CHINA adjudication, the juvenile court entered a dispositional order removing the child from his mother's home and placing him in foster care. The mother has appealed from this dispositional order. She does not challenge the CHINA adjudication itself.

The mother contends the juvenile court erred in removing L.T. from her physical care. She challenges the sufficiency of the evidence to establish that the child should be removed from her physical care. Specifically, she asserts there is no clear and convincing evidence that the child cannot be protected from harm. At the oral hearing the mother suggests, through counsel, that since she no longer supervises her eight other children she can adequately care for L.T.

The State notes in its brief that the mother suffers from mental illness and has been wholly unable to meet the needs of her eight other children. In a separate proceeding, the juvenile court recently terminated the mother's parental rights with respect to six of her older children. The mother's appeal from that termination order is presently pending, having been made ready on October 10, 1989. In Interest of J.T., No. 89-882. The Iowa Supreme Court in In Interest of D.T., 435 N.W.2d 323, 329 (Iowa 1989), extensively documented the unsanitary living conditions of the family home and the lack of parental supervision which resulted in the removal of the families' first seven children.

Contrary to the mother's contention, we believe there is clear and convincing evidence that L.T. cannot be protected from harm if he remains in her custody at this time. An evaluation of a child's best interests includes an examination of the parents' past performance, from which valuable insight may be gleaned as to the future quality of care the parents are able to provide. In Interest of O'Neal, 303 N.W.2d 414, 423 (Iowa 1981). We believe the past behavior of the parent is an important factor to consider in our determination. In Interest of M.H., 367 N.W.2d 275, 278 (Iowa App. 1985).

We note that two social workers submitted written reports that recommended L.T.'s placement continue with the mother. At the hearing, both social workers changed their recommendation and requested foster care placement for L.T. The social workers changed their placement recommendation after becoming aware of things that came to light from the termination hearing of L.T.'s siblings. In addition, both social workers testified that after receiving the results of the mother's psychiatric evaluation, they were convinced she would neither continue her counseling or be able to properly protect L.T. from her husband, D.T., who suffers from a bipolar mental disorder, requiring medication.

D.T.'s mental disorder results in depression, suicidal ideations and auditory hallucinations requiring his hospitalization. His mental problems include

hallucinations that have resulted in threats that he is going to kill and sexually abuse his children and commit suicide. On December 8, 1989, the juvenile court issued a no contact order between L.T. and his father. D.T.'s mental problems place L.T. at risk of harm. L.T.'s mother has continued her relationship with her husband.

L.T.'s mother also suffers from a mental illness. The mother's therapist testified that she exhibited behaviors consistent with a schizophrenic personality. The therapist based her diagnosis on observation of the mother's behaviors and reactions to counseling and a 1970 hospitalization report. The therapist's services were terminated since the mother was not making any progress with the individual counseling. The therapist testified:

> Q. And how did your work with [the mother] . . . progress?
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> A. Well, I think on one hand we had a good working relationship in that she worked well with me and cooperatively with me, but I was not able to help her make some changes that were necessary in order for her to regain custody of her children. I did not feel she was able to make some of those changes psychologically.
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> Q. What changes are those that you are talking about that she was unable to make?
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> A. Well, there was quite a number of them. For one, that she tended to distort reality. Particularly tended to blame others for whatever the problems that were occurring. I could give some examples.
>
> For instance, she continued to believe that . . . [the social] worker told her husband to sexually abuse her children rather than to have relations with her, which made no sense in reality.

The therapist further noted the mother's obsession with being pregnant, nursing and holding an infant to the extent that she would continue to have babies as long as she could "in spite of how that interfered with the parenting of the other children."

A clinical psychologist testified that L.T.'s mother's suffers from passive aggressive disorder. The psychologist further testified that she needs continuing counseling and psychiatric or psychological care.

The State contends that history of neglect, abuse, lack of supervision, existence of a mental condition resulting in distortion of reality and the risk of harm to L.T. from D.T. supports the juvenile court's order removing L.T. from the mothers physical care. We agree.

Upon our review of the record, we find sufficient evidence in the record to support the juvenile court's finding sufficient evidence to establish that the child should be removed from the mother's physical care. Therefore, we find no error by the juvenile court and affirm its decision in all respects.

AFFIRMED.