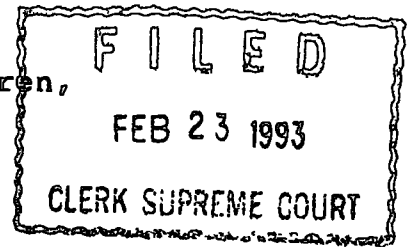


IN THE COURT OF APPEALS OF IOWA

No. 2-684 / 92-1550

IN THE INTEREST OF J.L. and A.A., Minor Children,
C.L., Natural Mother,
Appellant.



Appeal from the Iowa District Court for Jasper County,
Norman R. Hayes, Associate Juvenile Judge.

The mother appeals from the juvenile court order that
terminated her parental rights as to J.L. and A.A.
AFFIRMED.

Richard E.H. Phelps II of the Brierly Law Office,
Newton, for appellant.

Bonnie J. Campbell, Attorney General, John M. Parmeter,
Special Assistant Attorney General, and Kathrine S.
Miller-Todd, Assistant Attorney General, for appellee
State.

Gerald B. Feuerhelm, Des Moines, guardian ad litem for
minor children.

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

OXBERGER, C.J.

The facts in this case are tragic and largely undisputed. C.L.'s two minor children, J.L. and A.A., were removed from her care in July 1989 when it was discovered she was sexually abusing them. An album of graphic photographs depicting the sexual acts between C.L. and her children was also discovered. J.A., A.A.'s father, took the photographs and participated in the abuse. The children have been in foster care since that time.

The Department of Human Services (DHS) has provided services to both C.L. and her children. C.L. received a psychological and psychiatric evaluation and a parenting skills assessment. She also received individual therapy, nurturing classes, in-home treatment, and supervised and unsupervised visits with her children.

During the pendency of the CINA services, C.L. divorced A.A.'s father and began dating T.W. It was soon discovered that T.W. sexually abused his own children. Some of the alleged abuse occurred with C.L. present. In addition, T.W. admitted to spanking A.A.'s buttocks so severely as to cause bruising. T.W. testified he did not believe that was abuse. The juvenile court ordered no visitation between T.W. and C.L.'s children, but continued to allow C.L. supervised visitation.

In November 1990, a treatment team evaluated the situation and noted numerous concerns including C.L.'s

alignment with abusive partners, C.L.'s poor judgment and inability to provide structure and safety, and the physical condition of the mother's home.

The DHS continued to provide therapeutic services and supervised visits for another eighteen months. The children's behavior deteriorated after visits with C.L. C.L. also discontinued individual therapy and moved to Lucas County with T.W. C.L. indicated she and T.W. planned to marry and stated she did not believe the extensive sexual abuse allegations against him. The foster parents testified C.L. no longer made attempts to contact the children.

In September 1992, the juvenile court terminated C.L.'s parental rights. C.L. appeals.

Scope of Review

Appellate review of termination proceedings is de novo. In re W.G., 349 N.W.2d 487, 491 (Iowa 1984) cert. denied sub nom. J.G. v. Tauke, 469 U.S. 1222 (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.

Discussion

C.L. contends the juvenile court failed to show clear and convincing evidence that her children cannot be returned to her custody at the present time. She contends she complied with all DHS requests and recommendations.

On the question of termination of parental rights, the best interests of the child are our paramount concern. In deciding what is best for the child we look to the child's long-range as well as immediate interests. So we necessarily consider what the future holds for the child if returned to the parent. 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.

In re L.L., 459 N.W.2d 489, 493-94 (Iowa 1990).

The period of time children remain in foster care must be reasonably limited because patience on behalf of the parent can quickly translate into intolerable hardship for the children. In re R.J., 436 N.W.2d 630, 636 (Iowa 1989). A child should not be forced to endlessly suffer the parentless limbo of foster care. In re D.J.R., 454 N.W.2d 838, 845 (Iowa 1990). "Children simply cannot wait for responsible parenting. Parenting cannot be turned on and off like a spigot. It must be constant, responsible and reliable." In re L.L., 459 N.W.2d at 495.

Iowa Code section 232.116(1)(e) (1991) permits the juvenile court to terminate the parent-child relationship if the court finds all of the following have occurred:

- (1) The child is four years of age or older.
- (2) The child has been adjudicated a child in need of assistance pursuant to section 232.96.
- (3) The custody of the child has been transferred from the child's parents for placement pursuant to section 232.102 for at least twelve of the last eighteen months, or for the last twelve consecutive months and any trial period at home has been less than thirty days.
- (4) There is clear and convincing evidence that at the present time the child cannot be returned to the custody of the child's parents as provided in section 232.102.

C.L. has been diagnosed with a dependent personality disorder. She currently lives with and plans to marry a man, T.W., charged with sexually abusing his own children. Some of the alleged abuse occurred in C.L.'s presence. She was notified by the guardian ad litem that she may be able to be reunited with her children if she ended her relationship with T.W. She refused to do so, even though the juvenile court expressly ordered no contact between T.W. and C.L.'s children. C.L. has moved to a different county and no longer has contact with her children. She has also terminated individual therapy. Professionals evaluating C.L. and her children express grave concern regarding her ability to parent her children and to adequately protect and provide for their safety.

We, too, are deeply concerned that C.L. is unable to adequately care for and protect her children. Immediately upon divorcing A.A.'s father, J.A., whom she claimed coerced her to sexually abuse the children, she became involved with T.W., a "carbon copy" of her previous husband. T.W., like J.A., had been charged with sexually abusing his children. C.L. indicated she did not believe the allegations. C.L. is financially dependent on T.W. and has discontinued individual therapy. In short, it appears she has made no significant changes from the environment and behavior patterns which previously allowed the sexual abuse of her children.

We are unwilling to require the children to remain in limbo in foster care. We are equally unwilling to jeopardize their future health and safety by returning them to a home situation substantially similar to the one from which they were removed.

We affirm the juvenile court's decision to terminate C.L.'s parental rights.

AFFIRMED.