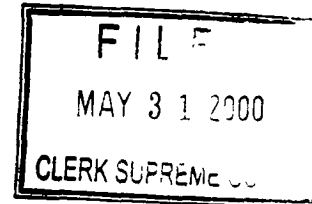


IN THE COURT OF APPEALS OF IOWA

No. 0-203 / 99-1921
Filed May 31, 2000

IN THE INTEREST OF K.B., Minor Child,
P.J.B., Mother,
Appellant.



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

P.J.B. appeals from the juvenile court order terminating her parental
rights. **AFFIRMED.**

Michael J. Burdette of McEnroe, McCarthy & Gotsdiner, P.C., West Des
Moines, for appellant.

Thomas J. Miller, Attorney General, Tabitha Gardner, Assistant Attorney
General, and Jennifer Navis, Assistant County Attorney, for appellee-State.

Pamela A. Vandel, Des Moines, guardian ad litem for minor child.

Considered by Sackett, C.J., and Huitink and Vaitheswaran, JJ.

HUITINK, J.

I. Background Facts and Proceedings.

Paulette and Christopher are the parents of K.B., born June 1, 1996. On August 12, 1999, K.B. was removed from Paulette's custody after she left him with a baby-sitter and failed to return. After two weeks, the sitter sent K.B. to reside with his maternal aunt. K.B. was subsequently adjudicated a child in need of assistance pursuant to Iowa Code sections 232.2(6)(c)(2),¹ (6)(e),² and (6)(n)³ and placed in the custody of his maternal uncle, subject to supervision by the department of human services. Christopher, because of his incarceration, had little contact with K.B. prior to K.B.'s removal from Paulette's care.

Following a January 1999 dispositional hearing, the court ordered K.B. remain in his uncle's custody. The court further ordered visits for both parents could continue at the department's discretion. In addition, Paulette was ordered to submit to drug testing upon the department's request, and both parents were ordered to complete diagnostic evaluations and comply with recommendations made by evaluators.

¹ A child in need of assistance is an unmarried child who has suffered or will suffer harmful effects as a result of the failure of the child's parent, guardian, custodian, or other member of the household in which the child resides to exercise a reasonable degree of care in supervising the child. Iowa Code § 232.2(6)(c)(2).

² A child in need of assistance is one who is in need of medical treatment to cure, alleviate, or prevent serious physical injury or illness and whose parent guardian or custodian is unwilling or unable to provide such treatment. Iowa Code § 232.2(6)(e).

³ A child in need of assistance is one whose parent's or guardian's mental capacity or condition, imprisonment, or drug or alcohol abuse results in the child not receiving adequate care. Iowa Code § 232.2(6)(n).

The State initiated these termination proceedings on June 14, 1999. The statutory grounds for termination cited by the State were the continued existence of circumstances necessitating K.B.'s adjudication as a child in need of assistance and that he could not be safely returned to Paulette's custody. See Iowa Code § 232.116(1)(c), (d) & (g).

The State's termination petition was heard on September 21, 1999. In an order filed November 5, 1999, the court found Paulette, despite a wide variety of services, had failed to correct those circumstances necessitating the underlying adjudication and had also failed to maintain significant and meaningful contact with K.B. The court accordingly terminated Paulette's and Christopher's parental rights pursuant to Iowa Code sections 232.116(1)(c), (d), and (g).

On appeal, Paulette contends the State failed to meet its burden to prove by clear and convincing evidence that termination of her parental rights was necessary.

II. Standard of Review.

Our review of juvenile matters is de novo. *In re N.W.E.*, 564 N.W.2d 451, 453 (Iowa App. 1997). We review the facts as well as the law and adjudicate the parents' rights anew. *In re M.N.W.*, 577 N.W.2d 874, 875 (Iowa App. 1998). We accord weight to the findings of the trial court, especially when considering the credibility of witnesses, but we are not bound by them. *In re R.K.B.*, 572 N.W.2d 600, 601 (Iowa 1998).

III. Termination of Parental Rights.

Our primary concern is the best interests of the child. *In re J.L.W.*, 570 N.W.2d 778, 780 (Iowa App. 1997).

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 possible harm to a child.

R.K.B., 572 N.W.2d at 601 (quoting *In re C.M.W.*, 503 N.W.2d 874, 875 (Iowa App. 1993)).

Iowa Code section 232.116(1)(g) permits the juvenile court to terminate the parent-child relationship if the child is three years of age or younger, has been adjudicated a child in need of assistance, has been removed from the custody of the child's parents for at least six of the last twelve months or for the last six consecutive months, and there is clear and convincing evidence the child cannot be returned to the custody of the parents at the present time.

In its findings of facts and conclusions of law, the juvenile court stated:

Paulette [] moved to Texas with her paramour in the late spring of 1999. Since moving Paulette has not complied with any services. Paulette had the opportunity of approximately four supervised visits with [K.B.] since she moved and was back in the State of Iowa. Paulette was provided with numerous services to address the reason [K.B.] was removed prior to her move. Paulette not only failed to comply with services provided to her when she was in Iowa, but then, after being advised that she would be responsible for all services once she moved, left the state and moved to Texas where she completely abdicated her responsibility in complying with Court ordered services.

....

Reasonable and appropriate services were offered to both parents to remedy the problems which led to the removal and adjudication of their son. They either did not cooperate or comply with the services or did not utilize those with which they did complete. Return of [K.B.] to either of his parents would expose him to further adjudicatory harm.

Our review of the record discloses abundant evidence supporting the juvenile court's findings of fact, and we adopt them as our own. Despite the department's best and reasonable efforts, Paulette has failed to cooperate and comply with the services offered. We further find Paulette has been allowed sufficient time and services to address those parental deficiencies resulting in K.B.'s adjudication. We accordingly affirm on this issue. Because we need only find grounds to terminate parental rights under one of the sections cited by the juvenile court to affirm, we do not address Paulette's remaining contentions. See *In re S.R.*, 600 N.W.2d 63, 64 (Iowa App. 1999).

AFFIRMED.