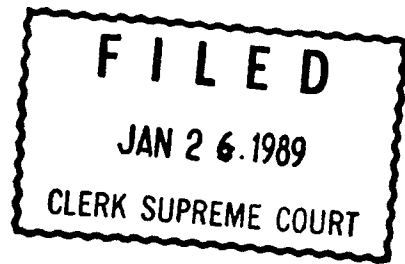


IN THE COURT OF APPEALS OF IOWA



IN THE INTEREST OF
J.S.K., a Child,

)

)

D.W., Mother,

146

Appellant.

)

8-672
88-1108

Appeal from the Iowa District Court for Scott County
(No. J(T) 4675-0388), John G.Mullen, District Associate
Judge.

The mother of a child appeals from the juvenile court
order terminating her parental rights. **AFFIRMED.**

Michael J. McCarthy, of McCarthy & Lammers, Davenport,
for the appellant mother.

Thomas J. Miller, Attorney General; Charles K.
Phillips, Assistant Attorney General; and James Ottesen,
Assistant County Attorney, for appellee State.

Eugene F. Dwyer, Davenport, guardian ad litem for the
child.

Considered by Oxberger, C.J., and Donielson & Hayden,
JJ.

OXBERGER, C.J.

The child who is the subject of this proceeding is a boy born in May 1982. The mother appeals the juvenile court order terminating her parental rights. She challenges the sufficiency of the evidence to establish the child cannot be returned to her home. Our scope of review is de novo. We affirm the termination of parental rights.

Iowa Code section 232.116(1)(e) permits the court to terminate the parent-child relationship if the child has been adjudicated a child in need of assistance, the custody of the child has been transferred from the child's parents for placement for at least twelve of the last eighteen months, and there is clear and convincing evidence the child cannot be returned to the parents.

Our review of the proceedings to terminate a parent-child relationship is de novo. We accord weight to the fact findings of the juvenile court, especially when considering the credibility of the witnesses the court has heard and observed firsthand, but we are not bound by them.

Our primary concern is the best interest of the child. In re Interest of Dameron, 306 N.W.2d 743, 745 (Iowa 1981). We look to the child's long-range as well as immediate interests. Id. We consider what the future holds for the child if returned to his or her parents. Id. 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. Id. Our statutory termination provisions are preventative as well as remedial. Id. They are designed to prevent probable harm to a child. Id. The child should not be forced to endlessly suffer the parentless limbo of foster care. Long v. Long, 255 N.W.2d 140, 146 (Iowa 1977). He or she need not endlessly await the maturity of his or her natural parent. In Interest of T.D.C., 336 N.W.2d 738, 744 (Iowa 1983).

J.S.K. was born in 1982. His mother, D.W., was seventeen at the time and was living with her parents. The child's natural father has never had a role in the child's life. J.S.K. was less than a year old when his mother moved in with her boyfriend who later became her husband. D.W. and her husband, L.W., now have two other children.

J.S.K. lived with his mother and stepfather until February 1984. J.S.K. was then placed in foster care on an emergency basis after he was found to have a broken hand and bite marks. It was established the bite marks were inflicted by a babysitter's child and the broken hand was a product of inadequate supervision. J.S.K. was adjudicated to be a child in need of assistance in April 1984. In August 1984 J.S.K. was returned to the home of his mother and stepfather, subject to numerous conditions. However, in April 1986 he was again placed in foster care, where he has remained since.

The record reveals D.W.'s home is characterized by domestic violence, alcohol abuse and frequent changes of residence. D.W. and her husband L.W. have a history of domestic violence which includes police intervention. They have had as many as twelve residences over the past few years. They have shown a resistance to comply with counseling. Social workers found D.W. and L.W. unable to admit to problems or to accept guidance. They also have a scant record of visitation with J.S.K.

J.S.K. has been described as a child with many behavioral problems. He has been in several foster homes prior to his current placement in the Four Oaks Treatment Center, a specialized foster care facility. Social workers believe J.S.K. shows psychological signs of sexual abuse. However, a perpetrator has never been identified. Both D.W. and L.W. adamantly deny any involvement in sexual abuse.

In March 1988 the State filed a petition to terminate the parental rights of both the mother and the natural father. After a hearing, the juvenile court did terminate the parental rights of the mother and the natural father. With respect to the natural father, the juvenile court relied on the ground of abandonment. With respect to the mother, the juvenile court relied on Iowa Code section 232.116(1)(e) as set out above.

In her challenge of the sufficiency of the evidence, D.W. asserts that her ability to raise her two younger children is evidence J.S.K. may be returned to her home. However, J.S.K. is a troubled child with special needs. He is very aggressive and has had problems of a sexual nature. The record does not indicate a change in the home of D.W. and L.W. has occurred since the time of the CHINA proceedings. J.S.K. should not be made to wait any longer for such an occasion.

We affirm the juvenile court's termination of the parental rights of D.W.

AFFIRMED.