IN THE COURT OF APPEALS OF IOWA

FILED
FEB 23 1993
CLERK SUPREME COURT

No. 2-644 / 92-1092

IN THE INTEREST OF B.A.L. and M.A.N., Minor Children,

A.M.N. and B.M.N., Mother and Father,

Appellants.

Appeal from the Iowa District Court for Woodbury County, Brian L. Michaelson, Associate Juvenile Judge, William E. Adams, Juvenile Judge.

A.M.N. and B.M.N. appeal from the termination of their parental rights as to B.A.L. and M.A.N. **AFFIRMED.**

Mayer Kanter of Forker & Kanter, Sioux City, for appellant mother.

F. Lee Goodwin of Baron, Sar, Goodwill, Gill & Lohr, Sioux City, for appellant father.

Bonnie J. Campbell, Attorney General, and Judy Sheirbon, Assistant Attorney General, for appellee State.

Debra Y. Lulf, Sioux City, guardian ad litem for minor children.

Heard by Oxberger, C.J., and Sackett, and Habhab, JJ.

PER CURIAM

This appeal from a trial court order terminating parental rights addresses two issues. The first issue is whether there is clear and convincing evidence supporting the trial court's decision to terminate appellant parents' parental rights to two female children born in 1985 and 1988. The second issue is whether the trial court should have consolidated the permanency and termination hearing. We affirm.

The Department of Human Services first became involved with this family in March 1989 when a child in need of assistance petition was filed. The petition alleged neglect and physical abuse by both parents. The parents agreed to the children's placement in temporary foster care. At a hearing in April 1989, which the mother attended but the father did not, the mother consented to a finding the children were children in need of assistance pursuant to Iowa Code sections 232.2(6)(b) and 232.2(6)(c)(2) (1989), which provides:

> 6. "Child in need of assistance" means an unmarried child:
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> b. Whose parent, guardian or other custodian has physically abused or neglected the child, or is imminently likely to abuse or neglect the child.
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> * * *
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> c. Who has suffered or is imminently likely to suffer harmful effects as a result of:
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> * * *
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> (2) The failure of the child's parent, guardian, or custodian to exercise a reasonable degree of care in supervising the child.

The dispositional hearing scheduled for May was continued to allow for the evaluation of the parents and children. During the children's evaluations both children made statements taken as an indication they had been physically abused by their father. The older child made statements taken as an indication she had been sexually abused by her father. The father denied any sexual contact with the children. Dr. Opdebeeck performed a colposcopic exam on the older child and found there was no physical evidence of sexual abuse.

A dispositional hearing was held on June 13, 1989. The court determined the children would remain in the custody of the Iowa Department of Human Services. The juvenile court found before the children could be safely returned to the custody of their parents, the parents needed to address the following problems:

1. The allegations of physical and sexual abuse must be addressed.

2. The parents must learn alternative methods of disciplining the children.

3. The parents must stabilize their relationship.

4. Appropriate housing must be found for themselves and the children.

5. The chemical dependency issues must be resolved.

In June 1990 a review hearing was held and the juvenile court ordered the children remain in foster care.

In August 1990 the children's mother moved to Kentucky and then to Arizona in the summer of 1991. Before leaving for Kentucky, the mother was consistent in visiting her children and the visits had been going well. In November 1991 she moved back to Sioux City. Since the mother's move to Kentucky, she has had two supervised visits, one unsupervised visit, approximately four phone calls, and three letters to the children.

In July 1991 a permanency hearing was scheduled but continued at the father's request. The juvenile court proceeded with a review hearing.

On October 25, 1991, the State filed a petition seeking the termination of both parent's rights to the children. On February 20, 1992, the court found the grounds for termination by clear and convincing evidence and terminated the parents' parental rights to the children.

The juvenile court found grounds existed for the termination of the parents' parental rights. The parents appealed to the district court. The district court affirmed the juvenile court. It is from the district court affirmation the parents now appeal.

Our scope of review is de novo. See In re Dameron, 306 N.W.2d 743, 745 (Iowa 1981). We give weight to the finding of the trial court, especially as to the credibility of witnesses, but we are not bound by them. Id.

There exists a parental interest in the integrity of the family unit, but that interest is not absolute. Dameron, 306 N.W.2d at 745.

The court found every child care professional who has worked with these children has recommended parental rights be terminated. Insight from the parent's past performance may be indicative of the quality of future care the parent is capable of providing. See Dameron, 306 N.W.2d at 745. We find the State has met its burden of showing by clear and convincing evidence these children cannot be returned to their parents' care. See In re T.D.C., 336 N.W.2d 738, 744 (Iowa 1983). We affirm.

AFFIRMED.