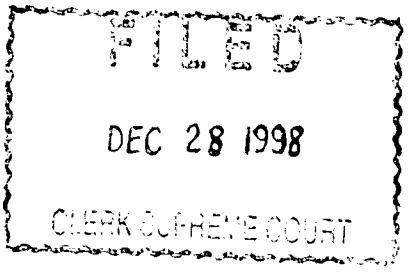
IN THE COURT OF APPEALS OF IOWA

No. 8-515 / 98-0983

IN THE INTEREST OF D.J.C., S.L.H., K.J.H., B.A.C., T.A.C., and T.L.C.,
Minor Children,

T.C., Mother,
Appellant.



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

The mother appeals from the order terminating her parental rights. **AFFIRMED.**

Martha M. McMinn, Sioux City, for appellant.

Thomas J. Miller, Attorney General, Charles K. Phillips, Assistant Attorney General, and Stacy L. Dillard, Assistant County Attorney, for appellee-State.

Marchelle Denker, Juvenile Law Center, guardian ad litem for minor children.

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

SACKETT, C.J.

Terri C., the mother of six children, appeals from the order terminating her parental rights. She argues the juvenile court failed to consider her husband's assistance and stability in determining whether the children could be returned to her care. We affirm.

The children are: Derrick C., born June 2, 1985; Stacey H., born September 5, 1986; Kyle H., born December 6, 1987; Brittany C., born November 19, 1989; Trey C., born February 6, 1992; and Tanisha C., born March 15, 1993. All of the children were found to be children in need of assistance on January 19, 1995, as defined by Iowa Code sections 232.2(6)(a), (b), (c)(2), and (g) (1993).[1] The finding was based on Terri's failure to provide the children with a permanent home. There were also findings she failed to properly supervise the children and, among other

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[1] The pertinent code sections provide as follows:

> 6. "Child in need of assistance" means an unmarried child:
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> a. Whose parent, guardian or other custodian has abandoned or deserted the child.
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> b. Whose parent, guardian, other custodian, or other member of the household in which the child resides has physically abused or neglected the child, or is imminently likely to abuse or neglect the child.
>
> c. Who has suffered or is imminently likely to suffer harmful effects as a result of either of the following:
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> . . . .
>
> (2) 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.
>
> . . . .
>
> g. Whose parent, guardian, or custodian fails to exercise a minimal degree of care in supplying the child with adequate food, clothing or shelter and refuses other means made available to provide such essentials.

Iowa Code §§ 232.2(6)(a), (b), (c)(2), and (g).

things, exposed them to persons using illegal drugs. The children remained in Terri's care, and the Department of Human Services provided services to the family.

Following a dispositional hearing in March 1995, the juvenile court removed the children from Terri's care. The children were placed with relatives or in family foster care.[2] Terri received intensive services from the Department of Human Services, including the Crittenton Center's Parent Survival Program which provided in-home services approximately four times per week in an attempt to establish household rules with the family. They utilized a basic approach in establishing one rule at a time -- for example, "no hitting or kicking one another." If a child hit or kicked someone, that child would receive a time-out. The service provider helped Terri enroll Brittany in Headstart and saw that she received a physical exam, paid for a Girls, Inc. membership for Stacey, made arrangements for the children to go by bus

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[2] Their various placements include:

Placement & Address	**Type of Placement**	**Dates of Placement**
Stacey and Kyle	Relative Placement	3/28/95 to 5/25/95
Stacey and Kyle, Gentry Foster Home	Foster Care	5/25/95 to 1/16/97
Derrick, Brittany, Trey and Tanisha, Coon Foster Home	Foster Care	3/28/95 to 2/19/96
Trey and Tanisha, Gentry Foster Home	Foster Care	2/19/96 to Present
Derrick, Trosper Foster Home	Foster Care	4/8/97 - 4/22/97
Stacey and Kyle, Triplett Foster Home	Foster Care	4/8/97 - 4/22/97
Brittany and Kara	Suitable Placement/ Shelter	4/8/97 - 5/28/97
Derrick and Kyle, Trosper Foster Home	Foster Care	5/21/97 - 5/25/97
Derrick and Kyle, Jonas Foster Home	Foster Care	5/25/97 - 5/28/97
Derrick and Kyle, Gentry Foster Home	Foster Care	5/28/97 - 9/20/97
Stacey, Triplett Foster Home	Foster Care	5/21/97 - 8/4/97
Brittany, Triplett Foster Home	Foster Care	5/28/97 - 8/4/97
Brittany and Stacey, Discus Foster Home	Foster Care	8/4/97 - 9/20/97
Brittany, Naylor Foster Home	Foster Care	11/12/97 to Present
Stacey, Hoag Foster Home	Foster Care	11/12/97 to Present
Derrick and Kyle, Gentry Foster Home	Foster Care	11/12/97 to Present

on Sunday to attend Cornerstone Church activities for three hours, and provided parenting skill development during children's visitation. Terri also completed the Nurturing Program that tried to teach her to provide hugs and praise to the children. The Family Services program provided individual therapy for the four oldest children and for Terri. The Catholic Charities' Villa Program attempted to provide Terri with direction, modeling, interventions, and teaching necessary in the areas of behavior management, nurturing skills, general supervision, and daily routine. The Child Connect program provided foster care services for two of the children. The Family Strengthening program facilitated daily skill development sessions with Terri, Terri's boyfriend Melton, and the children, and discussed issues of appropriate discipline and follow-through. The Boys and Girls Home of Sioux City made available to the four oldest children their Unity Program (an after-school program that provided day care until 7:30 p.m. and provided them with supper while in this program). They also provided in-home parent skill development and individual therapy for the children and Terri. A tracker aide transported the children to school and arrived at Terri's home at 6:30 a.m. to provide services. Her services were tapered and ultimately eliminated after two months.

Derrick and Brittany were returned to Terri's care in March 1996; Stacey and Kyle were returned to Terri's care in January 1997. The placements were under the protective supervision of the Department of Human Services. Trey and Tanisha have remained in foster care throughout the disposition of the case. Melton has lived with the family since May 1996.

In April 1997, Terri voluntarily agreed to place the four children in family foster care. She had been evicted from her home. Terri moved into the Villa Maria residential treatment program where three of the children joined her. In May 1997, Terri and the children were discharged from that program because of Terri's lack of progress and the children's disruptive behavior. The Department of Human Services provided services aimed at reunification. In September 1997, the court placed the four oldest children in Terri's care, telling Terri it was her last chance. The Department of Human Services gave her assistance of up to twenty hours each week. Even with daily skill development sessions and provision of after-school care, Terri was unable to care for her four oldest children. Brittany and Kyle were frequently absent from or tardy to school. Terri depended on others to handle her children's basic needs.

Terri and Melton married in October 1997. Melton has two children from his marriage to Brenda C. Those two children have been removed from his care. Melton is still married to Brenda; Terri does not know if she is still married to Darryl C.

The children were removed from Terri's care in November 1997 when the family again became homeless. They had been asked to leave the shelter they lived in because Terri and Melton failed to check in as required. The four older children remained in foster care throughout the remainder of the case.

The State filed a petition to terminate parental rights on February 26, 1998. Following a hearing, the court terminated Terri's parental rights to Trey and Tanisha

pursuant to Iowa Code section 232.116(1)(e).[3] The court terminated Terri's parental rights to Derrick, Stacey, Kyle, and Brittany pursuant to section 232.116(1)(c).[4]

We review proceedings to terminate parental rights de novo; we review the facts as well as the law and adjudicate parents' rights anew. *In re Dameron*, 306 N.W.2d 743, 745 (Iowa 1981). We give weight to the findings of the juvenile court, particularly with respect to the credibility of witnesses, but are not bound by them. *In re L.L.*, 459 N.W.2d 489, 493 (Iowa 1990); *In re R.R.K.*, 544 N.W.2d 274, 275 (Iowa App. 1995); Iowa R. App. P. 14(f)(7).

Terri claims the juvenile court failed to give adequate consideration to Melton's stability and employment, and the assistance he can provide in caring for the children. Although Melton treats Terri's children as his own, he stated they are her business and his children are his business. He was observed physically disciplining Terri's children.

The State has the duty to see every child within its borders receives proper care and treatment and must intercede when parents abdicate that responsibility. *In re I.L.G.R.*, 433 N.W.2d 681, 689 (Iowa 1988). At a minimum, this care includes proper

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[3] Iowa Code section 232.116(1)(e)(4) requires:

> 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.

Iowa Code § 232.116(1)(e)(4).

[4] Iowa Code section 232.116(1)(c)(2) requires:

> Subsequent to the child in need of assistance adjudication, the parents were offered or received services to correct the circumstance which led to the adjudication, and the circumstance continues to exist despite the offer or receipt of services.

Iowa Code § 232.116(1)(c)(2).

food, clothing, discipline, and supervision. "Every child deserves a safe, healthy, and stimulating environment in which to grow and mature." *In re J.W.D.*, 456 N.W.2d 214, 217 (Iowa 1990). Even with intensive services, Terri has been either unable or unwilling to care for only some of her children. We find little evidence in the record Melton would enable Terri to provide and care for her children. We conclude the juvenile court accorded proper weight to the evidence concerning Melton and his residence. Because none of the children could safely be returned to Terri's care at the time of the termination hearing, even with intensive services, the juvenile court properly terminated Terri's parental rights pursuant to Iowa Code sections 232.116(1)(c) and 232.116(1)(e).

When a parent's rights are terminated, we are concerned with the future of the children. To keep children in temporary or even long-term foster homes is not in their best interests, especially when the children are adoptable. *In re J.L.P.*, 449 N.W.2d 349, 353 (Iowa 1989); *In re T.T.*, 541 N.W.2d at 557-58. Trey and Tanisha have been in their current foster home since February 1996. Their foster parents have expressed an interest in adopting them. The State advances Brittany has two potential adoptive placements and it has a potential adoptive placement for Stacey and Kyle together, since Stacey desires to be placed with Kyle. The State further contends it has a potential adoptive placement for Derrick.

AFFIRMED.