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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

N THE INTEREST OF S.M.L., J.J.L.,)
nd C M L , Children,)
D L and E.L., Parents,) Filed March 23, 1988 205
Appellants.) 8-23 87-790

Appeal from the Iowa District Court for Woodbury County (No. 2803), Jack A Faith, Juvenile Referee, and John M. Fachman, Associate District Judge.

The parents of three children appeal from the juvenile court order which terminated their parental rights pursuant to Iowa Code section 232.116(5). **AFFIRMED.**

P D. Furlong, Sioux City, for appellants.

Thomas J. Miller, Attorney General; Charles K. Phillips, Assistant Attorney General, and Teri L. Ladwig, Assistant County Attorney, for appellee State of Iowa

Paul A. Mahr, Sioux City, for the children.

Heard by Donielson, P.J., and Schlegel and Habhab, JJ.

DONIELSON, P.J.

The parents of three children appeal from the juvenile court order which terminated their parental rights. We affirm.

D.L. and E.L. are the parents of S.M.L., born in 1974; J.L.L., born in 1973; and C.M.L., born in 1978. In January 1984, the three children were adjudicated children in need of assistance based on findings that they had been sexually abused by G.I., a man D.L. and E.L. had allowed to live with them. The three children were placed in foster care.

In October 1986, the State of Iowa filed a petition for termination of the parental rights of D.L. and E.L. pursuant to Iowa Code section 232.116(5) (children in need of assistance who have been transferred from parents' custody for at least twelve months cannot be returned there). The juvenile referee entered an order granting the State's petition and terminating D.L.'s and E.L.'s parental rights. D.L. and E.L. sought review of the order and a district associate judge confirmed it. They have now appealed from the termination order, contending there was not sufficient evidence to support the termination. They claim that clear and convincing evidence has not been shown that the children cannot be returned to their parents' home.

Our review of the proceedings to terminate parent-child relationships is de novo. In the Interest of L.P., 370 N.W.2d 839, 840 (Iowa App. 1985); In the Interest of M.H., 367 N.W.2d 275, 278 (Iowa App. 1985). We accord weight to the fact findings of the juvenile court, especially when considering the credibility of the witnesses whom that court heard and observed firsthand, but we are not bound by them. Interest of L.P., 370 N.W.2d at 840; Interest of M.H., 367 N.W.2d at 278. Central to a determination of this nature are the best interests of the child. In Interest of Dameron, 306 N.W.2d 743, 745 (Iowa 1981). The State has the duty to see that every child receives minimally adequate care

and treatment and will intercede when parents abdicate their responsibility. Id., Interest of M.H., 367 N.W.2d at 278. The State may revoke the rights of parents if their allegations are proven by clear and convincing evidence. Iowa Code § 232.116(5)(c) (1985); Interest of Dameron, 306 N.W.2d at 745.

We initially note that not only may the court look at the past behavior of the parent, but that it is an important factor. Interest of M.H., 367 N.W.2d at 275. We look to the child's long-range and immediate interests and consider what the future could hold for the child if returned to the parent. Id. We may obtain insight for this determination from evidence of the parent's past performance, for that performance may be indicative of the quality of the future care that parent is capable of providing. Interest of Dameron, 306 N.W.2d at 745; Interest of M.H., 367 N.W.2d at 278. Also, the current statutory termination provisions are preventative as well as remedial, and therefore, mandate action to prevent probable harm to a child and do not require delay until after harm has occurred. In the Interest of N.H., 383 N.W.2d 570, 572 (Iowa 1986); Interest of Dameron, 306 N.W.2d at 745. We have reviewed the record in this case thoroughly and believe the best interests of the three children involved require a termination of D.L.'s and E.L.'s parental rights.

We find that D.L. and E.L. are not capable of exercising sound judgment in the caring and parenting of their children. The record reveals that twice the parents were warned not to allow G.I. in their home and that they disregarded this advice, which resulted in all three children being sexually abused by G.I. The parents now argue that G.I. is no longer living in the home, and hence, there is no danger to the children. We cannot continue granting additional time to D.L. and E.L. in hopes that they some day will attain the maturity and responsibility necessary in order to care for their children; to do so would only subject these three children to the risk of sexually abusive situations. The record also

makes reference to the fact the mother has sexually abused the children. One report of the department of human services states an opinion that there is a 98% chance that E.L. is sexually dangerous. Reports indicate there were numerous referrals on the family pertaining to filthy home conditions. There is testimony to the effect that the children do not want to be returned home. E.L. has had many admissions to emotional care units for various problems, including attempted suicide. Evaluations of E.L. state she possesses "borderline intelligence" and is at the developmental level of an eleven-year-old. Many services have been provided to the parents. However, we cannot agree that the parents have learned from their mistakes in the past nor that they possess the requisite parenting abilities for the future. We agree that the children would be in imminent danger if returned to the parents' home, see Iowa Code § 232.102, based on the likelihood of repeated sexual abuse. We base our opinion on the testimony in the record and the extensive reports by the social service agencies. Our termination statutes are preventative as well as remedial. Although the record bears out the fact the parents are cooperative and care for the children, more than this is needed to be an adequate caretaker. The best interests of these children demand placement in a stable, nurturing home where they will receive the guidance and understanding needed to foster their physical and emotional growth.

We affirm the judgment of the juvenile court.

AFFIRMED.