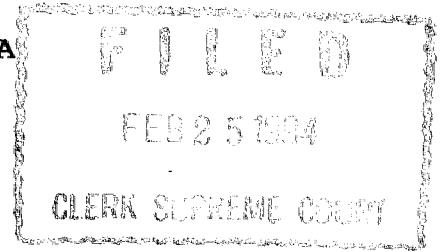


IN THE COURT OF APPEALS OF IOWA

No. 4-038 / 93-0983



IN THE INTEREST OF P.H., A Minor Child.

D.H., Mother,

Appellant.

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Appeal from the Iowa District Court for Johnson County,  
Sylvia A. Lewis, District Associate Judge.

D.H. appeals from an order terminating her parental  
rights to her minor child P.H. **AFFIRMED.**

Mark C. Meyer of Kinnamon, Kinnamon, Russo & Meyer,  
Cedar Rapids, for appellant.

Bonnie J. Campbell, Attorney General, John M. Parmeter,  
Special Assistant Attorney General, Judy Sheirbon,  
Assistant Attorney General, and Deborah Farmer Minot,  
Assistant County Attorney, for appellee.

Mary A. Weideman of Weideman & Dilkes, Iowa City, for  
appellee guardian ad litem for minor child P.H..

Considered by Donielson, P.J., and Sackett and Habhab,  
JJ.

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**HABHAB, J.**

The natural mother, D.H., appeals from the termination of her parental rights to her daughter, P.H., born July 5, 1989. We affirm.<sup>1</sup>

D.H. began receiving services from the Department of Human Services (DHS) in 1987 after three of her other children, P.H.'s half-sisters, were adjudicated children in need of assistance (CINA). There was evidence the girls had been sexually abused by their father, and that their mother had failed to provide adequate supervision for them.

On September 21, 1990, a founded child abuse report was filed for denial of critical care. The report stated that on September 8, 1990, D.H. was picked up for operating while intoxicated (OWI), and it was discovered P.H. had been left home alone. P.H. was placed in foster care. On September 11, 1990 P.H. was returned home after D.H. accepted family preservation services.

On February 12, 1991, a child abuse report found P.H. and her half-sister were denied critical care when they were found walking by themselves in extremely cold weather and were playing outside without adult supervision. P.H. was eighteen months at the time.

Between 1988 and July of 1991, there were six founded child abuse reports while D.H.'s children were in her

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1. T.H., the natural father of P.H. voluntarily terminated his parental rights to P.H. and is not a subject of this appeal.

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care. Five of them involved denial of critical care, and four of them involved P.H.

On March 19, 1991, a petition, alleging P.H. was a CINA was filed in Delaware County. On May 23, 1991, the court entered an order adjudicating P.H. a CINA. All parties stipulated to the adjudication based upon lack of appropriate supervision. That same day, P.H. was removed from the home and placed in foster care, after it was learned P.H.'s natural father, with D.H.'s permission, was planning to leave the state with P.H. in an attempt to avoid the court's involvement.

A dispositional hearing was held in September 1991, but D.H. failed to attend. The reports to the district court from the DHS and the various social services described D.H.'s lifestyle as chaotic. The reports indicated that D.H. had lied to caseworkers in the past and failed to keep many of her appointments. D.H. also continued her heavy substance abuse. In October 1991, D.H. voluntarily agreed to terminate her parental rights to her other three children.

During the first year P.H. was in foster care, D.H. continued her erratic behavior and was very uncooperative with the social workers. D.H. often disappeared for long periods of time without informing the social workers and

missed scheduled visitation times with P.H. D.H. still failed to address her drug and alcohol problem.

During the summer of 1992, D.H. did go to the Mental Health Institute for inpatient substance abuse treatment, but she left the program before completion. D.H. testified this was due to a problem she was having with ulcers. She was then accepted into the Area Substance Abuse Council's residential program, but did not complete the recommended stay. She was then accepted into the ASAC outpatient program and has continued with this program.

In January 1993, the State initiated termination proceedings. The State asserted that despite being provided services since 1987, D.H. has yet to fulfill significant portions of the case permanency plan. The State provided evidence that P.H. had adjusted very well to foster placement, and that she was adoptable.

On May 24, 1993 the district court terminated D.H.'s parental rights pursuant to Iowa Code section 232.116(1)(g) (1991). D.H. appeals.

Our review of termination proceedings is de novo. In re W.G., 349 N.W.2d 487, 491 (Iowa 1984) cert. denied sub nom. J.G. v. Tauke, 469 U.S. 1222 (1985). We give weight to the findings of fact of the juvenile court, especially when considering the credibility of witnesses, but we are not bound by those determinations. Id. at 491-92.

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The primary concern in termination proceedings is the best interest of the child. Iowa R. App. P. 14(f)(15); In re Dameron, 306 N.W.2d 743, 745 (Iowa 1981).

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 probable harm to a child.

In re R.M., 431 N.W.2d 196, 199 (Iowa App. 1988) (citing Dameron, 306 N.W.2d at 745).

Iowa Code section 232.116(1)(g) permits the juvenile court to terminate the parent-child relationship if the court finds all of the following have occurred:

- (1) The child is three years of age or younger.
- (2) The child has been adjudicated a child in need of assistance pursuant to section 232.96.
- (3) The custody of the child has been transferred from the child's parents for placement pursuant to section 232.102 for at least six months of the last twelve months, or for the last six consecutive months and any trial period at home has been less than thirty days.
- (4) There is clear and convincing evidence that the child cannot be returned to the custody of the child's parents as provided in section 232.102 at the present time.

D.H. contends the State did not show clear and convincing evidence that P.H. would be harmed if she were returned to her care.

Based on all the evidence, we conclude, despite all the years of services provided by different agencies, D.H. is still unable to adequately care and protect her child. For

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most of the time P.H. has been adjudicated a CINA, D.H. has made no efforts to correct her problems. By July 1991, D.H. was either late or canceled nearly every visit with her child. From January 1992 through October 1992 D.H. had eight supervised visits with P.H. However between June and October D.H. did not visit P.H. at all. D.H. did not begin regular visitation until October 12, 1992. D.H. admits she was unwilling to get treatment between December 1991 to June 1992 because she did not want to quit drinking.

D.H. still has not resolved issues concerning domestic violence, codependency and her own childhood abuse. In late February 1993 she finally ended a romantic relationship with a man who would not reveal his name to DHS. D.H. did so only after being encouraged by service providers to check into his criminal history. When she did so, she found he had a history of domestic assault.

We find clear and convincing evidence P.H. cannot be safely returned to her mother. We find the statutory grounds for terminating D.H.'s parental rights pursuant to Iowa Code section 232.116(1)(g) have been met.

We also determine it would be in the best interest of P.H. to terminate D.H.'s parental rights. P.H. needs structure and permanent resolution to her placement. She is already beginning to exhibit anxiety behaviors when she does not know where she is going and who she is going to be with. She is very insecure whenever the foster mother leaves the home to run errands or attend classes. Any

changes in P.H.'s schedule are very upsetting to her. P.H. needs stability in her life, now, that her mother is unable to give. We affirm the juvenile court's termination of D.H.'s parental rights.

**AFFIRMED.**