FILED
OCT 25 1994
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

No. 4-272 / 94-255

IN THE INTEREST OF A.L.A. and P.D., Minor Children,

S.A., Father of A.L.A.,
Appellant,

L.D., Mother,
Appellant.

Appeal from the Iowa District Court for Hamilton County, Stephen E. Barbour, Associate Juvenile Court Judge.

The father of A.L.A. and mother of A.L.A. and P.D. appeal an order terminating their parental rights. **AFFIRMED.**

Douglas Cook of Brekken, Deppe, Wynia & Cook, P.C., Jewell, for appellant father.

James A. McGlynn of Bottorff, Greenley & McGlynn, Webster City, for appellant mother.

Bonnie J. Campbell, Attorney General, John M. Parmeter, Special Assistant Attorney General, Charles K. Phillips, Assistant Attorney General, and Timothy R. Palmer, Assistant County Attorney, for appellee State.

Ellen Henry of Henry Law Firm, Jewell, for appellees minor children.

Heard by Donielson, C.J., Huitink, J., and Perkins, S.J.* Habhab, J., takes no part.

*Senior judge from the fifth judicial district serving on this court by order of the Iowa Supreme Court.

HUITINK, J.

Laurie is the mother of P.D., born in November 1984, and A.L.A., born in January 1991. Steve is the father of A.L.A. Delmar is the father of P.D. Laurie and Steve appeal the termination of their parental rights. Delmar is not a party to this appeal. We affirm.

Laurie was fifteen years old when P.D. was born, and her mother cared for him until 1987. At that time Laurie approached the department of human services voluntarily for parenting education, and she received extensive services through Urban Ministry. Despite these efforts, a founded abuse report was filed against Laurie for denial of critical care in March 1989.

Laurie and Steve married in June 1989. In September 1989 Laurie voluntarily placed P.D. in foster care, and he was adjudicated a child in need of assistance (CINA) in February 1990. Laurie continued to receive parenting education, public health nursing services, homemaker services, and counseling. Steve declined to participate in any services offered.

The department attempted to return P.D. to Laurie's care in June 1991. After one week, Laurie sought to place P.D. in foster care again. A.L.A. was removed from her parents' care in June 1991 and adjudicated CINA due to her failure to thrive and her parents' overall poor parenting. Around this time Laurie and Steve separated.

In July 1991 Dr. Rogers, a clinical psychologist, evaluated both parents. Steve was found to be of borderline intellectual functioning, and Laurie was found to be mildly retarded. She reported suicidal threats, violent impulses, and depression. Both parents had histories of psychiatric hospitalizations. Services to Laurie continued, but Steve continued to refuse assistance.

In January 1992 the department recommended termination of Laurie's and Steve's parental rights as well as the immediate cessation of visitation due to its harmful effects on the children. In a February 1992 review hearing, the juvenile court informed the parents that termination would be pursued if they did not make significant progress over the next several months. They failed to show improvement.

In May 1992 the department again recommended termination. The court delayed action to allow Laurie and Steve additional time to improve due to a lack of funding and staffing at the department which had left Laurie unable to visit the children for five months. Steve did not pursue visitation during this period.

In August 1993 the State filed petitions to terminate parental rights. In October and December 1993 termination hearings were held. Testimony revealed both children had been doing well in foster care but they experienced serious problems after visitation with Laurie or Steve. Service providers testified although Laurie had received every

service available she was incapable of implementing the knowledge provided and incapable of parenting her children. Workers testified Steve had shown no motivation and could not provide a proper environment for A.L.A. Dr. Rogers testified he reevaluated Laurie and Steve in 1993 and concluded neither was capable of providing adequate parenting.

The court found Laurie had received six years of services and still was not capable of providing a minimal level of safe and nurturing care for her children. It found Steve would never successfully parent his child. Laurie's parental rights to both P.D. and A.L.A. and Steve's parental rights to A.L.A. were terminated.

Appellate 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.

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). In deciding what is best for the child we look to the child's long-range as well as immediate interests. We also look to the past performance of the parents because it is an indication of the quality of care the parents are capable

of providing in the future. In re A.M.S., 419 N.W.2d 723, 726 (Iowa 1988).

Both Laurie and Steve contend, among other things, the State failed to make reasonable attempts to reunite them with their children and that there is not clear and convincing evidence showing the children cannot be returned to them. We disagree.

Extensive services have been provided to Laurie since November 1987. They were offered to enable Laurie to gain the skills necessary to care for her children. However, the record clearly indicates she has not benefited from the services nor has she progressed to the level where she would be able to parent the children. Steve either refused to take advantage of or put forth a minimal effort into any services the court ordered. Although the services were tailored to meet both Laurie's and Steve's special needs, they made little or no difference in the overall outlook.

Both Laurie and Steve suffer from psychiatric and psychological problems which prevent them from functioning at a minimum level required to care for the children. Numerous experts testified neither is able to parent due to their low levels of functioning. All recommended termination of Laurie's and Steve's parental rights.

Impaired mental ability, standing alone, is not sufficient reason for termination of parental rights; however, it can be a contributing factor to the inability to perform essential parental duties. In re E.B.L., 501

N.W.2d 547, 551 (Iowa 1993) (citation omitted). We, like the trial court, find this is a case where either parent is unlikely to ever be able to perform those essential parenting duties.

Throughout the lengthy history of this case, the juvenile court noted its concerns about Laurie's and Steve's abilities to parent. Yet the court continued to provide repeated opportunities for both to show they could care for their children. From the record it is clear termination was the only option remaining. It was not a decision entered into lightly, and the juvenile court's efforts to provide opportunities for Laurie and Steve were extensive.

Laurie's rights to P.D. were terminated pursuant to Iowa Code section 232.116(1)(e) (1993). Both Laurie's and Steve's rights to A.L.A. were terminated pursuant to Iowa Code section 232.116(1)(g) (1993). Our de novo review reveals there is clear and convincing evidence that these children cannot be returned to their parents' care. The statutory grounds for termination have been met.

The best interests of the children require Laurie's and Steve's parental rights be terminated. The decision of the juvenile court to terminate Laurie's and Steve's rights is affirmed.

We determine any other issues the parties may have raised are either covered by this opinion or are without merit.

AFFIRMED.