IN THE COURT OF APPEALS OF IOWA

No. 4-329 / 94-434

FILED
OCT 25 1994
CLERK SUPREME COURT

IN THE INTEREST OF J.W., Minor Child,

N.S., Mother,

Appellant.

Appeal from the Iowa District Court for Black Hawk County, Stephen C. Clarke, Juvenile Court Referee.

The mother appeals the termination of her parental rights to the child J.W. **AFFIRMED.**

James T. Peters of Ristvedt & Peters, P.C., Independence, for appellant-mother.

Bonnie J. Campbell, Attorney General, Gordon E. Allen, Deputy Attorney General, Charles K. Phillips, Assistant Attorney General, and Dan Block, Assistant County Attorney, for appellee-State.

Lon A. Britt, Assistant Public Defender, Waterloo, guardian ad litem, for the child.

Heard by Donielson, C.J., Cady, J., and Schlegel, S.J.*

*Senior judge from the Iowa Court of Appeals serving by order of the Iowa Supreme Court.

SCHLEGEL, S.J.

Nettie appeals the termination of her parental rights to J.W., born in May 1991. James, the father of J.W., is not a party to this appeal. We affirm.

At the time of J.W.'s birth Nettie had four other children, ages nine months, two years, nine years, and twelve years. J.W. was born two to three months premature and he was not discharged until July 1991. At that time Nettie contacted the department of human services and requested J.W. be placed in foster care due to his medical needs and her difficulty in providing for her other children. J.W. was adjudicated a child in need of assistance and went from the hospital directly into foster care.

The department immediately began providing services to Nettie, but at the time of the dispositional hearing in October 1991 she remained unable to assume custody of J.W. At a review hearing in April 1992, however, Nettie, the State, and the guardian ad litem agreed J.W. could be returned to her custody.

Nettie continued to receive services, but the child was returned to foster care in March 1993 at her request. Prior to her request, the department informed the court J.W. should be returned to foster care because he was receiving only minimal care and stimulation.

In August 1993 Nettie indicated she was willing to discontinue visits with J.W. and have her parental rights

terminated. The State filed a petition to terminate the rights of both parents.

After a hearing, the court found during the period J.W. was in Nettie's custody, April 1992 to March 1993, he suffered emotional and medical neglect. In addition, the court found J.W. made substantial progress within one week of being placed in foster care in March 1993. Although Nettie received extensive services and was occasionally willing to care for the child, the court found she was not able to adequately provide for J.W. and had not made a commitment to care for him. The juvenile court terminated Nettie's parental rights pursuant to Iowa Code section 232.116(1)(g).

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.

Our primary concern in termination proceedings is the best interests of the child. Iowa R. App. P. 14(f)(5); 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 parent is capable of

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

Nettie contends the State failed to make reasonable efforts to return J.W. to her care. She claims she received so many services regarding J.W. and her other children that those services constituted a detriment to her ability to parent. We disagree.

Nettie received a reasonable amount of services including family therapy, parenting skills, tutoring and visits from an Area Education Agency home instruction teacher to help with J.W.'s developmental delays. The services offered were vital to J.W.'s best interests and they were necessary if J.W. was to return to Nettie's custody. None of the service providers reported or testified Nettie's primary problem was that she was unable to coordinate the services she received.

The problem throughout this case has been Nettie's lack of concern for and commitment to J.W.'s best interests. Parenting cannot be turned on and off like a spigot. It must be constant, responsible and reliable. In re L.L., 459 N.W.2d 489, 498 (Iowa 1990). Parenting is not a matter of convenience. See In re Marriage of Green, 417 N.W.2d 252, 253 (Iowa App. 1987). We find Nettie's claim of "too many services" is not supported by the record.

Nettie also argues the State failed to establish by clear and convincing evidence that J.W. would suffer harm if returned to her custody. However, our review of the

record indicates J.W. suffered developmentally, emotionally and medically due to Nettie's consistent failure to provide care while he was in her custody. Nettie has shown no improvement in her ability to provide quality care for J.W.

J.W. has thrived in foster care. His development improved within the first week of placement and is now at near normal levels. His foster mother described him as very active and healthy. However, he had spent a total of almost two years in foster care by the time of the termination hearing.

The crucial days of childhood cannot be suspended while parents experiment with ways to face up to their own problems. In re A.C., 415 N.W.2d 609, 613 (Iowa 1987). Our de novo review reveals there is clear and convincing evidence showing J.W. cannot be returned to Nettie's care. The statutory grounds for termination have been met. The best interests of J.W. require Nettie's parental rights be terminated. The decision of the juvenile court is affirmed.

AFFIRMED.