IN THE COURT OF APPEALS OF IOWA

No. No. 4-408 / 94-826

FILED
OCT 25 1994
CLERK SUPREME COURT

IN THE INTEREST OF S.Y., Minor Child,

A.Y., Mother,

Appellant.

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

Mother appeals the juvenile court's order terminating her parental rights. **AFFIRMED.**

Eric W. Johnson of Beecher, Rathert, Roberts, Field, Walker & Morris, P.C., Waterloo, for appellant.

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

Considered by Donielson, C.J., and Hayden and Huitink, JJ.

HUITINK, J.

Angie is the mother of S.Y., born November 1984. Scott is the father of S.Y. Angie appeals the termination of her parental rights. Scott is not a party to this appeal. We affirm.

In November 1991 the department of human services received a founded report of sexual abuse of S.Y. by Angie's live-in boyfriend Gary. Angie later agreed not to leave S.Y. alone with Gary; however, in late January 1992 S.Y. was placed in temporary foster care after Angie resumed living with Gary.

In March 1992 the juvenile court adjudicated S.Y. a child in need of assistance (CINA) pursuant to Iowa Code section 232.2(6)(d). The court ordered S.Y. be returned to Angie's custody upon implementation of family preservation services and no further contact between Gary and S.Y.

In May 1992 the court ordered S.Y. placed in family foster care after the department again discovered Angie and Gary living together. The court also ordered Angie and S.Y. participate in the Treatment for Adults and Children Affected by Sexual Abuse (TACASA) program. Angie was allowed supervised visitation with S.Y. Even though Gary pled guilty to lascivious acts with a child, Angie continued to see him.

After several review hearings the department filed a petition for termination of Angie's and Scott's parental rights in October 1993. It claimed conditions which led to

S.Y.'s removal continued to exist despite the numerous services provided to Angie.

At the February 1994 termination hearing both S.Y.'s counselor and foster care caseworker recommended termination. A psychologist who counseled both Angie and S.Y. also testified Angie had made no progress. Angie testified she felt the department failed to provide services aimed at reuniting S.Y. with her. She also stated she was no longer in a relationship with Gary. Scott did not attend the termination hearing.

The court found Angie had made no change since the court's intervention and it was in S.Y.'s best interest to terminate the parental relationship. The court ordered Angie's parental rights terminated pursuant to Iowa Code section 232.116(1)(e & h) and Scott's parental rights terminated pursuant to Iowa Code section 232.116(1)(b & d).

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 parent 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).

Angie contends the State has failed to prove by clear and convincing evidence that S.Y. cannot be returned to her. She also argues termination of her parental rights is not in S.Y.'s best interests. We disagree.

Despite the numerous services provided to Angie she has shown little or no improvement in her parenting abilities or her ability to learn the early signs of sexual abuse. Angie's choice to live with Gary for nearly one year after his sexual abuse of S.Y. showed little concern for S.Y.'s best interests.

Several caseworkers testified termination of Angie's parental rights was in S.Y.'s best interests. The record shows the relationship between Angie and S.Y. has not improved despite counseling for both. S.Y. does not feel safe around Angie. Since being placed with a foster family S.Y.'s behavior, academic skills and socialiization have improved. The juvenile court had the opportunity to question S.Y. and found she is open to placement in a new and permanent home.

We find, based on our de novo review, Angie is unable to provide the structured, safe and stable environment S.Y. needs. The legislature has determined twelve months is the

interval for which patience with parents may last. See Iowa Code § 232.116(1)(e). At the time of the termination hearing S.Y. had been in foster care nearly two years. She is doing well in foster care and the department has identified several families that wish to adopt a child like S.Y. We therefore conclude Angie's parental rights should be terminated. The decision of the juvenile court is affirmed.

AFFIRMED.