

## MEMORANDUM DECISION

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## IN THE COURT OF APPEALS OF INDIANA

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In Re the Termination of the  
Parent-Child Relationship of:

J.B. (Child)

And

A.B. (Mother) and B.R. (Father),  
*Appellants-Respondents,*

v.

Indiana Department of Child  
Services,

*Appellee-Petitioner.*

May 20, 2022

Court of Appeals Case No.  
21A-JT-2667

Appeal from the Hamilton Circuit  
Court

The Honorable Paul A. Felix,  
Judge

The Honorable Todd L. Ruetz,  
Magistrate

Trial Court Cause No.  
29C01-2102-JT-207

**Riley, Judge.**

## **STATEMENT OF THE CASE**

- [1] Appellant-Respondent, A.B. (Mother), appeals the trial court's termination of her parental rights to her minor child, J.B. (Child).
- [2] We affirm.

## **ISSUE**

- [3] Mother presents this court with one issue, which we restate as: Whether the Indiana Department of Child Services (DCS) presented sufficient evidence to support its petition to terminate the parent-child relationship.

## **FACTS AND PROCEDURAL HISTORY**

- [4] Mother<sup>1</sup> is the biological parent to Child, born on March 26, 2010, and to Child's older sibling (Sibling)<sup>2</sup>, born on August 1, 2006. Initially, Mother and Child resided with Maternal Grandparents in Carmel but then moved with Maternal Grandparents to Noblesville. As a result of the move, Child enrolled in a school in Noblesville. Child resided with Mother in her bedroom at Maternal Grandparents' home. Child stayed in the bedroom most of the day and slept in the same bed with Mother in the evenings.

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<sup>1</sup> Father's parental rights were also terminated by the trial court, but he does not participate in this appeal.

<sup>2</sup> Sibling resides with his biological father, who is not the parent of Child, and is not part of these termination proceedings.

- [5] Toward the end of second grade, Child had developed severe anxiety about leaving the home to go to school. Throughout his early educational years, Child missed many schooldays: 8.5 days in kindergarten, 22.5 days in first grade, 20.5 days in second grade, and 28.5 days in third grade. In September 2019, Child was placed on a 504 plan and enrolled in a home-schooling program, Homebound, due to his anxiety, and a homeschooler went to Child's home twice a week. When the school wanted to transition Child back into the classroom, Mother refused and failed to have Child diagnosed for purposes of continuing Homebound instruction.
- [6] On October 14, 2019, DCS filed a petition, alleging Child to be a Child in Need of Services (CHINS) because he was not enrolled at school, stayed in the bedroom all day, and Mother failed to provide medical and dental care. On December 16, 2019, a detention hearing was held in the CHINS proceeding at which DCS requested Child's detention due to Mother's failure to follow Child's school requirements. The trial court denied the request. On January 23, 2020, the trial court conducted a fact-finding hearing on DCS' CHINS petition and adjudicated Child to be a CHINS due to Mother's failure to provide Child with an education, medical care, mental health services, and appropriate school activities. During the hearing, Mother was verbally belligerent and seemed disinterested in the proceedings. She used vulgar language toward DCS' counsel and made a visual display of removing lint or hair from her clothing and dropping it to the floor during the hearing. At the end of the dispositional hearing, the trial court required Mother to engage in

services, including, among others, submitting to drug screens, participating in substance abuse assessment and treatment, participating in clinical and parenting assessments, ensuring that Child is properly enrolled in and attends school, enrolling Child in a home-based counseling program, meeting Child's medical and dental health needs, and participating in supervised visitation. DCS received permission from the trial court to remove Child from Mother's care and place him with Maternal Grandparents due to Mother cancelling the appointment with a home-based therapist and failing to agree to Child's educational plan.

[7] By her own admission, Mother failed to engage in any services and service providers discharged her for noncompliance. Mother admittedly failed to maintain contact with DCS, ignored DCS' attempt to schedule services, and refused to complete a clinical assessment, denying that she had any mental health issues. She had no contact with the guardian ad litem (GAL). Mother failed to appear at the dispositional hearings of March 11, August 3, and October 19, 2020, and January 4, 2021.

[8] Although Mother resided in the same home as Child and Maternal Grandparents, she failed to visit him. In order to create some separation between Child and Mother, Maternal Grandparents asked Mother not to remain in the same room as Child. Mother never inquired as to Child's wellbeing. Mother "can't stand" Maternal Grandmother and they do not speak. (Transcript p. 138). Mother did not speak to her brother for years, which resulted in Child not having a relationship with his cousins. Lifeline

Youth and Family Services family consultant (Lifeline) reached out to Mother about scheduling supervised visitation, to which Mother replied that she was not interested and wanted to be left alone. Lifeline closed the referral because of Mother's refusal to engage in visitation with Child.

[9] Although Maternal Grandparents asked Mother multiple times to obtain employment and leave their home, Mother refused. While Mother resided in the home, Child was unable to effectively address his emotional trauma. Eventually, Maternal Grandparents filed an eviction action against Mother, and in November 2020, she was evicted from their home. After her eviction, Mother moved to a homeless shelter but failed to inform DCS of her whereabouts. In February 2021, DCS' Family Case Manager (FCM) became aware of Mother's residence and visited her in the shelter. When Mother learned who FCM was, she became "frantic" and started crying. (Tr. p. 30). FCM inquired if Mother was interested in reengaging with services and visitation with Child. and mentioned supervised visits and a clinical assessment, which caused Mother to become upset. Mother did not immediately confirm her willingness to engage in services or visitation at that meeting.

[10] During the course of these proceedings, Child engaged in trauma-based cognitive behavioral therapy with mental health counselor, Ashley Galloway (Galloway). Although the therapy was home-based and took place at the Maternal Grandparents' residence, where Mother also resided until evicted, Galloway only saw Mother in passing. Mother failed to participate in and inquire about Child's therapy. When Child started the sessions, he had "a lot of

withdrawal, fear-based coping skills,” indicating that when he and Galloway talked about a “hard” or “fearful-based” memory, Child would retreat, minimize the memory, or completely avoid the subject. (Tr. p. 14). Child had anxiety and anger issues, and often wanted to miss school. When he noticed Mother entering the house during counselling sessions, Child would shut down, cover his face, and would refuse to talk. Child was more open when Mother was not in the home. He divulged during therapy that “he felt like he had to stay home to take care of [Mother]” and that he was worried about Mother’s mood. (Tr. p. 24). Child made progress in therapy, especially after the trial court ordered supervised visitation. Child became more verbally engaged, and his avoidance behavior decreased. Galloway successfully discharged Child from therapy at the end of 2020.

[11] On August 3, 2020, the trial court changed the permanency plan for Child from reunification to termination and adoption. On February 12, 2021, DCS filed its petition to terminate Mother’s parental rights. In March 2021, Mother requested DCS to reinstate services, which DCS refused. On April 15, 2021, Mother filed a petition with the trial court to reinstate services, she maintained contact with DCS, and secured employment and appropriate housing.

[12] On May 6, July 19, and August 13, the trial court conducted a factfinding hearing on DCS’ petition to terminate. During the hearing, evidence was presented that Child is thriving with his Maternal Grandparents. He has developed physically and emotionally, and now has a relationship with Sibling and his cousins. He has successfully completed therapy, is excelling at school,

and is actively engaged with Sibling and other family and friends. The Maternal Grandparents testified that they are willing to adopt Child.

[13] Child's GAL testified that termination was in Child's best interests and recommended adoption and continued placement with Maternal Grandparents. GAL informed the trial court that when Child was in Mother's care, Mother would be present during her meeting with Child, which caused Child to close-up, give single-word answers, and avoid eye contact. However, after Mother was evicted, Child started smiling, talking in sentences, and engaging GAL in conversation. GAL opined that Child had flourished since Mother left Maternal Grandparents' residence. Child does not inquire after Mother and refused the gift Mother had sent him for his birthday. Child informed GAL that he did not want to see Mother or have any contact with her.

[14] FCM testified that Mother would not remedy the condition that resulted in Child's removal and continued placement outside the home because Mother did not believe that she should have to do services. FCM opined that any continuation of Child's relationship with Mother would pose a threat to Child's wellbeing because unlike when he was in Mother's care, Child is now able to identify his emotions and retain social relationships.

[15] On November 2, 2021, the trial court entered its decree terminating Mother's parental rights to Child, concluding that

There is a reasonable probability that the continuation of the parent-child relationship between Mother and the [C]hild poses a threat to the [C]hild's well-being.

There is a reasonable probability that the conditions that resulted in the [C]hild's removal or reasons for placement outside of Mother's care will not be remedied by Mother.

Termination of the parent-child relationship between Mother and the [C]hild is in the best interest of the [C]hild.

The plan DCS has for the care and treatment of the [C]hild, that being adoption of the [C]hild by his [M]aternal [G]randparents, is acceptable and satisfactory.

(Appellant's App. Vol II, pp. 18-19).

[16] Mother now appeals. Additional facts will be provided as necessary.

## DISCUSSION AND DECISION

### I. *Standard of Review*

[17] Mother challenges the trial court's termination of her parental rights to her Child. The Fourteenth Amendment to the United States Constitution protects the traditional right of parents to establish a home and raise their children. *Bester v. Lake Cnty. Office of Family & Children*, 839 N.E.2d 143, 147 (Ind. 2005). "A parent's interest in the care, custody, and control of his or her children is 'perhaps the oldest of the fundamental liberty interests.'" *Id.* (quoting *Troxel v. Granville*, 530 U.S. 57, 65 (2000)). However, parental rights "are not absolute and must be subordinated to the child's interests in determining the proper disposition of a petition to terminate parental rights." *Id.* If "parents are unable or unwilling to meet their parental responsibilities," termination of parental

rights is appropriate. *Id.* We recognize that the termination of a parent-child relationship is “an ‘extreme measure’ and should only be utilized as a ‘last resort when all other reasonable efforts to protect the integrity of the natural relationship between parent and child have failed.’” *K.E. v. Ind. Dep’t of Child Servs.*, 39 N.E.3d 641, 646 (Ind. 2015) (quoting *Rowlett v. Vanderburgh Cnty. Office of Family & Children*, 841 N.E.2d 615, 623 (Ind. Ct. App. 2006)).

[18] Indiana courts rely on a “deferential standard of review in cases concerning the termination of parental rights” due to the trial court’s “unique position to assess the evidence.” *In re A.K.*, 924 N.E.2d 212, 219 (Ind. Ct. App. 2010), *trans. dismissed*. Our court neither reweighs evidence nor assesses the credibility of witnesses. *K.T.K. v. Ind. Dep’t of Child Servs.*, 989 N.E.2d 1225, 1229 (Ind. 2013). We consider only the evidence and any reasonable inferences that support the trial court’s judgment, and we accord deference to the trial court’s “opportunity to judge the credibility of the witnesses firsthand.” *Id.*

## II. *Termination of Parental Rights*

[19] In order to terminate a parent’s rights to his or her child, DCS must prove:

(A) that one (1) of the following is true:

(i) The child has been removed from the parent for at least six (6) months under a dispositional decree.

\* \* \* \*

(iii) The child has been removed from the parent and has been under the supervision of a local office . . . for at least fifteen (15) months of the most recent twenty-two (22) months, beginning with the date the child is removed from the home as a result of

the child being alleged to be a [CHINS] . . . ;

(B) that one (1) of the following is true:

(i) There is a reasonable probability that the conditions that resulted in the child's removal or the reasons for placement outside the home of the parents will not be remedied.

(ii) There is a reasonable probability that the continuation of the parent-child relationship poses a threat to the well-being of the child.

(iii) The child has, on two (2) separate occasions, been adjudicated a [CHINS];

(C) that termination is in the best interests of the child; and

(D) that there is a satisfactory plan for the care and treatment of the child.

Ind. Code § 31-35-2-4(b)(2). DCS must prove each of the foregoing elements by clear and convincing evidence. *C.A. v. Ind. Dep't of Child Servs.*, 15 N.E.3d 85, 92 (Ind. Ct. App. 2014). “[C]lear and convincing evidence requires the existence of a fact to be highly probable.” *Id.*

[20] It is well-established that “[a] trial court must judge a parent’s fitness as of the time of the termination hearing and take into consideration evidence of changed conditions.” *Stone v. Daviess Cnty. Div. of Children & Family Servs.*, 656 N.E.2d 824, 828 (Ind. Ct. App. 1995), *trans. denied*. In judging fitness, a trial court may properly consider, among other things, a parent’s substance abuse and lack of adequate housing and employment. *McBride v. Monroe Cnty. OFC*,

798 N.E.2d 185, 199 (Ind. Ct. App. 2003). The trial court may also consider a parent's failure to respond to services. *Lang v. Starke Cnty. OFC*, 861 N.E.2d 366, 372 (Ind. Ct. App. 2007), *trans. denied*. “[H]abitual patterns of conduct must be evaluated to determine whether there is a substantial probability of future neglect or deprivation.” *Stone*, 656 N.E.2d at 828. A trial court “need not wait until the child[] [is] irreversibly influenced by [its] deficient lifestyle such that [its] physical, mental and social growth is permanently impaired before terminating the parent-child relationship.” *Id.* Furthermore, “[c]lear and convincing evidence need not reveal that the continued custody of the parents is wholly inadequate for the child’s very survival. Rather, it is sufficient to show by clear and convincing evidence that the child’s emotional and physical development are threatened by the respondent parent’s custody.” *K.T.K.*, 989 N.E.2d at 1230.

*A. Findings from CHINS Proceeding*

[21] Initially, Mother contends that the trial court erred when it incorporated certain substantive findings from the CHINS proceedings into its termination order. Specifically, Mother argues that the fact that “the trial court may have made certain determinations based upon evidence presented at various points in the underlying CHINS proceeding does not, or should not, permit the termination court to rely upon those findings as its basis to terminate a party’s parental rights in a separate proceeding involving a different evidentiary burden of proof and different purpose altogether.” (Appellant’s Br. p. 22).

- [22] It is well-established that DCS is entitled to offer into evidence “the CHINS petition, the predispositional report, the parental participation order, the modification report, or any other document or order containing written findings, which was required to be created during the proceedings.” *Carter v. Knox Cty. Office of Family & Children*, 761 N.E.2d 431, 438 (Ind. Ct. App. 2001) (quoting *Tipton v. Marion County Dep't of Pub. Welfare*, 629 N.E.2d 1262, 1266 (Ind. Ct. App. 1994) (noting that this court’s finding that the Office of Family and Children (OFC) failed to present sufficient evidence to support the termination of Father’s parental rights could largely be attributed to OFC’s failure to admit the CHINS petitions, orders, and reports into evidence at the termination hearing)).
- [23] In the case before us, the trial court commenced the termination factfinding hearing on July 19, 2021. At the commencement of the hearing, DCS as a “preliminary matter, [] was just going to enter in the exhibits, the orders from the CHINS, underlying CHINS case, certified records.” (Tr. p. 10). The trial court admitted the documents after Mother did not object as “[t]hey’re certified court records.” (Tr. pp. 10-11).
- [24] Mother’s argument correctly notes that there are differing evidentiary burdens applicable to findings made in CHINS proceedings and termination proceedings, but she does not specifically argue that the substantive content of these findings are inaccurate or otherwise unsupported; rather, she merely challenges the trial court’s reliance and incorporation of those substantive CHINS findings, because they “do not have an evidentiary basis in the

termination proceeding.” (Appellant’s Br. p. 23). Because we conclude that the trial court properly admitted the documents and findings of the CHINS proceedings, it could rely on the evidence presented in those proceedings to support its decision in the termination Order.

*B. Reasonable Probability*

[25] Mother next challenges the trial court’s conclusion that there is a reasonable probability that she will not remedy the conditions that resulted in Child’s removal and continued placement outside her care and that continuation of the parent-child relationship poses a threat to Child’s wellbeing. The trial court adjudicated Child to be CHINS due to Mother’s failure to provide Child with an education, medical care, mental health services, and appropriate school activities.

[26] To support reunification efforts, the trial court required Mother to engage in services, including, among others, to submit to drug screening, participate in a substance abuse assessment and treatment, participate in clinical and parenting assessments, enroll Child in a home-based counseling program, and participate in supervised visitation. Mother failed to engage in any services and service providers discharged her for noncompliance. Mother admittedly failed to maintain contact with DCS, ignored DCS’ attempt to schedule services, and refused to complete a clinical assessment, denying that she had any mental health issues. She had no contact with the GAL and failed to appear at several dispositional hearings. Even though Mother resided in the same home as Child

and Maternal Grandparents, she never participated in supervised visitation as she was not interested and wanted to be left alone. Mother's failure to visit with Child demonstrates a "lack of commitment to complete the actions necessary to preserve [the] parent-child relationship." *In re A.L.H.*, 774 N.E.2d 896, 900 (Ind. Ct. App. 2002). It was not until a month after DCS filed its petition to terminate that Mother signaled her desire to engage in services by filing a petition with the trial court requesting to reinstate services. In addition, she started to maintain contact with DCS, and secured employment and appropriate housing.

[27] Mother now contends that she has shown a desire to reunify with Child and claims that the conditions leading to Child's removal had been remedied by the time of the termination hearing. We agree with Mother that the conditions which led to Child's removal from her care have been largely remedied: Child attends school, has successfully completed therapy, and has developed healthy social relationships. However, it is no thanks to Mother that Child made these strides in his development; rather Maternal Grandparents' care and commitment secured Child's success despite Mother's indifference.

[28] Mother also challenges the services in which she was required to participate by the trial court in the underlying CHINS proceeding. She maintains that she was ordered to engage in services, such as substance abuse services, drug testing, and a clinical mental health assessment, without any evidence of an underlying condition necessitating the ordered services. Therefore, she claims

that a failure to comply with those services cannot be the basis to terminate her parental rights to Child.

[29] It is statutorily mandated that after a CHINS adjudication, the trial court must conduct a dispositional hearing to consider alternatives for the child’s “care, treatment, rehabilitation, or placement”; the necessity of a parent’s participation in various services; and the parent’s financial responsibility for said services. I.C. § 31-34-19-1(a). Following this CHINS determination and a dispositional hearing, the trial court then issues a dispositional order that details the plan of care, treatment, or rehabilitation required to address the needs of the child, which includes the entry of findings and conclusions. *See* I.C. §§ 31-34-19-1, 31-34-19-10. “Although the [trial] court has broad discretion in determining what programs and services in which a parent is required to participate, the requirements must relate to some behavior or circumstance that was revealed by the evidence.” *In re A.C.*, 905 N.E.2d 456, 464 (Ind. Ct. App. 2009). This court has recognized that forcing unnecessary requirements on parents whose children have been determined to be CHINS can set them up for failure and can result in failed reunification of the family and even the termination of parental rights. *Id.* at 464-65.

[30] On January 23, 2020, the trial court conducted a fact-finding hearing on DCS’ CHINS petition and adjudicated Child to be a CHINS. At the end of the dispositional hearing, the trial court required Mother to engage in the standard services, including, among others, submitting to drug screening, participating in substance abuse services, participating in clinical and parenting assessments,

ensuring that Child is properly enrolled in and attends school, enrolling Child in home-based counseling program, meeting Child’s medical and dental health needs, and participating in supervised visitation. Mother attended this dispositional hearing but did not object to any of the required services ordered by the trial court’s dispositional order. We also note that Mother could have petitioned the trial court—which she did not—to modify the dispositional order during any of the periodic case review hearings. *See* I.C. § 31-34-21-2.

[31] While we agree with Mother that there is no evidence in the record evidencing the need for substance abuse participation and drug screening, the trial court did not support its decision to terminate her parental rights based on Mother’s failure to engage in these services. *See In re A.C.*, 905 N.E.2d at 464. Rather, the trial court’s determination was guided overwhelmingly by the evidence of Mother’s mental health issues and not meeting Child’s medical needs. The trial court declared Child a CHINS, in part, due to him missing a significant number of school days from kindergarten through third grade. The trial court found that “Mother was impressing upon the [C]hild he had to stay home from school to take care of Mother. [] The Child was caused to worry about Mother’s mood and feel responsible to help Mother feel better.” (Appellant’s App. Vol. II, p. 15). Although Mother was required to participate in a clinical assessment and a psychological evaluation, Mother never completed these services. “Mother continues to deny she has any mental health issues or concerns. However, the evidence is clear that Mother is affected by an inability to form healthy relationships which in turn negatively impacts the Child. Mother’s own

controlling relationship with the Child was seriously and negatively impacting the Child.” (Appellant’s App. Vol. II, p.15). Even during the hearing on DCS’ petition for termination, Mother denied that she was the cause of Child’s anxiety, acknowledging only that she “tried to help him as much as possible with his anxiety.” (Tr. p. 142).

[32] “Requiring trial courts to give due regard to changed conditions does not preclude them from finding that parents’ past behavior is the best predictor of their future behavior.” *In re E.M.*, 4 N.E.3d 636, 643 (Ind. 2014). Furthermore, “[a] pattern of unwillingness to deal with parenting problems and to cooperate with those providing social services, in conjunction with unchanged conditions, support a finding that there exists no reasonable probability that the conditions will change.” *Lang*, 861 N.E.2d at 372. Mindful of these guidelines, we note that the evidence presented shows clearly and convincingly that a reasonable probability exists that the conditions that led to Child’s removal from Mother’s care will not be remedied. At no point during the proceedings did Mother exhibit a turnaround in her behavior by accepting her own mental health issues, commence participation in DCS’ services, or visit with Child. While we applaud Mother for now making a commitment to maintain employment and stable housing, in the totality of the evidence, this effort is too little and comes too late. “[T]he time for parents to rehabilitate themselves is during the CHINS process, prior to the filing of the petition for termination.” *K.T.K.*, 989 N.E.2d at 1230. To that end, the trial court is within its discretion to “disregard the efforts Mother made only shortly before termination and to weigh more heavily

Mother's history of conduct." *Id.* at 1234. "[C]hildren cannot wait indefinitely for their parents to work toward preservation or reunification." *In re E.M.*, 4 N.E.3d at 648. Accordingly, the trial court was entitled to weigh the evidence as it found appropriate in the context of this case, and we affirm the trial court's conclusion that a reasonable probability exists that the conditions that resulted in Child's removal will not be remedied despite the minor improvement Mother has shown since DCS filed its termination petition.<sup>3</sup> *See K.T.K.*, 989 N.E.2d at 1234. As such, we affirm the trial court's decision.

### C. *Best Interests of Child*

[33] Mother also challenges the trial court's conclusion that termination is in Child's best interests. To determine whether termination is in a child's best interests, the trial court must look to the totality of the evidence. *In re A.D.S.*, 987 N.E.2d 1150, 1158 (Ind. Ct. App. 2013), *trans. denied*. The court must subordinate the interests of the parents to those of the child and need not wait until a child is irreversibly harmed before terminating the parent-child relationship. *Id.* In this regard, "recommendations by both the case manager and the child advocate to terminate parental rights, in addition to evidence that the conditions resulting in removal will not be remedied, is sufficient to show by clear and convincing

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<sup>3</sup> Because Indiana Code section 31-35-2-4(b)(2)(B) is written in the disjunctive, we need not decide whether DCS also presented sufficient evidence to support whether there is a reasonable probability that the continuation of the parent-child relationship poses a threat to the well-being of Child.

evidence that termination is in the child's best interests." *A.D.S. v. Ind. Dep't of Child Servs.*, 987 N.E.2d 1150, 1158-59 (Ind. Ct. App. 2013), *trans. denied*.

[34] GAL opined that termination was in Child's best interests and described the negative psychological effect Mother had on Child. GAL explained that Child had flourished since Mother left Maternal Grandparents home, and Child had told GAL that he did not want to see Mother or have contact with her. GAL recommended adoption and continued placement of Child with Maternal Grandparents. FCM testified that Mother did not remedy the conditions that resulted in Child's removal and continued placement outside her care because Mother was not convinced she needed services, had mental health concerns, or failed to comply with services during the CHINS proceeding. FCM advised the trial court that a continuation of the parent-child relationship would pose a danger to Child's wellbeing now that "he is able to relay his emotions" and maintain social relationships. (Tr. p. 34). Child "definitely speaks his mind." (Tr. p. 34).

[35] The evidence reflects that Child is thriving at his placement. He is well-adjusted at school, he has developed physically and emotionally, and he has a relationship with other family members. After Mother was evicted from Maternal Grandparents' home, Child made large strides in his therapy and successfully completed his counselling.

[36] Mother failed to avail herself of the opportunities and services offered by DCS to reunite with Child and made no progress nor commitment during the

proceedings of the case. “[C]hildren cannot wait indefinitely for their parents to work toward preservation or reunification.” *In re E.M.*, 4 N.E.3d at 648. Even though “the ultimate purpose of the law is to protect the child, the parent-child relationship will give way when it is no longer in the child’s interest to maintain this relationship.” *In re B.D.J.*, 728 N.E.2d 195, 200 (Ind. Ct. App. 2000).

Mother’s historical inability to acknowledge her own mental health issues and Child’s educational and medical concerns, together with her lack of participation in services requested by DCS to address these issues, supports the trial court’s conclusion that termination of her parental rights is in the best interests of Child. Accordingly, we affirm the trial court’s decision.

## **CONCLUSION**

[37] Based on the foregoing, we hold that DCS presented sufficient evidence to support the termination of Mother’s parental rights to Child.

[38] Affirmed.

[39] May, J. and Tavitas, J. concur