

MEMORANDUM DECISION

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ATTORNEY FOR APPELLANT P.I.

Litany A. Pyle
Crawfordsville, Indiana

ATTORNEY FOR APPELLANT M.B.

Ethan D. Myers
Lebanon, Indiana

ATTORNEYS FOR APPELLEE

Theodore E. Rokita
Attorney General of Indiana

David E. Corey
Supervising Deputy Attorney
General
Indianapolis, Indiana

IN THE COURT OF APPEALS OF INDIANA

In re the Termination of the
Parent-Child Relationship of
Z.B. (Minor Child)

and

P.I. (Father) and M.B. (Mother),
Appellant-Respondents,

v.

Indiana Department of Child
Services,
Appellee-Petitioner.

December 20, 2021

Court of Appeals Case No.
21A-JT-1398

Appeal from the Fountain Circuit
Court

The Honorable Stephanie S.
Campbell, Judge

Trial Court Cause No.
23C01-2010-JT-74

Mathias, Judge.

- [1] The Fountain Circuit Court entered orders terminating M.B.’s (“Mother”) and P.I.’s (“Father”) parental rights to Z.B. Mother claims that the trial court’s termination order is not supported by clear and convincing evidence. Father argues that the trial court erred when it denied his request to revoke his consent to the voluntary termination of his parental rights.
- [2] Concluding that neither parent has established reversible error, we affirm the trial court’s orders terminating Mother’s and Father’s parental rights to Z.B.

Facts and Procedural History

- [3] Z.B. was born on October 29, 2018.¹ When Z.B. was four months old, he and Mother lived in a domestic violence shelter. Mother eventually identified P.I. as Z.B.’s father.

Facts Pertinent to Mother

- [4] On March 8, 2019, the Department of Child Services (“DCS”) received a report that Mother’s mental health was declining, that she was not changing Z.B.’s diapers or bathing him, and that Z.B. had a rash on his neck. A family case manager investigated the report and interviewed Mother, who admitted that her mental health was not stable. She discussed her medications and recent post-

¹ Mother has four older children. Her parental rights to the three oldest children were terminated in 2013. The fourth child’s biological father was awarded custody in 2017. Mother’s parenting time with her fourth child was suspended until Mother addressed her unstable mental health. In those custody proceedings, the trial court found that unrestricted parenting time would endanger the child’s health and well-being or significantly impair the child’s emotional development.

traumatic stress disorder diagnosis with the case manager. Mother and the case manager agreed to a safety plan to prevent further DCS involvement.

[5] One week later, DCS investigated a second report that Mother's mental health was unstable, and that Mother made sexual statements about Z.B. Mother admitted that she was experiencing auditory hallucinations and that she was unable to care for Z.B. On March 25, DCS received a third report that Mother made sexual statements about her older child, who is no longer in her care, and that she had thoughts about physically harming Z.B. Thereafter, DCS removed Z.B. from Mother's care citing concerns about Mother's unstable mental health and her inability to provide a safe environment for Z.B.

[6] On April 15, 2019, DCS filed a petition alleging that Z.B. was a Child in Need of Services ("CHINS"). At the June 4 fact-finding hearing, Mother admitted that Z.B. was a CHINS. DCS provided the following services to Mother: individual therapy, home-based case management, supervised visitation, and a psycho-sexual assessment.

[7] Mother participated in therapy through December 2019. Her participation was inconsistent and she made minimal progress in achieving her therapeutic goals. Mother also failed to take her mental health medication as prescribed. Mother's therapist discharged her in December 2019 because she was unable to address Mother's significant mental health needs.

[8] Mother completed a psychosexual assessment in November 2019 with a licensed mental health counselor. During the assessment, Mother disclosed that

she made one of her children, not Z.B., lick peanut butter off her vagina. She also stated that she touched herself in a sexual manner while breastfeeding that child, who was two years old at the time. She described feeling sexually aroused when Z.B. sticks out his tongue and when she wipes his buttocks. The counselor concluded that Mother needed long-term specialized sex offender treatment to address her sexual maladaptive behaviors in addition to ongoing mental health therapy. The counselor observed that long term sex offender treatment could take two to three years to complete. Mother did not participate in sex offender treatment as recommended.

[9] In May 2020, Mother began counseling with a behavioral health clinician at Integrative Wellness. The clinician observed that Mother exhibited symptoms of chronic trauma, major depressive disorder, and anxiety. The clinician developed a plan to assist Mother with emotional regulation before addressing Mother's sexually maladaptive behavior. Mother consistently attended sessions at Integrative Wellness until November 2020. Mother failed to attend sessions in November 2020 and missed more than half of her scheduled sessions after that month. On more than one occasion, Mother failed to tell her clinician that she would not be able to attend the sessions. The clinician believes that Mother requires extensive mental health treatment before she will make any significant progress addressing her general mental health and her sexually maladaptive behavior.

[10] In addition to failing to address her mental health, Mother did not consistently meet with her DCS service providers, and, in more than one instance, her

behavior was erratic and threatening. Mother's family case manager had to continuously identify new service providers for Mother because of Mother's threatening and erratic behavior.

[11] During a supervised visit in September 2019, Mother screamed vulgarities at the visit supervisor and attempted to kick the supervisor out of her home. The supervisor feared for her and Z.B.'s safety and ended the visit early. Likewise, in February 2020, Mother's supervised visit facilitator discharged Mother because of Mother's behavior and lack of cooperation. The visit supervisor had safety concerns for herself and Z.B., and, therefore, she could not recommend unsupervised visits between Mother and Z.B.

[12] During supervised visitations, Mother gave Z.B. age-inappropriate foods such as tea and coffee. Mother's home was not properly baby-proofed. Mother engaged in inappropriate conversation with the visitation supervisor, and the supervisor had to instruct Mother not to speak about topics such as incest and past relationships in Z.B.'s presence.

[13] Mother's family case manager was never able to recommend unsupervised contact between Mother and Z.B. due to ongoing safety concerns for the child. The case manager observed that Mother was able to demonstrate brief improvement concerning her mental health but could not show sustained improvement. Other, minor barriers to reunification between Mother and Z.B. included Mother's lack of income sufficient to support herself and Z.B., her failure to earn a GED, and her lack of independent transportation. Mother

maintained a stable home and stable part-time employment during these proceedings.

[14] DCS filed a petition to terminate Mother's parental rights on October 8, 2020, and the trial court held a fact-finding hearing on February 8, 2021. The trial court made the following observations concerning Mother's behavior during the hearing:

Mother's behavior during the termination hearing was erratic and confrontational, further illustrating that despite eighteen (18) months of services provided by DCS and almost nine (9) months of services she pursued independently, Mother has not shown improvement or stability in her mental health or behavior. Mother repeatedly asked for recesses so she could leave the courtroom. Mother was confrontational during her testimony. Mother frequently directed her answers to FCM Snedeker in an accusatory tone rather than directly answering questions from her own counsel and from DCS counsel. Mother constantly went blank after a question was asked and requested the question be repeated. Mother addressed the Court on multiple occasions in response to questions from her own counsel and from DCS counsel.

Mother's App. Vol. 2 p. 24.

[15] On the date of the hearing, Z.B. had been removed from Mother's care for almost two years. The family case manager and court appointed special advocate testified that termination of Mother's parental rights was in Z.B.'s best interests. Tr. Vol. 3 pp. 156, 175. The trial court concluded that DCS presented clear and convincing evidence to support the termination of Mother's parental rights and summarized that evidence as follows: "Although there may be some

link between Mother's mental deficits and her failures to participate in offered services, Mother's mental deficits do not excuse those failures or allow her to keep her children regardless of the danger to their health and well-being."

Mother's App. Vol. 2 p. 26.

Facts Pertinent to Father

- [16] Father was never significantly involved in caring for Z.B. Father's criminal history includes felony convictions for child molesting and attempted child molesting in March 2005 and forgery in September 2002. Father was ordered to register as a sex offender for life. During these proceedings, Father was incarcerated for failing to register as a sex offender. His earliest possible release date was May 2021. Father also tested positive for methamphetamine during the underlying CHINS proceedings.
- [17] After he was identified as Z.B.'s father, the trial court held Father's initial hearing in the CHINS proceedings on June 4, 2019. Father appeared telephonically because he was incarcerated in an Arkansas facility for failing to register as a sex offender in that state. Father admitted that Z.B. was a CHINS on July 9. Father did not meaningfully participate in any services.
- [18] On October 8, 2020, DCS filed a petition to terminate Father's parental rights to Z.B. During the February 8, 2021, fact-finding hearing, Father appeared in person and agreed to voluntarily terminate his parental rights to Z.B. The trial court questioned Father about his decision to ensure that it was voluntary and that Father had consulted with counsel. Father also executed a written

voluntary relinquishment of his parental rights. Father's App. pp. 207–08. In its April 9 order terminating Mother's parental rights, the trial court noted that Father had voluntarily terminated his parental rights to Z.B.

[19] On May 14, Father filed a petition to revoke his voluntary relinquishment of his parental rights. The trial court held a hearing on the petition on June 8, and, shortly thereafter, the court denied Father's petition. The court found that, during the fact-finding hearing, Father told his counsel that he wanted to voluntarily consent to termination of his parental rights.

The presentation of evidence recessed, [Father] executed the consent and the hearing as to voluntariness of the consent was immediately held thereafter. [Father] had the opportunity to consult with his attorney at all times during the proceedings. He was questioned by the Court regarding competency, coercion or duress and testified under oath.

The ultimate fact to determine is whether [Father] was deprived of the free exercise of his own will when giving his consent. . . . There is no evidence that [Father] was not freely exercising his own will when consenting.

Father's App. Vol. 2 pp. 211–12

The Appellate Proceedings

[20] Mother filed her notice of appeal on July 13, 2021. Father also filed his notice of appeal for the order denying his petition to revoke his voluntary relinquishment of his parental rights. DCS filed a motion to consolidate Mother's and Father's appeals, and our court granted the motion on August 17.

Standard of Review

- [21] Indiana appellate courts have long adhered to a highly deferential standard of review in cases involving the termination of parental rights. *In re S.K.*, 124 N.E.3d 1225, 1230–31 (Ind. Ct. App. 2019). In analyzing the trial court’s decision, we neither reweigh the evidence nor assess witness credibility. *Id.* We consider only the evidence and reasonable inferences favorable to the court’s judgment. *Id.* In deference to the trial court’s unique position to assess the evidence, we will set aside a judgment terminating a parent-child relationship only if it is clearly erroneous. *Id.*
- [22] To determine whether a termination decision is clearly erroneous, we apply a two-tiered standard of review to the trial court’s findings of facts and conclusions of law. *Bester v. Lake Cnty. Off. of Fam. & Child.*, 839 N.E.2d 143, 147 (Ind. 2005). First, we determine whether the evidence supports the findings; and second, we determine whether the findings support the judgment. *Id.* “Findings are clearly erroneous only when the record contains no facts to support them either directly or by inference.” *In re A.D.S.*, 987 N.E.2d 1150, 1156 (Ind. Ct. App. 2013), *trans. denied*. If the evidence and inferences support the court’s termination decision, we must affirm. *In re L.S.*, 717 N.E.2d 204, 208 (Ind. Ct. App. 1999), *trans. denied*.

Mother’s Appeal

- [23] It is well-settled that the parent-child relationship is one of society’s most cherished relationships. *See, e.g., In re A.G.*, 45 N.E.3d 471, 475 (Ind. Ct. App.

2015), *trans. denied*. Indiana law thus sets a high bar to sever that relationship by requiring DCS to prove four elements by clear and convincing evidence. [Ind. Code § 31-35-2-4\(b\)\(2\) \(2021\)](#). Two of those elements are at issue here: (1) whether there is a reasonable probability that the conditions that resulted in the children’s removal or the reasons for placement outside the home will not be remedied; and (2) whether termination is in the children’s best interests. [I.C. § 31-35-2-4\(b\)\(2\)\(B\)\(i\), \(C\)](#).

[24] Clear and convincing evidence need not establish that the continued custody of the parent is wholly inadequate for the child’s very survival. [Bester v. Lake Cnty. Off. of Fam. & Child.](#), 839 N.E.2d 143, 148 (Ind. 2005). It is instead sufficient to show that the child’s emotional and physical development are put at risk by the parent’s custody. *Id.* If the court finds the allegations in a petition are true, the court shall terminate the parent-child relationship. [I.C. § 31-35-2-8\(a\)](#).

[25] Mother argues that DCS failed to present clear and convincing evidence that there is a reasonable probability that the conditions that resulted in Z.B.’s removal or reasons for placement outside of Mother’s home will not be remedied² and that termination of her parental rights is in Z.B.’s best interests.

² Because [Indiana Code section 31-35-2-4\(b\)\(2\)\(B\)](#) is written in the disjunctive, we do not address Mother’s argument that DCS failed to present clear and convincing evidence that continuation of the parent-child relationship poses a threat to Z.B.’s well-being.

I. Clear and convincing evidence supports the trial court’s finding that the conditions that resulted in Z.B.’s removal or reasons for placement outside Mother’s home will not be remedied.

[26] When we review whether there is a reasonable probability that the conditions that resulted in the children’s removal or reasons for placement outside the parent’s home will not be remedied, our courts engage in a two-step analysis. See *In re K.T.K.*, 989 N.E.2d 1225, 1231 (Ind. 2013). First, “we must ascertain what conditions led to their placement and retention in foster care.” *Id.* Second, we “determine whether there is a reasonable probability that those conditions will not be remedied.” *Id.* (quoting *In re I.A.*, 934 N.E.2d 1127, 1134 (Ind. 2010)). In making the latter determination, we “evaluate the parent’s habitual patterns of conduct to determine the probability of future neglect or deprivation of the child[ren].” *In re J.T.*, 742 N.E.2d 509, 512 (Ind. Ct. App. 2001), *trans. denied.*

[27] Much of Mother’s argument is simply a request to reweigh the evidence and the credibility of the witnesses, which our court will not do. See *In re S.K.*, 124 N.E.3d at 1230–31. Further, after considering the evidence presented, the trial court made certain reasonable inferences, which Mother also challenges in this appeal.

[28] For example, Mother challenges the trial court’s finding that she failed to improve her mental health. But this finding is supported by the evidence. There was evidence that Mother made some progress towards improving her mental health, but there was also evidence that she was unable to sustain any

significant progress that would enable her to care for Z.B. without threatening his safety. This was the focus of the trial court's inquiry, and it was reasonable for the court to conclude that Mother failed to improve her mental health.

[29] Mother similarly challenges the finding that she failed to consistently meet with her home-based counselor. The home-based counselor testified that Mother canceled appointments and was not always ready to meet at the scheduled time. Tr. Vol. 2 p. 132. But Mother relies on the counselor's testimony that Mother participated in more than half of the appointments. *Id.* When the testimony was considered in the context in which it was given, it was reasonable for the court to infer that Mother missed more than a few appointments and, therefore, that Mother did not consistently meet with her home-based counselor.³

[30] Mother also claims that the trial court's finding that she needs long-term specialized sex offender treatment was not established by clear and convincing evidence because the psychosexual assessment was completed in December 2019, and, therefore, it is now "stale." Mother's Br. at 21. The counselor recommended long term specialized sex offender treatment after completing the assessment. Mother never participated in the treatment. It was not unreasonable

³ Mother makes this same argument as to the trial court's finding that she inconsistently participated in therapy. Mother gave several excuses for missed therapy appointments. Whether Mother had a credible excuse for missing an appointment has only marginal impact on the trial court's finding that her participation in therapy was inconsistent. Mother's mental health was the major barrier toward her reunification with Z.B. and missing six consecutive therapy appointments demonstrates Mother's lack of commitment toward improving her mental health.

for the trial court to find that Mother still needs to participate in the recommended treatment.⁴

[31] Relying on the arguments considered above, Mother claims that the trial court lacked clear and convincing evidence to conclude that there is a reasonable probability the conditions that resulted in Z.B.'s removal from Mother's home will not be remedied. But Mother has numerous mental health needs that resulted in Z.B.'s removal from her home. Mother did not make any significant progress in addressing her mental health during the nearly two-year period that Z.B. was removed from her home prior to the fact-finding hearing. And contrary to her claim in her brief, the COVID-19 pandemic did not contribute to Mother's lack of progress.

[32] To her credit, Mother, on her own initiative, resumed therapy sessions in May 2020. But her participation in therapy was minimal after October 2020 and her therapist could not conclude that Mother had made significant progress. Tr. Vol. 2 p. 90. Mother's therapist testified that Mother needed to work on cognitive behavioral therapy treatments and focus on her mental health before "going deeply into the sexual maladaptive behavior treatment[.]" *Id.* Mother's

⁴ Mother also challenges the evidence to support the trial court's finding that Mother is sexually aroused when Z.B. sticks his tongue out and when she cleans in buttocks. But this finding is supported by the psychosexual assessment containing Mother's disclosures during the assessment, which was admitted as an exhibit at trial. Ex. Vol. 4, p. 2. Mother's reliance on her own testimony denying those disclosures is simply a request to reweigh the evidence, which we will not do. Furthermore, we observe that the counselor testified that his "clinical impressions were that [Mother] had sexually abused one of her sons." Tr. Vol. 2 p. 73.

therapist also testified that the treatment plan for sexually maladaptive behavior could last from one to three years. *Id.* at 91.

[33] Because Mother did not sufficiently address her mental health issues and sexually maladaptive behavior in the nearly two years Z.B. was removed from her home, we conclude that DCS presented clear and convincing evidence that there is a reasonable probability the conditions that resulted in Z.B.'s removal from Mother's home will not be remedied.

II. Clear and convincing evidence supports the trial court's finding that termination of parental rights is in Z.B.'s best interests.

[34] A court's consideration of whether termination of parental rights is in a child's best interests is "[p]erhaps the most difficult determination" a trial court must make in a termination proceeding. *In re E.M.*, 4 N.E.3d 636, 647 (Ind. 2014). When making this decision, the court must look beyond the factors identified by DCS and examine the totality of the evidence. *A.D.S.*, 987 N.E.2d at 1158. In doing so, the court must subordinate the interests of the parent to those of the child. *Id.* at 1155. Central among these interests is a child's need for permanency. *In re G.Y.*, 904 N.E.2d 1257, 1265 (Ind. 2009). Indeed, "children cannot wait indefinitely for their parents to work toward preservation or reunification." *E.M.*, 4 N.E.3d at 648. Further, the recommendation from service providers and the children's guardian ad litem to terminate parental rights accompanied by evidence that the conditions resulting in removal will not be remedied can be sufficient to establish that termination is in the

children's best interests. *In re A.S.*, 17 N.E.3d 994, 1005 (Ind. Ct. App. 2014), *trans. denied*.

[35] In support of her argument that termination of her parental rights is not in Z.B.'s best interests, Mother claims only that there is no evidence that "Z.B. would be affected if termination were delayed to give Mother an opportunity to complete her treatment." Mother's Br. at 24. Mother ignores the fact that she made minimal progress in treating her mental health in the nearly two years that Z.B. has been placed in foster care. Mother's history of failing to address her mental health issues has resulted in termination of her parental rights to three children and a loss of parenting time with a fourth child. And Mother was unable to progress from supervised to unsupervised visitation in this case due to concerns for Z.B.'s safety.

[36] Our courts will not ask Z.B. to wait indefinitely for Mother to address her mental health needs and sexually maladaptive behavior. Finally, we note that the trial court's finding that termination of Mother's parental rights was in Z.B.'s best interests is supported by testimony from the family case manager and CASA.

[37] For all of these reasons, we conclude that the trial court's finding that termination of Mother's parental rights is in Z.B.'s best interests is supported by clear and convincing evidence.

III. Conclusion

[38] We conclude that the trial court's challenged findings are supported by clear and convincing evidence, and, therefore, we affirm the trial court's order terminating Mother's parental rights to Z.B.

Father's Appeal

[39] We now turn to Father's argument that the trial court erred when it denied his petition to revoke his voluntary relinquishment of his parental rights to Z.B. The voluntary termination of a parent-child relationship is controlled by statute. *Neal v. DeKalb Cnty. Div. of Fam. & Child.*, 796 N.E.2d 280, 282 (Ind. 2003). In order for a trial court to accept a parent's voluntary consent to the termination of parental rights, [Indiana Code section 31-35-1-6](#) provides in relevant part that:

(a) [T]he parents must give their consent in open court unless the court makes findings of fact upon the record that:

(1) the parents gave their consent in writing before a person authorized by law to take acknowledgments; and

(2) the parents were:

(A) advised in accordance with section 12 of this chapter; and

(B) advised that if they choose to appear in open court, the only issue before the court is whether their consent was voluntary.

(b) If:

(1) the court finds the conditions under subsection (a)(1) and (a)(2) have been met; and

(2) a parent appears in open court;

a court may consider only the issue of whether the parent's consent was voluntary.

Thus, under this statute, when a parent executes a written consent for the voluntary termination of his parental rights and appears in open court to acknowledge his consent to the termination, that consent will be deemed valid. *Youngblood v. Jefferson Co. Div. of Fam. & Child.*, 838 N.E.2d 1164, 1169 (Ind. Ct. App. 2005), *trans. denied*.

[40] A parent's ability to withdraw consent to the termination of his or her parental rights is "extremely limited." *Youngblood*, 838 N.E.2d at 1169. And the parent bears the burden of proving that his consent was not voluntary. *Id.* at 1168. Indiana Code section 31-35-1-12 provides, in pertinent part, that for purposes of section 31-35-1-6 quoted above, a parent must be advised that his "consent is permanent and cannot be revoked or set aside unless it was obtained by fraud or duress or unless the parent is incompetent" and that he "will receive notice of the hearing . . . at which the court will decide if [his] consent was voluntary, and the parent[] may appear at the hearing and allege that the consent was not voluntary." Ind. Code § 31-35-1-12(1) & (8); *see also In re M.R.*, 728 N.E.2d 204, 209 (Ind. Ct. App. 2000) (explaining that a parent who executes a voluntary relinquishment of parental rights is "bound by the consequences of such action, unless the relinquishment was procured by fraud, undue influence, duress, or other consent-vitiating factors"), *trans. denied*.

[41] Father argues that his consent was not voluntary because he was suffering from grief caused by the recent death of his father and his emotions overcame his volition. “[E]motion, tensions, and pressure are . . . insufficient to void a consent unless they rise to the level of overcoming one’s volition.” *Bell v. A.R.H.*, 654 N.E.2d 29, 32–33 (Ind. Ct. App. 1995) (quoting *In the Matter of Adoption of Hewitt*, 396 N.E.2d 938, 942 (Ind. Ct. App. 1979)).⁵

[42] Two days before the termination fact-finding hearing, Father received notice that his father had died. Father claims he enjoyed a close relationship with his father and was upset that he would not be allowed to see his father’s body before cremation due to Father’s incarceration. Father claims that he was “confused” and unable to comprehend the legal proceedings because of his grief. Father’s Br. at 9.

[43] Approximately two hours after the termination fact-finding hearing commenced, Father told his counsel that he wanted to voluntarily relinquish his parental rights. Tr. Vol. 3 p. 9. Father testified that he did so because his father “just passed away and [he] was kind of trying to get out of [the hearing] and get [his] head together.” *Id.* at 10. Father also stated he did not feel that he should have been at the hearing because he

⁵ *Bell* involved a parent’s consent to adopt a child, but the standard for determining the voluntariness of the parent’s consent is nearly identical to the standard applied when a parent argues that his consent to terminate his parental rights was not voluntary. See *id.* at 32 (stating that a “parent’s consent to an adoption is voluntary if it is an act of the parent’s own volition, free from duress, fraud, or any other consent-vitiating factor, and if it is made with knowledge of the essential facts”).

still hadn't even processed the death of [his] father. . . . [He didn't] think that this setting was cohesive to [his] mental state at that time because [he] hadn't even had time to think of [his] father's death. If anything [he] thought it should have been a continuance.

Id. Father stated that he voluntarily terminated his parental rights because he wanted to return to the jail and “be with [his] own thoughts on that day.” *Id.* at 13.

[44] Father also admitted that he asked to terminate his rights voluntarily because he believed that it was “inevitable” that his rights would be terminated. *Id.* at 10, 15. Despite understanding the consequences of his relinquishing his parental rights, Father claimed that he made a hasty decision and did not think it all the way through. *Id.* at 20.

[45] Father testified that he read and signed the form terminating his rights, which explained the consequences of voluntarily terminating his rights. *Id.* at 11. He stated he understood most of the form, but not the legal terms. *Id.* Father discussed the consequences of voluntarily terminating his rights with his counsel and the trial court explained Father's rights and the consequences of voluntarily terminating his parental rights. Tr. Vol. 2 pp. 105–09. Father indicated that he understood those rights and consequences. *Id.* And Father stated that he was satisfied with his counsel's representation. *Id.* at 108. Father agreed that no one pressured him or attempted to influence him to relinquish his parental rights to Z.B. Tr. Vol. 3 pp. 14-15.

[46] Under these facts and circumstances, Father has not established that his relinquishment of his parental rights was not voluntary. We do not question Father's claim that he was grieving his father's death, but Father did not establish that his grief overcame his volition sufficient to void his consent.

[47] For all of these reasons, we affirm the trial court's order denying Father's petition to revoke his voluntary relinquishment of his parental rights.⁶

Conclusion

[48] Mother and Father have not established that the trial court erred in issuing the orders challenged in this appeal.

[49] Affirmed.

Bailey, J., and Altice, J., concur.

⁶ Father also claims that DCS was not honest with him concerning the care Z.B. was receiving from his foster family. But his argument is based on evidence the trial court did not find to be credible. Mother provided pictures to both the trial court and Father showing mosquito bites and small bruises on Z.B.'s person. At the fact-finding hearing, the trial court weighed Mother's claims against the DCS case manager's and CASA's testimony concerning their investigation of the bug bites and bruises. The trial court found the case manager's and CASA's testimony more credible and concluded that the photographs did not depict abuse or lack of care, but typical summer bug bites and injuries resulting from the two-year old child's rambunctious nature. The trial court found that Z.B. was well cared for in his foster home. Mother's App. p. 10.