MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

In re the Involuntary Termination of the Parent-Child Relationship of C.O. and Hu.O. (Minor Children) and

D.O. (Father) and H.O. (Mother),

Appellants-Respondents,

v.

Indiana Department of Child Services,

Appellee-Petitioner

June 14, 2023

Court of Appeals Case No. 22A-JT-2748

Appeal from the Adams Circuit Court

The Honorable Chad E. Kukelhan, Judge

Trial Court Cause Nos. 01C01-2205-JT-6, -7

Memorandum Decision by Judge Crone
Judges Robb and Kenworthy concur.

Crone, Judge.

Case Summary

[1] D.O. (Father) and H.O. (Mother) (the Parents) separately appeal the trial court's order involuntarily terminating their parental rights to their minor children C.O. and Hu.O. (the Children). Finding no error, we affirm.

Facts and Procedural History

[2] The evidence in support of the judgment and the undisputed findings of fact follow. Father and Mother are the parents of C.O., born in August 2016, and Hu.O., born in June 2019. The Department of Child Services (DCS) first became involved with the family in late 2020 "due to concerns for domestic violence and illegal substance abuse." Ex. Vol. 2 at 182. Regarding domestic violence, there was "some kind of physical altercation between" Mother and Father "in which [Mother] had bruises[,] and the [C]hildren were present during the incident."[1] Tr. Vol. 1 at 139-40, 175. The incident led to DCS filing

[1] In his statement of case, Father inappropriately asserts that DCS "found no evidence of domestic violence." Father's Br. at 6. His inclusion of argument in this section of his brief is contrary to Indiana Appellate Rule 46(A)(5), which requires that the statement of case "briefly describe the nature of the case, the course of proceedings relevant to the issues presented for review, and the disposition of these issues by the trial court." Furthermore, in support of his assertion, Father inappropriately cites his proposed findings and conclusions, which are not evidence. Also, Father's statement of facts is argumentative and is not set forth in accordance with our standard of review in contravention of Indiana Appellate Rule 46(A)(6).

an informal adjustment.[2] Appealed Order at 3. Also, as a result of this incident, Mother's ex-husband gained custody of her two older children, who are not subjects of this appeal.

[3] Kylee Simmons was assigned as family case manager (FCM). DCS provided the Parents with family preservation services by "attempt[ing] to engage [them] in individual therapy with an emphasis on domestic violence, and skills coaching." *Id*. Father did not engage in services "at all." *Id*. Mother "demonstrated some interest in participating in services," but she cancelled about half of her appointments. *Id*. at 3-4. As a result, Mother did not complete services.

[4] Pursuant to the terms of the informal adjustment, Mother and Father were "supposed to submit to drug screens … because of Father's reported history of substance abuse, which is supported by his criminal history." *Id*. at 4. On March 16, 2021, the Parents both tested positive for fentanyl, and thereafter they refused to take additional drug screens. DCS closed the informal adjustment as unsuccessful.

[5] On May 7, 2021, DCS filed a petition alleging that the Children were children in need of services (CHINS). On May 18, the trial court held the initial hearing and ordered the Parents to submit to drug screens. Mother tested positive for fentanyl, and Father tested positive for fentanyl, norfentanyl,

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[2] Father maintains that he did not sign the informal adjustment.

methamphetamine, amphetamine, benzodiazepine, THC, and tramadol. On May 21, the trial court issued an emergency custody order, finding that "[c]ontinuation of residence in the home of the [Parents] would be contrary to the health and welfare of the [C]hildren because: of the concern for drug use and past domestic violence. The [C]hildren require care that is inhibited by illegal drug use." Ex. Vol. 1 at 64. DCS placed the Children with their paternal aunt, S.O., at Father's request. Since that time, the Children have remained in S.O.'s care. The Children "were never returned to the care of their [P]arents after their detention because the [P]arents consistently tested positive for such illegal drugs as fentanyl, methamphetamine, and other illegal substances and non-prescribed medications." Appealed Order at 5.

[6] On June 29, 2021, Father and Mother, by counsel, filed a signed stipulation for a CHINS adjudication. The Parents stipulated as follows: (1) "the family ha[d] been involved in an Informal Adjustment since October 2020 due to concerns for domestic violence and illegal substance abuse"; (2) they tested positive for fentanyl on March 16, 2021, and refused to submit to further drug screens;[3] (3) Mother tested positive for fentanyl on May 18 and May 21, 2021; (4) Father tested positive for fentanyl on May 21 and for fentanyl and methamphetamine on May 24, 2021; (5) Father minimally participated in services and had not engaged in individual therapy; (6) Father had not signed releases with the

[3] Mother and Father refused to submit to further drug screens until May 18, 2021, when the trial court ordered them to submit to drug screens.

Center for Behavioral Health to confirm services and drug screens; (7) the Children needed a safe home, free from illegal substance use and domestic violence; (8) the intervention of the court was necessary to ensure the safety and well-being of the Children; and (9) services were necessary to help the Children and the family. Ex. Vol. 2 at 182. The trial court accepted the stipulation and adjudicated the Children as CHINS.

[7] Also that day, the trial court held a disposition hearing, and as part of the Parents' treatment program, they were ordered to (1) attend all service and program appointments, (2) complete substance abuse assessments and follow all recommendations, (3) sign all releases to allow the FCM to monitor their compliance, (4) refrain from using illegal substances and only use prescribed medication as directed, (5) submit to random drug screens, (6) notify the FCM of any arrest or criminal charges within five days of the charge, and (7) attend all scheduled visits and comply with visitation rules.

[8] During the CHINS case, "Father never engaged in services at all." Appealed Order at 8. "Mother … made attempts at participating in services but she [was] inconsistent in attending and [did] not successfully complete[] any services." *Id*. Mother and Father claimed that they independently engaged in substance abuse services, such as individual therapy, methadone dosing, and drug screens, through the Center for Behavioral Health, but neither ever signed a release for FCM Simmons to obtain confirmation of the services. *Id*. FCM Simmons attempted to obtain confirmation from the center ten to twenty times during the CHINS case without success.

[9] Mother and Father "consistently tested positive for fentanyl, methamphetamine, and other illegal or non-prescribed drugs." *Id*. Between June 17, 2021, and June 14, 2022, Mother tested positive for fentanyl thirty-six times on drug screens provided directly through DCS. Mother had only two negative drug screens during the CHINS case. Between June 17, 2021, and May 16, 2022, Father tested positive for fentanyl nineteen times and for methamphetamine thirteen times. Father had no negative drug screens. The Parents were also required to submit to random drug screens, but they regularly failed to use the call-in system to find out when their drug screens were to be conducted and missed most of their random drug screens. Father missed eighty of eighty-two random drug screens, and Mother missed eighty of ninety-eight random drug screens. Beginning in June 2022, Mother and Father refused to use the call-in line for their random drug screens.

[10] In January 2022, Father was charged with level 6 felony operating a vehicle with a schedule I or II controlled substance that he allegedly committed on September 24, 2021, and a warrant was issued for his arrest. Father never notified FCM Simmons of the charge. The charges were still pending at the time of the termination hearing.

[11] From May 2021 to June 2022, the Parents engaged in biweekly two-hour visitations with the Children, supervised by S.O. in her home. In June 2022, DCS arranged for a third-party supervisor to start supervising visits, and the

Parents refused to attend visits with the third party supervisor.[4] The Parents regularly spoke to the Children by phone. In August 2021, the Children's grandmother allowed the Parents to have an unauthorized visit with the Children at the grandmother's home. The Parents texted FCM Simmons and informed her that they were not going to return the Children to S.O.'s home. FCM Simmons contacted law enforcement, and the Children were located about an hour later and returned to S.O.'s home.

[12] On May 9, 2022, DCS filed a petition to terminate the Parents' parental rights to the Children. On September 26, the trial court held the termination factfinding hearing. Father and Mother appeared telephonically and each of their attorneys appeared in person.

[13] On October 27, 2022, the trial court issued its order terminating the Parents' rights to the Children. This appeal ensured.

Discussion and Decision

[14] We recognize that "a parent's interest in the care, custody, and control of his or her children is 'perhaps the oldest of the fundamental liberty interests.'" *In re R.S.*, 56 N.E.3d 625, 628 (Ind. 2016) (quoting *Bester v. Lake Cnty. Off. of Fam. & Child.*, 839 N.E.2d 143, 147 (Ind. 2005)). "[A]lthough parental rights are of a

[4] The trial court found that the reason for the appointment of a third-party supervisor was due to the Parents' ongoing positive screens for fentanyl and S.O.'s concern over contact exposure with fentanyl for her own child in the home. Appealed Order at 9-10. Father asserts that this finding is clearly erroneous.

constitutional dimension, the law provides for the termination of these rights when the parents are unable or unwilling to meet their parental responsibilities." *In re A.P.*, 882 N.E.2d 799, 805 (Ind. Ct. App. 2008). Involuntary termination of parental rights is the most extreme sanction a court can impose, and therefore "termination is intended as a last resort, available only when all other reasonable efforts have failed." *Id*.

[15] "We have long had a highly deferential standard of review in cases involving the termination of parental rights." *In re C.A.*, 15 N.E.3d 85, 92 (Ind. Ct. App. 2014).

> In considering whether the termination of parental rights is appropriate, we do not reweigh the evidence or judge witness credibility. We consider only the evidence and any reasonable inferences therefrom that support the judgment, and give due regard to the trial court's opportunity to judge the credibility of the witnesses firsthand. Where a trial court has entered findings of fact and conclusions of law, we will not set aside the trial court's findings or judgment unless clearly erroneous. [Ind. Trial Rule 52(A)]. In evaluating whether the trial court's decision to terminate parental rights is clearly erroneous, we review the trial court's judgment to determine whether the evidence clearly and convincingly supports the findings and the findings clearly and convincingly support the judgment.

In re K.T.K., 989 N.E.2d 1225, 1229-30 (Ind. 2013) (citations and quotation marks omitted). In addition, we note that unchallenged findings of fact are accepted as true by this Court. *In re S.S.*, 120 N.E.3d 605, 608 n.2 (Ind. Ct. App. 2019). As such, if the unchallenged findings clearly and convincingly support the judgment, we will affirm. *Kitchell v. Franklin*, 26 N.E.3d 1050, 1059

(Ind. Ct. App. 2015), *trans. denied*; *T.B. v. Ind. Dep't of Child Servs.*, 971 N.E.2d 104, 110 (Ind. Ct. App. 2012), *trans. denied*.

[16] A petition to terminate a parent-child relationship must allege, among other things:

> (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 child in need of services;
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> (C) that termination is in the best interests of the child; and
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> (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 element by "clear and convincing evidence." *R.S.*, 56 N.E.3d at 629; Ind. Code § 31-37-14-2. If the trial court finds that the allegations in the petition are true, the court shall terminate the parent-child relationship. Ind. Code § 31-35-2-8(a).

Section 1 – Father's due process rights were not violated during the underlying CHINS proceeding.

[17] Father asserts that his due process rights guaranteed by the Fourteenth Amendment to the United States Constitution were violated during the underlying CHINS proceedings, which requires reversal of the termination of his parental rights. As an initial matter, we note that Father did not raise any due process challenges in the CHINS proceeding or in the termination proceeding. "[A] parent may waive a due-process claim in a CHINS or termination proceeding by raising that claim for the first time on appeal." *In re S.L.*, 997 N.E.2d 1114, 1120 (Ind. Ct. App. 2013). Because Father did not present his claim that his due process rights were violated in the CHINS proceeding to the court in the termination proceeding, Father has waived this issue for appellate review. *See In re N.G.*, 51 N.E.3d 1167, 1173 (Ind. 2016) (concluding that where mother did not object or join with father's oral motion in trial court, mother procedurally defaulted her claim that trial court violated her due process rights by failing to dismiss termination petition when evidence was presented that DCS knew or should have known that therapy sessions were videotaped but failed to provide videotapes after subpoena was issued for them); *McBride v. Monroe Cnty. Off. of Fam. & Child.*, 798 N.E.2d 185, 195 n.4 (Ind. Ct. App. 2003) (concluding that "[t]o preserve her constitutional claim for appeal, McBride could and should have raised her due process argument during the termination proceedings"). *But see In re M.M.E.*, 146 N.E.3d 922, 925 (Ind. Ct. App. 2020) (choosing to exercise discretion to address father's due process claim where DCS and trial court did nothing for father other than serve him

with CHINS petition and hold initial hearing, and trial court failed to appoint counsel to father in termination proceeding); *In re D.H.*, 119 N.E.3d 578, 589-90 (Ind. Ct. App. 2019) (exercising discretion to address mother's due process claim where DCS failed to provide necessary services despite mother's request for such services and failed to provide a visitation plan in compliance with its own policy), *modified on reh'g* 122 N.E.3d 832, *trans. denied*.

[18] Waiver notwithstanding, Father's argument is unavailing. Parents are entitled to due process during termination proceedings, but the nature of the due process required is governed by balancing three factors, often referred to as the *Mathews* factors: "the private interests affected by the proceeding; the risk of error created by the State's chosen procedure; and the countervailing governmental interest supporting use of the challenged procedure." *D.H.*, 119 N.E.3d at 588 (citing *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976)). Our supreme court has explained,

> In balancing the three-prong *Mathews* test, we first note that the private interest affected by the proceeding is substantial—a parent's interest in the care, custody, and control of her child. We also note the countervailing *Mathews* factor, that the State's *parens patriae* interest in protecting the welfare of a child is also substantial. Both the State and the parent have substantial interests affected by the proceeding. So, we turn to the third *Mathews* factor, the risk of error created by DCS's actions and the trial court's actions.

In re C.G., 954 N.E.2d 910, 917-18 (Ind. 2011) (citations omitted). Because CHINS and termination proceedings are deeply intertwined, an error during the

CHINS proceeding may affect a parent's rights in the termination proceeding. *D.H.*, 119 N.E.3d at 588. Thus, "[a]ny procedural irregularities in a CHINS proceeding may be of such significance that they deprive a parent of procedural due process with respect to the termination of his or her parental rights." *Id.* (quoting *S.L.*, 997 N.E.2d at 1120).

[19] Specifically, Father asserts that his due process rights were infringed at the following three points: when DCS filed the informal adjustment; when the Children were removed from the Parents' home; and when the trial court authorized the filing of the CHINS petition. He maintains that these actions violated his due process rights because they were taken in the absence of evidence to establish probable cause that the Children were CHINS. *See* Ind. Code § 31-34-1-1 (stating that a child is a CHINS where "the child's physical or mental condition is seriously impaired or seriously endangered as a result of the inability, refusal or neglect of the child's parent to supply the child with necessary food, clothing shelter, medical care, education, or supervision"); § 31-34-9-2 (providing that trial court "shall" authorize the filing of CHINS petition if court finds probable to believe child is CHINS) . Father contends that there was no evidence of domestic violence and no evidence that the Children were seriously harmed or endangered by his or Mother's drug use.

[20] We observe that Father signed and submitted the stipulation to the CHINS adjudication.[5] In that stipulation, he admitted that DCS opened the informal adjustment "due to concerns for domestic violence and illegal substance abuse"; that he had tested positive for fentanyl and methamphetamine; that the Children needed a safe home, free from illegal substance use and domestic violence; that the court's intervention was necessary to ensure the Children's safety and well-being; and that the family needed services. Ex. Vol. 2 at 182-83. The stipulation, which occurred after the three actions Father objects to, is sufficient to establish that those actions did not violate his due process rights with respect to the termination of his parental rights.

[21] Father attempts to cast doubt on the stipulation by claiming that he testified that he "felt pressured and tricked into signing the stipulation." Father's Br. at 27. His vague and self-serving testimony does not convince us that he agreed to the stipulation under threat, duress, or otherwise involuntarily such that its validity is called into doubt. Further, we note that Father was represented by an attorney when he agreed to the stipulation, and Father has not alleged that his attorney's assistance was inadequate.

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[5] Father argues, "Even though Mother signed the [informal adjustment], and Parents stipulated that the children were CHINS, they are not barred from raising these due process violations in this appeal." Father's Br. at 28. In support, Father cites *In re C.M.*, 675 N.E.2d 1134 (Ind. Ct. App. 1997). In *C.M.*, the court held that collateral estoppel does not apply to prevent a parent from contesting his or her admissions to the allegations in a CHINS petition in a subsequent termination action. *Id*. at 1138. The *C.M.* court also held that the parent's admissions were admissible to support the termination of her parental rights. *Id*. While Father's stipulation does not bar him from raising the alleged due process violations in a subsequent termination proceeding, his stipulation was admissible in that termination proceeding.

[22] In addition to the stipulation, we observe that at the termination hearing, FCM Simmons testified that Mother and Father had an altercation "in which [Mother] had bruises[,] and the [C]hildren were present during the incident." Tr. Vol. 1 at 139-40, 175. FCM Simmons also testified that the Parents told her that they were charged with disorderly conduct. *Id*. at 169. Paige Johnson, the family's family preservation tech during the informal adjustment, testified that one of the purposes of the services offered was to address domestic violence and that Mother wanted to work on domestic violence issues. *Id*. at 115, 117, 121. The trial court heard Father's and Mother's testimony that no violence occurred during the incident, but the trial court obviously did not find that testimony credible.

[23] Father also contends that the Children were removed from the Parents' home solely because the Parents tested positive for fentanyl, and that evidence of drug use, standing alone, does not show that a child is seriously harmed or endangered. Father's Br. at 23 (citing *In re Ad.M.*, 103 N.E.3d 709, 713-14 (Ind. Ct. App. 2018)). *Ad.M.* is clearly distinguishable. The *Ad.M.* court concluded that "evidence of *one* parent's use of marijuana and evidence that marijuana has been found in the family home, without more, does not demonstrate that a child has been seriously endangered for purposes of Indiana Code Section 31-34-1-1." 103 N.E.3d at 713-14 (emphasis added). Here, *both* Mother and Father tested positive for *fentanyl*, as well as other illegal substances. Fentanyl is a substantially more powerful and dangerous drug than marijuana. *See* https://www.dea.gov/factsheets/fentanyl **https://perma.cc/5FZ7-5K95**

("Fentanyl is a potent synthetic opioid drug … that is approximately 100 times more potent than morphine and 50 more times more potent than heroin as an analgesic.").[6] Exposure to a very small amount of fentanyl could cause serious harm and even death. *See* https://www.dea.gov/resources/facts-about-fentanyl **https://perma.cc/8KVK-K7QV** ("Two milligrams of fentanyl can be lethal depending on a person's body size, tolerance and past usage."). Moreover, the Parents' drug use was not the sole reason for the Children's removal from the home; the Parents' failure during the informal adjustment to successfully engage in services to address domestic violence was also a factor. In fact, Father did not participate in any services during the informal adjustment.[7]

[24] Given Father's stipulation to the CHINS adjudication, the evidence presented at the termination hearing regarding domestic violence, the Parents' positive tests for fentanyl and other illegal substances, their refusal to submit to further tests after testing positive, and Father's failure to engage in services at all during the informal adjustment, we conclude that neither the DCS's actions nor the trial court's actions in the underlying CHINS case deprived Father of due

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[6] Pursuant to Indiana Evidence Rule 201, we may sua sponte take judicial notice of a fact that "can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned." The United States Drug Enforcement Administration is such a source.

[7] Father cites two other cases that are also distinguishable. In *In re S.K.*, 57 N.E.3d 878 (Ind. Ct. App. 2016), the court concluded that the mother's two positive tests for methamphetamine and amphetamine four days apart did not support the children's CHINS adjudication where all the mother's subsequent weekly drug screens were negative. *Id.* at 882-83. In *In re B.V.*, 110 N.E.3d 437, 441 (Ind. Ct. App. 2018), DCS agreed with the mother that there was insufficient evidence to support the child's CHINS adjudication where mother had tested positive for THC when the child was born but had since tested negative for three months and the trial court based its CHINS determination on its concern that Mother was young and could backslide.

process with respect to the termination of his parental rights. *Cf. D.H.*, 119 N.E.3d at 586-91 (reversing termination of parental rights where DCS failed to provide necessary family services while CHINS case was open and failed to provide visitation plan in accordance with its own written procedures); *In re T.W.*, 135 N.E.3d 607, 618 (Ind. Ct. App. 2019) (concluding that father's due process rights were violated where DCS did not make reasonable efforts to reunify father with child), *trans. denied*.

Section 2 – The trial court's conclusion that there is a reasonable probability of unchanged conditions is not clearly erroneous.

[25] The trial court found that DCS established by clear and convincing evidence that there is a reasonable probability that the conditions that resulted in the Children's removal or the reasons for placement outside the Parents' home will not be remedied and also that the continuation of the parent-child relationship poses a threat to the Children's well-being. Subparagraph 31-35-2-4(b)(2)(B) is satisfied by proof of either alternative, and therefore we may affirm if the unchallenged findings of fact clearly and convincingly support either finding. Father does not challenge the trial court's conclusion that there is a reasonable probability that the conditions that resulted in the Children's removal or continued placement outside the home will not be remedied. Standing alone, that conclusion satisfies the requirement in subparagraph 31-35-2-4(b)(2)(B) as to Father. Mother challenges both of the trial court's findings. Therefore, we review the trial court's conclusion that there is a reasonable probability that the

conditions that resulted in the Children's removal or the reasons for placement outside the home of the Parents will not be remedied as it relates to Mother.

[26] In determining whether there is a reasonable probability that the conditions that led to the Children's removal and continued placement outside Mother's care will not be remedied, we engage in a two-step analysis. *K.T.K.*, 989 N.E.2d at 1231. 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 1132, 1134 (Ind. 2010)). In the second step, the trial court must judge a parent's fitness at the time of the termination proceeding, taking into consideration evidence of changed conditions, and balancing a parent's recent improvements against "habitual pattern[s] of conduct to determine whether there is a substantial probability of future neglect or deprivation." *Id.* "Where there are only temporary improvements and the pattern of conduct shows no overall progress, the court might reasonably find that under the circumstances, the problematic situation will not improve." *In re A.H.*, 832 N.E.2d 563, 570 (Ind. Ct. App. 2005). In addition, a trial court may consider services offered by DCS and the parent's response to those services as evidence of whether conditions will be remedied. *In re A.D.S.*, 987 N.E.2d 1150, 1157 (Ind. Ct. App. 2013), *trans. denied*. DCS "is not required to provide evidence ruling out all possibilities of change; rather, it need only establish 'that there is a reasonable probability that the parent's behavior will not change.'" *Id.* (quoting *In re Kay L.*, 867 N.E.2d 236, 242 (Ind. Ct. App. 2007)).

[27] The trial court found that the conditions that led to the Children's removal from the home were "domestic violence and illegal/non-prescribed substance abuse." Appealed Order at 10-11. Mother does not challenge the trial court's findings that she has "continued to test positive for illegal and/or non-prescribed drugs[,] did not submit to any drug screens after June 2022[,] ha[s] not been consistent in [participating in] services," and "has not successfully completed any service[s]." *Id*. at 6, 11. These findings amply support the trial court's conclusion that there is a reasonable probability that Mother's use of highly dangerous illegal drugs is unlikely to be remedied.

Section 3 – The trial court's conclusion that termination is in the Children's best interests is not clearly erroneous.

[28] Finally, Mother challenges the trial court conclusion that termination is in the Children'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. *A.D.S.*, 987 N.E.2d at 1158. "[C]hildren cannot wait indefinitely for their parent to work toward preservation or reunification–and courts 'need not wait until a child is irreversibly harmed such that the child's physical, mental, and social development is permanently impaired before terminating the parent-child relationship.'" *In re E.M.*, 4 N.E.3d 636, 648 (Ind. 2014) (quoting *K.T.K.*, 989 N.E.2d at 1235). Also, "[p]ermanency is a central consideration in determining the best interests of a child." *In re G.Y.*, 904 N.E.2d 1257, 1265 (Ind. 2009).

[29] In sum, the trial court found the following: the Children have remained with S.O. continuously since their removal from the Parents' home; the Children are

doing well in their current placement; S.O. is willing to adopt the Children; "the [P]arents have refused to visit the Children with a third-party supervisor and so have not seen the Children more than once a month since June 2022"; both FCM Simmons and the Childrens' guardian ad litem "agree that termination of parental rights is in the best interests of these [C]hildren as the [P]arents have not taken steps to remedy the conditions leading to the [C]hildrens' removal"; Father has barely participated in any services; Mother was not consistent in her participation and never successfully completed any services; and the Parents' "drug screens, when taken, are consistently positive for dangerous illegal drugs, and they have refused to drug screen at all in the last two months" preceding the termination hearing. Appealed Order at 12-13.

[30] These unchallenged findings, along with the findings supporting the trial court's conclusion regarding unchanged conditions, support its conclusion that termination is in the Children's best interests. We also note that we have previously found that a service provider's opinion that termination is in the children's best interests, combined with the evidence that conditions that resulted in the children's removal from or reasons for placement outside the home will not be remedied, is sufficient to support the trial court's conclusion that termination is in the children's best interests. *See A.D.S.*, 987 N.E.2d at 1158-59. Based on the foregoing, we affirm the trial court's termination order.

[31] Affirmed.

Robb, J., and Kenworthy, J., concur.