

## 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:  
R.C. & M.C. (*Minor Children*),  
and  
P.C. (*Mother*)  
*Appellant-Respondent*,

v.

Indiana Department of Child  
Services,  
*Appellee-Petitioner*,

March 29, 2021

Court of Appeals Case No.  
20A-JT-1971

Appeal from the Putnam Circuit  
Court

The Honorable Matthew L.  
Headley, Judge

Trial Court Cause Nos.  
67C01-2003-JT-16  
67C01-2003-JT-17

**Robb, Judge.**

## Case Summary and Issues

- [1] P.C. (“Mother”) appeals the involuntary termination of her parental rights to her minor children and raises two issues on appeal, which we restate as: (1) whether Mother was deprived of due process of law; and (2) whether the juvenile court’s order terminating her parental rights was clearly erroneous. Concluding there was no due process violation and the juvenile court’s order was not clearly erroneous, we affirm.

## Facts and Procedural History

- [2] Mother and M.C., Jr. (“Father”)<sup>1</sup> are the biological parents of R.C., born January 31, 2013, and M.C., born February 7, 2014 (collectively, “Children”).
- [3] On February 15, 2019, the Indiana Department of Child Services (“DCS”) received a report alleging Children were the victims of neglect by Mother. Around Christmas 2018, Mother had abandoned Children by leaving them with their maternal grandparents; Mother subsequently disappeared. In the middle of the night on February 15, Mother and her friend, A.C., showed up at the grandparents’ house to pick Children up. A.C. had allegedly driven them there and she and Mother were both exhibiting signs of impairment. DCS family case manager (“FCM”) Krista Scobee was assigned to investigate the call, went

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<sup>1</sup> Father’s parental rights were also involuntarily terminated; however, he does not participate in this appeal. Therefore, we have limited our recitation of the facts to those pertaining to Mother except where necessary.

to the home, and spoke with Mother. Mother was “slurring her words” and “appeared visibly impaired, refused to submit to a drug screen, [and] refused to create a safety plan.” Transcript of Evidence, Volume 2 at 21.

- [4] DCS was already involved with Mother due to her substance abuse; she had recently tested positive for heroin and morphine. DCS attempted to contact Father and located him at his mother’s house. However, Father fled when DCS and two police officers arrived. Children did not have a physician and had never been to the dentist; R.C., who was six years old, was not enrolled in kindergarten. Due to Mother’s impairment, substance abuse history, and past DCS assessments involving drug use, DCS detained Children and placed them in relative care with maternal grandparents, who were already seeking guardianship of Children.
- [5] On February 18, DCS filed a petition alleging Children were children in need of services (“CHINS”). An initial/detention hearing was held the same day during which Mother denied the allegations and Children were ordered to continue in relative care. Around the same time, FCM David Fissell was assigned to the case. He discussed services with Mother, including substance use treatment, supervised visitation, and home-based counseling. Mother was initially referred to Cummins Behavioral Health where she engaged in intensive outpatient treatment (“IOT”); however, she did not successfully complete services.

- [6] A hearing was held on April 2. Mother admitted Children were CHINS due to her substance abuse issues, recent arrest for possession, and the fact she had been in jail. Following a hearing on April 18, the juvenile court issued a dispositional decree ordering Mother to (among other things) maintain contact with the FCM; timely enroll in and complete all recommended services; maintain suitable housing and legal income; refrain from using illicit substances; obey the law; ensure Children engage in home-based counseling; complete parenting and substance abuse assessments and a psychological evaluation and successfully complete all recommended treatment; submit to drug screens; and attend all scheduled visitations. *See Exhibits, Volume 3 at 57-59.* A court appointed special advocate (“CASA”) was assigned to the case.
- [7] After the dispositional decree was issued, Mother was engaged in IOT at Cummins Behavioral Health and home-based case management. Mother also submitted to drug screens and began working with Patricia Lewellen, a life skills specialist.
- [8] However, in May, Mother relapsed on heroin and FCM Fissell conducted an emergency child and family team meeting. During the meeting, he encouraged Mother to restart IOT and she advised she would restart from the beginning. About one and a half months later, Mother became more resistant with respect to complying with services. Although she was still in services, she would sometimes fail to contact the provider to schedule visitations with Children. Mother did not successfully restart IOT. DCS put in a referral for Mother to the Hamilton Center for a substance use intake, but Mother failed to schedule

the intake despite FCM Fissell offering to provide transportation. In June, Mother was discharged from home-based case management due to noncompliance.

[9] Over the course of the CHINS proceedings, Mother tested positive for opioids, methamphetamine, amphetamines, Suboxone, cocaine, and morphine.<sup>2</sup> In mid-July, Lewellen discharged Mother from services. Lewellen had reached out to Mother several times but was unsuccessful. Mother also declined Cummins' recommendation of a higher level of care for her opioid use.

[10] A review hearing was held on July 25. In a subsequent order, the juvenile court found that Mother had not complied with Children's case plan, had not completed "inpatient as recommended[,] ha[d] admitted to [drug] usage[, and] ha[d] no-called/no-showed a visit." *Id.* at 65. The juvenile court ordered that Mother participate in IOT at the Hamilton Center and submit to drug screens. The order also put Mother on notice that "she may be sanctioned with jail time for contempt of Court" if she missed any participation in IOT or tested positive for drugs. *Id.* at 66. In September, Mother was charged with possession of a controlled substance. Mother was subsequently arrested.

[11] In October 2019, Children's maternal grandmother passed away and they were removed from relative care and placed into foster care. Later that month, a

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<sup>2</sup> The record reveals Mother tested positive for heroin and morphine on December 1, 2018; cocaine on March 29, 2019; and amphetamine and methamphetamine on December 9, 2019.

review hearing was held during which Mother appeared telephonically from the Marion County jail. Following the hearing, the juvenile court issued an order finding that Mother had not complied with the case plan, had been incarcerated, and had “failed to actively engage in services when not incarcerated.” *Id.* at 71. Mother worked with FCM Fissell until her case was transferred to Alexander Johnson, another FCM, in October/November.

[12] At that time, Mother was still incarcerated. Once she was released, a child and family team meeting was held during which FCM Johnson discussed Mother’s expectations, goals, and preparations to resume services. Mother began services, but only completed the initial intake at Hamilton Center. She failed to follow up. FCM Johnson tried to contact Mother every other day to help her reengage in services and establish a visitation schedule to no avail. He called her and left his card at her residence.

[13] On November 19, Mother was charged with possession of a narcotic drug (heroin), a Level 6 felony, in Hendricks County and was arrested. In January 2020, FCM Christina Petty took over the case. Mother was still incarcerated but was released on probation at the end of February. Several weeks after her release, Mother completed an intake with Hamilton Center. She completed two sessions, which were via telephone due to the COVID-19 pandemic, before she stopped attending. Mother also failed to successfully complete substance abuse treatment.

[14] On March 2, 2020, the juvenile court ordered Children to be placed in another foster home. The juvenile court held a permanency hearing on March 5 and subsequently entered an order changing Children's permanency plan to reunification with a concurrent plan of adoption. Later, in a subsequent order, the juvenile court found that Mother had partially complied with the case plan, cooperated with DCS occasionally, and visited Children sporadically.

[15] On March 20, DCS filed a Verified Petition for Involuntary Termination of Mother's parental rights.<sup>3</sup> The juvenile court ordered Children be placed in another foster home in May. A fact-finding hearing was held on August 27. Following the hearing, the juvenile court issued an order terminating Mother's parental rights and finding, in pertinent part:

66. Drug screen[] results entered into evidence show that Mother tested positive for illegal substances when she was out of jail throughout the case and even while the termination action was pending. Specifically, Mother tested positive for opiates and morphine on December 1, 2018; cocaine on March 29, 2019; amphetamines and methamphetamines on December 9, 2020; fentanyl and norfentanyl on May 11, 2020[ and] May 19, 2020; amphetamine and methamphetamine on July 9, 2020. The Court finds this to be credible evidence that Mother continued to abuse substances throughout the underlying CHINS case while the Children were removed from her care.

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<sup>3</sup> DCS filed separate petitions for each child. *See* Appellant's Appendix, Volume 2 at 40-45.

68. Criminal records . . . show that Mother continued to engage in dangerous and criminal activity during the underlying CHINS case. She was charged for possession of a narcotic on November 19, 2020 for which she pled guilty. The probable cause affidavit indicates that law enforcement were called to the scene of an overdose and found Mother unconscious with what was believed to be heroin inside tin foil in her pocket.

69. Mother was also charged with possession of a controlled substance (hydrocodone) on September 24, 2019. She pled guilty to that charge as well.

\* \* \*

### Conclusions

It is clear that Parents have not availed themselves of the services offered to them and, by their own admissions, have continued to abuse substances *even when* threatened with contempt and when their very parental rights are at stake. DCS providers and FCMs went out of their way to search for Parents in the community and to offer them appropriate services, yet Parents lack the ability or desire to fully participate in them. Meanwhile, the Children have been subject to a host of state intrusion in their lives for a year and a half. If the parents had engaged in any meaningful treatment in the weeks or months leading up to the termination, it would quite possibly be worthwhile to give them more time and delay terminating as a result of their separate incarcerations. Unfortunately, however, they have not. Mother has only completed an intake for substance abuse since her release[.] Although they seek to lay some of the blame for their lack of treatment on Covid-19 restrictions and their own incarcerations, the Court finds no evidence that these issues impacted their ability to seek treatment in the 6-8 weeks leading up to the fact-finding. Indeed, the Parents entered into an agreement with



[DCS], which was memorialized in an Order, regarding Covid-19 changes in services and they have failed to file any objection to those changes in services in the underlying CHINS case. The Court further finds without merit any assertion that changes in the assigned FCM impacted the case in a negative way. To the contrary, despite the *parents* being under order to stay in contact with [DCS], it was the *FCM[s]* who assumed that burden and repeatedly went out into the community, left cards, called, texted, and knocked on doors in efforts to find and involve the Parents. Credible testimony indicates that such efforts were consistent across all three permanency workers. [E]ach Parent has had enough opportunity, both pre and post incarceration, to demonstrate their ability and willingness to seek treatment for their addictions. Th[e] fact that they squandered those opportunities lies squarely with them.

[T]he reasons for removal have not been remedied and further, . . . it poses a danger to the Children for Father and Mother to continue in their role as their legal parents. . . . There was abundant testimony that Parents struggle with substance abuse, and there was no evidence presented that Parents are close to a significant or lasting recovery. It is the Court's opinion that the Children will struggle greatly if they are returned to either Parent's care, and that termination is proper where the Children's emotional and physical development is threatened. Although Parents may have a sincere desire to be reunified, they are unable to make choices that will keep them or the Children safe. It is the Court's specific and ongoing desire that these Children be protected from a home with illegal substance use, and the Court is not convinced that it is within Parent's power or ability to provide that protection at this stage. [T]here is an untenable risk of harm and/or future removals if the Children are reunified.

Appealed Order at 11-12, 18-20. Based on these findings, the juvenile court concluded there is a reasonable probability that the conditions that led to

Children's removal and continued placement outside of Mother's care will not be remedied and that termination of Mother's parental rights is in Children's best interests. Mother now appeals.<sup>4</sup>

## Discussion and Decision

### I. Due Process

- [16] Mother claims DCS' unprofessional and chaotic handling of her case violated her due process rights. Mother also acknowledges that she failed to raise such a claim to the juvenile court.
- [17] A parent's failure to raise a due process claim to the juvenile court in a CHINS or termination proceeding results in waiver. *S.L. v. Ind. Dep't of Child Servs.*, 997 N.E.2d 1114, 1120 (Ind. Ct. App. 2013). Nonetheless, this court has discretion to address such claims, especially when they involve constitutional rights, the violation of which would be fundamental error. *Matter of D.H.*, 119 N.E.3d 578, 586 (Ind. Ct. App. 2019), *aff'd on reh'g, trans. denied*; see also *L.B. & S.B. v. Morgan Cnty. Dep't of Pub. Welfare*, 616 N.E.2d 406, 407 (Ind. Ct. App. 1993) ("The constitutionally protected right of parents to establish a home and raise their children . . . mandates that the failure of a trial court to require compliance with any condition precedent to the termination of this right constitutes fundamental

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<sup>4</sup> Mother, by counsel, filed a petition for permission to file a belated notice of appeal, which this court granted.

error which this court must address sua sponte.”), *trans. denied*. Because Mother’s substantive due process right to raise her children is at issue, we exercise our discretion to review her due process claim even though it was not raised to the juvenile court.

- [18] The Fourteenth Amendment to the United States Constitution states that no person shall be deprived of “life, liberty, or property without due process of law.” U.S. Const. amend XIV. The fundamental right to raise one’s child is “more basic, essential, and precious than property rights” and is protected by the Due Process Clause. *Hite v. Vanderburgh Cnty. Office of Family & Children*, 845 N.E.2d 175, 181 (Ind. Ct. App. 2006). Accordingly, when the State seeks to terminate a parent-child relationship, it must do so in a manner that meets the requirements of the Due Process Clause. *In re H.L.*, 915 N.E.2d 145, 147 (Ind. Ct. App. 2009). Due process in the context of parental rights requires balancing three factors specified in *Mathews v. Eldridge*, 424 U.S. 319 (1976): (1) the private interests affected by the proceeding; (2) the risk of error created by the State’s chosen procedure; and (3) the countervailing governmental interest supporting use of the challenged procedure. *Id.* at 335; *Matter of D.H.*, 119 N.E.3d at 588. The private interest affected by the proceeding is substantial, namely a parent’s interest in the care, custody, and control of his or her child. *S.L.*, 997 N.E.2d at 1120. But the State’s interest in protecting a child’s welfare is also substantial. *Id.* Therefore, we focus on the risk of error created by DCS’ and the juvenile court’s actions. *Id.*

[19] Mother contends DCS deprived her of due process because, throughout the life of the CHINS and termination proceedings, Children were placed in at least five different placements and the family dealt with four different FCMs. Mother is correct that this court found due process violations based on DCS' "chaotic and unprofessional handling" of CHINS and termination cases in *Matter of C.M.S.T.*, 111 N.E.3d 207, 213 (Ind. Ct. App. 2018). In that particular termination case, the family had five different FCMs, two of whom were fired by DCS due to their behavior. One FCM filed a false report that the father had made a scene at the child's school and tried to take the child which resulted in the father being banned from the school and required to have supervised visits. Another FCM exchanged sexually explicit Facebook messages and engaged in a sexual relationship with the father. She provided him with advance notice of drug screens and advised him that he did not need to continue engaging in services. However, the facts of this case are easily distinguishable. There is no evidence that any of the FCMs engaged in unprofessional behavior. The mere fact that there were numerous FCMs throughout the pendency of this case in itself does not constitute a deprivation of due process. We conclude Mother was not denied due process.

## II. Termination of Parental Rights

### A. Standard of Review

[20] The Fourteenth Amendment to the United States Constitution protects the right of parents to establish a home and raise their children. *In re Adoption of O.R.*, 16 N.E.3d 965, 972 (Ind. 2014). But the law also provides for the termination of

those rights when parents are unable or unwilling to meet their parental responsibilities. *In re J.S.*, 133 N.E.3d 707, 714 (Ind. Ct. App. 2019). Although we acknowledge that the parent-child relationship is “one of the most valued relationships in our culture[,]” we also recognize that “parental interests are not absolute and must be subordinated to the child’s interests in determining the proper disposition of a petition to terminate parental rights.” *Bester v. Lake Cnty. Office of Family & Children*, 839 N.E.2d 143, 147 (Ind. 2005) (internal quotations omitted). The involuntary termination of parental rights is the most extreme sanction a court can impose because termination severs all rights of a parent to their children. *In re R.A.*, 19 N.E.3d 313, 321 (Ind. Ct. App. 2014), *trans. denied*. As such, termination is intended as a last resort, available only when all other reasonable efforts have failed. *Id.* The purpose of terminating parental rights is to protect children, not to punish parents. *In re C.D.*, 141 N.E.3d 845, 852 (Ind. Ct. App. 2020), *trans. denied*.

[21] When reviewing the termination of parental rights, we do not reweigh the evidence or judge the credibility of witnesses but consider only the evidence and reasonable inferences most favorable to the judgment. *In re E.M.*, 4 N.E.3d 636, 642 (Ind. 2014). In deference to the juvenile court’s unique position to assess the evidence, we will set aside its judgment terminating a parent-child relationship only if it is clearly erroneous. *In re L.S.*, 717 N.E.2d 204, 208 (Ind. Ct. App. 1999), *trans. denied*, *cert. denied*, 534 U.S. 1161 (2002). Thus, if the evidence and inferences support the decision, we must affirm. *Id.*

[22] When terminating parental rights, the juvenile court must enter findings and conclusions, Ind. Code § 31-35-2-8(c), and we therefore apply a two-tiered standard of review, *Bester*, 839 N.E.2d at 147. We first determine whether the evidence supports the findings, then determine whether the findings support the judgment. *Id.* We will not set aside the findings or judgment unless they are clearly erroneous. *Z.B. v. Ind. Dep’t of Child Servs.*, 108 N.E.3d 895, 900 (Ind. Ct. App. 2018) (quotation omitted), *trans. denied*. “Findings are clearly erroneous only when the record contains no facts to support them either directly or by inference.” *Quillen v. Quillen*, 671 N.E.2d 98, 102 (Ind. 1996). A judgment is clearly erroneous only if the findings do not support the court’s conclusions or the conclusions do not support the judgment thereon. *Id.*

## **B. Statutory Framework for Termination**

[23] Indiana Code section 31-35-2-4(b)(2) sets forth the elements that DCS must allege and prove to terminate a parent-child relationship, in pertinent part:

(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.

[24] DCS must prove each element by clear and convincing evidence. Ind. Code § 31-37-14-2. Indiana Code section 31-35-2-4(b)(2)(B) is written in the disjunctive, and therefore the juvenile court need only find that one of the requirements of subsection (b)(2)(B) was established by clear and convincing evidence. *See In re L.S.*, 717 N.E.2d at 209. If the juvenile court finds the allegations are true, “the court shall terminate the parent-child relationship.” Ind. Code § 31-35-2-8(a).

[25] We begin by noting that Mother does not challenge any of the juvenile court’s findings of fact; therefore, we accept the findings as true. *In re A.M.*, 121 N.E.3d 556, 562 (Ind. Ct. App. 2019), *trans. denied*. Instead, Mother challenges the juvenile court’s conclusions that there is a reasonable probability that the conditions that led to Children’s removal will not be remedied, that the continuation of the parent-child relationship poses a risk to Children’s well-being, that termination is in Children’s best interests, and that there is a satisfactory plan for them after termination.

## C. Remedy of Conditions

[26] Mother contends DCS failed to prove that the conditions that led to Children's removal and continued placement outside of her care will not be remedied. Specifically, she claims her "compliance with reunification services was frustrated by the constant rotation of new FCMs throughout the . . . proceedings[, she] served a substantial amount of time in jail and became sober for a period of time[, and she] had more negative screens (9) than screens that were positive for illegal substances (6)." Brief of the Appellant at 19. We disagree and conclude DCS presented sufficient evidence to prove the conditions will not be remedied.

[27] We engage in a two-step analysis to determine whether the conditions that led to removal will be remedied: "First, we must ascertain what conditions led to [Children's] placement and retention in foster care. Second, we determine whether there is a reasonable probability that those conditions will not be remedied." *In re K.T.K.*, 989 N.E.2d 1225, 1231 (Ind. 2013) (quotation omitted). With respect to the second step, a juvenile court assesses whether a reasonable probability exists that the conditions justifying a child's removal or continued placement outside his parent's care will not be remedied by judging the parent's fitness to care for the child at the time of the termination hearing, taking into consideration evidence of changed conditions since removal. *In re E.M.*, 4 N.E.3d at 643.



[28] A parent’s habitual patterns of conduct must also be evaluated to determine the probability of future neglect or deprivation of the child. *Matter of K.T.*, 137 N.E.3d 317, 326 (Ind. Ct. App. 2019). Habitual conduct may include criminal history, drug and alcohol abuse, history of neglect, failure to provide support, and lack of adequate housing and employment, but the services offered to the parent and the parent’s response to those services can also be evidence of whether conditions will be remedied. *A.D.S v. Ind. Dep’t of Child Servs.*, 987 N.E.2d 1150, 1157 (Ind. Ct. App. 2013), *trans. denied*. And such a determination “must be founded on factually-based occurrences as documented in the record—not simply speculative or *possible* future harms.” *In re V.A.*, 51 N.E.3d 1140, 1146 (Ind. 2016). DCS need not “provide evidence ruling out all possibilities of change; rather, it need establish only that there is a reasonable probability the parent’s behavior will not change.” *In re I.A.*, 903 N.E.2d 146, 154 (Ind. Ct. App. 2009).

[29] Here, Children were removed from Mother’s care because of her substance abuse and Children remained outside of her care due to her continued substance abuse, incarceration, and failure to comply with services.

[30] Mother failed to comply with services. FCM Fissell, who worked with Mother from February to November 2019, testified that Mother was always in non-compliance with the dispositional decree and her biggest issue was her substance abuse and accompanying legal issues. In April 2019, Mother began working with Lewellen, a life skills specialist, but was discharged as unsuccessful in July 2019. Sometime between October 2019 and January 2020,

when Mother was released from jail, she met with FCM Johnson to discuss her goals and preparations to resume services. Mother only attended the initial substance abuse intake at the Hamilton Center. Johnson tried to contact Mother almost every other day to get Mother to reengage in services. He was unsuccessful and Mother was subsequently reincarcerated. In January 2020, when FCM Petty took over the case, Mother was still incarcerated. After Mother's release from jail in February/March 2020, it was one month before she completed an intake at Hamilton Center. Petty testified that Mother "had completed a couple of . . . services before that pretty much stopped." Tr., Vol. 2 at 56-57. She also testified that Mother had not made significant efforts to be compliant.

[31] The record also reveals that Mother tested positive for illicit substances throughout the life of the CHINS and termination cases. Significantly, in July 2020, the month before the termination hearing, Mother tested positive for amphetamine and methamphetamine. Several months prior, Mother tested positive for fentanyl and norfentanyl. In sum, Mother's failure to participate in services and continued use of illicit substances demonstrates she is not close to addressing the very condition that led to Children's removal and continued placement outside of her care. We conclude DCS presented sufficient evidence

that there is a reasonable probability that Mother's substance abuse and instability will not be remedied.<sup>5</sup>

## **D. Best Interests of Children**

[32] “Permanency is a central consideration in determining the best interests of a child.” *In re G.Y.*, 904 N.E.2d 1257, 1265 (Ind. 2009). To determine the best interests of children, the juvenile court looks to the totality of the evidence and must subordinate the interests of the parents to those of the child. *In re D.D.*, 804 N.E.2d 258, 267 (Ind. Ct. App. 2004), *trans. denied*. The juvenile court need not wait until a child is irreversibly harmed before terminating parental rights. *McBride v. Monroe Cnty. Office of Family & Children*, 798 N.E.2d 185, 203 (Ind. Ct. App. 2003). Recommendations of the FCM and CASA, in addition to evidence that the conditions resulting in removal will not be remedied, are sufficient to show by clear and convincing evidence that termination is in the child's best interest. *In re A.S.*, 17 N.E.3d 994, 1005 (Ind. Ct. App. 2014), *trans. denied*.

[33] Here, both the FCM and CASA testified that adoption was in Children's best interests. FCM Petty testified she believed an ongoing parent-child relationship was not in Children's best interests. Tr., Vol. 2 at 64. “Due to clear substance

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<sup>5</sup> The juvenile court also concluded there is a reasonable probability that the continued parent-child relationship poses a threat to Children's well-being. Mother also challenges this conclusion. However, having already concluded there is sufficient evidence to support the conclusion that the conditions that led to Children's removal will not be remedied, we need not address this. See *In re L.S.*, 717 N.E.2d at 209.

abuse issues, visitations, the kids' emotional well-being has been impacted by all of this, or from the miss of the visits, the [C]hildren would literally be there at their Mom's house to have the visit. The visit didn't occur. It's just not healthy for the [C]hildren. And then the reason the drugs that Mom was testing positive on alone can be life-threatening for a child as well." *Id.* The CASA also testified that adoption was in Children's best interests. The CASA stated, "They need a safe, secure, loving home, dependable, stable. These [C]hildren cannot self-protect." *Id.* at 75. The CASA also stated that the Children are young and "need stability in their lives. They are kind of having some issues right now, and the current placement is working wonderfully . . . and bringing them back out to be kids." *Id.* This is sufficient evidence to support the juvenile court's conclusion that termination of Mother's parental rights is in Children's best interests.

### **E. Satisfactory Plan**

[34] Mother also challenges the juvenile court's conclusion that DCS has a satisfactory plan for the care of the Children. A DCS plan is satisfactory when the plan is to attempt to find suitable parents to adopt the children. *In re A.S.*, 17 N.E.3d at 1007. We will not find a plan unsatisfactory simply because DCS has not yet identified a specific family to adopt the children. *Id.* There need not be a guarantee that a suitable adoption will take place, only that DCS will attempt to find a suitable adoptive parent. *Id.* Similarly, a plan does not need to be detailed, so long as it offers a general sense of the direction in which the

children will be going after the parent-child relationship is terminated. *In re D.D.*, 804 N.E.2d at 268.

- [35] At the termination hearing, FCM Petty testified that DCS' plan for Children was adoption. Tr., Vol. 2 at 62. Specifically, when asked whether DCS has possible options for adoption of the Children, she stated, "[W]e have a couple. That's still being explored." *Id.* Children's current placement was pre-adoptive and Children were doing well. DCS stated its plan for Children was adoption. This is a satisfactory plan for the care and treatment of Children.

## Conclusion

- [36] Based on the foregoing, we conclude Mother's right to due process was not violated and DCS presented sufficient evidence to support the juvenile court's order terminating Mother's parental rights to Children. Accordingly, the order was not clearly erroneous, and the judgment of the juvenile court is affirmed.
- [37] Affirmed.

Bailey, J., and Tavitas, J., concur.