MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

In re the Adoption of H.D. (Minor Child),

R.D.

Appellant,

v.

M.K. and V.K.,

Appellees.

June 21, 2022

Court of Appeals Case No. 21A-AD-2152

Appeal from the Cass Circuit Court

The Honorable Stephen Roger Kitts II, Judge

Trial Court Cause No. 09C01-2103-AD-5

Brown, Judge.

[1] R.D. ("Mother") appeals the trial court's decree of adoption. We affirm.

Facts and Procedural History

[2] Mother and T.C. ("Father") are the parents of H.D., who was born in October 2012. In 2014, the Department of Child Services ("DCS") began a case involving H.D., and Father's paternity was established. On August 4, 2015, M.K. ("Grandfather") and V.K. ("Grandmother," and together with Grandfather, "Grandparents"), the paternal grandparents of H.D., filed a verified petition requesting that the court appoint them as co-guardians of H.D. in the Cass Circuit Court under cause number 09C01-1508-GU-32 ("Cause No. 32").[1] The Cass Circuit Court entered an Agreed Order on Grand-Parenting Time on November 13, 2015.

[3] On November 4, 2016, the court entered an order which stated it had "significant concerns about the environment that the child is being exposed to but does not believe that an emergency exists to the extent that a temporary guardianship order should be entered in favor of" Grandparents. Appellees' Appendix Volume II at 46. The court ordered that the parties at all times prohibit Father from having any direct or indirect contact with H.D. and ordered that H.D. not be allowed on the premises at the "family farm" under Father's control. *Id.* The court also ordered Mother to submit to a hair follicle

[1] Grandfather testified that he had no children of his own but had been married to Grandmother for approximately forty years.

examination and ordered Grandparents to pay the costs. On November 10, 2016, Mother tested positive for methamphetamine.

[4] On April 20, 2017, the court entered an agreed order continuing the final hearing to June 1, 2017, on the conditions that Mother continue to participate in individual counseling with Four County Counseling Center and submit to a hair follicle examination at Blackbird Clinical Services on June 1, 2017. It also provided that Father may have contact with H.D. "so long as it is in the supervision of Mother and in her residence . . . or in the supervision of [Grandparents], with their consent." *Id.* at 194.

[5] On July 10, 2017, Grandparents filed a Verified Citation for Contempt alleging Mother had failed to comply with the court's April 20, 2017 order. On July 26, 2017, Grandparents filed a Verified Petition for Emergency Ex Parte Order on Temporary Guardianship. The petition alleged that Mother had been stopped while she was a passenger in a vehicle with Father on July 22, 2017, and had been charged under cause number 52D02-1707-F6-125 ("Cause No. 125") with possession of methamphetamine, unlawful possession of a syringe, and obstruction of justice as level 6 felonies, possession of marijuana as a class B misdemeanor, and possession of paraphernalia as a class C misdemeanor. That same day, the court granted the petition for temporary guardianship. The court noted that Mother "has a documented history of substance abuse" and Mother's recent arrest for methamphetamine related charges coupled with her apparent lack of compliance as it related to proof of counseling and completion of a hair follicle examination required by the April 20, 2017 order suggested

that immediate and irreparable injury, loss, or damage to H.D. would result. *Id.* at 72.

[6] On December 21, 2017, the court entered an order stating that "[a]ll parties acknowledge that either a temporary guardianship and/or permanent guardianship is appropriate in this case and therefore, the Court finds that it is in the best interest of [H.D.] that [Grandparents] shall be appointed as permanent guardians." *Id.* at 89. The court ordered Grandparents to communicate with Mother to ensure that she receive meaningful contact with H.D. at least three times per week in an unsupervised fashion in a public place.

[7] On March 19, 2019, Mother filed a Motion for Court to Order Standard Parenting Time Guidelines and asserted that she had "successfully completed probation as a result of her misdemeanor conviction in" Cause No. 125, had "successfully completed thirty-five (35) counseling sessions at Four County Counseling Center," and had "maintained a sober lifestyle." *Id.* at 103.

[8] On April 26, 2019, the court entered an order following a hearing denying Mother's request for an expansion of parenting time, ordering Mother to undergo a psychiatric evaluation at Four County Counseling Center and follow any recommendations, appointing a guardian ad litem to conduct a parenting time assessment, and ordering Mother to submit to a hair follicle test at Blackbird Clinical Services no later than April 19, 2019, and then every sixty days.

[9] On November 13, 2019, Grandparents filed a Verified Citation for Contempt alleging that Mother had failed to comply with the court's April 26, 2019 order. On August 27, 2020, the court entered an order setting forth Mother's parenting time with H.D. stating "[a]t such time that [Mother] has made reasonable efforts to comply with the Court's previous Orders regarding drug testing, the Court will consider further modification of this Parenting Time Schedule." *Id.* at 161.

[10] On March 8, 2021, Grandparents filed a Verified Petition for Adoption in the Cass Circuit Court under cause number 09C01-2103-AD-5 ("Cause No. 5"). On July 20, 2021, the court held a hearing at the beginning of which the court stated: "This is [Cause No. 5.] in re the adoption of H.D. This is also effectively [Cause No. 32], in re the guardianship of H.D." Transcript Volume II at 14. The court heard testimony from Family Case Manager David Stevens ("FCM Stevens"), Jean Wandri, a licensed counselor, Mary Christine Hiatt, an individual employed by Cardinal Services who works with individuals who have special needs, Grandfather, Grandmother, and Guardian ad Litem Lindsay Ruby ("GAL Ruby"). After the Grandparents rested, the court heard testimony from Mother's sister and Mother.

[11] On August 30, 2021, the trial court entered an order finding that Mother's consent was not required pursuant to Ind. Code § 31-19-9-8(a)(11) and granting Grandparents' petition to adopt H.D.

Discussion

[12] Mother argues that the trial court made no finding that she was unfit to be a parent. She contends that Grandparents failed to prove by clear and convincing evidence that she was unfit to be a parent and the evidence failed to show that H.D.'s best interests would be served if the court dispensed with her consent. She also asserts that the evidence failed to show that granting Grandparents' petition to adopt H.D. was in H.D.'s best interests.

[13] In family law matters, we generally give considerable deference to the trial court's decision because we recognize that the trial judge is in the best position to judge the facts, determine witness credibility, and obtain a feel for the family dynamics and a sense of the parents and their relationship with their children. *E.B.F. v. D.F.*, 93 N.E.3d 759, 762 (Ind. 2018). Accordingly, when reviewing an adoption case, we presume that the trial court's decision is correct, and the appellant bears the burden of rebutting this presumption. *Id.*

[14] When reviewing the trial court's ruling in an adoption proceeding, we will not disturb that ruling unless the evidence leads to but one conclusion and the trial judge reached an opposite conclusion. *In re Adoption of T.L.*, 4 N.E.3d 658, 662 (Ind. 2014). The trial court's findings and judgment will be set aside only if they are clearly erroneous. *E.B.F.*, 93 N.E.3d at 762. A judgment is clearly erroneous when there is no evidence supporting the findings or the findings fail to support the judgment. *Id.* We will not reweigh evidence or assess the credibility of witnesses. *Id.* Rather, we examine the evidence in the light most favorable to the trial court's decision. *Id.*

[15] Ind. Code § 31-19-11-1 provides that the trial court shall grant a petition for adoption if it hears evidence and finds that the adoption requested is in the best interest of the child and proper consent, if consent is necessary, to the adoption has been given. Ind. Code § 31-19-9-8(a) provides that consent to an adoption is not required from:

> (11) A parent if:
>
> > (A) a petitioner for adoption proves by clear and convincing evidence that the parent is unfit to be a parent; and
> >
> > (B) the best interests of the child sought to be adopted would be served if the court dispensed with the parent's consent.

[16] If a petition for adoption alleges a parent's consent to adoption is unnecessary under Ind. Code § 31-19-9-8(a)(11) and the parent files a motion to contest the adoption, the petitioner has the burden of proving the requirements of Ind. Code § 31-19-9-8(a)(11) are satisfied and the best interests of the child are served if the court dispenses with the parent's consent to adoption. Ind. Code § 31-19-10-1.2(e). Ind. Code § 31-19-10-0.5 provides: "The party bearing the burden of proof in a proceeding under this chapter must prove the party's case by clear and convincing evidence."

[17] The clear and convincing evidence standard is an intermediate standard of proof greater than a preponderance of the evidence and less than proof beyond a reasonable doubt. *See T.D. v. Eskenazi Health Midtown Cmty. Mental Health Ctr.*, 40 N.E.3d 507, 510 (Ind. Ct. App. 2015). In order to be clear and convincing,

the existence of a fact must be highly probable. *Id.* "The clear and convincing standard is employed in cases where the wisdom of experience has demonstrated the need for greater certainty, and where this high standard is required to sustain claims which have serious social consequences or harsh or far reaching effects on individuals." *Civil Commitment of T.K. v. Dep't of Veterans Affairs*, 27 N.E.3d 271, 276 (Ind. 2015) (citation and quotations omitted).

[18] While the term "unfit" as used in Ind. Code § 31-19-9-8(a)(11) is not statutorily defined, this Court has defined "unfit" as "[u]nsuitable; not adapted or qualified for a particular use or service" or "[m]orally unqualified; incompetent." *K.H. v. M.M.*, 151 N.E.3d 1259, 1267 (Ind. Ct. App. 2020) (citing *In re Adoption of M.L.*, 973 N.E.2d 1216, 1223 (Ind. Ct. App. 2012) (quoting BLACK'S LAW DICTIONARY 1564 (8th ed. 2004))), *trans. denied*. We have also noted that cases concerning the termination of parental rights can provide useful guidance in determining whether a parent is unfit, that termination cases have considered factors such as a parent's substance abuse, mental health, willingness to follow recommended treatment, lack of insight, instability in housing and employment, and ability to care for a child's special needs, and that we have consistently held in the termination context that the court need not wait until children are irreversibly harmed such that their physical, mental, and social development are permanently impaired before terminating the parent-child relationship. *See id.* at 1267-1268. A parent's criminal history is relevant to whether the parent is unfit to be a parent under Ind. Code § 31-19-9-8(a)(11). *In re Adoption of D.M.*, 82 N.E.3d 354, 359 (Ind. Ct. App. 2017).

[19] The primary concern in every adoption proceeding is the best interests of the child. *In re Adoption of M.S.*, 10 N.E.3d 1272, 1281 (Ind. Ct. App. 2014). The adoption statute does not provide guidance for which factors to consider when determining the best interests of a child, but we have noted there are strong similarities between the adoption statute and the termination of parental rights statute in this respect. *Id.* In termination cases, we have held the trial court is required to look to the totality of the evidence to determine the best interests of a child. *Id.* Relevant factors include, among others, a parent's historical and current inability to provide a suitable environment for the child and the child's need for permanence and stability. *Id.*

[20] To the extent Mother argues that the trial court made no finding that she was unfit to be a parent and cites *D.T. v. J.M.*, 136 N.E.3d 323 (Ind. Ct. App. 2019), we find that case distinguishable. In *D.T. v. J.M.*, the trial court verbally ruled that a biological father's consent was required and "[a]lthough finding that [biological father's] 'consent is required,' the court said that it was moving 'into the second phase of the case,' that is, 'the phase of the actual petition' and 'what is in the best interests of the children.'" 136 N.E.3d at 324-325. The court then issued an order granting adoptive father's petition to adopt the children. *Id.* at 325. On appeal, this Court held:

> Here, the trial court specifically found that Section 31-19-9-8(a)(2) did not apply and that Biological Father's consent to the adoption was required. But if that were true—if Biological Father's consent was indeed required—then the adoption could not proceed. However, the court went on to discuss "what constitutes an 'unfit' parent" and granted the adoption.

> Presumably, the court was referencing Section 31-19-9-8(a)(11), which provides another path for dispensing with consent. But the court failed to make the specific findings required by that provision, namely, that (1) Biological Father is unfit to be a parent and (2) "the best interests of the child sought to be adopted would be served if the court dispensed with the parent's consent."
>
> In order to dispense with Biological Father's consent pursuant to Section 31-19-9-8(a)(11) and grant the adoption, the court was required to assess the best interests of the children at two stages: (1) a finding that Biological Father is unfit and that it is in the best interests of the children to dispense with Biological Father's consent pursuant to Section 31-19-9-8(a)(11) and (2) a finding that adoption by Adoptive Father is in the children's best interests pursuant to Section 31-19-11-1(a). The trial court's order appears to have conflated the first best-interests inquiry with the second. We therefore remand this case with instructions for the trial court to determine, first, whether Biological Father is unfit to be a parent and, if so, whether it is in the best interests of the children to dispense with his consent. Only if the court makes these first two determinations should it move on to the best-interests analysis required under Section 31-19-11-1(a).

Id. at 326.

[21] Unlike in *D.T. v. J.M.*, the trial court's order in the present case specifically referenced Ind. Code § 31-19-9-8. With respect to Mother's consent, the order stated:

> III. MOTHER'S CONSENT
>
> For the following reasons, [Mother's] consent is not required, pursuant to IC 31-19-9-8(11):

1. Mother has refused to comply with multiple court orders regarding drug testing, as ordered by this and the previous judge of the Cass Circuit Court, which were based on her history of drug usage and related criminal offenses, and instead asserts the defense that she should be able to set the terms of such orders and that the Court should accept the substitution of her judgment for its own, an assertion the Court does not accept;

2. Mother has refused to comply with multiple court orders regarding psychiatric evaluations, as ordered by this and the previous judge of the Cass Circuit Court, based on her claims of various diagnoses, and instead asserts the defense that she should be able to set the terms of such orders and that the Court should accept the substitution of her judgment for its own, an assertion the Court does not accept;

3. The Guardian ad Litem has testified that her suggestions and recommendations to Mother have not been followed, that Mother is misrepresenting circumstances to the GAL and the Court, and that she can no longer argue in favor of reunification;

4. Mother's testimony regarding her current financial and housing circumstances is contradictory and strains credulity. Indeed, her answers to any and all of the questions about her financial, housing, and, especially, personal circumstances are so antagonistic and evasive that the Court finds itself without the means to say with any certainty what any of her relevant circumstances actually *are*. Her argument here essentially is that she has corrected whatever shortcomings she may have had, according to her standards, because she says so. The record does not support that assertion, either;

5. Mother's defense to the report from a third party about her behavior with the child in public, which the third party testified that she reported out of concern for the child's safety and welfare, is that the third party's testimony is coached and

fabricated as part of a conspiracy that [Grandparents] have launched against her;

6. Mother's defense to testimony from service providers is that all of their testimony is coached and fabricated as part of a conspiracy that [Grandparents] have launched against her;

7. Mother's sole witness on her behalf (and who otherwise slept through the proceedings . . .) was a sister whose testimony was limited in scope and lacked direct knowledge of the circumstances;

Appellant's Appendix Volume II at 69-70. The court's order included a subsequent section titled "IV. PETITIONERS' FITNESS," which found that Grandparents were fit to be the adoptive parents and that it was in H.D.'s best interests that their petition be granted. *Id.* at 70. We cannot say that the trial court conflated the first best-interests inquiry with the second as the trial court did in *D.T. v. J.M.*

[22] We next turn to Mother's argument that the evidence failed to support the trial court's conclusions. FCM Stevens testified that he became familiar with H.D. in April 2021 after receiving a report from Mother regarding concerns about H.D.'s mental health as well as a concern regarding "alienation of parents." Transcript Volume II at 27. FCM Stevens stated that he conducted an investigation, determined that Grandparents' home was a suitable place to raise a child, and discovered no concerns with H.D.'s mental health. He testified he spoke with H.D. who told him there had been "several incidents or things" which she found to be abnormal. *Id.* at 32. H.D. mentioned an incident in which she visited a library with Mother and Mother "ate a bag of some kind of

sour, sugary treat" and "dumped the sugar from the package on the ground." *Id.* at 33. She also told FCM Stevens of a "time where they were playing line tag at the Y and they had taken a break and were sitting down" and Mother "had gotten onto the floor and was . . . rolling around on the floor, which she found to be an odd behavior." *Id.* He indicated that H.D. told him that she wanted to reduce visits with Mother and that H.D. appeared to be happy with the idea of adoption. FCM Stevens testified that he scheduled a home visit with Mother and went to her house on May 12, 2021. He stated that Mother was polite and respectful but had a "rather higher energy level" and can be animated and "at times people might see some behavior appearing erotic [sic] and abnormal." *Id.* at 37. FCM Stevens offered Mother an oral drug screen "because it seems to be a repetitive factor that is brought up from past history," and Mother declined. *Id.* at 38. He filed a report finding Mother's allegations unsubstantiated.

[23] Wandri, a counselor, testified that Grandparents called her and asked her if she could see H.D. and that she had eight sessions with H.D. beginning in May 2021. She indicated that H.D. felt safe and secure with Grandparents. She testified that "you can say [H.D.] loves [Mother], but she also feels that [Mother] . . . embarrasses her when they're together sometimes." *Id.* at 51-52. She also stated that H.D. "feels that [Mother] really doesn't have a lot of emotional feeling for her." *Id.* at 52. When asked if she found that H.D. was fearful of Mother, she stated that H.D. told her "there was one time . . . [H.D.] locked herself in the locker room . . . because [Mother] was hollering at her."

Id. She indicated that H.D. said she did not want to spend "as much time with [Mother and Mother] sometimes makes her very uncomfortable during the visits with [Mother's], actually, child-like behavior that H.D. describes." *Id.* at 62. She also stated that H.D. "did try to avoid [Mother] on some occasions during the visit" and H.D. "would not want to live with [Mother], because she talked about how, how, uh, arrangements were when she lived with [Mother], and she said that the house was scary, and she was sometimes left by herself." *Id.* at 52. She stated that she thought permanency was an important aspect in H.D.'s life at this point. She also testified that she believed Grandparents were in the best position to provide H.D. with long term stability.

[24] Hiatt, who works for Cardinal Services with individuals who have special needs, testified that, during the times she went to the library with a client, she became familiar with H.D. She indicated that her attention was first drawn to H.D. when Mother told her that she did not have to listen to her grandparents. When asked if she witnessed any interactions between Grandmother and Mother that concerned her, she answered:

> Oh. . . . Yes! I think the worst one was that I heard was uh, [Grandmother] wanted to talk to [Mother]. She just wanted to share some information about H.D. and [Mother] didn't want to talk to her and [Grandmother] just, you know, she was very nice about it, she just said, "well, I just wanted let [sic] you know a few things about H.D." and . . . [Mother] got upset and . . . said "I don't want to talk to you". She was yelling in the library, uh, myself, my special needs gal and another gentleman that was at the computers all were turning around listening because she was very loud.

Id. at 75. She stated that this incident occurred at the very beginning of the parenting time session and that Mother "didn't even get to see" H.D. and that Mother left. *Id.* at 76.

[25] Hiatt testified that she approached Grandmother to discuss how the parenting sessions were going because the way Mother spoke to H.D. when Grandmother was not present concerned her. She testified that Mother would accuse H.D. of cheating or manipulating her while Mother and H.D. were playing a card game. She stated that Mother attempted to convince H.D. to talk to a man she was speaking with on her cell phone, and H.D. said: "I don't know who that is, and I don't want to talk to him." *Id.* at 78.

[26] Grandfather testified that he was a retired rehabilitation therapist. He stated that Father was an angry and dangerous person and Mother and Father's relationship since H.D.'s birth had been "pretty hectic." *Id.* at 101. He indicated that "there's been a lot of really . . . violent times, arguments and fights and slashing of tires and . . . you know pulling a gun out and just not a good situation . . . ." *Id.* He also testified that he believed it was in H.D.'s best interest that there be some permanency at this point.

[27] Grandmother testified that she was retired and previously worked at the Logansport State Hospital and Four County Counseling. When asked about the circumstances regarding DCS's initial involvement, she indicated that she went to the place where Mother, Father, and H.D. were staying and observed a number of State Troopers around the home. She went inside and "it was

horrific," Father's room was "filthy dirty, torn up . . . it's just shambles," "[n]o carpet," and "dirt and obvious drug paraphernalia, on the floors, and around, just out in the open." *Id.* at 129. She also stated: "In the cow barn, it's a place where we had the cows milked and the whole stall, which . . . I would say was roughly fifty (50) feet but most of that was full of . . . Crown Royal whiskey bottles." *Id.* at 130. She stated: "I mean it looked like something out of a movie that I . . . like layers and up against the walls and up unto [sic] the ceiling, just whiskey bottles." *Id.*

[28] When asked if the incident at the library was the only time that type of an interaction had happened, Grandmother answered:

> No, there's been other times, just uh, numerous times where uh, you say the wrong word and she gets mad and uh, just an argumentative type person that just, you can't have a conversation with her. It's . . . she immediately becomes defensive and then it escalates, and you try to re-direct it and then that really escalates and then you just have to stop, it just stops.

Id. at 138. She also stated that "H.D. says repeatedly that [Mother] tries to contact" Father. *Id.* at 140. She stated that "[e]ach visit is an unpredictable situation," she does not know if Mother is going to be on time or what is going to transpire, and Mother arrives at visits and looks like she "either hasn't slept or needs to sleep . . . or just got up from sleep, and just not . . . really oriented to what's going on. I mean just kind of blank stares." *Id.* at 142. She stated that Mother "can be really manic." *Id.* She also stated that H.D. had "a lot of hurt

feelings after visits" and that H.D. said Mother "will spend time ignoring her." *Id.* at 160.

[29] According to Grandmother's testimony, an incident occurred three weeks earlier after she informed Mother that she would meet her with H.D. at a park for a bike ride. When Grandmother pulled into the parking lot, Mother was repeatedly saying: "[W]here's the bike? Where's the bike? Where's the bike?" *Id.* at 146. Grandmother began lifting the bike out and realized that H.D. had outgrown it. She testified that she knew they were going to buy H.D. a new bike and asked Mother if she wanted to pitch in on purchasing a new one. The conversation escalated, and Mother yelled and screamed at Grandmother while H.D. was riding in circles on the bike. Mother threw her drink on Grandmother, and the drink smelled like alcohol. Grandmother told Mother that she was going to call the police, Mother left immediately, and H.D. "was crying in the car by then." *Id.* at 148. When asked about her concerns regarding Mother accusing H.D. of manipulating her, Grandmother testified: "Because H.D. has a good grasp of what is going on with behavior and . . . she's definitely having difficulty understanding [Mother's] behavior and she struggles with it, she is struggling with it." *Id.* at 153. She also testified that she believed adoption was in H.D.'s best interest.

[30] GAL Ruby testified that H.D. told her that Mother would call and talk to Father during the visits and put him on speaker and H.D. would talk to him or, if he was not available, they would talk to Father's girlfriend. When asked if "that's good judgment that [Mother's] exercising during her visits," she

answered: "Well . . . probably not, no." *Id.* at 196. She indicated that she did not believe that any of this contact with Father was good for H.D.'s overall development. She testified that H.D. communicated to her that Mother has a tendency of cursing "a lot." *Id.* at 197. She indicated she thought Mother's behavior was not appropriate for the short visits H.D. had with Mother. She testified that H.D. told her that Mother recently said "I love you," H.D. did not say it back to her, and Mother called her a "f------ brat." *Id.* at 198. She indicated that H.D. was hurt and upset by that exchange. *Id.* She indicated Mother had done very poorly with regard to her parenting choices during her recent sessions.

[31] GAL Ruby testified that Mother has a history of emotional problems and had been battling addiction for a long time. She indicated she was aware that Mother came into the courtroom throughout the guardianship proceedings and told the judge that she was maintaining sobriety. When asked if she believed that at all, she answered: "I have a hard time believing that." *Id.* at 200. She indicated she was aware that Mother tested positive just days after she said she was sober at one point. She testified that Mother had not complied with the order requiring her to submit to a hair follicle test and every sixty days thereafter. When asked if Mother had "done anything to suggest that she's made any progress with regard to these court orders throughout this case, the guardianship case," she answered in the negative. *Id.* at 209. She also indicated that Mother had not completed the psychological evaluation. When

asked if Mother was fit to parent H.D. at this stage in her life, she answered in the negative.

[32] On redirect examination, GAL Ruby indicated that Mother had convictions for operating while intoxicated in 2007 and 2009, pled guilty to a paraphernalia charge in 2014 and had a "meth charge" dismissed as part of that, was arrested for possession of a narcotic in 2015 which was dismissed, and was convicted of obstruction of justice in 2017. *Id.* at 220. She acknowledged Mother had a long-documented history of substance abuse. She also indicated that Mother had hindered her own relationship with H.D. and had not completed any of the court-ordered psychiatric work. She indicated that there is a significant "mental health component to this whole thing" and it could be "a part of the substance abuse component." *Id.* at 224. She also agreed with the idea that permanency is critical in this case.

[33] The trial court was in the best position to judge the facts, and we will not reweigh evidence or assess the credibility of the witnesses. We cannot say that Mother has met her burden to overcome the presumption the trial court's decision is correct or that the evidence leads to but one conclusion and the trial court reached the opposite conclusion.

[34] For the foregoing reasons, we affirm the judgment of the trial court.

[35] Affirmed.

Mathias, J., and Molter, J., concur.