

## MEMORANDUM DECISION

Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision is not binding precedent for any court and may be cited only for persuasive value or to establish res judicata, collateral estoppel, or law of the case.



---

ATTORNEY FOR APPELLANT: A.Y.

Justin K. Clouser  
Kokomo, Indiana

ATTORNEY FOR APPELLANT: T.Y.

Eric Grzegorski  
Kokomo, Indiana

ATTORNEYS FOR APPELLEE

Theodore E. Rokita  
Attorney General of Indiana

Robert J. Henke  
Director, Child Services Appeals  
Unit  
Indianapolis, Indiana

---

## IN THE COURT OF APPEALS OF INDIANA

---

In the Matter of the Termination  
of the Parental Rights of:

A.B. and J.Y. (Minor Children),  
and

A.Y. (Mother) and T.Y.  
(Father),

*Appellants-Respondents,*

v.

Indiana Department of Child  
Services,

*Appellee-Petitioner.*

March 2, 2023

Court of Appeals Case No.  
22A-JT-1824

Appeal from the Howard Circuit  
Court

The Honorable Lynn Murray,  
Judge

Trial Court Cause No.  
34C01-2205-JT-181  
34C01-2205-JT-182

**Memorandum Decision by Judge Robb**  
Judges Mathias and Foley concur.

**Robb, Judge.**

## Case Summary and Issues

[1] A.Y. (“Mother”) has two children, J.Y. and A.B. (collectively, when appropriate, “Children”). T.Y. (“Father”) is the father of J.Y. A.B.’s father is deceased. Children were removed from Mother and Father’s care in July 2020 and adjudicated children in need of services (“CHINS”). The Indiana Department of Child Services (“DCS”) subsequently sought termination of Mother’s and Father’s parental rights. After a hearing, the juvenile court entered orders making findings and terminating their parental rights. Mother and Father separately appeal, challenging the sufficiency of the evidence supporting termination. Concluding the juvenile court did not err in finding DCS proved by clear and convincing evidence that termination was appropriate, we affirm.

## Facts and Procedural History

[2] In the summer of 2020, Mother and Father (collectively, “Parents”) were married and living with A.B., Mother’s thirteen-year-old daughter from another relationship; J.Y., Parents’ six-year-old son together; and L.Y., Father’s mother (“Grandmother”). DCS became involved with the family when, in late June, it received a report alleging A.B. was the victim of sexual abuse by a male outside

the home and had made statements regarding self-harm. Law enforcement took her to a hospital, where she told staff she had smoked marijuana and subsequently tested positive for cocaine. In mid-July, DCS received a second report identifying A.B. as the victim of sexual abuse. This report also alleged Mother was using drugs and neglecting Children.

[3] DCS spoke with Parents about possible drug use in the home and asked them to submit to oral drug screens. The screens came back positive for cocaine, among other drugs. Several days later, DCS administered another round of oral drug screens on Parents, Grandmother, and J.Y. All four tests came back positive for cocaine. Because there was no sober caregiver in the home, Children were removed from Parents' care on July 25. A.B. was placed in relative care and J.Y. was placed in foster care. Of note, Parents had at least two prior substantiated neglect cases, and J.Y. had been removed from Parents' care once before for almost three years.<sup>1</sup>

[4] DCS filed one petition alleging A.B. was a CHINS and a separate petition alleging J.Y. was a CHINS. The cases proceeded contemporaneously, with

---

<sup>1</sup> The report prepared for the court by the Court Appointed Special Advocate ("CASA") prior to the termination hearing states Parents had three prior substantiated cases and J.Y. had been removed from Parents' care twice. The record, however, only contains information about two prior cases with DCS. In 2010, prior to J.Y.'s birth, the family was involved with DCS because of Parents' substance abuse issues. Parents entered a program of informal adjustment. Parents were not cooperative with DCS, but the matter was closed when A.B.'s father obtained custody of her. It appears Mother regained custody of A.B. in approximately 2015. In December 2014, approximately six months after J.Y.'s birth, a probation search of Parents' home discovered drugs and paraphernalia. J.Y.'s condition at the time raised concerns his medical needs were not being met and he was removed from the home and adjudicated a CHINS. The family was reunified in October 2017.

joint hearings throughout. Parents admitted Children were CHINS and the juvenile court held a dispositional hearing on September 28. Parents were ordered to participate in therapy, random drug screens, supervised visits subject to negative drug screens, and home-based case management. They were also ordered to complete a mental health assessment and follow any recommendations, cooperate and maintain contact with DCS and service providers, refrain from alcohol or drug use except as prescribed by a physician, and maintain stable, drug-free housing.

[5] From the dispositional hearing in September 2020 through March 2021, Parents had little contact with DCS and submitted several positive drug screens. Mother participated in no services. Father was arrested for drug-related offenses in November 2020 and met with the home-based case manager a few times during his incarceration. Neither parent was able to participate in visits with Children due to lack of cooperation with services and positive or missed drug screens.

[6] In April 2021, Parents became more involved with services, submitting to drug screens and participating in supervised visits when the screens were negative. On April 6, Mother had her first visit with Children since their removal nearly nine months before. Father had his first visit with J.Y. on April 8. On July 21, Parents had their last visit of 2021 with Children. Mother's run of five visits between April and July was her "longest [regular] stint of visits during the life of the case[.]" Transcript of Evidence, Volume II at 59. Father had four visits

during this time. The family case manager (“FCM”) discussed substance abuse rehabilitation programs with Parents, but they did not feel that was necessary.

[7] Aside from this brief period of regular drug screens and visitation, Parents’ participation in the CHINS case plan was “very sporadic.” *Id.* The FCM explained, “[M]aybe they would hold it together for a month, but then things would fall off again.” *Id.* at 60. In August, Parents were both arrested for drug-related offenses. They subsequently lost their housing when they fell behind on payments and had to stay at Grandmother’s apartment. Mother lost several jobs because “once the employer receives her background checks she is let go.” [Father’s] Appendix, Volume 2 at 43. At a November Child and Family Team Meeting (“Team Meeting”), Parents reported “there were many stressors in their life” and said they wanted to focus on obtaining housing and employment. *Id.*

[8] DCS filed petitions for termination of parental rights in December 2021<sup>2</sup> and a termination fact-finding hearing was set for February 14, 2022. At a Team Meeting in January 2022, the FCM instructed Parents they needed to start doing services. The FCM emphasized the “need for consistent *and* negative drug screens” because Parents did not seem to understand that every missed screen counted as a failed screen. *Id.* (emphasis added). Noting they had been

---

<sup>2</sup> One petition was filed seeking termination of Mother’s parental rights to A.B. and another petition was filed seeking termination of Mother’s and Father’s parental rights to J.Y. As with the CHINS cases, the termination cases proceeded contemporaneously.

incarcerated several times in 2021 which affected their participation, Parents asked DCS to delay the termination hearing and “give them one more chance.” *Id.*

[9] On February 5, DCS agreed to ask for a continuance of the fact-finding hearing “to give [Parents] the opportunity to participate in services.” *Id.* The juvenile court granted the continuance, but a CHINS review hearing was still held on February 14. Prior to the hearing, Mother screened positive for cocaine and fentanyl. At the hearing, Father admitted to relapsing and subsequently tested positive for cocaine.

[10] Mother had a supervised visit with J.Y. on February 17, their first visit since July 2021. Notably, she had asked DCS about visitation with J.Y. but did not ask about visitation with A.B. Because of his positive drug screen, Father was not able to participate in the visit. On February 22, Parents were again arrested for drug-related offenses. After that arrest, Mother declined to participate in services or visits to “concentrat[e] on drug screens, legal issues and finding a place to live.” *Id.* at 44. Father was incarcerated for a time and eventually released to work release.

[11] At some point after the February CHINS review hearing, DCS dismissed the pending termination petitions, only to refile them on May 10. A fact-finding hearing was scheduled for June 6.

[12] At the fact-finding hearing, Mother, Father, and various service providers testified. The evidence showed Parents’ participation in home-based casework

was very inconsistent. Throughout the CHINS proceedings, the home-based case manager (“case manager”) met with Mother fewer than ten times. She met with Father more because she could meet with him when he was incarcerated, but “not a lot of goals were set” for either parent. Tr., Vol. II at 45. Shortly before the hearing, Father expressed a desire to go to a rehabilitation program and the case manager found a place for him. Unfortunately, Father was not released from incarceration into work release in time to attend. Mother expressed no interest in substance abuse treatment. Although the case manager had one appointment with Mother in February 2022 and another in May 2022, the case manager testified, “I wouldn’t say a lot of progress has been made” during the CHINS proceedings because of Parents’ inconsistency, and the filing of the termination petitions “didn’t change anything.” *Id.* at 45-46.

- [13] The FCM testified that during the CHINS proceedings, Father had eleven positive drug screens and Mother had ten. Further, since June of 2021, there had not been a single month that Parents submitted to all requested screens. She noted Parents had completed substance abuse assessments, but neither had followed through with the recommended services and therefore had done little to address their substance abuse issues. She acknowledged that in the month prior to the hearing, Parents had made improvements. They had last tested positive for drugs in February 2022. Father was doing well in work release and Mother had employment and housing. But her overall assessment of Parents’

participation throughout the case was that “[t]hey would make the attempt, but it lacked the follow through[.]” *Id.* at 62.

[14] The FCM was “[n]ot very confident” that Parents would remedy the reasons for Children’s removal, especially because they had been given extra time to participate in services but only began to do so in the month before the termination hearing. *Id.* at 65. “[T]hat [extra] time could’ve been used a lot differently with the kids being the sole priority and the focus being reunification[.]” *Id.* Her main concern if Children were to be returned to Parents was their instability: “the inconsistency has been the hardest . . . for the kids. . . . [They] have waited for we’re coming up on two years at least for them to achieve permanency[.]” *Id.* at 66-67. She noted in particular that with the two removals combined, J.Y. had “been out of [Parents’] care longer than he has been with them.” *Id.* at 68. The FCM recommended the petitions for termination be granted, opining that termination would be in their best interests. DCS’ plan for Children was adoption by their respective placements.

[15] Children’s CASA also testified. She was appointed to the case in July 2021. Since that time, she never got the impression that Parents’ top priority was working toward reunifying with Children. Her concerns for Children if they were returned to Parents’ care was that Parents would begin using drugs again because “they’re both addicts” and their failure to participate in substance abuse treatment posed the threat that the cycle of reunification and then removal would continue. *Id.* at 78. “[C]hildren are very much afraid of going home to the same pattern of drugs and neglect, and then periods of doing well, and then



drugs.” *Id.* at 81. The CASA also recommended termination of parental rights as being in Children’s best interests.

[16] Mother acknowledged that all instances of DCS involvement with the family were because of drug use. But she testified she was currently sober and had been for “almost a year.” *Id.* at 93. She had not participated in any organized substance abuse treatment program other than Narcotics Anonymous, but she “[d]ecided” she was done with drugs. *Id.* at 38. She stated, “[I] just quit using like I did when I was clean for five years. I didn’t take any courses or classes the whole five years I was clean. I just had enough. I wanted to quit.” *Id.* She did, however, have an IOT intake appointment scheduled later in June. Mother had been employed for the past four months with the same employer, had her driver’s license and a car, and had an apartment. She believed she had met all the requirements of the dispositional order and blamed any deficiencies on the service providers not communicating with her.

[17] Father testified he has used drugs since he was thirteen years old “as . . . stress relief.” *Id.* at 13. Father has tried medically assisted treatment, outpatient treatment, and multiple relapse prevention programs. Once J.Y. was reunified with the family in 2017, Father felt they “did really well with the kids home” until his father passed away in 2020 and he started using drugs again. *Id.* He acknowledged that he does well “for periods of time, and then slowly slide[s] off.” *Id.* at 12. For two months prior to the termination hearing, Father had been in work release and had just “phased up” to the second of three stages of work release. *Id.* at 17. He was making almost \$20 per hour in his job, taking

three drug screens per week as required by DCS and the work release program, and was visiting with Children again. The entire family had a visit in May because Father asked for A.B. to be included in a visit scheduled with J.Y. Father had been sober for ninety days, was attending Narcotics Anonymous meetings on his own, had requested inpatient treatment options, and was “trying to figure out this addiction,” hoping this would be the time he would stay clean for good. *Id.* at 16. Father admitted he had not done all he could during the CHINS case, but stated, “I’m really trying to better myself now.” *Id.* at 6.

- [18] In July 2022, the juvenile court issued orders terminating Mother’s rights to J.Y. and A.B. and Father’s rights to J.Y. The court made findings of fact and concluded DCS had proved by clear and convincing evidence Children had been removed for the requisite amount of time; DCS has a satisfactory plan for Children’s care and treatment; there is a reasonable probability the conditions that resulted in removal will not be remedied; continuation of the parent-child relationships posed a threat to Children’s well-being; and termination was in Children’s best interests. Mother and Father separately appeal.

## Discussion and Decision

### I. Standard of Review

- [19] Although parental rights are of constitutional dimension, the law provides for termination of these rights when parents are unable or unwilling to meet their parental responsibilities. *In re R.H.*, 892 N.E.2d 144, 149 (Ind. Ct. App. 2008).

Indiana Code section 31-35-2-4 sets out the elements DCS must allege and prove by clear and convincing evidence to terminate a parent-child relationship, including, 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 child in need of services;

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

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

Ind. Code § 31-35-2-4(b)(2);<sup>3</sup> Ind. Code § 31-37-14-2 (stating burden of proof in termination proceedings).

---

<sup>3</sup> There are four elements total. Between the parents, they challenge these three. As neither parent challenges proof of the period of removal from the home/efforts at reunification, Ind. Code § 31-35-2-4(b)(2)(A), we consider any argument regarding that element waived, *see* Ind. Appellate Rule 46(A)(8)(a), but also note the evidence supports the juvenile court's conclusion that this element was proved by clear and convincing evidence.

[20] If the juvenile court concludes the allegations of the petition for involuntary termination are true, “the court shall terminate the parent-child relationship[,]” Ind. Code § 31-35-2-8(a), and must enter findings supporting its conclusion, Ind. Code § 31-35-2-8(c). 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*. If the evidence clearly and convincingly supports the findings and the findings clearly and convincingly support the judgment, the judgment is not clearly erroneous. *In re R.S.*, 56 N.E.3d 625, 628 (Ind. 2016). 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). Finally, where the findings are not challenged, we accept them as true. *In re S.S.*, 120 N.E.3d 605, 610 (Ind. Ct. App. 2019).

## II. Mother’s Appeal

[21] Mother appeals the termination of her parental rights to Children, arguing DCS failed to prove there is a reasonable probability the conditions that resulted in their removal will not be remedied.

[22] We begin by noting Mother has not challenged any of the juvenile court’s findings of fact, and we therefore take them as true and need only determine whether the unchallenged findings clearly and convincingly support the judgment. *See id.* We also note Indiana Code section 31-35-2-4(b)(2)(B) is written in the disjunctive. To support termination, DCS is required to prove

there is a reasonable probability that *either* conditions leading to removal will not be remedied (the “remedy of conditions prong”) *or* continuation of the relationship poses a threat to the child’s well-being (the “well-being prong”). Here, the juvenile court found DCS proved both prongs by clear and convincing evidence. *See* Appealed Order [J.Y.] at 16-17; Appealed Order [A.B.] at 15-16. But Mother challenges only the juvenile court’s conclusion regarding the remedy of conditions prong. Even if Mother is correct and the juvenile court’s conclusion that conditions will not be remedied is set aside as unsupported by the evidence, the juvenile court’s termination order is still supported by the unchallenged conclusion that DCS proved the well-being prong.

[23] Nonetheless, we briefly address Mother’s claim there was insufficient evidence that conditions would not be remedied. There is a two-step analysis for addressing whether the conditions resulting in a child’s initial or ongoing removal will not be remedied: first, identifying the conditions that led to removal, and second, determining whether there is a reasonable probability those conditions will be remedied. *See In re E.M.*, 4 N.E.3d at 642-43. In the second step, the juvenile court must judge a parent’s fitness as of the time of the termination proceeding, taking into consideration evidence of changed conditions. *Id.* at 643. When there is evidence of changed conditions, however, the court must balance a parent’s recent improvements against habitual patterns of conduct to determine whether there is a substantial probability of future neglect or deprivation. *Id.* We entrust that delicate balance to the juvenile court, which has discretion to weigh a parent’s prior history more heavily than

efforts made only shortly before termination. *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 N.Q.*, 996 N.E.2d 385, 392 (Ind. Ct. App. 2013).

[24] The juvenile court made the following findings supporting its conclusion that the conditions leading to removal will not be remedied:

61. [Children were] removed due to allegations of illegal substance use by Parents. The out of home placement has continued . . . due to Parents' inconsistency with drug screening, including numerous positive drug screens, an overall lack of progress in reunification services, and continued criminal charges and sentences. There is no indication that those circumstances have significantly changed in any positive way. What is clear from the evidence is that both parents failed to participate in any meaningful substance abuse treatment or classes throughout the CHINS case. Mother voluntarily stopped reunification efforts on at least one occasion, and Father continued to be in and out of incarceration. When Parents did participate in reunification services, they seemed to gain little if any benefit, according to the testimony of service providers.

62. For most of the CHINS case, Parents have demonstrated that they will not put meaningful effort into remedying the reasons for involvement with [DCS] or [Children's] continued placement outside their care. The Court finds that Parents' habitual patterns of conduct leaves a high probability of future neglect and deprivation of [Children] and further finds that the continuation of the parent-child relationships would undoubtedly place [Children] at risk.

Appealed Order [J.Y.] at 15-16; *see* Appealed Order [A.B.] at 14-15.

- [25] The juvenile court acknowledged its obligation to consider evidence of changed circumstances. *See* Appealed Order [J.Y.] at 14; Appealed Order [A.B.] at 13. Mother testified her circumstances at the time of the termination proceeding had improved from earlier in the CHINS proceeding. She had reportedly been sober since February 2022, had kept a job for several months, and had secured housing. However, the evidence also showed she used illegal substances throughout the proceedings, leading to arrests, non-participation in services, and the inability to visit with Children until shortly before the termination hearing. Most tellingly, this was at least the family's third involvement with DCS, all stemming from substance abuse, showing a clear pattern of Mother being able to get sober for a period of time but being unable to maintain her sobriety long term.
- [26] Habitual conduct may include a parent's prior criminal history, drug and alcohol abuse, history of neglect, failure to provide support, and lack of adequate housing and employment. *A.D.S. v. Ind. Dep't of Child Servs.*, 987 N.E.2d 1150, 1157 (Ind. Ct. App. 2013), *trans. denied*. The juvenile court may also consider the services offered to the parent by DCS and the parent's response to those services as evidence of whether conditions will be remedied. *Id.* Here, the juvenile court gave more weight to Mother's habitual conduct than to her recent improvements. This was within the juvenile court's discretion. *See E.M.*, 4 N.E.3d at 643.

[27] Mother also contends DCS failed to prove termination is in the best interests of Children.<sup>4</sup> A variety of factors may be considered by the juvenile court in determining a child's best interests. *Matter of M.I.*, 127 N.E.3d 1168, 1171 (Ind. 2019). These factors include a child's need for permanency. *In re P.B.*, 199 N.E.3d 790, 799 (Ind. Ct. App. 2022). Moreover, a recommendation by the FCM and CASA for the termination petition to be granted in addition to evidence the conditions resulting in removal will not likely be remedied is sufficient to show by clear and convincing evidence that termination is in the child's best interests. *In re A.S.*, 17 N.E.3d 994, 1006 (Ind. Ct. App. 2014), *trans. denied*.

[28] Here, the FCM and CASA both supported termination of Mother's parental rights. Both commented on Mother's failure to make Children a priority throughout the proceedings and Children's need for permanency after nearly two years removed from Parents' care. Where, as here, the testimony of service providers supports a finding that termination is in a child's best interests, we will not second-guess the juvenile court. *See McBride v. Monroe Cnty. Off. of Fam. & Child.*, 798 N.E.2d 185, 203 (Ind. Ct. App. 2003).

[29] In sum, the juvenile court's unchallenged findings support its conclusions that DCS proved by clear and convincing evidence there is a reasonable probability

---

<sup>4</sup> Because the rights at issue are of constitutional dimension, we address this element despite Mother's brief mentioning it only in passing and without separate argument or citation to authority. *See* [Mother's] Brief at 10 (sole mention of "best interests").



the conditions that resulted in Children's removal from Mother's care will not be remedied and termination is in their best interests. The juvenile court's order terminating Mother's parental rights to Children is not clearly erroneous.

### III. Father's Appeal

[30] Father appeals the termination of his parental rights to J.Y., arguing DCS failed to prove 1) either there is a reasonable probability the conditions that resulted in J.Y.'s removal would not be remedied or there is a reasonable probability the continuation of the parent-child relationship poses a threat to J.Y.'s well-being; 2) termination is in J.Y.'s best interests; and 3) there is a satisfactory plan for J.Y.'s care and treatment. Like Mother, Father has not challenged any of the juvenile court's findings of fact, and we therefore take them as true and determine only whether the unchallenged findings clearly and convincingly support the judgment. *See In re S.S.*, 120 N.E.3d at 610.

#### A. Remedy of Conditions

[31] Father, acknowledging DCS has to prove *either* the remedy of conditions *or* the well-being prong of Indiana Code section 31-35-2-4(b)(2)(B), challenges the sufficiency of the evidence supporting both.

[32] With respect to the remedy of conditions prong, as noted above, Children were removed from Parents' home and remained outside their care because of substance abuse. *See supra* ¶ 25; Appealed Order [J.Y.] at 15. Father testified he had been using drugs since he was thirteen and that he "always used that as a comfort[.]" Tr., Vol. II at 13. He was able to get clean when J.Y. was

previously removed from the home because of substance abuse and the family was reunified. But when his father died, he used drugs once and “it just continued [and] started turning into a habit again.” *Id.* He submitted a drug screen that returned positive for drugs as recently as February 2022. Father testified he had since been released to work release and was working up to seventy hours per week and earning nearly \$20 per hour. He was submitting three drug screens per week, had been sober for ninety days, and was visiting with Children. When he was released from work release, he would be living with Mother in the apartment she had rented.

[33] As with Mother, the juvenile court acknowledged its obligation to consider Father’s evidence of his changed circumstances. *See* Appealed Order [J.Y.] at 14. And as with Mother, the juvenile court in its discretion weighed Father’s past conduct more heavily than efforts he made only shortly before the termination hearing. *See In re E.M.*, 4 N.E.3d at 643 (“Requiring trial courts to give due regard to changed conditions does not preclude them from finding that parents’ past behavior is the best predictor of their future behavior.”). Clear and convincing evidence supports the juvenile court’s determination that the conditions resulting in removal are not likely to be remedied.<sup>5</sup>

---

<sup>5</sup> Having identified sufficient evidence supporting this finding under subsection (B), we need not address Father’s argument concerning the juvenile court’s alternative finding that DCS had proved the well-being prong by clear and convincing evidence.

## B. Best Interests

- [34] Father also contests the juvenile court's conclusion that termination was in J.Y.'s best interests.
- [35] In determining what is in a child's best interests, a juvenile court is required to look beyond the factors identified by DCS and consider the totality of the evidence. *In re A.K.*, 924 N.E.2d 212, 223 (Ind. Ct. App. 2010), *trans. dismissed*. Termination of parental rights is not appropriate solely because there is a better home available for the child. *See In re V.A.*, 51 N.E.3d 1140, 1152 (Ind. 2016). However, in assessing a child's best interests, the juvenile court must subordinate the parent's interests to those of the child. *A.D.S.*, 987 N.E.2d at 1158. "[C]hildren have an interest in terminating parental rights that prevent adoption and inhibit establishing secure, stable, long-term, continuous relationships[.]" *K.T.K. v. Ind. Dep't of Child Servs.*, 989 N.E.2d 1225, 1230 (Ind. 2013) (citation omitted), and children cannot be expected to wait indefinitely for their parents to work toward reunification, *In re E.M.*, 4 N.E.3d at 648. Recommendations of service providers, coupled with evidence showing the conditions resulting in removal will not be remedied, is sufficient to prove by clear and convincing evidence that termination is in a child's best interests. *A.D.S.*, 987 N.E.2d at 1158-59.
- [36] Here, the FCM and CASA both testified that termination of Father's parental rights was in J.Y.'s best interests. J.Y. has twice been removed from Parents' home due to their substance abuse. Despite Father's laudable strides forward,

he has not yet demonstrated that he will break the pattern of substance abuse followed by a period of sobriety followed by a backslide into substance abuse so as to show the removal conditions might be remedied. J.Y. has already spent five of his eight years outside of Parents' care and in the same foster placement. "Central among [a child's interests] is [the] need for permanency." *Matter of Ma.H.*, 134 N.E.3d 41, 49 (Ind. 2019). And as the juvenile court found, "It is in [J.Y.'s] best interests to have permanency, not perpetual wardship and uncertainty." *Appealed Order [J.Y.]* at 18. Clear and convincing evidence supports the juvenile court's determination that termination is in J.Y.'s best interests.

### **C. Satisfactory Plan**

[37] Finally, we address Father's argument that DCS failed to prove there was a satisfactory plan for J.Y.'s care and treatment. DCS' plan for the care and treatment of a child following termination need not be detailed, and it is sufficient if it gives a general sense of the direction in which the child will go after parental rights are terminated. *Lang v. Starke Cnty. Off. of Fam. & Child.*, 861 N.E.2d 366, 374 (Ind. Ct. App. 2007), *trans. denied*. Adoption is a "satisfactory plan" for the care and treatment of a child under the termination of parental rights statute. *In re B.M.*, 913 N.E.2d 1283, 1287 (Ind. Ct. App. 2009). Here, the juvenile court found that DCS had a satisfactory plan in place for the care and treatment of J.Y. because DCS intended for him to be adopted. Moreover, the evidence showed DCS intended for J.Y. to be adopted by the foster family in whose care he had been placed both times he was removed from

Parents' home, even though in order to prove this element, DCS is not required to establish it has identified a specific adoptive family. *See Lang*, 861 N.E.2d at 375. Clear and convincing evidence supports the juvenile court's finding that there is a satisfactory plan for the care and treatment of J.Y. after termination.

- [38] The juvenile court's unchallenged findings support its conclusions that DCS proved each element of the termination statute by clear and convincing evidence. The juvenile court's order terminating Father's parental rights to J.Y. is not clearly erroneous.

## Conclusion

- [39] Based on the foregoing, we conclude the juvenile court's orders were supported by clear and convincing evidence and the termination of Mother's and Father's parental rights to Children is therefore affirmed.
- [40] Affirmed.

Mathias, J., and Foley, J., concur.