

MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

In the Matter of the Termination
of the Parent-Child Relationship
of B.L., Father, K.L., Mother,
and T.L., Child,

B.L. and K.L.,

Appellants-Respondents,

v.

Indiana Department of Child
Services,

Appellee-Petitioner.

February 3, 2023

Court of Appeals Case No.
22A-JT-1851

Appeal from the
Tippecanoe Superior Court

The Honorable
Faith A. Graham, Judge

Trial Court Cause No.
79D03-2202-JT-5

Memorandum Decision by Judge Foley

Judges Robb and Mathias concur.

Foley, Judge.

- [1] B.L. (“Father”) and K.L. (“Mother”) are the parents of T.L. (“Child”), and the parental rights of both Mother and Father were terminated by the juvenile court. In this consolidated appeal, Mother and Father argue that the juvenile court erred in terminating their parental rights because the termination judgment was not supported by clear and convincing evidence. Finding no error in the juvenile court’s judgment, we affirm.

Facts and Procedural History

- [2] Child was born to Mother and Father (together, “Parents”) on September 21, 2011. In addition to Child, Mother is also the mother of an older sibling, K.R.H. (“Sibling”). In 2010, before Child was born, and when Parents were dating but not yet married, the Indiana Department of Child Services (“DCS”) removed Sibling from their care due to substance abuse and placed him in the care of the maternal grandparents. DCS filed a child in need of services (“CHINS”) petition, and the case was resolved by the reunification of Sibling with Mother after approximately six months. Mother and Father married during that CHINS case, but they later divorced in 2016.
- [3] On September 14, 2020, DCS received a report, alleging that Child and Sibling were the victims of neglect because Mother and her then-boyfriend were abusing methamphetamine and marijuana in their home and that the children

had access to the drugs. Specifically, Child stated that she “touched a white substance in . . . [M]other’s room.” Ex. Vol. 1 p. 228. When DCS went to the home to investigate, Mother appeared to be under the influence, declined a drug screen, and refused to allow Child and Sibling to be interviewed. Child and Sibling both tested positive for methamphetamine, and Mother later tested positive for methamphetamine. When asked about the positive drug screens, Mother denied using any drug.

[4] On October 16, 2020, DCS, with the assistance of law enforcement, removed Child and Sibling from Mother’s home. The officers smelled the odor of marijuana emanating from Mother’s home and vehicle, and they obtained a search warrant. When they executed the search warrant, the police discovered the presence of various drugs and paraphernalia in the home, and Mother and her boyfriend were arrested for dealing in methamphetamine, possession of methamphetamine, maintaining a common nuisance, and other related offenses.¹ At that time, Father was in Community Corrections and unable to care for Child.

[5] Child was placed in the care of her maternal grandmother. DCS filed a petition alleging Child was a CHINS, and on December 3, 2020, the juvenile court adjudicated Child to be a CHINS. The juvenile court issued a dispositional order and a parental participation decree on December 28, 2020, ordering

¹ The record does not disclose the outcome of this case.

Parents into reunification services. Specifically, Mother was ordered to complete a substance abuse assessment, to participate in home-based case management, parent education, and visitations with Child, to submit to random drug screens, and to follow all recommendations. Father was ordered to participate in home-based case management and visitations with Child, to submit to random drug screens, and to sign necessary releases for DCS to access Tippecanoe County Community Corrections records.

A. Mother

[6] Mother abused illegal drugs throughout the case. In October 2020, when the instant CHINS case was commenced, it was “pretty clear” that she was actively using drugs because she was aggressive and short-tempered. Tr. Vol. 2 p. 208. Her behaviors improved after October 2020 when Mother’s drug screens were negative but resumed around June 2021, when her drug screens were again positive for methamphetamine. *Id.* at 125, 209–10.

[7] DCS referred Mother for a substance abuse assessment on two occasions, and she eventually completed the assessment. Mother was adamant about attending only outpatient services so that she could work even though she was not consistently employed. Mother was recommended to attend intensive outpatient services, which she failed to complete. She initially began recovery services with Valley Oaks, but she was discharged from the program. In June 2021, she began attending recovery services at Meridian Health and initially participated by phone and would often end the conversations early. She identified methamphetamine as her drug of choice but continuously denied

ongoing substance abuse. Starting in January 2022, Mother was expected to meet with her therapist weekly, in person, for one hour, but she failed to do so. She attended only five appointments, often cancelling, failing to arrive at all, and usually leaving early. During a session, Mother admitted that she had been involved in a traffic stop on February 26, 2022, during which she failed sobriety tests and refused a breathalyzer. She was arrested as a result.² On March 29, 2022, Mother texted her therapist and reported that she had been out of state for a week. Mother thereafter failed to schedule any further appointments, and she was discharged from services at the end of March 2022. At the time of the termination hearing, Mother stated she had begun virtual substance abuse treatment at Sycamore Springs on May 3, 2022. Mother never mentioned this treatment prior to the hearing and provided no verification.

- [8] During the CHINS case, Mother tested positive for the following substances: (1) September 30, 2020, amphetamine and methamphetamine; (2) October 22, 2020, benzodiazepines, amphetamine, and methamphetamine; (3) April 23, 2021, amphetamine and fentanyl; (4) June 9, 2021, amphetamine and methamphetamine; (5) June 17, 2021, methamphetamine; (6) June 22, 2021, methamphetamine; (7) October 22, 2021, benzodiazepines; (8) November 12, 2021, marijuana; (9) November 17, 2021, benzodiazepines and marijuana; (10) December 10, 2021, marijuana; (11) December 17, 2021, marijuana; (12) April 8, 2022, methamphetamine. Mother failed to submit to all her required drug

² The record does not disclose the outcome of this case.

screens and failed to submit a sample after April 2022. On at least one occasion, Mother submitted a sample deemed to have been tampered with. At the time of the termination hearing, Mother reported that if tested, she would test positive for marijuana.

[9] Although DCS offered case management services to Mother, she refused to participate and claimed that she did not need these services because she had employment and housing and could create a budget and do everything else on her own. DCS made two referrals for home-based case management services for Mother, one being through PAKT and another through Just Do It. Mother participated on a few occasions but maintained that she did not need the services. Ultimately, she declined further services.

[10] Mother was inconsistent with her visitation with Child. She was initially referred for supervised parenting time in November 2020, but she was discharged in late January or early February 2021 for lack of attendance. She resumed fully supervised parenting time in April 2021. Her visits occurred at the visitation facility due to the presence of methamphetamine in the home that required remediation. Mother missed the first three visits in April, attended one visit in May, and attended three visits in June but was late for two of those visits. Mother was unsuccessfully discharged in July 2021 for missed appointments and refusal to follow visit guidelines. When Mother was late or failed to attend visitations, Child would become very upset.

[11] Mother was referred for parenting time at a new agency on August 4, 2021, but was discharged on September 20, 2021, because her visitation had been suspended. Mother was referred to yet another agency in November 2021, but that referral was cancelled because her visits were suspended due to positive drug screens. Mother resumed fully supervised visits in early January 2022, with visits scheduled twice a week totaling between six to eight hours per week and occurring either in Mother's home or in the community. During one of the visits, an unapproved man entered through the sliding glass door, and Mother told him to leave. At one point, Mother asked to decrease her parenting time, but her request was denied. Mother's last visit with Child occurred on March 13, 2022. After that, the visits were suspended due to Mother having a positive drug screen.

[12] When the CHINS case commenced, Mother had housing, but on August 13, 2021, many areas of the home tested positive for methamphetamine at levels higher than the legal limit. Remediation was required to bring the levels below the legal limit. Mother was generally unemployed during the underlying CHINS except for short-term work at an insurance agency. At the time of the termination hearing, Mother was working from home for Caterpillar through a temporary agency and had that employment since January 2022. Mother did not like to leave the house and reported experiencing anxiety and fear; she also had difficulty interacting with others. Despite Mother's reluctance to leave her home, she traveled to Texas for one week in early May 2022 for work and traveled to Florida twice since April 2022 to see a high school friend.

B. Father

[13] When the CHINS case began, Father was in Community Corrections and was later transferred to home detention. Father's criminal history at the time the CHINS case commenced included the following, mostly substance abuse-related convictions: (1) June 2017, Class A misdemeanor possession of a synthetic drug and Class C misdemeanor possession of paraphernalia; (2) September 2017, Class A misdemeanor operating while intoxicated and Class A misdemeanor possession of a synthetic drug; (3) November 2017, Level 6 felony possession of a synthetic drug; (4) November 2018, Level 6 felony possession of methamphetamine; and (5) December 2018, Level 6 felony failure to return to lawful detention and habitual offender enhancement. Various petitions to revoke probation were also filed against Father.

[14] At the beginning of the CHINS case, Father was already involved in substance abuse treatment at Valley Oaks through Community Corrections. After graduating from those services in March 2021, Father received a referral for further individual substance abuse treatment at Meridian Health, where he began attending outpatient recovery services in late March 2021. Father identified marijuana and spice as his drugs of choice.

[15] Father relapsed in August or September 2021, entered inpatient treatment, and once he completed that, he began residing at Oxford House, a sober living facility for recovering addicts. Father described Oxford House as a "democratic," self-run house that does not require drug screens or breathalyzer tests. Tr. Vol. 2 p. 226. Father took on extensive responsibilities at Oxford

House, which interfered with his recovery. DCS recommended that Father reduce his responsibilities, but he failed to do that until approximately six weeks prior to the termination hearing.

[16] During the CHINS case, Father tested negative on several drug screens collected in July, August, October, and November 2021. He tested positive for suboxone and marijuana on January 6, 2022, and suboxone on March 11, 2022. Father admitted obtaining suboxone without prescription in January 2022 and was prescribed suboxone in March 2022. Father failed to submit to regular drug screens as requested and refused to submit to any drug screens at all since April 2022. Starting at the beginning of 2022, Father's participation in treatment at Meridian Health became intermittent. Father maintained phone contact but failed to attend in-person meetings.

[17] Beginning in November 2020, Father participated in case management services with PAKT, and his goals included transportation, budgeting, working on a genogram, and establishing a safety plan. After leaving inpatient treatment, Father was prescribed medication, but he failed to take it consistently and eventually chose to stop taking it. Father was unsuccessfully discharged in November 2021 from case management services due to aggression and non-compliance, and no other referral was made as Father reported that he did not need the service.

[18] Father began fully supervised parenting time with Child around November 2020 with PAKT as his service provider. Father attended visitations regularly

through April 2021, and his interactions with Child were appropriate, resulting in reduced supervision and transition to overnight parenting time. Because of this success with visitation, Father was able to begin a trial home visit with Child on April 8, 2021, with drop-in monitoring once or twice per week. At the time of the trial home visit, Father resided with his girlfriend (“Girlfriend”). During the trial home visit, Father admitted consuming alcohol and marijuana, which resulted in increased drop-in monitoring. An incident of aggression between Father and Girlfriend occurred around July 9, 2021, which upset Child.

[19] Father and Girlfriend were referred to couples’ counseling, but another incident occurred in August 2021, which caused Father’s trial home visit period to end. Girlfriend contacted DCS, stating that Father was under the influence. DCS had contact with Father and noted that he was slurring his words, twitching, swaying, and had difficulty remaining awake. Although Father initially denied using drugs, he later admitted that he had used spice. Girlfriend ended the relationship and changed the locks on the residence. Father’s name was removed from the lease, and he entered rehab. This relapse ended the trial home visit.

[20] After the trial home visit ended, Father failed to maintain regular contact with DCS and to actively participate in services. Father was later referred to a program to address his aggressive behaviors, but he failed to attend. After the trial home visit ended, Child stayed with Girlfriend until the end of 2021, and Father resumed fully supervised parenting time, but he failed to regularly attend

scheduled visits. In September 2021, Father became upset and was verbally aggressive in the visit facilitator's vehicle, and as a result, he was placed on a zero-tolerance policy for aggression. In November 2021, Father was being demanding and aggressive in text messages, and his interactions at visits had deteriorated. Father was unsuccessfully discharged from visitation services on November 15, 2021.

[21] In January 2022, Father resumed fully supervised parenting time with visitations taking place in the community. Father cancelled at least one visit after Child had already been transported to the visit location, reportedly due to illness. However, Father was observed outside the visit location on that date even though he failed to reply to texts and calls. Child was visibly upset about the cancellation. Father attended only three visits in January 2022, and after he failed to attend seven scheduled visits in February and one scheduled visit in March, he was unsuccessfully discharged for failure to attend visits and failure to maintain contact with the service provider. DCS then suspended Father's visitation.

[22] At the time of the termination hearing, Father still resided at Oxford House, and his plan was to have Child live with him at the new "Daddy and Me" home, which was scheduled to open in June 2022. Father was generally employed throughout the proceedings although he changed employers several times.

C. Child

[23] In May 2021, when she was about nine years old, Child began therapy, which included anxiety management and emotional regulation techniques, cognitive behavioral therapy, dialectical behavior therapy, and mind-body medicine. Child's therapeutic goals included regulating her emotions, increasing her ability to advocate for herself, and managing the trauma that resulted from the unpredictability and neglect she had experienced. At the onset of therapy, Child's demeanor varied often and ranged from sadness to anger. Over time, Child made progress, but her continued progress was inhibited by the lack of permanency and unknown future. Child's therapist believed that Child needed permanency for her mental health to improve. During the six months preceding the termination factfinding hearing, Child's demeanor had been calmer and more consistent, and being in a safe and stable environment helped Child. Child's therapist believed that Child was connected to, but not bonded with, Parents because there was no trust in the relationship, and Parents did not meet her needs. Child lost trust in Father because he failed to regularly attend visits, causing her to feel unworthy.

[24] Child's court appointed special advocate ("CASA"), who was involved with the case since the beginning of the CHINS case, believed that termination and adoption were in Child's best interests for the protection of Child's emotional and physical stability. Child's CASA noted that Mother never addressed her substance abuse issues, continually denied drug abuse despite positive drug screens, and repeatedly claimed that testing facilities tampered with her

samples. The CASA also noted that, in January 2022, Mother admitted dealing drugs to support Child and Sibling. The CASA also stated that Father relapsed at least twice during the trial home visit, after which the CASA observed the relationship between Father and Child change in that Child distanced herself from Father.

[25] At the time of the termination hearing, Child had been placed with Maternal Aunt for approximately five months, in a child-friendly home, where Sibling also resided. During that five-month period, Child matured, and her demeanor became much more settled. She no longer asked about when she would see Parents but, instead, talked about school, friends, activities she does with Sibling, vacations, and her new life. Maternal Aunt was willing to adopt Child, and she meets Child's needs and provides a safe and nurturing environment. The DCS family case manager ("FCM") opined that Parents failed to remedy and were unlikely to remedy the condition—drug abuse—that resulted in Child's removal and continued placement outside the home. The FCM further opined that the parent-child relationship was harmful to Child and that termination and adoption were in Child's best interests. Child was bonded to Maternal Aunt and Sibling.

D. Termination Proceedings

[26] On February 15, 2022, the permanency plan changed to adoption with a concurrent plan of guardianship with Maternal Aunt. On February 24, 2022, DCS filed a petition to terminate the parental rights of Mother and Father. On May 25, 2022, the juvenile court held a factfinding hearing on the termination

petition. On July 7, 2022, the juvenile court entered its order terminating the parental rights of both Mother and Father. In doing so, the juvenile court concluded that there was a reasonable probability that the conditions which resulted in Child's removal and continued placement outside the home would not be remedied; that there was a reasonable probability that the continuation of the parent-child relationship posed a threat to Child's well-being; that termination of parental rights was in Child's best interests; and that there was a satisfactory plan for the care and treatment of Child, that being adoption. Both Mother and Father now appeal.

Discussion and Decision

[27] While the Fourteenth Amendment to the United States Constitution protects the traditional right of a parents to establish a home and raise their children, the law allows for the termination of parental rights based on the inability or unwillingness to meet parental responsibilities. *Bester v. Lake Cnty. Off. of Fam. & Child.*, 839 N.E.2d 143, 145 (Ind. 2005); *In re D.P.*, 994 N.E.2d 1228, 1231 (Ind. Ct. App. 2013). Thus, parental rights are subordinated to the child's interests in determining the appropriate disposition of a petition to terminate the parent-child relationship. *In re J.C.*, 994 N.E.2d 278, 283 (Ind. Ct. App. 2013). The purpose for terminating parental rights is not to punish the parent but to protect the child. *In re D.P.*, 994 N.E.2d at 1231. Termination of parental rights is proper where the child's emotional and physical development is threatened. *Id.* The juvenile court need not wait until the child is irreversibly harmed such that

their physical, mental, and social development is permanently impaired before terminating the parent-child relationship. *Id.*

[28] As our Supreme Court has observed, “[d]ecisions to terminate parental rights are among the most difficult our trial courts are called upon to make. They are also among the most fact-sensitive—so we review them with great deference to the trial courts” *E.M. v. Ind. Dep’t of Child Servs.*, 4 N.E.3d 636, 640 (Ind. 2014). Where, as here, the juvenile court enters specific findings and conclusions for an order terminating parental rights, we review only for clear error, and we apply a two-tiered standard of review. *In re B.J.*, 879 N.E.2d 7, 14 (Ind. Ct. App. 2008), *trans. denied*. First, we must determine whether the evidence supports the findings,³ and second, we determine whether the findings support the judgment. *Id.* A finding is clearly erroneous only when the record contains no facts or inferences drawn from it that support it. *Id.* If the evidence and inferences support the juvenile court’s decision, we must affirm. *A.D.S. v. Ind. Dep’t of Child Servs.*, 987 N.E.2d 1150, 1156 (Ind. Ct. App. 2013), *trans. denied*.

[29] Before an involuntary termination of parental rights may occur, the State must allege and prove, among other things:

³ Mother and Father do not challenge the trial court’s findings of fact, so they have waived any arguments relating to the unchallenged findings. See *In re S.S.*, 120 N.E.3d 605, 610 (Ind. Ct. App. 2019) (noting this court accepts unchallenged trial court findings as true).

(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.

Ind. Code § 31-35-2-4(b)(2). The State's burden of proof for establishing these allegations is one of clear and convincing evidence. *In re H.L.*, 915 N.E.2d 145, 149 (Ind. Ct. App. 2009). Moreover, "if the court finds that the allegations in a petition described in section 4 of this chapter are true, the court *shall* terminate the parent-child relationship." I.C. § 31-35-2-8(a) (emphasis added).

A. Conditions Not Remedied

[30] Mother⁴ and Father first argue that the juvenile court’s conclusion that there was a reasonable probability that the conditions resulting in the removal of Child and the reasons for placement outside of the home would not be remedied was not supported by sufficient evidence.⁵ In determining whether there is a reasonable probability that the conditions that led to a child’s removal and continued placement outside the home will not be remedied, we engage in a two-step analysis. *K.T.K. v. Ind. Dep’t of Child Servs.*, 989 N.E.2d 1225, 1231 (Ind. 2013). First, we must determine what conditions led to the child’s placement and retention in foster care, and second, we determine whether there is a reasonable probability that those conditions will not be remedied. *Id.*

[31] In the second step, the juvenile court must judge a parent’s fitness at the time of the termination proceeding, taking into consideration evidence of changed conditions and balancing a parent’s recent improvements against “‘habitual pattern[s] of conduct to determine whether there is a substantial probability of future neglect or deprivation.’” *E.M.*, 4 N.E.3d at 643 (quoting *K.T.K.*, 989

⁴ DCS, in its brief, addresses what it maintains “is essentially a due process claim” by Mother. Appellee’s Br. p. 21. However, in our reading of Mother’s brief, we do not discern that she raised a claim that her due process rights were violated, and to the extent that she did, any due process claim is waived for failure to develop a cogent argument. See *Dickes v. Felger*, 981 N.E.2d 559, 562 (Ind. Ct. App. 2012); Ind. Appellate Rule 46(A)(8)(a).

⁵ Although Mother frames her argument as being only whether sufficient evidence was presented to prove that termination was in the best interests of Child, many of the contentions in her brief touch on whether Mother remedied the conditions for removal and placement outside the home, so we will address this argument here.

N.E.2d at 1231). Under this rule, “[juvenile] courts have properly considered evidence of a parent’s prior criminal history, drug and alcohol abuse, history of neglect, failure to provide support, and lack of adequate housing and employment.” *In re D.B.*, 942 N.E.2d 867, 873 (Ind. Ct. App. 2011).

[32] In addition, DCS need not provide evidence ruling out all possibilities of change; rather, it must establish only that there is a reasonable probability that the parent’s behavior will not change. *In re Involuntary Termination of Parent-Child Relationship of Kay L.*, 867 N.E.2d 236, 242 (Ind. Ct. App. 2007). “We entrust th[e] delicate balance to the [juvenile] court, which has [the] discretion to weigh a parent’s prior history more heavily than efforts made only shortly before termination.” *E.M.*, 4 N.E.3d at 643. When determining whether the conditions for the removal would be remedied, the juvenile court may consider the parent’s response to the offers of help. *D.B.*, 942 N.E.2d at 873.

[33] Here, the reason for Child’s removal from the home was Mother’s substance abuse and the presence of drugs in the home. Substance abuse was a recurrent issue throughout the duration of the CHINS and termination proceedings for Parents. Mother never stopped using drugs while the proceedings were pending, and Father had several relapses where he fell back into substance abuse. When Child was removed from the home, Mother was abusing substances and tested positive for methamphetamine and amphetamines, and at the time of the termination hearing, Mother had failed to submit to a drug screen for almost two months, and stated that she would test positive for marijuana on the date of the hearing. At the time of removal, Father was in

Community Corrections and unable to care for Child and was in substance abuse treatment; after suffering several relapses, at the time of the termination hearing, he was residing in a sober living facility where he had been for over seven months since his last relapse.

[34] In addition to their substance abuse issues, both Mother and Father struggled with consistent visitations with Child. Over the course of the proceedings, Mother never progressed beyond supervised visitation with Child because she continued to test positive for drugs, which would suspend her visitation. Although Father achieved a trial home visit in April 2021, the opportunity was disrupted when he suffered at least two relapses and his behavior became aggressive, which caused a rift in his relationship with Child. Both Mother and Father also struggled to maintain consistent visitations with Child even when visitation was not suspended. Except for the several months that Father had a trial home visit, Child has been removed from the home for almost two years. Despite having almost two years to remedy the condition—drug use—that resulted in Child’s removal and continued placement outside the home, neither Mother nor Father have been able to maintain sobriety to remedy the situation. We, therefore, conclude that the juvenile court’s conclusion that there was a reasonable probability that the conditions which resulted in Child’s removal

and continued placement outside the home would not be remedied was supported by sufficient evidence.⁶

B. Termination in Best Interests of Child

[35] Mother also argues that the juvenile court's conclusion that termination was in the best interests of Child was not supported by clear and convincing evidence. In determining what is in the best interests of the child, a juvenile court is required to look at the totality of the evidence. *In re A.K.*, 924 N.E.2d 212, 224 (Ind. Ct. App. 2010) (citing *In re D.D.*, 804 N.E.2d 258, 267 (Ind. Ct. App. 2004), *trans. denied*), *trans. dismissed*. In doing so, the juvenile court must subordinate the interests of the parents to those of the child involved. *Id.* Termination of a parent-child relationship is proper where the child's emotional and physical development is threatened. *Id.* (citing *In re R.S.*, 774 N.E.2d 927, 930 (Ind. Ct. App. 2002), *trans. denied*). A parent's historical inability to provide a suitable, stable home environment along with the parent's current inability to do so supports a finding that termination is in the best interests of the child. *In re A.P.* 981 N.E.2d 75, 82 (Ind. Ct. App. 2012). Testimony of the service providers, in addition to evidence that the conditions resulting in removal will

⁶ We need not address whether the juvenile court properly concluded that there was a reasonable probability that the continuation of the parent-child relationship posed a threat to Child's well-being because Indiana Code section 31-35-2-4(b)(2)(B) is written such that, to properly effectuate the termination of parental rights, the juvenile court need only find that one of the three requirements of subsection (b)(2)(B) has been established by clear and convincing evidence. See Ind. Code § 31-35-2-4(b)(2)(B); *A.D.S. v. Ind. Dep't Child Servs.*, 987 N.E.2d 1150, 1157 n.6 (Ind. Ct. App. 2013), *trans. denied*. Because we have concluded that the juvenile court's determination that the conditions for Child's removal and continued placement outside of the home would not be remedied was supported by clear and convincing evidence, we do not need to reach this argument.

not be remedied, are 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, 1005 (Ind. Ct. App. 2014), *trans. denied*. A juvenile court need not wait until a child is irreversibly harmed such that his or her physical, mental, and social development is permanently impaired before terminating the parent-child relationship. *In re A.K.*, 924 N.E.2d at 224. Additionally, a child's need for permanency is an important consideration in determining the best interests of a child. *Id.* (citing *McBride v. Monroe Cnty. Off. of Fam. & Child.*, 798 N.E.2d 185, 203 (Ind. Ct. App. 2003)).

[36] In looking at the totality of the evidence, at the time of the termination hearing, Child had been removed from the care of Mother and Father for almost two years, and Parents had failed to make the changes necessary to provide Child with a safe and healthy environment. As discussed above, DCS presented sufficient evidence that there was a reasonable probability that Mother and Father would not remedy the reasons for Child's removal from their care. Additionally, the FCM testified that Parents failed to remedy and were unlikely to remedy the condition—drug abuse—that resulted in Child's removal and continued placement outside the home. She further stated that the parent-child relationship was harmful to Child and that termination and adoption were in Child's best interests. Child's CASA, who was involved with the case since the beginning of the CHINS case, believed that termination and adoption were in Child's best interests for the protection of Child's emotional and physical stability. The CASA noted that Mother never addressed her substance abuse

issues and continually denied drug abuse despite positive drug screens, and that Father relapsed at least twice during the trial home visit, after which the relationship between Father and Child changed in that Child distanced herself from Father. Further, Child’s therapist testified that Child had made progress in her therapy goals over time, but her continued progress was inhibited by the lack of permanency and unknown future, and, therefore, believed that Child needed permanency for her mental health to improve.

[37] The juvenile court “need not wait until a child is irreversibly influenced by a deficient lifestyle such that her physical, mental, and social growth is permanently impaired before terminating the parent-child relationship.” *K.E. v. Ind. Dep’t of Child Servs.*, 39 N.E.3d 641, 649 (Ind. 2015). Child should not have to wait any longer for the opportunity to enjoy the permanency that is essential to her development and overall well-being. The juvenile court’s conclusion that termination of Mother’s and Father’s parental rights was in Child’s best interests was supported by clear and convincing evidence.

[38] Affirmed.

Robb, J., and Mathias, J., concur.