

MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

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

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

K.B. (Mother),

Appellant-Respondent,

v.

Indiana Department of Child
Services,

Appellee-Petitioner.

May 5, 2023

Court of Appeals Case No.
22A-JT-2048

Appeal from the Floyd Circuit
Court

The Honorable Robert Bennett,
Senior Judge

Trial Court Cause Nos.
22C01-2106-JT-417
22C01-2106-JT-418

Memorandum Decision by Judge Robb
Judges Crone and Kenworthy concur.

Robb, Judge.

Case Summary and Issue

[1] K.B. (“Mother”) is the biological mother of A.B., born in September 2015, and J.W., born in October 2017 (together, “Children”). The Children were removed from Mother’s care in March 2020 and adjudicated children in need of services (“CHINS”) in May. In June 2021, the Indiana Department of Child Services (“DCS”) filed a petition to terminate Mother’s parental rights to Children. Following a factfinding hearing, the juvenile court issued orders finding DCS had proved by clear and convincing evidence that Mother’s parental rights should be terminated.¹ Mother now appeals, raising two issues for our review that we consolidate and restate as one: whether the juvenile court’s termination decision is supported by clear and convincing evidence. Concluding that it is, we affirm.

Facts and Procedural History

¹ The juvenile court also terminated the parental rights of D.W., J.W.’s biological father. L.M., A.B.’s biological father, voluntarily terminated his parental rights. Neither of the Children’s biological fathers participates in this appeal. The facts will generally be limited to those pertinent to Mother.

- [2] In August 2019, DCS received a report alleging that the Children were victims of physical abuse and neglect that had been perpetrated by Mother and D.W., J.W.'s biological father. The report further alleged J.W. had sustained a swollen left eye. DCS substantiated the allegations and determined the Children had been exposed to domestic violence and Mother's and D.W.'s use of methamphetamine and marijuana. Mother admitted to DCS that she smoked marijuana daily and that domestic violence had occurred in the home while the Children were present.
- [3] One month later, in September 2019, DCS initiated, and Mother agreed to enter into an informal adjustment to address the allegations of physical abuse, neglect, and domestic violence. Mother was referred for services that included intensive outpatient treatment, substance abuse and domestic violence treatment, random drug screens, and individual therapy. And DCS recommended that Mother utilize self-help substance abuse recovery programs such as NA and AA. In October, Family Case Manager ("FCM") Tabitha Southard began working with Mother and the Children.
- [4] The informal adjustment ultimately proved unsuccessful. During the informal adjustment period, Mother "minimally" completed the informal adjustment requirements. Exhibits, Volume 4 at 104. And the initial concerns for the Children's safety remained. For example, while Mother completed a substance abuse assessment, entered into a domestic violence support group, and began taking domestic violence classes, she did not complete the domestic violence program. Mother failed to keep in contact with her assigned caseworker due to

frequent disconnection of her cell phone service. And, while Mother did eventually allow the FCM to meet with the Children, she did so only after cancelling scheduled visits on multiple occasions. Mother was not able to maintain stable housing for the Children. And Mother continued to allow D.W., J.W.'s biological father, to live in her home. Mother underwent at least twenty-four drug screens but tested positive seventeen times for THC, once for methamphetamine, and once for cocaine.

[5] In March 2020, FCM Southard visited Mother's home to administer a random drug screen. The FCM noticed Mother had a black eye. Mother told the FCM that D.W. had thrown a lighter at her that hit her in her eye. On March 17, DCS removed the Children from Mother's care on the basis that substance abuse and domestic violence issues continued to exist in the home. Determining there was no suitable, sober caregiver available for the Children, DCS took the Children into custody. J.W. was placed with her maternal grandmother ("Grandmother") in Scottsburg, Indiana. A.B. was placed with her maternal great-grandmother in Lexington, Indiana. On March 19, DCS filed separate petitions alleging the Children were CHINS based on ongoing substance abuse and domestic violence in the home.

[6] In April 2020, DCS referred Mother and the Children to Youth Villages for homebased case management and supervised visitation services. The purpose of the homebased case management services was to determine the basic needs of the family with respect to housing stability and employment; provide parenting skills and supervised therapeutic visits; and meet with the Children to

address any behavioral or emotional issues. In July, Mother began working with Monica Foster, a clinical supervisor with Youth Villages (“Supervisor Foster”). At that time, Mother was participating in visits with the Children either virtually or through telephone calls but was not yet visiting with the Children in-person.

- [7] On May 13, 2020, the juvenile court adjudicated the Children CHINS, based on the allegations set forth in DCS’s CHINS petitions as well as DCS’s preliminary inquiries, and scheduled a dispositional hearing. That same month, court appointed special advocate (“CASA”) Teshea Barbee was assigned to the Children’s case, and the Children were placed together in relative care at the home of an aunt.
- [8] Sometime in May 2020, Mother abruptly moved from her apartment in New Albany, Indiana, to a residence in Columbus, Ohio, without informing DCS that she was leaving the state. Mother later told FCM Southard that she and D.W. fled Indiana after someone was shot in her apartment. Mother remained in Ohio until November 2020. While Mother was living in Ohio, FCM Southard worked with service providers in that state to provide Mother with individual therapy, homebased case management services, and drug screens.
- [9] Regarding visitation with the Children, Mother, while residing in Ohio, continued working with Supervisor Foster both virtually and in-person. Initially, Mother’s visitation with the Children took place virtually and by telephone. However, Mother transitioned to in-person visitation and began

driving back to Indiana weekly to participate in supervised in-person visits with the Children.

[10] Mother was consistent in attending the weekly visits with the Children, and Supervisor Foster acknowledged that Mother “always made her visits” with the Children. Transcript of Evidence, Volume 2 at 100. During the visits, Mother was receptive to the parenting instruction that Supervisor Foster provided. And Mother “had moments where she really made some significant improvements” in her parenting skills and “absorb[ed] the [parenting-skills] information that she [received,]” but then Supervisor Foster “would see . . . a decrease in that . . . – it was an up- and downhill battle.” *Id.* at 104. There were “more moments than not” where Mother “really struggled with implementing consistent parenting expectations for the [Children].” *Id.* at 105. Supervisor Foster believed that the inconsistencies with parenting were “difficult” for the Children because the Children “thrive[d] in a consistent environment, and that stability just wasn’t there for the visits.” *Id.*

[11] On June 11, 2020, the juvenile court held a dispositional hearing, and the court entered a dispositional order that required Mother to, among other things, maintain weekly contact with DCS; enroll in and regularly participate in recommended services; attend all scheduled visits with the Children; refrain from committing acts of domestic violence on anyone, including the Children; refrain from using illegal controlled substances; and submit to random drug screens. In August, the Children were placed together in foster care.

- [12] In the fall of 2020, Mother’s participation in services with her Ohio-based service providers became inconsistent. In September and October, Mother participated in only two therapy sessions. After that, Mother “no[-]show[ed]” to therapy. Tr., Vol. 3 at 122.
- [13] In November 2020, Mother moved back to Indiana, without notifying DCS, and moved in with Grandmother. Mother returned home because she was pregnant with her third child, and a domestic violence incident had occurred between Mother and D.W., where D.W. had choked Mother and tried to kick Mother in the stomach.² After returning to Indiana, Mother continued working with Supervisor Foster on homebased case management services and supervised visits with the Children.
- [14] In December 2020, DCS re-referred Mother for individual therapy. Mother began participating, but stopped because she did not want to do homebased services. Instead, Mother began in-office therapy at Centerstone. However, Mother failed to complete individual therapy services offered by Centerstone. Mother also was referred for individual therapy through Associates In Counseling And Psychotherapy (“ACP”), but the therapy services “subsequently got canceled due to [Mother’s] noncompliance.” *Id.* at 72.
- [15] In January 2021, Mother moved into her own apartment in Scottsburg, Indiana, and her circumstances were improving. Mother consistently

² D.W. is the father of Mother’s third child.

participated in services between January and May 2021, even after giving birth to her third child in April. Supervisor Foster increased Mother's supervised visits with the Children to twice weekly for two hours each visit, and the visits initially took place in Mother's apartment in the mornings. The "first couple of months[,]” the visits went “really well[,]” and Supervisor Foster observed “some increase . . . in [Mother's] parenting expectations and skills[.]” Tr., Vol. 2 at 110. However, when the visits were moved to afternoons, Mother's parenting of the Children became less structured and involved using food to pacify the Children. *Id.* “Boundary setting” was an issue, and Mother exhibited inconsistencies in her parenting of the Children. *Id.* at 112. Despite the inconsistencies in parenting the Children, Supervisor Foster allowed Mother to progress to five-to-six-hour monitored visits with the Children, where the supervisor would check on Mother and the Children only during the first and last thirty minutes of the visit.

[16] By April 2021, Supervisor Foster and Mother's team of service providers were working toward Mother having a trial home visit with the Children. But the trial home visit never took place because, in May 2021, Mother traveled suddenly to Ohio after a member of D.W.'s family passed away. Mother was gone for approximately two weeks. She had no visits with the Children while she was gone, and the lack of visits between Mother and the Children “was very rough [and] extremely difficult” on the Children. *Id.* at 121. During that time, the Children exhibited “some temper tantrums at daycare and at [their] foster home[.]” *Id.* at 122. While Mother was in Ohio, she only communicated with

Supervisor Foster by sending text messages. DCS scheduled a child and family team meeting (“CFTM”) between Mother and the service providers, but Mother “no-showed” for the meeting. *Id.* at 121.

[17] In June 2021, Mother returned to Indiana. Mother provided “a gamut of excuses” as to why she remained in Ohio for two weeks before returning to Indiana, such as, “she had an issue with her tire”; “her unemployment check didn’t come”; “the weather was bad”; D.W.’s sister “got into a car wreck, and [Mother] was trying to help her out”; and Mother was trying to “clean out [D.W.’s deceased relative’s] home.” Tr., Vol. 3 at 82.

[18] Supervisor Foster stopped Mother’s services in May 2021. While it was customary for Supervisor Foster to work with a parent for just six months, the supervisor had extended Mother’s services for eighteen months. By August, Mother’s Centerstone providers had closed her services due to Mother’s noncompliance. In September, Youth Villages discharged Mother from the services Mother had been provided. Mother’s service providers turned the focus of the services that Mother had previously been provided toward stabilizing the Children in their foster home. While Mother continued to participate in case management through ACP approximately once or twice a month, Mother never completed individual outpatient therapy or individual therapy. And DCS was never able to recommend Mother for unsupervised visitations due to her inconsistencies and inability to effectively parent Children.

[19] While DCS was involved in Mother’s case, Mother failed to remain drug free. Mother submitted to fifty-two drug screens out of a total of 140 offered and tested positive approximately thirty-one times. Most of Mother’s positive screens were for THC, but she also tested positive for methamphetamine, amphetamine, and cocaine. Mother last tested positive for cocaine in January 2022, and for THC in June 2022. Per Mother’s dispositional order, the drug screens that Mother either missed or refused to submit to resulted in presumptive positive screens.

[20] The CFTMs between Mother and the service providers took place every four to six weeks, and Mother was “pretty good about attending” the meetings – “[e]ven virtually” while she was living in Ohio. Tr. Vol. 2, at 213. However, in general, the meetings did not go well. There was “[l]ots of cussing” on Mother’s part, “lots of blaming everyone else, lots of anger.” *Id.* at 214. During the virtual meetings, Mother would “hang up on [the service providers]. She would turn [her cell] phone to the ceiling.” *Id.* At one virtual CFTM that took place while Mother was living in Ohio, Mother asked the service providers, “[W]ho do I give my marijuana card to when I get it?” *Id.* Then Mother, while visible on the computer screen, began smoking marijuana in front of the service providers.

[21] On June 30, 2021, DCS filed petitions for the involuntary termination of Mother’s parental rights to the Children. A factfinding hearing was held on April 28, June 24, and July 8, 2022. DCS presented testimony from FCM Southard; Supervisor Foster; CASA Barbee; A.B.’s mental health counselor,

Jacob Mauck; the Children’s foster mother (“Foster Mother”); and Grandmother. Mother’s evidence consisted of her own testimony.

[22] At the factfinding hearing, Supervisor Foster testified to her concerns regarding Mother’s parenting skills, telling the juvenile court, “[Mother is] very reactive in her emotions, and . . . so she tends to be more reactive than problem solving or trying to really assess the situation to figure out how to best support the [Children] or help them understand what’s going on” *Id.* at 105. Supervisor Foster told the juvenile court that during visits, the Children often “acted out[,]” and Mother’s response to the situation would “escalate the [Children’s] behaviors” instead of providing a calming influence on the Children. *Id.* at 108. Supervisor Foster testified that when Mother left for Ohio in May 2021, the impact on the Children was “[s]ignificant[.]” *Id.* at 122. And A.B. was “just really confused and felt like Mom had left again.” *Id.*

[23] Regarding inappropriate comments that Mother would make to the Children during visits, Supervisor Foster testified,

[Mother] would get very upset with regards to the details of the case [There were] times where she’s instructed the [Children] like[,]. . . this is the time where you have to listen to Mommy so that you can come home, and . . . , of course, [these statements] are . . . just false claims because we don’t know at that time what the outcome was for this case. So just putting a lot of pressure on the [Children] to act or do or behave in a certain way because that would affect [the Children’s] chances of coming home.

Id. at 106. Supervisor Foster also told the juvenile court, the Children, while in their foster home placement, made comments along the lines of:

I can't do this, then I can't come home to Mommy, or if I act out, I get to come home to Mommy. So I think the way [the Children's] brain[s] kind of processed this information was that it was because of them, and that obviously isn't the situation. So some comments were made to put it more back on [that] it was the [C]hildren's fault for the way things were going.

Id. Supervisor Foster further testified that the Children “need to be in a home that is conducive to providing a stable, consistent, [and] structured . . . environment with consistent parenting.” *Id.* at 155.

[24] FCM Southard testified that termination of Mother's parental rights, and the subsequent adoption of the Children by the current foster parents (“Foster Parents”), was in the Children's best interest because Mother had not shown in the nearly three years the case had been open that she could be the type of parent that the Children needed her to be. The FCM told the juvenile court, “[I]t still hasn't happened. We still keep getting excuses [from Mother] and lack of progress.” Tr., Vol. 3 at 100. Regarding visitation with the Children, the FCM testified that when Mother was inconsistent with attending visits with the Children, it was “very unsettling” for A.B. *Id.* at 84. FCM Southard also testified that during one particular visit with Mother, A.B. swallowed a quarter, but Mother did not do “anything to help A.B. at that time.” *Id.* at 135. The FCM further testified that during Mother's last visit with A.B., in April 2022, Mother “got mad” and began “yelling and screaming” when A.B. told Mother

that A.B.'s last name would change if A.B. was adopted by Foster Parents. *Id.* at 89. The FCM told the juvenile court that after that visit with Mother, A.B. had a "very difficult evening[,]” and A.B. "physically attacked” and "left a bruise” on Foster Mother. *Id.* A.B. later told the FCM that she had fought Foster Mother because she thought Foster Mother was Mother.

[25] As for the CFTMs, FCM Southard testified that while Mother attended the majority of the meetings that were held, "most of the CFTMs [we]re not productive.” *Id.* at 88. The FCM told the juvenile court that Mother would "begin[] to yell, scream, cuss, [and] make accusations[,]” and the FCM would then consider whether she should "cancel the CFTMs because [Mother was] so uncooperative.” *Id.*

[26] The Children's CASA also testified that the termination of Mother's parental rights, and adoption by Foster Parents, would be in the Children's best interest. CASA Barbee testified that she believed Mother's visits with the Children were negatively impacting the Children and resulting in a "decline[] in behavior” such that A.B. had refused to participate in visits with Mother. *Tr.*, Vol. 2 at 208. CASA Barbee told the juvenile court that the visits with Mother were "traumatizing” to the Children and that the Children were "having trouble in school . . . [and] out of school.” *Id.* at 217. CASA Barbee also testified to an instance where A.B. had found a gunlock in Mother's home, and Mother told A.B., "[S]ome very bad people broke into [Mother's] house and stole [Mother's] gun.” *Id.* at 238. The CASA told the juvenile court that Mother did not seem to appreciate the gravity of the gunlock matter. The CASA further

testified that she last visited Mother’s home in March 2022,³ and the CASA did not believe Mother’s home was safe for the Children because the staircase was extremely steep, handrails had not been installed, and “there was a big ledge that would be a lot of fun for a 6-year-old to walk out on . . . and then fall straight down.” *Id.* at 242.

[27] Mauck, A.B.’s mental health counselor, testified that DCS referred A.B. to him for therapy “due to [A.B.’s] past trauma” and that the past trauma has contributed to A.B.’s emotional and behavioral issues. Tr., Vol. 3 at 35. Mauck testified that A.B. has experienced anxiety and defiant behaviors and has been diagnosed with adjustment disorder with anxiety – a condition Mauck described as “distress caused[,] behaviorally or mentally[, by] a significant event that has happened.” *Id.* at 41. Mauck told the juvenile court that A.B. also expressed that she has a “tornado in her brain” after visits with Mother. *Id.* at 40. Mauck also testified that while A.B. has made progress in therapy, she “[would have] made a lot more progress had she not been having visits with Mother.” *Id.* at 41.

[28] At the time the factfinding hearing took place, Foster Parents were providing the Children with consistent and stable routines, and the Children were doing well in their placement. Foster Mother testified that she and her husband were

³ At that time, Mother was living in a three-bedroom home in Louisville, Kentucky.

willing to adopt the Children, and that they would “very much like” the Children to continue to have a relationship with Grandmother. *Id.* at 19.

[29] On August 17, 2022, the juvenile court issued its orders terminating Mother’s parental rights to Children. Relevant to this appeal, the juvenile court concluded DCS had proven there is a reasonable probability that the conditions that resulted in the Children’s removal from and continued placement outside of Mother’s home will not be remedied and that continuation of the parent-child relationship poses a threat to the Children’s well-being. Mother now appeals.

Discussion and Decision

I. Standard of Review

[30] The Fourteenth Amendment to the United States Constitution protects the traditional right of parents to establish a home and raise their children. *Bester v. Lake Cty. Off. of Fam. & Child.*, 839 N.E.2d 143, 147 (Ind. 2005). Although parental rights are of a constitutional dimension, the law allows for the termination of those rights when parents are unable or unwilling to meet their parental responsibilities. *In re T.F.*, 743 N.E.2d 766, 773 (Ind. Ct. App. 2001), *trans. denied*. Parental rights, therefore, are not absolute and must be subordinated to the best interests of the child. *Id.* 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 the child's physical, mental, and social development is permanently impaired before terminating the parent-child relationship. *Id.*

[31] In reviewing termination proceedings on appeal, this court will neither reweigh evidence nor assess witness credibility. *C.A. v. Indiana Dep't of Child Servs.*, 15 N.E.3d 85, 92 (Ind. Ct. App. 2014). We consider only the evidence and reasonable inferences favorable to the juvenile court's judgment. *Id.* Where, as here, the juvenile court enters findings of fact and conclusions of law, we apply a two-tiered standard of review: we first determine whether the evidence supports the findings and then determine whether the findings support the judgment. *Id.*

[32] In deference to the juvenile court's unique position to assess the evidence, we will not set aside its judgment terminating a parent-child relationship unless clearly erroneous. *In re E.M.*, 4 N.E.3d 636, 642 (Ind. 2014). Findings are clearly erroneous when the record contains no facts or inferences to support them. *In re S.L.H.S.*, 885 N.E.2d 603, 615-16 (Ind. Ct. App. 2008). And when, as here, findings are unchallenged, we consider them to be true. *In re Br.B.*, 139 N.E.3d 1066, 1073 (Ind. Ct. App. 2019), *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).

II. Statutory Requirements

[33] Indiana Code section 31-35-2-4(b)(2) sets out the elements that DCS must prove by clear and convincing evidence to terminate a parent-child relationship, including:

(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[.]

Ind. Code § 31-35-2-4(b)(2);⁴ Ind. Code § 31-37-14-2. 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).

⁴ There are four elements total. *See* Ind. Code § 31-35-2-4(b)(2)(A)-(D). Mother only specifically challenges the element listed in subsection (B). As Mother did not specifically challenge the “best interests” element, and she did not challenge proof of the remaining two elements (the period of removal from the home/efforts at reunification and the plan for the care and treatment of the child), we consider any argument regarding them waived. *See* Ind. Appellate Rule 46(A)(8)(a).

[34] Mother challenges the juvenile court’s conclusions that there is a reasonable probability the conditions that resulted in the Children’s removal will not be remedied and that a continuation of the parent-child relationship poses a threat to the Children’s well-being. *See* Ind. Code § 31-35-2-4(b)(2)(B). The juvenile court need not have made both conclusions. This element of the statute is stated in the disjunctive, and therefore, DCS only has to prove there is a reasonable probability that either removal conditions will not be remedied *or* the Children’s well-being is threatened by continuing the relationship. *In re S.K.*, 124 N.E.3d 1225, 1233 (Ind. Ct. App. 2019), *trans. denied*. Likewise, we need not address both prongs if we find that one was sufficiently proven. *Id.* at 1234. As such, we address whether DCS proved the continuation of the parent-child relationships poses a threat to the Children’s well-being.

III. Continuation of Parent-Child Relationship

[35] Specifically, Mother contends the juvenile court’s “findings of fact that bear upon [her] ability to parent safely do not clearly and convincingly support the conclusion that continuation of the parent-child relationship poses a threat to the [C]hildren” because, according to Mother,

The [juvenile] court’s findings of fact do not confirm that Mother lacks housing or income. The court did not find that Mother’s [abusive] relationship with [D.W.] continues. The strain on the bond between Mother and [the C]hildren and Mother’s routine use of marijuana and infrequent “hard drug” use are insufficient to establish that she poses a threat to the [C]hildren. . . . [And] Mother’s two-week absence to attend a funeral[, while, perhaps,]

. . . ill-advised . . . does not support the conclusion that Mother cannot parent the [C]hildren without threatening their well-being.

Brief of the Appellant at 20. We cannot agree.

[36] As stated above, *supra* ¶ 30, when reviewing the question of whether continuation of the parent-child relationship poses a threat to the child's well-being, termination is proper when the evidence shows that the emotional and physical development of a child is threatened. *In re T.F.*, 743 N.E.2d at 773. A trial court need not wait until a child is irreversibly influenced by a deficient lifestyle such that his or her physical, mental, and social growth is permanently impaired. *Id.*

[37] We further note that, in determining whether to terminate a parent-child relationship, juvenile courts have discretion to weigh a parent's prior history more heavily than efforts made only shortly before termination and may find that a parent's past behavior is the best predictor of future behavior. *D.B.M. v. Indiana Dep't of Child Servs.*, 20 N.E.3d 174, 181-82 (Ind. Ct. App. 2014), *trans. denied*. We have also stated that the time for a parent to rehabilitate herself is during the CHINS process, before DCS files a termination petition. *Prince v. Dep't of Child Servs.*, 861 N.E.2d 1223, 1230 (Ind. Ct. App. 2007).

[38] Here, the juvenile court found, and Mother does not dispute, that DCS first became involved with Mother and the Children upon an initial report of physical abuse of the Children, neglect of the Children, and domestic violence in the home. The juvenile court further found that after the Children were

subsequently removed from Mother’s care, because Mother failed to remedy the safety concerns in the home, Mother admitted to “continued domestic violence” between herself and J.W.’s father, D.W. Appealed Order for J.W. at 2, ¶ 6; Appealed Order for A.B. at 2, ¶ 5. And there were “continued concerns for substance abuse in the home.” *Id.* The juvenile court found that Mother was referred for numerous services – including domestic violence, substance abuse, individual therapy, homebased case management, and parenting skills – but Mother did not consistently participate in the services and “concerns for domestic violence in front of the [Children] and substance abuse were still present.” Appealed Order for J.W. at 6, ¶ 18; Appealed Order for A.B. at 6, ¶ 16.

[39] The juvenile court found that, while DCS was involved with Mother’s case, Mother abruptly left Indiana for Ohio twice – first in May 2020 and then, again, in May 2021 – without providing DCS with prior notice. The juvenile court also found that Mother left Indiana the first time because “someone was shot at [Mother’s] apartment[,]” and that Mother returned to Indiana “without advanced warning” because of a domestic-violence incident where D.W. attempted to kick and choke Mother. Appealed Order for J.W. at 7, ¶¶ 22, 28; Appealed Order for A.B. at 7, ¶¶ 20, 25. And, while the juvenile court found that between January and May 2021, Mother “began to participate consistently in services and visitation[,]” the court also found that in May 2021, Mother, again, abruptly left Indiana for Ohio – this time to attend a funeral. Appealed Order for J.W. at 8, ¶ 30; Appealed Order for A.B. at 8, ¶ 27. The juvenile

court found that Mother was gone for two weeks, provided no updates to DCS regarding when she would return to Indiana, and upon her eventual return, “gave a number of different excuses, including, but not limited to, car trouble, financial issues, bad weather, . . . family duties[, and] health complications. Appealed Order for J.W. at 8, ¶ 35; Appealed Order for A.B. at 8, ¶ 32.

[40] The juvenile court further found that since Mother’s return to Indiana from Ohio in June 2021, Mother had not successfully completed any service provided by DCS, and Mother had not provided any “documentation of participation in or completion of any services undertaken outside of a DCS referral.” Appealed Order of J.W. at 9, ¶ 40; Appealed Order for A.B. at 9, ¶ 36. In addition, the juvenile court found that Mother had not remained sober during the case, having tested positive for methamphetamine and amphetamine in March 2020, cocaine in January 2022, and THC “on most [of her] drug screens.” Appealed Order for J.W. at 9, ¶ 41; Appealed Order for A.B. at 9, ¶ 38. The juvenile court found that Mother had “missed a significant amount of drug screens, and pursuant to her dispositional decree[,]” the court considered the missed screens to be “presumptively positive.” *Id.*

[41] Regarding visitation with the Children, the juvenile court found that Mother had “never been recommended for unsupervised visitation in the entire time the case has been active”; Mother’s ability to safely and effectively parent the Children during visits was concerning; and Mother was unable to demonstrate appropriate parenting and disciplinary skills. Appealed Order for J.W. at 9, ¶ 42; Appealed Order for A.B. at 8, ¶ 40. The juvenile court also found that

Mother’s “inconsistencies in visits affected the well-being of the [Children and] the bond between [Mother and the Children,]” and that the Children have “exhibited behavioral outbursts in [their] foster home after Mother[’s] . . . missed visits.” *Appealed Order for J.W.* at 10, ¶ 43; *see Appealed Order for A.B.* at 9-10, ¶ 41.

[42] The juvenile court further found that:

Mother was prone to outbursts when confronted with suggestions for improvement or questions regarding her own progress in the case. This impacted her . . . own mental health, her ability to advance through services, and her emotional well-being. [Mother] frequently got defensive in these situations, would stop listening, and would escalate the situation to the point where the [Children], service provider, or [FCM] was uncomfortable.

Appealed Order for J.W. at 10, ¶ 46; *Appealed Order for A.B.* at 10-11, ¶ 48.

Accordingly, the juvenile court found the continuation of the parent-child relationship posed a threat to the well-being of the Children because “Mother’s pattern of behavior, inconsistency, and instability is likely to continue to negatively affect the bond between [Mother and the Children] and is likely to continue to contribute to the [Children’s] escalating behaviors.” *Appealed Order for J.W.* at 11, ¶ 54; *see Appealed Order for A.B.* at 11-12, ¶ 56.

Ultimately, the juvenile court found that the Children’s “mental and emotional health would likely be damaged by inserting into the [Children’s] life a person . . . who, in spite of being [a] biological parent[] to the [Children], ha[s] failed to provide for the [Children’s] physical, mental, emotional, or financial needs,

despite being given significant opportunities to do so.” Appealed Order for J.W. at 14, ¶ 87; Appealed Order for A.B. at 8, ¶ 27; *see* Appealed Order for A.B. at 13-14, ¶ 77.

[43] These undisputed findings clearly and convincingly support the juvenile court’s conclusion that the continuation of the parent-child relationship poses a threat to the well-being of the Children.⁵ Therefore, the juvenile court’s decision to terminate Mother’s parental rights was not clearly erroneous, and the juvenile court did not err in terminating Mother’s parental rights to the Children.

Conclusion

[44] The juvenile court did not err in concluding DCS had sufficiently proven the elements required for termination. The juvenile court’s order terminating Mother’s parental rights to the Children is therefore affirmed.

[45] Affirmed.

Crone, J., and Kenworthy, J., concur.

⁵ As stated above, *supra* ¶ 34, having concluded DCS sufficiently proved that the continuation of the parent-child relationship poses a threat to the Children’s well-being, we need not separately address whether DCS also proved that the reasons for the Children’s removal would not likely be remedied.