

MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

D.G., *et al.*,
Appellants-Respondents,

v.

Indiana Department of Child
Services,
Appellee-Petitioner.

April 30, 2021

Court of Appeals Case No.
20A-JT-2056

Appeal from the Delaware Circuit
Court

The Honorable Mary G. Willis,
Senior Judge

The Honorable Amanda Yonally,
Magistrate

Trial Court Cause Nos.
18C02-2001-JT-3 & 18C02-2001-
JT-4

Riley, Judge.

STATEMENT OF THE CASE

[1] Appellants-Respondents, D.G. (Mother) and J.J. (Father), (collectively, Parents), appeal the trial court's Order terminating their parental rights to their minor children, Je.J. and Ja.J. (collectively, Children).

[2] We affirm.

ISSUE

[3] Parents present this court with one issue on appeal, which we restate as: Whether the trial court's Order terminating their parental rights to Children was clearly erroneous.

FACTS AND PROCEDURAL HISTORY

[4] On August 10, 2017, Je.J. was born to Parents. Je.J. was born at a normal weight but had difficulties latching onto Mother's breast, and medical providers recommended that Je.J. be bottle-fed. While at the hospital, Parents were provided with instruction on how to care for and feed Je.J. Care providers went over feeding and care information multiple times, but Parents were unable to repeat the information or retain it. After returning home, Parents did not bottle-feed Je.J., and Mother continued to attempt to breast-feed her. A week after Je.J.'s birth, Mother returned her to the hospital. Je.J. was found to have lost over twelve per cent of her body weight since being born. Hospital staff observed that Parents were unable to properly change and dress the infant. The Department of Child Services (DCS) was alerted. An initial assessment of Parents' home was that it was dirty and cluttered with trash, clothing, and

boxes. Je.J. resided with Parents after her release from the hospital, and the assessment remained open. Although Parents made attempts to clean their home, it remained unsuitable for Je.J. On August 21, 2017, DCS removed Je.J. from Parents' care. On August 22, 2017, DCS filed a petition alleging that Je.J. was a Child in Need of Services (CHINS) based on her dramatic weight loss since birth due to not receiving sufficient calories through feeding. DCS further alleged that Je.J. had been diagnosed with failure to thrive; medical care providers had observed the Parents lacked an appropriate understanding of Je.J.'s basic needs, including her medical needs; Mother required prompting at times to feed Je.J.; and Mother had undiagnosed or untreated mental health needs, while Father was working to address his mental health needs. Family Case Manager Ashley Snider (FCM Snider) was assigned to the family in August 2017. FCM Snider initially reported that Parents' home remained unsuitable and unsafe for Je.J. due to dog feces on the floor, a flea infestation, and clutter.

- [5] On August 23 and November 14, 2017, the trial court held initial hearings on the CHINS petition at which Mother admitted all the allegations except that she had required prompting to wake and feed Je.J. while in the hospital. Father admitted that Je.J.'s dramatic weight loss was due to not receiving adequate calories through feeding, she had been diagnosed with failure to thrive, and he was working to address his mental health needs. Based on these admissions, the trial court declared that Je.J. was a CHINS. On April 4, 2018, as part of the CHINS disposition for Je.J., the trial court ordered Parents to complete any

programs and services recommended by DCS, including a parental assessment; maintain suitable, safe, and stable housing; maintain stable income; and properly care for Je.J., including feeding her and attending to her medical needs. Parents were to exercise supervised parenting time with Je.J.

- [6] At three-months old, Je.J. weighed only seven pounds, and placement of a feeding tube was being considered if she did not gain weight. Je.J. required feeding therapy to learn to drink from her bottle. If she were not fed correctly, she was in danger of aspiration. Parents only attended approximately half of the scheduled feeding therapy sessions. The sessions Parents attended were not fruitful, as, despite being instructed verbally, in writing, through demonstrations, and being allowed to practice how to mix a bottle and hold, feed, and burp Je.J., they were unable to master these skills or retain information between sessions. For example, even after being instructed multiple times that they could not feed Je.J. an entire bottle at once without burping her, Parents continued to do so, causing Je.J. to regurgitate all of her food. During one session, Je.J. began to choke, but neither Parent reacted. When Parents were reminded regarding proper techniques, they would become defensive and insist that they knew how to feed Je.J. properly. Parents did not acknowledge that they had issues feeding Je.J. and expressed their opinion that she was just a very small child. Due to their lack of progress over the course of a year of feeding therapy, Parents were not allowed to feed Je.J. during parenting-time, and Je.J. graduated from feeding therapy as a toddler before Parents were approved to feed her on their own. Je.J.'s foster family also

attended her feeding therapy, and she slowly gained weight in their care. During this period, an effort by Je.J.'s foster family to implement a log for her feeding and diaper changes was unsuccessful because, despite prompting from the foster mother and DCS workers, Parents did not fill out the communication log consistently during parenting-time.

[7] As part of the Je.J. CHINS disposition, Parents also participated in psychological evaluations. Mother's cognition, perceptual reasoning, and ability to problem-solve tested in the very-to-extremely-low range. Mother has a full-scale IQ of 74 which is considered "Borderline." (Exh. Vol. II, p. 115). In 2011, Mother was adjudicated an incapacitated person, and her mother was made, and remains, her guardian. Father has a full-scale IQ of 75 and was at high-risk to have expectations of children that exceeded their ability. The evaluation revealed that Father failed to follow the recommendations given him to enhance his parenting ability. Parents tended to minimize problems and denied to the evaluator that they had made parenting mistakes in the past. The evaluator concluded that, despite receiving education and support for their parenting, Parents lacked insight into a child's typical developmental needs and growth and continued to demonstrate insufficient parenting ability. The evaluator had serious concerns about either Parent's ability to provide childcare.

[8] Parents were also referred to supervised parenting time, home-building services and parenting education through Je.J.'s CHINS disposition. Parents were scheduled for parenting time two or three times a week. Parents consistently

attended once a week together, but Mother did not consistently attend the other sessions when Father was at work and she was to be the primary caretaker during the visit. Mother participated in the home-building services designed to help her get the home in order, work on budgeting, and apply for community resources. Parents were able to improve the conditions in their home, but they were unable to maintain the improvement. Mother did not complete home-builders assignments and was reluctant to seek out community assistance. Parents initially, if reluctantly, participated in parenting education. Parents did not believe that they needed additional parenting support.

- [9] On January 9, 2019, while Je.J.'s CHINS case was still ongoing, Ja.J. was born to Parents. That same day, DCS received a report that there were concerns about Parents' intellectual functioning and their ability to care for their newborn. FCM Snyder visited Parents' home and found it to be in poor condition. On January 14, 2019, while Ja.J. was still hospitalized following his birth, DCS filed a CHINS petition alleging, among other things, that medical providers had observed that Parents were unable to recognize his hunger cues, required consistent support for feeding him, and failed to demonstrate appropriate parenting and understanding of Ja.J.'s needs. The petition further alleged that Parents' home was infested with cockroaches, Parents were non-compliant with the dispositional order in Je.J.'s CHINS proceedings, and that the psychological examination done in those proceedings revealed that Parents could not demonstrate the ability to care for Ja.J. On April 18, 2019, the trial court adjudicated Ja.J. a CHINS based on Parents admissions that they

intended for Mother to be his primary caretaker while Father was at work; their home required cleaning and maintenance to be safe for Ja.J.; they had issues with full-time employment and paying bills and would benefit from services relating to budgeting; they would benefit from continued supervised parenting time and parenting education; and that they would benefit from mental health services. On May 20, 2019, the trial court issued dispositional orders similar to those it had issued in Je.J.'s CHINS proceedings, *i.e.*, that Parents were to complete a parenting assessment and follow its recommendations; maintain suitable, safe, and stable housing; maintain stable income; properly care for and exercise supervised parenting time with Ja.J.; and meet all their own medical and mental health needs by following all referrals, directions, and medication regimes recommended to them. Parents were also ordered to participate in individual counseling to address their mental health issues and to participate in home-based casework.

- [10] In the seven months following the entry of Ja.J.'s dispositional orders, Parents were only partially compliant with their case plan. Neither Parent participated in individual counseling. Parents were referred to home-based casework through Centerstone on a weekly basis. Parents' attendance was sporadic; they canceled or no-showed multiple appointments. When they did attend, Parents received little benefit from their sessions because they did not complete their homework given in the prior session. Home-based instruction was through hands-on activities and handouts. Even though these sessions often occurred immediately prior to supervised parenting time, Parents did not consistently

retain information and apply it to their parenting. Apart from working on parenting skills, Mother's goals were to work on budgeting, employment, completing an application for additional services through the Indiana Bureau of Developmental Disabilities Services (BDDS), and housing. Father was to pursue similar goals in the areas of budgeting and housing. Neither completed a budget nor found housing. Father was consistently employed, but Mother was not. Mother stated her desire to be a stay-at-home mother even though Children were never returned to Parents' care during the CHINS or termination proceedings.

- [11] Parenting-time supervisors continued to have concerns about Mother's participation. Despite having attended 124 sessions with Je.J. and fifty with both Children, Mother had not displayed the ability to care for them independently. Mother still asked others, including two-year-old Je.J., to do tasks for her, became overwhelmed and frustrated, did not adequately supervise Ja.J. when he was crawling around hazards such as objects on the floor or places where he could fall, and did not hold, carry, and handle Ja.J. in a safe manner. Mother displayed poor judgment at times, such as when she placed barefoot Je.J. and Ja.J., who was clad in a onesie, onto blacktop when the heat index was over 100 degrees. Father also continued to fail to demonstrate adequate parenting skills by failing to adequately supervise Ja.J., which in one instance led to the baby hitting his head, relying on Je.J. to assist in care, and being rough with Children at times. FCM Snyder had to assist Father at times with preparing a bottle for Ja.J. Both Parents were instructed over and over not

to pick up Children by their arms, yet they continued to do so. Parents were told not to leave choking hazards within Children's reach and to get down on the floor to check before visits occurring in their home, but at the next session it would not have been done, causing Parents to be reinstructed. Parents continued to need prompting to change diapers. On April 22, 2019, Je.J.'s permanency plan had been changed from reunification to adoption. The permanency plan for Ja.J. remained reunification until December 2019, when his plan was also changed to adoption.

[12] On January 14, 2020, DCS filed a petition seeking to terminate Parents' rights to Children. On January 29, 2020, Dr. Robert Reilly (Dr. Reilly) was appointed as CASA for Children. After the filing of the termination petition, Parents remained partially compliant with the case plan, in that they obtained housing, completed a parenting assessment, and attended their home-based case work and parenting time sessions on a fairly consistent basis. However, concerns remained regarding Parents' ability to care for Children, particularly Mother's ability to be a primary caretaker when Father was at work. Throughout the CHINS and termination proceedings, Parents never progressed to unsupervised parenting time.

[13] Parents married in August of 2020. On September 4 and 15, 2020, the trial court held hearings on DCS' petition. FCM Snyder related that during her time on the case from August of 2017 to October of 2019, Parents had lived in three different locations. She inspected two of those homes and found animal feces on the floor, bottles containing mold, cockroaches, and clutter. Parents had

been evicted from the third residence due to the condition of their home. FCM Snyder talked to Parents about this issue, and they always responded that they were doing their best. It was FCM Snyder's opinion that, although Father had shown an ability to care for Children, Mother did not show any improvement. This was a bar to reunification because Father was the primary bread-winner of the family, and he relied on Mother to be the primary caretaker of Children when he was working his three jobs. Permanency Case Manager Alexis Jones (PCM Jones), who had been with the family since October of 2019, related that she could not recommend returning Children to Parents or to Mother or Father individually. She felt that Mother had not made significant improvement in her parenting and could not parent safely without another adult present to assist her. PCM Jones related that Father had not had adequate time to parent alone to demonstrate that he could cope with the stress and demands of parenting Children at an age-appropriate level by himself. PCM Jones specified that Father in particular had shown improvement but that she was still concerned that he did not always put that improvement into action, citing examples such as allowing Children to sit on window ledges or chairs alone, allowing them to pick up objects off the ground that they could eat, or not clearing hazards like power cords within Children's reach. She stressed Children's need for permanency so they could grow emotionally and cognitively without further disruption.

[14] James Mercurio (Mercurio), who worked with Parents on housing and Mother's employment through home-based casework from December of 2019

to August of 2020, testified that he had visited Parents' new home shortly after they had moved there a few months before his services ended and that he had no issues with the condition of that home. Mercurio wanted Mother to obtain employment to establish a routine and assist in the home's finances, which continued to be problematic. Mother never completed the paperwork he gave her to assist her in getting her employment through vocational rehabilitation. Mercurio attributed this failure to a lack of motivation rather than a lack of ability. Parents did not attend three scheduled appointments with their next home-based caseworker, Brandi Campbell (Campbell), despite their acknowledgement that only two weeks remained before the first fact-finding hearing. Parents reported to Campbell that they were going to move, but they did not explain why.

- [15] Homemaker Kristina Hammond (Hammond), who supervised parenting time with Parents from July 1, 2020, until one week prior to the first fact-finding hearing, testified that Parents were scheduled for three-hour visits twice a week. Parents had missed five visits during the time she had worked with the family, one of which Parents prioritized wedding planning over parenting time. Parents at times attempted to feed Ja.J. the same foods they served Je.J. or age-inappropriate foods, which presented a choking hazard. On one occasion, Father gave peanuts to Ja.J., who was one-and-one-half years old and did not have a full set of teeth. Parents sometimes required prompting to feed Children, and, on one occasion, Hammond had to explain to Mother that Je.J., who was potty training, needed to be placed on the toilet. During these last parenting-

time sessions before the fact-finding hearings, Father provided most of the care. Hammond closed-out parenting time services due to too many no-shows.

[16] Dr. Reilley, who had been a physician since 1975, had done home visits and attended supervised visitation with the family since April 2019. Dr. Reilley testified that, even though parenting time was limited to three-hour sessions, Mother was not always engaged with Children and often sat on the sofa or looked at her cell phone. It was his opinion that Parents required considerable improvement in their parenting skills before they could care for Children unsupervised. Dr. Reilly felt that all of Children's needs were being met in the pre-adoptive foster home and they were doing well. He opined that it was appropriate to terminate Parents' rights to Children because it was unclear to him that Parents had the ability to provide a safe, healthy environment for them.

[17] Dr. Gisselle McKell-Jeffers (Dr. McKell-Jeffers) testified regarding Parents' psychological evaluations. Mother had tested in the extremely low range for problem-solving which Dr. McKell-Jeffers explained was detrimental to parenting because adults are faced with novel problems and being able to "approach those problems in a mature and appropriate fashion, is essential to adult functioning." (Transcript Vol. II, p. 235). Dr. McKell-Jeffers had concerns for Parents' ability to parent without supervision until they had followed through on all of the recommendations listed in the evaluations. According to Dr. McKell-Jeffers, Father tended to default to Mother regarding decision making, which was concerning because Mother appeared to require

more assistance with parenting than Father. Although the conclusions made in the evaluations had been made in 2019, Dr. McKell-Jeffers testified those conclusions would still be valid unless significant interventions, such as the following of all the recommendations, had occurred.

[18] Father and Mother testified at the hearings. Father denied that anyone ever attempted to explain to them how to feed Je.J. prior to removal and feeding therapy or that anyone ever told them why they were restricted from feeding Je.J. at parenting time after failing feeding therapy. Father continued to work long hours, and the plan if Children were returned to the home was still that Mother would be their primary caretaker. Father acknowledged that Mother had been in the home throughout the span of the CHINS and termination proceedings and was available to maintain the home but that they had been told by FCMs, service providers, and the CASA to clean it. Father believed that Children would be safe in Mother's care. Father denied ever making any bad decisions regarding the care of Children and denied that further services were required or desired. Father had never engaged in intensive individual therapy as recommended in the psychological evaluation because he felt that it would not benefit him. For her part, Mother felt that she did not need individual counseling, so she did not attend. Mother explained that she did not make a budget or a time log when requested by a service provider because it was "none of DCS's business" how much money they spent or how she used her personal time. (Tr. Vol. III, p. 93). Mother denied missing any feeding therapy sessions or that the feeding therapist had to constantly repeat lessons. Mother described

herself as engaged, attentive, and active during supervised parenting time. Mother felt that she had done everything necessary to demonstrate that she could be a good mother and that if they were “given a chance, without visit supervisors and people watching us, we would be just fine with being parents.” (Tr. Vol. II, p. 210).

[19] On October 12, 2020, the trial court issued its Order, terminating Parents’ rights to Children. The trial court entered 230 findings of fact and conclusions thereon consistent with the above-recited facts. The trial court concluded, among other things, that there was a reasonable probability that the conditions that resulted in the Children’s removal would not be remedied, a reasonable probability that the continuation of Parents’ relationship with Children posed a threat to the Children’s well-being, and that termination was in Children’s best interests.

[20] Parents now appeal. Additional facts will be provided as necessary.

DISCUSSION AND DECISION

I. Standard of Review

[21] Parents assert that the trial court’s Order terminating their rights to Children was unsupported by the evidence. It is well-settled that when reviewing the evidence supporting the termination of parental rights, we neither reweigh the evidence nor determine the credibility of witnesses. *In re E.M.*, 4 N.E.3d 636, 642 (Ind. 2014). In addition, we consider only the evidence that supports the judgment and the reasonable inferences to be drawn from that evidence. *Id.*

“We confine our review to two steps: whether the evidence clearly and convincingly supports the findings, and then whether the findings clearly and convincingly support the judgment.” *Id.* We must give due regard to the trial court’s opportunity to judge the credibility of witnesses firsthand, and we do not set aside the trial court’s findings or judgment unless it is clearly erroneous. *Id.*

II. *Termination of Parents’ Rights*

[22] “[O]ne of the most valued relationships in our culture” is that between a parent and his or her child. *In re G.Y.*, 904 N.E.2d 1257, 1259 (Ind. 2009). Indeed, “[a] parent’s interest in the care, custody, and control of his or her children is ‘perhaps the oldest of the fundamental liberty interests.’” *Id.* (quoting *Troxel v. Granville*, 530 U.S. 57, 65 (2000)). Accordingly, the Fourteenth Amendment to the United States Constitution safeguards “the traditional right of parents to establish a home and raise their children.” *Id.* Nevertheless, parental interests are not absolute; rather, termination of parental rights is appropriate when parents are unable or unwilling to meet their parental responsibilities. *In re A.B.*, 887 N.E.2d 158, 164 (Ind. Ct. App. 2008).

[23] Termination of parental rights is an extreme sanction that is intended as a “last resort” and is available only when all other reasonable efforts have failed. *C.A. v. Ind. Dep’t of Child Servs.*, 15 N.E.3d 85, 91 (Ind. Ct. App. 2014). As such, before a termination of parental rights is merited, the State is required to prove a host of facts by clear and convincing evidence, the most relevant for our purposes being that there is a reasonable probability that the conditions which resulted in Children’s removal and continued placement outside the home will

not be remedied by Parents and that termination is in the best interests of Children. *See* Ind. Code §§ 31-35-2-4(b)(2)(B)(i), (C); 31-37-14-2. We address each of those factors in turn.

A. Reasonable Probability Conditions Will Not Be Remedied

[24] When reviewing a trial court's determination that the conditions that resulted in a child's removal will not be remedied, we engage in a two-step analysis. *E.M.*, 4 N.E.3d at 642-43. First, we must identify the conditions that led to removal; second, we determine whether there is a reasonable probability that those conditions will not be remedied. *Id.* at 643. When engaging in the second step of this analysis, a trial court must judge a parent's fitness as of the time of the termination hearings, taking into account evidence of changed conditions, and balancing any recent improvements against habitual patterns of conduct to determine whether there is a substantial probability of future neglect or deprivation. *Id.* This delicate balance is entrusted to the trial court, and a trial court acts within its discretion when it weighs a parent's prior history more heavily than efforts made only shortly before termination. *Id.* "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." *Id.*

[25] Here, the reasons for Je.J.'s removal were her loss of twelve percent of her body weight while in Parents' care due to inadequate calorie intake, her diagnosis of failure to thrive, Parents' failure to demonstrate an appropriate understanding of Je.J.'s basic needs such as feeding and changing her, uncleanliness and

unsafe conditions in the home, and Parents having undiagnosed and untreated mental health issues. Ja.J. was removed due to concerns that Parents had difficulties feeding him and failed to demonstrate appropriate parenting and an understanding of his needs. To address these conditions, DCS offered Parents psychological evaluations, counseling, homebased case work, parenting assessments and education, and supervised parenting time. Parents were only partially compliant with these services. Parents underwent psychological assessments but refused to participate in the individual counseling recommendation that resulted from those evaluations because Parents disagreed with their mental health professionals that they needed counseling. Father did not participate in home-based casework, and Mother participated to the extent that she agreed with the need.

[26] Furthermore, even when Parents did engage with services to address their parenting skills, they were not successful. Parents underwent parenting assessments, completed one parenting program, and attended scheduled parenting time for the most part, but they failed to learn from these experiences. For example, Parents did not learn how to bottle feed Je.J. despite a year of weekly feeding therapy, and they exhibited some of the same issues addressed by that therapy when attempting to feed Ja.J. Parents continued to demonstrate a lack of understanding of what was age appropriate for Children in regard to food, holding, supervision, and diaper changing, among other things. Throughout the termination and underlying CHINS cases, Parents never moved beyond supervised parenting time to a trial home visit.

[27] At the root of this lack of progress was Parents' denial that they had any problems with parenting or that they could benefit from any sort of assistance through services, even in the face of concrete evidence such as Je.J.'s dramatic weight loss at the beginning of her life. From the record before us, this does not appear to be a case where Parents were incapable of change; rather, they were unwilling. This court has observed that "a pattern of unwillingness to deal with parenting problems and to cooperate with those providing social services, in conjunction with unchanged conditions, will support a finding that there exists no reasonable probability that the conditions will change." *In re Involuntary Termination of Parent-Child Relationship of A.H.*, 832 N.E.2d 563, 570 (Ind. Ct. App. 2005).

[28] This evidence, along with the testimony of FCM Snyder, PCM Jones, Hammond, CASA Dr. Reilly, and Dr. McKell-Jeffers, supported the trial court's conclusion that there was a reasonable probability that the conditions resulting in Children's removal will not be remedied "due to the fact that [M]other and [F]ather are still not able to demonstrate on a consistent basis that they are able to care for the basic needs of [C]hildren on their own and without the assistance of a visit supervisor or service provider." (Appellants' App. Vol. II, p. 229). Therefore, we cannot say that the trial court's determination was clearly erroneous. *See In re E.M.*, 4 N.E.3d at 642.

[29] Nevertheless, Parents argue that the trial court's determination was unsupported by the evidence because removal was premised on the inaccurate assumption that Je.J. had lost seven pounds within a week of her birth, which

they characterize as “the catalyst for this entire matter being brought to issue in the first DCS CHINS petition filed on August 22, 2017.” (Appellants’ Br. 15). This argument is unpersuasive for several reasons, the foremost being that Parents appeal from the termination Order, not Je.J.’s CHINS adjudication, which took place in 2017. While it is true that DCS appears to have inaccurately alleged in paragraph 4(a) of Je.J.’s CHINS petition that she had “lost seven (7) pounds between August 10th, 2017 and August 18th, 2017,” Parents specifically admitted to that allegation. (Exh. Vol. II, p. 32). In its termination Order, the trial court did not find that Je.J. had lost seven pounds; rather, it found that she had “lost 12.17% of her birth weight in the first 7 days of life,” a finding which Parents do not challenge. (Appellants’ App. Vol. II, p. 214).

[30] The remainder of Parents’ argument on this issue consists of vague references to testimony and evidence without citation to the record which they contend contradicts the trial court’s determination. This argument is also unpersuasive, as it requests that we consider evidence which does not support the trial court’s determination, which is in contravention of our standard of review. *See id.* Because the trial court’s determination regarding the conditions resulting in removal was supported by the evidence, we will not disturb its Order.¹

¹ In light of our disposition, we do not address Parents’ brief contentions that there was insufficient evidence that the continuation of the parent-child relationship posed a threat to Children’s well-being or that Children had been adjudicated CHINS on two separate occasions. *See* I.C. § 31-35-2-4(b)(2)(B) (requiring that DCS allege and prove only one of the three conditions listed).

B. Children's Best Interests

[31] Parents also challenge the trial court's conclusion that termination of their parental rights was in Children's best interests. Our supreme court has recently recognized that one of the most difficult aspects of a termination of parental rights determination is the issue of whether the termination is in the child's best interest. *Id.* at 647 (noting that the question "necessarily places the children's interest in preserving the family into conflict with their need for permanency"). The trial court's determination that termination was in the child's best interests requires it to look at the totality of the evidence of a particular case. *In re D.D.*, 804 N.E.2d 258, 267 (Ind. Ct. App. 2004), *trans. denied*. "In doing so, the trial court must subordinate the interests of the parents to those of the children involved." *Id.*

[32] Here, Je.J. was removed from Parents in August of 2017, and Ja.J. was removed in January of 2019. Despite nearly three years of involvement with DCS and being offered a variety of services, Parents had not significantly improved their parenting skills such that FCM Snyder or PCM Jones could recommend unsupervised parenting time, let alone that Parents, either individually or together, were capable of caring for Children. Dr. McKell-Jeffers had serious reservations about returning Children to Parents, and those concerns were still valid due to the fact that Parents had not followed through on the recommendations resulting from their psychological evaluations. In addition, CASA Dr. Reilly opined that it was in Children's best interests that Parents' rights be terminated. *See A.D.S. v. Ind. Dep't of Child Servs.*, 987 N.E.2d

1150, 1158-59 (Ind. Ct. App. 2013) (relying on the recommendation of both the CASA and the case manager in addition to evidence that the conditions resulting in removal will not be remedied to uphold the trial court's best interests determination), *trans. denied*.

[33] Children were placed together in a pre-adoptive home where they were reportedly thriving. Although there was evidence that Parents at times made improvements, we agree with the trial court that these improvements were not sustained. Even Parents' progress in finding suitable housing was undercut by their report to their last home-based case worker that they were planning on moving. PCM Jones stressed in her testimony Children's need for permanency so they could grow emotionally and cognitively without further disruption, and our supreme court has recognized that "children cannot wait indefinitely for their parents to work toward preservation or reunification." *Matter of MaH.*, 134 N.E.3d 41, 49 (Ind. 2019). Given the totality of the circumstances before us, including CASA Dr. Reilly's recommendation that termination was in Children's best interests, we conclude that the trial court's determination was supported by the evidence.

CONCLUSION

[34] Based on the foregoing, we conclude that the trial court's determinations that there existed a reasonable probability that the conditions resulting in removal will not be remedied and that termination was in Children's best interests were not clearly erroneous.

[35] Affirmed.

[36] Mathias, J. and Crone, J. concur