

MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

In the Matter of the Involuntary
Termination of the Parent-Child
Relationship of:

Jo.L., J.H., S.L., and Ja.L.
(Minor Children)

and

A.L. (Father) and J.L. (Mother),
Appellants-Respondents,

v.

January 11, 2023

Court of Appeals Case No.
23A-JT-1763

Appeal from the Clay Circuit
Court

The Honorable Joseph D. Trout,
Judge

Trial Court Cause Nos.
11C01-2212-JT-288
11C01-2212-JT-289
11C01-2212-JT-290
11C01-2212-JT-291

Indiana Department of Child
Services,
Appellee-Petitioner.

Memorandum Decision by Judge Bailey
Judges May and Felix concur.

Bailey, Judge.

Case Summary

- [1] J.L. (“Mother”) and A.L. (“Father”) (collectively, “Parents”) appeal the trial court’s order terminating their parental rights over their four minor children. We affirm.

Issues

- [2] Mother raises the following issue for our review:
1. Whether certain findings of fact are supported by the evidence.

In addition, Parents raise the following issue:

2. Whether the trial court clearly erred when it terminated their parental rights.

Facts and Procedural History

- [3] Mother and Father have four children together: Jo.L., born July 16, 2013; J.H., born October 7, 2015; S.L., born April 15, 2017; and Ja.L., born December 13, 2018. On July 30, 2021, the Indiana Department of Child Services (“DCS”) received a report that the Children were victims of neglect. Specifically, the report indicated that one child was not attending school and that there “was possible drug use in the home.” Ex. Vol. 4 at 55. The report also indicated that the youngest child was “outside naked running around alone in the park,” and that there was a “concern for lack of food.” Tr. Vol. 2 at 210.
- [4] DCS Family Case Manager (“FCM”) Michelle Puckett investigated the report. On August 2, FCM Puckett went to the family’s home and made contact with Mother. FCM Puckett was able to observe several other individuals, who she believed were known drug users, to be in the home. FCM Puckett asked Mother to submit to a drug screen, but Mother refused. A few days later, FCM Puckett again visited the home, and Mother submitted to a drug screen and denied the allegations. FCM Puckett was also able to contact Father, who said that he had just been released from jail and could not take the Children because he lacked a place to live at the time.
- [5] DCS received another report on August 12 indicating that the Children were victims of neglect. That report indicated that Mother would lock the Children out of the house when she had company, that “all caregivers” were using methamphetamine, that the Children had “marks and bruises” on them, and

that the house had bedbugs and lacked running water. Ex. Vol. 4 at 55. The report also indicated that the Children were eating food out of cans without silverware, that the home was “filthy,” that the Children wore the same clothes for four or five days at a time, and that the Children’s feet were black from not wearing shoes. Tr. Vol. 2 at 213.

[6] FCM Puckett again went to the home to investigate the report. An individual named Jeff Horsley answered the door, but he would not allow FCM Puckett to enter the house because Mother was not there. Another adult who was “clearly impaired” exited the home. *Id.* at 214. Horsley was ultimately able to get Mother on the phone for FCM Puckett, and Mother stated that she had taken the Children to a neighbor’s house because her home lacked running water. FCM Puckett asked Mother to submit to a drug screen, but Mother again refused. Mother agreed to a safety plan, which included ensuring that the Children would always have a sober caregiver, that there would not be drugs in the home, and that she would work with community partners. FCM Puckett was not able to observe the inside of the home.

[7] FCM Puckett returned to the house the following day. She informed Mother that she could not find any evidence that the Children were enrolled in school. FCM Puckett also discussed the Children’s hygiene with Mother and that there was a concern that the Children did not have “primary caregivers.” *Id.* at 216. At that point, Mother told FCM Puckett to leave, and Mother did not submit to a drug screen.

[8] On August 18, DCS filed a motion to compel in which it asked the court to compel the Parents to “produce the [C]hildren for the purposes of an interview” and to “allow DCS to observe the home environment.” Ex. Vol. 5 at 89. In addition, DCS asked the court to compel all caregivers in the home to submit to random drug screens. Ex. Vol. 5 at 89. Following a hearing, the court granted DCS’ motion on August 20. That day, FCM Puckett returned to the family’s home. Mother answered the door and allowed FCM Puckett to enter. The home was “dirty,” there were empty alcohol bottles and cigarette butts scattered around the house, and the upstairs “smelled like vomit.” Tr. Vol. 2 at 218.

[9] On August 26, FCM Puckett again returned to the home. An adult who was not Mother allowed FCM Puckett to enter the home, and FCM Puckett was able to see “old food” on the stove and “flies swarming the kitchen.” *Id.* at 219. She also observed that one of the Children had “a big red knot” on his forehead. *Id.* Horsley then came downstairs and started “yelling and cussing” at FCM Puckett. *Id.* He also informed FCM Puckett that neither he nor the adult who had answered the door were “caregivers,” so they refused to submit to a drug screen. *Id.* At that point, FCM Puckett removed the Children from the home.

[10] DCS filed petitions alleging that the Children were Children in Need of Services (“CHINS”). Following a hearing at which Parents admitted to the allegations, the court adjudicated the Children to be CHINS. Thereafter, the court entered a dispositional order and ordered Parents to participate in services. In relevant part, the court ordered Parents to maintain suitable housing, not use illegal

substances, complete a parenting assessment and follow all recommendations, complete a substance abuse assessment and follow all treatment recommendations, submit to random drug screens, attend scheduled visits with the Children, and provide the Children with a safe, secure, and nurturing home that is free from abuse and neglect. The court also ordered Parents to “participate in, cooperate with, and successfully complete all recommendations as a result of any domestic violence assessment(s)/programs.” Ex. Vol. 4 at 167, 169.

[11] Parents were not compliant with services. Mother failed to submit to drug screens consistently, and, when she did submit to drug screens, she tested positive for methamphetamine and THC. The only service Mother participated in consistently was visitation with the Children, but she “would do nothing else but that.” Tr. Vol. 2 at 101. Mother completed a substance abuse assessment but “was not in compliance with the recommendations[.]” *Id.* at 55. Similarly, Father would participate in visits with the Children, but he did not consistently call in for drug screens and he would only drug screen when he “chose to[.]” *Id.* Father only submitted to two drugs screens, one of which was positive for THC.

[12] On January 26, 2022, DCS filed a verified information for rule to show cause and alleged that Parents had failed to comply with the dispositional order. In particular, DCS alleged that Parents had each missed twenty-four drug screens, that they had both failed to participate in the “Call In” program, that they had both continued to test positive for methamphetamine, that Father had failed to

enroll in a batterer's intervention program or submit to a substance abuse assessment, that Mother had failed to enroll in domestic violence services, and that Mother had failed to participate in individual and group therapy. Ex. Vol. 4 at 219.

[13] At a hearing on DCS's motion, both Parents admitted that they were "not in compliance with the court's order[.]" *Id.* at 223. The court found them in contempt and gave them thirty days to become compliant. Father came into compliance, but Mother continued to be noncompliant with the Call-In program, drug screens, home based case management, and group therapy. On March 31, DCS filed a motion to impose sanctions against Mother. Following a hearing, the court found that Mother continued to be noncompliant and sanctioned her to fourteen days' incarceration.

[14] Following her sanction, Mother was "much more compliant" with services. Tr. Vol. 2 at 201. However, by the end of May or beginning of June, both Father's and Mother's compliance "decreased." *Id.* at 203. Parents each had "no show drug screens in the number of the teens," and Mother tested positive for methamphetamine five times and THC three times. *Id.* at 202. Father also tested positive five times for THC and twice for methamphetamine. By December 2022, Parents "were not participating in any parenting curriculum," Mother was not consistent with a motivational interviewing program, and Father was not consistent with group therapy. *Id.* In addition, neither Parent completed a domestic violence program. On December 16, 2022, DCS filed petitions to terminate Parents' parental rights over the Children.

[15] In December 2022, FCM Melody Lunsford took over the case. At that time, Mother had “very little” compliance with any service except visitation. *Id.* at 123. She was not attending “any kind of substance abuse treatment,” and she only submitted to four out of twelve drug screens, one of which was positive for methamphetamine. *Id.* And of the sixty-four times Mother was supposed to call in for drug screens, she only called in seven times. Mother did not successfully complete case management. She also failed to obtain stable housing, sometimes staying with her grandmother, sometimes staying with friends, and sometimes staying with Father. And Mother did not obtain stable employment.

[16] On February 1, 2023, Mother, who was currently living with Father, disclosed to FCM Lunsford that she was “abused almost daily” by Father. *Id.* at 125. However, Mother declined any assistance from FCM Lunsford. On February 15, FCM Lunsford sent a group text message to Mother and Father to remind them of a meeting. Mother responded that she would not be there because she thought the meeting was for later in the day. Father responded to the group and said: “I will effing ruin you if you don’t get here now.” *Id.* at 126.

[17] During FCM Lunsford’s time on the case, Father attended most visits with the Children and completed the Matrix program. However, he did not attend any domestic violence classes. For the drug screens, Father called in only twelve of sixty-four times, and he missed seven drug screens. The screens he did submit to were negative for illegal substances.

[18] In April 2023, FCM Alexa Mauer became involved in the case. During FCM Mauer's time on the case, Mother was not consistent with drug screens. And Mother tested positive for methamphetamine on May 31. Mother was still living between her grandmother's house and Father's house, and she did not consistently hold a job. Father completed home-based case work, but he still required intervention during visits with the Children.

[19] The court held a multi-day fact-finding hearing on DCS's petitions. FCM Supervisor Michaela Lawrence testified that she had concerns about the Children because Father would still "permit [Mother] to be around" and because he "doesn't really have a plan for childcare" and "doesn't know what he would do to meet those . . . basic needs" for the Children. *Id.* at 115. She also testified that Father "doesn't have a genuine interest" in the Children's "wellbeing." *Id.*

[20] FCM Lunsford testified that between December 2022 and April 2023, both Parents had a "significant number" of missed calls and missed screens, which all "counted as presumptive positives[.]" *Id.* at 136. She also testified that Father "really didn't know" what he would do with the Children when they were not in school. *Id.* at 141. FCM Lunsford additionally testified that giving Parents more time to complete services was unlikely to make a difference because "they've had so long to make these changes . . . and it's not happening." *Id.* at 143. She also testified that, while Father is currently testing negative for drugs, his "motivation" was to remain out of jail because he was on house arrest. *Id.* at 144. She continued that Father had previously had the

motivation of keeping the Children to remain sober but that he “continued to use.” *Id.* And she testified that Father is “choosing when he screens and when he doesn’t.” *Id.*

[21] FCM Lunsford also testified that the Children “struggle” with their relationship with Parents and that placement back with Parents would be “harmful” to them. *Id.* at 146. She testified that the Children need a stable home that Parents are not able to provide for them. And she testified that termination of Parent’s parental rights was in the Children’s best interests. The Children’s current placement testified that two of the Children had issues with self-harming and that the instances of self-harming increased when Parents are mentioned.

[22] FCM Mauer testified that there was a “lack of stability” in Mother’s relationship with Father and that there was a “pattern” of living together, then separately, and together again. *Id.* at 235. She also testified that Parents should not be given additional time because “the time that they have been given is sufficient to have completed the services that were asked.” *Id.* She also testified that the reasons for DCS’s involvement will not likely be remedied because Mother “continues to use substances” and because Father “has not completed the domestic violence treatment.” *Id.* at 236. And she testified that termination of the parental rights was in the Children’s best interest.

[23] The Children’s Court-Appointed Special Advocate (“CASA”) testified that she had concerns about reunifying the Children with Parents because of the

possibility of Parents “relapsing into drug use.” Tr. Vol. 3 at 7. She also had “concerns with the fact that some of the programs that have been offered haven’t been completed[.]” *Id.* She then testified that termination of the parental rights is in the Children’s best interests because the Children’s current placement “can provide them with a more stable home environment” and because the Children are “doing really well” in their placement. *Id.* at 10. And she testified that the reasons for DCS’s involvement are unlikely to be remedied “anytime soon” because Parents “haven’t really done what was necessary” to get the Children back. *Id.*

[24] In addition, the CASA Supervisor testified that she has “concerns” about Mother and Father living together again because they may “go back into the old habits of drug use and instability[.]” *Id.* at 32. She also testified that she was concerned about Father’s continued sobriety given that Mother continues to use drugs and that Mother’s “use could cause relapse for” Father. *Id.* at 33. The CASA Supervisor testified that she “absolutely believe[d]” that termination of Parent’s parental rights is in the Children’s best interests.

[25] Following the fact-finding hearing, the trial court entered its findings of fact and conclusions thereon terminating Parents’ parental rights over the Children. In particular, the court concluded that there is a reasonable probability that “the conditions that resulted in the [Children’s] removal or the continued placement outside the home will not be remedied by Mother and Father,” that there is a reasonable probability that the “continuation of the parent-child relationship poses a threat to the [Children’s] well-being,” that termination of the parental

rights is in the Children’s “best interests,” and that there is a satisfactory plan for the care and treatment of the Children, that being adoption by the Children’s current placement. Appellant’s App. Vol. 2 at 83.¹ This appeal ensued.

Discussion and Decision

Standard of Review

[26] Mother and Father challenge the trial court’s termination of their parental rights over the Children. We begin our review of this issue by acknowledging that “[t]he traditional right of parents to establish a home and raise their children is protected by the Fourteenth Amendment of the United States Constitution.” *Bailey v. Tippecanoe Div. of Fam. & Child. (In re M.B.)*, 666 N.E.2d 73, 76 (Ind. Ct. App. 1996), *trans. denied*. However, a trial court must subordinate the interests of the parents to those of the child when evaluating the circumstances surrounding a termination. *Schultz v. Porter Cnty. Off. of Fam. & Child. (In re K.S.)*, 750 N.E.2d 832, 837 (Ind. Ct. App. 2001). Termination of a parent-child relationship is proper where a child’s emotional and physical development is threatened. *Id.* Although the right to raise one’s own child should not be terminated solely because there is a better home available for the child, parental

¹ Mother filed an Appendix in which Father joins. See Father’s Br. at 5 n.1.

rights may be terminated when a parent is unable or unwilling to meet his or her parental responsibilities. *Id.* at 836.

[27] When reviewing a termination of parental rights, we will not reweigh the evidence or judge the credibility of the witnesses. *Peterson v. Marion Cnty. Off. of Fam. & Child. (In re D.D.)*, 804 N.E.2d 258, 265 (Ind. Ct. App. 2004), *trans. denied*. Instead, we consider only the evidence and reasonable inferences that are most favorable to the judgment. *Id.* Moreover, in deference to the trial court's unique position to assess the evidence, we will set aside the court's judgment terminating a parent-child relationship only if it is clearly erroneous. *Judy S. v. Noble Cnty. Off. of Fam. & Child. (In re L.S.)*, 717 N.E.2d 204, 208 (Ind. Ct. App. 1999), *trans. denied*.

Issue One: Findings of Fact

[28] Mother first contends that the trial court erred when it terminated her parental rights because two of the court's findings are not supported by the evidence. Here, in terminating Parents' parental rights, the trial court entered findings of fact and conclusions thereon. When a trial court's judgment contains special findings and conclusions, we apply a two-tiered standard of review. *Bester v. Lake Cnty. Off. of Fam. & Child.*, 839 N.E.2d 143, 147 (Ind. 2005). First, we determine whether the evidence supports the findings and, second, we determine whether the findings support the judgment. *Id.* "Findings are clearly erroneous only when the record contains no facts to support them either directly or by inference." *Quillen v. Quillen*, 671 N.E.2d 98, 102 (Ind. 1996). If the evidence and inferences support the trial court's decision, we must affirm.

In re L.S., 717 N.E.2d at 208. On appeal, Mother specifically challenges a portion of finding number 9 as well as a portion of finding number 10. We address each argument in turn.

Finding Number 9

[29] Mother first challenges the portion of finding number nine where the court found that Mother “lived with her grandmother . . . who is inappropriate for the [C]hildren to be around.” Appellant’s App. Vol. 2 at 81. According to Mother, this finding is not supported by the evidence because there was no “elaboration as to *what* Mother’s grandmother was or was not ‘approved’ for or *why* she was not approved.” Mother’s Br. at 17 (emphasis in original). However, as Mother acknowledges, Parents’ home-based case worker Tiffany Shewmake testified that Mother’s grandmother had taken Mother to a visit with the Children but that Mother’s grandmother was “not approved” and “would have to leave.” Tr. Vol. 2 at 85. Thus, it is clear that Mother’s grandmother was not approved to be at visits with the Children. And that testimony supports the court’s finding that the grandmother was not an appropriate person for the Children to be around. Mother’s argument on appeal is simply a request that we reweigh the evidence, which we cannot do.

Finding Number 10.

[30] Mother next challenges the portion of finding number 10 where the court found that Mother “has not properly addressed [her] drug addiction or [her] domestic violence issues.” Appellant’s App. Vol. 2 at 81. Mother contends that the

record does not show that “domestic violence was an ongoing problem between Mother and Father” at the time of the fact-finding hearing and that the record demonstrates that she “has taken steps to heal the mental health issues that presumably contribute to her substance abuse.” Mother’s Br. at 17. Regarding the domestic violence, as recently as February 2023, Mother disclosed to FCM Supervisor Lawrence that domestic violence issues with Father were “ongoing.” Tr. Vol. 2 at 113. Similarly, Mother informed FCM Lunsford in February 2023 that she was “abused almost daily” by Father. *Id.* at 125. And at the time of the fact-finding hearing, neither parent had completed a domestic violence program. Contrary to Mother’s assertions, the evidence shows that domestic violence remained an issue between Mother and Father as recently as a few months prior to the fact-finding hearing.

[31] As to Mother’s substance abuse issues, the record shows that Mother continued to test positive for methamphetamine throughout the proceedings, with her most recent positive test being May 31, 2023. *See id.* at 229. In addition, Mother was not compliant with drug screens, screening only four of twelve times and only calling in for screens on seven of sixty-four occasions. Further, while Mother completed an initial assessment, she did not initially participate in therapy as recommended. And while Mother had enrolled in therapy at the time of the fact-finding hearing, FCM Mauer testified that Mother had only asked for that referral to be put in place approximately one month before the final date of the hearing, which was almost two years after DCS had gotten

involved. The evidence supports the court's finding that Mother had not addressed the domestic violence or substance abuse issues.

[32] The findings of fact challenged by Mother are supported by the evidence. Mother's arguments on appeal are simply requests that we reweigh the evidence, which we cannot do. In any event, even if those findings were not supported by the evidence, Mother's argument would still not prevail. It is well settled that erroneous findings do not warrant reversal if they amount to mere surplusage and add nothing to the trial court's decision. *See Lasater v. Lasater*, 809 N.E.2d 980, 398 (Ind. Ct. App. 2004). Here, as discussed in more detail below, the remaining findings that are not challenged by either Parent support the court's conclusion.

Issue Two: Termination of Parental Rights

[33] Mother and Father next contend that the court clearly erred when it terminated their parental rights as to Children. Before an involuntary termination of parental rights can occur in Indiana, DCS is required to allege and prove:

(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.

* * *

(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) (2023). DCS’s “burden of proof in termination of parental rights cases is one of ‘clear and convincing evidence.’” *R. Y. v. Ind. Dep’t of Child Servs. (In re G. Y.)*, 904 N.E.2d 1257, 1260-61 (Ind. 2009) (quoting I.C. § 31-37-14-2).

[34] On appeal, neither Mother nor Father challenges the court’s conclusion that there is a satisfactory plan for the care and treatment of the Children. However, both contend that the court clearly erred when it concluded that there is a reasonable probability that the reasons for the Children’s removal and continued placement outside the home will not be remedied, that there is a reasonable probability that the continuation of the parent-child relationship poses a threat to the Children’s well-being, and that termination of the parent-child relationships is in the Children’s best interests. However, as Indiana Code Section 31-35-2-4(b)(2)(B) is written in the disjunctive, we need not address Parent’s contention that the continuation of the parent-child relationship poses a threat to the Children’s well-being.

Remedy

[35] To determine whether there is a reasonable probability that the reasons for Children’s continued placement outside of Mother’s home will not be remedied, the trial court should judge Mother’s fitness to care for the Children at the time of the termination hearing, taking into consideration evidence of changed conditions. See *E.M. v. Ind. Dep’t of Child Servs. (In re E.M.)*, 4 N.E.3d 636, 643 (Ind. 2014). However, the court must also “evaluate the parent’s habitual patterns of conduct to determine the probability of future neglect or deprivation of the child[ren].” *Moore v. Jasper Cnty. Dep’t of Child Servs.*, 894 N.E.2d 218, 226 (Ind. Ct. App. 2008) (quotations and citations omitted). Pursuant to this rule, 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. *Id.* Moreover, DCS is not required to rule out all possibilities of change; rather, it need establish only that there is a reasonable probability the parent’s behavior will not change. *Id.*

[36] Mother contends that the court erred when it concluded that the conditions will not be remedied because “DCS presented no evidence that domestic violence was a problem between Mother and Father at the time of the hearing.” Mother’s Br. at 18. She also contends that “the record shows that Mother has taken recovery seriously.” *Id.* at 19. And she asserts that the court “ignored” her efforts to visit the Children consistently. *Id.* at 20.

[37] However, the evidence demonstrates that, contrary to Mother’s assertions, she continues to struggle with substance abuse and that domestic violence continues

to be an issue between her and Father. Regarding the substance abuse, Mother missed numerous call-ins and drug screens, each of which was considered a presumptive positive. And, when she did submit to drug screens, she continued to test positive for illegal substances. Indeed, Mother tested positive for methamphetamine as recently as May 31, 2023. *See* Tr. Vol. 2 at 229. And though Mother ultimately requested individual therapy, she only did so approximately one month prior to the final date of the fact-finding hearing, which was nearly two years after DCS became involved. As for domestic violence, the record is clear that it remained an unresolved issue between Mother and Father at the time of the fact-finding hearing. As of February 2023, Mother disclosed that she was subjected to daily abuse by Father. But neither she nor Father completed any domestic violence program during the underlying proceedings.

[38] For his part, Father asserts that the court erred when it concluded that the conditions will not be remedied because he had “addressed” his substance use issues and had “established stable housing and employment.” Father’s Br. at 9. As such, he maintains that he “remedied the concerns that were present at removal.” *Id.* at 11. Be that as it may, this Court has clarified that, given the wording of the statute, it is not just the basis for the initial removal of the child that may be considered for purposes of determining whether a parent’s rights should be terminated, but also any basis resulting in the continued placement outside of a parent’s home. *Inkenhaus v. Vanderburg Cnty. Off. Of Fam. & Child. (In re A.I.)*, 825 N.E.2d 798, 806 (Ind. Ct. App. 2005), *trans. denied*.

[39] Here, it is clear that, while the reasons for the Children’s initial removal from Father’s care may have been remedied, the Children remained out of Father’s home because he continued to have an unstable relationship with Mother and because of issues with domestic violence between Mother and Father. Indeed, the evidence shows that Father continued to allow Mother to live in his house, despite the fact that she was still actively using methamphetamine while he attempted to maintain his sobriety. Further, the evidence shows that, as recently as February 2023, Mother disclosed daily abuse by Father. But despite repeated attempts by DCS, Father never completed a domestic violence assessment.

[40] Based on the totality of the circumstances, we hold that the trial court’s findings support its conclusion that there is a reasonable probability that the conditions that resulted in the Children’s removal and the reasons for their continued placement outside of Parent’s care will not be remedied. Parent’s arguments on appeal are simply requests for this Court to reweigh the evidence, which we cannot do.

Best Interests

[41] In determining what is in a child’s best interests, a court is required to look beyond the factors identified by DCS and consider the totality of the evidence. *A.S. v. Ind. Dep’t of Child Servs. (In re A.K.)*, 924 N.E.2d 212, 223 (Ind. Ct. App. 2010). A parent’s historical inability to provide “adequate housing, stability,

and supervision,” in addition to the parent’s current inability to do so, supports finding termination of parental rights is in the best interests of the child. *Id.*

[42] When making its decision, the court must subordinate the interests of the parents to those of the child. *See Stewart v. Ind. Dep’t of Child Servs. (In re J.S.)*, 906 N.E.2d 226, 236 (Ind. Ct. App. 2009). “The court need not wait until a child is irreversibly harmed before terminating the parent-child relationship.” *Id.* Moreover, this Court has previously held that recommendations of the family case manager and court-appointed special advocate to terminate parental rights, coupled with evidence that the conditions resulting in removal will not be remedied, are sufficient to show by clear and convincing evidence that termination is in the child's best interests. *Id.*

[43] On appeal, Mother contends that the court erred when it determined that the termination of her parental rights was in the Children’s best interests because she “consistently attended supervised visits,” “took concrete steps to improve her parenting,” and sought “mental health treatment.” Mother’s Br. at 22-23. And Father asserts that the court erred when it reached that conclusion because he “maintained a positive, loving relationship with” the Children and he has maintained sobriety, a stable home, and employment. Father’s Br. at 12.

[44] However, as the court’s findings demonstrate, Parents have not shown that they are capable of parenting the Children. They have each had nearly two years to participate in services and show that they can adequately provide for the care and safety of the Children. But despite that time and numerous efforts by DCS,

Mother did not obtain sobriety or suitable housing, and Father did not complete a domestic violence program. And Melissa Griese, a life skills specialist, testified to the “very detrimental” effects of domestic violence on children. Tr. Vol. 2 at 40.

[45] The Children need permanency. At the time of the termination hearing, the Children had been removed from Parent’s care for nearly two years. Both FCM Lunsford and FCM Mauer testified that termination of the parental rights was in the Children’s best interest. Similarly, the CASA and CASA Supervisor each testified that it was in the Children’s best interests for the parental rights to be terminated. Additional testimony was presented that at least two of the children exhibited self-harming behaviors that increased with the mention of Parents. The evidence supports the conclusion that the Children’s removal or continued placement outside of Parent’s care will likely not be remedied, and moreover, the testimony from the FCMs and CASAs, supports the court’s determination that the termination of Parent’s parental rights is in the Children’s best interests.

Conclusion

[46] The findings challenged by Mother are supported by the evidence. And the court’s findings support its conclusions that the reasons for the Children’s removal or continued placement outside of the home will not be remedied and that termination of the parental rights is in the Children’s best interests. We therefore affirm the trial court.

[47] **Affirmed.**

May, J., and Felix, J., concur.