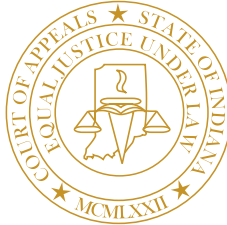


MEMORANDUM DECISION

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 Appellate Rule 65(D), this Memorandum Decision is not binding precedent for any court and may be cited only for persuasive value or to establish res judicata, collateral estoppel, or law of the case.



IN THE Court of Appeals of Indiana

In the Matter of the Termination of the Parent-Child
Relationship of C.C., Mother, and Ch.C., M.C., and D.R.,
Children,

C.C.,

Appellant-Respondent

v.

Indiana Department of Child Services,

Appellee-Petitioner



May 23, 2025

Court of Appeals Case No.

24A-JT-2607

Appeal from the Jay Circuit Court

The Honorable Brian D. Hutchison, Judge

Trial Court Cause Nos.

38C01-2406-JT-14, 38C01-2406-JT-15, 38C01-2406-JT-16

Memorandum Decision by Judge Foley
Judges Mathias and Felix concur.

Foley, Judge.

- [1] C.C. (“Mother”) appeals the trial court’s order terminating her parental rights to Ch.C., M.C., and D.R. (“the Children”). Mother raises the following restated issue for our review: whether the trial court’s judgment was clearly erroneous. We affirm.

Facts and Procedural History

- [2] Mother is the biological mother of five children: Ch.C., born November 28, 2012; M.C., born March 18, 2014; D.R., born November 9, 2021; B.R., born March 13, 2019; and C.C. (“Brother”), born July 12, 2016. Only Ch.C., M.C., and D.R. are involved in the present case.¹ N.C. is the biological father of Ch.C. and M.C., and N.R. is the biological father of D.R. and B.R.²
- [3] On March 24, 2022, Mother called 911 to report that five-year-old Brother was not breathing, and law enforcement found Brother unresponsive on the bathroom floor of the family home. Further investigation revealed that Brother

¹ Mother’s parental rights to B.R. were previously terminated in a separate cause number, which is not involved in this appeal.

² The parental rights of both N.C. and N.R. were terminated in the same proceedings as Mother’s. However, neither N.C. nor N.R. participate in the instant appeal.

had suffered from severe malnutrition, a healed skull fracture, healed subdural hematomas, sexual battery, numerous contusions all over his body, and evidence of asphyxiation attempts causing bruising and cuts around his face and inside his lips. At the time Brother was discovered, Mother was the primary caregiver living in the home with Brother and the other children. It was determined that Brother was deceased, and a subsequent autopsy determined that he died from a combination of dehydration, lack of nutrition, and blunt force trauma. As a result of an investigation into Brother's death, it was discovered that Mother had starved and beaten Brother repeatedly over the course of three months, which ultimately led to his death. During the DCS assessment, a medical examination found signs of possible sexual abuse against both Brother and B.R.

- [4] On March 25, 2022, the Indiana Department of Child Services ("DCS") filed petitions alleging that the Children were Children in Need of Services ("CHINS") under Indiana Code sections 31-34-1-1 and 31-34-1-2. The CHINS petitions were based on the circumstances surrounding Brother's death and concerns for the safety of the Children. On March 28, 2022, a detention hearing was held, and the trial court removed the Children from Mother's care, finding that it was in the best interests of the Children to be removed from the home and remaining in the home would be contrary to the welfare of the Children. On April 1, 2022, DCS filed amended CHINS petitions that included information that Mother had been charged with the murder of Brother and was

incarcerated. The amended petitions also included an allegation that Ch.C. reported Mother had sexually abused her.

- [5] Prior to the CHINS initial hearing, N.R., father of D.R., filed a stipulation, waiving the right to deny the CHINS petition and the right to a fact-finding hearing on the petition. After a fact-finding hearing, the trial court found that the Children were CHINS because they lived in the same household with Mother, who was charged in the death of Brother and with molesting Ch.C. On June 29, 2022, the court issued a dispositional order requiring Mother to participate in various services including parenting assessments, home-based counseling, random drug screens, and psychological evaluations. However, Mother was never able to participate in these services because she was incarcerated from the time of removal of the Children and for the duration of the case. On July 20, 2023, Mother was convicted of murder and Level 1 felony neglect of a dependent causing death after a jury trial. On August 24, 2023, she was sentenced to life in prison without the possibility of parole.³
- [6] On July 24, 2023, DCS filed a “Motion for the Court to Find No Reasonable Efforts to Reunify” pursuant to Indiana Code section 31-34-21-5.6(b)(2)(A)(i), due to the fact that Mother had been convicted of the murder of Brother. Appellant’s App. Vol. 3 p. 43. The trial court granted the motion on August 24, 2023, finding that reasonable efforts to reunify the Children with Mother were

³ Mother filed a direct appeal with the Indiana Supreme Court, and on April 23, 2025, the Court affirmed her convictions. *See Crossland v. State*, 256 N.E.3d 517, (Ind. 2025).

not required. On June 26, 2024, DCS filed petitions for involuntary termination of the parent-child relationship between Mother and the Children. The termination hearing was held on September 23, 2024.

[7] At the time of the hearing, the Children had been removed from Mother's care for thirty months and had been residing in foster placement for the entirety of that time. Evidence was presented that N.R., the father of D.R., had consented to the adoption of D.R. and that, due to N.C., the father of Ch.C. and M.C., not responding to the foster parents' adoption petition, his consent was irrevocably implied. Evidence was also presented that N.C. was previously convicted of molesting his nephew in Texas and sentenced to ten years in prison. Mother testified at the hearing that her main concerns for the Children were that they have a safe place to live and to keep the Children together in the same home. She requested that the trial court deny the termination petitions because she and the Children had a strong bond, and the Children would be more traumatized by keeping them away and separated from her and each other. Mother also expressed concerns about injuries that Ch.C. and B.R. allegedly sustained while in foster care.

[8] Family case manager Caroline Rouse ("FCM Rouse") testified that Mother did not complete any of the services ordered in the dispositional decree. FCM Rouse stated that, although Mother could have participated in case management and individual therapy services before the trial court ordered that no reasonable efforts were needed, Mother was resistant to the services. Later,

Mother's attorney in the criminal case did not want her to participate in services before she completed her criminal case.

[9] FCM Rouse testified that DCS had looked into family placement of the Children and had completed interstate child placement requests for numerous relatives in other states in an attempt to place the Children with relatives. Mother's brother in Texas stated he could not be a placement for the Children because of financial issues with his own family. Another relative in Texas was found not be a suitable placement option because she intended to allow the Children to have contact with N.C., who was a convicted sex offender. A cousin in Oklahoma was approved but at that point, the Children had been in foster placement for more than a year, and DCS did not pursue that placement in Oklahoma due to the Children doing well with the foster placement and being established with their service providers.

[10] FCM Rouse testified that the Children, specifically Ch.C. and M.C., were greatly affected by being in Mother's care when Brother was killed by Mother. Both Ch.C. and M.C. experienced problems with sleeping, depression, and anxiety and suffered trauma and post-traumatic stress disorder from being in the home while Brother was being starved and beaten, which required medication and counseling to address the issues. Ch.C. and M.C. also showed indications of having been molested as young children. They had a history of hoarding and stealing food, lying or fabricating stories, emotional outbursts, depression, and sadness, and both showed signs of having reactive attachment disorder. When first removed, D.R. was developmentally delayed and unable

to hold his head up. After participating in occupational therapy, physical therapy, and speech therapy through First Steps, D.R. was reaching developmental milestones by the time of the termination hearing.

[11] Evidence was presented that the Children resided together in the same foster home and had a close bond with the foster family. Three-year-old D.R. was four months old when removed from Mother's care, and the foster parents were the only parents he had ever known. The Children's foster mother testified all the Children had made significant progress since living with them. Both Ch.C. and M.C. were engaging in therapy and home-based case work. Ch.C. was running cross-country with the school team, which was helping her develop focus, drive, and confidence. M.C. was still struggling emotionally with her past experiences, but the foster parents consistently worked with her to show her that she was safe with them and to work through her struggles.

[12] Although B.R. had previously been placed in the same foster home as the Children, after a few months, B.R.'s significant behavioral and emotional needs caused DCS to place him with another foster family. Since being placed in his current placement, he experienced fewer behavioral issues due to the ability to receive individualized attention. The two sets of foster parents ensured the siblings saw each other weekly and at summer childcare. D.R. and B.R. attended the same daycare and saw each other every day. In the summer, all four children attended the same daycare. The Children's foster mother intended to maintain the frequent contact between the Children and B.R.

because it was important that the siblings remain in a relationship with each other.

[13] Both FCM Rouse and the guardian ad litem (“GAL”) testified that they believed that it was in the Children’s best interests that the parent-child relationship be terminated so they could be adopted by their current caregivers. FCM Rouse testified that, because of Mother’s incarceration, she was unable to provide care to the Children and would continue to not be able to do so. The GAL stated that she believed termination of Mother’s parental rights was in the best interests of the Children because of her conviction for murdering Brother and being sentenced to life without parole. FCM Rouse testified that DCS’s plan for the Children was adoption by the current foster placement.

[14] On September 30, 2024, the trial court issued orders terminating Mother’s parental rights to the Children, finding that DCS had met its burden of proof on each element of its petition. The trial court based its decision on the evidence that Mother murdered Brother over the course of three months by beating and starving him, that Children resided in the home while this occurred causing them trauma, and that Mother would be incarcerated for the rest of her life without the possibility of parole. The trial court determined in pertinent part that there was a reasonable probability that the conditions that resulted in the Children’s removal or continued placement outside the home will not be remedied, that the continuation of the parent-child relationship would pose a threat to the Children’s well-being, that termination was in the best interests of

the Children, and that DCS's plan of adoption was a satisfactory plan for the care and treatment of the Children. Mother now appeals.

Discussion and Decision

[15] While the Fourteenth Amendment to the United States Constitution protects the traditional right of a parent to establish a home and raise their children, the law allows for the termination of parental rights based on a parent's inability or unwillingness to meet parental responsibilities. *Bester v. Lake Cnty. Off. of Fam. & Child.*, 839 N.E.2d 143, 147 (Ind. 2005); *In re D.P.*, 994 N.E.2d 1228, 1231 (Ind. Ct. App. 2013). Thus, parental rights are subordinated to the child's interests in determining the appropriate disposition of a petition to terminate the parent-child relationship. *In re J.C.*, 994 N.E.2d 278, 283 (Ind. Ct. App. 2013). The purpose of terminating parental rights is not to punish the parent but to protect the child. *In re D.P.*, 994 N.E.2d at 1231. Termination of parental rights is proper where the child's emotional and physical development is threatened. *Id.* The trial court need not wait until the child is irreversibly harmed such that their physical, mental, and social development is permanently impaired before terminating the parent-child relationship. *Id.*

[16] As our Supreme Court has observed, “[d]ecisions to terminate parental rights are among the most difficult our trial courts are called upon to make. They are also among the most fact-sensitive—so we review them with great deference to the trial courts” *E.M. v. Ind. Dep’t of Child Servs.*, 4 N.E.3d 636, 640 (Ind. 2014). Indeed, we do not reweigh evidence; rather, we defer to the trial court’s

assessment of the credibility of witnesses. Ind. Trial Rule 52(A). In evaluating the trial court's findings and conclusions in an order terminating parental rights, we review only for clear error, and we apply a two-tiered standard of review. *In re A.P.*, 981 N.E.2d 75, 81 (Ind. Ct. App. 2012). First, we must determine whether the evidence supports the findings, and second, we determine whether the findings support the judgment. *Id.* "A judgment is clearly erroneous if the findings do not support the trial court's conclusions or the conclusions do not support the judgment." *Id.* If the evidence and reasonable inferences support the trial court's decision, we must affirm. *A.D.S. v. Ind. Dep't of Child Servs.*, 987 N.E.2d 1150, 1156 (Ind. Ct. App. 2013), *trans. denied*.

[17] Mother challenges the sufficiency of the evidence supporting the trial court's decision terminating her parental rights to the Children. Before an involuntary termination of parental rights may occur, the State must allege and prove:

(1) the existence of one (1) or more of the circumstances described in subsection (d);

(2) that there is a satisfactory plan for care and treatment of the child; and

(3) that termination of the parent-child relationship is in the child's best interests.

Ind. Code § 31-35-2-4(c). As stated above, a petition must allege the existence of one or more of the circumstances contained in subsection (d). Here, the pertinent alleged circumstances were:

(3) That 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.

(4) That there is a reasonable probability that the continuation of the parent-child relationship poses a threat to the well-being, safety, physical health, or life of the child.

I.C. § 31-35-2-4(d)(3), (4). The State's burden of proof for establishing these allegations is one of clear and convincing evidence. *In re H.L.*, 915 N.E.2d 145, 149 (Ind. Ct. App. 2009). Moreover, "if the court finds that the allegations in a petition described in section 4 of this chapter are true, the court *shall* terminate the parent-child relationship." I.C. § 31-35-2-8(a) (emphasis added). Further, because Indiana Code section 31-35-2-4(d) is written such that, to properly effectuate the termination of parental rights, the trial court need only find one of the requirements of subsection (d) has been established by clear and convincing evidence, we need not address all of the requirements if we find that one has been proven. *See* I.C. § 31-35-2-4(d); *A.D.S.*, 987 N.E.2d at 1157 n.6.

[18] We begin by noting that Mother only cursorily asserts that there was insufficient evidence to support the conclusions that there was a reasonable probability that the conditions that resulted in the removal of the Children from Mother's home or the reasons for placement outside the home would not be remedied and that the continuation of the parent-child relationship posed a threat to the well-being of the Children. Although Mother mentions these assertions in her statement of the issues, summary of the argument, and conclusion, she does not cite to any caselaw or other legal authority to support

her sufficiency of the evidence challenge and does not develop any cogent argument or cite to any portion of the record regarding her assertions. A party generally waives an issue where the party fails to develop a cogent argument or provide adequate citation to authority and portions of the record. *See N.C. v. Ind. Dept. of Child Servs.*, 56 N.E.3d 65, 69 (Ind. Ct. App. 2016), *trans. denied*. Mother has therefore waived any argument as to the sufficiency of the evidence with respect to 1) a reasonable probability that the conditions that result in the removal of the Children from Mother's home or the reasons for placement outside the home would not be remedied, and 2) that the continuation of the parent-child relationship posed a threat to the well-being of the Children.

[19] Mother focuses on whether DCS presented clear and convincing evidence that termination of the parent-child relationship was in the Children's best interests. In determining what is in the best interests of the child, a trial court is required to look at the totality of the evidence. *In re A.K.*, 924 N.E.2d 212, 224 (Ind. Ct. App. 2010) (citing *In re D.D.*, 804 N.E.2d 258, 267 (Ind. Ct. App. 2004), *trans. denied*), *trans. dismissed*. In doing so, the trial court must subordinate the interests of a parent to those of the child. *Id.* Termination of a parent-child relationship is proper where the child's emotional and physical development is threatened. *Id.* (citing *In re R.S.*, 774 N.E.2d 927, 930 (Ind. Ct. App. 2002), *trans. denied*). A parent's historical inability to provide a suitable, stable home environment along with the parent's current inability to do so supports a finding that termination is in the best interests of the child. *In re A.P.*, 981 N.E.2d at 82. Testimony of the service providers, in addition to 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. *In re A.S.*, 17 N.E.3d 994, 1005 (Ind. Ct. App. 2014), *trans. denied*. Before terminating the parent-child relationship, the trial court need not wait until a child is irreversibly harmed such that his or her physical, mental, and social development is permanently impaired. *In re A.K.*, 924 N.E.2d at 224. Additionally, a child's need for permanency is an important consideration in determining the best interests of a child. *Id.* (citing *McBride v. Monroe Cnty. Off. of Fam. & Child.*, 798 N.E.2d 185, 203 (Ind. Ct. App. 2003)).

[20] Our review of the totality of the evidence reveals that, at the time of the termination hearing, the Children had been removed from Mother's care for thirty months and had been residing in foster placement for the entirety of that time. The Children were removed from Mother's care based on the circumstances of Brother's death and concerns for the Children's safety in Mother's care. Mother had starved and beaten Brother repeatedly over the course of three months, ultimately leading to his death. Mother was subsequently charged with murder in the death of Brother, and while the case was pending, Mother was convicted of murder and sentenced to life without parole. Evidence was presented that Ch.C. and M.C. were traumatized by living with Mother while she starved and beat Brother. Both Ch.C. and M.C. continued to need individual therapy and homebased case work because of this trauma. D.R. was only four months old at the time of Brother's death but exhibited developmental delays and needed multiple therapies to catch up and

reach the age-appropriate milestones. Additionally, both FCM Rouse and the GAL each opined termination of the parent-child relationship was in the Children's best interests.

[21] Mother argues that the evidence did not support that termination was in the Children's best interests because she and the Children have a strong bond with each other and because of an injury suffered by B.R. while in foster care and allegations by Ch.C. of sexual abuse by a service provider. First, the injury suffered by B.R. is not relevant here because B.R. is not a party to the present case. Second, the allegations by Ch.C. were investigated by DCS and found to be unsubstantiated, and the accused service provider was removed from the case. Lastly, Mother's arguments are requests to reweigh the evidence, which we will not do. *K.T.K. v. Ind. Dep't of Child Services*, 989 N.E.2d 1225, 1229 (Ind. 2013).

[22] The trial court "need not wait until a child is irreversibly influenced by a deficient lifestyle such that her physical, mental, and social growth is permanently impaired before terminating the parent-child relationship." *K.E. v. Ind. Dep't of Child Servs.*, 39 N.E.3d 641, 649 (Ind. 2015). Mother was convicted of murdering Brother and sentenced to life without parole, and her actions greatly affected and traumatized the Children. The trial court's conclusion that termination of Mother's parental rights was in the Children's best interests was supported by clear and convincing evidence.

- [23] Although not explicitly articulated as an issue, Mother seems to take issue with the placement of the Children and DCS's plan for adoption by the foster parents, specifically because the Children were not placed in the same home as B.R. She asserts that she provided DCS with several names of family members as options for placement of the Children and that DCS did not follow up with those family members.
- [24] “[T]he plan for the care and treatment of a child need not be detailed, so long as it offers a general sense of the direction in which the child will be going after the parent-child relationship is terminated.” *In re C.D.*, 141 N.E.3d 845, 854 (Ind. Ct. App. 2020) (citing *In re A.S.*, 17 N.E.3d 994, 1007 (Ind. Ct. App. 2014), *trans. denied*), *trans. denied*. “A DCS plan is satisfactory if the plan is to attempt to find suitable parents to adopt the children.” *Id.* To find that there is a satisfactory plan for the care and treatment of the child, there does not need to be a guarantee that a suitable adoption will take place, only that DCS will attempt to find a suitable adoptive parent. *Id.*
- [25] Here, the trial court found that the plan for the care and treatment of the Children was adoption, which is a satisfactory plan. *See id.* Although Mother wishes that the Children and B.R. could be in the same placement, evidence was presented that this was not feasible because of B.R.'s heightened behavioral and emotional needs. The two sets of foster parents ensured the siblings saw each other weekly and at summer childcare. D.R. and B.R. attended the same daycare and saw each other every day, and in the summer, all four children attended the same daycare every day. As to Mother's assertion that DCS did

not follow up with the family members she provided as possible placements for the Children, there was evidence presented that DCS did look into placement of the Children with various relatives, but none of them proved to be viable options, with DCS declining to continue exploring other options only after the Children had been in foster placement for a year and were established with their service providers. Sufficient evidence was, therefore, presented to support that there was a satisfactory placement for the Children, which was adoption.

[26] We, therefore, conclude that the trial court did not err in its judgment terminating Mother's parental rights to the Children.

[27] Affirmed.

Mathias, J. and Felix, J., concur.

ATTORNEY FOR APPELLANT

Ana M. Quirk
Quirk & Hunter, P.C.
Muncie, Indiana

ATTORNEYS FOR APPELLEE

Theodore E. Rokita
Attorney General of Indiana

Katherine A. Cornelius
Deputy attorney General
Indianapolis, Indiana