

MEMORANDUM DECISION

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IN THE
Court of Appeals of Indiana

In re: the Involuntary Termination of the Parent-Child
Relationship of: Z.W. (Minor Child)

and

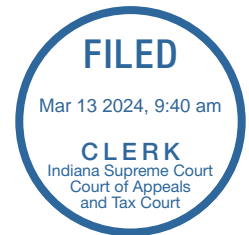
J.W. (Mother),

Appellant-Respondent

v.

Indiana Department of Child Services,

Appellee-Petitioner



March 13, 2024

Court of Appeals Case No.
23A-JT-2589

Appeal from the Huntington Circuit Court

The Honorable Davin G. Smith, Judge

Trial Court Cause No.
35C01-2212-JT-20

Memorandum Decision by Judge May
Judges Vaidik and Kenworthy concur.

May, Judge.

- [1] J.W. (“Mother”) appeals the involuntary termination of her parental rights to Z.W. (“Child”). She argues the trial court’s findings do not support its conclusions that the conditions under which Child was removed from her care would not be remedied and the continuation of the Mother-Child relationship was a threat to Child’s well-being. We affirm.

Facts and Procedural History

- [2] Mother and I.H. (“Father”)¹ are the biological parents of Child, a daughter who was born March 9, 2017. On April 14, 2021, the Department of Child Services (“DCS”) received a report that Child was being abused and/or neglected due to Mother “being under the influence and [Child’s] only caregiver.” (Ex. Vol. IV at 87.) Father was incarcerated.
- [3] When DCS arrived at the family home, Mother told the Family Case Manager (“FCM”) that she “had relapsed with methamphetamine four days [earlier] and regularly used marijuana[.]” (*Id.* at 53.) Mother was “impaired, stumbling, weaving and screaming at [the] FCM[.]” (*Id.*) Mother’s saliva drug screen was

¹ The trial court also involuntarily terminated Father’s parental rights to Child. He does not participate in this appeal.

positive for methamphetamine and marijuana metabolites. When asked if she wanted to attend substance abuse treatment, Mother refused, but she agreed to participate in outpatient mental health care. The FCM also observed “marijuana, drug paraphernalia, alcohol, cigarettes, lighters, and medical bottles in reach of [Child].” (*Id.*) Child “appeared unkept[sic]. Her hair was greasy and not brushed. Her clothes were stained. Her feet were dirty, she didn’t have any shoes on, um, her toenails and feet were dirty.” (Tr. Vol. II at 68-9.) Mother and Child resided in the home of Mother’s grandfather (hereafter “maternal grandfather”), and Mother “informed [the FCM] that he has dementia[.]” (Ex. Vol. IV at 53.) Maternal grandfather had difficulty walking and speaking during the FCM’s visit. Child told the FCM that maternal grandfather hit her with his cane and grabbed her arms. Mother told the FCM that she did not have a relative to take custody of Child and that Father was incarcerated until at least January 10, 2023. DCS removed Child from Mother’s custody and placed her in foster care, where she has been ever since.

[4] On April 15, 2021, DCS filed a petition alleging Child was a Child in Need of Services (“CHINS”) based on Mother’s substance abuse and neglect of Child. The trial court held an initial hearing on the petition on April 16, 2021. During a status conference on April 30, 2021, Mother admitted Child was a CHINS² and the trial court adjudicated Child as such. The same day, the trial court held

² Father admitted Child was a CHINS at the initial hearing on April 16, 2021.

a dispositional hearing and entered its dispositional order shortly thereafter. In the order, the trial court required Mother to, among other things: contact the FCM every week and advise the FCM of any change in address or arrest; allow the FCM or other service providers to visit Mother's home at any time to monitor Mother's compliance with services; maintain suitable housing for Child; not use, manufacture, or deal in illegal controlled substances; obey the law; complete a substance abuse assessment and a psychological evaluation and follow all recommendations stemming therefrom; and visit with Child.

[5] In May 2021, Mother completed a substance abuse assessment. Based on the results of the assessment, DCS immediately referred Mother to moral reconnection therapy, an early recovery and relapse prevention group, individual therapy, and a psychological assessment. Mother did not complete the moral reconnection therapy or the early recovery and relapse prevention group. Mother participated in individual therapy from July to September 2021. Mother did not complete a psychological assessment at this time.

[6] On July 1, 2021, the State charged Mother with Class A misdemeanor criminal mischief. On August 20, 2021, Mother pled guilty as charged, and the trial court sentenced her to 365 days incarcerated with 355 days suspended to informal probation. From August to November 2021, Mother attended supervised visits with Child.

[7] On November 4, 2021, Mother tested positive for amphetamine, methamphetamine, and THC. On November 24, 2021, the criminal court

revoked Mother's probation for a positive drug screen, as well as for failure to submit another drug screen and complete ordered therapy. On November 29, 2021, the State charged Mother with Level 6 felony operating a vehicle while intoxicated with a prior conviction within seven years,³ Level 6 felony operating a vehicle while intoxicated and endangering a person less than eighteen years old,⁴ Class A misdemeanor operating a vehicle while intoxicated endangering a person,⁵ Class A misdemeanor driving while suspended with a prior conviction within ten years,⁶ Class C misdemeanor operating a vehicle while intoxicated,⁷ and Class C misdemeanor operating a vehicle with a Schedule I or II controlled substance or its metabolite.⁸ In January 2022, Mother pled guilty as charged, and the trial court sentenced her to two and one half years with one year and 188 days suspended to home detention. Based on her January 2022 conviction, the trial court revoked Mother's probation for the August 2021 criminal mischief and another prior conviction⁹ on February 15, 2022. The trial court ordered Mother to serve time in jail for the probation violation.

³ Ind. Code § 9-30-5-2(a) and Ind. Code § 9-30-5-3(a)(1).

⁴ Ind. Code § 9-30-5-2(a)-(b) and Ind. Code § 9-30-5-3(a)(2).

⁵ Ind. Code § 9-30-5-2(a)-(b).

⁶ Ind. Code § 9-24-19-2.

⁷ Ind. Code § 9-30-5-2(a).

⁸ Ind. Code § 9-30-5-1(c).

⁹ Mother was convicted of operating a vehicle while intoxicated in 2018.

- [8] Mother was released from jail on March 24, 2022, and placed in a Community Corrections Program. She resumed supervised visits with Child in April 2022. On May 10, 2022, Mother met with therapist Mary Ott. Ott and Mother agreed Mother's goals were "working on anxiety and depression, substance use, and adjustment to trauma." (Tr. Vol. II at 126.) Ott recommended Mother engage in individual therapy to achieve her goals.
- [9] In June 2022, Mother began case management services as a condition of her Community Corrections placement. Her goals in that service were to obtain and maintain housing and employment as well as determining whether she qualified for disability benefits. Also in June 2022, Mother began seeing a mental health counselor. On June 22, 2022, DCS filed a petition to terminate Mother's parental rights to Child. DCS dismissed the petition the next day.
- [10] At the June 24, 2022, permanency hearing, the trial court noted Mother had complied with Child's case plan including screening negative for illegal substances, participating in therapy and life skills services, and staying compliant with the requirements of her Community Corrections placement. On July 12, 2022, Mother completed a psychological assessment with Dr. Ambreen Ghori. Dr. Ghori diagnosed Mother with major depression, anxiety, post-traumatic stress disorder, and borderline personality disorder. Dr. Ghori recommended therapy and prescriptions for Mother's treatment. Mother did not complete treatment as recommended.

[11] In August 2022, Mother transitioned from supervised to unsupervised visits with Child. On September 16, 2022, the trial court held another permanency hearing and noted Mother had only partially complied with Child's case plan because Mother had tested positive for THC in two of her drug screens. Mother did not have suitable housing because she was living with maternal grandfather, who refused to allow Mother and Child to live with him. Mother did not have a job and indicated she would be filing for disability. Mother's last visit with Child was in September 2022.

[12] By the end of October, Mother had discontinued case management and mental health services, which were a part of the terms of her Community Corrections placement. Mother had attended only fifty percent of her scheduled appointments with her case manager between June and October 2022. She no longer lived with maternal grandfather and would not tell her FCM where she was living. On October 12 and 14, 2022, Mother tested positive for THC. On October 17, 2022, Mother tested positive for amphetamine and methamphetamine. After the October 17 positive drug screen, the State filed a petition to revoke Mother's probation. Shortly thereafter, Mother was arrested and placed in the Huntington County Jail.

[13] In early November 2022, Mother admitted she violated her probation, and the trial court allowed her to enter a halfway house following her incarceration in the Huntington County Jail. DCS changed Mother's visits with Child from unsupervised to supervised, but later, on November 29, 2022, suspended Mother's visits with Child because of Mother's substance use and incarceration.

On December 7, 2023, DCS filed a petition to terminate Mother’s parental rights to Child based on Mother’s substance use, noncompliance with services, and incarceration.

[14] Mother was released from the Huntington County Jail on December 28, 2022, and immediately reported to a halfway house, Place of Grace, as ordered by the trial court. Place of Grace was a nine-month recovery program. Mother was at Place of Grace for six days when she told the office manager that “she could feel vibrations, was filled with concrete, had a chip implanted in her neck, and that another worker at Place of Grace was a witch who was practicing witchcraft on [her].” (App. Vol. II at 54-5.) Based thereon, Mother was transferred to Parkview Behavioral Health Center for a mental health assessment and treatment. She left Parkview on January 4, 2023, and did not return to Place of Grace.

[15] Mother then went to Park Center, a substance abuse treatment facility, but did not complete treatment there because she tested positive for THC. Mother left Park Center and went to Diana’s House of Hope, another halfway house, sometime in January 2023. By the end of January 2023, Mother had left Diana’s House of Hope. On January 31, 2023, police arrested Mother for an alleged probation violation and placed her in the Huntington County Jail.

[16] On March 6, 2023, the trial court held its first fact-finding hearing on DCS’s petition to terminate Mother’s parental rights to Child. Mother was unsuccessful in her probation and was released therefrom in March 2023. In

April 2023, Mother completed another psychological evaluation and was referred for mental health treatment and medication management. Thereafter, Mother missed three intake appointments for mental health treatment and the intake appointment for the medication management service. On May 5, 2023, the trial court held a hearing to consider Mother's request to reinstate visits. Mother tested positive for methamphetamine that day, and the trial court denied her request to reinstate visits.

[17] On May 31, 2023, the trial court held its final fact-finding hearing on DCS's petition to terminate Mother's parental rights to Child. FCM Christina Smith testified Mother lived with maternal grandfather at the time of the hearing. FCM Smith reported Mother was not employed. She additionally told the trial court that Mother had not completed substance abuse or mental health treatment. FCM Smith recounted incidents during which Mother was under the influence of illegal substances and told FCM Smith that "[Child] had died and came back as a puppy . . . that there's a chip in [Mother's] neck [and] [Mother's] related to Adolf Hitler." (Tr. Vol. II at 162.) FCM Smith testified Mother "has sent audio messages and text messages to [FCM Smith] threatening [her] and um calling [her] names and cussing at [her]." (*Id.*)

In addition, Mother had not fully complied with the requirement that she participate in random drug screens because she missed sixty-one calls for drug screens and had submitted only twenty-one tests. Mother had not seen Child since September 2022. The trial court issued its order terminating Mother's parental rights to Child on October 24, 2023.

Discussion and Decision

[18] “The Fourteenth Amendment to the United States Constitution protects the traditional right of parents to establish a home and raise their children.” *In re A.L.*, 223 N.E.3d 1126, 1137 (Ind. Ct. App. 2023). However, a juvenile court must subordinate the interests of the parents to those of the child when evaluating the circumstances surrounding a termination. *Id.* The termination of parental rights is appropriate when parents are “unable or unwilling to meet their parental responsibilities[.]” *Id.* (quoting *Bester v. Lake Cnty. Ofc. of Family & Children*, 839 N.E.2d 143, 147 (Ind. 2005)). The termination of the parent-child relationship is “an ‘extreme measure’ and should only be utilized as a ‘last resort when all other reasonable efforts to protect the integrity of the natural relationship between parent and child have failed.’” *K.E. v. Ind. Dep’t of Child Servs.*, 39 N.E.3d 641, 646 (Ind. 2015) (quoting *Rowlett v. Vanderburgh Cnty. Ofc. of Family & Children*, 841 N.E.2d 615, 623 (Ind. Ct. App. 2006)).

[19] To terminate a parent-child relationship in Indiana, DCS must allege and prove:

- (A) that one (1) of the following is true:
 - (i) The child has been removed from the parent for at least six (6) months under a dispositional decree.
 - (ii) A court has entered a finding under IC 31-34-21-5.6 that reasonable efforts for family preservation or reunification are not required, including a description of the court’s finding, the date of the finding, and the manner in which the finding was made.
 - (iii) The child has been removed from the parent and has been under the supervision of a county office of

family and children or probation department for at least fifteen (15) months of the most recent twenty-two (22) months, beginning with the date the child is removed from the home as a result of the child being alleged to be a child in need of services or a delinquent child;

- (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;
- (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). DCS must provide clear and convincing proof of these allegations at the termination hearing. *In re T.W.*, 135 N.E.3d 607, 612 (Ind. Ct. App. 2019), *trans. denied*. “[I]f the State fails to prove any one of these statutory elements, then it is not entitled to a judgment terminating parental rights.” *Id.* at 1261. Because parents have a constitutionally protected right to establish a home and raise their children, the State “must strictly comply” with the statutory requirements for terminating parental rights. *In re Q.M.*, 974 N.E.2d 1021, 1024 (Ind. Ct. App. 2012) (quoting *Platz v. Elkhart Cnty. Dep’t of Pub. Welfare*, 631 N.E.2d 16, 18 (Ind. Ct. App. 1994)).

[20] When reviewing a trial court’s termination of parental rights,

“we do not reweigh the evidence or judge witness credibility.”
We consider only the evidence and reasonable inferences that are

most favorable to the judgment and give “due regard” to the trial court’s unique opportunity to judge the credibility of the witnesses. “We will set aside the trial court’s judgment only if it is clearly erroneous.”

In re V.A., 51 N.E.3d 1140, 1143 (Ind. 2016) (internal citations omitted).

[21] When, as here, a judgment contains specific findings of fact and conclusions thereon, we apply a two-tiered standard of review. *In re Adoption of T.L.*, 4 N.E.3d 658, 662 (Ind. 2014). First, we must determine whether the evidence supports the findings and then whether the findings support the trial court’s judgment. *Id.* A finding is clearly erroneous when the record lacks evidence or reasonable inferences from the evidence to support it. *Steele-Giri v. Steele*, 51 N.E.3d 119, 125 (Ind. 2016). “We accept unchallenged findings as true.” *Henderson v. Henderson*, 139 N.E.3d 227, 232 (Ind. Ct. App. 2019).

[22] Mother does not challenge any of the trial court’s findings, and we thus accept them as true. *See id.* Instead, Mother argues the trial court’s findings do not support its conclusion that there existed a reasonable probability that the conditions under which Child was removed from her care would not be remedied. When considering whether the conditions under which a child is removed from a parent’s care would be remedied, we engage in a two-step analysis. *In re E.M.*, 4 N.E.3d 636, 642-3 (Ind. 2014). First, we identify the reasons for the child’s removal and then we determine whether there is a reasonable probability those conditions will be remedied. *Id.* at 643. As we recently stated in *In re A.L.*:

It is well-established that “[a] trial court must judge a parent’s fitness as of the time of the termination hearing and take into consideration evidence of changed conditions.” In judging fitness, a trial court may properly consider, among other things, a parent’s substance abuse and lack of adequate housing and employment. The trial court may also consider a parent’s failure to respond to services. “[H]abitual patterns of conduct must be evaluated to determine whether there is a substantial probability of future neglect or deprivation.” A trial court “need not wait until the child[] [is] irreversibly influenced by [its] deficient lifestyle such that [its] physical, mental and social growth is permanently impaired before terminating the parent-child relationship.”

223 N.E.3d 1126, 1138-9 (Ind. Ct. App. 2023) (internal citations omitted).

[23] Child was removed from Mother’s care because of Mother’s substance abuse and neglect. Regarding whether those conditions would be remedied, the trial court made many findings,¹⁰ including:

36. FCM Christina Smith, managed Child’s case from April of 2021 to the present. During [her] time on the case, . . . [Mother] . . . did not substantially comply with court-ordered and/or DCS referred services. Specifically:

a. Contact with FCM:

i. Since early 2023, [Mother] has not maintained contact with the FCM. She did make contact to ask for referrals, but then did not attend part of the

¹⁰ The trial court’s order is over forty pages and extremely detailed. We thank the trial court for its thoroughness.

appointments that were set. [Mother] made five appointments with the Bowen Center in 2023, but only attended one of them.

* * * * *

b. Visits:

i. [Mother's] visits are suspended at the time of this trial. They were suspended in the fall of 2022 because of her substance abuse, missing visits, and subsequent incarceration.

ii. [Mother] had moved to unsupervised visits with Z.W. in the fall of 2022. Her visits had increased over the summer of 2022 from supervised to unsupervised.

iii. Prior to the summer of 2022, [Mother] had no visits over a few months of 2021-2022 during the winter because she was incarcerated in the local jail.

* * * * *

c. Housing/employment:

i. [Mother] had job painting during the child in need of services case but told FCM Christina Smith that she was applying for disability.

ii. [Mother] told FCM Christina Smith that she was entitled to an unemployment settlement.

iii. [Mother] lived with her grandfather and mother, at Charis House, at Place of Grace, at the local jail, at Friend's House, at Parkview Behavioral Health, and at an address she would not disclose to the FCM throughout the child in need of services case.

iv. [Mother] was incarcerated six times during the child in need of services case for a total of seven months of time.

d. Substance abuse:

i. Jordan Raben completed an Affidavit as Custodian of Records and Legal Coordinator for Cordant Health System. Cordant Health Services provided drug screens to [Mother] from June 21, 2021 to November 23, 2022.

ii. The records from Cordant Health Systems stated [Mother] has had 61 missed calls and submitted to 21 random tests.

iii. There are certified copies of drug screens provided by Cordant Health Systems regarding [Mother]. Melissa Well is the certifying scientist for Cordant Health Services that provided the certified copies of [Mother's] drug screens.

1. On November 4, 2021, [Mother] tested negative for all substances.

2. On April 8, 2022, [Mother] tested negative for all substances.

3. On May 20, 2022[], [Mother] tested negative for all substances.

4. On July 27, 2022, [Mother] tested negative for all substances.

5. On September 1, 2022, [Mother] tested negative for substances.

6. On September 9, 2022, [Mother] tested negative for all substances.

7. On September 16, 2022, [Mother] tested positive for Cannabinoids.

8. On October 12, 2022, [Mother] tested positive for Cannabinoids.

9. On October 14, 2022, [Mother] tested positive for Cannabinoids.

10. On October 17, 2022, [Mother] tested positive Amphetamine and Methamphetamine.

iii. The most recent positive drug screen for [Mother] is from May 5, 2023, a day whe[n] there was court hearing in the child in need of services case. [Mother] had requested a hearing to reinstate her visits.

* * * * *

f. [Mother] has a criminal history.

* * * * *

vii. On November 29, 2021, the Huntington Superior Court filed an Affidavit for Probable Cause against [Mother] in Cause Number on 35D01-2111-F6-000353.

viii. On January 25, 2022, Motion to Enter Plea of Guilty was filed in the Huntington Superior Court regarding Cause Number 35D01-2111-F6-000353.

ix. On February 15, 2022, [Mother] agreed to conditions by the Huntington County Probation regarding Cause Number.

x. On February 15, 2022, A Sentencing Order was filed with the Huntington Superior Court regarding [Mother] in Cause Number 35D01-2111-F6-000353. [Mother] shall be imprisoned for term 2 1/2 years with 1 year, 188 days suspended (serve 360 days=180 days + 180 days on Electronic Home Detention as direct placement to Community Corrections) and year, 188 days of probation, upon release.

xi. On November 25, 2021, the State of Indiana, County of Huntington, filed criminal charges against [Mother] in Cause Number 35D01-2111-F6-000353. [Mother] was charged with Operating Vehicle While Intoxicated Prior Conviction Within 7 Years, Operating Vehicle While Intoxicated[] Endangering Person less than 18 years, Operating Vehicle While Intoxicated Endangering a Person, Operating Vehicle While Intoxicated[,] Operating Vehicle with Schedule I or II Controlled Substance or its Metabolite [], Driving While Suspended, Knowing Violation and Prior Conviction w/in 10 Years.

xii. On November 29, 2021, the Huntington Superior Court filed Information for Operating Vehicle While Intoxicated, Level 6 Felony, against [Mother] in Cause Number on 35D01-2111-F6-000353.

* * * * *

xiv. On October 28, 2022, An Order to Petition to Revoke Probation was filed by the State of Indiana, Huntington Superior Court regarding [Mother] in Cause Number 35D01-2111-F6-000353.

xv. On November 22, 2022, An Order for Probation Violation was filed by the Huntington Superior Court regarding Cause Number 35D01-2111-F6-000353. [Mother] was ordered an additional 90 days of the original sentence served, to be in a court approved halfway house within 24 hours of incarceration. The Court modified the terms of probation to include completing a court approved halfway house, daily call ins, and complete an Intensive Outpatient Program.

xvi. On January 27, 2023, Second Petition to Revoke Probation was filed by the State of Indiana, Huntington Superior Court regarding [Mother] in Cause Number 35D01-2111-F6-000353.

xvii. On January 30, 2023, An Order on Second Petition to Revoke Probation was granted by the Huntington Superior Court in Cause Number 35D01-2111-F6-000353.

xviii. [Mother] was released from probation unsatisfactorily after serving an additional 120 days of her original sentence.

xix. [In July 2021] [Mother] was charged with Criminal Mischief under Cause Number 35D01-2107-CM-000425.

xx. [Mother] was sentenced to 365 days of jail time with all time suspended except for 10 day[s] followed by probation.

xxi. In November of 2021, Huntington County Probation alleged that [Mother] violated the terms of her probation by failing to submit to a drug screen, not completing substance services, and by testing positive for methamphetamine.

xxii. [Mother] admitted that she violated the terms of her probation by failing to submit to a drug screen, not completing substance services, and by testing positive for methamphetamine. She was sentenced to an additional sixty days to serve on her original sentence [for the criminal mischief conviction].

* * * * *

37. Service provider and community health center Bowen Center, was referred to provide reunification services to [Mother]. Dan Borne testified about the referred services. Specifically:

a. Dan Borne was the DCS Services Manager at Bowen Center. He is now an Assistant Director at Bowen Center in Huntington, Indiana.

b. [Mother] completed substance abuse assessment in May of 2021. She was recommended to complete Matrix Group and Moral Recognition Therapy for either 8, 16, or 32

weeks total depending on progress. [Mother] did not start that service.

c. She was recommended for individual therapy. She did participate in individual therapy from July of 2021 to September of 2021.

d. She was recommended for skills coaching. She participated in skills coaching from July to September of 2021 and from June to July of 2022.

e. She was recommended for psychological evaluation. She completed that in July of 202[2] with Dr. [Ambreen] Ghori.

f. [Mother] completed another psychological evaluation in April of 2023.

g. [Mother] no-showed three intake appointments to set up services and no-showed medication management appointment, all in 2023.

h. Bowen Center supervised visits for [Mother], but they started in April of 2021 and then ended in April of 2021 because [Mother] appeared to be impaired at a visit.

i. Supervised visits started again with Bowen Center from August of 2021 to November of 2021.

j. The visits stopped and then resumed again in April of 2022 thru August of 2022.

* * * * *

39. Dr. Ambreen Ghori testified. Dr. Ambreen Ghori is a board-certified psychiatrist in the State of Indiana and Ohio [and] is employed by the Bowen Center. The court finds that her testimony was credible and finds as follows:

a. Dr. Ambreen Ghori completed psychiatric evaluation on [Mother] on July 12, 2022.

b. Dr. Ambreen Ghori diagnosed [Mother] with Major Depressive Disorder, Moderate.

c. Dr. Ambreen Ghori identified symptoms of Major Depressive Disorder, Moderate regarding [Mother] due to symptoms related to fatigue, lack of energy, worthlessness, inability to concentrate, inability to find pleasure in activities previously enjoyed, hopelessness, and motherless-ness. Per Dr. Ghori, these symptoms last[ed] for a period two weeks in order to achieve the Major Depressive diagnosis.

d. Dr. Ambreen Ghori diagnosed [Mother] with Anxiety Disorder, Unspecified.

e. Dr. Ambreen Ghori identified symptoms of Anxiety Disorder, Unspecified regarding [Mother] due to symptoms related to excessive worry in social situations and feeling lack of control in her life.

f. Dr. Ambreen Ghori stated counseling and SSRI medications were recommended treatments for both Major Depressive Disorder Moderate and Anxiety Disorder, Unspecified.

g. Dr. Ambreen Ghori diagnosed [Mother] with Post Traumatic Stress Disorder.

h. Dr. Ambreen Ghori identified symptoms of Post-Traumatic Stress Disorder regarding [Mother] due to symptoms related to flashbacks, intrusive thoughts, nightmares, and physical abuse.

i. Dr. Ambreen Ghori stated counseling and therapy were recommended treatments for Post-Traumatic Stress Disorder.

j. Dr. Ambreen Ghori diagnosed [Mother] with Borderline Personality Disorder.

k. Dr. Ambreen Ghori identified symptoms of Borderline Personality Disorder regarding [Mother] due to history of trauma as an adult and inability to regulate anger with feelings of emptiness.

l. Dr. Ambreen Ghori stated counseling and therapy were recommended treatments for Borderline Personality Disorder.

m. Dr. Ambreen Ghori provided therapy recommendations and prescriptions as treatment for [Mother].

n. Dr. Ambreen Ghori did not know whether [Mother] started or completed the treatments for her mental health conditions.

* * * * *

43. Matthew Schwartz testified. The Court finds his testimony credible and makes the following findings of fact:

- a. Matthew Schwartz works at Parkview/ Park Center Continuous Care.
- b. Matthew Schwartz started working with [Mother] in August of 2022.
- c. [Mother]'s goals for case work were finding housing, finding employment, and applying and qualifying for Social Security Disability.
- d. [Mother] was required to participate with Park Center as a condition of her supervision by Community Corrections/ home detention.
- e. [Mother] missed about 50% of her appointments with Matthew Schwartz from June 6, 2022 to October 1, 2022. She was scheduled for two appointments each week.
- f. [Mother] also met with mental health counselor Jason Cussen at Park Center.
- g. [Mother] stopped coming to appointments.

(App. Vol. II at 40-54) (internal citations to the record omitted).

[24] Mother contends the trial court's findings do not support its conclusion that the conditions under which Child was removed from her care would not be remedied because she was partially compliant in services and, thus, should be given more time to work toward reunification with Child. As noted above,

Child was removed from Mother's care in April 2021 due to Mother's substance abuse and neglect of Child. Throughout the CHINS and termination proceedings, Mother repeatedly tested positive for illegal substances, including within two months of the final termination fact-finding hearing. While partially compliant with the trial court's dispositional order from time to time during the proceedings, Mother was ultimately unsuccessful in all recommended services. Mother has an extensive criminal history. Finally, at the time of the trial court's order terminating Mother's parental rights, she had not seen Child for over a year. Based thereon, we conclude the trial court's findings support its conclusion that the conditions under which Child was removed from Mother's care would not be remedied.¹¹ *See, e.g., In re C.S.*, 190 N.E.3d 434, 439 (Ind. Ct. App. 2022) (mother's continued drug use, pending criminal charges, and inability to demonstrate she could care for her child supported the trial court's conclusion that the conditions under which child was removed from her care would not be remedied), *trans. denied*.

¹¹ Mother also argues the trial court's findings do not support its conclusion that the continuation of the Mother-Child relationship poses a threat to Child's well-being. As the relevant statute is written in the disjunctive, DCS is required to prove only one of the three parts of Indiana Code section 31-35-2-4(b)(2)(B). *See, e.g., In re J.S.*, 183 N.E.3d 362, 369 (Ind. Ct. App. 2022) (Indiana Code section 31-35-2-4(b)(2)(A) is written in the disjunctive and, thus, DCS need prove only one of the enumerated elements therein), *trans. denied*. Accordingly, we need not address this argument to affirm the trial court's judgment.

Conclusion

- [25] The trial court's findings support its conclusion that the conditions under which Child was removed from Mother's care would not be remedied. Therefore, we affirm the termination of Mother's parental rights to Child.
- [26] Affirmed.

Vaidik, J., and Kenworthy, J., concur.

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