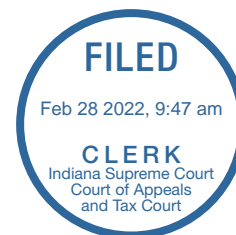


MEMORANDUM DECISION

Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



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IN THE COURT OF APPEALS OF INDIANA

In the Termination of the Parent-Child Relationship of K.P. and A.P. (Minor Children)

And

K.P. (Mother) and J.P. (Father),
Appellants-Respondents,

v.

Indiana Department of Child Services,
Appellee-Petitioner.

February 28, 2022

Court of Appeals Case No.
21A-JT-2078

Appeal from the Henry Circuit Court

The Honorable Bob Witham,
Judge

Trial Court Cause No.
33C01-2103-JT-12 & 33C01-2103-JT-13

Riley, Judge.

STATEMENT OF THE CASE

- [1] Appellants-Respondents, A.P. (Mother), and J.P. (Father) (collectively, Parents), separately appeal the trial court's Order, terminating their parental rights to their minor children, A.P. and K.P. (Children).
- [2] We affirm.

ISSUES

- [3] Parents appeal separately and present this court with multiple issues which we consolidate and restate as:
- (1) Whether certain findings of fact made by the trial court were erroneous; and
 - (2) Whether there was sufficient evidence to support the termination of the parental rights.

FACTS AND PROCEDURAL HISTORY

- [4] Parents are the biological parents of A.P., born on May 24, 2010, and K.P., born on October 25, 2011. The Department of Child Services (DCS) became involved in February 2019, upon receiving a report that Mother was "homeless, and suffered from Substance Use Disorder (SUD), resulting in her being unable to provide appropriate housing, supervision, and care for [] [C]hildren." (Father's App. Vol. II, p. 83). At the time of the report, Mother and Children were residents of Henry County, Indiana. On February 8, 2019, DCS filed a petition alleging that Children were CHINS.

- [5] On June 5, 2019, the trial court held a factfinding hearing and after Mother admitted to the allegations, it issued its order adjudicating Children as CHINS the following day. On June 28, 2019, the trial court held a dispositional hearing, and entered its dispositional decree ordering Children to remain in Mother's care, with supervision by DCS. Mother was then ordered to among other things, maintain contact with DCS; allow DCS family case manager and other service providers to conduct unannounced visits to her home; keep all appointments with service providers; maintain stable housing; refrain from the use of drugs and alcohol; complete a parenting assessment and all recommendations; complete a substance abuse assessment and all recommendations; submit to random drug screens; complete a psychological evaluation and all recommendations; and provide Children with a safe and secure environment. The trial court then set a review hearing for September 27, 2019, and a permanency hearing for January 10, 2020.
- [6] On November 23, 2019, DCS removed Children from Mother's care on an emergency basis due to Mother's drug use, housing instability, and Father's lack of involvement in the CHINS case. On November 26, 2019, the trial court held a detention hearing and it found probable cause for Children's removal.
- [7] On January 10, 2020, the trial court held a permanency hearing, at which Father failed to appear despite receiving notice. In its order, approving a permanency plan which included reunification, the trial court found, among other things, that Children were progressing well in their current placement, that Mother was working on finding housing for herself and Children, that she

had partially complied with the case plan and remained in contact with DCS, and that she regularly attended supervised visits. Father was found to have not engaged in any of the services.

[8] On February 19, 2020, the trial court held a dispositional hearing as to Father, but he failed to appear. On February 26, 2020, the trial court entered a dispositional order requiring Father to contact DCS weekly; to notify DCS of any changes in address, household composition, employment, and telephone number; to notify DCS of any new arrests or criminal charges; to allow DCS and service providers to make announced or unannounced visits to the home; to not use or consume drugs; obey the law; to complete a parenting assessment and complete all recommendations; to complete a substance abuse assessment and treatment; and to submit to random drug screens. In its order, the trial court noted that Father was not in contact with DCS and “did not want anything to do with this case.” (Exh. Vol. III, p. 125).

[9] On March 7, 2020, DCS referred Mother to Ashely Snowden (Snowden) at Lifeline Youth and Family Services (Lifeline) for supervised visitation and case management. Snowden supervised Mother’s visits with Children for approximately a month in April 2020. Visits took place at Mother’s friend’s home in New Castle, where Mother was living at that time. During visits, there were times when Mother did not comply with the visitation rules. Because she failed to comply with the visitation rules, in early May 2020, Lifeline closed out its services.

[10] On September 16, 2020, the trial court granted DCS's request to add a concurrent permanency plan of adoption to Children's current plan of reunification. In that order, the trial court found that Father had failed to take part in any of the services. As for Mother, the trial court found that she had failed to complete the parenting assessment; meet with her therapist and refused to seek help with her depression and anxiety; participate in random drug screens or provide a negative drug screen; participate in home-based casework; and meet her home-based therapist.

[11] Around October 2020, Mother and Children were referred to Carl Rhinehart (Rhinehart) with Healthy Family Advocates for home-based case management and supervised visitation. Mother had one visit per week for two hours each visit. Up until that point, Mother had not had a residence of her own to be able to have visits, and visits occurred at a park, a library, a McDonalds, or grandmother's house. Mother had missed several visits. During one visit, Mother was thirty minutes late and Rhinehart was waiting with Children in the car. Children were "getting anxious, getting concerned that the visit" was not going to occur, and during another visit, Mother appeared to be "nodding off to sleep." (Tr. pp. 40, 41). Additionally, Rhinehart provided transportation to appointments and aid with finding housing and employment. Mother claimed that she was employed but had been unable to obtain stable housing.

[12] On October 19, 2020, DCS filed its first petition to terminate Parents' parental rights to Children.¹ On December 18, 2020, the trial court conducted a periodic case review. The trial court found that Father had not engaged in any services. As for Mother, the trial court found that she had not regularly participated in the services recommended, and she had failed drug screens. It noted that after failing to participate in substance abuse, Mother had been unsuccessfully discharged from an inpatient treatment program. The trial court then set a review hearing for April 16, 2021.

[13] On March 14, 2021, DCS filed its second petition to terminate Parents' parental rights. The trial court held hearings on June 3, July 28, and August 9, 2021. At the July 28th hearing, DCS presented evidence of Mother's dependence on drugs. Mother had been referred to Michlynn Gaddis (Gaddis) with Youth Services Bureau in October 2019 for homebased therapy. Sometime in January or February 2020, Mother's engagement changed: "There were some questions about sobriety at that time and there were challenges with her consistency regarding keeping appointments, [and] remembering when those appointments were." (Tr. p. 90). Between January 2020 and June 2021, Mother consistently tested positive for amphetamine and methamphetamine. At some point during the pendency of the case, Mother attended a substance abuse program at Volunteers of America (VOA) in Evansville, but she was asked to leave after she "lost [her] shit" because one of the workers at VOA was being rude. (Tr. p.

¹ On March 10, 2021, the trial court dismissed that petition.

24). VOA and DCS paid Mother's bus ticket, and Mother transferred to the VOA in Indianapolis for treatment and completed a 90-day substance abuse program in April 2021. After Mother was discharged from VOA in April 2021, Gaddis never received Mother's discharge report, which she opined would have been helpful to assist Mother in staying sober. Nevertheless, Gaddis created a different treatment plan, which included discussions on how to maintain sobriety. Mother did not communicate with Gaddis, and she missed multiple appointments with Gaddis between June and July 2021.

[14] Shortly before the termination hearing, in April 2021, DCS referred Mother to Brooke Kidd (Kidd), a recovery coach with Centerstone. Kidd was to work with Mother on case management, life skills training, and general recovery coaching. Kidd testified at the July 28th hearing that she initially met with Mother once in person around the middle of May 2021, and then had approximately ten sessions via Zoom. During the one in-person meeting, Kidd took an oral drug screen of Mother. Mother denied any drug use despite her positive drug screen. Additionally, Mother missed several appointments and was late most of the times she met with Kidd.

[15] In addition to Mother's drug use, DCS presented evidence that Mother also struggled with mental health issues. Mother was diagnosed with post-traumatic stress disorder (PTSD), chronic depression, and mild anxiety. Mother had previously spent a year in a State Hospital after the death of her three-year-old child in 2008. She also had been treated at Ball Memorial Hospital for suicidal ideations due to her daughter's death. Instead of focusing on therapy, Mother

focused on her frustration with DCS. In addition, DCS also presented that Mother did not have housing of her own.

[16] As for Father, DCS presented evidence that Children had not seen Father since 2012. In 2012, Father was incarcerated for eight years in the Department of Correction for a “weapons charge.” (Tr. p. 125). Father’s criminal history also includes a Class C felony robbery in 2008, and a Level 5 felony battery of a public safety officer in 2017. Father was released from prison in September 2018. Mother refused to allow Father to see Children following his release unless he met with her first because his sobriety was in question. Father declined to meet up and he never reached out again to Mother to see Children. In October 2018, Father moved in with his current wife, and her parents in Spiceland, Indiana. At the hearing, Father stated that he also shared his home with his two stepchildren, and his one-year-old son. Father claimed that his in-laws’ house was not large enough to accommodate Children. Father’s new wife also has drug related convictions and substance abuse issues.

[17] In addition to his criminal history, Father also struggled with substance abuse. Approximately a year before the termination hearing, Father had relapsed on methamphetamine. Then from February of 2020 onward, Father did not respond to FCM Brittany Mullenkamp’s (FCM Mullenkamp) letters to get Father engaged in the case. Father did not take part in any services until April or May 2021, after DCS filed the second termination petition. Father expressed to DCS that he did not want his parental rights terminated, and he began participating. During his brief engagement, DCS referred Father to Gaddis for

a parenting assessment. Gaddis reached out to Father regarding her services, and after some initial challenges with communication, she was able to schedule an assessment with Father. While Father missed some appointments, in total, Gaddis met with Father three to four times before the termination hearing. Father completed the parenting assessment with Gaddis, and Gaddis recommended that Father continue to participate in services and substance abuse assessment.

[18] Susan Stamper (CASA Director Stamper), director for the Henry County CASA office, testified that CASA recommended the termination of Parents' parental rights because termination was in Children's best interest. She opined that Children need "some continuity and some closure" because it "has been a long haul" and "they are just starting to get comfortable where they are." (Tr. p. 121). FCM Mullenkamp also recommended that Parents' parental rights be terminated so that Children can achieve "permanency" given that Parents have not been "successful" in participating with the services recommended. (Tr. p. 151). On August 24, 2021, the trial court issued its Order, finding that the conditions that resulted in Children's removal or continued placement outside the home will not be remedied by Mother or Father, the continuation of the parent-child relationship poses a threat to Children's well-being, and termination of Parents' parental rights is in Children's best interests.

[19] Mother and Father now appeal separately. Additional facts will be provided as necessary.

DISCUSSION AND DECISION

I. *Standard of Review*

[20] The right of a parent to establish a home and raise their children is protected by the Fourteenth Amendment to the United States Constitution. *S.S. v. Ind. Dep't of Child Servs.*, 120 N.E.3d 605, 609 (Ind. Ct. App. 2019). Nevertheless, the law provides for termination of these constitutionally protected rights when parents are unable or unwilling to meet their parental responsibilities. *Id.* When reviewing the termination of parental rights, we do not reweigh the evidence or judge the credibility of witnesses. *K.T.K. v. Ind. Dep't of Child Servs.*, 989 N.E.2d 1225, 1229 (Ind. 2013). Rather, we consider only the evidence and reasonable inferences that support the judgment of the juvenile court. *Id.*

[21] The trial court entered findings of fact and conclusions of law as required by Indiana Code section 31-35-2-8(c). This court will not set aside the decision unless it is clearly erroneous. *In re E.M.*, 4 N.E.3d 636, 642 (Ind. 2014). In determining whether a decision is clearly erroneous, we apply a two-tiered standard of review. *S.S.*, 120 N.E.3d at 609. First, we must decide whether the evidence supports the findings, and second, whether the findings support the judgment. *Id.* Findings are clearly erroneous when the record contains no facts to support them either directly or by inference. *Id.* A judgment is clearly erroneous if a review of the record leaves us with a firm conviction that a mistake has been made. *In re J.W.*, 779 N.E.2d 954, 959 (Ind. Ct. App. 2002), *trans. denied.*

II. Findings of Fact

- [22] Mother, individually, challenges two of the trial court's findings of fact as unsupported by the evidence. Specifically, Mother challenges findings 52 and 58. We accept the remaining unchallenged findings as true. *Madlem v. Arko*, 592 N.E.2d 686, 687 (Ind. 1992).
- [23] Finding 52 stated that "Mother has not been successful in gaining and retaining employment or other means of lawful income suitable to stably provide for her children." (Father's App. Vol. II, p. 86). Mother argues that at the first termination hearing in June 2021, she had been employed for some months at "Sugar Creek [] factory where she made approximately \$892.50 per week. [] At subsequent hearings, Mother was at a different job, as a home health care worker." (Mother's Br. p. 15). Thus, Mother claims that finding 52 is unsupported by the record and the finding does not support the judgement. We disagree. Mother was required to be gainfully employed. While Mother testified that she was employed at Sugar Creek during the first termination hearing which was conducted in June 2021, by the last hearing, Mother's employment situation had changed. Mother testified that she was now working as a home health care worker to a man who paid her \$350 a week, in cash, and that no taxes were being deducted from her pay. Mother did not provide any verification as to her new job, and in fact, she guessed how many times she had been paid. Here, the trial court could reasonably infer from the evidence that by the last hearing in August 2021, contrary to her claim that she was working

as a home health care worker, Mother was not gainfully employed. Based on Mother's testimony, this finding was supported by the record.

[24] As for finding 58, the trial court provided that the Children "have been denied stability and permanency for much of their childhood due to Mother's substance use and mental health disorders along with [] Father's inability, their unwillingness, to actively engage with [] [C]hildren or to timely participate in services to enhance his ability to successfully parent." (Father's App. Vol. II, p. 86). Mother contends that she had at least attempted to address her drug problem by going to VOA and she also addressed her "mental health issues with an extended stay at the Richmond State Hospital and taking prescribed medication." (Mother's Br. p. 15).

[25] The record is replete with Mother's failure to abstain from drugs during the CHINS case. Even though she participated in a substance abuse treatment program at VOA between 2020 and early 2021, Mother still tested positive for amphetamine and methamphetamine up to the termination hearing. Mother also failed to engage consistently in services with her recovery coach, and at the time of the July 28 hearing, Mother had not contacted her therapist since the beginning of June 2021. Further, Mother admitted at the termination hearing that she had not addressed her mental health issues as ordered. In addition, Mother had failed to take full advantage of her homebased case management services to secure stable housing.

[26] CASA director Stamper testified, “It’s been a long road, um, these kids have had DCS involvement since 2013. Removed from the home at one point for seven (7) months, cases in 2019, and cases in 2016.” (Tr. p. 114). She added that “[t]here seems to be non-stop services available to the family for many years and we are not getting any further. These kids are growing up under supervision of the Court and not in a nurturing home where they have landed at this time.” (Tr. p. 114). Contrary to Mother’s claim, there was ample evidence that she struggled with substance abuse, mental health issues, and housing issues, yet Mother failed to take advantage of the services offered to rectify these issues. Based on the foregoing, we find that the record supports this finding.

[27] Ultimately, Mother’s arguments are a request for this court to reweigh evidence which we will not do. *Bester v. Lake Cnty. Off. of Fam. & Child.*, 839 N.E.2d 143, 149 (Ind. 2005). Here, we conclude there is evidence to support findings 52 and 58. With that said, we now turn to Parents’ challenge to the sufficiency of the trial court’s conclusions.

II. *Termination of Parental Rights*

[28] The involuntary termination of parental rights is designed as a last resort when all other reasonable efforts have failed. *S.S.*, 120 N.E.3d at 609. To terminate parental rights, Indiana Code section 31-35-2-4(b)(2) provides the State must prove, in relevant part:

(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.

* * *

(iii) The child has been removed from the parent and has been under the supervision of a local office 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

* * *

(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.

The State must prove each element by clear and convincing evidence. *K.T.K.*, 989 N.E.2d at 1231; *see also* Ind. Code § 31-34-12-2. Because the provisions of Indiana Code section 31-35-2-4(b)(2)(B) are written in the disjunctive, DCS

need only prove one of those statutory elements. *S.S.*, 120 N.E.3d at 610. If the juvenile court finds the allegations are true, the parent-child relationship shall be terminated. Ind. Code § 31-35-2-8(a). On appeal, Mother only challenges the trial court’s conclusion regarding the unlikelihood that the conditions resulting in removal would be remedied. Parents separately challenge whether termination of their parental rights was in Children’s best interest. We will address each of their arguments in turn.

A. *Reasonable Probability Conditions Will Not Be Remedied*

[29] When reviewing a trial court’s determination that the conditions that resulted in a child’s removal or continued placement outside the home will not be remedied, we engage in a two-step analysis. *In re 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.*

[30] As noted, Mother, and not Father, challenges the trial court's conclusion regarding the unlikelihood that the conditions resulting in removal would be remedied. She claims that she had undergone substance abuse treatment, had obtained housing although not her own, and was employed.

[31] The record shows that Mother's pattern of conduct throughout the underlying proceedings supported the trial court's determination that there was a reasonable probability that her drug use and unstable housing, the principal reasons for Children's removal, would not be remedied. The record shows Mother has a strong and durable addiction to methamphetamine and amphetamine. Mother denied using drugs, despite the fact that she consistently tested positive for methamphetamine and amphetamine sixteen times during the pendency of this case. While Mother completed a substance abuse program at VOA, she continued to use methamphetamine and amphetamine even after completing the program. Despite being offered services to address her addiction, Mother's addiction to methamphetamine and amphetamine dominated her life and kept her from addressing one of the main reasons that led to Children's removal. *See In re E.M.*, 4 N.E.3d at 643 (It is generally held that a "parents' past behavior is the best predictor of their future behavior.").

[32] Furthermore, Mother did not have stable housing through the pendency of this case, and at the termination hearing, she testified that she did not have stable housing. Mother had failed to take full advantage of her homebased case management services to achieve housing. Also, Mother, who was diagnosed with PTSD, chronic depression, mild anxiety, and suffered from suicidal

ideations, had not addressed her mental health. Despite her admission that her mental health was crucial in having Children back in her care, Mother admitted at the termination hearing that she had failed to address her mental health issues.

[33] Although we recognize that Mother did participate in some services, “where there are only temporary improvements and the pattern of conduct shows no overall progress, the court might reasonably find that under the circumstances, the problematic situation will not improve.” *In re A.H.*, 832 N.E.2d 563, 570 (Ind. Ct. App. 2005). After two and one-half years of DCS involvement, Mother had failed to take any meaningful steps to address her drug habit, mental health, or housing. Accordingly, we find ample support in the record for the trial court’s determination that there is a reasonable probability that the conditions resulting in Children’s removal and continued placement out of Mother’s home will not be remedied. *See In re E.M.*, 4 N.E.3d at 642.²

B. *Best Interests*

[34] Parents both contend that there was insufficient evidence to show that termination of their Parents’ rights is the best interests of Children. A determination of the best interests of a child is not based merely on the evidence

² Mother also argue that the trial court erred in finding that the continuation of the parent-child relationship poses a threat to Children’s well-being. However, as noted above, Indiana Code section 31-35-2-4(b)(2)(B) is written in the disjunctive and requires only one element be proven to terminate Mother’s parental rights. *See In re L.S.*, 717 N.E.2d 204, 209 (Ind. 1999), *trans. denied, cert. denied*, 534 U.S. 1161 (2002). Having concluded sufficient evidence exists to show a reasonable probability the conditions resulting in Children’s removal will not be remedied, we need not also determine whether the parent-child relationship poses a threat to Children’s well-being.

identified by DCS, but instead is based on the totality of the circumstances. *Lang v. Starke Cnty. Off. of Fam. & Child.*, 861 N.E.2d 366, 373 (Ind. Ct. App. 2007), *trans. denied*. In making such a determination, the juvenile court must subordinate the interests of the parents to those of the child. *A.D.S. v. Ind. Dep't of Child Servs.*, 987 N.E.2d 1150, 1158 (Ind. Ct. App. 2013), *trans. denied*. And a child has a paramount interest in permanency. *K.T.K.*, 989 N.E.2d at 1235. Indeed, courts “need not wait until the child is irreversibly harmed such that the child’s physical, mental and social development is permanently impaired before terminating the parent-child relationship.” *Id.*

- [35] Further it is well established that “[a] parent’s historical inability to provide a suitable environment, along with the parent’s current inability to do the same, supports finding termination of parental rights is in the best interests of the children.” *In re J.C.*, 994 N.E.2d 278, 290 (Ind. Ct. App. 2013).
- [36] Mother argues that while permanency is a central consideration in deciding the best interests of a child, “there is no evidence that permanency through adoption would be beneficial to [] Children; or that remaining in care with relatives would be harmful.” (Mother’s Br. pp. 18-19).
- [37] CASA Director Stamper opined that the termination of Parent’s parental rights would be in the best interests of Children because they need

some continuity and stability and some closure. This has been a long haul. They’ve gone from foster home to another foster home, they have been placed together. They are finally settling

in and grades are showing that, they are improving and they are comfortable and I hate to disrupt them again.

(Tr. p. 121). Mother argues that the trial court erred in relying on CASA Director Stamper's testimony and the trial court erred by giving her testimony weight. Mother's argument is a request that we reweigh the evidence. *See K.T.K.*, 989 N.E.2d at 1229. Moreover, we have held that the testimony of the children's CASA is sufficient to support the trial court's conclusion that termination is in the children's best interests. *See McBride v. Monroe Cnty. Office of Family & Children*, 798 N.E.2d 185, 203 (Ind. Ct. App. 2003). Regardless of CASA Director Stamper's testimony, DCS provided other evidence to show that termination of Mother's parental rights was in Children's best interests. As stated, DCS became involved in this case due to Mother's substance abuse issues and housing instability. At the time of the termination hearing, those issues had not been resolved in a satisfactory manner. Mother continued to deny any methamphetamine use despite testing positive for methamphetamine and amphetamine sixteen times throughout the case. Mother additionally had not achieved long-term stable housing where Children could reside.

[38] Father on the other hand argues that "DCS never proved that [he] was uninterested or unwilling to parent his children. [He] had always expressed a desire to be part of Children's lives, even as Mother actively prevented him from doing so." (Father's Br. p. 14). He adds that once he obtained stability in his life after prison, he expressed a desire to DCS to participate in services so he could reunify with Children. He contends that he made noticeable

improvements prior to the termination proceedings, “including securing stable housing, getting his G.E.D., establishing steady employment, maintaining his sobriety, and completing both a parenting assessment and a substance abuse assessment.” (Father’s Br. p. 15).

[39] The record shows that Father had not seen Children since 2012 due to his incarceration. When he was released from prison in 2018, Mother refused to allow Father to see Children unless he met with her first, which Father refused. While Father places the blame on Mother for not being involved in Children’s lives, once DCS removed Children from Mother’s care, Father had the opportunity to step up and care for Children, but he failed to do so. In fact, Father was aware that Children had been removed from Mother’s care in 2019 because he sent an FCM a text message conveying his desire not to be involved in the case. Then shortly before the termination hearing in 2021, Father tried to engage in the services offered by DCS based on the fear that his parental rights may be terminated. Notwithstanding Father’s last-ditch effort to be in Children’s lives and to participate in services, CASA Director Stamper testified that she was hesitant about Father meeting Children because she feared for their “mental stability and [] security.” (Tr. p. 120). CASA Director Stamper reiterated the fact that Father had been aware of DCS’s involvement, but he opted not to be involved until very late in the case.

[40] A trial court acts within its considerable discretion when it weighs a parent’s prior history of conduct more heavily than efforts made shortly before termination. *K.T.K.*, 989 N.E.2d at 1234; *see also in re K.S.*, 39 N.E.3d 641, 647

(Ind. 2015) (“Changed conditions are balanced against habitual patterns of conduct to determine whether there is a substantial probability of future neglect.”). Although we applaud Father’s efforts in completing a parenting assessment with Gaddis shortly before the termination hearing, Gaddis recommended that Father continue to participate in services and substance abuse assessment. Based on the fact that Gaddis recommended additional services for Father while very late in the case, goes to show that Father had not adequately addressed his own issues which would enable reunification with Children. Moreover, it appears that Father did not seem to have stable housing for Children. At the termination hearing, Father admittedly stated that his in-laws’ house was not big enough to accommodate Children.

[41] In sum, we conclude that Mother’s refusal to address her drug problem, housing, mental issues, and Father’s last-minute attempt to engage in the services, demonstrate that they are unwilling to make the long-term changes necessary to have Children returned to either of their care. As CASA Director Stamper testified, Children, like all other children, need and deserve stability and permanency. For all of these reasons, we conclude that clear and convincing evidence supports the trial court’s conclusion that the termination of Parents’ parental rights is in Children’s best interests.

CONCLUSION

[42] Based on the foregoing, we hold that the findings Mother challenges are supported by the record, which in turn supports the judgment. Further, we hold that there was sufficient evidence to show that there is a reasonable probability

that the reasons for Children's removal will not be remedied, and that termination of Parents' parental rights is in the Children's best interests.

[43] Affirmed.

[44] Robb, J. and Molter, J. concur