

## MEMORANDUM DECISION

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## IN THE COURT OF APPEALS OF INDIANA

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In Re: The Termination of the  
Parent-Child Relationship of  
E.P., Ky.P., Ka.P, Ku.P, and  
L.P. (Minor Children);

A.P. (Mother) and M.P.  
(Father),

*Appellants-Respondents*

v.

The Indiana Department of  
Child Services,

May 19, 2023

Court of Appeals Case No.  
22A-JT-2575

Appeal from the Hancock Circuit  
Court

The Honorable Cody B. Coombs,  
Magistrate

Trial Court Cause Nos.

30C01-2201-JT-15

30C01-2201-JT-16

30C01-2201-JT-17

30C01-2201-JT-18

30C01-2201-JT-19

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*Appellee-Petitioner.*

**Memorandum Decision by Judge Pyle**

Chief Judge Altice and Judge Riley concur.

**Pyle, Judge.**

**Statement of the Case**

[1] In this consolidated appeal, A.P. (“Mother”) and M.P. (“Father”) (collectively “Parents”) each appeal the termination of the parent-child relationship with their five children. Mother argues that the Department of Child Services (“DCS”) violated her due process rights because it failed to make reasonable efforts to preserve the parent-child relationships and that there is insufficient evidence to support the terminations. Father argues that there is insufficient evidence to support the terminations. Concluding that: (1) DCS did not violate Mother’s due process rights; and (2) there is sufficient evidence to support the terminations, we affirm the trial court’s judgment.

[2] We affirm.

## Issues

1. Whether DCS violated Mother's due process rights.
2. Whether there is sufficient evidence to support the termination of the parent-child relationships.

## Facts

- [3] The facts most favorable to the termination reveal that forty-four-year-old Mother and fifty-year-old Father are the parents of: (1) daughter Ky.P. ("Ky.P."), who was born in May 2008; (2) son Ka.P. ("Ka.P."), who was born in October 2011; (3) son Ku.P. ("Ku.P."), who was born in June 2013; (4) daughter E.P. ("E.P."), who was born in September 2014; and (5) daughter L.P. ("L.P."), who was born in November 2015 (collectively "the children").
- [4] Parents first became involved with DCS in July 2018, when a DCS caseworker noticed a shoeless six-year-old Ka.P. running around an asphalt parking lot. The caseworker attempted to approach Ka.P., but he ran across the parking lot into a housing addition. Another caseworker followed Ka.P. and found him sitting in his backyard. The caseworker told Ka.P. that he wanted to talk to Ka.P.'s parents, but Ka.P. told the caseworker that he could not get into the house because the door was locked. At that moment, Mother came outside, told the caseworker to "[g]et the fuck off [her] property," and told Ka.P. to "[g]et in the fucking house." (Ex. Vol. 3 at 13). The caseworker then spoke with Parents' neighbor, who told the caseworker that Parents did not supervise the children. According to the neighbor, the children were often jumping on the neighbor's trampoline at midnight and 1:00 a.m. The neighbor also told the

caseworker that Ka.P. had frequently spent the night at the neighbor's house because Parents "were no where to be found[.]" (Ex. Vol. 3 at 14). As a result, DCS entered into an informal adjustment with Parents. The trial court entered an order discharging the informal adjustment in March 2019.

- [5] DCS became involved with the family again in February 2020 after receiving a report that the family's home was infested with insects, including cockroaches, and rodents. The home also strongly smelled of dog urine. DCS entered into another informal adjustment with Parents. In July 2020, during the pendency of the informal adjustment, DCS received a report that a neighbor had sexually assaulted four-year-old L.P. According to the report, Parents were aware of the sexual assault but had not reported it to DCS or the police. When a DCS caseworker spoke with Parents about the sexual assault, Parents denied that it had occurred and refused to allow the DCS caseworker to interview the children. However, twelve-year-old Ky.P. volunteered to answer the caseworker's questions. Ky.P. reported that she had seen the neighbor hurting L.P. on several occasions. According to Ky.P., on one occasion, she had found the neighbor on top of L.P. The neighbor's pants and L.P.'s pants were both pulled down, and L.P.'s shirt was pulled up. Ky.P. had physically pulled the neighbor off L.P. Also, during the investigation, eight-year-old Ka.P. told the caseworker that Parents disciplined the children by hitting them with spoons, and the DCS caseworker observed a bruise the size of a baseball on E.P.'s abdomen.

- [6] DCS removed the children from Parents' home and placed them together in foster care. The day that the children were removed, L.P. told a DCS caseworker that the neighbor who had sexually assaulted her had been in the family's home the previous night. A DCS caseworker took L.P. for a medical examination, which revealed that L.P. had lice and fleas. It was later discovered that all the children had lice and fleas and that their heads were bleeding from scratching the bug bites.
- [7] The following day, DCS filed a petition alleging that the children were children in need of services ("CHINS"). In August 2020, Parents admitted that the children were CHINS. One month later, in September 2020, the trial court issued an amended dispositional order that required Parents to: (1) maintain suitable, safe, and stable housing with adequate bedding and food preparation facilities; (2) assist in the formulation and implementation of a protection plan that protected the children from abuse or neglect from any person; (3) complete a parenting assessment and follow all recommendations; and (4) attend supervised visits with the children. After the trial court had issued the dispositional order, DCS family case manager Victoria Parker ("FCM Parker"), who had been assigned to the family's case, made referrals for Parents. However, when Parents refused to work with "certain people of race[.]" FCM Parker had to make new referrals for Parents. (Tr. Vol. 2 at 62).
- [8] The trial court held a periodic case review in February 2021. Evidence at the hearing revealed that although Mother and Father had participated in home-based case management services and attended supervised visits with the

children, Parents had made minimal progress in the case. For example, a recent visit between Parents and the children at the Parents' home had to be ended early because there had been a cockroach crawling on one of the children's meals. In addition, although Parents had told FCM Parker that they were \$300 behind in their rent payments, the Parents' landlord told FCM Parker that Parents were \$3500 behind in their payments. Further, Parents had been so verbally aggressive with FCM Parker and service providers that FCM Parker was concerned that the service providers would discharge Parents from services.

[9] At a June 2021 hearing, the trial court noted that DCS had provided Parents with the following services: (1) supervised visitation; (2) home-based case management services; (3) parenting education; and (4) individual counseling. However, the evidence revealed that although Parents had attended supervised visits with the children, neither parent had consistently supervised the children. Further, neither parent was participating in individual counseling. In addition, there had been additional rodent and insect infestations in the home. Parents had also continued to be verbally aggressive with service providers and DCS staff. Despite Parents' lack of progress, DCS' plan for the children was reunification with Parents. Further, the trial court ordered Parents to participate in psychological evaluations and to follow the evaluator's recommendations.

[10] By July 2021, Parents had brought their home up to minimum standards by eliminating the rodent and insect infestations. However, that same month,

Parents' landlord evicted Parents from their home, and Parents moved into a local motel. Also, in July 2021, Mother and Father began individual counseling. Father began seeing therapist Larry Larson ("Therapist Larson") but made no progress. According to Therapist Larson, who has thirty years of experience as a therapist, Father and Mother, who also attended Father's therapy sessions, had experienced emotional trauma that they were unwilling to address. Further, Father did not understand how therapy could help him reunify with the children. Therapist Larson eventually became concerned about his own personal safety because Parents had become verbally aggressive with him. According to Therapist Larson, he had ended services with Father in December 2021 because of safety concerns and Father's lack of progress.

[11] Also, in July 2021, Mother began seeing therapist Mark Masiliunas ("Therapist Masiliunas") but made little, if any, progress because she did not meaningfully participate in the therapy sessions. Father attended the sessions with Mother, and Parents told Therapist Masiliunas that if the children were returned to their care, Parents would "take no real steps to encourage good behavior" and would simply continue to parent as they had in the past. (Tr. Vol. 2 at 123). Parents also told Therapist Masiliunas that if the children were returned to them, they would discontinue therapy because they did not need it and it was useless. In addition, Parents told Therapist Masiliunas that they would not implement a safety protection plan for the children and would not report any further sexual assaults to either DCS or the police.

[12] Therapist Masiliunas also supervised Parents' visits with the children and suggested topics of conversation for the visits and activities that might be fun for the children. However, Parents were not receptive to the suggestions. During the visits, Therapist Masiliunas never saw Parents using appropriate parenting skills and noticed that the children were not engaged in the visits. For example, Parents often berated and ridiculed Ky.P. because they believed that she was responsible for the CHINS case. Ky.P., therefore, spent most visits talking to Therapist Masiliunas. Ku.P. also spent time talking to Therapist Masiliunas, and Ka.P. spent time playing games on Father's cell phone. In addition, the younger children often wandered off from the visits, and it became Therapist Masiliunas' responsibility to keep the children together in a safe location. Therapist Masiliunas eventually recommended suspending the visits because he believed the children would be harmed if the visits continued.

[13] In August 2021, home-based case manager Stephanie Burton ("CM Burton") began working with Parents on improving their parenting skills, including properly supervising and disciplining the children, and finding stable housing. Parents met with CM Burton but did not participate in the sessions. According to CM Burton, Parents made no progress in improving their parenting skills or finding stable housing. Eventually, Parents' relationship with CM Burton became combative.

[14] In September 2021, the trial court held a periodic review hearing and noted that Parents had continued to communicate in a threatening manner with service providers and FCM Parker. In addition, the trial court noted that Parents had



only minimally participated in their visits with the children and had relied on the service provider to supervise the children.

- [15] At an October 2021 hearing, the trial court noted that DCS had provided Parents with the following services: (1) supervised visitation; (2) home-based case services; (3) parenting education; and (4) individual counseling. It was unclear to the trial court whether Parents had complied with the trial court's June 2021 order requiring Parents to participate in psychological evaluations. According to the trial court, Parents had not cooperated with service providers or DCS caseworkers. However, the plan for the children remained reunification with Parents.
- [16] Two months later, in December 2021, Parents completed the psychological evaluations, and FCM Parker offered Mother more intensive services as recommended in the evaluator's report. However, Mother failed to participate in the services. In addition, Parents subsequently admitted that they had lied on the evaluations and had not complied with certain aspects of the evaluations that they had considered to be "stupid." (Tr. Vol. 2 at 71).
- [17] In January 2022, DCS filed a petition to terminate Parents' parental relationships with the children. At the February 2022 initial hearing, DCS' counsel told the trial court that Parents had "made threats or used derogatory terms regarding the family case manager and other providers, including racial epithets and questions of sexual orientation." (Tr. Vol. 2 at 5). According to DCS' counsel, Father had told multiple service providers that Father was going

to bury FCM Parker in his backyard. DCS' counsel further told the trial court that he expected FCM Parker to seek a protective order limiting Parents' contact with her. The trial court admonished Parents that those threats could constitute a criminal offense. At the end of the hearing, Father asked the trial court if Parents "c[ould] . . . still turn this thing around." (Tr. Vol. 2 at 15). The trial court responded that it would go a long way if Parents began complying with the CHINS dispositional order and stopped threatening FCM Parker. The trial court scheduled the termination hearing for April 2022.

[18] In February 2022, FCM Parker was granted a protective order prohibiting Parents from contacting her. FCM Parker transferred Parents' case to her supervisor, John Mullany ("Supervisor Mullany"), who continued to offer services to Parents.

[19] One week before the April 2022 termination hearing, Mother filed a motion to continue it. She asked the trial court to allow Parents additional time "to complete the steps necessary to regain care of their children." (App. Vol. 2 at 178). The trial court granted Mother's motion over DCS' objection and rescheduled the termination hearing for June 2022.

[20] In May 2022, Father began seeing therapist William Hughes ("Therapist Hughes"). Father's treatment goals were to address past and present traumas and to develop coping skills. However, Father made no progress, and Therapist Hughes believed that, at Father's current pace, it would take Father years to remedy the reasons for the children's removal. Also in May 2022, DCS placed

the children in different foster families. E.P. and L.P. were placed with the same foster family, and Ky.P., Ka.P., and Ku.P. were each placed with a separate foster family.

[21] One week before the June 2022 termination hearing, Father filed a motion to continue the hearing because he had a doctor's appointment scheduled the morning of the hearing. The trial court granted Father's motion over DCS's objection and rescheduled the hearing for August 2022.

[22] The trial court held the termination hearing in August 2022 and heard the facts as set forth above. At the time of the hearing, Parents had been living in the motel for one year and had not found stable housing. At the hearing, Supervisor Mullany testified that during the pendency of the CHINS case, DCS had offered Parents the following services: (1) supervised visitation; (2) home-based case services; (3) parenting education; (4) individual therapy; and (5) psychological evaluations. According to Supervisor Mullany, Parents had not successfully completed any of the services. Supervisor Mullany further testified that termination was in the children's best interests and that the plan for the children was adoption. Specifically, Supervisor Mullany testified that the two youngest children would be adopted by the same foster family, and the three oldest children would each be adopted by a separate foster family. When asked if it was in the children's best interests to be separated, Supervisor Mullany testified that he did not believe that separation was in the children's best interests but that it was the best that DCS could do.

- [23] Also, during the hearing, the foster mother of E.P. and L.P. testified that E.P. had shown signs of autism and ADHD and was receiving special assistance at school. The foster mother further testified that both children attended counseling sessions and that they visited their siblings every other weekend. In addition, the foster mother testified that she and her husband intended to adopt E.P. and L.P.
- [24] Ku.P.'s foster mother testified that nine-year-old Ku.P. was reading at kindergarten level and was receiving support at school. According to Ku.P.'s foster mother, Ku.P. also attended counseling sessions. The foster mother further testified that she and her husband intended to adopt Ku.P. and wanted Ku.P. to maintain his bonds with his siblings.
- [25] In addition, Ka.P.'s foster mother testified that she and her husband were prepared to help Ka.P. deal with the trauma in his past and were willing to adopt him. This foster mother testified that Ka.P. had joined a soccer team and that he visited with his siblings every other weekend.
- [26] Ky.P.'s foster mother testified that Ky.P. was doing "[f]antastic." (Tr. Vol. 2 at 163). Specifically, Ky.P. was doing well in school and had made the high school varsity soccer team as a first-year student. This foster mother and her husband hoped to adopt Ky.P. and intended to help Ky.P. maintain relationships with her siblings.
- [27] Also, at the hearing, FCM Parker, Therapist Hughes, Therapist Masiliunas, CM Burton, and CASA Charles David Betzner ("CASA Betzner") all testified

that termination was in the children's best interests. CASA Betzner further testified that he was not concerned that the children were being adopted by separate families because each child was thriving. CASA Betzner also testified that he believed that the children would be able to maintain their sibling bonds.

[28] Following the hearing, in September 2022, the trial court issued five separate orders terminating Parents' parental relationships with the children. The trial court specifically concluded that DCS had proven by clear and convincing evidence that: (1) there was a reasonable probability that the conditions that had resulted in the children's removal or the reasons for their continued placement outside the home would not be remedied; (2) termination was in the children's best interests; and (3) there was a satisfactory plan for the care and treatment of the children, that being adoption.

[29] Mother and Father appeal.

## **Decision**

[30] Mother argues that DCS violated her due process rights because it failed to make reasonable efforts to preserve the parent-child relationships and that there is insufficient evidence to support the terminations. Father argues that there is insufficient evidence to support the terminations. We address each of these contentions in turn.

### **1. Mother's Due Process Argument**

[31] Mother argues that DCS failed to make reasonable efforts to preserve the parent-child relationships, resulting in a violation of her due process rights. When DCS seeks to terminate parental rights, “it must do so in a manner that meets the requirements of due process.” *In re J.K.*, 30 N.E.3d 695, 699 (Ind. 2015) (cleaned up). Whether due process has been afforded in termination proceedings is determined by balancing the following “three distinct factors” specified in *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976): (1) the private interests affected by the proceeding; (2) the risk of error created by the State’s chosen procedure; and (3) the countervailing governmental interest supporting use of the challenged procedure. *A.P. v. Porter County Office of Family and Children*, 734 N.E.2d 1107, 1112 (Ind. Ct. App. 2000), *trans. denied*.

[32] In *S.L. v. Indiana Department of Child Services*, 997 N.E.2d 1114, 1120 (Ind. Ct. App. 2013) (cleaned up), this Court further explained the *Mathews* factors as follows:

The private interest affected by the proceeding is substantial – a parent’s interest in the care, custody, and control of his or her child. And the State’s interest in protecting the welfare of a child is also substantial. Because the State and the parent have substantial interests affected by the proceeding, we focus on the risk of error created by DCS’s actions and the trial court’s actions.

[33] DCS must “make reasonable efforts to preserve and reunify families[.]” IND. CODE § 31-34-21-5.5(b). In addition, “due process protections at all stages of CHINS proceedings are vital because every CHINS proceeding has the

potential to interfere with the rights of parents in the upbringing of their children.” *In re G.P.*, 4 N.E.3d 1158, 1165 (Ind. 2014) (cleaned up). “[T]hese two proceedings - CHINS and TPR - are deeply and obviously intertwined to the extent that an error in the former may flow into and infect the latter[.]” *Id.*

[34] However, the “failure to provide services does not serve as a basis on which to directly attack a termination order as contrary to law.” *In re H.L.*, 915 N.E.2d 145, 148 n.3 (Ind. Ct. App. 2009); *see also In re E.E.*, 736 N.E.2d 791, 796 (Ind. Ct. App. 2000) (“[T]he provision of family services is not a requisite element of our parental rights termination statute, and thus, even a complete failure to provide services would not serve to negate a necessary element of the termination statute and require reversal.”). Further, a parent may not sit idly by without asserting a need or desire for services and then successfully argue that he or she was denied services to assist him or her with his or her parenting. *In re B.D.J.*, 728 N.E.2d 195, 201 (Ind. Ct. App. 2000).

[35] Here, Mother argues that DCS violated her due process rights because it failed to make reasonable efforts to preserve the parent-child relationships. Mother specifically contends that DCS failed to offer her timely services. As a preliminary matter, we note that the law is well established that a party on appeal may waive a constitutional claim. *McBride v. Monroe County Office of Family and Children*, 798 N.E.2d 185, 194 (Ind. Ct. App. 2003). For example, in *In re K.S.*, 750 N.E.2d 832, 834 n.1 (Ind. Ct. App. 2001), this Court determined that a mother had waived her claim that the trial court had violated her due

process rights because she raised the constitutional claim for the first time on appeal.

- [36] Mother in this case did not object to any alleged deficiencies in the CHINS process during the CHINS proceedings, nor did she argue at the termination hearing that those alleged deficiencies constituted a due process violation. Rather, Mother has raised her due process claim for the first time on appeal. She has therefore waived appellate review of this issue.
- [37] Waiver notwithstanding, our review of the record reveals that DCS offered Mother the following services throughout the pendency of the CHINS proceedings: (1) supervised visitation; (2) home-based case management services; (3) parenting education; and (4) individual counseling. DCS offered Mother these services with a plan for family reunification. Further, although Mother neither actively participated in nor benefited from these services, DCS continued to offer Mother additional services, such as a psychological evaluation. Following the psychological evaluation, FCM Parker offered Mother more intensive services as recommended in the evaluator's report. However, Mother failed to participate in the additional services. In addition, Mother admitted that she had lied on the psychological evaluation and had not complied with certain aspects of the evaluation that she had considered to be stupid. DCS offered Mother sufficient services in its attempt to preserve and



reunify Mother's family. Based on the foregoing, Mother has simply not established that her due process rights were violated.<sup>1</sup>

## 2. Parents' Sufficiency of the Evidence Arguments

[38] Both Mother and Father argue that there is insufficient evidence to support the termination of their parental relationships with the children.<sup>2</sup> The traditional right of parents to establish a home and raise their children is protected by the Fourteenth Amendment to the United States Constitution. *In re J.W., Jr.*, 27 N.E.3d 1185, 1187-88 (Ind. Ct. App. 2015), *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. *Id.* at 1188. Termination of the 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

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<sup>1</sup> We further note that Mother has not established that DCS engaged in conduct that affected her ability to participate in and complete services aimed at reunifying her with the children. *See, e.g., Matter of C.M.S.T.*, 111 N.E.3d 207, 213 (Ind. Ct. App. 2018) (concluding that "the chaotic and unprofessional handling" of a CHINS case violated the parents' due process rights, requiring reversal of the termination order); *A.P.*, 734 N.E.2d at 1117 (finding parents' due process rights were violated in a termination proceeding where DCS made multiple procedural errors, such as failing to provide parents with copies of case plans and filing CHINS and termination petitions that did not meet statutory requirements).

<sup>2</sup> Father also argues that the evidence does not support several of the trial court's findings. In particular, Father points out that although a neighbor had sexually assaulted only one child, L.P., the termination orders for Ka.P. and Ku.P. state that a neighbor sexually assaulted each of those children as well. Father further points out that the termination orders for Ky.P. and E.P. state that a neighbor sexually assaulted their siblings, and only one sibling had been sexually assaulted. These errors in the trial court's orders appear to be scrivener errors, which do not affect our review of the case. We further note that Father's additional challenges to the trial court's findings are requests that we reweigh the evidence, which we will not do. *See, In re Involuntary Termination of the Parent-Child Relationship of R.S.*, 56 N.E.3d 625, 628 (Ind. 2016).

available for the child, parental rights may be terminated when a parent is unable or unwilling to meet his or her parental responsibilities. *Id.*

[39] Before an involuntary termination of parental rights may occur, DCS is required to allege and prove, among other things:

(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 prove the alleged circumstances by clear and convincing evidence. *K.T.K. v. Indiana Department of Child Services, Dearborn County Office*, 989 N.E.2d 1225, 1230 (Ind. 2013).

[40] When reviewing a termination of parental rights, this Court will not reweigh the evidence or judge the credibility of the witnesses. *R.S.*, 56 N.E.3d at 628. We consider only the evidence and any reasonable inferences to be drawn therefrom that support the judgment and give due regard to the trial court's

opportunity to judge the credibility of the witnesses firsthand. *K.T.K.*, 989 N.E.2d at 1229.

- [41] In addition, as a general rule, appellate courts grant latitude and deference to trial courts in family law matters. *Matter of D.P.*, 72 N.E.3d 976, 980 (Ind. Ct. App. 2017). “This deference recognizes a trial court’s unique ability to see the witnesses, observe their demeanor, and scrutinize their testimony, as opposed to this court[] only being able to review a cold transcript of the record.” *Id.*
- [42] Mother and Father first argue that DCS failed to prove by clear and convincing evidence that there is a reasonable probability that the conditions that resulted in the children’s removal or the reasons for placement outside the home will not be remedied. In determining whether the conditions that resulted in the children’s removal or placement outside the home will not be remedied, we engage in a two-step analysis. *In re E.M.*, 4 N.E.3d 636, 642-43 (Ind. 2014). We first identify the conditions that led to removal or placement outside the home and then determine whether there is a reasonable probability that those conditions will not be remedied. *Id.* at 643. The second step requires trial courts to judge the parents’ fitness at the time of the termination proceeding, taking into consideration 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.* DCS need not rule out all possibilities of change. *In re Involuntary Termination of the Parent-Child Relationship of Kay. L.*, 867 N.E.2d 236, 242 (Ind. Ct. App. 2007). Rather,

DCS need establish only that there is a reasonable probability that the parents' behavior will not change. *Id.*

[43] Here, our review of the evidence that supports the judgment reveals that DCS removed the children because Parents had failed to provide them with appropriate housing and supervision. At the time of the termination hearing, Parents had been living in a motel room for more than one year and had not found suitable and appropriate housing. In addition, during the pendency of the proceedings, Parents showed no progress in their ability to parent, discipline, or supervise their children. For example, during the visits that Therapist Masiliunas had supervised, the therapist never saw Parents using appropriate parenting skills and noted that the Children were not engaged in the visits. In addition, the younger children wandered off from the visits and it became Therapist Masiliunas' responsibility to keep the children together in a safe location. In addition, during therapy sessions with Therapist Masiliunas, Parents told Therapist Masiliunas that if the children were returned to them, Parents would not encourage the children to engage in good behavior and would simply continue to parent the children as they had in the past. Parents also told Therapist Masiliunas that if the children were returned to them, they would discontinue therapy because they did not need it and it was useless. In addition, Parents told Therapist Masiliunas that they would not implement a safety protection plan for the children and would not report any further sexual assaults to either DCS or the police. We further note that the trial court granted each Parent's motion to continue the termination hearing, which resulted in

Parents having an additional five months to engage in services. Despite the continuances, Parents made no progress. This evidence supports the trial court's conclusion that there was a reasonable probability that the conditions that resulted in the children's removal would not be remedied.

[44] Father also argues that there is insufficient evidence that the termination was in the children's best interests. In determining whether termination of parental rights is in the children's best interests, the trial court is required to look at the totality of the evidence. *In re Termination of the Parent-Child Relationship of D.D.*, 804 N.E.2d 258, 267 (Ind. Ct. App. 2004), *trans. denied*. In so doing, the court must subordinate the interests of the parents to those of the children involved. *Id.* In addition, a child's need for permanency is a central consideration in determining that child's best interests. *In re G.Y.*, 904 N.E.2d 1257, 1265 (Ind. 2009). Further, the testimony of the service providers may support a finding that termination is in the children's best interests. *McBride*, 798 N.E.2d at 203.

[45] Here, our review of the evidence reveals that at the time of the termination hearing, the children had been out of Parents' home for two years, and they were all thriving in foster care. In addition, Supervisor Mullany, FCM Parker, Therapist Hughes, Therapist Masiliunas, CM Burton, and CASA Betzner all testified that termination was in the children's best interests. The testimony of these service providers, as well as the other evidence previously discussed, supports the trial court's conclusion that termination was in the children's best interests.

- [46] Lastly, Mother argues that DCS does not have a satisfactory plan for the children's care and treatment. This Court has previously explained that the plan for the care and treatment of the children need not be detailed, so long as it offers a general sense of the direction in which the children will be going after the parent-child relationships are terminated. *In re. A.S.*, 17 N.E.3d 994, 1007 (Ind. Ct. App. 2014), *trans. denied*. Here, Supervisor Mullany testified that the plan for the care and treatment of the children was adoption. This is a satisfactory plan. *See In re A.N.J.*, 690 N.E.2d 716, 722 (Ind. Ct. App. 1997).
- [47] Nevertheless, Mother argues that adoption is not a satisfactory plan in this case because the children will be adopted by separate foster families and will not stay together. However, this Court has previously held that a plan is satisfactory even if the plan is for the children to have separate adoptive homes. *See A.J. v. Marion County Office of Family and Children*, 881 N.E.2d 706, 719 (Ind. Ct. App. 2008), *trans. denied*. Further, we need not address the suitability of the foster parents to be adoptive parents because it is within the authority of the adoption court, not the termination court, to determine whether an adoptive placement is appropriate. *See A.S.*, 17 N.E.3d at 1007.
- [48] Concluding that DCS did not violate Mother's due process rights and that there is sufficient evidence to support the terminations, we affirm the trial court's termination of the parent-child relationships.

[49] Affirmed.

Altice, C.J., and Riley, J., concur.