MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

In the Matter of the Termination of the Parent-Child Relationship of A.B.-A. (Minor Child);

S.B. (Mother) and M.A. (Father),

Appellant-Respondent,

v.

Indiana Department of Child Services,

Appellee-Petitioner.

September 8, 2022

Court of Appeals Case No. 22A-JT-524

Appeal from the Monroe Circuit Court

The Honorable Holly M. Harvey, Judge

Trial Court Cause No. 53C06-2105-JT-272

Tavitas, Judge.

Case Summary

[1] S.B. ("Mother") and M.A. ("Father") (collectively "Parents") appeal the trial court's order terminating their parental rights to A.B.-A. ("Son"). Father argues that the trial court clearly erred in determining there was a reasonable probability that the reasons for Son's placement outside Father's home would not be remedied. Mother claims that several of the trial court's factual findings are clearly erroneous and that the trial court clearly erred in determining there is a reasonable probability that the continuation of the parent-child relationship poses a threat to Son's wellbeing. Mother also claims that the trial court violated her due process rights. Lastly, both Parents argue that the trial court clearly erred in determining that termination of their parental rights was in Son's best interest. We reject all of Parents' arguments and affirm.

Issues

I. Whether the trial court clearly erred in determining that there was a reasonable probability that the reasons for Son's removal from Father, or his continued placement outside Father's home, would not be remedied.

II. Whether several of the trial court's factual findings are clearly erroneous.

III. Whether the trial court clearly erred in determining that there is a reasonable probability that the continuation of the parent-child relationship between Mother and Son poses a threat to Son's wellbeing.

IV. Whether the trial court violated Mother's due process rights.

V. Whether the trial court clearly erred in determining that termination of Parents' parental rights was in Son's best interest

Facts

[2] Mother and Father are the parents of Son, who was born in June 2013. When Son was born, he tested positive for opiates. Son was determined to be a child in need of services ("CHINS") in Cause No. 53C07-1307-JC-369, in which both Parents admitted to using drugs and having substance abuse problems. Father was arrested for domestic battery against Mother in 2013. On March 9, 2014, after Father established his paternity of Son, he was awarded primary physical custody of Son. At some point, this CHINS case was closed, and Parents retained their parental rights to Son.

[3] On December 10, 2019, DCS received a report that Father was using methamphetamine and marijuana. DCS conducted a home visit to investigate these allegations. DCS personnel noted that Father appeared to have disjointed thoughts, and Father admitted to a history of using illicit drugs. DCS created a safety plan, and Father agreed to participate in services, which included a substance abuse evaluation. Father, however, failed to attend the scheduled evaluation.

[4] On January 28, 2020, DCS conducted another home visit, and Father again appeared to have disjointed thoughts and slurred speech. Father admitted to

using methamphetamine and marijuana. Father submitted to a drug screen, which tested positive for methamphetamine. The DCS family case manager ("FCM") spoke with Son, who stated that Father smoked "brown sticks." Appellant's App. Vol. II p. 46. Son then covered his mouth and stated that he was not supposed to tell anyone about "daddy's business." *Id.* Father attended a Child and Family Team Meeting ("CFTM") at the DCS office two days later. Father showed signs of being under the influence of a controlled substance: his pupils were dilated, he was speaking quickly, he was fidgeting, he would not make eye contact with others, he had dark circles under his eyes, he had scabs on his head and arms, and he appeared to be underweight. Father admitted to using methamphetamine on a daily basis for approximately six months. Father further admitted that he had been impaired while caring for Son and that he used controlled substances in his home. The following day, Father again tested positive for methamphetamine. He also indicated that Mother was homeless and was also abusing controlled substances.

[5] As a result, DCS removed Son from Father's care on February 5, 2020. DCS filed a CHINS petition the following day, and the trial court issued a detention order on February 7, 2020. The reasons for Son's removal from Father's care were Father's use of methamphetamine and marijuana and failure to follow the safety plan. Mother's location was still unknown at that time.

[6] On June 22, 2020, the trial court entered an order finding that Son was a CHINS. The trial court noted that Mother was incarcerated for a probation violation and could possibly be extradited to Kentucky to face

methamphetamine possession charges. Due to Father's continued substance abuse and the resulting impairment while caring for Son and Mother's substance abuse and incarceration, the trial court determined that intervention was necessary to protect Son's health and safety.

[7] On July 20, 2020, the trial court held a dispositional hearing, at which it granted wardship of Son to DCS and set a permanency plan of reunification for Parents. Both Parents were ordered to: (1) undergo substance abuse evaluations, (2) engage in individual therapy, (3) meet with a recovery coach, (4) attend AA/NA meetings, (5) meet a sponsor, (6) attend supervised visitations with Son, (7) engage in home-based case management, and (8) undergo random drug screens. Father was also ordered to undergo a psychological evaluation.

[8] At a review hearing held on November 2, 2020, DCS presented evidence that Mother was still incarcerated and had not participated in any services. Father had participated in some services but was not submitting to random drug screens. On February 11, 2021, the trial court modified the dispositional decree to require both Parents to submit drugs screens twice per week.

[9] The trial court held a permanency hearing on April 1, 2021. At this hearing, the court heard evidence that Father tested positive for methamphetamine and marijuana on February 17 and March 19, 2021 and failed to appear for the other scheduled drug tests. Father regularly met with his therapist and recovery coach, but he had made little progress. Mother, who had been released from

incarceration, was not meeting with her recovery coach consistently. She was referred to a domestic-violence assistance program, but she refused to attend. Mother tested positive for methamphetamine on February 12 and March 15, 2021, and she failed to attend any of the other twice-weekly scheduled drug tests.

[10] The trial court heard evidence that Son's behavior had improved significantly since being placed in foster care and been placed on medication to treat his ADHD. Son's teacher even described Son as a "completely different child with a new sense of self-worth." Appellant's App. Vol. II p. 17. After the permanency hearing, the trial court changed the permanency plan from reunification to adoption.

[11] On September 29, 2021, Parents were scheduled to have visitation with Son. FCM David Lindsey had attempted to contact Parents beforehand to arrange the visit but was unable to contact them. FCM Lindsey went to Parents' home, but they were not there. He then went to the location of the scheduled visit and arrived as Parents arrived at the location. FCM Lindsey attempted to talk to Parents about their case, request a drug screen, and confirm his contact information for them. Father appeared to be under the influence of a stimulant—he was speaking rapidly and irrationally. Father was aggressive and belligerent. When FCM Lindsey attempted to leave, Father got between FCM Lindsey and his vehicle, thereby preventing Lindsey from reaching his car. Mother tried to intervene, but Father told her to remain in her car, which she did. Fearing for the safety of himself and Son, FCM Lindsey went inside the

visitation center to tell the visitation supervisor that the visitation would not take place. FCM Lindsey planned for the visitation coordinator to leave with Son first, so he could inform Parents of the cancelled visitation outside Son's presence. Son overheard that the visitation was cancelled and became upset. Seeing this, Father picked Son up in his arms and confronted FCM Lindsey. Father hit the window of FCM Lindsey's car while holding Son. Father then put Son in his vehicle and threatened to leave with Son. Mother and the visitation coordinator were eventually able to calm Father down, and Father released Son to the visitation coordinator. This incident caused Son emotional trauma, and he required immediate therapeutic intervention.

[12] Parents also continued to miss scheduled drug tests. Accordingly, the trial court entered an order suspending Father's visitation with Son until such time as he submitted three consecutive negative drug tests and a month of consecutive attendance at anger-management therapy. The trial court allowed Mother to continue her visitations but noted that: (1) Mother too was often under the influence of illicit drugs; (2) Mother was in an on-again/off-again relationship with Father; and (3) Mother was the victim of domestic violence at the hands of Father. The trial court also ordered that Father was not allowed to transport Mother to the visitations.

[13] Mother was admitted to Centerstone Recovery Center on July 15, 2021, and was successfully discharged on August 12, 2021. While at Centerstone, Mother was fully engaged in services. When discharged, Mother completed a safety plan and was accepted to the Amethyst House for outpatient treatment.

Mother, however, failed to comply with her outpatient treatment. Prior to the October 28, 2021, permanency hearing, Mother had been scheduled to submit to sixty drug screens. Of these, five were positive and only two were negative. Mother failed to attend for the remaining tests.

[14] Father was also non-compliant with drug treatment. He went to an inpatient facility, but he stayed for only twenty-six hours. Although Father had been meeting with his recovery coach, the coach reported that Father's progress had reached a "plateau." Exh. Vol. I p. 57. Of sixty-two scheduled drug screens, Father attended only nine, and six of those nine were positive for methamphetamine and amphetamine. Father missed the remaining fifty-three screens. Father was more compliant with his individual therapy, but he stopped attending therapy in October 2021. Father also failed to undergo a psychological evaluation.

[15] DCS filed a petition to terminate Parents' parental rights on May 17, 2021, and the trial court held fact-finding hearings on November 17, 2021, December 3, 2021, and January 4, 2022. The trial court entered findings of fact and conclusions thereon on February 13, 2022, terminating Parents' parental rights. Both Parents now appeal.

Discussion and Decision

[16] The Fourteenth Amendment to the United States Constitution protects the traditional rights of parents to establish a home and raise their children. *In re K.T.K. v. Ind. Dept. of Child Serv's.,* 989 N.E.2d 1225, 1230 (Ind. 2013). "[A]

parent's interest in the upbringing of [his or her] child is 'perhaps the oldest of the fundamental liberty interests recognized by th[e] [c]ourt[s].'" *Id.* (quoting *Troxel v. Granville*, 530 U.S. 57, 65, 120 S. Ct. 2054 (2000)). We recognize that parental interests are not absolute and must be subordinated to the child's best interests when determining the proper disposition of a petition to terminate parental rights. *Id.*; *see also In re Ma.H.*, 134 N.E.3d 41, 45 (Ind. 2019) ("Parents have a fundamental right to raise their children—but this right is not absolute."), *cert. denied*, 140 S. Ct. 2835 (2020), *reh'g denied*. "When parents are unwilling to meet their parental responsibilities, their parental rights may be terminated." *Ma.H.*, 134 N.E.3d at 45-46.

[17] Pursuant to Indiana Code Section 31-35-2-8(c), "[t]he trial court shall enter findings of fact that support the entry of the conclusions required by subsections (a) and (b)" when granting a petition to terminate parental rights. Here, the trial court entered findings of fact and conclusions thereon in granting DCS's petition to terminate Mother's and Father's parental rights. We affirm a trial court's termination of parental rights decision unless it is clearly erroneous. *Ma.H.*, 134 N.E.3d at 45. A termination of parental rights decision is clearly erroneous when the trial court's findings of fact do not support its legal conclusions, or when the legal conclusions do not support the ultimate decision. *Id*. We neither reweigh the evidence nor judge witness credibility, and we consider only the evidence and reasonable inferences that support the court's judgment. *Id*.

[18] Indiana Code Section 31-35-2-8(a) provides that "if the court finds that the allegations in a petition described in [Indiana Code Section 31-35-2-4] are true, the court shall terminate the parent-child relationship." Indiana Code Section 31-35-2-4(b)(2) provides that a petition to terminate a parent-child relationship involving a child in need of services must allege, in part:

> (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.

DCS must establish these allegations by clear and convincing evidence. *See, e.g., In re V.A.*, 51 N.E.3d 1140, 1144 (Ind. 2016).

I. Conditions that Resulted in Son's Removal

[19] Father does not challenge the trial court's factual findings. We, therefore, accept the findings as true. *See In re Br.B.,* 139 N.E.3d 1066, 1073 (Ind. Ct. App. 2019) ("Parents do not challenge any of the [trial court's] findings, and thus they stand as proven.") (citing *Coles v. McDaniel*, 117 N.E.3d 573, 576 (Ind.

Ct. App. 2018)), *trans. denied*. Instead, Father claims that the trial court clearly erred in concluding there was a reasonable probability that the conditions resulting in Son's removal from Father's care, or the reasons for his continued placement outside Father's home, would not be remedied.[1]

[20] "In determining whether 'the conditions that resulted in the [Child's] removal . . . will not be remedied,' we 'engage in a two-step analysis.'" *In re E.M.*, 4 N.E.3d 636, 642-43 (Ind. 2014) (quoting *K.T.K.*, 989 N.E.2d at 1231). "First, we identify the conditions that led to removal; and second, we 'determine whether there is a reasonable probability that those conditions will not be remedied.'" *Id*. In analyzing this second step, the trial court judges the parent's fitness "as of the time of the termination proceeding, taking into consideration evidence of changed conditions." *Id*. (quoting *Bester v. Lake Cnty. Off. of Fam. & Children*, 839 N.E.2d 143, 152 (Ind. 2005)). "We entrust that delicate balance to the trial court, which has discretion to weigh 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

[1] We have long noted that Indiana Code Section 31-35-2-4(b)(2)(B) is written in the disjunctive. *See In re L.S.*, 717 N.E.2d 204, 209 (Ind. Ct. App. 1999) (citing *In re V.A.*, 632 N.E.2d 752, 756 (Ind. Ct. App. 1994)). DCS is, therefore, required to prove by clear and convincing evidence that there was a reasonable probability exists that *either*: (1) the conditions that resulted in the child's removal or the reasons for placement outside the home of the parents will not be remedied, *or* (2) the continuation of the parent-child relationship poses a threat to the child's well-being. *See Ma.H.*, 134 N.E.3d at 46 n.2. Here, the trial court found that DCS had met its burden under both subsections. Father, however, challenges only the trial court's finding under Subsection 4(b)(2)(B)(i) regarding remedy of the conditions that resulted in Son's removal.

from finding that parents' past behavior is the best predictor of their future behavior." *Id*.

[21] Here, the trial court concluded: "There is a reasonable probability that the conditions which resulted in the removal of the child, or the reasons for placement outside the home of the parents, will not be remedied, and/or, the continuation of the parent-child relationship poses a threat to the well-being of the child." Appellant's App. Vol. II p. 24. The reasons for Son's removal from Father's care were Father's use of methamphetamine and marijuana and failure to follow the previously devised safety plan. Father's drug use continued unabated throughout the CHINS and termination proceedings. Father notes that he voluntarily sought psychological therapy before the CHINS proceedings were initiated and that he regularly met with his therapist until she moved to a new location. The fact remains, however, that Father made no progress in addressing his serious substance abuse issues. Father missed the vast majority of his scheduled drug screens, and in the majority of the few screens Father did submit to, he tested positive for methamphetamine. Father spent just over one day in inpatient treatment before leaving. Father also failed to adequately address his anger issues and even threatened the FCM.

[22] Father also claims that FCM Lindsey "held the keys" to reuniting Father and Son but chose to remain involved in the case instead of "removing himself from the situation." Appellant's Br. p. 11. To the contrary, it was Father who held the keys to being reunited with Son. Father was offered numerous services to

help him address his substance abuse and anger issues, but Father failed to take advantage of these services.[2]

[23] Given Father's continued abuse of methamphetamine despite being referred to services to assist him in addressing his substance abuse, the trial court did not clearly err by concluding that the conditions resulting in Son's removal from Father, or the reasons for Son's continued placement outside Parents' home, would not be remedied. *See In re C.D.,* 141 N.E.3d 845, 853 (Ind. Ct. App. 2020) (holding that trial court did not err in concluding that there was a reasonable probability that conditions that led to child's removal or the reasons for child's continued placement outside mother's home would not be remedied where mother did nothing to address her substance abuse problem, missed multiple drug screens, tested positive for marijuana when she did submit to screens, and declined to participate in substance abuse treatment offered to her), *trans. denied*; *In re S.S.,* 120 N.E.3d 605, 612 (Ind. Ct. App. 2019) (affirming trial court's conclusion that there was a reasonable probability that conditions that resulted in child's removal from father's home, or child's continued placement outside of father's home, would not be remedied where father repeatedly tested positive for multiple drugs, DCS personnel observed Father under the influence of drugs on multiple occasions and appeared aggressive and threatening, and Father made no progress toward addressing his substance abuse problem).

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[2] Nor can we fault FCM Lindsey for failing to "remove himself" from this case, assuming he had such an option. Father is the one who threatened FCM Lindsey. Father cannot dictate who acts as his case manager by threatening case managers of whom he does not approve.

II. Trial Court's Findings of Fact

[24] Mother claims that four of the trial court's factual findings are either inaccurate or misleading. Mother first attacks the trial court's Finding No. 25, which states in relevant part:

> On March 19 the parents submitted a drug screen and admitted that the screen would be positive for marijuana and methamphetamine. *On April 8, 2021, the parents both submitted a screen, and at the time of collection, admitted that the screen would be positive for methamphetamine.* At a CFTM on July 14, 2021, the parents admitted to ongoing methamphetamine use.

Appellant's App. Vol. II p. 19 (emphasis added). Mother claims that this finding is incorrect because it was Father, not Mother, who admitted that both Parents would test positive for drugs on April 8, 2021. Because Mother did not personally admit to using drugs on that date, Mother claims that the trial court's finding "misrepresents Father's statements of Mother's drug use as her own." Appellant's Br. p. 13. Any error in this finding is, at most, harmless. Even if Mother did not personally admit to having used methamphetamine on April 8, 2021, the evidence presented by DCS shows that Mother was scheduled for sixty drug screens. Of these, she submitted to only seven: five were positive, and only two were negative. Mother failed to attend the remaining fifty-three scheduled screens. Regardless of whether Mother admitted, on a particular date, that she had been using drugs, there was ample evidence of her continued drug use.

[25] Mother next challenges Finding No. 26, which states:

> The admissions of use were also consistent with Lindsey's observations that the parents were impaired, and Lindsey would not be surprised about the screen results. Lindsey is trained to recognize signs of impairment and drug use as a result of his training as an FCM. There were also times when Lindsey saw signs of impairment and the parents would not submit a screen. Lindsey compared the way the parents behaved when he believed them to be impaired, which was noticeably different than when they were not impaired.

Id. Mother acknowledges that FCM Lindsey did testify that he could tell when Parents were under the influence of drugs based on their demeanor. Mother notes, however, that FCM Lindsey also testified that Mother's behavior could just be reflective of her personality. Further, Mother notes that FCM Lindsey testified that Father would dominate conversations and that her behavior could, therefore, have been a sign of her submissiveness instead of impairment. This is simply a request that we reweigh the evidence, which we will not do. Sufficient evidence was presented to support the trial court's Finding No. 26.

[26] Mother next claims that Finding No. 39 is misleading or incomplete. This finding provides:

> [Mother] did complete a substance abuse evaluation. FCM Lindsey discussed with [Mother] the services recommended. She did not raise any barriers which would prevent her participation. [FCM Lindsey] would periodically discuss [Mother's] non-compliance with services and from March 2021 to July 2021, when she was not engaged in any services, [FCM Lindsey] continued efforts to reach out to her and engage her in services. Frequently, [Father] was present when Lindsey discussed the parties' continued drug use, and [Father] would dominate the

> discussion, and not allow [Mother] to report on her sobriety. [Father] also did not allow [Mother] to have visits without him, and was angry at the suggestion that she have separate visits.

Id. at 22. Mother argues that this finding is incorrect because her biggest "barrier" was her abusive relationship with Father, on whom she places the blame for her failure to comply with the services offered to her. Again, Mother's arguments are little more than a request that we reweigh the evidence and consider evidence that does not support the trial court's judgment.

[27] Lastly, Mother claims that Finding 40 is clearly erroneous. This finding states: "[Mother] was recommended to attend Seeking Safety. She did not attend. Seeking Safety was intended to address [Mother]'s experiences as a victim of domestic violence." *Id*. Mother claims this finding is erroneous because FCM Lindsey stated that the referenced program, Seeking Safety, no longer existed. FCM Lindsey, however, testified that he believed the program ended in the summer of 2021. As noted by DCS, however, there was evidence that the program was still ongoing in January 2021. Mother, however, did not participate in the program and claimed she could not join the virtual meetings. The trial court found at the April 1, 2021, permanency hearing that Mother had "refused to participate" in the program. Exh. Vol. I p. 45. Mother also claims that no alternative to the Seeking Safety program was offered, but FCM Lindsey testified that he referred Mother to other places to address domestic violence, including a shelter in Bloomington and transitional housing in Bedford. Accordingly, we cannot say that Finding No. 40 is clearly erroneous.

III. Continuation of Parent-Child Relationship

[28] Mother also claims that, because the trial court's findings were erroneous, the trial court's conclusion that the parent-child relationship posed a threat to Son's wellbeing is also erroneous.[3] We, however, have rejected Mother's attacks on the trial court's findings. As a result, her argument necessarily fails.

[29] Moreover, the trial court's conclusion that continuation of the parent-child relationship poses a threat to Son's wellbeing was supported by the evidence. When reviewing the question of whether continuation of the parent-child relationship poses a threat to the child's well-being, termination is proper when the evidence shows that the emotional and physical development of a child is threatened. *C.A. v. Ind. Dep't of Child Servs.*, 15 N.E.3d 85, 94 (Ind. Ct. App. 2014). Here, Mother failed to address her substance abuse problem, continued to test positive for drug use, and failed to attend the vast majority of her scheduled drug screens. Mother was incarcerated for a long period during the CHINS proceedings (she was released in October 2020) and has never been Son's primary caregiver. Mother also failed to take advantage of any assistance offered to her for domestic violence. From this evidence, the trial court could reasonably conclude there was a reasonable probability that a continuation of the parent-child relationship posed a threat to Son's wellbeing. *See In re A.I.*, 825 N.E.2d 798, 811 (Ind. Ct. App. 2005) (affirming trial court's determination

[3] Mother makes no challenge to the trial court's determination regarding the conditions that resulted in Son's removal, or the reasons for Son's continued placement outside of Parents's home.

that continuation of the parent-child relationship posed a threat to child's wellbeing based, in part, on parents' continued drug use and sporadic domestic violence).

IV. Mother's Due Process Rights

[30] Mother next argues that DCS violated her due process rights by failing to provide her with adequate services to facilitate her reunification with Son. As correctly noted by DCS, Mother failed to raise a due process argument in the trial court. As a general rule, an appellant may not present an argument for the first time on appeal. *Ind. Bureau of Motor Vehicles v. Gurtner*, 27 N.E.3d 306, 311 (Ind. Ct. App. 2015). Nevertheless, "Indiana appellate courts have long exercised discretion to address the merits of constitutional claims even when not properly preserved." *Id*. at 312 (citing *Plank v. Cmty. Hosps. of Ind., Inc.*, 981 N.E.2d 49, 53 (Ind. 2013)). Considering the merits, Mother's due process argument is unavailing.

[31] Mother argues that DCS failed to assist her in dealing with Father's domestic abuse, which she claims is the reason she could not successfully address her substance-abuse issues. As noted above, however, DCS referred Mother to various resources to assist in any domestic abuse, but Mother failed to take advantage of these resources. To the extent that Mother claims that DCS simply did not do enough to help her, there is no indication that Mother requested any additional services. We have long held that "a parent may not sit idly by without asserting a need or desire for services and then successfully argue that [s]he was denied services[.]" *In re B.D.J.*, 728 N.E.2d 195, 201 (Ind.

Ct. App. 2000) (citing *Jackson v. Madison Cnty. Dep't of Fam. & Children,* 690 N.E.2d 792, 793 (Ind. Ct. App. 1998), *trans. denied*). We cannot say that DCS deprived Mother of due process by not taking more proactive steps to coerce Mother into addressing Father's domestic abuse.

V. Best Interests of the Child

[32] Lastly, both Parents argue that the trial court clearly erred in determining that termination of their parental rights was in Son's best interests. When determining what is in the best interests of a child, the trial court is required to look at the totality of the evidence. *Z.B. v. Ind. Dep't of Child Servs.*, 108 N.E.3d 895, 903 (Ind. Ct. App. 2018), *trans. denied*. In doing so, the trial court must subordinate the interests of the parents to those of the child involved. *Id*. Termination of a parent-child relationship is proper where the child's emotional and physical development is threatened. *K.T.K.*, 989 N.E.2d at 1235. A trial court need not wait until a child is irreversibly harmed such that his or her physical, mental, and social development is permanently impaired before terminating the parent-child relationship. *Id*. Additionally, a child's need for permanency is a "central consideration" in determining the best interests of a child. *Id.* Recommendations by the case manager or child advocate to terminate parental rights, in addition to evidence that the conditions resulting in removal will not be remedied, is sufficient to show by clear and convincing evidence that termination is in the child's best interests. *In re J.S.*, 133 N.E.3d 707, 716 (Ind. Ct. App. 2019) (citing *In re A.D.S.*, 987 N.E.2d 1150, 1158-59 (Ind. Ct. App. 2013)); *see also In re N.G.*, 51 N.E.3d 1167, 1173 (Ind. 2016).

[33] Parents have ongoing substance abuse issues. At the time of the termination hearing, Son had been in foster care for almost two years. Son was thriving in foster care and was receiving treatment for his medical and psychological issues, which include ADHD. In contrast, both Parents objected to using medication to treat Son's ADHD. Son was also doing much better at school. While in Parents' care, Son was often in trouble at school. In foster care, Son's behavior at school improved significantly. The CASA testified that termination of Parents' parental rights was in Son's best interest. The family case manager testified similarly. The therapist who supervised Parents' therapeutic visits also testified that she was in favor of terminating Parents' parental rights. Under these circumstances, the trial court could reasonably conclude that termination of Parents' parental rights was in Son's best interests.

[34] The Parents argue that they have a close bond to Son, that they love Son, and that Son loves them. We do not question this, but this alone is insufficient to defeat termination of their parental rights. Parents proved unable or unwilling to take the steps necessary to reunify them with Son, and the trial court was not required to give them more time to attempt to address the substantial issues that stood in the way of reunification.

Conclusion

[35] The trial court did not clearly err in determining that there was a reasonable probability that the conditions that led to Son's removal from Father's care, or his continued placement outside of Father's home, would not be remedied. The trial court's findings of fact were supported by sufficient evidence, and

Mother's claims to the contrary are little more than requests to reweigh the evidence. Likewise, we reject Mother's claim that the trial court clearly erred by concluding there was a reasonable probability that the continuation of the parent-child relationship posed a threat to Son's wellbeing. Lastly, there was sufficient evidence to support the trial court's determination that termination of Parents' parental rights was in Son's best interests. Accordingly, we affirm the judgment of the trial court.

[36] Affirmed.

Riley, J., and May, J., concur.