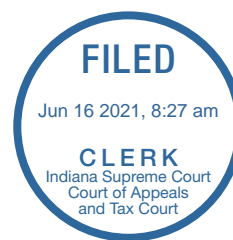


MEMORANDUM DECISION

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 Parent-
Child Relationship of S.A.K.
(Minor Child),

A.R. (Mother) and S.K. (Father)

Appellants-Respondents,

v.

Indiana Department of Child
Services,

Appellee-Petitioner.

June 16, 2021

Court of Appeals Case No.
20A-JT-2002

Appeal from the Spencer Circuit
Court

The Honorable Jonathan A. Dartt,
Judge

Trial Court Cause No.
74C01-2002-JT-37

Altice, Judge.

Case Summary

- [1] A.R. (Mother) and S.K. (Father) appeal the involuntary termination of their parental rights to their minor child S.A.K. (Child). Mother and Father contend that the evidence was not sufficient to support termination. Father also claims that he was not afforded due process before his parental rights were terminated.
- [2] We affirm.

Facts & Procedural History

- [3] Mother and Father (collectively, Parents) are the parents of Child, born on October 12, 2018. On October 13, 2018, Indiana Department of Child Services (DCS) received a report alleging that Child was born drug exposed, and Mother tested positive for methamphetamine at the time of Child's birth. Father was uncooperative during an assessment and refused to submit to a drug screen. A DCS family case manager went to the home and found limited supplies for Child. DCS was familiar with Parents, whose parental rights to four of their other children previously had been terminated.¹
- [4] On October 14, Mother agreed to participate in an informal adjustment, and three days later she tested positive methamphetamine. Child was removed

¹ Father is the biological father of “about seven or eight” kids in total. *Transcript Vol. 2* at 89. His parental rights to at least one other child, in addition to his other children with Mother, have been terminated.

from Parents' care on October 22, 2018, and was placed in foster placement, where he has remained.

[5] On October 24, 2018, DCS filed a child in need of services (CHINS) petition. Thereafter, Mother checked into Stepping Stones for a thirty-day stay; she was released on November 28, and tested positive for methamphetamine on November 30. The court held an initial/detention hearing on December 11, 2018, and Father did not appear. In December, Mother admitted that Child was a CHINS and that court intervention was necessary. The court held a factfinding hearing as to Father on January 28, 2019, and Father failed to appear. A January 2019 Parent Aide report indicated that during a visitation, Father pulled out a bullet and then three more. He also got on his phone, although not permitted, and said to the person, "my asshole hurts, people putting it in so hard without vasoline." *Exhibit Vol. 2* at 80. By February 2019, visitations had been moved to the DCS office and reduced to once per week for Mother and once per month for Father. At a February 12, 2019 visitation, Father exhibited volatile behavior, hitting his head with his hands and against the wall, and also appeared to fall asleep. On March 25, 2019, the juvenile court adjudicated Child as a CHINS.

[6] During a visit on April 16, 2019, Father was on his phone again and, when told to hang up because he was at a visitation, he said "I f*cking know this is a visitation with my son." *Id.* at 175. After this outburst, DCS required him to leave. At a May 6, 2019 visitation, Mother and Father discussed having moved

to Arkansas. Mother was observed closing her eyes at the visit as well as during at least one other.

[7] The juvenile court entered a dispositional order on April 23, 2019, and ordered Parents to participate in reunification services. Mother tested positive repeatedly from March 2019 to June 2019 but maintained that she did not do drugs and that the tests were inaccurate. During this period, the CASA filed a report stating that, at child and family team meetings (CFTM), Father was loud, cursed, and verbally berated Mother. In April 2019, Father had to be escorted out of the DCS office and told that he “can only come in once a month due to his outbursts.” *Mother’s Appendix* at 155.

[8] On June 6, 2019, DCS filed a motion, pursuant to Ind. Code § 31-34-21-5.6, asking the court to make a finding that no further reasonable efforts to reunify Child with Parents would be required and that services and visitations should be terminated. I.C. § 31-34-21-5.6 provides that at any phase of a CHINS proceeding, a court may make a finding that:

(b) Reasonable efforts to reunify a child with the child’s parent, guardian, or custodian or preserve a child’s family as described in section 5.5 of this chapter are not required if the court finds any of the following:

* * *

(4) The parental rights of a parent with respect to a biological or adoptive sibling of a child who is a child in

need of services have been involuntarily terminated by a court under:

(A) IC 31-35-2 (involuntary termination involving a delinquent child or a child in need of services);

(B) IC 31-35-3 (involuntary termination involving an individual convicted of a criminal offense); or

(C) any comparable law described in clause (A) or (B) in any other state, territory, or country.

The State's motion reported that Mother's parental rights to four other children had been involuntarily terminated, and Father's parental rights to one other child had been involuntarily terminated.

[9] On June 26, 2019, the court held a review hearing, at which Mother appeared with counsel, and Father appeared without counsel and while incarcerated. Father told the court that the reason Mother tested positive – it appears Father may have been referring to when Child was removed at the time of birth – was because he “accidentally gave her an e-cig that [he] was smoking meth out of” and she was unaware it had been used for methamphetamine. *Transcript Vol. 1* at 46. Mother requested that services continue to be offered noting that she was making efforts and going into inpatient treatment, and Father likewise requested that services and visits continue to be offered.

[10] The CASA opposed Parents' requests for continued services, testifying that Mother had consistently told the team members that she “had no intentions of

doing inpatient” and that, in the past eight months, Mother failed twenty-two of her twenty-five drug screens. *Id.* at 48. She also testified that Father consistently refused to participate in services and told team members that he “will not stop smoking weed” and admitted to DCS team members that “the weed is the only thing keeping him from hurting someone.” *Id.* The CASA had “major concerns” with any more visits between Child and parents and concurred with DCS’s request that services and visits should be stopped. *Id.* DCS advised the court that Mother had missed two appointments at Life Spring and she could not go back there for six months, and that she was supposed to go to Crisis Connection but had not done so. Mother’s attendance at Parent Aide meetings was “spotty.” *Id.* at 50.

[11] At the conclusion of the hearing, the court expressed its concern about the path that Parents were on, cautioning them that until they put methamphetamine behind them, their futures “are going to be filled with what’s happened in the past: heartache, loss of children, incarceration, strife, violence, unable to make household ends meet, [and] financial difficulties[.]” *Id.* at 52. And the court warned that Child “does not have to just wait and wait and wait for you all to decide to quit fighting, quit getting arrested, quit taking drugs, quit having unstable household.” *Id.* at 53.

[12] Following the hearing, the court issued an order on July 15, 2019, finding, in part:

[Mother] and [Father] have not complied with the child’s case plan. The Mother [] has failed to consistently meet with Parent

Aide. She fails to meet at Life Spring for therapy. She has failed to set up appointments with Crisis Connection. She submits to drug screens but continuously tests positive for methamphetamine. She recently had a hair follicle done and it was positive for methamphetamine and amphetamine.

The Father [] has not participated in any services other than visitation. He has failed to complete his psychological assessment though Life Spring[.] He has not submitted any drug screens.

[Mother] and [Father] ha[ve] not enhanced their ability to fulfill their parental obligations.

* * *

The cause of the [C]hild's out-of-home placement or supervision has not been alleviated. At this time, the Parents have not established any progress to prove they are capable of being appropriate caregivers.

Exhibits Vol. I at 141-42. The court then determined:

The Court finds in light of the previous involuntary terminations for both parents, the lack of progress in the case, and in the best interest of the children, *the DCS is no longer required to make reasonable efforts to reunify or preserve the child's family.*

Id. at 142 (emphasis added). That order was not challenged or appealed.

[13] The court held a permanency hearing on August 14, 2019. Father did not appear but his counsel explained that Father was out on bond and attending a required Community Corrections hearing. As of the hearing, Mother had

obtained employment and sought treatment from Brentwood Springs but was waiting for insurance approval. Mother and Father requested that services be reinstated and that the plan be reunification, which both DCS and the CASA opposed, given that Father “did not participate at all” in offered services and, while Mother had visits, she did not utilize all services offered – such as Crisis Connection and therapy – and “continuously tested positive[.]” *Transcript Vol. 1* at 63-64. On August 22, 2019, the juvenile court found that Parents had failed to comply with the Child’s case plan and changed the permanency plan from reunification to termination of parental rights and adoption.

[14] An October 22, 2019 Permanency Report filed with the court reflected that in September 2019 Mother had been discharged from her intensive outpatient program at Brentwood Springs due to excessive absences from the program. It also reported that Parents were no shows for an October 16, 2019 CFTM.

[15] A January 15, 2020 Progress Report reflected that Parents had initiated some services on their own such as therapy and Parent Aide with Life Spring. However, Mother no-showed for a Life Spring appointment on December 5, 2019 and canceled another in January 2020 an hour before the appointment, telling Life Spring that she had a DCS appointment but DCS had nothing scheduled with her. Mother was arrested on fraud charges on December 9, 2019, and was released on bond two weeks later. Father attended intake at Life Spring on November 21, 2019, but was a no show on December 5, 2019, and January 2, 2020, and was locked out of the program for six months pursuant to

policy. Father was seeing a pain specialist and attending addiction counseling in late 2019.

[16] At a February 5, 2020 review hearing, DCS reported that Father had been testing negative on his Community Corrections screens but that DCS was concerned because “we do not believe those are random as they seem to be every Thursday[.]” *Transcript Vol. 1* at 74. DCS stated that Mother also had tested negative at a recent screen but noted it was “not random because she chose [sic] when to do it.” *Id.* Mother and Father asked that services and visitation be reinstated and urged that they would cooperate. DCS noted that Mother and Father appeared to be making “some efforts” but DCS still had “lots of concerns” and requested that the court not reinstate services. *Id.* The CASA testified that “we’ve been in a static pattern since June [2019] and it’s not in [Child]’s best interest to just keep drawing this out,” with her position being that it was in Child’s best interest to proceed with termination and adoption. *Id.* at 82.

[17] That same day, DCS filed its termination petition. The juvenile court held factfinding hearings on May 26, June 10, and July 1, 2020. The State presented the testimony of various DCS witnesses, as well as documentary evidence of Parents’ prior CHINS and termination cases. Both the family case manager and the CASA testified that it would be in Child’s best interest to terminate Parents’ parental rights to Child.

[18] Father testified and denied having a history of substance abuse or of using drugs, although he acknowledged that he “tried [methamphetamine] a couple of times” and takes a pain pill “once in a while” when his back hurts. *Transcript Vol. 2* at 82-83. When asked if he could be an effective parent while using drugs, he replied, “Weed, yeah. [] I don’t see what it hurts anything. I mean, it’s mostly legalized in most states.” *Id.* at 84. He explained that he was offered services and therapy by DCS to address drug use but did not participate “because [he] felt like [he] wasn’t the victim so [] shouldn’t have been the one to had [sic] to do it.” *Id.* at 83. He also agreed that, although he was aware that his parental rights could be terminated if he failed to comply with court-ordered services, he did not complete DCS screens and did not complete services to address parenting issues. He testified that he began seeing a therapist, Mary Posner, on his own after DCS no longer was required to provide services, but acknowledged that he told her he did not really need any help and went only because it “was recommended.” *Id.* at 87. Father presented evidence that, since being released from jail and beginning Community Corrections in July 2019, he had not tested positive for drugs and was compliant with GPS monitoring.

[19] Father testified that he had maintained stable housing during the proceedings and, regarding income and employment, he testified to receiving disability “off [his] dad” and that he had a “buy, sell, trade” business. *Id.* at 97. Father maintained that, as to his various other termination cases, he could always meet

the needs of his children but DCS “wouldn’t let me.” *Id.* at 108. He agreed that he had not complied with services in those cases either, but explained,

I just don’t like someone telling me how to raise my kid when they don’t have a kid, you know what I mean. It just kind of irritates me, you know what I mean. Somebody telling me how to raise my kid when they don’t even have one, you know. It’s kind of irritating.

Id. Mother testified that she was currently employed and was attending counseling. She also testified that she had maintained sobriety for the prior several months and presented evidence of negative screens since February 2020.

[20] On September 29, 2020, the juvenile court issued a twenty-one page termination order. Among other things, the court found that Mother and Father each had substantial history with DCS involvement, Mother expressed a desire to participate in services, and did participate in some, but continued to test positive for controlled substances, even immediately after completion of an inpatient program, and she continually denied using illegal controlled substances. The court’s many findings included:

37. There are concerns regarding Mother’s continued substance abuse. Mother never utilized additional resources to address her substance abuse after she completed inpatient treatment.

38. Mother failed to make meaningful progress towards the goals set forth in the service referrals.

39. Father failed to comply with the dispositional decree.

40. Father failed to participate in services referred by DCS.

41. Father failed to cooperate and exhibited hostility towards DCS and service provider personnel.

42. Father never addressed his substance abuse.

43. Father never submitted drug screens as ordered under the dispositional decree.

44. Father never completed a Substance Abuse Assessment.

45. Father never completed a Parenting Functioning Assessment.

46. Father only wanted to participate in visitation, but was never willing to participate in services to remedy the conditions that resulted in the Child's removal.

* * *

52. Father was combative, hostile, temperamental, and disruptive to the extent that it impeded the progression of the case, along with Mother's progress.

53. Father would often threaten the parties involved and there was significant safety concerns for this extremely inappropriate behavior.

54. Mother and Father were both referred to Life Spring Health Systems for therapeutic treatment. Mother and Father were both discharged from Life Spring Health Systems due to non-compliance and failure to initiate.

55. Mother and Father were ordered to participate in [P]arent [A]ide and supervised visitation to address parenting skills.

56. Father[] continued to exhibit patterns of concerning behavior and safety concerns during visitation.

57. Father would exhibit aggressive outburst[s] and failed to control his anger during visits and family team meetings.

* * *

74. Father did not make any effort to participate or work with Parent Aide to address concerns with parenting skills.

* * *

76. Mother has issues maintaining employment and never successfully obtained a driver's license.

Mother's Appendix at 16-18.

[21] The court recognized that after the July 2019 order and his release from jail, Father sought services from Posner but further observed:

104. Father disclosed to Dr. Posner that he “didn’t think he needed . . . help” and “didn’t perceive any problems.”

105. Progress in therapy has not been meaningful due to the lack of sessions, the lack of communication, and the difficulty of working with anyone who fails to recognize they have a problem.

106. Father “has no vested interest in therapy.”

107. Dr. Posner's Initial Intake/Assessment stated Father is only "seeking therapy because he is involved with Community Corrections and he thinks it will 'look good' if he is getting help." Exhibit E.

108. While Father is currently seeking therapeutic services, Father has never addressed parenting skills during his sessions with Dr. Posner.

109. Father has never addressed substance abuse during his sessions with Dr. Posner.

110. Father has never addressed anger management during his sessions with Dr. Posner.

Id. at 21-22. The court's findings recognized that Mother, beginning in November 2019, engaged in therapy at Life Spring for a period of time. However, the court found:

142. Mother and Father have recently achieved sobriety, however Mother and Father had not addressed the concerns involving their parenting skills or their marital relationship. The parents failed to follow Court Ordered Services and instead selectively have chosen their own services that do not fully address their issues.

* * *

145. Mother and Father have exhibited the same lack of commitment towards compliance with services throughout their extensive history of involvement with DCS.

146. Mother and Father are incapable of sustaining any progress made and therefore are incapable of providing appropriate long term care to provide the Child with permanency.

Id. at 25.

[22] The court concluded that the conditions that led to removal and continued placement outside the home would not be remedied and the continuation of the parent-child relationship poses a threat to Child's well-being. It also determined that termination was in Child's best interests and that DCS had a satisfactory plan, adoption, for Child. Father and Mother now appeal.

Discussion & Decision

I. Sufficiency of the Evidence

[23] When reviewing the termination of parental rights, we consider the evidence in the light most favorable to the prevailing party, and we will not reweigh the evidence or judge the credibility of the witnesses. *Matter of M.I.*, 127 N.E.3d 1168, 1170 (Ind. 2019). To prevail, the challenging party must show that the court's decision is contrary to law, meaning that the probative evidence and reasonable inferences point unerringly to the opposite conclusion. *Id.*

[24] Although parental rights are of constitutional dimension, the law provides for the termination of these rights when parents are unable or unwilling to meet their parental responsibilities. *In re R.H.*, 892 N.E.2d 144, 149 (Ind. Ct. App. 2008). In addition, a court must subordinate the interests of the parents to those of the child when evaluating the circumstances surrounding the termination. *In*

re K.S., 750 N.E.2d 832, 836 (Ind. Ct. App. 2001). The purpose of terminating parental rights is not to punish the parents, but to protect their children. *Id.*

[25] Before an involuntary termination of parental rights may occur in Indiana, DCS is required to allege and prove by clear and convincing evidence, 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[.]

Ind. Code § 31-35-2-4(b)(2)(B); Ind. Code § 31-37-14-2. DCS must also prove by clear and convincing evidence that termination is in the best interests of the child and that there is a satisfactory plan for the care and treatment of the child. I.C. § 31-35-2-4(b)(2)(C), (D); I.C. § 31-37-14-2.

[26] On appeal, Mother and Father assert that DCS failed to present clear and convincing evidence that the conditions resulting in Child's removal or the

reasons for placement outside the home would not be remedied² and that the continuation of the parent-child relationship posed a threat to Child's well-being. Mother also contends that DCS failed to show that termination is in Child's best interests, and Father claims that he was not afforded due process before his rights were terminated.

Conditions Not Remedied

[27] In deciding whether a reasonable probability exists that conditions will not be remedied, the trial court must judge a parent's fitness to care for her child at the time of the termination hearing, taking into consideration evidence of changed conditions. *In re J.T.*, 742 N.E.2d 509, 512 (Ind. Ct. App. 2001), *trans. denied*. The court must also evaluate the parent's habitual patterns of conduct to determine whether there is a substantial probability of future neglect or deprivation of the child. *Id.* "A pattern of unwillingness to deal with parenting problems and to cooperate with those providing social services, in conjunction with unchanged conditions, support a finding that there exists no reasonable probability that the conditions will change." *In re L.S.*, 717 N.E.2d 204, 210 (Ind. Ct. App. 1999), *trans. denied*. The statute does not simply focus on the initial basis for a child's removal for purposes of determining whether a parent's rights should be terminated, but also those bases resulting in the continued

² DCS urges that Father failed to directly challenge the court's failure-to-remedy determination and thus waived any claim concerning this conclusion. Because Father raises arguments – albeit in the context of his due process claim – that he remedied the conditions that led to Child's removal from and continued placement outside the home, we find he has not waived this challenge.

placement outside the home. *In re N.Q.*, 996 N.E.2d 385, 392 (Ind. Ct. App. 2013). DCS need not provide evidence ruling out all possibilities of change; rather, it need establish only that there is a reasonable probability the parent's behavior will not change. *In re Kay L.*, 867 N.E.2d 236, 242 (Ind. Ct. App. 2007).

[28] From Child's removal in October 2018 to the court's July 2019 order determining that no further services were required to be provided, Mother at times participated in *some* services, but she did not complete services or comply with the case plan. She continuously tested positive while maintaining that the results were inaccurate. Her employment was sporadic, and she never obtained her driver's license. She was discharged from some services for missed appointments. We acknowledge that Mother had obtained employment and she tested clean for several months before the termination hearings. However, we have held that "[w]here 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). Mother's recent progress does not overcome her history of drug use and failure to complete services.

[29] As to Father, he participated in *no* recommended or offered services, aside from some supervised visits, during the time that DCS was providing services to Parents. He refused drug screens, expressly stating that he was not going to stop smoking marijuana. He was uncooperative with DCS and, at times, was loud and volatile with angry outbursts at CTFMs, and his visitations were

reduced due to inappropriate behavior. He was arrested for aggravated battery in June 2019. Although from January to March 2020, he attended therapy on his own with Posner, he told her he was only doing it because it was recommended and would look good to DCS. Although he was testing clean for a year or so prior to the termination hearing, such is not necessarily telling as he was under the supervision of Community Corrections at the time.

[30] The trial court's determination that there is a reasonable probability that the conditions that resulted in Child's removal or the reasons for placement outside Parents' home will not be remedied is supported by clear and convincing evidence. Because I.C. § 31-35-2-4(b)(2)(B) is written in the disjunctive, we need not address their respective challenges to the trial court's determination that continuation of the parent-child relationship posed a threat to Child's well-being. *See K.E. v. Ind. Dep't of Child Servs.*, 39 N.E.3d 641, 646 n.4 (Ind. 2015).

Best Interests

[31] Mother asserts that the evidence was insufficient to support the trial court's determination that termination was in Child's best interests, suggesting that there was no evidence that it would be detrimental to Child to delay termination in order to give Mother a chance to maintain sobriety and participate in services.³ In making a best-interests determination, the trial court

³ Father does not challenge the court's determination that termination was in Child's best interest, and thus he has waived any challenge to that conclusion. *See* Ind. App. Rule 46(A)(8).

is required to look beyond the factors identified by DCS and consider the totality of the evidence. *In re J.C.*, 994 N.E.2d 278, 290 (Ind. Ct. App. 2013). The court must subordinate the interest of the parent to those of the children and need not wait until a child is irreversibly harmed before terminating the parent-child relationship. *McBride v. Monroe Cnty. Office of Family & Children*, 798 N.E.2d 185, 199 (Ind. Ct. App. 2003). Our Supreme Court has explained that “[p]ermanency is a central consideration in determining the best interests of a child.” *In re G.Y.*, 904 N.E.2d 1257, 1265 (Ind. 2009). “Moreover, we have previously held that the recommendations of the case manager and court-appointed 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.*, 906 N.E.2d 226, 236 (Ind. Ct. App. 2009).

[32] Considering the totality of the evidence before the court, we find no error in the court’s conclusion that termination was in Child’s best interest. Mother did not make progress in the eight months that DCS was providing services. Child had not lived with her since being removed ten days after he was born. DCS commended Mother on her recent efforts toward sobriety, and expressed hope that she would continue on that path, but the family case manager and CASA testified that permanency and termination was in Child’s best interests.

Sufficient evidence supports the trial court’s determination that termination of Mother’s parental rights is in Child’s best interests.⁴

II. Due Process

[33] Father asserts that he was not afforded due process before his parental rights were terminated. When seeking to terminate a parent-child relationship, the State must satisfy the requirements of the Due Process Clause of the Fourteenth Amendment to the United States Constitution. *In re S.L.*, 997 N.E.2d 1114, 1120 (Ind. Ct. App. 2013). Relevant here, a parent has a substantive due process right to raise his children, which means that DCS “must have made reasonable efforts to preserve and/or reunify the family unit.” *In re T.W.*, 135 N.E.3d 607, 615 (Ind. Ct. App. 2019), *trans. denied*.

[34] Here, Father argues that DCS focused almost exclusively on events that occurred before the June 26, 2019 order that determined DCS was no longer required to provide services to Parents. Father argues that it was highly prejudicial for DCS to “ignore the progress made by [Father] after . . . services from [DCS] ended.” *Father’s Brief* at 11. He urges that since July 2019, he has

⁴ In addition to challenging the best interest and conditions not remedied elements, Mother also asserts that a number of the court’s findings were not supported by the evidence and were clearly erroneous. A finding of fact is clearly erroneous when there are no facts or inferences drawn therefrom to support it. *In re Involuntary Termination of Parental Rights of S.P.H.*, 806 N.E.2d 874, 879 (Ind. Ct. App. 2004). We have reviewed Mother’s challenges and reject them, finding that they are either meritless (*e.g.*, challenging finding that Mother “failed to follow through with the recommendations from her substance abuse treatment and failed to maintain sobriety”), harmless (*e.g.*, whether it was amphetamine or methamphetamine that Mother tested positive for at the time of Child’s birth), or requests to reweigh the evidence (*e.g.*, challenging finding that “Mother failed to make meaningful progress towards the goals set forth in the service referrals”).

been providing clean screens through Community Corrections and that he sought therapy through Posner from January 2020 to March 2020, when Covid-19 restrictions forced him to discontinue services with her. He asserts, “It stands to reason [] that since July [] 2019 there would have been nothing that [he] could have done to remedy the conditions for removal” and “[t]his is a violation of [his] procedural due process rights.” *Id.* at 14. He further claims that he “has had his substantive due process rights to raise his child violated for practically the Child’s entire life” and “has not even had an opportunity to see his child since June, 2019[.]” *Id.*

[35] We reject Father’s arguments. Contrary to his claims that he lacked “opportunities,” he had many chances to take steps to remedy the conditions that led to continued placement outside the home, including services directed toward parenting skills, substance abuse, and anger management. He elected not to do any of them and, in July 2019, the court ordered that DCS was no longer required to provide services. Father’s claim that there was “nothing he could have done” after that July 2019 order is likewise without merit. After he was released from custody following his June 2019 arrest for aggravated battery, Father could have done more than pass his required Community Corrections drug tests. While he did attend some therapy sessions with Posner, he did not begin therapy until six or seven months after his release from jail, and he told her at the initial appointment that did not need help and was only coming because it would “look good.” *Exhibit Vol. 2* at 74. Posner indicated that Father’s progress was not meaningful due, in part, to lack of

communication and the difficulty of working with someone who fails to understand that they have a problem. This record does not reflect someone who was doing everything he could since July 2019 to show DCS that he wanted to reunify with Child. Father has not shown any violation of his due process rights. Indeed, Father's due process arguments are, effectively, requests to reweigh the evidence, which we will not do.

[36] The trial court's order terminating Parents' parental rights to Child was not clearly erroneous.

[37] Judgment affirmed.

Kirsch, J. and Weissmann, J., concur.