MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

In the Matter of the Involuntary Termination of the Parent-Child Relationship of: L.M. (Minor Child),

and

B.M. (Mother),

Appellant-Respondent,

v.

The Indiana Department of Child Services,

Appellee-Petitioner.

July 14, 2021

Court of Appeals Case No. 21A-JT-230

Appeal from the Vanderburgh Superior Court

The Honorable Renee Allen Ferguson, Magistrate

Trial Court Cause No. 82D04-2008-JT-1176

Tavitas, Judge.

Case Summary

[1] B.M. ("Mother") appeals from the termination of her parental rights to L.M. ("the Child"). Mother alleges the trial court abused its discretion in excluding certain evidence and she challenges the sufficiency of the evidence presented in support of the termination of her parental rights. We conclude that the trial court did not abuse its discretion by excluding the evidence at issue and that the Vanderburgh County Department of Child Services ("DCS") presented sufficient evidence to support the termination of Mother's parental rights. Accordingly, we affirm.

Issues

[2] Mother raises two issues on appeal, which we restate as follows:

I. Whether the trial court abused its discretion in excluding certain evidence.

II. Whether sufficient evidence supports the termination of Mother's parental rights.

Facts

[3] The Child was born to Mother and B.P. ("Father")[1] in October 2011. Mother has largely maintained primary physical custody of the Child since his birth. On April 8, 2019, an informant notified DCS that Mother was homeless and using methamphetamine. On April 10, 2019, DCS interviewed Mother, who admitted that she: (1) lacked permanent housing; (2) recently smoked methamphetamine; (3) suffered from unaddressed mental health conditions; and (4) had been living in her friend Amy Crabtree's one-bedroom apartment, in which the Child had no bed, for approximately one month. That day, DCS removed the Child from Mother's care due to her housing instability and substance abuse. At the time, Mother used marijuana daily. After the Child's removal, Mother used methamphetamine "every few days." Tr. Vol. II p. 17.

[4] On April 12, 2019, DCS filed a petition alleging that the Child was a child in need of services ("CHINS") due to Mother's unstable housing, ongoing substance abuse, and mental health issues. At the fact-finding hearing on the CHINS petition on May 1, 2019, Mother stipulated to the evidence presented by DCS. The trial court adjudicated the Child as a CHINS that day and placed the Child with maternal grandparents.[2] Pursuant to a parental participation agreement with DCS, filed with the trial court on May 29, 2019, Mother

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[1] Father, whose parental rights to the Child were also terminated in the proceedings below, did not participate in the CHINS matter and is not a party to this appeal.

[2] DCS opposed the Child's placement with maternal grandparents due to their DCS history and criminal history concerns.

agreed, in part, to: (1) abstain from drug and alcohol use; (2) present for random drug screens; (3) undergo a substance abuse evaluation and follow all recommendations; and (4) submit to psychiatric testing and evaluation. The trial court took under advisement DCS's request to order Mother to work with a parent aide.[3]

[5] In June 2019, Mother—who was still on probation for a 2017 felony conviction at the outset of the CHINS proceedings—committed additional criminal offenses. On June 8, 2019, the State arrested Mother for indecent exposure, disorderly conduct, public intoxication, and resisting law enforcement; she subsequently pleaded guilty to the charged offenses.[4] Also in June 2019, Southwest Behavioral Healthcare conducted dual mental health and substance abuse assessments of Mother and referred her to the Stepping Stone Matrix program ("Matrix"), an outpatient substance abuse program. Mother failed to appear for her appointments at Matrix on three occasions, and Matrix discharged Mother for noncompliance.

[6] The trial court conducted a CHINS dispositional hearing and, on August 7, 2019, entered a dispositional decree under which Mother was required to: (1) consult with a parent aide to address her housing instability, guide her into

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[3] Mother later requested the commencement of parent aide services; subsequently, however, she failed to attend sessions with the parenting aide.

[4] On March 5, 2020, Mother failed to appear for her criminal proceedings and was arrested on a bench warrant.

treatment, and assist with her transportation, housing, and employment issues; (2) undergo a psychiatric evaluation; (3) present for a substance abuse evaluation; (4) submit to random drug screens; (5) abstain from drug and alcohol use; (6) maintain open communication with DCS; (7) participate in supervised visits; and (8) notify DCS and the trial court of changes in her household.

[7] Mother continued to abuse illegal substances throughout the CHINS period.

> Mother tested positive for THC[5] on 6/18/2019, THC on 6/28/2019, MDA[6], MDMA[7], THC on 7/18/2019, Amphetamine, THC on 7/24/2019. Mother . . . went to Deaconess Cross Pointe on 6/25/2020, wh[ere] she tested positive for Meth[amphetamine], Amphetamine, [and] THC. She continued to test positive for substances at New Visions.

Mother's App. Vol. II p. 25. Mother subsequently refused to submit to drug screens. On August 26, 2019, DCS reported to the trial court that Mother: (1) failed to remain drug and alcohol free; (2) was noncompliant with the case plan, including random drug screens, DCS inspections, court-ordered therapy, and

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[5] Marijuana contains THC, "[a] mind-altering chemical *delta-9-tetrahydrocannabinol* (THC) and other related compounds." https://www.drugabuse.gov/drug-topics/marijuana (last visited June 24, 2021).

[6] Methylenedioxyamphetamine ("MDA"), also known as "Sally" or "sass," is a psychotropic and psychedelic amphetamine drug. https://en.wikipedia.org/wiki/3,4-Methylenedioxyamphetamine (last visited June 24, 2021).

[7] "[M]ethylenedioxy–methamphetamine (MDMA) is a synthetic drug that alters mood and perception (awareness of surrounding objects and conditions). It is more commonly called Ecstasy or Molly." https://www.drugabuse.gov/publications/drugfacts/mdma-ecstasymolly (last visited June 24, 2021).

parenting aide sessions; (3) refused to honor service providers' recommendations as ordered by the trial court; (4) rejected her obligations to live a law-abiding life; and (5) failed to maintain open communication with DCS.

[8] On September 13, 2019, DCS filed a verified petition for rule to show cause relating to Mother's noncompliance with service providers and her continuing substance abuse. *See* Tr. Vol. II p. 46 ("She was not attending any of her counseling sessions. She was not meeting with her therapist [and] her parent aide. She was not completing drug screens."). The trial court conducted a hearing on the verified petition for rule to show cause on October 15, 2019. Mother admitted to being noncompliant, and the trial court found she defied the court's order. The trial court afforded Mother additional time to comply with all trial court orders and took the contempt petition under advisement.

[9] On November 18, 2019, the State charged Mother with possession of marijuana; she subsequently pleaded guilty. On November 26, 2019, the trial court entered its ruling on the contempt petition and ordered Mother to serve ninety days in jail, suspended, and ordered her to complete inpatient and outpatient substance abuse treatment. Despite undergoing an assessment, Mother did not enroll in the program and remained largely noncompliant with services.

[10] In February 2020, DCS changed the permanency plan from reunification to guardianship with maternal grandparents. On March 3, 2020, DCS moved the

trial court to revoke Mother's previously-suspended ninety-day jail commitment. Following a hearing on June 24, 2020, the trial court sentenced Mother to thirty days, suspended, and released her from incarceration into substance abuse treatment. On June 25, 2020, during intake at Deaconess Cross Point, another drug treatment facility, Mother tested positive for methamphetamine, amphetamine, and THC. Mother did not complete treatment at Deaconess Cross Point. In all, Mother was either discharged as noncompliant or failed to follow through with recommendations issued by the following substance abuse-related service providers: Brentwood Springs, Matrix Program, Deaconess Cross Point, and New Visions.

[11] During the CHINS pendency, Mother was unable to demonstrate progress regarding housing. For approximately six months after the Child's removal, Mother resided with Crabtree. Mother then moved into her own apartment, but she was evicted within two months. Next, Mother lived with a boyfriend for approximately six months but subsequently moved into a domestic abuse shelter after her boyfriend battered her. From the shelter, Mother moved to Henderson, Kentucky, where she resumed living with Crabtree.[8]

[12] In July 2020, DCS again changed the permanency plan to place the Child in a pre-adoptive placement with maternal uncle and aunt. On July 8, 2020, Mother completed an intake session at New Visions, a substance abuse service

[8] Mother still resided with Crabtree in Kentucky at the time of the fact-finding hearing.

provider; she attended a July 2020 session and two August 2020 sessions. New Visions recommended that Mother should complete inpatient treatment; Mother did not comply. New Visions discharged Mother as noncompliant.

[13] On August 21, 2020, DCS filed a petition to terminate Mother's parental rights to the Child. The trial court conducted a fact-finding hearing on the petition for termination of parental rights on November 2, 2020. At the time of the fact-finding hearing, the Child was nine years old, and Mother was again living with Crabtree. On the witness stand, Mother acknowledged her long history of housing instability, recounting the various places in which she resided during the pendency. Mother also conceded that she had not completed inpatient substance abuse treatment as ordered.

[14] In additional testimony, Mother admitted that, after the Child's removal, she used methamphetamine "every few days". *Id*. at 17. She testified further that, during the CHINS period, she: (1) violated probation by testing positive for methamphetamine; (2) tested positive for methamphetamine, THC, and/or amphetamines numerous times; (3) refused to submit to court-ordered drug testing and to comply with court orders; (4) was discharged as noncompliant by her service providers for substance abuse and counseling; and (5) experimented with MDMA. Mother testified that, at the time of the fact-finding hearing, she had not resolved her housing instability or substance abuse issues; and she was still actively abusing drugs.

[15] At the close of the fact-finding hearing on the petition for termination of Mother's parental rights, Mother moved to hold the record open following the hearing to allow her to later introduce her records from New Visions. DCS had previously subpoenaed Mother's New Visions records and promised delivery to Mother upon receipt; however, as of the date of the fact-finding hearing, New Visions had yet to produce the requested documents to DCS. Counsel for DCS advised the trial court that DCS had yet to receive the New Visions records, which DCS requested on October 8, 2021. The trial court questioned Mother's counsel regarding his failure to independently subpoena New Visions for the records. Counsel did not justify his omission to the trial court's satisfaction,[9] and the trial court declined to hold open the record. *See* Tr. Vol. II p. 76 ("Regardless of whether those were records promised or not, I don't see that [counsel for Mother] took any affirmative steps to make sure those records would be here today or to obtain those records himself.").

[16] On February 2, 2021, the trial court entered its order, containing findings of fact and conclusions thereon, wherein the trial court terminated Mother's parental rights. Mother now appeals.

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[9] The following exchange ensued between counsel for Mother and the trial court:

> TRIAL COURT: Is there any reason, other than that you were relying upon DCS[,] that you didn't have your client go sign a release that you didn't have her go get those records yourself?
>
> [DEFENSE COUNSEL]: No, Your Honor.

See Tr. Vol. II p. 75.

Analysis

[17] 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. Indiana Dep't. of Child Serv., Dearborn Cnty. Off.,* 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 Matter of 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.

[18] 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.[10] Here, the

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[10] Indiana Code Sections 31-35-2-8(a) and (b), governing termination of a parent-child relationship involving a delinquent child or CHINS, provide as follows:

> (a) Except as provided in section 4.5(d) of this chapter, if the court finds that the allegations in a petition described in section 4 of this chapter are true, the court shall terminate the parent-child relationship.

trial court did enter findings of fact and conclusions thereon in granting DCS's petition to terminate Mother'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.*

[19] 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.

(b) If the court does not find that the allegations in the petition are true, the court shall dismiss the petition.

(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. *In re V.A.*, 51 N.E.3d 1140, 1144 (Ind. 2016).

I. Excluded Evidence

[20] Mother argues the trial court abused its discretion in denying her counsel's request "to keep the record open to allow admission of Mother's most recent treatment and drug test results which had been subpoenaed but not yet received from the provider." Mother's Br. p. 14. Mother suggests the trial court, thereby, failed to adequately consider evidence of Mother's current conditions at the time of the fact-finding hearing.

[21] The admission or exclusion of evidence is entrusted to the sound discretion of the trial court. *K.L. v. E.H.*, 6 N.E.3d 1021, 1030 (Ind. Ct. App. 2014). Accordingly, evidentiary rulings of a trial court are afforded great deference on appeal and are overturned only for a showing of an abuse of discretion. *In re*

S.L.H.S, 885 N.E.2d 603, 614 (Ind. Ct. App. 2008). "We will find an abuse of discretion if the trial court's decision is against the logic and effect of the facts and circumstances before the court." *Id*. If a trial court abuses its discretion in making an evidentiary ruling, we will reverse only if the trial court's error is inconsistent with substantial justice or if a substantial right of the party is affected. *K.L.*, 6 N.E.3d at 1030; *see* Ind. Evidence Rule 103(a) ("Error may not be predicated upon a ruling which admits or excludes evidence unless a substantial right of the party is affected.").

[22] Indiana Trial Rule 61 provides as follows:

> No error in either the admission or the exclusion of evidence and no error or defect in any ruling or order in anything done or omitted by the court or by any of the parties is ground for granting relief under a motion to correct errors or for setting aside a verdict or for vacating, modifying or otherwise disturbing a judgment or order or for reversal on appeal, unless refusal to take such action appears to the court inconsistent with substantial justice. The court at every stage of the proceeding must disregard any error or defect in the proceeding which does not affect the substantial rights of the parties.

See also Ind. Appellate Rule 66(A). Also, "improper admission of evidence is harmless error when the judgment is supported by substantial independent evidence to satisfy the reviewing court that there is no substantial likelihood that the questioned evidence contributed to the judgment." *In re E.T.*, 808 N.E.2d 639, 645-46 (Ind. 2004).

[23] It is difficult, here, to imagine how the introduction of the New Visions records could aid Mother's case. At the fact-finding hearing, she testified that New Visions discharged her from services for noncompliance. If anything, the "excluded" records would lend further credence to DCS's key contention that Mother failed to comply with or demonstrate meaningful progress toward the DCS case plan objectives. Moreover, even if the record was held open and the New Visions records were admitted, there was sufficient evidence, outside of the "excluded" records, to support the termination of Mother's parental rights. For these reasons, we conclude that error, if any, by the trial court was harmless. *See id*.

II. Sufficiency of the Evidence

A. Remedied Conditions

[24] Next, we turn to Mother's contention that the trial court's conclusion that the conditions that resulted in the Child's removal or the conditions or placement outside the home will not be remedied is clearly erroneous.[11] "In determining whether 'the conditions that resulted in the [the Children'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

[11] Because Indiana Code Section 31-35-2-4(b)(2)(B) is written in the disjunctive, DCS needed to prove only one of the requirements of subsection (B). We conclude there is sufficient evidence of a reasonable probability that the conditions resulting in the Child's removal from Mother's care would not be remedied, and we need not address whether there is sufficient evidence that continuation of the parent-child relationship posed a threat to the Child. *See A.D.S. v. Ind. Dep't of Child Services,* 987 N.E.2d 1150, 1158 n.6 (Ind. Ct. App. 2013), *trans. denied.*

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

[25] Although Mother challenges certain findings of the trial court as "conclusionary" and "exaggerations of the evidence", *see* Mother's Br. pp. 19, 22, she concedes that other findings of the court were supported by the record. *See* Mother's Br. p. 18 ("Mother does not dispute that the evidence supports the trial court's findings that she failed to complete services designed to address her mental health and substance abuse issues."). To the extent that Mother does not challenge certain findings of the trial court, Mother has waived any arguments relating to the unchallenged findings. *See In re S.S.,* 120 N.E.3d 605, 614 n.2 (Ind. Ct. App. 2019) (explaining that this Court will accept unchallenged trial court findings as true).

[26] Mother does not dispute the following findings[12]:

> 4. Mother did submit to a mental health evaluation at Cross Pointe and did submit to a substance abuse evaluation at Stepping Stone. Substance abuse treatment was recommended, and Mother began substance abuse treatment in the Matrix program, but failed to successfully complete it.
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> * * * * *
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> 6. [ ] On October 15, 2019, DCS filed a motion for a rule to show cause as to why Mother should not be held in contempt. Mother was given the chance to improve her participation, and the contempt was re-set to November 26, 2019. At the November hearing, Mother was held in contempt as a result of her refusal to complete substance abuse treatment and failure to maintain sobriety; Mother was given the opportunity to purge herself of the contempt by seeking inpatient treatment. Mother failed to seek inpatient treatment and failed to appear for her next court hearing in March[ ] 2020. A writ was issued for Mother, visits with the child were suspended due to the writ; and Mother was arrested on the writ on June 12, 2020. The Court ordered Mother to once again participate in substance abuse treatment, but Mother failed to successfully complete it.

Mother's App. Vol. II pp. 9-10.

[27] The foregoing findings, which we accept as true, establish Mother's failure to remedy her ongoing substance abuse. The trial court ordered Mother to

[12] Because Mother disputes some portions of findings C5 and C6, we have only quoted the language that Mother has explicitly stated is not in dispute.

undergo a substance abuse assessment and to follow all ensuing recommendations. Mother's assessment yielded recommendations that she undergo inpatient and outpatient treatment. During the CHINS pendency, Mother failed multiple drug tests and was discharged for noncompliance by multiple drug treatment service providers. At the fact-finding hearing on the petition for termination of Mother's parental rights, conducted nineteen months after the inception of the CHINS matter, Mother testified that she was still abusing drugs and that she smoked marijuana the day before the fact-finding hearing. Mother also conceded that she had not completed substance abuse treatment as ordered, *see* Tr. Vol. II p. 23, and stated she was "not a hundred percent sure" she required treatment. *Id*. at 17.

[28] Additionally, DCS thoroughly documented the extent of Mother's ongoing housing instability and presented evidence that Mother moved at least five times during the nineteen-month CHINS period. At the time of the fact-finding hearing, Mother was again living with Crabtree—this time, in Henderson, Kentucky—where Mother moved without informing DCS. The record amply supports the trial court's finding that "Mother never secured stable housing during the approximately eighteen months [of] the underlying CHINS case . . . ." Mother's App. Vol. II p. 9. Based on the foregoing evidence, we find that the trial court's conclusion that the conditions that resulted in the Child's removal will not be remedied is not clearly erroneous.

B. Best Interests

[29] Mother also contends that DCS failed to prove, by clear and convincing evidence, that termination of her parental rights was in the Child's best interests. In 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. Indiana Dep't of Child Servs.*, 108 N.E.3d 895, 903 (Ind. Ct. App. 2018), *trans. denied*. In so doing, 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.*

[30] Here, CASA Tony Winkler testified that, at their first meeting the Child "had some anxieties" and "[was] worried about where he was gonna [sic] live." Tr. Vol. II p. 64. By the time of the fact-finding hearing, CASA Winkler acknowledged that the Child "seems happy[.]" *Id*. at 64. CASA Winkler also testified: "[the Child] needs the stability"; "[h]e needs to know what's gonna [sic] happen with him"; and "[h]e is a child that really needs structure." *Id*. at 66. Additionally, FCM Laura Stone testified as follows regarding what was in the Child's best interests:

> This child has been out of the home since April of 2019. As with any child, he needs stability, he needs consistency, he needs sober care givers [sic]. He needs to have adults in his life that he can depend on. He needs to have a safe and stable place to lay his head and to know where he's going to lay his head at every night and not worry about where he's going next.

Id. at 60-61.

[31] Although Mother loves the Child and desires to continue to parent him, the Child should not have to wait any longer for Mother to prioritize addressing her housing instability and substance abuse issues. Mother was given ample support, resources, and latitude to do so and was either unwilling or unable to demonstrate substantial progress. *See K.T.K.*, 989 N.E.2d at 1235 ("A trial court need not wait until a child is irreversibly harmed such that his [ ] physical, mental, and social development is permanently impaired before terminating the parent-child relationship."). Mother's lack of consistency and progress on the case plan objectives is antithetical to the Child's sense of permanency. *See* Tr. Vol. II p. 47 (FCM Stephen DeCosta testified, "There were periods of consistency followed by long periods of inconsistency with her."). Given the totality of the evidence, we cannot say the trial court's conclusion that termination of Mother's parental rights is in the Child's best interest is clearly erroneous.

C. Satisfactory Plan

[32] Lastly, Mother alleges that DCS failed to prove, by clear and convincing evidence, that there is a satisfactory plan for the care and treatment of the

Child. She maintains that reunification, guardianship with maternal uncle and aunt, or placement with her friend, Kelly McCloud, are preferrable to DCS's plan for adoption. It is well-settled that "DCS must provide sufficient evidence there is a satisfactory plan for the care and treatment of the child." *In re J.C.,* 994 N.E.2d 278, 290 (Ind. Ct. App. 2013) (citing Ind. Code § 31-35-2-4(b)(1)(D)), *reh'g denied.* The plan need not be detailed, provided it offers a general sense of the path ahead for the child, upon termination of the parent-child relationship. *Id.* This Court has long held that adoption is a satisfactory plan. *See, e.g., Lang v. Starke Cnty. Off. of Fam. & Child.*, 861 N.E.2d 366, 375 (Ind. Ct. App. 2007), *trans. denied*.

[33] Here, citing the Child's need for stability and structure, FCM DeCosta,[13] FCM Stone, and CASA Winkler testified that adoption is the most appropriate plan of care for the Child because the Child has bonded with his maternal uncle and aunt and is thriving in school and sports. We find that DCS proved it had a satisfactory plan for the care and treatment of the Child. *See id*. Accordingly, we conclude that the trial court's finding on this issue is not clearly erroneous.

Conclusion

[34] Any error from the trial court's refusal to hold the record open for the introduction of Mother's desired records was harmless error. Sufficient

[13] FCM DeCosta testified that, before he transferred off the case, he was also in favor of guardianship.

evidence supports the termination of Mother's parental rights to the Child. We affirm.

[35] Affirmed.

Najam, J., and Pyle, J., concur.