

## MEMORANDUM DECISION

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## IN THE COURT OF APPEALS OF INDIANA

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In the Termination of the Parent-Child Relationship of:

R.M., C.M., P.M., & J.M.  
(Minor Children)

And

M.M. (Mother) and R.D.  
(Father),

*Appellants-Respondents,*

v.

Indiana Department of Child  
Services,

*Appellee-Petitioner.*

December 28, 2022

Court of Appeals Case No.  
22A-JT-1362

Appeal from the Howard Circuit  
Court

The Honorable Lynn Murray,  
Judge

Trial Court Cause Nos.  
34C01-2112-JT-497, 34C01-2112-  
JT-498, 34C01-2112-JT-499, &  
34C01-2112-JT-500

**Riley, Judge.**

## **STATEMENT OF THE CASE**

[1] Appellants-Respondents, R.D. (Father) and M.M. (Mother), appeal the trial court's Order, terminating their parental rights to their minor children, R.M., C.M., P.M., and J.M. (collectively, Children).

[2] We affirm.

## **ISSUE**

[3] In this consolidated appeal, Father and Mother present this court with one issue, which we restate as: Whether the trial court's Order terminating their parental rights is clearly erroneous.

## **FACTS AND PROCEDUAL HISTORY**

[4] Mother and Father (collectively, Parents) are the parents of R.M., born March 29, 2016, C.M., born March 28, 2017, P.M., born February 27, 2018, and J.M., born March 24, 2020.<sup>1</sup> Father served a three-year sentence from 2012 to 2015 for a methamphetamine possession conviction. Prior to the instant proceedings, Mother had two previous interactions with the Indiana Department of Child Services (DCS). The first was in 2013 when one of

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<sup>1</sup> The termination petitions and the trial court's termination Order named Father as an alleged father of Children. At the time of the filing of the termination petitions, separate paternity proceedings had been instituted regarding the three younger Children. On appeal in this matter, Father does not contest his paternity of Children.

Mother's older children tested positive for methamphetamine and marijuana at birth, and the second was in 2016 when Mother tested positive for methamphetamine and she admitted to using methamphetamine while R.M. was in her care. DCS became involved with this family in the instant case on December 12, 2020, when it received a report that Parents were neglecting Children and that law enforcement was serving a search warrant at their home. When DCS Family Case Manager Brianne Hensley (FCM Hensley) arrived at Parents' home to investigate, Parents were in the process of being arrested because methamphetamine, Suboxone, marijuana, and paraphernalia containing fentanyl residue were found in their home while Children were present. Parents were taken into custody and were subsequently both charged with Level 6 felony methamphetamine possession, Class A misdemeanor possession of a controlled substance, and marijuana possession, with Father's charge as a Class A misdemeanor and Mother's as a Class B misdemeanor. FCM Hensley spoke with Parents at the Howard County Jail. Father stated that he did not know there was methamphetamine in the home, and Mother claimed that the methamphetamine belonged to Mother's father. Parents denied current methamphetamine use but admitted to using marijuana and Suboxone.

[5] Children were removed from Parents' care, as Parents were in jail and there was no suitable caregiver available for Children. On December 14, 2020, DCS filed a petition alleging that Children were children in need of services (CHINS). On February 8, 2021, Parents appeared and stipulated to Children's

CHINS. According to the pre-dispositional report filed on February 26, 2021, which the trial court entered as evidence in support of its CHINS determination, Mother tested positive for methamphetamine ten times and missed one screen after the filing of the CHINS petitions. During the same period, Father was drug tested seventeen times and tested positive for THC each time but one. On March 8, 2021, the trial court issued the CHINS dispositional order in which it directed Parents to cooperate with DCS and its service providers, participate in supervised parenting time contingent on negative drug screens, complete a parenting evaluation and follow its recommendations, refrain from the use of drugs and alcohol, submit to random drugs screens with any unexcused failure to test being deemed a failed test, and complete a substance abuse assessment and follow its recommendations. The trial court directed that before Children could be placed with Father, he was required to provide drugs screens that were negative for THC/marijuana, to find adequate childcare, and to demonstrate that Mother was not living in the home. Mother was ordered to participate in the Howard County Family Recovery Court to help address her substance abuse and to follow all the Recovery Court's rules and recommendations.

[6] Before the trial court entered its dispositional orders, DCS had referred Parents to homebased services to address their substance abuse, housing, and parenting skills. Parents met with homebased services provider and visitation supervisor Jason Rayl (Rayl) late in December 2020. At the beginning of the case, Parents expressed a desire to engage in services and a willingness to do what was

necessary to achieve reunification with Children. In January 2021, Parents completed a substance abuse assessment at Four Corners. Mother was recommended to attend a substance abuse group and to undergo a psychiatric evaluation, and Father was recommended to attend intensive out-patient treatment and 12-step recovery meetings. Parents did not follow through on any of these recommendations. Parents' participation in homebased services, drugs screening, and supervised visitation waned through February until Parents completely stopped engaging in April 2021.

[7] On April 15, 2021, Father was arrested and charged with Level 6 felony operating a vehicle while intoxicated. On April 19, 2021, Mother was discharged from Recovery Court for inconsistent drugs screens, drugs screens which were positive for methamphetamine, and non-attendance. Because she was no longer drug screening, Mother's last parenting time with Children was in April 2021. Mother's last random drug screen, which was positive for methamphetamine, was on May 7, 2021. Father felt that parenting time without Mother was too stressful, so he discontinued his supervised parenting time also. On June 7, 2021, the trial court held a review hearing at the conclusion of which it entered an order that provided that the case goal was reunification of Children with Parents with a concurrent plan of adoption. Court Appointed Special Advocate Rachel Meehan (CASA Meehan) was appointed in June 2021 to represent Children's interests.

[8] In July 2021, Father started drug screening again, and after DCS entered an additional referral for supervised parenting time, Father recommenced

supervised parenting time with Children when he provided negative screens. In July 2021, Father twice tested positive for methamphetamine. Father frequently also tested positive for marijuana, so his parenting time with Children was inconsistent. DCS made an additional referral for homebased services. Starting at the end of August 2021, Parents re-engaged with homebased services, but neither Father nor Mother undertook any substance abuse treatment.

[9] On November 30, 2021, DCS filed its petitions to terminate Parents' rights to Children. Between the initial hearing for the termination petitions on December 6, 2021, and the previous review hearing on August 30, 2021, Father tested positive for methamphetamine on four occasions and continued to consistently test positive for THC. Father felt that the DCS drug screens were faulty and demanded a hair follicle test, which also produced a positive test result for methamphetamine and THC. In December 2021, Father contacted Turning Point, a non-DCS service provider, seeking substance abuse recovery support. On December 14, 2021, Father did an assessment at Turning Point and reported being addicted to Suboxone and to using methamphetamine and marijuana. Father made an appointment to start therapy but did not appear for his January 1, 2022, appointment. In February 2022, Father attended three sessions with Turning Point peer recovery coach, Mickey Turbin (Turbin). These three meetings were to build rapport and did not result in any recovery plan for Father. Father never reached out to Turbin for advice or support. Mother also completed an assessment through Turning Point and had begun

monthly online treatment with a psychiatrist and weekly online therapy. In January 2022, Parents began attending online recovery meetings through Lion Rock Community, a non-DCS provider, and attended other online 12-step meetings.

[10] The trial court held fact-finding hearings on February 28, March 14, and March 21, 2022. Father last tested positive for methamphetamine on January 5 and January 7, 2022. After his last DCS drug screen that tested positive for methamphetamine, Father refused to submit to additional DCS drug screens. Father drug tested through his Suboxone provider and continued to test positive for marijuana. Mother was offered, but refused, a drug screen at a February 18, 2022, DCS meeting. Parents contended, without providing any evidence, that their positive screens for methamphetamine were the result of DCS's designated drug testing company tampering with their drug tests.

[11] Parents' homebased services provider since the beginning of the CHINS proceedings, Rayl, testified that Parents had made adequate progress towards some goals, such as housing and employment, but that Parents spent a good deal of time and energy voicing their opinion that DCS should not be involved with Children. Rayl felt that, while Mother seemed contrite and open to change, Father never accepted that his conduct had caused DCS's involvement or that he needed assistance to address his substance abuse. Rayl expressed the opinion that he never felt during his time with the family that Parents would remedy the conditions that resulted in Children's removal from their care. Father's recovery coach, Turbin, testified that Father was at the very beginning

of his substance abuse recovery work. CASA Meehan and FCM Hensley both testified that termination of Parents' rights to Children was in Children's best interests due to Parents' failure to be accountable for DCS's involvement and their failure to maintain a drug-free lifestyle. CASA Meehan stressed that Children's best interests were served by achieving permanency through adoption and that Children had waited long enough for Parents to remedy the reasons for Children's removal.

[12] Parents were still living together at the time of the termination fact-finding hearings. Mother's trial for the December 2020 drug charges was set for April 12, 2022. Mother testified that, as of the last hearing, she had been sober for 103 days. Mother acknowledged that she understood what was expected of her during the CHINS proceedings but that she had made the decision not to drug screen which had resulted in her not having parenting time with Children. Father testified that he had reached a plea agreement with the State to resolve both the December 2020 drug charges and his April 2021 Level 6 felony operating while intoxicated charge, but no evidence was presented that Father's plea agreement included a sentencing recommendation. Father admitted that he had an issue with marijuana but denied any methamphetamine use since 2012. Father testified that he was aware that the CHINS dispositional orders required him to submit to drug screens that were free of THC in order to have parenting time with Children. Father had last visited with Children in December 2021.

[13] By the time of the termination fact-finding hearings, P.M. and J.M. had been in one foster care placement, where, according to CASA Meehan, they were doing “very well” and were “content.” (Transcript Vol. II, p. 174). J.M. was addressing developmental delays through Head Start and First Steps.

Throughout the CHINS and termination proceedings, R.M. and C.M. had been in six different foster care placements. Some of these placement modifications were due to the placements being only of a planned, limited duration, and some of the modifications were caused by R.M.’s and C.M.’s behavioral issues. R.M. and C.M. were in therapy, were making progress on their behavioral issues, and were attending school. All the Children were learning to live with a routine. Both of Children’s foster care families were pre-adoptive.

[14] On May 16, 2022, the trial court entered its Order, terminating Parents’ rights to Children. The trial court entered detailed findings of fact consistent with the aforementioned facts. The trial court concluded that there was a reasonable likelihood that the conditions that resulted in Children’s removal from Parents would not be remedied, that there was a reasonable probability that the continuation of Parents’ relationship with Children posed a threat to Children’s well-being, that termination of Parents’ rights to Children was in Children’s best interests, and that DCS had a satisfactory plan for Children’s care and treatment, namely, adoption.

[15] Parents now appeal. Additional facts will be provided as necessary.

## DISCUSSION AND DECISION

### I. *Standard of Review*

[16] Parents appeal the trial court's Order, terminating their parental rights to Children. Our supreme court has enunciated the standard of review applicable to such matters as follows:

We affirm a trial court's termination decision unless it is clearly erroneous; a termination decision is clearly erroneous when the court's findings of fact do not support its legal conclusions, or when the legal conclusions do not support the ultimate decision. We do not reweigh the evidence or judge witness credibility, and we consider only the evidence and reasonable inferences that support the court's judgment.

*Matter of Ma.H.*, 134 N.E.3d 41, 45 (Ind. 2019) (cleaned up). A trial court's findings of fact are only clearly erroneous if there is no evidence or reasonable inferences from the evidence in the record to support them. *X.S. v. Ind. Dep't of Child Servs.*, 117 N.E.3d 601, 605 (Ind. Ct. App. 2018). For purposes of our review, we take any uncontested factual findings as true. *Matter of C.C.*, 170 N.E.3d 669, 675 (Ind. Ct. App. 2021) (relying on *In re S.S.*, 120 N.E.3d 605, 614 (Ind. Ct. App. 2019), and holding that the mother had waived any arguments relating to the trial court's factual findings which she had failed to challenge as being clearly erroneous).

## II. *Factual Findings*

[17] Father does not challenge the evidence supporting the trial court’s factual findings. However, Mother contests three of the trial court’s factual findings, the first of which is as follows:

48. After DCS filed the petitions to terminate parental rights, in January 2022, [] Parents began online substance abuse recovery meetings through Lion [R]ock Recovery, rather than participate in [in-]person treatment as recommended by the assessments from DCS providers. In the view of the [c]ourt, the effectiveness of online substance abuse recovery classes for [] Parents in maintaining long term sobriety is questionable at best.

(Mother’s App. Vol. II, p. 67). Mother argues that this finding was unsupported because “no evidence was presented regarding the efficacy of any one particular drug treatment program over another.” (Mother’s Br. p. 17). However, the trial court’s finding reflects its reasoning for why it did not accord more weight to the evidence of Mother’s participation in online recovery. It is the trial court’s function to weigh the evidence before it, and we do not second-guess that weighing as part of our review. *Matter of Ma.H.*, 134 N.E.3d at 45. However, even if this particular finding was unsupported, any error was harmless because, as set forth in more detail below, the trial court was entitled to discount Mother’s recovery efforts due to their timing regardless of their quality, and other evidence amply supported the trial court’s termination judgment. *See In re O.G.*, 159 N.E.3d 13, 19 (Ind. Ct. App. 2020) (concluding that the trial court’s unsupported findings did not constitute reversible error

where there was still sufficient evidence to support the trial court's ultimate conclusions), *trans. denied*.

[18] Next, Mother challenges the trial court's findings Nos. 50 and 55:

50. The reason for [] Children's removal from their Parents and DCS involvement is [] Parents['] use of illegal controlled substances while being responsible for the care of four young children. Despite services being offered through the CHINS cases for substance abuse treatment, [] Parents choose not to participate in those services and have continued to use illegal drugs.

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55. The [c]ourt finds that DCS has made reasonable efforts to reunify [Parents with Children].

(Mother's App. Vol. II, p. 68). Mother contends these findings were unsupported because, at one of the fact-finding hearings, FCM Hensley did not remember what substance abuse services Four Corners had recommended for Mother, Mother was allowed to seek out her own substance abuse treatment, DCS did not refer Mother to substance abuse treatment, DCS did not accept Mother's employer drug screens, and Father's DCS drug screen results were sometimes delayed. However, Four Corners' treatment recommendations for Mother to attend group therapy and to participate in a mental health evaluation were included in the exhibits admitted at the fact-finding hearings, and DCS referred Mother to Four Corners and homebased services to address her substance abuse. FCM Hensley testified that Mother never requested

additional services such as in-patient treatment. The facts that Mother sought out her own substance abuse treatment and offered her employer drug screen results to DCS do not undercut the trial court's finding that Mother failed to participate in DCS-referred substance abuse treatment, including random drug screens through DCS. In addition, any difficulty Father had obtaining DCS drug screen results is not relevant to Mother's argument. *See S.S.*, 120 N.E.3d at 610 (observing that in consolidated termination proceedings, we assess the evidence as it pertains to each parent individually). Therefore, these findings are not clearly erroneous. *X.S.*, 117 N.E.3d at 605 (holding that findings are only clearly erroneous when there is no evidence in the record to support them).

### III. *Conclusions Supporting Termination of Rights*

[19] As the United States Supreme Court and the Indiana Supreme Court have reiterated many times, parents' right to raise their children is "perhaps the oldest of the fundamental liberty interests." *Matter of Bi.B.*, 69 N.E.3d 464, 466-67 (Ind. 2017) (quoting *Bester v. Lake Cnty. Office of Family & Children*, 839 N.E.2d 143, 147 (Ind. 2005), in turn quoting *Troxel v. Granville*, 120 S.Ct. 2054, 2060 (2000)). However, the traditional right of parents to raise their children, although cherished and protected, is not absolute, and that right may be terminated when parents are unable or unwilling to meet their parental responsibilities. *In re N.G.*, 51 N.E.3d 1167, 1169 (Ind. 2016). Termination of parental rights is an extreme sanction that is intended as a "last resort" and is available only when all other reasonable efforts have failed. *C.A. v. Ind. Dep't of Child Servs.*, 15 N.E.3d 85, 91 (Ind. Ct. App. 2014). As such, before a

termination of parental rights is merited, our legislature has required DCS to allege and prove certain facts by clear and convincing evidence, including that one 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 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.

Ind. Code § 31-35-2-4(b)(2)(B)(i-ii). In addition to these facts, DCS must also prove 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). Parents both challenge the trial court's conclusions regarding their remediation of the conditions that resulted in Children's removal, their continued relationship with Children posing a threat, and termination being in Children's best interests. In addition, Father challenges the trial court's conclusion that a satisfactory plan for Children's care existed.

#### *Conditions Resulting in Children's Removal*

[20] When reviewing a trial court's determination that there is a reasonable probability that the conditions that resulted in a child's removal or the reasons for continued placement outside the home will not be remedied, we engage in a two-step analysis. *Matter of J.S.*, 133 N.E.3d 707, 715 (Ind. Ct. App. 2019) (citing *In re E.M.*, 4 N.E.3d 636, 643 (Ind. 2014)). First, we must identify the

conditions that led to removal; second, we determine whether the evidence supports the trial court's conclusion that there is a reasonable probability that those conditions will not be remedied. *Id.* When engaging in the second step of this analysis, a trial court must judge a parent's fitness as of the time of the termination hearings, taking into account evidence of changed conditions, and balancing any recent improvements against habitual patterns of conduct to determine whether there is a substantial probability of future neglect or deprivation. *Id.* This delicate balance is entrusted to the trial court, and a trial court acts within its discretion when it weighs a parent's prior history more heavily than efforts made only shortly before termination. *Id.* Requiring a trial court to give due regard to changed conditions does not preclude it from finding that parents' past behavior is the best predictor of their future behavior. *Id.* When assessing whether a parent will remediate the conditions that resulted in removal, a trial court may properly consider the parent's prior criminal history, drug and alcohol abuse, and history of neglect, among other factors. *McBride v. Monroe Cnty. Office of Family and Children*, 798 N.E.2d 185, 199 (Ind. Ct. App. 2003).

[21] Here, Children were removed and continued to be placed outside Parents' care due to Parents' substance abuse. Father has served a sentence in the Department of Correction for a methamphetamine possession offense, and Mother has had previous involvement with DCS due to her methamphetamine abuse. Parents were initially compliant with DCS, submitting to a substance abuse assessment and drug screens which, at times, allowed them to exercise

supervised parenting time with Children. However, just months after starting services, Parents' engagement waned, and by April 2021, Parents were not engaging in any DCS services and, thus, were not exercising parenting time. Although Parents re-engaged with homebased services in August 2021, neither Mother nor Father ever undertook any DCS-referred substance abuse treatment and repeatedly denied that DCS should be involved with Children at all. From December 2020 to May 7, 2021, when Mother stopped submitting to DCS drug screening, she repeatedly tested positive for methamphetamine. On November 30, 2021, DCS filed its petitions to terminate Parents' rights. On February 18, 2022, Mother refused a DCS drug screen when it was offered to her. Throughout the CHINS and termination proceedings, Father tested positive for methamphetamine on nine occasions, the last two being on January 5 and January 7, 2022, the month before fact-finding began in the termination proceedings. Thus, throughout the CHINS proceedings and well after DCS had filed its termination petitions, Parents continued to struggle with methamphetamine abuse. In light of this evidence, we conclude that the trial court's conclusion on this factor was not clearly erroneous.

[22] Parents' challenges to this conclusion comprise three basic contentions, namely (1) that they were good parents and providers, (2) they had remedied their substance abuse issues by the time of the termination fact-finding hearings, and (3) they had been promised by FCM Hensley that, if they made progress in the three months after the termination petitions were filed, the petitions would be dismissed. Regarding their first argument, Parents stress evidence in the record

that they were bonded with Children and had good parenting skills, that they were both employed by the end of the termination case, and that, after being initially evicted from the home where they were arrested on December 12, 2020, they were allowed back and had been able to stay there. However, this argument is not persuasive, as Parents' parenting skills, lack of employment, and lack of appropriate housing were not the initial and primary reasons for Children's removal and continued placement outside Parents' care. As to the argument that they had remedied their substance abuse issues, while Parents' efforts to pursue sobriety are commendable, they did not begin addressing their substance abuse until after DCS filed its termination petitions. The time for parents to improve the conditions that resulted in removal is during the CHINS proceedings, prior to the filing of the termination petitions. *Prince v. Ind. Dep't Child Servs.*, 861 N.E.2d 1223, 1230 (Ind. Ct. App. 2007) (observing that the termination statutes do not require a trial court to give a parent additional time to meet his or her obligations under a parental participation plan). The trial court acted within its discretion when it discounted Parents' recent efforts at sobriety made after the termination petitions were filed in light of Parents' history of substance abuse and lack of participation in DCS substance abuse services in reaching its conclusion on this factor. *See K.T.K. v. Ind. Dep't of Child Servs.*, 989 N.E.2d 1225, 1234 (Ind. 2013) (concluding that the trial court "was within its discretion to disregard the efforts Mother made only shortly before termination and to weigh more heavily Mother's history of conduct prior to these efforts") (quotation omitted). Parents' last argument that they were promised that the termination petitions would be dismissed if they made

progress is based on the faulty premise that they had demonstrated progress. However, within the three months after the filing of the termination petitions, Mother refused to take a DCS drug screen which she knew meant it would be deemed a positive screen, and Father tested positive for methamphetamine twice. The point of undergoing substance abuse treatment is to make real change, and “simply going through the motions of receiving services alone is not sufficient if the services do not result in the needed change[.]” *In re J.S.*, 906 N.E.2d 226, 234 (Ind. Ct. App. 2009). Parents’ arguments are essentially a request that we reweigh the evidence before the trial court and that we reassess their credibility, all of which is contrary to our standard of review. *Ma.H.*, 134 N.E.3d at 45. Accordingly, we find no clear error in the trial court’s determination on this statutory factor.<sup>2</sup>

#### *Best Interests*

[23] Our supreme court has recently summarized the nature of the ‘best interests’ determination as follows:

Deciding whether termination is in children’s best interests is perhaps the most difficult determination the trial court must make. To make this decision, trial courts must look at the totality of the evidence and, in doing so, subordinate the parents’ interests to those of the children. Central among these interests is children’s need for permanency. Indeed, children cannot wait

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<sup>2</sup> Given our conclusion that the trial court’s ‘conditions’ conclusion was supported by the evidence and the fact that section 31-35-2-4(b)(2)(B) is written in the disjunctive, we need not address the evidence supporting the ‘threat’ factor. *See Bester*, 839 N.E.2d at 153 n.5 (noting that DCS is required to prove either of the factors listed in section 31-35-2-4(b)(2)(B), but not both).

indefinitely for their parents to work toward preservation or reunification.

*In re Ma.H.*, 134 N.E.3d at 49 (cleaned up). We may affirm a trial court's best interests determination if the trial court has concluded that there is a reasonable probability that the conditions that resulted in the child's removal will not be remedied and the child's family case manager and appointed advocate testify that termination is in the child's best interests. *C.S.*, 190 N.E.3d 434, 439-40 (Ind. Ct. App. 2022), *trans. denied*; *A.D.S. v. Ind. Dep't of Child Servs.*, 987 N.E.2d 1150, 1158-59 (Ind. Ct. App. 2013), *trans. denied*.

[24] As we have already concluded, the trial court's 'conditions' conclusion was supported by the evidence. FCM Hensley, who had been with this family since the instant case began on December 12, 2020, and CASA Meehan both testified that termination was in Children's best interests. This evidence alone supported the trial court's determination. *See id.* There is also evidence in the record that all four Children are doing well in their current placements and that R.M. and C.M. in particular are addressing some of the behavioral issues that caused them to change placements throughout the unfolding of the CHINS proceedings. In light of this evidence, we find no clear error in the trial court's determination that termination was in Children's best interests.

[25] In arguing otherwise, Father draws our attention to evidence presented at the hearings that he had created a suitable home for Children, that he was employed, and that he had good parenting skills. Father also assails CASA Meehan's opinion that termination was in Children's best interests on the

grounds that she never observed parenting time between Parents and Children. However, these arguments are another request that we reweigh the evidence and reassess a witness's credibility, which we will not do as part of our review. *Ma.H.*, 134 N.E.3d at 45. Father's arguments also ignore that his substance abuse was the reason he never moved beyond supervised parenting time and that he specifically told CASA Meehan that he did not wish her to observe his parenting time with Children. While the evidence supports Father's contention that he missed some of his parenting time due to delays in receiving his DCS drug screen results, Father overlooks that from April 2021 to July 2021, he refused to screen and that he continued to test positive for marijuana and methamphetamine and did so as late as January 2022, which also caused him to lose parenting time with Children. Neither are we persuaded by Father's contentions that termination was not in Children's best interests due to the fact that they would be separated upon being adopted and because R.M. and C.M. had been in six different placements during the CHINS and termination cases. Children had some sibling visits during the proceedings and were learning to get along better. There is nothing in the record to suggest that the two sibling groups will be prevented from communicating in the future. While it is accurate that R.M. and C.M. had been in six placements, this was because some of those placements were planned to be temporary, and other changes were due to the boys' behavior, which they were addressing through therapy. We will not credit Father's contentions over this evidence that supports the trial court's determination.

[26] Mother argues that the trial court’s best interests conclusion was clearly erroneous and that by the termination hearings, she “was fit and capable of caring for [C]hildren.” (Mother’s Br. p. 19). Mother draws our attention to evidence that she was remorseful for her substance abuse, she had a strong bond with Children, she had gained employment, and that she had been sober for over 100 days. However, while we again commend Mother’s efforts at sobriety, like Father, she knew what was expected of her but demonstrated throughout the CHINS proceedings through her continued methamphetamine use that she was incapable of, or unwilling to, place Children’s needs above her own. As CASA Meehan affirmed at the termination hearing, Children had “waited long enough” for Parents to remedy their substance abuse. (Tr. Vol. II, p. 180). Mother’s arguments simply request that we replace the trial court’s judgment with our own, which is contrary to our standard of review. *See Ma.H.*, 134 N.E.3d at 45.

*Plan for Children’s Care*

[27] Father lastly challenges the trial court’s conclusion that a satisfactory plan existed for Children’s care following termination. For DCS’s plan to be satisfactory in terms of the termination statute, it need not be a detailed plan, and the plan is sufficient if it has a general sense of the direction in which the child will go after parental rights are terminated. *Lang v. Starke Cnty. Office of Family and Children*, 861 N.E.2d 366, 374 (Ind. Ct. App. 2007), *trans. denied*. Adoption is a satisfactory plan, and this is true even if at the time of the

termination of parental rights a specific family is not in place to adopt the child.  
*Id.* at 375.

[28] FCM Hensley and CASA Meehan testified that adoption was the plan for Children and that they agreed with that plan. Both of Children’s foster families had expressed a desire to adopt. We conclude that this evidence amply supported the trial court’s determination. *See id.*

[29] While acknowledging that adoption is a satisfactory plan, Father maintains that “[a]doption was not part of the permanency plan” for Children until CASA Meehan filed her report to the trial court on February 25, 2022. (Father’s Br. p. 18). However, Father overlooks that the trial court’s order concerning the June 7, 2021, review hearing provided that the plan for Children was a concurrent one of reunification and adoption and that the permanency plan was officially changed to adoption on December 6, 2021. Father’s implication that the fact that Children will be adopted into two separate homes renders DCS’s plan unsatisfactory is also without merit. *See A.J. v. Marion Cnty. Office of Family and Children*, 881 N.E.2d 706, 719 (Ind. Ct. App. 2008) (rejecting the argument that DCS’s plan of adoption of seven children into three separate homes was unsatisfactory), *trans. denied*; *In re A.S.*, 17 N.E.3d 994, 1006-07 (Ind. Ct. App. 2014) (observing that this court has held that adoption of children into separate homes does not render the plan for their care unsatisfactory), *trans. denied*. We find no error, let alone clear error, in the trial court’s conclusion regarding DCS’s plan for Children.

## CONCLUSION

- [30] Based on the foregoing, we conclude that the trial court's termination Order was supported by the evidence and, therefore, hold that it is not clearly erroneous.
- [31] Affirmed.
- [32] Bailey, J. and Vaidik, J. concur