

MEMORANDUM DECISION

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IN THE
COURT OF APPEALS OF INDIANA

In re the Termination of the
Parent-Child Relationship of
C.R. and B.R. (Children) and
J.R. (Father) and E.W. (Mother),

Appellants-Respondents,

v.

Indiana Department of Child
Services,

Appellee-Petitioner

March 16, 2023

Court of Appeals Case No.
22A-JT-1465

Appeal from the Floyd Circuit
Court

The Honorable J. Terrence Cody,
Judge

Trial Court Cause No.
22C01-2005-JT-000371
22C01-2005-JT-000372

Memorandum Decision by Judge May
Judges Mathias and Bradford concur.

May, Judge.

[1] J.R. (“Father”) and E.W. (“Mother”) (collectively, “Parents”) appeal the involuntary termination of their parental rights to their children, B.R. and C.R. (collectively, “Children”). Parents present three issues for our review, which we consolidate and restate as:

1. Whether the trial court’s findings regarding Parents’ participation in services are so inconsistent that they are fatal to its judgment;
2. Whether the trial court’s findings support its conclusions that the conditions under which Children were removed from Parents’ care probably would not be remedied or the continuation of the Parents-Children relationship would threaten Children’s well being; and
3. Whether termination of Parents’ parental rights was in Children’s best interests.

We affirm.

Facts and Procedural History

[2] Mother gave birth to B.R. on June 16, 2014, and C.R. on November 1, 2016. On January 17, 2018, the Department of Child Services (“DCS”) received a report that Children were in poor health and being transported to the hospital. At the hospital, the DCS Family Case Manager (“FCM”), Martinique Coffey, observed

pretty extensive rashes on [C.R.’s] neck, like the base of his neck extending to his back. It was clear that he had lice, because they were – the nits were actually visible in his hair. Same with [B.R.]. Her face was covered in dirt, and it was clear that she also had lice. Her teeth appeared to be badly rotten. [B.R.] was also nonverbal at the time. And my – if memory serves me correctly, I believe she was 3.

(Supp. Tr. Vol. II at 73.)¹ DCS also discovered the family was homeless. Based thereon, DCS removed Children from Parents’ care.

[3] On January 19, 2018, DCS filed a petition alleging Children were Children in Need of Services (“CHINS”) based on the family’s homelessness and Children’s untreated medical

¹ For reasons unclear to us, the entirety of the court proceedings were not transcribed initially and, thus, a supplemental transcript had to be filed. We cite it as “Supp. Tr. Vol. II.”

conditions. The same day, Parents admitted Children were CHINS and the trial court adjudicated them as such. On February 13, 2018, the trial court held a dispositional hearing. The trial court entered its dispositional order on September 6, 2018, requiring Parents to, among other things: communicate with DCS caseworkers and notify their caseworker of any changes in address or employment; allow DCS to make announced and unannounced visits to their home; engage in supervised visits with Children; participate in home-based counseling, parenting assessments, and psychological evaluations; and follow all recommendations based on those assessments.

[4] FCM Rachel Ballard Mil testified Parents did not properly engage with DCS caseworkers. FCM Ballard Mil told the trial court that Parents initially refused to meet with FCM Coffey and, during their first meeting, Father told FCM Coffey that he was going to “make [her] go missing.” (*Id.* at 75.) When FCM Ballard Mil attempted to conduct the court-ordered home checks, she would bring law enforcement with her because Father had threatened her in the past. During one home check, Parents “became very upset” and were “yelling and cursing and [Father] has a dog that he claimed is aggressive that he said if he opened that door, that dog could attack me. [Mother] ripped the door off a hinge while I was there, and at that point, the officers told everyone to leave the home.” (Tr. Vol. II at 22-3.) During another home check, there “was a lot of yelling” and Father “picked up a pipe and was hitting it against his hand[.]” (*Id.* at 23.) FCM Ballard Mil testified she had “never been able to do a complete home check due to the fact there always seems to be an area of the home that [she was] not allowed to be in.” (*Id.* at 23-4.)

[5] During visits, Mother would engage with Children, but Father did not. Parents would frequently argue with one another. Parents were asked to bring healthy food for Children, but instead sometimes “brought chocolate candy, donuts, everything chocolate because they wanted to send the kids home to placement sugared up.” (Supp. Tr. Vol. II at 12.) Parents needed “prompts to change [C.R.’s] diaper, one time even refusing to do so.” (*Id.* at 40.) At one point, Father indicated he planned to bring a gun when he next came to visit Children and made threats to staff supervising visitation with Children. Court Appointed Special Advocate (“CASA”) Carrie Faith testified, regarding one visit:

[Faith]: The – during the visit, [Father] lost his temper with the visit supervisor and then was asked to leave, and he did. And then afterwards, [B.R.] had an accident and [Mother] was with the baby² at the time, and she was asked to go change [B.R.,] and she got really upset and shoved the baby at the worker, at the [visitation supervisor]. And then –

[DCS]: Just to clarify, you said that [B.R.] had an accident in terms of –

² Children’s younger sibling, N.R., was removed from Parents’ care at the same time Children were removed, but Parents’ parental rights to N.R. were not terminated when the trial court terminated Parents’ parental rights to Children. The “baby” referenced here is N.R.

[Faith]: Yes, she had a – yes, she urinated herself.

[DCS]: And you also said that “she” got upset. Who are you referring to?

[Faith]: [Mother.]

[DCS]: Okay. So [B.R.] had an accident and [Mother,] the parent, was upset at that?

[Faith]: Yes. She wanted to stay with the baby. She didn’t want to change [B.R.] at that time. So when she took [B.R.] out, she was saying some inappropriate things kind of under her breath. And so that was when the [visitation supervisor] decided to call the visit and asked her to leave as well. She did, but then [Father] came back and started beating on the door, at which time they called the police.

(Tr. Vol. II at 58.) The trial court fully suspended visits on September 10, 2020, and visitation was never restarted.

[6] Regarding Parents’ participation in services, Parents both completed psychological evaluations. FCM Ballard Mil testified the evaluations indicated Mother “may not be safe to parent alone at this time” because she “showed borderline cognitive functioning and poor parenting knowledge.” (*Id.* at 15-6.) FCM Ballard Mil testified Father’s “parenting knowledge is very inadequate” and it was “unlikely he would benefit from parenting instruction given his low cognitive abilities and denial of any concern for [Children’s] suffering.” (*Id.* at 18-9.) Therapist Greg Keisel began working with Parents in January 2019 and stopped working with Mother by August 2019; he continued to work with Father until July 2020. Keisel testified there “were consistent no-shows or cancellations” and Parents “were unwilling to work with DCS and the service providers.” (Supp. Tr. Vol. II at 69.) He also stated Parents “were both willing to talk about and acknowledge that they were having difficulties with things like anxiety or anger outbursts” but Parents stated “they didn’t feel that therapy services were helpful, that they did not need therapy services, and that the issues with the case were more related to DCS actively trying to work against them as opposed to things that they had done.” (*Id.* at 59-60.) Of the 162 sessions with Keisel required by the trial court’s dispositional order, Mother attended 35 and Father attended 45.

[7] FCM Ballard Mil testified Parents “completed parenting education course at Clark County Youth Shelter and got their certification.” (Tr. Vol. II at 49.) However, she also told the court that while Parents attended the vast majority of the ordered home-based management sessions, they “have not . . . met treatment plan goals . . . and their home-based case management was devoted to de-escalation, trying to get [Parents] to work with the worker who was there.” (*Id.* at 24-5.) FCM Ballard Mil also testified Parents were “verbally

aggressive and loud and would call people inappropriate names” during home-based service treatment. (*Id.* at 21.)

- [8] Because Parents were not progressing in services, the trial court changed Children’s permanency plan from reunification to adoption on February 12, 2020. On May 28, 2020, DCS filed a petition to terminate Parents’ parental rights to Children. The trial court held hearings on the termination petition on October 29, 2020, March 16, 2021, and March 24, 2021. On March 9, 2022, the trial court entered its order terminating Parents’ parental rights to Children.

Discussion and Decision

- [9] We review termination of parental rights with great deference. *In re K.S.*, 750 N.E.2d 832, 836 (Ind. Ct. App. 2001). We will not reweigh evidence or judge the credibility of witnesses. *In re D.D.*, 804 N.E.2d 258, 265 (Ind. Ct. App. 2004), *trans. denied*. Instead, we consider only the evidence and reasonable inferences most favorable to the judgment. *Id.* In deference to the juvenile court’s unique position to assess the evidence, we will set aside a judgment terminating a parent-child relationship only if it is clearly erroneous. *In re L.S.*, 717 N.E.2d 204, 208 (Ind. Ct. App. 1999), *trans. denied, cert. denied* 534 U.S. 1161 (2002).

- [10] “The traditional right of parents to establish a home and raise their children is protected by the Fourteenth Amendment of the United States Constitution.” *In re M.B.*, 666 N.E.2d 73, 76 (Ind. Ct. App. 1996), *trans. denied*. A juvenile court must subordinate the interests of the parents to those of the child, however, when evaluating the circumstances surrounding a termination. *In re K.S.*, 750 N.E.2d at 837. The right to raise one’s own child should not be terminated solely because there is a better home available for the child, *id.*, but parental rights may be terminated when a parent is unable or unwilling to meet his or her parental responsibilities. *Id.* at 836.

- [11] To terminate a parent-child relationship in Indiana, DCS must allege and prove:

- (A) that one (1) of the following is true:
 - (i) The child has been removed from the parent for at least six (6) months under a dispositional decree.
 - (ii) A court has entered a finding under IC 31-34-21-5.6 that reasonable efforts for family preservation or reunification are not required, including a description of the court’s finding, the date of the finding, and the manner in which the finding was made.
 - (iii) The child has been removed from the parent and has been under the supervision of a county office of family and children or probation department for at least fifteen (15) months of the most recent twenty-two (22) months, beginning with the date the child is removed from the home as a result of the child being alleged to be a child in need of services or a delinquent child;
- (B) that one (1) of the following is true:

- (i) There is a reasonable probability that the conditions that resulted in the child's removal or the reasons for placement outside the home of the parents will not be remedied.
- (ii) There is a reasonable probability that the continuation of the parent-child relationship poses a threat to the well-being of the child.
- (iii) The child has, on two (2) separate occasions, been adjudicated a child in need of services;
- (C) that termination is in the best interests of the child; and
- (D) that there is a satisfactory plan for the care and treatment of the child.

Ind. Code § 31-35-2-4(b)(2). DCS must provide clear and convincing proof of these allegations at the termination hearing. *In re G. Y.*, 904 N.E.2d 1257, 1260-61 (Ind. 2009), *reh'g denied*. “[I]f the State fails to prove any one of these statutory elements, then it is not entitled to a judgment terminating parental rights.” *Id.* at 1261. Because parents have a constitutionally protected right to establish a home and raise their children, the State “must strictly comply” with the statutory requirements for terminating parental rights. *Platz v. Elkhart Cnty. Dep’t of Pub. Welfare*, 631 N.E.2d 16, 18 (Ind. Ct. App. 1994).

[12] When, as here, a judgment contains specific findings of fact and conclusions thereon, we apply a two-tiered standard of review. *Bester v. Lake Cnty. Off. of Fam. & Child.*, 839 N.E.2d 143, 147 (Ind. 2005). We determine whether the evidence supports the findings and whether the findings support the judgment. *Id.* “Findings are clearly erroneous only when the record contains no facts to support them either directly or by inference.” *Quillen v. Quillen*, 671 N.E.2d 98, 102 (Ind. 1996). If the evidence and inferences support the juvenile court’s decision, we must affirm. *In re L.S.*, 717 N.E.2d at 208. Unchallenged findings are accepted as correct. *Madlem v. Arko*, 592 N.E.2d 686, 687 (Ind. 1992) (“Because Madlem does not challenge the findings of the trial court, they must be accepted as correct.”).

1. Findings of Fact

[13] Parents argue Finding 22 is inconsistent with other findings and conclusions in the trial court’s order. Finding 22 states:

The Evidence disclosed that Mother and Father made sincere efforts to comply with services offered to them by DCS. They participated in supervised visits until terminated by the Court and for the most part had stable housing throughout. Father completed parenting classes, completed clinical and psychological assessments, participated in 176 home based case management and therapy sessions. Mother participated in clinical and psychological assessments. She completed parenting classes and participated in 127 out of 162 home based case management [and] therapy sessions. She also maintained employment.

(App. Vol. II at 114-5.)

- [14] Parents argue Finding 22 is inconsistent with Finding 39, which states, in relevant part, “Mother and Father have not engaged in services to enhance their abilities.” (*Id.* at 117.) Parents also contend Finding 22 conflicts with Conclusions 1 through 4 listed as part of the trial court’s order concluding that the conditions under which Children were removed from Parents’ care would likely not be remedied. Specifically, Parents challenge the portion of Conclusion 1 that states Parents “made no significant efforts to bring themselves in compliance with the Dispositional Orders” and Parents “failed to appropriately engage in the services ordered by the court or to respond to efforts by DCS to engage them in services[;]” the portion of Conclusion 2 that states Parents “have not taken substantial steps to address the issues at the root of [Children’s] initial and continued removal[;]” the portion of Conclusion 3 that states Parents’ “refusal of services illustrates a deep-seated disregard of [Child’s] needs and of any attempt to remedy the abusive conditions in [the] home[;]” and the portion of Conclusion 4 that states Parents failed to comply with the requirements of the trial court’s dispositional order. (*Id.* at 123-4.)
- [15] When considering whether to terminate a parent’s parental rights to their child, the trial court looks at the totality of the circumstances before it. *A.F. v. Marion Cnty. Off. of Fam. & Child.*, 762 N.E.2d 1244, 1253 (Ind. Ct. App. 2002), *trans. denied*. Here, Finding 22 is just a part of the picture regarding the circumstances under which the trial court decided to terminate Parents’ parental rights. Parents do not challenge, for example, Findings 14 through 21, which outline the difficulties created by Parents’ aggressive behavior and lack of engagement in services. As we will discuss in Section 2 of this opinion, the trial court made several findings that support its conclusion that the conditions under which Children were removed from Parents’ care would not be remedied. Thus, any perceived inconsistency between Finding 22 and Conclusions 1 through 4 listed as part of the trial court’s judgment is not fatal to the trial court’s judgment.

2. Conditions Under Which Children Were Removed Would not be Remedied

- [16] Parents argue the trial court’s conclusion that the conditions under which Children were removed from their care would not be remedied is not supported by the trial court’s findings. The trial court must judge a parent’s fitness to care for a child at the time of the termination hearing. *In re A.B.*, 924 N.E.2d 666, 670 (Ind. Ct. App. 2010). Evidence of a parent’s pattern of unwillingness or lack of commitment to address parenting issues and to cooperate with services “demonstrates the requisite reasonable probability” that conditions will not change. *Lang v. Starke Cnty. OFC*, 861 N.E.2d 366, 372 (Ind. Ct. App. 2007), *trans. denied*.
- [17] Regarding whether the conditions under which Children were removed from Parents’ care would be remedied, the trial court found:
8. [C.R.] was removed from Mother and Father on an emergency basis on January 17, 2018 due to [C.R.’s] physical conditions. At the time of the detention, [C.R.] had a severe lice infestation and a red, bloody, rash all over Child’s back. [B.R.] was removed from Mother and Father on an emergency basis on January 17, 2018 due to [B.R.’s] physical condition. At the time of

detention, [B.R.] had a severe lice infestation, black and rotten teeth and a speech delay.

* * * * *

13. On or about November 12, 2018, Father completed a psychological evaluation with a licensed clinical psychologist, David C. Wunsch, PH.D [sic]. The evaluation concluded that Father's cognitive ability was limited, and that Father was incapable of providing appropriate independent care for [Children].

14. On or about January 29, 2019, Mother completed a psychological evaluation with a licensed clinical psychologist, David C. Wunsch, PH.D [sic]. The evaluation concluded that Mother's cognitive ability was limited, and that Mother did not fully participate in the evaluation.

15. Although disputed Mother and Father refused to let DCS inspect their home as ordered in the Dispositional Order.

16. Multiple home-based service providers refused to work with Mother and Father sue [sic] to [Parents'] explosive tempers, threats of violence to home-based caseworkers, and lack of participation in services.

17. Rebecca Finn, an Ireland Home Based Services case worker assigned to this case, testified during the termination hearing that Ireland Home Based ceased offering services to Mother and Father sue [sic] to Mother's and Father's aggressive behaviors and noninvolvement with services.

18. Niquita Albright, Life Line Youth and Family Services Regional Manager, testified during the termination hearing that Life Line Youth and Family Services ceased offering services to Mother and Father due to Mother's and Father's aggressive behaviors and noninvolvement with services.

19. Melissa Maxwell, Champion Community based services Program Manager, Testified [sic] during the termination hearing that Champion Community Based Services ceased offering services to the Mother and Father

due to Mother's and Father's aggressive behaviors and noninvolvement with services.

20. Rachel Ballard-Mil, Family Case Manager for the Floyd County Department of Child Services, testified during the termination hearing that, as of the time of the hearing, no service provider was willing to engage in services with Mother and Father.

21. Mother and Father testified that they took no responsibility for their dismissal from three separate service providers.

* * * * *

23. Mother's cognitive limitations may not have been adequately addressed in the Dispositional Decree or thereafter based on the experience of the service providers with her as set forth in the progress reports periodically filed in the CHINS cases.

24. Despite the many services provided to them, Mother and Father did not improve parenting skills. No significant [sic] progress was made by the parents during the pendency of the CHINS cases to achieve reunification with [Children].

* * * * *

39. There is a reasonable probability that the conditions which resulted in the Children's removal will not be remedied.

- a. Children were removed from Mother and Father due to Children's poor physical condition.
- b. Mother and Father have not engaged in services to enhance their abilities.
- c. No service providers are willing to work with Mother and Father due to parent's [sic] behavior.

- d. Dr. Winsch found that Father was low functioning and would be unable to provide suitable care for [Children].
- e. Dr. Winsch found that Mother was low functioning and would need services in order to enhance her abilities.
- f. Mother and Father were unable to provide for Children's reasonable needs throughout the pendency of the CHINS case.
- g. Mother and Father have not provided any proof that they are presently capable for providing for the Children's reasonable needs in a safe, healthy, and appropriate manner.

(App. Vol. II at 109, 113-117) (internal citations to the record omitted). Based thereon, the trial court concluded:

1. Mother and Father made no significant efforts to bring themselves in compliance with the Dispositional Orders or otherwise show that they could remedy the conditions which resulted in [Children's] initial or continued removal. As found above, Mother and Father failed to appropriately engage in the services ordered by the court or to respond to efforts by DCS to engage them in services of [sic] otherwise act as an appropriate parent to [Children]. Mother and Father failed to demonstrate that they are sufficient [sic] to allow [Children] to be returned to their care and custody. Mother and Father did not engage in appropriate parenting time with [Children]. Mother and Father did not provide emotional support to aid [Children's] development and upbringing.
2. Succinctly, Mother and Father have not taken substantial steps to address the issues at the root of [Children's] initial and continued removal.

* * * * *

4. Based upon Mother and Father's failure to comply with the requirements of the Dispositional Orders or to otherwise illustrate the ability to safely and effectively parent [Children] there is a reasonable probability that the conditions that led to [Children's] removal will not be remedied. [Children] were removed because they lacked a safe and suitable caregiver to provide for [Children's] needs without exposing [Children] to a substantial risk of neglect

and abuse. That continues to be true as of the Termination hearing, and the evidence clearly and convincingly show's [sic] that Mother and Father [] will not remedy those conditions in a manner that will safely and appropriately provide for Children's needs.

(*Id.* at 123-124.)

- [18] Parents contend the trial court's conclusion that the conditions under which Children were removed from Parents' care would not be remedied is based "exclusively on the Parents' historical failures during the course of the CHINS and termination proceedings." (Br. of Appellant at 22.) Parents liken their case to *In re C.M.*, 960 N.E.2d 169 (Ind. Ct. App. 2011), *adhered to on reh'g by In re C.M.*, 963 N.E.2d 528 (Ind. Ct. App. 2012). In that case, the children were initially removed from the mother's care because the father stopped taking his bipolar medication and battered the children while the mother was incarcerated. *Id.* at 171. After the children were declared CHINS, the mother consistently participated in services and the children were eventually returned to her care for a trial home visit. *Id.* However, at some point during the trial home visit period, the mother tested positive for oxycodone and she did not have a prescription. *Id.* at 172. Shortly thereafter, the mother was arrested for maintaining a common nuisance because police found marijuana during a search of the apartment the mother shared with her boyfriend. *Id.* The children were again removed from the mother's care. *Id.* Less than a month later, DCS filed a petition to terminate the mother's parental rights to her children. *Id.*
- [19] The trial court held a hearing regarding the termination petition. *Id.* DCS presented evidence of the mother's criminal convictions, her failed drug screen, and her response to certain services offered by DCS. *Id.* The mother testified that, at the time of the hearing, she resided with her two subsequent-born children in a three-bedroom residence. *Id.* She provided documentation she had enrolled in an outpatient substance abuse treatment program and her drug screens during treatment were negative. *Id.*
- [20] After the hearing, the trial court terminated the mother's parental rights to her children. *Id.* In its order, the trial court stated:

Mother was "generally cooperative with DCS until the children went home with mother on [a] trial home visit, where mother failed a drug screen and was evasive about her use and the reasons for it." Mother's participation level was characterized as "moderate" and the court observed that her progression had "ebbed and flowed." The findings of fact recited circumstances surrounding the two removals, and the court also acknowledged that the Children's caseworker, former foster mother, and Guardian Ad Litem recommended termination of parental rights.

Id. at 174 (internal citations to the record omitted). Our court determined these findings were not sufficient to terminate the mother's parental rights because the trial court's findings

focused “on historical conduct” and did not include “factual findings as to Mother’s current circumstances or evidence of changed conditions[.]” *Id.* at 175.

- [21] Such is not the case here. While the trial court’s order notes Parents’ historical inability and unwillingness to properly engage in and complete services, it also indicates there is a pattern of behavior that would suggest the conditions that led to Children’s removal would not be remedied. Further, in *In re C.M.*, the mother presented evidence she voluntarily engaged in services and was successfully parenting subsequent-born children. Here, Parents refused to engage in some services and made participation in other services very difficult because of their consistently inappropriate behavior. *In re C.M.* is inapposite.
- [22] The trial court found that, while Parents consistently participated in some services, they did not participate in others. The trial court additionally found that Parents were consistently aggressive and physically threatening to service providers, did not improve their parenting skills, and did not allow DCS to inspect their residence. Based thereon, we conclude the trial court’s findings supported its conclusion the conditions under which Children were removed from Parents’ care would not be remedied.³ See *In re D.J.*, 755 N.E.2d 679, 685 (Ind. Ct. App. 2001) (mother’s pattern of behavior during the CHINS and termination proceedings supported the trial court’s conclusion that the conditions under which her children were removed from her care would not be remedied), *reh’g denied, trans. denied.*

3. Children’s Best Interests

- [23] In determining what is in a child’s best interests, a trial court is required to look beyond the factors identified by DCS and consider the totality of the evidence. *In re A.K.*, 924 N.E.2d 212, 223 (Ind. Ct. App. 2010), *trans. dismissed.* A parent’s historical inability to provide a suitable environment, along with the parent’s current inability to do so, supports finding termination of parental rights is in the best interests of the children. *In re A.L.H.*, 774 N.E.2d 896, 990 (Ind. Ct. App. 2002). The recommendations of a DCS case manager and court-appointed advocate to terminate parental rights, in addition to evidence that conditions resulting in removal will not be remedied, are sufficient to show by clear and convincing evidence that termination is in a child’s best interests. *In re J.S.*, 906 N.E.2d 226, 236 (Ind. Ct. App. 2009).
- [24] Regarding whether termination was in Children’s best interests, the trial court found:

27. [Children] are currently placed in a pre-adoptive foster home with [Foster Parents]. (hereinafter: [“]the Pre-Adoptive Family”)

³ Parents also argue the trial court’s findings do not support its conclusion that the continuation of the Parents-Children relationship poses a danger to Children’s well-being. As the relevant statute is written in the disjunctive, DCS is required to prove only one of the three parts of Indiana Code Section 31-35-2-4(b)(2)(B). See, e.g., *In re B.J.*, 879 N.E.2d 7, 20 (Ind. Ct. App. 2008) (Indiana Code Section 31-35-2-4(b)(2)(A) is written in the disjunctive and thus DCS need only prove one of the enumerated elements therein), *trans. denied.*

28. Another Sibling of [Children] is also placed with the Pre-adoptive Family.

29. [Children] have been in their current placement together for three (3) years.

30. [Children] are thriving with the Pre-Adoptive Family, with all Children's physical and emotional needs being met.

31. The Pre-Adoptive Family has formed a strong and loving bond with [Children].

* * * * *

33. The Pre-Adoptive Family is prepared to adopt [Children].

34. Termination of parental rights is in [Children's] best interest due to Mother and Father failing to improve their parenting skills and because the continuation of the parent-child relationship poses a threat to the well-being of [Children].

35. CASA, Carrie Faith testified that termination of parental rights is in [Children's] best interest due to Mother's and Father's inability to improve their parenting skills and because the continuation of the parent-child relationship poses a threat to the well-being of [Children].

(App. Vol. II at 115-6.) Based thereon, the trial court concluded it was in Children's best interests to terminate Parents' parental rights.

[25] Parents argue the trial court's findings do not support its conclusion that termination of Parents' parental rights is in Children's best interests because "the mere fact that the Children are in a better home cannot form the basis for the terminations." (Br. of Appellant at 27.) However, the trial court did not solely base its decision on Children's success in their pre-adoptive home. In addition to the unchallenged findings supporting the trial court's conclusion that the conditions under which Children were removed from Parents' care would not be remedied, the trial court also found the CASA recommended Parents' parental rights be terminated. Based thereon, we conclude the trial court's findings support its conclusion that termination of Parents' parental rights is in Children's best interests. *See, e.g., In re A.I.*, 825 N.E.2d 798, 811 (Ind. Ct. App. 2005) (trial court's findings based on testimony of service providers coupled with evidence that conditions resulting in placement outside the home

would not be remedied supported trial court's conclusion that termination was in child's best interest), *trans. denied*.

Conclusion

[26] Conclusions 1 - 4 listed as part of the trial court's decision that the conditions under which Children were removed from Parents care would not be remedied were supported by other unchallenged findings, and thus any perceived inconsistency between Finding 22 and the other findings or those challenged conclusions is not fatal to the trial court's judgment. The trial court's findings support its conclusion that the conditions under which Children were removed from Parents' care would not be remedied and that the termination of Parents' parental rights was in Children's best interests. Accordingly, we affirm the trial court's judgment.

[27] Affirmed.

Mathias, J., and Bradford, J., concur.