MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

In the Matter of the Termination of the Parental Rights of:

C.W.S. (Minor Child),

and

W.S.V. (Father),

Appellant-Defendant,

v.

Indiana Department of Child Services,

Appellee-Plaintiff.

May 26, 2023

Court of Appeals Case No. 22A-JT-2438

Appeal from the Elkhart Circuit Court

The Honorable Michael A. Christofeno, Judge

The Honorable Elizabeth A. Bellin, Magistrate

Trial Court Cause No. 20C01-2201-JT-1

Memorandum Decision by Judge Robb
Judges Crone and Kenworthy concur.

Robb, Judge.

Case Summary and Issues

[1] W.S.V. ("Father") is the biological father of C., born in February 2021. The Indiana Department of Child Services ("DCS") removed C. from his parents' care in March. In September 2022, Father's parental rights to C. were terminated.

[2] On appeal, Father raises two issues that we reorder and restate as 1) whether the juvenile court abused its discretion by denying Father's motion to continue the evidentiary hearing, and 2) whether the juvenile court's order terminating Father's parental rights is supported by clear and convincing evidence. Concluding the juvenile court did not abuse its discretion by denying the motion to continue and sufficient evidence supports the juvenile court's judgment, we affirm.

Facts and Procedural History

[3] C. was born on February 24, 2021, to Father and J.R. ("Mother") (collectively, "Parents"). Parents were not married, but Father signed a paternity affidavit acknowledging his paternity. Approximately one week after C's birth, DCS received a report that Parents were using methamphetamine and caring for C. while impaired. The report also alleged the family's housing situation was

unstable. DCS interviewed Mother, who denied using any illegal substances and reported her drug screen at the hospital after C. was born was negative for all substances. Mother willingly submitted to a drug screen which returned positive for amphetamine and methamphetamine. Several days after interviewing Mother, DCS interviewed Father at a local hotel. Father stated the family was in the process of moving from the home where DCS had visited Mother. Father denied using any illegal substances but refused to submit to a drug screen.

[4] Following this interview with Father, Parents did not cooperate further with DCS, failing to answer phone calls, texts, or visits at several reported addresses. DCS requested and was granted an emergency custody order because DCS was unable to "check the new residence for appropriate and necessary housing, or ensure that [C.] has a safe and sober caregiver." Appellant's Appendix, Volume 2 at 22.

[5] On March 15, DCS filed a petition alleging C. was a child in need of services ("CHINS"), noting C. had not been removed from the home because DCS had been unable to find the family after the emergency custody order was entered. DCS located and detained C. on March 18, and a detention hearing was held the next day at which both parents appeared. The juvenile court found probable cause to believe C. was a CHINS and that he should continue to be detained. C. was placed with the family of his paternal uncle, Ricardo. Father denied the allegations of the CHINS petition at a subsequent initial hearing.

Following the initial hearing, Father submitted to a drug screen which returned positive for amphetamine and methamphetamine.

[6] A fact-finding hearing was held on May 10. Father disagreed with the results of his drug screen. Parents "refused additional drug screens and . . . stated they [would] not participate in any services or treatment offered by the DCS unless it has been ordered by the court." *Id.* at 129. The juvenile court acknowledged Father's denial but found his testimony lacked credibility. Accordingly, the court found the evidence supported finding C. was a CHINS because "he has no consistent legal sober caregiver, no stable housing and . . . parents are unwilling to make the changes necessary to keep the child safe without the coercive intervention of the Court." *Id.* Following a dispositional hearing on May 27, the court ordered Father to pay child support, participate in supervised visitation, submit to random drug screens, participate in and complete a substance abuse assessment and follow all recommendations, participate in Fatherhood Engagement services, and keep DCS apprised of any phone number or address changes.

[7] Ahead of the first review hearing, held in early August, DCS reported Father had "not yet enhanced [his] ability to fulfill [his] parental obligations." *Id.* at 147. He participated in about half of the Fatherhood Engagement appointments made with him. He made an appointment for a substance abuse assessment at Oaklawn but did not attend, nor did he call to cancel or reschedule. He had not called in or reported for any drug screens. He had maintained stable housing but had reported no employment. He attended

seven of thirteen scheduled visits and "was a no call, no show to 2 of them." *Id.* Father arrived late for most visits he attended and left early from two visits. His cooperation with DCS was inconsistent.

[8] Jennifer Richhart was assigned as the family case manager ("FCM") in August 2021. Father was to contact her weekly, which he did—through Mother—at the beginning of her time as FCM.

[9] Father completed a Fatherhood Engagement program in September 2021 and was successfully discharged from that service. From August to January 2022, when a permanency hearing was held, Father attended nineteen of twenty-seven scheduled visits with C. Father had not completed a substance abuse assessment as of January 2022 – he met with Oaklawn but submitted a diluted sample for his drug screen and did not return as requested to screen again so the assessment could be completed and recommendations made. He did not regularly submit to drug screens for DCS and stopped screening altogether in October 2021. When Richhart spoke with Father about screening, he told her that "[h]e wanted the results from his previous screens before we screened anymore and then, later, he had said he wanted to find his own drug screen company." Transcript, Volume II at 219. But Father never submitted any drug screen results from another provider. Of the few drug screens Father submitted to DCS prior to October 2021, three returned positive for amphetamine and methamphetamine. At the time of the permanency hearing, Father was living in a hotel. The juvenile court found Father had not complied with C.'s case

plan and changed the permanency plan from reunification to reunification with a concurrent plan of adoption.

[10] On January 19, 2022, DCS filed a petition seeking involuntary termination of Parents' parental rights to C. An evidentiary hearing scheduled for April 22 was continued at Mother's request. Subsequent evidentiary hearings scheduled for May and June were continued at DCS' request.[1]

[11] The evidentiary hearing was held on September 16. At the start of the hearing, the court asked if all parties were prepared to proceed. Father's counsel answered:

> I am to the best as I can, Your Honor, although, um, my client's indicating he's wanting me to, I believe, ask for a continuance and he's indicating he's wanting to hire a private attorney. He's not wanting to move forward today[.]

Id. at 200. The juvenile court placed Father under oath and questioned him:

> The Court: Why is it that you're asking for a continuance on the day of trial?

[1] The motion to continue the June hearing was filed one day prior to the hearing. The parties appeared in court on June 22 and discussed the continuance. The juvenile court noted counsel for DCS acknowledged in her motion that pursuant to statute, the factfinding should be completed by July 19, but asserted counsel for Father did not object to the continuance and had agreed to waive the 180-day requirement. Father himself, however, objected in court, stating, "I was never aware of anything like that." Tr., Vol. II at 196. The juvenile court granted the motion to continue but told Father's counsel, "[I]f there is a filing that you need to make with respect to [F]ather, please feel free to do so and I'm happy to hear that." *Id.*

[Father]: I just need a new attorney.

The Court: Okay. Why haven't you done this prior to today?

[Father]: I just got the money to do it.

Id. at 201. The court then questioned Father's attorney about his preparedness. Counsel stated he had not consulted with Father since the June court appearance despite "all reasonable attempts to try and get ahold of him and have him come in for meetings" but was ready to proceed:

> There's only been a little more supplemental information since the last time this was set for trial. It was continued due to an illness . . . of the DCS attorney. So, the only difference is I've not had any contact with [Father] until some phone contact this week[.] But, other than that, um, that's the only preparations I'm lacking.

Id. Counsel indicated he had all the evidence "I believe [DCS is] prepared to try and enter or possibly could enter, or that I would want to enter, and so, I've gone over all that evidence and prepared that." *Id.* The court denied the continuance and proceeded with the hearing.

[12] Richhart testified that at the end of 2021, her contact with Father "fell off and became inconsistent." *Id.* at 211. Because of the lack of contact, Richhart was unable to provide case management and ensure Father was referred to and participating in the appropriate services. Richhart had been unsuccessful in her attempts to visit and assess Father's housing, a trailer Father said he had lived

in for seven months. Father did not provide any employment verification to Richhart; Father testified he had been working a construction job for the past six months but had not provided verification because he was not asked to. Richhart said paying child support as ordered would "show[] that [Father] is still trying to take care of [C.] and his needs[,]" but Father had not paid any child support. *Id.* at 215.

[13] According to Richhart's records and contact with Oaklawn, Father had started but still not completed the substance abuse assessment. Oaklawn told Richhart that Father had submitted a urine sample that was too dilute to use and he needed to provide another sample before it could complete the assessment and make recommendations. Father claimed he did return to complete the assessment in October or November 2021 and he then completed the one-time class Oaklawn recommended at another facility. But he did not provide to Richhart records of the second screen, the assessment, or the class he attended—he "figured she calls Oaklawn and they took care of that themselves," Tr., Vol. III at 62—and he could not remember the name of the facility where he took the class or where it was located. As for drug screens, Father acknowledged, "I didn't want to do any drug screens for [Richhart]." *Id.* at 64. He offered to go to a drug clinic and take a drug test there twice a week, but Richhart told him that would not be acceptable because the tests would not be random. Because of the lack of screens, Richhart did not know if Father was sober and could not recommend appropriate services.

[14] Father completed and was successfully discharged from the Fatherhood Engagement program in late 2021. Father said it was "an easy class for me. I got other kids, so, they didn't really teach me anything that I didn't know already." *Id.* at 65. Father last visited with C. through DCS in March 2022. The supervised visitation referral was eventually closed out. Ricardo, C.'s relative placement, facilitated one visit between Father and C. in June 2022 for around one hour. Father did not ask Ricardo to facilitate further visits. Ricardo testified that Father did not regularly reach out to ask about C.'s well-being, calling only once or twice in 2022. Father said he got information about C. from his mother, who was C.'s babysitter and who he talked to twice a week. The lack of visitation concerned Richhart because Father could not develop and maintain a bond with C. and was unable to show DCS that he had increased his ability to appropriately parent.

[15] Father got in touch with Richhart the week before the hearing and requested that visits be restarted. Richhart made the referral but testified that was the first time Father had requested visits resume since they ended in March. Father also made another appointment with Oaklawn despite denying use of any illegal substances for over a year. He stated, "[n]o matter what the course is, I'm still the father and I'm still going to try to do anything I can to see my son." *Id.* at 66. He testified he could take care of C. on his own until Mother was released

from jail[2] and said his mother would continue to babysit if C. were returned to Father's care.

[16] In sum, Richhart did not believe Father could remedy the reasons for C.'s removal because the "case has been open since March of 2021 and [she] put in every referral that [he] needed. There's just been no commitment on [his] part to show consistency, that [he is] willing to alleviate DCS involvement." Tr., Vol. II at 231. Richhart testified termination was in C.'s best interests "[d]ue to lack of commitment, true commitment, from [Father] and, the lack of stability [throughout] the case that has gone so far . . . and needing permanency." *Id.* at 232-33. C.'s court appointed special advocate ("CASA") also testified that termination would be in C.'s best interests. She testified C. is bonded to his placement family who put him and his needs first. C. "has not been put first by either parent. . . . [N]obody's doubting parent's [sic] love for [C.], but I have zero faith that he would thrive in either [m]om or [d]ad's home." Tr., Vol. III at 30.

[17] The juvenile court later issued an order terminating Father's parental rights.[3] The court made specific findings to be described in greater detail below and

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[2] Mother was incarcerated in March 2022 and remained incarcerated as of the time of the termination hearing.

[3] The juvenile court did *not* grant the petition as to Mother, concluding "DCS has failed to show by clear and convincing evidence that there is a reasonable probability that the conditions that resulted in the child's removal will not be remedied with respect to Mother given her good faith effort to engage in visitation and services while incarcerated." Appealed Order at 4.

concluded the "evidence supports termination of Father's rights." Appealed Order at 4. Father now appeals.

Discussion and Decision

I. Motion to Continue

[18] Father argues the juvenile court erred by denying his motion for a continuance of the evidentiary hearing so he could hire a private attorney. Father notes both Mother and DCS were granted continuances of earlier trial settings, and the 180-day requirement had already been waived.

[19] A court's decision to grant or deny a motion to continue is subject to review for an abuse of discretion. *In re K.W.*, 12 N.E.3d 241, 243-44 (Ind. 2014). "An abuse of discretion may be found in the denial of a motion for a continuance when the moving party has shown good cause for granting the motion," but not "when the moving party has not demonstrated that he or she was prejudiced by the denial." *Id*. at 244 (quoting *Rowlett v. Vanderburgh Cnty. Ofc. of Fam. & Child.*, 841 N.E.2d 615, 619 (Ind. Ct. App. 2006), *trans. denied*). There are no "mechanical tests" for deciding good cause exists for granting the request; instead, the decision turns on the circumstances of a particular case. *In re M.S.*, 140 N.E.3d 279, 285 (Ind. 2020). "The party seeking a continuance must show that he or she is free from fault[,]" and there is a "strong presumption that the trial court properly exercised its discretion." *In re B.H.*, 44 N.E.3d 745, 748 (Ind. Ct. App. 2015), *trans. denied*.

[20] Father did not show good cause for granting a motion to continue. He asserted he "need[ed] a new attorney" but did not state why. Tr., Vol. II at 201. He did not suggest he was dissatisfied with his appointed counsel's representation or that he and his counsel were unable to work together or disagreed about strategy. And although he stated he "just got the money" to hire an attorney, *id.*, he did not show that he was unable to move for a continuance before the day of the hearing.

[21] Nor has Father shown on appeal that he was prejudiced by the denial. Father contends his counsel indicated he was prepared "to the best I can [be]" but "did not have the 'supplemental' information from the last time the hearing was continued in June[,]" Brief of Appellant at 34-35, as if to imply counsel was unprepared and did not adequately represent him. But Father misunderstands what counsel said. Counsel said he had been prepared for the June hearing that was ultimately continued, there had been little supplemental information since then, and he had been provided all of DCS' evidence. The only thing he had not done was consult again with Father because he was unable to contact Father until shortly before the hearing. Counsel cross-examined DCS' witnesses, called Father as a witness and questioned him, and offered a closing argument advocating against termination of Father's rights. Father has not shown that having more time to hire different counsel or for appointed counsel to prepare would have led to a different result. To the extent Father argues counsel did not present additional witnesses and evidence that could have helped his case, it was Father's burden to show that he was without fault in

seeking the continuance. *See B.H.*, 44 N.E.2d at 748. Father was in court on June 22 when the evidentiary hearing was set for September 16. Yet he did not contact his counsel or respond to counsel's efforts to contact him until the week before the hearing. Father has failed to show he was without fault for any omissions caused by the lack of consultation.

[22] Father did not show good cause for granting a continuance and has not shown he was prejudiced by going forward with his appointed counsel. The juvenile court did not abuse its discretion by denying his motion to continue.

II. Termination of Parental Rights

A. Standard of Review

[23] Father challenges several of the juvenile court's findings. When, as here, a judgment contains specific findings of fact and conclusions thereon, we apply a two-tiered standard of review: we first determine whether the evidence supports the findings and then whether the findings support the judgment. *In re E.M.*, 4 N.E.3d 636, 642 (Ind. 2014). We will not set aside the findings or judgment unless they are clearly erroneous. Ind. Trial Rule 52(A). "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). In conducting our review, we neither reweigh evidence nor judge witness credibility, and we consider only the evidence and inferences most favorable to the judgment. *E.M.*, 4 N.E.3d at 642. Unchallenged findings stand as proven. *In re De.B.*, 144 N.E.3d 763, 772 (Ind. Ct. App. 2020). "A judgment

is clearly erroneous if the findings do not support the trial court's conclusions or the conclusions do not support the judgment." *In re A.G.*, 45 N.E.3d 471, 476 (Ind. Ct. App. 2015), *trans. denied*.

B. Findings of Fact

[24] Father challenges findings 3 and 22 through 27, all of which relate to Father's substance abuse. Father does not assert there is no evidence in the record to support those findings; he argues only that his testimony contradicted DCS' evidence, essentially asking us to reweigh the evidence and judge his credibility favorably. Finding 3 is that one of the reasons for C.'s removal was that Parents were using methamphetamine and caring for C. while impaired. Findings 22 through 27 address Father's inconsistent participation in drug screens, the several positive results when he did screen, his incomplete participation in a substance abuse assessment, and ultimately, his inability to show he is clean and sober. The findings do acknowledge Father's testimony to the contrary, but show the juvenile court was not persuaded by Father's assertions. "The factfinder is obliged to determine not only whom to believe, but also what portions of conflicting testimony to believe, and is not required to believe a witness' testimony even when it is uncontradicted." *Wood v. State*, 999 N.E.2d 1054, 1064 (Ind. Ct. App. 2013) (citations omitted), *trans. denied*. Moreover, we do not reweigh the evidence or judge credibility ourselves, *see E.M.*, 4 N.E.3d at 642, and there is evidence in the record supporting each of these findings.

[25] Father also challenges findings 15-16 and 31, relating to visitation. Findings 15 and 16 are that Father's engagement in supervised visitation was "sporadic at best[,]" that his last supervised visit with C. was in March 2022, and that he was discharged thereafter for non-compliance. Appealed Order at 2. Finding 31 notes Father had one visit with C. that was supervised by Ricardo, but Father had not arranged any further visits. Father does not challenge the evidence supporting the findings, but "does not consider his pattern of visiting his son sporadic." Br. of Appellant at 30. "Sporadic" means "occurring occasionally . . . or in irregular or random instances." Merriam-Webster Online Dictionary, https://www.merriam-webster.com/dictionary/sporadic (last visited May 18, 2023) [https://perma.cc/3GBF-PB2T]. Given undisputed evidence that Father attended less than seventy percent of his scheduled supervised visits, he was late sometimes and left early other times, the visitation referral was closed out after March 2022 due to his non-compliance, and Father arranged only one visit with C. supervised by Ricardo from March to the time of the termination hearing, we believe "sporadic" is a fair characterization. Further, even if the juvenile court's word choice was erroneous, that error does not warrant reversal – the substance of the findings is still supported by evidence.

[26] Father claims finding 28 is a "mischaracterization of the facts." Br. of Appellant at 31. Finding 28 is that "Father did engage and complete Fatherhood engagement, but he did not utilize any of the tools with consistently engaging in visitation" with C. Appealed Order at 3. Father "argues that consistent visiting was not the only way to utilize what he learned in the

program." Br. of Appellant at 31. Father contends he was not questioned about what he learned or how he implemented what he learned, and claims DCS "failed to show how he could have better used the skills, other than spending more time with his child in supervised visits." Appellant's Reply Br. at 4. That is precisely the point–Father could best show he benefited from the Fatherhood Engagement program by engaging with C. during regular visitation and showing he was able and desired to parent C. But he failed to do so. We conclude the evidence supports the juvenile court's finding that Father did not show completion of the program enhanced his ability to fulfill his parental obligations.

[27] Findings 29-30, 33, and 35 regard Father's housing situation. Findings 29 and 30 relate Father's testimony that he had stable housing in a mobile home he had rented for the last seven months and DCS' inability to confirm and assess his housing. Findings 33 and 35 state:

> 33. [P]aternal uncle expressed concerns as to whether Father has a steady job, stable housing, and transportation.[4]
>
> * * *

[4] Although Ricardo testified to supervising a visit between Father and C. at the mobile home where, he believed, Father "was staying at," Ricardo also stated, "I don't know if [Father] has a steady job, I don't know if he has transportation, I don't know if he has a set home." Tr., Vol. III at 24, 27.

> 35. Father's testimony is wholly inconsistent with the testimony offered by paternal uncle, and the Court finds paternal uncle to be credible.

Appealed Order at 3. Father argues his testimony was not inconsistent with Ricardo's testimony and "Father's testimony should also be deemed credible." Br. of Appellant at 31. We agree with Father that the testimony was not necessarily inconsistent. Nevertheless, the juvenile court did not have to credit Father's testimony about his housing and employment, *see Wood*, 999 N.E.2d at 1064, especially given evidence that DCS was unable to verify his housing and Father never provided proof of employment.

[28] In sum, the record contains evidence supporting the challenged findings either directly or by inference. *See Quillen*, 671 N.E.2d at 102.

C. Conclusions

[29] Father also challenges the juvenile court's conclusions based on these findings. To involuntarily terminate a parent-child relationship, DCS must prove by clear and convincing evidence:

> [(A)](i) The child has been removed from the parent for at least six (6) months under a dispositional decree.
>
> * * *
>
> (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.
>
> * * *
>
> (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);[5] Ind. Code § 31-37-14-2. If the juvenile court concludes the allegations of the petition for involuntary termination are true, "the court shall terminate the parent-child relationship." Ind. Code § 31-35-2-8(a).

1. Remedy of Conditions

[30] Father argues the juvenile court's conclusion that DCS proved by clear and convincing evidence there is a reasonable probability the conditions that resulted in C.'s removal will not be remedied is clearly erroneous. Together

[5] Richhart testified C. had been removed from Father's care for at least six months under a dispositional decree and the plan for C.'s care and treatment following termination was adoption. Father does not challenge this evidence or dispute DCS proved these two required elements.

with its general findings, the juvenile court specifically found relevant to this element that Father "has not done much" to avail himself of the services and opportunities offered to him by DCS; Father had a pattern of non-compliance with services; and although his contact with DCS in the week before the hearing conveying a willingness to engage in services is "slightly promising," a "temporary improvement without a pattern of overall progress provides little insight" that the conditions leading to removal will be remedied. *See* Appealed Order at 3-4.[6]

[31] Father argues the conclusion is erroneous because he participated in and successfully completed Fatherhood Engagement as ordered, he testified he completed the substance abuse assessment and attended a one-day class as recommended, he objected to drug screens because he did not use drugs, and he participated in visitation and was bonded with C. This argument is a request for us to reweigh the evidence in Father's favor and reach a different conclusion than the juvenile court.

[32] In assessing whether the conditions that resulted in the child's removal are likely to be remedied, the juvenile court may consider the services offered to the parent by DCS and the parent's response to those services as evidence of

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[6] The juvenile court also concluded the continuation of Father and C.'s relationship poses a threat to C.'s well-being. *See id.* Because subsection (b)(2)(B) is written in the disjunctive, DCS needed to prove *either* conditions would not be remedied *or* the relationship posed a threat to C.'s well-being. *In re S.K.*, 124 N.E.3d 1225, 1233 (Ind. Ct. App. 2019), *trans. denied*. Likewise, the juvenile court only needed to find DCS proved one of these elements, and we need not address both if we find one was sufficiently proven. *Id.* at 1234.

whether conditions will be remedied. *A.D.S. v. Ind. Dep't of Child Servs.*, 987 N.E.2d 1150, 1157 (Ind. Ct. App. 2013), *trans. denied*. Father did complete the Fatherhood Engagement program. But the reason for C.'s removal was concern over drug use by Parents, and Father largely refused to participate in drug screens that would have shown he either was not using or had stopped using. He claims he does not use drugs, but the few screens he submitted returned positive for methamphetamine. Other than by his own self-serving testimony, which the juvenile court did not have to accept, Father did not show that he had remedied DCS' concern about his drug use.

[33] Clear and convincing evidence supports the juvenile court's determination that the conditions resulting in C.'s removal are not likely to be remedied by Father.

2. Best Interests of the Child

[34] Father also argues the juvenile court's conclusion that DCS proved by clear and convincing evidence that termination is in C.'s best interests is clearly erroneous. With regard to C.'s best interests, the juvenile court found:

> 1. This child needs permanency, consistency, and stability.
>
> 2. Father has made little effort to engage in visitation with [C.], make efforts to form a bond, or participate in services to address his addiction issues despite an ability to do so.
>
> * * *
>
> 4. CASA believes that termination for both parents would be in the best interest of [C.], as does the DCS [FCM].

> 5. The current placement has been able to address all of [C.'s] needs.

Appealed Order at 4.

[35] Various factors may be considered by the juvenile court in determining a child's best interests. *In re M.I.*, 127 N.E.3d 1168, 1171 (Ind. 2019). This includes a child's need for permanency. *In re P.B.*, 199 N.E.3d 790, 799 (Ind. Ct. App. 2022), *trans. denied*. Moreover, a recommendation by the FCM and CASA for the termination petition to be granted together with evidence the conditions resulting in removal will not likely be remedied is sufficient to show by clear and convincing evidence that termination is in the child's best interests. *In re A.S.*, 17 N.E.3d 994, 1006 (Ind. Ct. App. 2014), *trans. denied*.

[36] Here, the FCM and CASA both supported termination of Father's parental rights. The CASA commented on Father's failure to make C. a priority throughout the proceedings. Father's unwillingness to take drug screens as ordered to prove he was a sober caregiver and his failure to take every opportunity to visit with C. is emblematic of a parent who does not put his child's interests first. Where, as here, the testimony of service providers supports a finding that termination is in a child's best interests, we will not second-guess the juvenile court. *See McBride v. Monroe Cnty. Off. of Fam. & Child.*, 798 N.E.2d 185, 203 (Ind. Ct. App. 2003).

[37] Clear and convincing evidence supports the juvenile court's determination that termination of Father's parental rights is in C.'s best interests.

Conclusion

[38] The evidence supports the juvenile court's challenged findings, and the findings as a whole support the judgment terminating Father's parental rights. The judgment is affirmed.

[39] Affirmed.

Crone, J., and Kenworthy, J., concur.