

## MEMORANDUM DECISION

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## IN THE COURT OF APPEALS OF INDIANA

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In re the Termination of the  
Parent-Child Relationship of  
C.H. (Child) and G.H. (Father),  
*Appellant-Respondent,*

v.

Indiana Department of Child  
Services,  
*Appellee-Petitioner*

February 9, 2023

Court of Appeals Case No.  
22A-JT-02035

Appeal from the Scott Superior  
Court

The Honorable Marsha Owens  
Howser, Judge

Trial Court Cause No.  
72D01-2003-JT-000041

## Memorandum Decision by Judge May

Judges Mathias and Bradford concur.

### May, Judge.

[1] G.H. (“Father”) appeals the involuntary termination of his parental rights to C.H. (“Child”). Father presents multiple arguments for our review, which we restate as:

1. Whether the evidence supports findings challenged by Father;
2. Whether the trial court’s findings support its conclusions that the conditions under which Child was removed from Father’s care would not be remedied or the continuation of the Father-Child relationship poses a threat to Child’s well-being; and
3. Whether the trial court’s findings support its conclusion that termination of Father’s parental rights is in Child’s best interests.

We affirm.

## Facts and Procedural History

[1] Child was born to B.B. (“Mother”)<sup>1</sup> and Father on November 3, 2015. On November 13, 2018, Child’s half-sister, M.B. was born exposed to illegal

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<sup>1</sup> Mother agreed to the termination of her parental rights to Child and consented to Child’s adoption by relative placement. She does not participate in this appeal. Therefore, we focus on the facts relevant to the termination of Father’s rights.

substances.<sup>2</sup> The hospital contacted the Department of Child Services to investigate the safety of Child. DCS determined Child's stepfather, who was his caregiver at the time, could not appropriately care for Child due to drug use. Father was incarcerated in the Scott County Jail on "drug related charges," which rendered Father unable to take custody of Child. (Tr. Vol. II at 47.) DCS initially placed Child in foster care. Child was moved to relative care with Father's cousin on January 29, 2019, where he has remained since.

[2] On November 15, 2018, DCS filed a petition alleging Child was a Child in Need of Services ("CHINS") based on Mother's substance abuse. On November 21, 2018, the trial court held an initial hearing. Father did not attend because he was incarcerated.<sup>3</sup> On March 5, 2019, the trial court held a fact-finding hearing at which Father was present. On the same day, the trial court issued its order adjudicating Child as a CHINS based on Mother's substance abuse and Father's incarceration.

[3] On April 2, 2019, the trial court held its dispositional hearing as to Father. Father did not attend because he was incarcerated. The trial court issued its dispositional order the same day. The order required Father to, among other things: maintain contact with Child's Family Case Manager ("FCM") regarding

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<sup>2</sup> DCS also removed Child's half-siblings, M.B. and Ma.B., from Mother's care, but they are not part of the proceedings before us.

<sup>3</sup> At some point during 2019 Father was convicted of Level 5 felony dealing in methamphetamine and received a three-year sentence.

changes of address, criminal charges, and FCM's recommendations; allow the FCM to make announced and unannounced visits to his home; obtain and maintain safe and stable housing and a legal source of income; refrain from using or selling illegal substances; obey the law; complete random drug screens; complete parenting and substance abuse assessments and follow all recommendations; and attend all scheduled visitations with Child. On October 22, 2019, the trial court changed Child's permanency plan as to Mother from reunification to adoption based on Mother's noncompliance with services. On March 16, 2020, DCS filed a petition to terminate Mother and Father's parental rights to Child.

[4] On July 16, 2020, Father was released from incarceration.<sup>4</sup> The CHINS case remained open to allow Father time to complete reunification services. In July 2020, Father began working with a provider for fatherhood engagement services, but the provider was concerned because Father would not meet with her in person and "most sessions took place by phone." (*Id.* at 36.) Father did not complete fatherhood engagement services because the service provider closed out the referral in June 2021 after Father was incarcerated for domestic battery and strangulation. Father also completed a substance abuse assessment

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<sup>4</sup> Father participated in fatherhood engagement services while incarcerated but those services were eventually closed out because the service provider could no longer meet with Father when he was transferred to a different facility within the Indiana Department of Correction.

in July 2020. Because Father had not relapsed into illegal drug use, the provider determined he did not need services at that time.

[5] Father did not complete a parenting assessment. Father participated in supervised visits with Child from July 2020 to June 2021, but they were often cancelled due to Father's work schedule or Child's school schedule. Father acknowledged that he had never been in a "full time father role" with Child and had only cared for him for about "three weeks" during the time Child was a baby. (Tr. Vol. III at 39-40.) FCM Kassandra Poellot reported Child would "become very nervous" before visiting with Father because Child had not seen Father in a long time due to Father's incarceration. (Tr. Vol. II at 43.)

[6] Guardian ad Litem Diane Haag testified Child's therapist believed some of Child's behavioral issues, which included anger, "poo smearing" and "bed wetting," were "a direct correlation with contact with his father." (Tr. Vol. III at 9, 22.) Father acknowledged it was "reasonable" for Child to be "angry and upset" with Father. (*Id.* at 49.) Child's therapist felt "further visitation would be traumatic for [Child]" and suggested Father and Child engage in therapeutic visits. (*Id.* at 9.) Father did not participate in any therapeutic visits with Child.

[7] On June 19, 2021, Father was arrested for domestic battery and strangulation of his current wife.<sup>5</sup> Shortly thereafter, DCS terminated services for Father

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<sup>5</sup> Father testified he pled guilty to Class A misdemeanor domestic battery. He did not indicate the term to which he was sentenced, but testified he was incarcerated "[t]wenty or twenty-one days" for the offense. (Tr. Vol. III at 47.)

because he had not made significant progress toward completion from July 2020 to June 2021 when he was arrested. On June 29, 2021, the trial court changed Child's case plan as to Father from reunification to adoption. On July 27, 2021, February 1, 2022, and March 5, 2022, the trial court held fact-finding hearings regarding the termination of Father's parental rights to Child. On July 14, 2022, Mother consented to Child's adoption by his relative placement. On July 26, 2022, the trial court issued its order terminating Father's parental rights to Child.

## Discussion and Decision

[8] 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).

[9] "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.

[10] 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).

## 1. Challenged Findings

- [11] Father challenges eight of the trial court’s findings. 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. Office of Family & Children*, 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.



### ***1.1 Finding 10***

- [12] Father initially challenges Finding 10 of the trial court’s order which states: “[Child] was removed from Mother and Father an [sic] emergency basis on November 13, 2018, due to allegations of neglect, including substance abuse.” (App. Vol. II at 168.) Father argues Child “was not removed from Father’s care, because Father was not able to provide care while incarcerated.” (Father’s Br. at 15.) Further, he states he “had been incarcerated for approximately four (4) months at the time of removal and was only a contributing factor to the circumstances resulting in removal by nature of his inability to provide care from jail and/or prison.” (*Id.*) Father contends he was not responsible for the primary cause for Child’s removal, which was Mother’s substance abuse.
- [13] DCS acknowledges Mother’s substance abuse prompted DCS involvement in Child’s life and was the primary reason for Child’s adjudication as a CHINS. However, in *Matter of K.T.*, 137 N.E.3d 317 (Ind. Ct. App. 2019), we held, while the child resided with the mother and was technically removed from mother’s care, the father’s inability to care for the child amounted to removal from the father’s care as well. *Id.* at 327. Further, when deciding whether the conditions under which Child was removed from Father’s care will be remedied, the trial court may consider not only the initial reason for Child’s removal but also the reasons for Child’s continued placement outside of Father’s care. *See In re D.K.*, 968 N.E.2d 792, 798 (Ind. Ct. App. 2012) (court may consider not only the initial reason for a child’s removal but also the reasons why a child remained outside of a parent’s care).

[14] Here, DCS removed Child from Mother's care because of her substance abuse issues. Father was unable to provide care for Child because Father was incarcerated. Father remained incarcerated for almost two years during the CHINS proceedings, and Father was arrested less than a year after he was released from the first incarceration. Thus, while Father's inability to care for Child at the time of DCS's removal of Child was surely a contributing factor, it became the main issue for his continued removal from Father's care. Therefore, we conclude Finding 10 of the trial court's order was supported by the evidence.

### ***1.2 Findings Related to Father's Compliance with Services***

[15] Father also challenges Findings 17, 18, and 23 of the trial court's order, which relate to Father's compliance with services. Finding 17 states: "Father was referred to several home-based management services, parenting classes, fatherhood engagement and therapeutic visitation services." (App. Vol II at 171.) Finding 18 states: "Father frequently failed to complete these services." (*Id.*) Finding 23 states: "Father was then released from incarceration in July of 2020 but failed to meaningfully engage in services after his release." (*Id.*) Father contends "[t]here is nothing in the record that indicates Father refused any services, failed to comply with any services or had services closed as a result of his conduct." (Father's Br. at 15.) He asserts he "continued to participate in all provided services until the DCS unilaterally terminated his services." (*Id.*) Father argues he did not engage in substance abuse related treatment because the first provider to which DCS referred him in July 2020,

determined a substance abuse assessment was not necessary given that Father reported he was not, at that time, using alcohol or illegal drugs. He contends the second service provider completed an assessment and recommended he participate in outpatient services and engage with a recovery coach, but DCS did not make the proper referrals.

[16] While Father began fatherhood engagement services, he did not complete them. He first began fatherhood engagement services while incarcerated, however, he was unsuccessful because the service provider could not work with Father while Father was incarcerated within the DOC. The second time he worked with a fatherhood engagement service provider, the service was terminated because Father refused to meet the provider in person and would only participate via telephone. Father did not complete a parenting assessment because he did not visit with Child the requisite number of times the provider needed to complete the parenting assessment. There is no evidence to suggest Father completed any of the services DCS offered him.

[17] Regarding Father's argument about substance-abuse services, he is correct that the first provider indicated a substance abuse assessment was not necessary because Father was not using alcohol or illegal drugs at the time. However, the second provider recommended services and Father did not participate in any substance-abuse services thereafter. While Father complains he did not do so because DCS did not refer him to the proper service providers, Father may not "sit idly by without asserting a need or desire for services and then successfully argue that he was denied services to assist him with his parenting." *In re B.D.J.*,

728 N.E.2d 195, 201 (Ind. Ct. App. 2000). Father’s arguments are invitations for this court to reweigh the evidence and judge the credibility of witnesses, which we cannot do. *See In re D.D.*, 804 N.E.2d at 265 (appellate court cannot reweigh evidence or judge the credibility of witnesses). Therefore, we conclude Findings 17, 18, and 23 of the trial court’s order were supported by the evidence.

### ***1.3 Findings Related to Father’s Sobriety***

[18] In addition, Father challenges Findings 19 and 20, which concern Father’s sobriety. Finding 19 states: “Father was inconsistent with drug screens.” (App. Vol. II at 171.) Finding 20 states: “Father testified he has achieved sobriety as of the time of this hearing but has failed to provide any evidence or negative drug screens to prove that sobriety.” (*Id.*) Father contends:

The record supports only one conclusion which is Father completed substance abuse treatment while incarcerated, participated in all substance abuse referrals made by DCS, was not shown to have any serious substance abuse issues, and had been clean for more than two years. Any finding to the contrary is based on pure speculation or impermissible burden shifting.

(Father’s Br. at 17-18.)

[19] FCM Poellet testified Father was “mostly consistent with drug screens” and most came back negative except for one, which tested positive for THC. (Tr. Vol. II at 51.) This testimony does contradict the trial court’s finding that

Father was inconsistent with his submission to random drug screens. Thus we ignore this finding as we continue our review of Father's appeal.<sup>6</sup>

[20] Father has not indicated in his brief where in the record there is testimony or evidence that he completed substance abuse services while incarcerated. DCS notes that while Father claims to have been clean for two years, DCS's random drug testing stopped in June 2021 when Father was arrested and thus there is no evidence he has maintained sobriety since that time. Father's arguments are invitations for this court to reweigh the evidence and judge the credibility of witnesses, which we cannot do. *See In re D.D.*, 804 N.E.2d at 265 (appellate court cannot reweigh evidence or judge the credibility of witnesses). Therefore, we conclude Finding 20 of the trial court's order was supported by the evidence.

#### ***1.4 Findings Related to Child's Trauma***

[21] Lastly, Father challenges Findings 27 and 28 of the trial court's order. These findings concern Child's trauma as it relates to his relationship with Father. Finding 27 states: "Child has endured significant trauma in his relationship with Father. Child previously exhibited negative behaviors such as bed wetting and poo smearing when engaging in visitation with Father." (App. Vol. II at

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<sup>6</sup> To the extent that finding is erroneous, any error is harmless because, as we hold *infra*, the trial court's other findings support the trial court's conclusion that the conditions under which Child was removed from Father's care would not be remedied and its judgment terminating Father's parental rights. *See Lasater v. Lasater*, 809 N.E.2d 380, 397 (Ind. Ct. App. 2004) ("To the extent that the judgment is based on erroneous findings, those findings are superfluous and are not fatal to the judgment if the remaining valid findings and conclusions support the judgment.").

171.) Finding 28 states: “Father was referred for therapeutic visitation with [Child] but refused to engage as he was unwilling to alter his work schedule to make appointments.” (*Id.*) Father contends those findings contradict FCM Poellet’s testimony that he had progressed in visitation with Child as to warrant visits within his home. FCM Poellet testified she had begun the process of inspecting Father’s home for in-home visits when Father was arrested for domestic battery and strangulation of Father’s wife.

[22] Further, Father asserts “no where in the record did anyone provide testimony or evidence that the Child was engaged in extreme behaviors involving feces or urine, or that the Child had endured ‘significant trauma.’” (Father’s Br. at 18.) However, FCM Poellet reported Child would “become very nervous” before visiting with Father because Child had not seen Father in a long time due to Father’s incarceration. (Tr. Vol. II at 43.) Additionally, Guardian ad Litem Haag testified Child’s therapist believed some of Child’s behavioral issues, which included anger, “poo smearing” and “bed wetting,” were “a direct correlation with contact with his father.” (Tr. Vol. III at 9, 22.) FCM Poellet indicated Child received services to “address his history of trauma” and to have “extra support with [Child] not having been around [Father] for an extensive amount of time.” (Tr. Vol. II at 114.) Guardian ad Litem Haag testified that, after visits between Father and Child were discontinued, Child “does well handling his anger now.” (Tr. Vol. III at 21.) Father’s arguments are invitations for this court to reweigh the evidence and judge the credibility of witnesses, which we cannot do. *See In re D.D.*, 804 N.E.2d at 265 (appellate

court cannot reweigh evidence or judge the credibility of witnesses). Therefore, we conclude Findings 27 and 28 of the trial court's order were supported by the evidence.

## **2. Conditions Under Which Child Was Removed Would Not Be Remedied**

[23] Father argues the trial court's conclusion that the conditions under which Child was removed from his 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*. Only one of the findings challenged by Father was unsupported by the evidence, *see supra*, and unchallenged findings "must be accepted as correct." *Madlem v. Arko*, 592 N.E.2d 686, 687 (Ind. 1992).

[24] Independent of the findings Father challenged, the trial court found, in relevant part:

21. Father has failed to obey the law throughout the life of the CHINS case.

22. Father was incarcerated for a portion of the CHINS case for charges of Dealing in Methamphetamine under cause number 72C01-1805-F4-000026.

\* \* \* \* \*

24. Father violated the dispositional order and was again incarcerated when he obtained new charges for Domestic Battery and Strangulation in June 2021 under cause number 72C-01-2106-F6-000252. These charges were obtained during the pendency of the underlying CHINS case.

25. Father has only ever been referred for supervised visits with Child.

26. Father was never referred for visitation with reduced supervision and has never been recommended for a Trial Home Visit during the pendency of the CHINS case.

\* \* \* \* \*

29. Father has not visited with Child since on or about June 29, 2021, when the CHINS Court ordered that all services be suspended, including visits.

30. Since visitation with Father was suspended, the child's negative behaviors have been eliminated and he is thriving in his current placement.

31. Father has failed to demonstrate his ability to parent Child.

32. Child has no strong bond or connection with Father.

\* \* \* \* \*

38. DCS made reasonable efforts to finalize the former permanency plan of Reunification without Father making



appropriate progress or indicating a willingness to reunify with Child.

(App. Vol. II at 171-3.) Based thereon, the trial court concluded the conditions under which Child was removed from Father's care would not be remedied.

[25] In support of his argument, Father points to those requirements under the dispositional order that he did successfully complete. Father maintained consistent legal employment for one-and-one-half years. Father maintained contact with the Family Case Manager as required. Father resided in the same home for a year and DCS approved the condition of that home.<sup>7</sup>

[26] While Father completed a few of the requirements of the dispositional decree, we cannot ignore his frequent incarceration and commission of new crimes during the pendency of the CHINS proceedings. Prior to the CHINS case before us, Father committed Level 5 felony dealing in methamphetamine,<sup>8</sup> for which he was sentenced to three years incarcerated. He was incarcerated until July 2020, over a year after Child was adjudicated as a CHINS and almost two years after Child was removed from Mother's care. Less than a year later, Father was arrested for domestic battery and strangulation. As we indicated in the analysis of Father's challenged findings, Father did not successfully complete services and never progressed beyond supervised visits with Child.

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<sup>7</sup> We note however, that FCM Poellot testified Father moved and she had not inspected his new home.

<sup>8</sup> Ind. Code § 35-48-4-1.1(a).

Based thereon, we conclude the trial court's findings support its conclusion that the conditions under which Child was removed from Father's care would not be remedied.<sup>9</sup> *See Matter of G.M.*, 71 N.E.3d 898, 908 (Ind. Ct. App. 2017) (holding trial court findings regarding Mother's incarceration and failure to complete services supported its conclusion that the conditions under which her child was removed from her care would not be remedied).

### 3. Child's Best Interests

[27] Father also contends the trial court's findings do not support its conclusion that termination of Father's parental rights was in Child's best interests. 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

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<sup>9</sup> Father also argues the trial court's findings do not support its conclusion that the continuation of the Father-Child relationship poses a danger to Child'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*.

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).

[28] Outside of the findings Father challenges, and in addition to the findings recounted in Section 2, the trial court found, regarding Child's best interests:

37. Child is thriving in the relative home, with all [Child's] physical and emotional needs being met.

\* \* \* \* \*

42. [Child's] Guardian ad Litem (hereinafter, "GAL") believes that Termination of Parental Rights is in Child's best interest.

43. The GAL based this opinion upon Father's failure to complete recommended services since removal of [Child], their [sic] failure to fulfill necessary parental obligations and responsibilities as to Child, as well as Child's progress in foster care.

\* \* \* \* \*

47. As of January 29, 2019, Child was placed in foster care with [K.B. and P.B.], where Child remains at this time.

48. Child is thriving in this placement and the placement has the means and desire to proceed with the adoption of [Child].

49. Child's placement outside the care of Mother and Father has proven beneficial and Child is progressing well there.

\* \* \* \* \*

52. Child has been out of the care and custody of either parent for a considerable amount of time, and testimony demonstrated [Child] is well adjusted and making significant improvements in his current foster home. It is in [Child's] best interest to pursue Adoption with [Child's] current foster home.

(App. Vol. II at 172-3.) Father asserts termination of his parental rights was not in Child's best interest because termination "would remove all services from Father at a time when he is actively trying to make substantial changes" and would "severe [sic] a relationship between a loving parent and a Child who are bonded, causing untold anguish and stress [to] everyone involved." (Father's Br. at 23.)

[29] However, as stated in the findings, Father and Child have no bond. Father was incarcerated at the time Child was removed from Mother's care. Father did not complete the requisite services for the return of Child into his care. The trial court found Guardian ad Litem Haag recommended involuntary termination of Father's parental rights to Child based on Father's lack of compliance with services and the fact that Child was thriving in relative placement, which was willing and able to adopt Child. Therefore, we hold the trial court's findings support its conclusion that termination was in Child'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

[30] Findings 10, 17, 18, 20, 23, 27, and 28 of the trial court's order were supported by evidence and thus were not clearly erroneous. Finding 19, regarding Father's submission of drug screens, was not supported by the evidence; however, that error was harmless based on the other findings that supported the trial court's conclusion that the conditions under which Child was removed from Father's care would not be remedied. Additionally, the remainder of the trial court's findings supported its conclusion that termination was in Child's best interests. Accordingly, we affirm the trial court's termination of Father's parental rights to Child.

[31] Affirmed.

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