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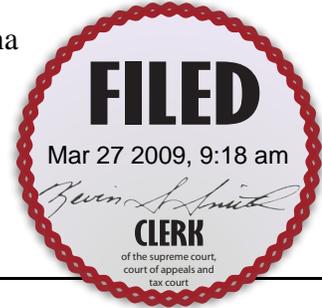
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**IN THE
COURT OF APPEALS OF INDIANA**

IN THE MATTER OF THE INVOLUNTARY)
TERMINATION OF THE PARENT-CHILD)
RELATIONSHIP OF S.H., MINOR CHILD,)

MAE HARDISON, Mother, and)
JAMES HARDISON, Father,)

Appellants-Respondents,)

vs.)

MARION COUNTY DEPARTMENT OF)
CHILD SERVICES,)

Appellee-Petitioner,)

CHILD ADVOCATES, INC.,)

Co-Appellee, Guardian ad Litem,)

No. 49A04-0809-JV-529

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Marilyn Moores, Judge
The Honorable Larry Bradley, Magistrate
Cause No. 49D09-0601-JT-396

March 27, 2009

MEMORANDUM DECISION - NOT FOR PUBLICATION

DARDEN, Judge

STATEMENT OF THE CASE

Mae Hardison (“Mother”) and James Hardison (“Father”) appeal the trial court’s order that terminated their parental relationship with their son, S.H.

We affirm.

ISSUE

Whether clear and convincing evidence supports the trial court’s judgment terminating the parental rights of Mother and Father.

FACTS

The Marion County Department of Child Services (“DCS”) filed a petition to terminate the parental rights of Mother and Father on January 5, 2006. After evidentiary hearings were held on April 7 - 8, April 17, May 20, May 28 – 29, and June 26, 2008,¹ the trial court issued its termination order on August 22, 2008.

When Mother was pregnant, in May of 2004, her medical provider referred her to the Marion County Health Department for prenatal and parenting education. Mother was counseled by medical social worker Darcel Milner, MSW, LCSW. In her initial

¹ A final hearing was convened on July 7, 2008, at which time the trial court noted that it had made “about 110 pages of notes.” (Tr. 971). The witness expected to testify on July 7th was not present, and no evidence was heard on that date.

assessment, Milner found that Mother suffered from mental illness. Mother reported that she had an anxiety disorder but was not taking her prescribed medication. In subsequent sessions with Milner, Mother reported that she “might be a little schizophrenic” and was having recurring hallucinations. (Tr. 104).

On December 1, 2004, Mother gave birth to S.H. S.H. was placed in an emergency care foster home, and the Department of Child Services (“DCS”) filed a petition alleging that S.H. was a Child In Need of Services because neither Father nor Mother could provide care for him without supportive services.

Milner worked with Mother for eleven months.² During the majority of her sessions, Mother had “difficulty staying on the topic,” talking in a “flight of ideas . . . from one topic to the next,” never “completing thought processes,” and was not “able to concentrate.” (Tr. 104). Because of Mother’s behavior, Milner became concerned that Mother “would become overwhelmed and not be able to respond to the baby appropriately.” (Tr. 113).

At a fact-finding hearing held on June 16, 2005, Mother and Father admitted that S.H. was a Child in Need of Services. They were ordered to complete various services aimed toward the goal of family unification. They were ordered to maintain appropriate housing and income; maintain contact with their DCS caseworker; complete a parenting assessment and follow the recommendations thereof; and complete parenting classes and

² After S.H.’s birth, the sessions were “parent education,” and Father was also present. (Tr. 113).

home-based counseling. Mother was ordered to participate in mental health treatment and “follow all recommendations.” (Ex. 9).

At her December 2004 parenting assessment with Caroline Fitterling, M.S.W., Mother reported that several years earlier, she had been diagnosed as being bipolar³ and medication was prescribed, but that she did not believe that she needed medication. Fitterling testified that Mother exhibited rapid speech, speaking in a flight of ideas, and an inability to maintain the topic, as well as loose and tangential thought processes and paranoia.

In March of 2005, clinical psychologist Mary Panpandria, Ph.D., evaluated Mother. Dr. Papandria found Mother to have “somewhat delusional” thought processes, a distorted perception of reality, dependency, depression, and difficulty coping with stress in her life. (Tr. 524). In her evaluation, she reported that given Mother’s “significant anxiety, paranoia, and bipolar disorder,” she should be supervised “every time she is with her child until she demonstrates [the] ability to cope during stressful times and to utilize good decision-making abilities.” (Ex. 36, p. 10).

Mother had made calls to S.H.’s first foster home with disturbing frequency, and made many bizarre accusations – such as that the family was part of “some strange religion,” and might be “molesting [S.H.]” (Tr. 125). A call at 6:51 a.m. and another at 7:23 a.m. on February 25, 2005, were recorded. The recording was admitted into

³ Dr. Fretwell, a psychiatrist whose testimony is later noted, also diagnosed Mother in the fall of 2004 as bipolar.

evidence, and it dramatically reflects the testimony regarding Mother's tangential thought processes and flights of ideas.

Flora Kirklin was the Hardisons' DCS case manager from August of 2006 until October of 2007. Kirklin testified that Mother and Father did not "grasp the concept of the parenting and the chronological and developmental stages of [S.H.]" (Tr. 149). For example, Father thought it appropriate for a two-year-old child to be left at home alone and thought he "could read . . . when [S.H.] couldn't even really talk." (Tr. 162). According to Kirklin, neither Father nor Mother "really grasp[ed] the concepts of what the child's needs were and how to address those needs." (Tr. 171). Kirklin noted Mother's inability to focus, and described her as going "from 0 to 60" when she exploded with anger. (Tr. 160). Kirklin testified that both Mother and Father loved S.H., but "they [we]re incapable of caring for" him because Mother "did not understand or couldn't grasp" his safety needs, and Father "was really unconcerned" – having "stopped coming to" visits in the summer of 2007, indicating that he "was done with this." (Tr. 168). Kirklin "thought the child was endangered, due to [Mother]'s mental health" issues and due to Father's "inability and lack of . . . parenting skills," and that Father did not "fully underst[an]d the seriousness" of Mother's mental health issues -- how that "would affect the child." (Tr. 161, 170).

Melissa Crawford, M.S.W., L.C.S.W., provided home-based counseling for the Hardisons from April 2005 through January 2006. Crawford immediately noticed Mother's constant "jump[ing] from topic to topic" and general inability "to stay focused." (Tr. 452). Crawford testified that Mother became very "stressed out" about the CHINS

process and that S.H. was not in her care. (Tr. 455). On one occasion, Crawford was unable to redirect or calm Mother and left “because of her being angry and inappropriate.” (Tr. 456). Mother followed her outside and “got down on her knees and said she would kiss [Crawford’s] feet.” (Tr. 463). On the next visit, Mother “opened the door with a shirt around her head,” refused to make eye contact, and “said that she . . . could not ensure that [S.H.] would be safe during the next unsupervised visit.” *Id.* Crawford also testified that based on Mother’s erratic demeanor and behavior, she did not believe that Mother was taking her medication as directed.⁴ Crawford further testified that Father “ignored” Mother’s paranoia and instability. (Tr. 461).

After DCS filed the petition for termination of parental rights in January of 2006, Mother called Crawford and “said she didn’t want [Crawford] to come back to her home” and “wanted a restraining order against [Crawford].” (Tr. 465). Crawford recommended that home-based counseling services to the Hardisons be ended because of Mother’s “unstable mental health and her not taking” her medication, and Father’s failure to “deal with situations” when Mother became unstable,” and the potential damage to S.H. of his needs not being met and his not feeling “safe and secure.” (Tr. 465, 466, 467). Despite Crawford’s recommendation, a new home-based counselor was assigned to the Hardisons.

Bruce Joray, M.S.W., provided home-based counseling services to the Hardisons from January of 2006 through March 27, 2008. Joray testified that in his early visits,

⁴ At one visit, Mother reported that she was going to St. Louis for a job interview and stated that if she was hired, she would commute to Indianapolis daily. Another time, Mother reported that the CIA was tapping her telephone.

there was significant discord between Father and Mother. Further, Mother's "mental health," her "pressured speech" and inability to "stay on topic," and her "very aggressive and angry" behavior left "nothing productive that could be done during the sessions" with her. (Tr. 260). Joray attempted to work with Father, but he seemed "to be overwhelmed by [Mother]'s mental illness." (Tr. 261). Joray testified that by the summer of 2006, Mother's mental illness was under control, and goals were set for the parents to have S.H. in their care. With Joray's assistance, Mother and Father commenced working toward those goals for the next year.

In the summer of 2007, Father and Mother's relationship deteriorated. Father failed to participate in some of S.H.'s visits to their home. S.H.'s safety was jeopardized while in Father's care when Father went to a neighbor's house and left S.H. alone. Father also left S.H. in the care of a neighbor – who fell asleep on the couch with an alcoholic beverage and left S.H. playing on the floor. These safety matters led to a reduction in visitation with S.H. Joray testified that in the fall of 2007, Father "was disengaged" regarding S.H. and missed visits and home-based counseling sessions. (Tr. 303). In October 2007, Father left Indiana and moved to Arizona to attend college.

In October of 2007, DCS, Joray, and the guardian ad litem ("GAL") for S.H. agreed that services would be directed toward Mother's ability to parent S.H. alone and set recommended goals for her to attain. Mother was employed, but experienced difficulty meeting financial obligations. In November of 2007, she "was sending money to [Father] to help support him" in Arizona, leaving herself without "any money for gas or food" for herself. (Tr. 309). Mother did attend developmental therapy sessions with

S.H.; however, Joray testified that Mother did not apply the therapy practices because she felt that forcing S.H. to perform the therapy exercises was “mean.” (Tr. 318). Joray testified that in December of 2007, “there wasn’t improvement” in Mother’s progress toward the goals, and she “admitted to [him] at the end of the month that she had been off her medication.” (Tr. 319). He also testified that at that time, Mother became more stressed and overwhelmed – leading her to “misunderst[an]d what was going on.” (Tr. 320). In February of 2008, during a long visit with Mother, he observed S.H.’s abnormally “hyper” behavior – running, throwing things, climbing, pulling things down, and that Mother “had difficulty controlling him.” (Tr. 327). This concerned him, as S.H. was getting “older,” with “more ability to access things,” and Mother “would have to intervene to keep him” from hurting himself. (Tr. 328).

At a March 2008 meeting with Joray, Mother’s therapist,⁵ and Dr. Fretwell (Mother’s treating psychiatrist since the fall of 2004), Mother became upset and angry to the extent that they were unable to calm her, or to redirect her focus to the issues of parenting S.H. The home-based counseling services to Mother ended in late March 2008.

Joray testified that he was concerned about the safety and emotional development of S.H. if he was in Mother’s care. Nancy Speer, the DCS supervisor for approximately three years, testified that Mother and Father had not benefited from the services provided them. She noted that Father had not seen S.H. in months, and the home-based counselor

⁵ Dr. Fretwell testified that Mother’s therapist was Meru Pajony, a licensed clinical social worker who had provided therapy to Mother for several years.

for more than two years “had exhausted every effort to try to reunify” the family. (Tr. 504).

Heather and Joe Oliver testified that they had been S.H.’s foster parents for more than two years -- since February of 2006, when he was fourteen months of age. They testified to their love for S.H., his special needs, his happiness in their home, and his increasing need for permanency. The Olivers testified of their desire to adopt S.H. and provide him with a loving home.

Dr. Heather Fretwell, a psychiatrist, had treated Mother from the fall of 2004 through the termination hearings. Dr. Fretwell diagnosed Mother as being bipolar and prescribed anti-anxiety and mood stabilization medication. Mother did not consistently take the medication as prescribed. From the fall of 2004 until January of 2008, Dr. Fretwell met with Mother once every two months. Dr. Fretwell believed Mother had “made a lot of progress” in her coping skills but that under “extreme stress,” her coping mechanisms “br[o]k[e] down a bit.” (Tr. 779). Dr. Fretwell testified that she had never met S.H., never observed Mother interacting with him, and had no opinion as to whether it was in S.H.’s best interest to be in Mother’s care.

Greg Huff, the GAL for S.H. since August of 2006, testified that at 3½ years of age, S.H. was not yet talking; that he had developmental delays; and that he required speech and physical therapy. He testified that he had observed no “strong bond” between S.H. and his parents; and that Father did not seem to be “involved with Mother’s mental health condition or [S.H.]’s well being,” and had a “pretty low level of involvement with [S.H.],” and appeared to have abandoned S.H. (Tr. 936, 952). He also testified that

Mother was not able to maintain focus and had failed to grasp the importance of setting and enforcing boundaries with her son. (Tr. 928). He testified that he did not believe that Mother could “safely parent” S.H., “[t]hat she could focus on [S.H.] and his needs at all times” in order to “perceive his needs” and “meet them.” (Tr. 966, 967).

Finally, Huff testified that as GAL, it was his duty to make a recommendation for permanent custody “where this child will be safest and hav[e] the best opportunity for a good life, . . . a home that he feels loved in and that he can come home to every day and feel secure.” (Tr. 924). In his opinion, reunification with Mother was “not possible,” and he “recommend[ed] that [S.H.] be adopted by the Olivers,” with whom S.H. had a “stronger bond” than with Mother and Father, and “not be reunified with his biological parents.” (Tr. 939, 926).

Mother testified at the April 7th, May 29th, and June 26th hearings, and her testimony reflected her difficulty in maintaining focus and what appears to be an occasional loss of touch with reality. Father testified on May 28th (by telephone) that he was not able to support S.H. and had not seen him since October of 2007, but that he loved and missed S.H. He admitted that he had sent nothing to his son for either his birthday or for Christmas, and that he had made no contact with DCS since leaving Indiana.

On August 22, 2008, the trial court issued its order terminating the parent-child relationship of Mother and Father with S.H. The order contains thirty-five factual findings, which it found had been established “by clear and convincing evidence.” (App. 23). It then concluded as a matter of law that (1) “the conditions that resulted in [S.H.]’s

removal and continued placement outside the home will not be remedied by [Mother] and [Father]”; (2) “the continuation of the parent-child relationship pose[d] a threat to the well-being of [S.H.]”; and there was “a satisfactory plan for the care and treatment of [S.H.], that being adoption.” (App. 29).

DECISION

Parental rights are of a constitutional dimension, but the law provides for the termination of those rights when the parents are unable or unwilling to meet their parental responsibility. *In re R.S.*, 774 N.E.2d 927, 930 (Ind. Ct. App. 2002) (citing *In re L.S.*, 717 N.E.2d 204, 208 (Ind. Ct. App. 1999), *trans. denied, cert. denied, trans. denied*). The purpose of terminating parental rights is not to punish parents but to protect children. *Id.*

The trial court must subordinate the interests of the parents to those of the child when evaluating the circumstances surrounding the termination. *R.S.*, 774 N.E.2d at 930. Termination of the parent-child relationship is proper where the child’s emotional and physical development is threatened. *Id.* Moreover, the trial court need not wait until the child is irreversibly harmed such that his physical, mental, and social development is permanently impaired before terminating the parent-child relationship. *Id.* The parent’s habitual pattern of conduct is relevant to determine whether there is a substantial probability of future neglect or deprivation of the child. *Id.*

The appellate court will not set aside the trial court’s judgment terminating a parent-child relationship unless it is clearly erroneous. *Id.* at 929-30. When reviewing the sufficiency of the evidence to support the judgment of involuntary termination of the

parent-child relationship, we neither reweigh the evidence nor judge the credibility of witnesses. *Id.* at 930. We consider only the evidence that supports the judgment and the reasonable inferences to be drawn therefrom. *Id.*

When a county office of family and children seeks to terminate parental rights, the office must plead and prove in relevant part that:

- (A) The child has been removed from the parent for at least six (6) months under a dispositional decree; . . .
- (B) There is a reasonable probability that:
 - (i) the conditions that resulted in the child's removal or the reasons for placement outside the home will not be remedied; or
 - (ii) the continuation of the parent-child relationship poses a threat to the well-being of the child;
- (C) Termination is in the best interests of the child; and
- (D) There is a satisfactory plan for the care and treatment of the child.

Ind. Code §§ 31-35-2-4(b)(2), 31-35-2-8(a).

Both Mother and Father argue⁶ that the termination of their parent-child relationships was not supported by clear and convincing evidence as to either the reasonable probability that (1) the conditions resulting in the removal will not be remedied, or (2) the continuation of the parent-child relationship poses a threat to the well-being of S.H. Their arguments challenge both findings under subsection (B) of the above statutory provision; however, it is written in the disjunctive. Therefore, the trial court need find by clear and convincing evidence only one of the two requirements of subsection (B). *See In re L.S.*, 717 N.E.2d 204, 209 (Ind. Ct. App. 1999), *trans. denied, cert. denied.*

⁶ On January 29, 2009, we granted the motion of DCS to consolidate their appeals.

Probability that Father will not remedy the conditions

Father argues that the evidence did not establish the probability that he will not remedy the conditions that resulted in the removal and continued placement of S.H. outside the home. Specifically, Father argues that the trial court erred when it found that he had not complied with the requirement “of having income and successfully completing home-based counseling.” (App. 24).⁷

Regarding the issue of earning income, he argues that he expects to earn income in the future. However, when determining whether a reasonable probability exists that the conditions justifying a child’s continued placement outside the home will not be remedied, the trial court must judge a parent’s fitness to care for his child at the time of the termination and take into consideration evidence of changed conditions. *In re D.D.*, 804 N.E.2d 258, 266 (Ind. Ct. App. 2004), *trans. denied*. At the time of the termination hearings, Father was not “able to provide any financial support to [Mother] or towards [his] son [S.H.]” (Tr. 607). During the seven-month period since leaving Indiana, Father had provided only “around \$100.00” for Mother and S.H. (Tr. 617). The evidence supports the trial court’s finding that Father had failed to meet the requirement of earning income to support S.H.

Regarding the issue of home-based counseling, his argument seems to suggest a lack of effort or competence on the part of the service providers. However, the trial court’s findings focus on Father’s failings in a broader context than simply the

⁷ The trial court found that Father “completed services with the exceptions of having income and successfully completing home-based counseling.” (App. 24).

completion of home-based services. Specifically, the trial court found as follows: the initial service provider, Milner, “encouraged [Father] to learn more about [Mother]’s mental health issues”; the safety plan in 2005 “included [Father] being present during visits in the event [Mother] had to be redirected” when she exhibited “mental health issues” and “paranoid features, but [Father] remained passive instead of redirecting,” and considered moving out of the home; Joray attempted to educate Father in 2006 “as to appropriate parenting skills and to understand his wife’s mental health problems,” but Father “failed to utilize skills and coping methods”; in late 2006, Father’s “participation and interest in visitations dropped off”; in 2007, Father “appear[ed] overwhelmed when parenting alone,” once he left S.H. “with a neighbor who was asleep with alcohol present,” and, on another occasion, he left S.H. home alone; in late-summer of 2007, Father “disengaged himself from services,” and in October 2007, Father moved to Arizona. (App. 24, 26, 27). These findings are supported by the evidence, and they support the trial court’s finding that Father did not successfully complete home-based counseling services.

Further, thereafter, the trial court found that Father

is unavailable to parent, having relocated to Arizona during home-based services to attend college until a projected time of May 2010. He has demonstrated unwillingness to parent by moving out of state, his lack of participation in services prior to the move, and his lack of contact with [S.H.] and DCS since the move. . . .

(App. 28). This finding supports the reasonable inference that Father chose to not make himself available to provide the parenting needed by S.H. Evidence establishing a pattern of unwillingness to deal with parenting problems and to cooperate with those

providing social services, along with evidence of unchanged conditions, supports the finding by the trial court that there exists no reasonable probability that the conditions leading to the removal of the child will be remedied. *L.S.*, 717 N.E.2d at 210. When S.H. was removed, Father admitted that he was unable to provide the necessary care for S.H. without supportive services. At the time of the termination hearing, Father was still unable to provide S.H. with proper parental care. The trial court did not err when it found clear and convincing evidence had established that the conditions that led to S.H.’s removal and placement outside the home would not be remedied by Father.⁸

Threat to the well-being of S.H. by Mother

Mother argues that DCS did not present clear and convincing evidence that the continuation of her parental relationship posed a threat to the well-being of S.H. She cites the trial court’s findings that Mother’s mental instability “pose[d] a serious physical threat to [S.H.], or one of neglect, if there is not a third party to intervene or supervise,” and that “most, if not all of the service providers in this case have expressed concerns about [Mother]’s behavior posing a risk of harm to [S.H.]” (App. 28, 29). Mother asserts that much of the evidence in this regard reflected her behavior in 2005, and she directs us to evidence from herself and her two friends about their current willingness to help Mother. Such essentially asks that we reweigh the evidence, which we do not do. *See R.S.*, 774 N.E.2d at 930.

⁸ Accordingly, we need not address Father’s argument that the trial court erred in finding that his continued parent-child relationship posed a threat to the well-being of S.H. *See L.S.*, 717 N.E.2d at 209.

The trial court heard extensive testimony from Mother. The evidence supports the trial court's finding that Mother had "a long history of mental health issues and non-compliance or partial compliance with treatment and medication." (App. 24). Further, Kirklin, the DCS case manager from August of 2006 until October of 2007, testified that Mother "did not or couldn't grasp" S.H.'s safety needs. (Tr. 168). Also, both the GAL and Joray had communicated regularly with Mother since 2006, and they reported her difficulty in maintaining focus, and that such endangered S.H., a special needs child needing her full attention. In addition, at a March 2008 meeting, three mental health professionals were unable to calm Mother's anger and redirect her to the issue of parenting S.H. The trial court's finding that Mother's mental instability posed an on-going threat to the well-being of S.H. is supported by clear and convincing evidence.⁹

The best interests of S.H.

Father argues that the evidence is not sufficient to establish that termination of his parental rights is in S.H.'s best interests by citing to certain positive facts in the record and simply concluding that DCS's "evidence failed to establish that it was in [S.H.]'s best interests to terminate parental rights rather than continue to offer services and work toward reuniting the family." Father's Br. at 23. We are not persuaded.

The State's *parens patriae* interest in protecting the welfare of children involved in a termination proceeding is significant, and delays in the adjudication of the case impose significant costs upon the functions of the government as well as an intangible cost to the

⁹ Accordingly, we need not address Mother's argument that the evidence failed to establish the reasonable probability that the conditions that led to S.H.'s removal and placement out of the home would not be remedied by Mother. *See L.S.*, 717 N.E.2d at 209.

life of the child involved. *D.A. v. Monroe Co. Dep't of Child Servs.*, 869 N.E.2d 501, 510 (Ind. Ct. App. 2007). S.H. was nearing his fourth birthday by the time of the order appealed. He had never had a permanent home, a place to “come home to every day and feel secure” and safe, as the GAL put it. (Tr. 924).

Further, Father’s argument clearly asks that we reweigh the evidence, which we do not do. *See R.S.*, 774 N.E.2d at 930. The trial court implicitly found that the continued provision of services was unwarranted when it expressly found that

[a]fter three years of home-based services, and six continuances requested by the DCS or the [GAL] over a two-year span to provide the Hardisons more time, there has been little progress toward reunification. Nothing suggests that given additional time, the Hardisons could remedy the conditions that precipitated the CHINS filing.

(App. 28). This finding is supported by the evidence.

The trial court found that S.H. had been living in the care of the Olivers since February 2006; that his special needs were “being appropriately addressed” there; and that the GAL had observed S.H. to “be thriving in his placement” and to have “a strong bond with the foster family in which he ha[d] become well integrated.”¹⁰ (App. 29). The trial court further found that termination was in S.H.’s “best interests, . . . providing for a subsequent adoption.” *Id.* The findings are supported by the evidence; thus, Father’s argument must fail.

¹⁰ Mrs. Oliver testified that their home included two other foster children younger than S.H., one of whom they were already in the process of adopting.

Mother argues that the trial court erred when it found that clear and convincing evidence established that it would be in S.H.'s best interest to terminate the parental relationship and

provid[e] for a subsequent adoption, [which] would provide [S.H.] with a sense of permanence in a safe, stable environment. It is detrimental to [S.H.] to continue his current arrangement in limbo.

(App. 29). Mother asserts that there “is no evidence in the record that the current arrangement is detrimental to S.H. beyond the generally accepted notion that children are better off in a stable, permanent environment.” Mother’s Br. at 19. We disagree.

The record is replete with testimony about Mother’s mental illness, her erratic behavior and inability to maintain focus. As the GAL testified, Mother’s lack of the ability to focus on S.H. leads to her inability to perceive his needs and, therefore, to meet them. Joray testified that being in Mother’s care would endanger S.H. because “his access to reality is his mother at his age”; that S.H. would need to spend “a considerable amount of energy . . . to navigate mom’s mental illness, to understand what’s going on”; and that the way she so frequently changed topics of speech “would be very confusing” to him. (Tr. 351, 352). The GAL also testified that Mother’s inability or unwillingness to set and apply boundaries for S.H. endangered his safety. This evidence supports the trial court’s finding that it would be detrimental to S.H. for the “arrangement in limbo” to continue. (App. 29).

As to S.H.’s need for permanency, both Mr. and Mrs. Oliver testified that S.H. needed permanency, “not going back and forth” and “to just have this all end . . . it’s gone long enough for him.” (Tr. 221, 236). In addition, Mrs. Oliver testified that after

S.H. returned from the longer visits with Mother, he would be agitated and aggressive, hitting the younger children in their home and kicking her. Mr. Oliver also testified that S.H. was “aggressive” after a visit with Mother. (Tr. 236). As already noted, the GAL testified that his duty was to recommend permanent custody where S.H. would be “safest and have the best possibility for a good life,” in “a home that he feels loved in and can come home to every day and be secure,” and he recommended that S.H. not be reunified with Mother and Father but be adopted by the Olivers. (Tr. 924).

The DCS supervisor testified that the child’s best interest was the critical issue on a termination case, and that after “three years of home-based counseling,” the “main issue” in this case was “permanency for [S.H.]” (Tr. 504). The GAL testified that the “unusual length of” home-based counseling had been “difficult . . . , especially” on S.H.; that going “back and forth between visits . . . confuses” children, with “a parent here and . . . foster parents” there; and that children “need consistency.” (Tr. 918, 925). The GAL further testified that S.H. “seem[ed] confused when” he was at Mother’s, as though wondering why he was there; and that it was confusing to S.H. when he called the Olivers “mommy and daddy” but Mother wanted him to call her “mommy.” (Tr. 946, 963). There was clear and convincing evidence before the trial court to support its finding that it was in S.H.’s best interest to terminate the parental relationship and provide for a subsequent adoption, which would give S.H. a sense of permanence in a safe, stable environment.

We acknowledge the unanimous opinion that Mother dearly loved S.H., and that she had expended great effort to try to demonstrate her ability to provide the parenting

care that he needed. However, in a termination proceeding, the interests of the parent must be subordinated to those of the child, and termination of the parent-child relationship is proper where the child's development is threatened. *R.S.*, 774 N.E.2d at 930.

Affirmed.

RILEY, J., and VAIDIK, J., concur.