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**IN THE  
COURT OF APPEALS OF INDIANA**

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IN THE MATTER OF THE INVOLUNTARY )  
TERMINATION OF PARENT-CHILD )  
RELATIONSHIP OF C.S., Minor Child )  
and His Father, )  
)  
B.S., )  
)  
Appellant-Respondent, )  
)  
vs. )  
)  
DEARBORN COUNTY DEPARTMENT )  
DIVISION OF CHILDREN SERVICES, )  
)  
Appellee-Petitioner. )

No. 15A04-0812-JV-755

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APPEAL FROM THE DEARBORN CIRCUIT COURT  
The Honorable James Humphrey, Judge  
Cause No. 15C01-0802-JT-022

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**May 12, 2009**

**MEMORANDUM DECISION - NOT FOR PUBLICATION**

**BROWN, Judge**

Brian S. (“Father”) appeals the involuntary termination of his parental rights to his son, C.S. Father challenges the sufficiency of the evidence supporting the trial court’s judgment. Concluding the Dearborn County Department of Child Services (“DCDCS”) provided clear and convincing evidence to support the trial court’s judgment, we affirm.

Father is the biological father of C.S., born on December 12, 2006.<sup>1</sup> The evidence most favorable to the trial court’s judgment reveals that, on or about December 14, 2006, the DCDCS received a health and life endangerment referral pertaining to Mother and C.S. The report alleged Mother was not properly caring for C.S. while at the hospital and was unable to follow the instructions offered by hospital nursing staff regarding how to properly hold the baby while supporting his neck. The report further indicated that Mother had defecated and urinated on herself, the floor, the bed, and in the shower, as well as had been observed smearing feces on her face and body. Mother had also been verbally abusive to hospital staff and had even threatened to physically harm various staff members. As a result of its investigation, the DCDCS sought and received verbal authorization from the judge to take then two-day-old C.S. into emergency protective custody.

An emergency detention hearing was held on December 15, 2006, after which C.S. was ordered to remain in the temporary custody of the DCDCS. The DCDCS subsequently filed a petition alleging C.S. was a child in need of services (“CHINS”), and

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<sup>1</sup> The parental rights of both Father and C.S.’s biological mother, Tabitha S. (“Mother”), were involuntarily terminated by the trial court on October 7, 2008. Although Father and Mother are married and living together, Mother does not participate in this appeal. Consequently, we will limit our recitation of the facts, where possible, to those pertinent solely to Father’s appeal.

a fact-finding hearing on the CHINS petition was held on January 12, 2007. Following the fact-finding hearing, the trial court adjudicated C.S. a CHINS and proceeded to disposition. Father was ordered to participate in and successfully complete a variety of services in order to achieve reunification with C.S. including, among other things, a parenting assessment, parenting classes, psychological testing, individual and marital counseling, home-based services and supervised visitation. Father was also directed to obtain and maintain stable employment and housing.

Throughout the duration of the CHINS case, Father's participation in court-ordered services was sporadic. Father completed a parenting assessment, psychological evaluations, and participated in parenting classes. However, Father did not obtain employment and did not maintain safe and stable housing. Although Father was more interactive than Mother during supervised visits with C.S. and reportedly had better instincts regarding how to care for the baby, Father's attendance at visits was inconsistent. Moreover, Father oftentimes deferred to Mother as to whether or not to participate in scheduled visits with C.S. at all.

Although Father, who was diagnosed as mildly mentally retarded, was eventually able to improve his ability to perform simple daily parental tasks, such as making bottles and changing diapers, he often required repeated prompting from visitation supervisors as to when to perform these tasks. Father was also unable to make significant improvement in his overall parenting ability, especially in the area of identifying, assessing, and solving unforeseen problems. Additionally, Father failed to successfully complete marriage and individual counseling.

On February 29, 2008, the DCDCS filed a petition requesting the involuntary termination of both Father's and Mother's parental rights to C.S. A two-day fact-finding hearing on the termination petition commenced on July 3, 2008, and was concluded on September 29, 2008. At the conclusion of the fact-finding hearing, the trial court took the matter under advisement, and on October 7, 2008, the trial court issued its judgment terminating Father's parental rights to C.S. Father now appeals.<sup>2</sup>

Father asserts on appeal that the trial court's judgment terminating his parental rights to C.S. is not supported by clear and convincing evidence. At the outset, we note that this Court has long had a highly deferential standard of review in cases concerning the termination of parental rights. In re K.S., 750 N.E.2d 832, 836 (Ind. Ct. App. 2001). Thus, when reviewing the trial court's judgment, we will not reweigh the evidence or judge the credibility of the 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 therefrom that are most favorable to the judgment. Id.

Here, the trial court made specific findings in ordering the termination of Father's parental rights. When reviewing findings of fact and conclusions of law entered in a case involving a termination of parental rights, we apply a two-tiered standard of review. First, we must determine whether the evidence supports the findings. Bester v. Lake

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<sup>2</sup> We pause to point out that this Court, unfortunately, was not provided with many significant documents from the underlying CHINS case, including the following: (1) the CHINS chronological case summary; (2) the DCDCS's CHINS petition; (3) any of the trial court's orders, such as the trial court's detention, CHINS, and dispositional orders; (4) any parental participation plan that may have been issued; and (5) any of the DCDCS's case plans. The absence of these documents greatly hampered our review. Counsel is reminded that the purpose of an Appendix is to provide us with those parts of the Record that are necessary and important for our thoughtful consideration of the issues presented on appeal. *See* Ind. Appellate Rule 50(A).

County Office of Family & Children, 839 N.E.2d 143, 147 (Ind. 2005). Second, we determine whether the findings support the judgment. Id. In deference to the trial court's unique position to assess the evidence, we will set aside the court's 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; see also Bester, 839 N.E.2d at 147. A finding is clearly erroneous when there are no facts or inferences drawn therefrom that support it. D.D., 804 N.E.2d at 265. A judgment is clearly erroneous only if the findings do not support the trial court's conclusions or the conclusions do not support the judgment. Bester, 839 N.E.2d at 147.

“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. Moreover, because termination severs all rights of a parent to his or her child, the involuntary termination of parental rights is arguably one of the most extreme sanctions a court can impose; consequently, such a sanction is intended as a last resort, available only when all other reasonable efforts have failed. In re T.F., 743 N.E.2d 766, 773 (Ind. Ct. App. 2001), trans. denied. Nevertheless, parental rights are not absolute and must be subordinated to the child's interests in determining the proper disposition of a petition to terminate a parent-child relationship. Id. Because the purpose of terminating parental rights is to protect the child, not to punish the parent, parental rights may be properly terminated when a parent is unable or unwilling to meet his or her parental responsibilities. K.S. 750 N.E.2d at 836.

In order to terminate a parent-child relationship, the State is required to allege and prove, among other things, that:

- (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 of the parents will not be remedied; or
  - (ii) the continuation of the parent-child relationship poses a threat to the well-being of the child; [and]
- (C) termination is in the best interests of the child[.]

Ind. Code § 31-35-2-4(b)(2); see also Ind. Code § 31-35-2-8. The State must establish each of these allegations by clear and convincing evidence. Egly v. Blackford County Dep't of Pub. Welfare, 592 N.E.2d 1232, 1234 (Ind. 1992); see also Ind. Code § 31-37-14-2. "Clear and convincing evidence need not reveal that the continued custody of the parents is wholly inadequate for the child's very survival. Rather, it is sufficient to show by clear and convincing evidence that the child's emotional and physical development are threatened by the respondent parent's custody." Bester, 839 N.E.2d at 148 (quotations and citations omitted).

Father challenges the sufficiency of the evidence supporting the trial court's judgment with regard to Indiana Code sections 31-35-2-4(b)(2)(B) and (C) set forth above. At the outset, we point out that Code Section 31-35-2-4(b)(2)(B) is written in the disjunctive. Thus, the DCDCS was required to establish, by clear and convincing evidence, only one of the two requirements of subsection (B). See L.S., 717 N.E.2d at 209. Here, the trial court found that both prongs of Indiana Code Section 31-35-2-

4(b)(2)(B) were satisfied. We therefore begin our review by considering whether clear and convincing evidence supports the trial court's finding regarding Indiana Code Section 31-35-2-4(b)(2)(B)(i).

### ***Remedy of Conditions Resulting in Removal***

Father asserts on appeal that the DCDCS failed to present clear and convincing evidence that the conditions resulting in C.S.'s removal will not be remedied. Specifically, Father argues that "[t]o say that the conditions will not be remedied is to ignore evidence of Father's progress in gaining skills and his willingness to accept help." Appellant's Br. p. 13. Moreover, Father insists there was "never any evidence presented that Father has *ever* neglected [C.S.], only supposition that he might do so because of his mild mental retardation." Id.

When determining whether a reasonable probability exists that the conditions justifying a child's removal and continued placement outside the home will not be remedied, the trial court must judge a parent's fitness to care for his or her children at the time of the termination hearing, taking into consideration evidence of changed conditions. In re J.T., 742 N.E.2d 509, 512 (Ind. Ct. App. 2001), trans. denied. Additionally, the court must also "evaluate the parent's habitual patterns of conduct to determine the probability of future neglect or deprivation of the child." Id. Pursuant to this rule, courts have properly considered evidence of a parent's prior criminal history, drug and alcohol abuse, history of neglect, failure to provide support, and lack of adequate housing and employment. A.F. v. Marion County Office of Family & Children, 762 N.E.2d 1244, 1251 (Ind. Ct. App. 2002), trans. denied. The trial court may also

properly consider the services offered to a parent and the parent's response to those services as evidence of whether conditions will be remedied. Id. at 1252. Moreover, we have previously explained that the Department of Child Services (here, the DCDCS) is not required to rule out all possibilities of change; rather, it need establish only that there is a reasonable probability the parent's behavior will not change. In re Kay L., 867 N.E.2d 236, 242 (Ind. Ct. App. 2007).

In determining there is a reasonable probability the conditions resulting in C.S.'s removal and continued placement outside of Father's care will not be remedied, the trial court made the following pertinent findings:

2. That [it] has been proven by clear and convincing evidence that there is a reasonable probability that the conditions which led to the removal of [C.S.] from the home will not be remedied.
  - a. The parents have failed to demonstrate the ability to properly care for their child.
  - b. Parenting evaluations conducted by Dr. Gayla Kaibel in March 2007 and August 2008 indicate that [Father and Mother] are functioning in the mildly mentally retarded range and have difficulty understanding and dealing with many activities. While [Father and Mother] can handle daily routine activities, more complex activities are difficult for them. The parenting evaluation further revealed that [Father and Mother] are at a greater than average risk for neglectful behavior with their child. [Father and Mother] require assistance to recognize the needs and problems with regard to their child. [Father and Mother] require intensive in-home assistance in order to care for [C.S.]. The Court finds it particularly important that there has been no improvement in parenting skills between the March 2007 and August 2008 reports. Evidence indicates that parents will show no significant improvement in the future.
  - c. The [DCDCS] has provided numerous services to [Father and Mother], including, but not limited to counseling, home-based casework and homemaker services.

- d. [Father and Mother] failed to successfully complete the goals of their case plan and failed to achieve the necessary goals through the home-based casework.
- [e.<sup>3</sup>] [Father and Mother] have failed to demonstrate lasting improvement to their parenting skills.

Appellant's App. pp. 4-5. A thorough review of the record leaves us convinced that sufficient evidence supports the trial court's findings set forth above. These findings, in turn, support the trial court's ultimate decision to terminate Father's parental rights to C.S.

Although C.S. was initially removed from the family home due to the bizarre behavior of Mother at the hospital, the reasons for C.S.'s continued placement outside of Father's care was Father's continuing unemployment, unstable housing, and refusal to complete court-ordered services designed to improve his parenting skills. At the time of the termination hearing, Father was still unable to provide C.S. with the minimal necessities of life, including a safe and stable home environment. Because Father had failed to complete court-ordered services, reunification could not be recommended by any of the caseworkers or service providers involved in the case.

DCDCS case manager Michelle Lippe testified that, during her involvement with the case between March and July of 2007, several goals were developed for Father, including finding and maintaining employment, obtaining transportation, scheduling counseling appointments, arriving at appointments on time, and maintaining housing. When asked if Father was able to successfully accomplish all these goals, Lippie

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<sup>3</sup> The trial court's judgment appears to contain a clerical error in that there are two entries labeled "d" under finding number two. For clarification purposes, we have renamed the second "d" entry as "e".

responded “No.” Tr. p. 45. Lippie then explained that the parents would alternate between living with Mother’s father and grandmother and living by themselves in a trailer, but that Lippie had “safety concerns” that needed to be addressed before visitation in the trailer could occur. Id. at 44. These concerns included pills being left on the table in the family room, animal feces on the floor, insect infestation, a broken window, and air conditioner problems. In order to help the parents address these problems, Lippie informed the court that she had made arrangements for homemaker visits through White’s Family Services. Despite twice weekly visits from family specialist aide Diane Callahan for approximately three months, however, Father and Mother were unable to consistently maintain a safe and clean home.

Finally, with regard to visitation, Lippie testified that she was never able to recommend unsupervised visitation for either parent. In so doing, Lippie described Father’s visits with C.S. as occurring in “spurts[,]” explaining that Father and Mother would oftentimes refuse to visit from a couple of weeks to up to a month at a time before requesting that visitation privileges be reinstated. Id. at 50. In addition, when asked whether she knew how many times Father was either late or failed to attend scheduled visits with C.S., Lippie informed the court that this occurred “frequent[ly].” Id. at 51. This Court has previously stated that “the failure to exercise the right to visit one’s child demonstrates a lack of commitment to complete the actions necessary to preserve the parent-child relationship.” Lang v. Starke County Office of Family & Children, 861 N.E.2d 366, 372 (Ind. Ct. App. 2007), trans. denied.

DCDCS employee Mary Riede testified that, during the time she served as case manager from October 2007 until February 2008, she had tried to explain to both parents the long-term obligations of taking care of a child financially, physically and emotionally, but that both parents “seemed not to be able to grasp the big picture, they had enormous bills that had not been paid, they were having difficulty paying their rent, [and] they were struggling just taking care of themselves let alone a child.” Tr. pp. 119-20. Riede further stated that she, too, was never able to recommend unsupervised visitation with Father. In so doing, Riede explained that the parents “had difficulty soothing C.S.” and that they treated C.S. “more like a toy [than] a child. . . . They would pass him back and forth, . . . [and] they didn’t seem to really recognize his needs over their own needs . . . .” Id. at 119.

Similarly, Heather Hardman, the current DCDCS case worker assigned to Father’s case, also recommended termination of Father’s parental rights. When asked whether Father had progressed enough to allow visits with C.S. to be unsupervised, Hardman answered, “No.” Id. at 133. When further questioned if she were close to recommending unsupervised visits, such as in the next few weeks or months, Hardman replied, “I’ve not planned for it thus far.” Id.

Social worker Kasey Schliesman from Preventative Aftercare testified that she provided services for the family from December 2006 through the end of the summer, 2007. Schliesman stated that she met with Father and Mother two times a week to every day of the week, if needed. When asked to describe how successful Father and Mother had been in improving their parenting skills, Schliesman replied, “There was very little

progress that was made. In the eight months that I worked with [the parents] . . . almost nine months, they were still having trouble recognizing what it meant when [C.S.] was crying, did he need a diaper change, did he need a bottle, those kinds of things, there was very little progress.” Tr. at 108. Schliesman further testified that at the time she closed the case, both parents had been unsuccessful in accomplishing treatment goals such as improving marital communication, improving financial management, maintaining consistent visitation with C.S., arriving for visits on time, and improving parenting skills.

Psychologist Gayla Kaibel (“Dr. Kaibel”) informed the court that she had conducted two evaluations of Father at the request of the DCDCS. The first evaluation occurred in March 2007, and the second evaluation took place in August 2008, several weeks prior to the final day of the termination hearing. When asked to describe her initial evaluation of Father, Dr. Kaibel stated that she “pretty much had to give up on the standardized psychological inventories because of [Father’s] . . . low reading level[,]” but that she was able to do a clinical assessment of personality and of parenting skills, as well as an IQ test. Id. at 24. When asked to explain the results of her first evaluation of Father, Dr. Kaibel stated that Father’s “biggest weakness” was that he was “cognitively mentally slow, mildly retarded.” Id. at 25. Dr. Kaibel stated that, in terms of everyday parenting, this was not necessarily a big problem. However, Dr. Kaibel further explained that it “becomes a problem in being able to deal with bumps in the road, the unusual things that come up, knowing what to do, being good at handling problems when they arise.” Id. Dr. Kaibel then testified that, due to his diminished capacity, Father would need assistance from someone with “legal responsibility for the child[,]” such as a parent,

a brother, or a neighbor, who was “very close and very available.” Id. at 26. When questioned as to whether Father could learn the necessary skills in a parenting class, Dr. Kaibel replied, “The skills are not the problem, quite honestly [the parents] have pretty good basic skills, it’s recognizing a problem coming to them, recognizing what to do with an unusual thing that a parenting class couldn’t possibly cover. . . .” Id. at 27.

When questioned as to the results of her second evaluation of Father, Dr. Kaibel testified that she had focused primarily on Father’s “knowledge of parenting skills and parenting styles.” Id. at 98. When asked whether she had observed any improvement in Father’s ability to properly care for C.S., Dr. Kaibel acknowledged that Father had some improved knowledge regarding how to perform certain daily tasks, such as changing a diaper, but went on to say that, ultimately, “the second evaluation didn’t change the recommendations from the first evaluation. The [parents] are going to have difficulty[.] [T]hey have a higher than average risk of having problems with their children . . . [and] a higher than average risk of causing harm to their kids, not deliberately, not abusively, but because of their cognitive level and inability to see problems.” Id. at 100. When asked how long Father will need help with parenting his children<sup>4</sup>, Dr. Kaibel replied:

Across the kids’ lives . . . . I don’t see necessarily a need for a live-in person, but somebody who is going to be there two or three times a week for a couple of hours at least and who can be there more than that when there’s a problem[.] [S]omebody who can get to know the children and the children’s lives, who can see what’s going [on] in the family [and] who will notice that a child is having a problem whether it’s a skin rash or whether it’s a problem with the neighborhood kids or with learning to clean their

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<sup>4</sup> We note that although C.S. is the only minor subject to the trial court’s judgment, Father is the biological father of several additional children, including another child born to Mother during the pendency of this case. That child is in custody of the DCDCS. At the time of the termination hearing, Father did not have custody of any of his biological children.

room, who will notice it and be able to address it and be able to help . . . [Father to] know what to do about it and [to] be in a position to insist that they do something about it[.] [S]o we're talking [about] somebody who is taking on a long commitment . . . a long[-]term commitment to . . . [Father] and to [C.S].”

*Id.* at 101.

Although we acknowledge the fact that Father had moved from the trailer back into his in-laws house with Mother by the second day of the termination hearing, there is no evidence whatsoever that these living arrangements were anything more than another temporary arrangement. Likewise, there was no evidence presented as to the condition of the home or whether it was safe and suitable for a two-year-old child. The record is also silent as to whether Mother's father and grandmother had ever assisted Father and Mother in caring for C.S. in the past, or whether they had any intention, desire, or ability to do so in the future.

Every child is entitled to a minimum level of care regardless of the special needs or limited abilities of the child's parents. Stone v. Daviess County Div. of Children & Family Servs., 656 N.E.2d 824, 831 (Ind. Ct. App. 1995), trans. denied. Although parental rights may not be terminated solely on the basis of a parent's mental disability, a “parent's abilities, including intellect, as they relate to the parent's capacity to provide for the needs of the child, are relevant factors to be weighed in a termination proceeding.” R.M. v. Tippecanoe County Dep't of Pub. Welfare, 582 N.E.2d 417, 420 (Ind. Ct. App. 1991). The evidence reveals that Father has shown very little sustained improvement in his ability to parent C.S., despite having a wealth of services available to him for nearly two years. In addition, contrary to Father's arguments on appeal, we find nothing in the

record to suggest the trial court improperly based its decision solely on Father's intellectual function. Rather, it is clear that Father's parental rights were terminated because of his failure to successfully complete court-ordered services, as well as his persistent inability to provide for C.S.'s daily needs, including a safe and stable home environment.

Although Father undoubtedly loves his son and appears to be sincere in his desire to improve, simply put, he has been unable to do so. In addition, Father has failed to gain any lasting insight or ability to identify and resolve problems, and there is no indication that Father's parenting deficiencies will be remedied in the future. As previously explained, when determining whether a reasonable probability exists that the conditions resulting in a child's removal from the home will not be remedied, the juvenile court must judge a parent's fitness to care for his child *at the time of the termination hearing*. D.D., 804 N.E.2d at 266. Moreover, where there are only temporary improvements and the patterns of conduct show no overall progress, the court might reasonably find that, under the circumstances, the problematic situation will not improve. *R.W., Sr. v. Marion County Dep't of Child Services*, 892 N.E.2d 239, 249 (Ind. Ct. App. 2008). Based on the foregoing, we cannot conclude that the trial court committed clear error when it determined that there is a reasonable probability that the conditions resulting in C.S.'s removal and continued placement outside of Father's care will not be remedied.<sup>5</sup> See J.T., 742 N.E.2d at 513 (concluding mother's parental rights were terminated not because

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<sup>5</sup> Having determined that clear and convincing evidence supports the trial court's conclusion that there is a reasonable probability the conditions resulting in C.S.'s removal will not be remedied, we need not determine whether continuation of the parent-child relationship poses a threat to C.S.'s well-being. See L.S., 717 N.E.2d at 209 (explaining that Indiana Code section 31-35-2-4(b)(2)(B) is written in the disjunctive).

of her level of intelligence, but because of her persistent inability to foresee problems and to understand child safety and development, and where there was no evidence the situation was likely to improve); see also R.M., 582 N.E.2d at 420 (stating mental retardation is a factor to be considered along with other pertinent evidence bearing upon the question of a parent's fitness).

### ***Best Interests***

We next turn our attention to Father's allegation that the DCDCS failed to provide sufficient evidence to establish that termination of his parental rights is in C.S.'s best interests. We are mindful that, in determining what is in the best interests of a child, the trial court is required to look beyond the factors identified by the Department of Child Services and look to the totality of the evidence. McBride v. Monroe County Office of Family & Children, 798 N.E.2d 185, 203 (Ind. Ct. App. 2003). In so doing, the trial court must subordinate the interests of the parent to those of the child. Id. The court need not wait until a child is irreversibly harmed before terminating the parent-child relationship. Id. Moreover, we have previously held that the recommendations of the case manager and child advocate to terminate parental rights, in addition to evidence that the conditions resulting in removal will not be remedied, is sufficient to show by clear and convincing evidence that termination is in the child's best interests. In re M.M., 733 N.E.2d 6, 13 (Ind. Ct. App. 2000).

The record reveals that, since the time of C.S.'s removal when he was approximately two days old, C.S. has resided with the same pre-adoptive foster family. Although several witnesses testified that C.S. is well-bonded to his foster parents, there is

no evidence that C.S. has bonded with Father. Moreover, the evidence reveals that Father failed to maintain a consistent, positive relationship with C.S. Father oftentimes failed to show for scheduled visits, sometimes refusing to participate for weeks or even a month at a time. Moreover, during the first day of the termination hearing, Angela Thompson, family specialist aide with White Family Services, informed the court that she had been supervising visits between C.S. and his parents since April 2008. Thompson informed the court that when she first began supervising visits, C.S. would not appear comfortable and would “sob heavily” and flail his arms for the entire one-hour visit. Tr. at 37. Although Thompson reported that the last three visits showed some improvement, she indicated that C.S. still cries at the beginning of each visit. Thompson also stated that the parents had been late for ten visits.

In her report submitted to the trial court, Guardian Ad Litem (“GAL”) Michelle Fentress recommended termination of Father’s parental rights to C.S. In so doing, Fentress indicated that C.S. was “doing extremely well” in his current foster placement. Fentress’ report also contained the following statement:

Although the parents have been participating in visits with [C.S.] and have participated in some services in the past, the GAL believes it would be in the best interests of [C.S.] if parental rights were terminated and adoption was pursued. Throughout the investigation performed by the GAL, it appears that [Father] . . . still do[es] not possess the necessary skills to properly care for this child.

Pet. Ex. 1. Father’s current DCDCS caseworker, Heather Hardman, also recommended termination of Father’s parental rights.

Based on the totality of the evidence, including Father's failure to complete or benefit from the many court-ordered services available to him throughout the duration of the CHINS proceedings, his lack of parental bond with C.S., and the testimony from both Fentress and Hardman recommending termination of Father's parental rights, we conclude that there is ample evidence to support the trial court's finding that termination of Father's parental rights is in C.S.'s best interests. See, e.g., In re A.I., 825 N.E.2d 798, 811 (Ind. Ct. App. 2005) (concluding that testimony of the child advocate and family case manager, coupled with evidence that conditions resulting in continued placement outside the home will not be remedied, is sufficient to prove by clear and convincing evidence termination is in child's best interests), trans. denied.

#### Conclusion

A thorough review of the record reveals that the trial court's judgment terminating Father's parental rights to C.S. is supported by clear and convincing evidence. Since the time of C.S.'s removal, Father has failed to make any significant improvement in his long-term ability to care for his son. In addition, we are unconvinced that the trial court terminated Father's parental rights simply because of Father's mental disability. Rather, the record makes clear that the trial court based its decision on Father's inability to improve his parenting skills over the course of nearly two years and testimony from DCDCS caseworkers and the GAL that termination of the parent-child relationship is in C.S.'s best interests.

Affirmed.

CRONE, J. and BRADFORD, J. concur