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IN THE
COURT OF APPEALS OF INDIANA

IN RE THE MATTER OF THE TERMINATION OF THE PARENT CHILD RELATIONSHIP OF De.S. & Dy.S., Minor Children and	)	
N.F.,	)	
Appellant-Respondent,	)	
vs.	)	No. 34A04-0902-JV-113
INDIANA DEPARTMENT OF CHILD SERVICES,	)	
Appellee-Petitioner.	)	

APPEAL FROM THE HOWARD CIRCUIT COURT
The Honorable Lynn Murray, Judge
Cause No. 34C01-0808-JT-16 and
34C01-0808-JT-17

(Handdown Date)

MEMORANDUM DECISION - NOT FOR PUBLICATION

DARDEN, Judge

STATEMENT OF THE CASE

N.F. ("Mother") challenges the termination of her parent-child relationship with her biological children, De.S. and Dy.S.

We affirm.

ISSUE

Whether the trial court erred when it terminated Mother's parental relationship with the children.

FACTS

N.F. is the biological mother of Dy.S. (born December 21, 2003) and De.S. (born October 10, 2005). The children's biological father is deceased. In March of 2007, the Howard County Department of Child Services ("DCS") received a complaint alleging that Mother was not properly supervising Dy.S. and De.S. and that her home was unsafe and unsanitary. The DCS conducted an investigation and substantiated the allegations. Subsequently, on April 5, 2007, Mother voluntarily entered into a Services Referral Agreement ("SRA") under which she agreed to cooperate with DCS family case manager(s); cooperate with the family educator in improving parenting skills; and attend and successfully complete parenting classes. Mother also agreed to a safety plan, under which the children would live with their maternal grandmother until the DCS approved her existing home or Mother secured suitable housing.

On April 25, 2007, at approximately 8:00 a.m., DCS family case managers Teresa Byrd and Raina Daily conducted an unannounced visit of Mother's home to ensure that she was in compliance with the SRA and safety plan. Despite the early hour, Mother was

intoxicated and tested .104 BAC on a portable breath test. De.S. and Dy.S. were in the home with Mother, in violation of the safety plan. De.S. was sleeping on a bedroom floor, positioned behind the door such that Byrd and Daily could not open the door. Dy.S. was wearing the same clothes that he had worn the previous day and was sleeping on a bare mattress.

The house was "extremely cluttered, unsanitary and unsafe," with discarded food and debris all over the floor, and empty and partially-filled bottles of alcohol in close proximity to the children in the living room. (App. 20). Also, there were dirty plates and leftover food in the kitchen. Byrd and Daily observed various other hazardous items and conditions throughout the house such as a box cutter on the kitchen table; razors located within reach in the bathroom; and space heaters and clutter throughout the house. The DCS removed the children from Mother's care and placed them in foster care.[1]

On April 30, 2007, DCS filed petitions alleging that De.S. and Dy.S. were children in need of services ("CHINS"). After a fact-finding hearing on July 9, 2007, the trial court adjudicated the children as CHINS. At a dispositional hearing on August 6, 2007, the trial court ordered that the children remain in foster care. It also ordered Mother to (1) cooperate with DCS and the family educator; (2) attend supervised visitation; (3) find and/or maintain adequate housing; (4) keep DCS apprised of her address and contact information; and (5) complete intensive outpatient drug treatment.

[1] When the children were removed from Mother's care, Dy.S. was three years old and De.S. was eighteen months old.

Mother failed to appear for the six-month review hearing on October 29, 2007. The DCS presented evidence that Mother had been arrested and jailed several times and had failed to satisfy her obligations under the case plan, with the exception of visitation. The trial court noted for the record that it was not impressed with Mother's progress.

On April 21, 2008, at a permanency hearing, the trial court acknowledged that Mother had secured employment and suitable housing, but expressed concern that she was still not cooperating with service providers. It ordered Mother to participate in services as required under the case plan and also, to submit to random drug screens. DCS advised the trial court that unless Mother began to cooperate with service providers and began to show signs of progress, it would file a petition to terminate her parent-child relationship with De.S. and Dy.S.

On July 28, 2008, the trial court conducted a review hearing, at which time DCS advised the court that Mother had made no significant progress toward reunification because she had failed to maintain stable housing and employment, was not participating in court-ordered services, and was not complying with the terms of the case plan. The DCS also advised the court that Mother had been arrested in May for receiving stolen auto parts and driving while suspended; and again on July 21, 2008, for public intoxication and resisting law enforcement.

On August 4, 2008, DCS filed a petition for involuntary termination of Mother's parental relationship with De.S. and Dy.S. The trial court conducted a fact-finding hearing on September 15 and 16 of 2008. On November 24, 2008, the trial granted the

DCS' petition to terminate Mother's parental relationship with De.S. and Dy.S. It issued findings of fact and conclusions of law including, in pertinent part, the following:

> 21. When DCS removed the children in April 2007, [Dy.S.] was three (3) years old and [De.S.] was eighteen (18) months old. From the time the children were removed, they have been placed with the same foster family. They have thrived in their foster family's home environment. For a six to eight month period, [Dy.S.] participated in therapy to deal with issues related to the fact that his mother was not able to care for him and his brother. Both children are happy, and given the circumstances, healthy children who are developmentally on target. The foster family has been able to provide each child with the necessary care, treatment and most importantly follow through with this care to allow each to develop.
>
> 22. Since the children's removal from [Mother]'s care in April 2007, she has not demonstrated a consistent ability to provide custodial care for her children. Until the DCS filed its petition to terminate parental rights in August 2008, [Mother] continued to abuse alcohol; she has not maintained suitable or stable housing; she has not maintained any stable income; and she has been repeatedly arrested on criminal charges. [Mother] has refused to participate in family services, with the exception of visitation.
>
> 23. The children require the security of a safe, nurturing environment and routine providing them with stability. Most importantly, each child needs permanency in his life.
>
> 24. The Court finds that DCS made reasonable efforts to reunify the children with their mother.
>
> 25. In the judgment of the Court, [Mother] is likely to never adequately care and provide for any of the children as a custodial parent.
>
> 26. To determine whether there is a reasonable probability that the conditions which resulted in the removal of a child will not be remedied, the court should judge a parent's fitness to care for his or her child at the time of the termination hearing. In Re M.M., 773 N.E.2d 6 (Ind. App. 2000). The court must also evaluate the parent's habitual patterns of conduct to determine the probability of future neglect or deprivation of the child. In Re B.D.J., 728 N.E.2d 195 (Ind. Ct. App. 2000). The DCS is not required to rule out all possibilities of change; rather, it need establish "only that there is a reasonable probability that the parent's behavior will not change." In Re Kay.L., 867 N.E.2d 236, 242 (Ind. Ct. App. 2007).

27. Since the children were removed from her care in April 2007, [Mother] has been arrested eight (8) times. Shortly after the removal, [Mother] was arrested on a petition to revoke her suspended sentence for violating probation terms from a January 2007 conviction for public intoxication. In May 2007, [Mother] was arrested on two counts of neglect of a dependent based upon the circumstances of the children's removal from her care. In June 2007, [Mother] was charged and pled guilty to a charge of public intoxication. In August 2007, [Mother] again was charged and pled guilty to a charge of public intoxication, and was subsequently arrested on a petition to revoke her probation based upon her failure to comply with the court's alcohol and drug program. In May 2008, [Mother] was charged with receiving stolen auto parts and driving while suspended. In July 2008, [Mother] was charged and pled guilty to charges of resisting law enforcement and public intoxication.

28. At the time of the termination hearing (September 15 and 16, 2008), there remained pending a number of criminal charges against her, in which a recommendation of plea agreement had been filed and was under advisement by the criminal court. If the court accepted the terms of the plea agreement, [Mother] would plead guilty to the neglect of dependent counts, serve an additional 12 days in jail, and be placed on supervised probation for 29 months.

29. One of the reasons for the removal of the children from [Mother]'s custody was her use and abuse of alcohol. She has a substantial history with alcohol as demonstrated not only by the circumstances with her condition at the time DCS removed the children, but also by her criminal history. Since the children were removed, [Mother] has continued to abuse alcohol, and also use illegal drugs. On numerous occasions, [Mother] was requested and refused to submit to drug screens, and on one occasion on April 14, 2008, she admitted to the family case manager Mike Deardorff that if she took a test, it would come back positive for marijuana. On April 17, 2008, [Mother] tested positive for cocaine and marijuana in a drug test administered by probation. During the course of the underlying CHINS case, [Mother] submitted to only one drug screen with DCS on May 19, 2008 which tested positive for propoxyphene (Darvo[cet]). DCS requested and offered to assist [Mother in] enroll[ing] in an outpatient drug treatment program, which [Mother] refused saying she was too busy, and that she had already completed an IOP program in August of 2007 that was court ordered as a condition of her probation; however, since she completed that program, she was again charged and found guilty of public intoxication several times, thus that program had

little or no effect on [Mother]'s ability to remain stable and sober. According to [Mother], her last drink was approximately four weeks prior to the termination hearing and that this is the longest time that she has been sober.

30. Since the children were removed from her care, [Mother] has not maintained stable or consistent housing. Since April 2007, [Mother] has resided at nine or ten different locations, her last residence having been obtained two and a half weeks prior to the termination hearing. During [the] period of time during the wardship, the whereabouts of [Mother]'s residence were unknown, and DCS family case manager Mike Deardorff and family educator Vanessa Baker were unable to locate her to offer services.

31. Since the children were removed from her car, [Mother] has not maintained a stable source of income. Since April 2007, [Mother] worked at McDonalds for a short time, which employment was terminated upon her arrest for criminal charges. She has worked "under the table" for her father's construction business from time to time in exchange for her father paying the rent for some of her apartments she lived in during the underlying CHINS action. At the time of the termination hearing, [Mother] was not currently employed and has no means of supporting herself or her children.

32. During the wardship, [Mother] has not completed any of the court ordered services. She failed to enroll and complete any parenting classes; she failed to cooperate with DCS and the family educator; she failed to keep DCS and the family educator informed of her address and contact information; she failed to maintain stable housing and employment; and she failed to participate in many of the in-home therapy sessions.

33. The only service that [Mother] participated in was visiting with her children and she did so on a consistent basis having only missed nineteen (19) visits out of one hundred six (106) scheduled visits from September 7, 2007 until September 12, 2008. [Mother]'s choices throughout the wardship suggest that essentially she only wants to visit with her children rather than have the responsibility to raise them.

34. During visits with her children, [Mother] has been appropriate, demonstrates certain parenting skills and a bond with the children; however, [Mother] only focuses on the children's needs as a first priority in her life when she is with them.

35. At the termination hearing, [Mother] has secured a one bedroom apartment and was living with her boyfriend. [Mother] testified that she had not drank [sic] alcohol for about four weeks, was attending an IOP, and was taking Campral to help her stop drinking.

36. At the hearing, [Mother] asks the court to not terminate her parental rights to her children, as she believes she can maintain her sobriety and stability sufficiently for the children to be placed back in her care. [Mother] prefers that the children be placed in the care of their paternal great aunt, [S.C.], who resides in Fort Wayne, until the children can be placed back with her.

37. Although the court applauds [Mother's] recent efforts to maintain her sobriety and stability [her] history throughout the wardship demonstrates an unlikelihood that she can change her behaviors or lifestyle long-term so that she can be successfully reunified with her children.

38. At the termination hearing, [Mother] and her counsel argued that it is inappropriate to terminate [her] parental rights when relative placement is now available, and infer that the DCS has discouraged the children being placed with relatives. After the children were removed in April 2007, they were placed in foster care and the goal was working toward having the children placed back with [Mother] once she demonstrated sufficient sobriety and stability, which she never has. [Mother]'s mother, [D.F.,] sought to have the children placed with her; however, due to her criminal conviction for methamphetamine dealing, she was rejected as a proper caregiver for the children. Other relatives of [Mother] contacted the DCS at one time or another, but either they were ineligible to be considered, or they didn't follow through with the DCS.

39. When the DCS indicated it was pursuing a termination of parental rights in July 2008, [the paternal great aunt] and [Mother] contacted the DCS family case manager Mike Deardorff seeking to have the children placed with [the great aunt] in Fort Wayne. Since then, [the great aunt] has been visiting the children, and she has pursued obtaining a foster care license, and a guardianship over the children.

40. In the view of the court, placing the children with [the great aunt] at this time is not in the children's best interest, because it is not a permanent solution for the children. [Dy.S. and De.S.], now five (5) and three (3) years old respectively, have been in the same foster home for more than fifteen (15) months. The children are well-adjusted and closely bonded with the foster family. Should the children be removed from their foster family and placed pursuant to a guardianship with [the great aunt], the

children will remain in limbo with their mother likely to come in and out of their lives until they reach the age of majority. The children deserve and need permanency.

41. The Court finds by clear and convincing evidence that there is a reasonable probability that the conditions that led to the removal and that led to placement outside the home, namely [M]other's alcohol use, and her inability to properly care of the children and provide them with a stable and suitable environment and provide them with the necessary care they will require during the course of their lives, will not be remedied to the degree that she will be able to provide the children with the nurturing, stable, and appropriate care and environment that they require on a long term basis. While [Mother] requested additional time to complete services, the children have been removed from her care and custody since April 25, 2007 and she has done little to have the children return to her care and custody. The court need not wait until a child is irreversibly harmed such that his or her physical, mental and social development is permanently impaired before terminating a parent-child relationship. In re M.M., 733 N.E.2d 6 (Ind. Ct. App. 2000).

42. The Court further finds by clear and convincing evidence that the continuation of the parent-child relationship between the children and [Mother] poses a threat to the well being of the children. A termination of the parent-child relationship is in the best interest of the child because the children need permanency with caregivers who can provide them with a nurturing environment that is secure and free of neglect and meets the children's needs until each child reaches the age of majority. [Mother] has not demonstrated a past or current ability to provide any of the children with any sense of permanency. A parent's historical inability to provide stability and supervision, coupled with a current inability to provide the same will support a finding that the continuation of the parent-child relationship is contrary to the child's best interests. In the Matter of A.N.J., 690 N.E.2d 716 (Ind. Ct. App. 19970). The Court finds that [M]other's lack of participation in services; her continued alcohol use during the underlying cases; her lack of cooperation with DCS and its service providers; her choosing alcohol and drugs over the children and her history of committing criminal offenses all demonstrate [M]other's inability to provide a safe, stable and caring environment for the children.

43. The Court further finds by clear and convincing evidence that termination of the parent-child relationship of [Mother] and her children is in the best interests of the children in that further efforts to reunite the parent and children are unlikely to succeed. The failure to terminate the

> relationship will deny the children the stability and permanency to which they are entitled, and have too long been denied. It is in each child's best interests to have permanency, not perpetual foster care and uncertainty in each child's life.
>
> 44. The Court further finds by clear and convincing evidence that the DCS has a satisfactory plan for the care and treatment for each child, which plan is to place them for adoption as a sibling group.

(App. 24-31). Mother now appeals.

Additional facts will be provided as necessary.

DECISION

Mother argues that the trial court erred when it terminated her parental relationship with Dy.S. and De.S. Specifically, she asserts that DCS (1) failed to prove by clear and convincing evidence that the conditions which resulted in the children's removal from her care would not be remedied or that the continuation of the parent-child relationship posed a threat to the children's well-being; (2) failed to prove that termination of her parental relationship with the children was in their best interests; and (3) failed to prove that there was a satisfactory plan for the care and treatment of the children.

When reviewing the termination of parental rights, we will not reweigh the evidence or judge the credibility of the witnesses. *In re D.D.*, 804 N.E.2d 258, 264 (Ind. Ct. App. 2004). Rather, we consider only the evidence and reasonable inferences that are most favorable to the judgment. *Id*. Where, as here, the trial court enters specific findings of fact and conclusions thereon, we apply a two-tiered standard of review. First, we must determine whether the evidence supports the findings; then, we determine whether the findings support the judgment. *Bester v. Lake County Office of Family &*

Children, 839 N.E.2d 143, 147 (Ind. 2005). In deference to the trial court's unique position to assess the evidence, we will set aside the judgment terminating a parent-child relationship only it if it is clearly erroneous. *Quillen v. Quillen*, 671 N.E.2d 98, 102 (Ind. 1996). A judgment is clearly erroneous only if the findings do not support the court's conclusions or the conclusions do not support the judgment thereon. *Id.* If the evidence and inferences therefrom support the juvenile court's decision, we must affirm. *In re L.S.*, 717 N.E.2d 204, 208 (Ind. Ct. App. 1999).

Although parental rights are of a constitutional dimension, the law allows for termination of these rights when parties are unable or unwilling to meet their responsibility. *In re A.N.J.*, 690 N.E.2d 716, 720 (Ind. Ct. App. 1997). The purpose of termination of parental rights is not to punish parents but to protect children. *L.S.*, 717 N.E.2d at 208.

When a county office of family and children seeks to terminate parental rights, the office must plead and prove in relevant part 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;
>
> (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). These allegations must be established by clear and convincing evidence. A.*N.J.*, 690 N.E.2d at 720. We note that because Indiana Code

section 31-35-2-4(b)(2)(B) is written in the disjunctive, the trial court need only find by clear and convincing evidence that either the conditions resulting in the children's removal are unlikely to be remedied or the continuation of the parent-child relationship poses a threat to the children's well-being. Thus, we proceed to a discussion of whether the conditions resulting in the children's removal were not likely to be remedied.

In determining whether the conditions will not be remedied, the trial court must first determine what conditions led the State to place the children outside the home and into foster care, and, next, whether there is a reasonable probability that those conditions will be remedied. A.*N.J.*, 690 N.E.2d at 720. The trial court should judge a parent's fitness to care for the child as of the time of the termination hearing, taking into account any evidence of changed conditions. *In re S.P.H.*, 806 N.E.2d 874, 879 (Ind. Ct. App. 2004). "The trial court must also evaluate the parent's habitual patterns of conduct to determine the probability of future neglect or deprivation of the child." *Id.* "A court may properly consider 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." *McBride v. Monroe County Office of Family and Children*, 798 N.E.2d 185, 199 (Ind. Ct. App. 2003).

Here, there is ample support in the record for the trial court's finding that the conditions that led to the removal of the children from Mother's care -- namely, Mother's alcoholism and her inability to properly supervise the children and to provide a safe and stable home environment -- will not be remedied.

Family Case Manager Raina Daily testified that after DCS substantiated the allegations of lack of supervision and life/health endangerment and convinced Mother to execute the safety plan and SRA, Mother still failed to comply with the terms of the agreement, failed to make necessary improvements to the condition of her home, and abused alcohol. Daily testified that she was present at Mother's home when Mother entered the safety plan and SRA on April 5, 2007. She was also present on April 25, 2007, when the DCS conducted an unannounced visit of Mother's home. She testified that she was surprised to find the house in even worse condition.

> The home was very cluttered, there was clothing throughout the bedrooms where the children were sleeping. One of the doors you could not even open because of the clutter behind it. There were space heaters throughout the house. A lot of alcohol bottles open sitting out within reach of the children and the kitchen was extremely unsafe, there was a box cutter laying [sic] on the table, dirty dishes throughout the home.

(Tr. 110). Daily testified further that "[i]f anything, there was more clutter throughout the home on my second visit to [Mother's] home." (Tr. 11). Mother permitted the children to be present on the premises amid exceedingly unsafe and unsanitary conditions and in violation of the safety plan. Not only did the unsafe and unsanitary conditions that led to the children's removal persist, Daily testified that despite the early hour, Mother was intoxicated, with a blood alcohol concentration of 0.104, a fact that could adversely affect her ability to supervise the children.

With regard to Mother's fitness to care for the children as of the time of the termination hearing, Family Case Manager Mike Deardorff testified that she failed to satisfy her obligations under the SRA, largely due to her lack of cooperation and her

failure to keep the DCS apprised of her contact information. During the course of the wardship, the trial court ordered Mother to (1) remain in contact with the DCS; (2) cooperate with child services; (3) keep her contact information current; (4) cooperate with the family educator; (5) attend supervised visitation; (6) find and maintain suitable housing; (7) successfully complete intensive outpatient treatment for drugs and alcohol; (8) successfully complete parenting classes; (9) submit to random drug testing; and (10) cooperate with the in-home therapist.

Deardorff testified that "[t]here were times that [Mother] was very cooperative with the department; then there were times that [Mother] became very belligerent and would not cooperate with us at all and it was very difficult if not impossible to find her." (Tr. 24). He testified further that a pattern of conduct emerged as to Mother's cooperation; "[A] week or two before a [scheduled] hearing . . . she'd become very cooperative and that became a pattern on a lot of things"; thereafter, her level of cooperation would subside. (Tr. 25). In an overall assessment of Mother's performance, he testified that with the exception of visitation, Mother did not meet any of her court-ordered obligations and failed to demonstrate sustained progress toward the stated aims of the SRA.

First, Deardorff testified that during the wardship, Mother failed to secure and maintain stable housing. He testified that it was "very difficult" to reach Mother because she moved frequently and repeatedly failed to keep the DCS apprised of her contact information. He testified that she lived at "at least ten different addresses" and "there were just times [he just was] not sure where she was." (Tr. 28, 26). With respect to

securing stable income and maintaining employment, Deardorff testified that Mother had worked occasionally for her father's construction business and worked for approximately two months at McDonalds before being terminated for a series of arrests.

As to the requirement that Mother submit to drug testing, Deardorff testified further that Mother "very rarely" submitted to drug screens, and the DCS often "could not find her to do [them]." (Tr. 30). When the DCS succeeded in locating Mother, she often refused the drug tests outright, even after being advised that refusal would be considered a "dirty drug screen." (Tr. 300). He testified that on another occasion, Mother admitted to consuming alcohol and marijuana. During the fifteen-month wardship, Mother submitted to only a single DCS drug screen, which was positive for proxypene (Darvocet).

Deardorff testified that Mother's court-ordered therapy with an in-home therapist proved unsuccessful because the therapist had difficulty reaching Mother. He testified that amid the sporadic treatment sessions, Mother was arrested for public intoxication, and the therapist told the DCS that the treatment "wasn't working" and suggested that Mother "needed something more intense." (Tr. 58). He testified further that the therapist recommended another intensive outpatient program ("IOP"). He testified that Mother had successfully completed one IOP treatment program; however, because she was arrested on an alcohol-related charge after completing the IOP, the DCS required Mother to complete a second program. He testified that on hearing this, Mother refused to participate, saying "she didn't have time and she wasn't going." (Tr. 58). By the time of the termination hearing, Mother had yet to complete the second IOP.

In all, Deardorff testified that he had not seen the requisite improvement in Mother's ability to care for De.S. and Dy.S. or in her general stability because of her repeated run-ins with the criminal justice system. Thus, he testified that he saw no reasonable probability that the conditions that resulted in the children's removal from Mother's care would be remedied.

Family educator Vanessa Baker was charged with helping transport Mother during and assisting with her employment and housing searches. She testified that Mother had strong parenting skills and a good bond with her children; however, she noted that over the course of the wardship, Mother's priorities shifted to her children's detriment. She testified, "[I]t just doesn't seem like the children are a priority to her. Alcohol and partying with her friends seem more like they're first priority." (Tr. 69, 74).

According to Baker, the chief problem was Mother's "hit and miss" cooperation and failure to remain in contact or to keep her contact information current. (Tr. 70). Mother failed to return Baker's telephone calls or acknowledge notes left at her purported residences. Baker testified, "The majority of the time [Mother] would just end up, you know, kicked out from this place and I couldn't find her for several weeks and then she would resurface. I would make an appointment . . . and she just wouldn't show up." (Tr. 72). She also testified to Mother's unwillingness to submit to drug screens. She testified that she had asked Mother to submit a sample once a week over a four to six month period, but that within the six months immediately preceding the termination hearing, "every single drug screen that I asked [Mother] for, she refused." (Tr. 72).

Baker testified that given Mother's past and instability and unresolved alcohol addiction issues, there was no reasonable probability that the conditions that led to the children's removal would be remedied:

> [T]here has [sic] been so many times that she has been weeks away from [the children] going home and she would do something, she would go out and get drunk or be rearrested for something and we would have to put a stop to [the planned reunification]. There was many times that the case worker had said, you know, OK, if you do this, if you get a house, within a couple weeks the boys are going to come home and something else would happen, she would get kicked out of that house because her roommate would say that she was out drinking, binging.

(Tr. 81).

Like Baker, court-appointed special advocate ("CASA") Katina Silver acknowledged Mother's "very good parenting skills" and strong bond with her children; however, she, too testified that Mother "became increasingly more [sic] uncooperative with DCS" as the wardship progressed. (Tr. 85). Silver testified that since the children were removed from Mother's care in April of 2007, Mother had exhibited extremely unstable behavior, including eight arrests and ten address changes. She testified that "when [the children] are not right there in front of her . . . she seems maybe to lose focus on [the fact] that th[ey] need[ ] to be her priority." (Tr. 85). She testified that there was a reasonable probability that the conditions resulting in the children's removal -- specifically Mother's instability and alcohol abuse -- would not be remedied. She also testified about the potential perils for the children of "continuing in limbo hoping that" Mother would "get better." (Tr. 89).

Based upon the foregoing testimony, we conclude that that the State presented clear and convincing evidence that there was a reasonable probability that the condition resulting in the children's removal from Mother's care would not be remedied. We find no clear error.

Next, Mother refers to her strong bond to her children and asserts that terminating the parent-child relationship between them will be detrimental to them; thus, she argues, the DCS failed to prove that termination of her parental relationship with the children was in their best interests. We disagree.

As discussed above, the DCS presented ample evidence from which the trial court could conclude that termination of Mother's parental relationship with the children was in their best interests. Specifically, FCM Deardorff, family educator Baker, and CASA Silver each testified that given Mother's rejection of much-needed services, her failure to adhere to and satisfactorily complete the terms of the SRA, her resistance to measures aimed at treating her drug and alcohol dependency issues, and her alarming number of run-ins with the criminal justice system during the wardship, Mother would not be able to provide the children with much-needed stability and moreover, that the continued relationship with Mother would introduce a great deal of uncertainty in the children's lives that would be detrimental to their best interests. We find no clear error from the trial court's finding that termination of Mother's parental relationship with the children was in their best interests.

Lastly, Mother argues that the DCS failed to prove that there was a satisfactory plan for the care and treatment of the children. We find no clear error.

The record reveals that Mother wanted the children placed in guardianships with either their maternal grandmother or their paternal great aunt. The record further reveals that the DCS deemed the maternal grandmother unsuitable because she had previously been incarcerated for felony dealing in methamphetamine. As to the children's paternal great-aunt, the DCS expressed concerns that the guardianship placement, was by definition, not a permanent placement; and further, that prolonged interaction with Mother and a protracted wardship would cause the children anxiety, arouse feelings of rejection, and introduce instability into their lives.

At the termination hearing, family educator Baker, FCM Deardorff, and CASA Silver testified that the DCS's plan for the care and treatment of the children is adoption by their current foster parents. Deardorff testified that the children were "doing extremely well" in their foster placement and that uprooting them would prove detrimental given the children's strong bond to their foster parents. Deardorff added that with respect to De.S., separation from the foster parents would be "especially" detrimental "because he's been there half his life." (Tr. 249). Silver testified that the foster parents' home is "the one really stable and permanent home that [the children have] really known their entire life." (Tr. 92).

In light of this evidence, we cannot conclude that the plan set forth by the DCS for the adoption of the children is unsatisfactory. *See Castro v. State Office of Family & Children*, 842 N.E.2d 367 (Ind. Ct. App. 2006) (observing that adoption is generally a satisfactory plan for the care and treatment of children after termination of parental rights).

Under our standard of review, we may only reverse a termination of parental rights upon a showing of "clear error' – that which leaves us with a definite and firm conviction that a mistake has been made." *A.N.J.*, 690 N.E.2d at 722. Based upon the foregoing facts, evidence and testimony, we cannot say that the trial court's termination of Mother's parental relationship with De.S. and Dy.S. was clearly erroneous; thus, we affirm the trial court's judgment.

Affirmed.