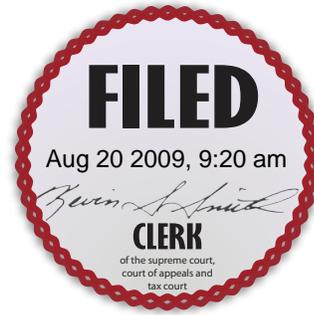


Pursuant to Ind.Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



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**IN THE
COURT OF APPEALS OF INDIANA**

J. M.,)
)
Appellant-Respondent,)
)
vs.) No. 18A02-0901-JV-55
)
INDIANA DEPARTMENT OF CHILD SERVICES,))
)
Appellee-Petitioner.)

APPEAL FROM THE DELAWARE CIRCUIT COURT
The Honorable Richard A. Dailey, Judge
Cause No. 18C02-0807-JT-60 and 18C02-0807-JT-61

August 20, 2009

MEMORANDUM DECISION - NOT FOR PUBLICATION

NAJAM, Judge

STATEMENT OF THE CASE

J.M. (“Mother”) appeals from the trial court’s order terminating her parental rights over minor children P.C. and K.M. Mother raises a single issue for our review, which we restate as whether the trial court’s order must be reversed because the Indiana Department of Child Services (“DCS”) did not provide Mother’s caseworker or other service providers a copy of a psychological evaluation of Mother.

We affirm.

FACTS AND PROCEDURAL HISTORY

Mother is the biological mother of P.C., born in 2002, and K.M., born in 2007. Mother used cocaine when she was pregnant with K.M. in an attempt to abort her pregnancy. After K.M. was born, K.M. tested positive for morphine and hydrocodone. Shortly thereafter, the DCS obtained a trial court order to remove the children from Mother’s care.

In October of 2007, the children were placed outside of Mother’s care at a dispositional hearing. Mother did not complete reunification services or actively participate in individual and family counseling as ordered. In August of 2008, Mother requested a new therapist and family therapist, but during her therapy sessions she did not demonstrate any desire “to identify, acknowledge or address any issues, including those of stress management and her anti-social personality disorder . . . and was simply going through the motions of attending.” Appellant’s App. at 21, 56.

Between September of 2007 and October of 2008, Mother failed to submit to ten of nineteen court-ordered drug screens. On April 1, 2008, Mother tested positive for

cocaine. On August 8, 2008, she tested positive for opiates. Mother repeatedly failed to complete appointments to assist her with her substance abuse.

Mother also repeatedly failed to take advantage of numerous other DCS-provided opportunities to improve her lifestyle, such as applying for SSI disability benefits or taking advantage of transportation offers. Mother only attended twenty-eight of fifty scheduled visits with her children, and when she did attend she often ignored her children. Mother frequently failed to respond to the DCS's attempts to contact her. Throughout the DCS's involvement, Mother could not maintain stable housing or employment.

On July 21, 2008, the DCS filed its petitions to terminate Mother's parental rights with respect to P.C. and K.M. The court held a hearing on those petitions on October 27 and November 21, 2008. On December 29, the court issued its findings of fact and conclusions thereon terminating Mother's parental rights. This appeal ensued.

DISCUSSION AND DECISION

On appeal, Mother argues that the trial court's order terminating her parental rights must be reversed. 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). 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, 264 (Ind. Ct. App. 2004), trans. denied. Instead, we consider only the evidence and reasonable inferences therefrom that are most favorable to the judgment. Id.

In order to terminate a parent-child relationship, the State is required to allege, 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;

(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) (2007). 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).

Here, Mother does not assert that the State failed to demonstrate any of the statutory requirements identified above. Rather, Mother's only argument is as follows:

[T]he DCS failed to properly assist respondent in regaining custody of her children by not providing the service providers with a copy of the psychological evaluation conducted on respondent. . . .

* * *

[R]espondent would submit that her inability to fully comply with the orders of the trial court was caused primarily due to the DCS failing to utilize the psychological evaluation recommendations contained in their possession and sharing that critical information with the providers, and more importantly, with the trial court.

Appellant's Brief at 14-15.

Mother does not identify where in the record on appeal the psychological evaluation might be found or where in the transcript she may have offered it into evidence. Mother does not discuss what legal authority might support her position that the failure to submit a psychological evaluation to the trial court is grounds for reversing a termination order. Mother does not discuss what information in that evaluation might have been useful either to the DCS or the trial court. And Mother does not suggest how the psychological evaluation might have impacted the trial court's finding regarding her participation in therapy. In other words, Mother's argument is without citation to the record or authority and is not supported by cogent reasoning. Thus, Mother's argument on appeal is waived.¹ See Ind. Appellate Rule 46(A)(8)(a).

Waiver notwithstanding, the undisputed evidence supports the trial court's termination order. Mother repeatedly failed to participate in reunification services, substance-abuse evaluations and counseling, and she twice failed the drug tests she did take. Mother also repeatedly refused to take part in services that would improve her lifestyle and was unable to maintain stable housing and employment. That evidence amply demonstrates that the conditions resulting in the children's removal would not be remedied and that termination was in the best interests of the children. See I.C. § 31-35-2-4(b)(2). Hence, the trial court's order is affirmed.

Affirmed.

KIRSCH, J., and BARNES, J., concur.

¹ Even if this court could consider the psychological evaluation, Mother's argument on appeal would likely amount to a request for this court to reweigh the evidence, which we would not do. In re D.D., 804 N.E.2d at 264.