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

IN RE: THE MATTER OF THE TERMINATION OF THE PARENT-CHILD RELATIONSHIP OF:	)	
A.D., and I.M.,	)	
Minor Children,	)	
and,	)	No. 02A03-0901-JV-22
J.D., (Father) & R.M., (Mother),	)	
Appellants-Respondents,	)	
vs.	)	
INDIANA DEPARTMENT OF CHILD SERVICES,	)	

Appellee-Petitioner.)

APPEAL FROM THE ALLEN SUPERIOR COURT
The Honorable Charles F. Pratt, Judge
Cause No. 02D07-0803-JT-75 & 02D07-0803-JT-76

August 31, 2009

MEMORANDUM DECISION ON REHEARING - NOT FOR PUBLICATION

BARNES, Judge

R.M. ("Mother") filed a petition for rehearing on July 17, 2009, following our June 19, 2009 opinion affirming the termination of her parental rights to children A.D. and I.M. Although we grant Mother's petition for rehearing, we affirm that opinion in all regards.

Mother now informs this court that she was released from incarceration on June 25, 2009. Mother was incarcerated in Texas and released from the Texas Department of Corrections to parole. She apparently has secured an apartment in San Antonio. She has also "secured appropriate and safe housing for herself and her minor children" and is seeking employment. Rehearing Pet. p. 3. Mother requests on rehearing that we modify our original opinion to remand this matter to the trial court for further fact finding.

Mother also filed a motion to supplement the record following her rehearing petition. Mother's motion to supplement contains two exhibits. The first is a handwritten letter to her attorney, dated June 10, 2009, explaining that she had been granted parole

and wanted him to notify the Department of Child Services ("DCS"). The second exhibit is an internet printout of Mother's "Offender Information Detail" which lists a projected release date of June 25, 2009. Motion to Supplement, Ex. 2.

Mother mentions that we should also consider our supreme court's recent decision of In re J.M., 908 N.E.2d 191 (Ind. 2009). In J.M., our supreme court found that the trial court denying termination of parental rights was not clearly erroneous. Our supreme court noted, however, that even though it was the second case holding that involuntary termination of parental rights of incarcerated parents was not warranted, the proximity of the two conclusions was "not a reflection of any presumption as to the outcome of such cases." J.M., 908 N.E.2d at 192. This opinion does not affect our analysis or decision in her case.

We include this portion of our analysis from the original opinion to emphasize that Mother did not lose her parental rights solely based on her Texas incarceration:

> Mother has already lost custody and parental rights to ten children. This number is troubling and demonstrates a pattern of disregard for her children's welfare. She has also been incarcerated on and off during the past ten years and admits to violating her Texas parole by coming to Indiana. She has no concrete plan in place for employment and housing following her eventual release.

In re A.D. & I.M., No. 02A03-0901-JV-22, slip op. at 10 (Ind. Ct. App. June 19, 2009). In addition, our supreme court has explained that prolonged uncertainty caused by delays in proceedings can be detrimental to a child's development. Baker v. Marion County Off. of Family and Children, 810 N.E.2d 1035, 1040 (Ind. 2004). A.D. and I.M. have

been in the care of others since approximately February of 2007. For over two years these children have awaited permanency. The guardian ad litem testified that the children were happy and settled in a pre-adoptive home that offered the permanency they needed. We affirm our original opinion in all respects.

BAKER, C.J., and MAY, J., concur.