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IN THE
COURT OF APPEALS OF INDIANA

IN THE MATTER OF THE INVOLUNTARY TERMINATION OF THE PARENT-CHILD RELATIONSHIP OF D.M., T.M. & W.M., Minor Children, and J.B., Mother, Appellant,	)	
vs.	)	No. 18A02-0901-JV-19
INDIANA DEPARTMENT OF CHILD SERVICES, Appellee.	)	

APPEAL FROM THE DELAWARE CIRCUIT COURT
The Honorable Richard A. Dailey, Judge
The Honorable Brian Pierce, Master Commissioner
Cause Nos. 18C02-0703-JT-34, 18C02-0703-JT-35, 18C02-0703-JT-36

September 22, 2009

MEMORANDUM DECISION – NOT FOR PUBLICATION

MATHIAS, Judge

Jennifer B. ("Mother") appeals the involuntary termination of her parental rights to her children, D.M., T.M., and W.M. (collectively "the children"), claiming there is insufficient evidence to support the trial court's judgment. Concluding that the trial court's judgment terminating Mother's parental rights is supported by clear and convincing evidence, we affirm.

Facts and Procedural History

Mother is the biological mother of D.M., born on September 11, 2001, T.M., born on October 17, 2003, and W.M., born on September 10, 2004.[1] The facts most favorable to the trial court's judgment reveal that on December 2, 2005, the Delaware County Department of Child Services ("DCDCS") was contacted by one of Mother's cousins, Crystal M., because Mother's relatives could no longer care for the children. The children had been left with another relative when Mother was arrested and incarcerated at the Wayne County Jail for breaking a courtroom door during a hearing on an unrelated matter. At the time, Father was homeless and unavailable to care for the children.

D.M., T.M., and W.M. were taken into custody by a DCDCS caseworker who reported that the children were so filthy that she could not tell if the children "had bruises[.]" Ex., Vol. 1, p. 7. After being examined at Ball Memorial Hospital, where emergency staff observed that the children were dirty and had scabies, all three children were taken to the Youth Opportunity Center. On December 5, 2005, a detention hearing

[1] Although the Indiana Department of Child Services, Delaware County, included the children's biological father, Leroy M. ("Father") in its involuntary termination petitions, Father's parental rights to the children were not terminated by the trial court in its December 12, 2008 judgments. Consequently, Father does not participate in this appeal, and we limit our recitation of the facts to those pertinent solely to Mother's appeal.

was held, and the trial court found that removal of the children had been necessary, authorized, and in the children's best interests. The court further found that probable cause existed to believe D.M., T.M., and W.M. were children in need of services ("CHINS"). The children were therefore made temporary wards of the DCDCS and placed in licensed foster care.

On December 27, 2005, the DCDCS filed three petitions under separate cause numbers alleging the children were CHINS. Mother subsequently entered a general admission to the allegations contained in the CHINS petitions, and the children were adjudicated CHINS. On May 22, 2006, the trial court entered dispositional orders and parent participation plans directing Mother to participate in a variety of services in order to achieve reunification with the children. Specifically, Mother was ordered to, among other things: (1) participate in supervised visitation with the children, (2) take part in a psychological assessment, including a parental fitness evaluation, with Dr. Paul Spengler and successfully complete any and all resulting treatment goals, (3) obtain and maintain stable housing and employment, and (4) participate in home-based services and successfully complete objectives regarding parenting education, budgeting, household organization, and medical care and safety of the children.

Mother initially complied with some of the court-ordered services by participating in supervised visits with the children and submitting to a parental fitness examination with Dr. Spengler. Mother's compliance with court orders, however, was incomplete and soon began to wane. For example, although Mother attended the parental fitness evaluation, Mother was so defensive and unwilling to truthfully self-disclose that, other

than determining that Mother's intellectual functioning was somewhere in the borderline range between 70 and 85, Dr. Spengler was unable to draw any useful conclusions regarding her parenting issues or strategies for treatment. In addition, Mother's attendance at individual therapy sessions, parenting classes, and group counseling was sporadic, and therapists reported that Mother refused to set goals or to take responsibility for her current circumstances. Mother's visitation with the children also became inconsistent, and her failure to appear for visits created emotional distress for the children. Consequently, the DCDCS eventually recommended to the trial court that the permanency plan be changed from reunification to termination of parental rights and adoption.

On March 19, 2007, the DCDCS filed separate petitions requesting that Mother's parental rights to D.M., T.M., and W.M. be involuntarily terminated. A two-day consolidated evidentiary hearing on all three petitions eventually commenced on October 20, 2008.[2] Mother, who was represented by counsel, failed to attend the first day of the hearing, but she did attend the second day on November 6, 2008. At the conclusion of the termination hearing, the trial court took the matter under advisement. On December 10, 2008, the trial court entered its judgments terminating Mother's parental rights to all three children. Mother now appeals.

[2] We observe that there was an unusually lengthy delay of approximately twenty months between the day the DCDCS filed its involuntary termination petitions and the commencement of the fact-finding hearing. Upon further examination, however, it appears that this delay was due to several successive motions to continue the status hearing made by Mother, the DCDCS, and the trial court, largely due to the unavailability of various Public Defenders.

Standard of Review

We begin our review by acknowledging 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 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, 265 (Ind. Ct. App. 2004), trans. denied. Instead, we consider only the evidence and reasonable inferences that are most favorable to the judgment. Id.

In the present case, the trial court's judgments terminating Mother's parental rights to the children contained specific findings and conclusions. Where a trial court enters specific findings of fact, we must first determine whether the evidence supports the findings, and second we determine whether the findings support the judgment. Bester v. Lake County Office of Family & Children, 839 N.E.2d 143, 147 (Ind. 2005). We will not set aside a trial court's judgment terminating parental rights unless it is clearly erroneous. Rowlett v. Vanderburgh County Office of Family & Children, 841 N.E.2d 615, 620 (Ind. Ct. App. 2006), trans. denied. 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 thereon. Quillen v. Quillen, 671 N.E.2d 98, 102 (Ind. 1996).

Discussion and Decision

The Fourteenth Amendment to the United States Constitution protects the traditional right of parents to establish a home and raise their children. Bester, 839 N.E.2d at 147. A parent's interest in the care, custody, and control of his or her children is arguably one of the oldest of our fundamental liberty interests. Id. However, these parental interests are not absolute and must be subordinated to the child's interests when determining the proper disposition of a petition to terminate parental rights. In re M.B., 666 N.E.2d 73, 76 (Ind. Ct. App. 1996), trans. denied. Parental rights may therefore be terminated when the parents are unable or unwilling to meet their parental responsibilities. K.S., 750 N.E.2d at 836.

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 . . . .

Ind. Code § 31-35-2-4(b)(2)(B) and (C) (2008). Each of these allegations must be established 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 § 31-35-2-8 (1998).[3]

[3] Additional conditions not at issue in this case are also required to be alleged and proved before the involuntary termination of parental rights may occur. See Ind. Code § 31-35-2-4(b)(2).

Mother asserts on appeal that the trial court's judgment is not supported by sufficient evidence. Specifically, Mother argues the DCDCS failed to prove by clear and convincing evidence (1) that there is a reasonable probability the conditions resulting in the children's removal from her care and custody will not be remedied and that continuation of the parent-child relationships pose a threat to the children's well-being and (2) that termination of Mother's parental rights is in the children's best interests.

I. *Remedy of Conditions*

Initially, we observe that Indiana Code section 31-35-2-4(b)(2)(B) is written in the disjunctive. A trial court must therefore find that only one of the two requirements of subsection (B) has been established by clear and convincing evidence in order to satisfy this portion of the termination statute. See In re L.S., 717 N.E.2d 204, 209 (Ind. Ct. App. 1999), trans. denied. Here, the court determined that the DCDCS presented sufficient evidence to satisfy both requirements of subsection (B) – that is to say, that the DCDCS established there is a reasonable probability the conditions resulting in the children's removal from Mother's care will not be remedied and that continuation of the parent-child relationships pose a threat to the children's respective well-being. See Ind. Code § 31-35-2-4(b)(2)(B)(i) and (ii). We begin our review by considering whether sufficient evidence supports the trial court's findings regarding subsection (B)(i) of the termination statute.

When determining whether a reasonable probability exists that the conditions justifying a child's removal or 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. 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. 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. In addition, a county 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).

Mother asserts on appeal that "[t]his situation is essentially one of a poverty-stricken family and their punishment for being poor."[4] Appellant's Br. p. 13. She also claims that the trial court failed to consider her change in circumstances, namely, that by the time of the termination hearing she had become married, secured a three-bedroom apartment, had participated in counseling and other psychological services, and had begun looking for employment. We disagree.

In terminating Mother's parental rights to D.M., T.M., and W.M., the trial court specifically found that Mother had failed to successfully complete a majority of the court-ordered dispositional goals and services, stating that Mother had been provided "ample opportunity to complete reunification services ordered by this court" but had nevertheless

[4] We advise Mother's counsel that his choice of words here is neither professional nor helpful to Mother's interests on appeal.

"failed to complete those services or demonstrate that she has benefitted from reunification services." Appellant's App. p. 87.[5] The trial court also made the following pertinent findings:

> 8. That the psychological evaluation revealed that [Mother] was extremely defensive, highly resistant and uncooperative with the personality testing, unwilling to admit to even the most minor of human faults, portrayed herself as unrealistically virtuous, very dismissive of the evaluation process, showed no insight as to why her children were removed from her care, and informed the psychologist that she "can't stand to be told what to do."
>
> 9. That [Mother's] defensiveness is not a consequence of past threats and is far beyond the defensiveness illustrated by individuals with similar involvement with [the DCDCS].
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> * * *
>
> 12. That [Mother] was ordered to complete the intake process at Meridian Services and to follow the recommendations to address issues relat[ed] to parenting . . . and meeting the needs of the [children]. …While in counseling, [Mother] blamed others for her parenting issues, refused to take personal responsibility, and failed to regularly attend counseling sessions. At the time . . . [Mother] was dropped from services, [Mother] was not making any progress in demonstrating that she could safely and effectively parent her children.
>
> 13. That [D.M.] was in therapy with John Anderson, being treated for reactive attachment disorder. [Mother] [was] to actively participate in [D.M.'s] treatment program. [Mother] failed to keep the counseling appointments and was eventually dropped from the counseling sessions.
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> 14. That while the parents were together and visitation was supervised by SAFY, . . . the visits with the children were very chaotic. [O]nce the parents had separate visitation times[,]. . . [Mother] (when she appeared) was unduly harsh with the children, did not have age-appropriate expectations of the children, and failed to demonstrate a loving bond with the children.

[5] For clarification purposes, we note that although the trial court issued separate termination orders under different cause numbers for D.M., T.M., and W.M., the language in the termination orders that we refer to throughout this Opinion is identical, apart from various non-substantive differences such as the children's names and the enumeration of the findings. We therefore only cite to the order pertaining to D.M. We further note that finding number thirteen is only found in the judgment pertaining to D.M.

* * *

> 16. That while the children were engaged in programs at Hillcroft Services to address developmental delays, [Mother] failed to actively participate in those services with her [children] and . . . demonstrated a pattern of inconsistency.
>
> 17. That while Jessica Seamon was supervising visits between the children and [Mother], [Mother] missed many more visitations than she attended. At the visits where [Mother] attended, she failed to show appropriate discipline, failed to interact with the children, and showed no attachment to the children. The visits between [Mother] and the children were so bad that it was demonstrably worse for the children when [M]other did decide to make one of her infrequent appearances.
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> * * *
>
> 19. That neither [Mother] nor [Father] have maintained stable housing or employment during large periods of time when [the DCDCS] has been involved with this case.

Appellant's App. pp. 84-92. The trial court then concluded that "based on the foregoing, there is a reasonable probability that the conditions that resulted in the [children's] removal will not be remedied." Appellant's App. p. 90. Our review of the record reveals that ample evidence supports these findings, which in turn support the trial court's ultimate decision to terminate Mother's parental rights to the children.

D.M., T.M., and W.M. were initially taken into protective custody because they were filthy, suffering from scabies, and Mother was unavailable to care for them due to her incarceration. The reason for the children's continued placement outside of Mother's care was her refusal to consistently participate in and successfully complete court-ordered services, coupled with her inability to demonstrate that she could safely and effectively parent her children. At the time of the termination hearing, these conditions had not improved despite a wealth of services available to Mother for nearly three years.

During the termination hearing, Dr. Spengler testified that although Mother participated in the parental fitness evaluation, she participated in a way that he believed was "dismissive of my attempts to interact with her." Tr. p. 53. He went on to state that Mother "produced very unusually defensive test results" on the MMPI, scoring in the "99.99 percentile in terms of defensiveness." Id. at 57-58. Dr. Spengler explained that individuals who respond in such a manner are using a psychological strategy to "try to claim they're morally virtuous" and have "no flaws or faults whatsoever." Id. at 58. When asked whether he was "able to draw any useful conclusions from the actual testing of the MMPI[,]" Dr. Spengler replied:

> No. The clouded picture became opaque, you couldn't see through it at that point. The only conclusion we could reach is that we know that individuals who use this type of strategy are not psychologically sophisticated and we can conclude with confidence [Mother] was very unwilling to self[-]disclose or to be [revealing] during the evaluation.

Id. When asked whether he was able to form an opinion as to whether therapy could be successfully utilized to resolve Mother's parenting issues, given Mother's "extremely defensive profile" and admission that she cannot tolerate being "told what to do," Dr. Spengler answered:

> There's an inferential leap at that point[.] [S]o, looking at how an individual approaches the evaluation with me is moderately predictive of how they would approach other situations where they would be required to self[-]disclose and engage in some element of [vulnerability]. . . . [T]he likelihood is high that [Mother] would continue on with that . . . type of defensive strategy or approach. Essentially denying any fault, or, engaging in a high level of avoidance or recognition of personal problems.

Id. at 58-59.

Mother's failure to consistently participate in and successfully complete services was a dominant theme in the testimony provided by various other service providers as well. For example, John Anderson, D.M.'s therapist and mental health coordinator with Specialized Alternatives for Family and Youth ("SAFY"),[6] informed the court that D.M. had been diagnosed with post traumatic stress disorder ("PTSD") and reactive attachment disorder ("RAD"). Anderson further explained that, beginning in August 2006, Mother was to participate in D.M.'s treatment plan by attending D.M.'s therapy sessions on a bi-weekly basis. Anderson testified, however, that Mother "struggled" with keeping these appointments and that he eventually had to terminate services with Mother due to her failure to attend the scheduled therapy sessions. Id. at 94.

Similarly, Margaret Richardson, who served as Mother's individual therapist for several months in 2007, testified that Mother only attend thirty percent of her scheduled appointments. When asked to characterize Mother's attitude and demeanor during therapy and to comment on how successful the sessions were, Richardson replied, "I would say [Mother] wasn't successful at all. She would spend most of the time complaining, stating she had all these problems and that it was everyone else's fault." Id. at 116. Richardson went on to explain that when she attempted to confront Mother by asking her how she planned on resolving her problems, Mother simply blamed others and "always created some kind of roadblock as to why she couldn't make any progress." Id. In addition, the record reveals that Mother was terminated from Hilltop Services' Watch

[6] SAFY is a not-for-profit agency that provides comprehensive treatment, intervention, adoption, and placement services for children who are victims of neglect or child abuse in their own homes and whose needs cannot be managed through traditional foster care.

Them Grow program, a homemaker services program designed to help parents with children who are at risk for abuse or neglect, after Mother refused to consistently participate in the program from March through September 2006.

With regard to visitation, Sara Gennett, family and youth specialist with SAFY, testified that she supervised visits between Mother and the children from January through June of 2006. Although Gennett indicated that Mother initially exercised regular visitation with the children, she described the visits as "very chaotic[,]" explaining that Mother "didn't know how to create structure[,]" that she would argue with Father in front of the children, give "unjustified time[-]outs" to the children, and would not be able to incorporate and demonstrate any of the suggested behavioral changes made during a visit in the following visit. Tr. pp. 144, 155.

SAFY family youth specialist Jessica Seamon supervised Mother's visits with the children from September 2007 through August 2008. Seamon testified that Mother "did not understand appropriate discipline" and characterized Mother's use of "time-outs" as "too excessive." Id. at 162. Seamon also reported that Mother attended only nine of fifty weekly scheduled visits with the children and that she failed to show for the last scheduled visit immediately before the second day of the termination hearing. 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.

Finally, DCDCS case manager Karen Emery informed the court that during the underlying CHINS and termination cases, Mother had never been employed and had lived in approximately eight to ten residences in Muncie before getting married and moving to Richmond with her current husband in 2007. Emery further testified that Mother and her husband had reported living in two residences since moving to Richmond in August 2007. When asked whether she had any concerns regarding the stability of Mother's current housing, Emery answered in the affirmative stating that Mother's name was not on the lease and explaining that this was a concern because Mother and her husband "frequently broke up and got back together." Id. at 202. Emery also confirmed that Mother's visitation with the children had become inconsistent and infrequent over the course of the case, that Mother had failed to successfully complete individual and family counseling, and that Mother and her husband did not own a car or have any other form of transportation for the children.

As previously explained, a 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 the parent's *habitual patterns of conduct* to determine the probability of future neglect or deprivation of the children. D.D., 804 N.E.2d at 266. In addition, "[a] pattern of unwillingness to deal with parenting problems and to cooperate with those providing services, in conjunction with unchanged conditions, supports a finding that there exists no reasonable probability that the conditions will change." Lang, 861 N.E.2d at 372. Here, the trial court was responsible for judging Mother's credibility and for weighing her testimony of improved conditions against the evidence demonstrating Mother's habitual

pattern of neglect, unemployment, refusal to consistently participate in services, and inability to provide a safe, stable, and nurturing home environment for the children. It is clear from the language of the judgment that the trial court considered the evidence of the former, but gave more weight to the evidence of the latter, which it was entitled to do. See Bergman v. Knox County Office of Family & Children, 750 N.E.2d 809, 812 (Ind. Ct. App. 2001) (concluding that trial court was permitted to and in fact gave more weight to abundant evidence of mother's pattern of conduct in neglecting her children during several years prior to termination hearing than to mother's testimony that she had changed her life to better accommodate children's needs). Mother's arguments on appeal amount to an invitation to reweigh the evidence, and this we may not do. D.D., 804 N.E.2d at 265; see also In re L.V.N., 799 N.E.2d 63, 68-71 (Ind. Ct. App. 2003) (concluding that mother's argument that conditions had changed and that she was now drug-free constituted an impermissible invitation to reweigh the evidence).

Finally, to the extent Mother argues that her rights were terminated simply because she is poor and did not own a car, we find nothing in the trial court's judgments to suggest that Mother's parental rights were terminated for such a reason. To the contrary, the record clearly establishes that Mother's rights were terminated due to her inability to provide the children with a safe and stable home environment, coupled with her consistent refusal for nearly three years to participate in and successfully complete court-ordered services designed to address her parenting deficiencies. We therefore conclude that Mother's challenge on this ground is without merit. See Tipton v. Marion County Dep't of Pub. Welfare, 629 N.E.2d 1262, 1268 (Ind. Ct. App. 1994)

(acknowledging that poverty alone does not show unfitness, but stating trial court may consider poverty which causes a parent to neglect or expose a child to danger and concluding termination not erroneous because based on parents' neglect of children coupled with failure to progress sufficiently to allow children's safe return).

II. *Best Interests*

Next, we consider Mother's contention that the trial court committed reversible error when it determined that termination of her parental rights is in D.M., T.M., and W.M.'s best interests. In making this argument, Mother asserts that "[i]t has not been shown that being with someone else other than [Mother] would be in the children's best interest[s] – the children have had typical, age-appropriate reactions to normal, developmental change. It is therefore premature to terminate the parent-child relationship[s][.]" Appellant's Br. p. 28.

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 to consider 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 court must subordinate the interests of the parent to those of the child. Id. The trial court need not wait until a child is irreversibly harmed such that his physical, mental, and social development are permanently impaired before terminating the parent-child relationship. In re M.M., 733 N.E.2d 6, 13 (Ind. Ct. App. 2000). Moreover, we have previously held that the recommendations of the case manager and court-appointed advocate to terminate parental rights, in addition to evidence that the conditions resulting in removal will not be

remedied, are sufficient to show by clear and convincing evidence that termination is in the child's best interests. Id.

The trial court made several additional pertinent findings, in addition to those set forth previously, in arriving at its decision that termination of Mother's parental rights is in the children's best interests, including the following:

> 20. That since the [children] [have] been placed in foster care, the [children] [have] shown systematic and consistent improvement in [their] education and social development.
>
> 21. That the [children] need[] a safe, stable, secure[,] and permanent environment in order to thrive. [Mother] has shown neither the inclination nor the ability to provide the [children] with such an environment.
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> * * *
>
> 23. That the CASA believes that it is in the best interest[s] of the [children] to terminate the parental rights of [Mother][.]

Appellant's App. p. 90. Clear and convincing evidence supports these findings.

During the termination hearing, both the DCDCS case manager and the court-appointed special advocate ("CASA") recommended termination of Mother's parental rights. In so doing, Emery stated that the children need to "have [a] routine, they need to know what's going on. They need to know . . . who's gonna be there each day. Not have their mom call and say I'm sick and [worry] who's gonna take care of them if mom's sick." Tr. pp. 208-09. Similarly, the CASA confirmed that she, too, recommended termination of Mother's parental rights and that she stood by her updated written report previously submitted to the trial.

In her updated report, the CASA stated she had observed Mother visit with the children in October 2008, and that during the visit, Mother's comments to the children

were "negative or critical remarks." Appellant's App. p. 186. The CASA further observed that "there was no happy talk or laughter," during the visit and that it "was not a happy experience for any of them." Id. The CASA thereafter concluded:

> [Mother] is not a good influence on any of the children. They were frustrated and unsure of what they could or should do. I feel [Mother] has many problems of her own and is unable to relate to [the children] in a positive manner. I do not believe [Mother] should have visitations with [the children]. It is not a good experience for any of them and gets them upset.

Id.

Testimony from service providers further supports the trial court's findings. For example, Anderson testified that, given D.M.'s diagnosis of PTSD and RAD, she needs "structure, stability, [and] nurturing." Tr. p. 93. Anderson further stated that D.M. needs a nurturing and comforting caregiver to meet her emotional needs and explained, "PTSD is an anxiety[-]based disorder, so you tend to see lots of types of worry and anxiety. Providing structure for a kid makes the environment more predictable and reduces the anxiety." Id.

When asked to characterize the importance of structure and stability with regard to all three children, Gennett stated that she felt stability was more important for these three children than for any other children she had ever worked with and further explained:

> [T]he time that comes to mind the most is . . . [when] the foster mother grew ill and the children had to enter a respite home for . . . three weeks in May of 2007. It turned their world upside down. . . . The behaviors were regressing to when they first entered care. Being physically aggressive[.] [A]nd in the daycare room[,] [W.M.] hit a baby and had to be taken out of the baby room and [T.M.] and [D.M.] were fighting and [T.M.] kicked the respite family's dog. . . . [T]he consistency was not there when they left [the foster home] . . . [and] they didn't know how to adjust.

Id. at 148.

Based on the totality of the evidence, we conclude that clear and convincing evidence supports the trial court's determination that termination of Mother's parental rights is in the children's best interests. Contrary to Mother's arguments on appeal, the testimony cited above by the DCDCS case manager, CASA, and various services providers clearly establishes a sufficient factual basis for the trial court to reasonably infer that Mother's unresolved parenting issues and refusal to consistently participate in services has prevented her from being able to successfully achieve dispositional goals and to provide the children with the safe, stable, and nurturing home environment that they need to be healthy. We therefore find no error. See, e.g., In re A.I., 825 N.E.2d 798, 811 (Ind. Ct. App. 2005) (concluding that testimony of the CASA 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 leaves us convinced that the trial court's judgments terminating Mother's parental rights to D.M., T.M., and W.M. are supported by clear and convincing evidence. Mother has failed to make any significant improvement in her ability to care for her children despite having received approximately three years of extensive services designed to facilitate reunification. It is unfair to ask the children to continue to wait until Mother is willing and able to obtain, and benefit from,

the help that she needs. See In re Campbell, 534 N.E.2d 273, 275 (Ind. Ct. App. 1989) (stating that court was unwilling to put children "on a shelf" until their mother was capable of caring for them).

We will reverse a trial court's termination order only upon a showing of "clear error"—that which leaves us with a definite and firm conviction that a mistake has been made. A.J. v. Marion County Office of Family & Children, 881 N.E.2d 706, 716 (Ind. Ct. App. 2008), trans. denied. We find no such error here. Accordingly, the trial court's judgments terminating Mother's parental rights to D.M., T.M., and W.M. are hereby affirmed.

Affirmed.

DARDEN, J., and ROBB, J., concur.