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ATTORNEY FOR APPELLANT:

KAREN M. HEARD
Evansville, Indiana

ATTORNEY FOR APPELLEE:

MARY JANE HUMPHREY
Evansville, Indiana

IN THE
COURT OF APPEALS OF INDIANA

IN THE MATTER OF THE TERMINATION OF THE PARENT CHILD RELATIONSHIP OF B.A. and D.A., Jr., Minor Children,	)	
DANIEL A. (Father),	)	
Appellant-Respondent,	)	
vs.	)	No. 82A01-0905-JV-246
INDIANA DEPARTMENT OF CHILD SERVICES,	)	
Appellee-Petitioner.	)	

APPEAL FROM THE VANDERBURGH SUPERIOR COURT
The Honorable Brett J. Niemeier, Judge
Cause Nos. 82D01-0806-JT-59 & 82D01-0806-JT-60

November 24, 2009

MEMORANDUM DECISION - NOT FOR PUBLICATION

VAIDIK, Judge

Case Summary

Daniel A. ("Father") appeals the involuntary termination of his parental rights to his children, B.A. and D.A., Jr., claiming there is insufficient evidence to support the trial court's judgment. Concluding the Indiana Department of Child Services, Vanderburgh County ("VCDCS"), presented clear and convincing evidence to support the trial court's judgment terminating Father's parental rights, we affirm.

Facts and Procedural History[1]

Father is the natural father of B.A., born on December 8, 1998, and D.A., born on October 30, 2003.[2] The facts most favorable to the trial court's judgment reveal that on or about July 12, 2007, the VCDCS filed petitions under separate cause numbers alleging B.A. and D.A. were children in need of services ("CHINS") after the children's biological mother, Heather P. ("Mother"), was arrested on charges relating to the manufacture of methamphetamine. Following a hearing held the next day, the trial court determined the VCDCS had probable cause to detain the children, accepted Mother's stipulation to the facts contained in the VCDCS's CHINS petitions, and adjudicated the children CHINS. At the time of this hearing, Father, who several years earlier had been convicted of Class B felony sexual misconduct with a minor, was incarcerated for failing to register as a sex offender. Father was therefore unavailable to care for the children.

[1] Because Mother's attorney was not available for the termination hearing, the trial court proceeded with the hearing only as to Father. Consequently, Mother does not participate in this appeal. Therefore, we shall limit our recitation of the facts to those pertinent solely to Father's appeal.

[2] Although Mother and Father were not married when B.A. was born, testimony presented during the termination hearing indicates the parents were living together and were married within a year of B.A.'s birth. Father signed B.A.'s birth certificate but never formally established paternity. D.A. was born of the marriage.

Consequently, the children were made temporary wards of the VCDCS. Following a dispositional hearing on August 7, 2007, the children were formally removed from Mother's care and custody. Father failed to attend any of the aforementioned hearings.

In August 2007 Father was released from incarceration and placed on parole. On October 17, 2007, Father appeared in court and requested counsel for the CHINS matter. After counsel was appointed by the court, Father stipulated to the allegations in the CHINS petition. The trial court thereafter found the children to be CHINS and ordered Father to cooperate with the parent aide, submit to a mental health evaluation, and participate in random drug screens until the time of the dispositional hearing.

On November 14, 2007, Father failed to appear for his scheduled dispositional hearing. The trial court proceeded with the hearing and subsequently issued an order directing Father to participate in a variety of services in order to achieve reunification with B.A. and D.A. The court's dispositional order also prohibited Father from visiting with the children until he appeared before the court.

On January 9, 2008, Father again failed to appear for a six-month review hearing, and the VCDCS filed an Information for Contempt. Several days later, Father appeared in court having been arrested on the failure to appear writ. Father admitted to the allegations in the Information and was found to be in contempt of court.

In February 2008 Father's parole for failing to register as a sex offender was completed. However, approximately six days after his release from parole, Father was arrested on a class D felony possession of methamphetamine charge. Father was later convicted and sentenced to three months incarceration, followed by one year of

probation. On June 18, 2008, the VCDCS filed a petition under both cause numbers requesting the involuntary termination of Father's parental rights to B.A. and D.A.

In August 2008[3] Father began working with Ireland Home Based Services parent aide Shermaurio Patterson. Several goals of the home-based counseling were for Father to secure and maintain stable housing and employment and improve household budgeting. Father's participation in home-based services was inconsistent from the start. In August 2008 Father missed one appointment with the parent aide. The following month, Father missed four of seven scheduled appointments. In October 2008 Father missed two to three appointments with Patterson.

A consolidated fact-finding hearing on the VCDCS's termination petitions was eventually held on November 6, 2008. Evidence presented during the termination hearing reveals that Father was currently living in his grandparents' house with several relatives including his mother and brother, Michael. Testimony presented during the termination hearing, however, indicates that the VCDCS had substantiated a report that Michael sexually molested B.A. Father was also participating in an intensive outpatient drug rehabilitation program ("IOP") through Stepping Stone at the time of the termination hearing. The evidence indicates, however, that Father was not in compliance with program guidelines and was not attending Alcoholics' Anonymous ("AA") meetings as directed. Finally, Father was not providing any financial support for the children, did

[3] We observe that Father did participate in one home-based counseling session in February 2008 before his incarceration on the possession conviction. Father's regular participation in home-based services, however, did not begin until August 2008.

not have a positive relationship with the children, and had been denied visitation privileges on the recommendation of case workers.

At the conclusion of the termination hearing, the trial court took the matter under advisement. On December 15, 2008, the trial court issued its judgment terminating Father's parental rights to B.A. and D.A. Father now appeals.

Discussion and Decision

Father asserts on appeal that the trial court's judgment is clearly erroneous. Specifically, Father claims the VCDCS failed to prove by clear and convincing evidence: (1) that there is a reasonable probability the conditions resulting in the children's removal or continued placement outside his care will not be remedied or that continuation of the parent-child relationships poses a threat to the children's well-being; (2) that termination of Father's parental rights is in the children's best interests; and (3) that the VCDCS has a satisfactory plan for the care and treatment of B.A. and D.A. following termination.

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). 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), *trans. denied*. Instead, we consider only the evidence and reasonable inferences that are most favorable to 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*. If the evidence and inferences support the trial court's decision, we must affirm. *Id.* In the present case, to facilitate our review of the issues on appeal, this court issued an order requesting the trial court to enter a revised final termination order containing specific findings of primary facts and conclusions thereon on August 21, 2009. The trial court filed its revised judgment with the clerk of this court on September 14, 2009.

When a trial court's judgment contains specific findings and conclusions thereon, we apply a two-tiered standard of review. *Bester v. Lake County Office of Family & Children*, 839 N.E.2d 143, 147 (Ind. 2005). First, we determine whether the evidence supports the findings, and second, we determine whether the findings support the judgment. *Id.* "Findings are clearly erroneous only when the record contains no facts to support them either directly or by inference." *Quillen v. Quillen*, 671 N.E.2d 98, 102 (Ind. 1996). 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. *Id.*

"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*. However, a trial court must subordinate the interests of parents to those of the child when evaluating the circumstances surrounding a termination. *K.S.*, 750 N.E.2d at 837. Termination of a parent-child relationship is proper where a child's emotional and physical development is threatened. *Id.* Although the right to raise one's own child should not be terminated solely because there is a better home available for the child, parental rights may be

terminated when a parent is unable or unwilling to meet his or her parental responsibilities. *Id.* 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; and
>
> (D) there is a satisfactory plan for the care and treatment of the child.

Ind. Code § 31-35-2-4(b)(2). 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 (2008). "[I]f the court finds that the allegations in a petition described in section 4 of this chapter are true, the court shall terminate the parent-child relationship." Ind. Code § 31-35-2-8.

I. Conditions Remedied/Threat to Children's Well-Being

Father's first contention on appeal is that the VCDCS failed to show, by clear and convincing evidence, that there is a reasonable probability the conditions resulting in the children's removal or continued placement outside his care will not be remedied or that continuation of the parent-child relationships poses a threat to B.A.'s and D.A's respective well-being. We observe that Indiana Code section 31-35-2-4(b)(2)(B) is written in the disjunctive. The trial court was therefore only required to find by clear and

convincing evidence that one of the two requirements of subsection (B) had been met before issuing an order to terminate Father's parental rights. *See In re L.V.N.*, 799 N.E.2d 63, 69 (Ind. Ct. App. 2003). Here, the trial court found that both prongs of subsection (B) of Indiana's termination statute had been satisfied. *See* Ind. Code § 31-35-2-4(b)(2)(B)(i), (ii). We therefore begin our review by considering whether clear and convincing evidence supports the trial court's finding that there is a reasonable probability the conditions resulting in the children's removal or continued placement outside Father's care will not be remedied.

In making such a determination, a trial court must judge a parent's fitness to care for his or her child 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 court must also evaluate the parent's habitual patterns of conduct to determine whether there is a substantial probability of future neglect or deprivation of the child. *In re M.M.*, 733 N.E.2d 6, 13 (Ind. Ct. App. 2000). 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*. A trial court may also properly consider the services offered to the parent by a county department of child services, and the parent's response to those services, as evidence of whether conditions will be remedied. *Id.* Finally, we point out that a county department of child services (here, the VCDCS) is not required to provide evidence ruling 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 the children's removal or continued placement outside Father's care will not be remedied, the juvenile court made multiple findings concerning Father's continuing criminal activity, lack of commitment to progress in services, and current inability to provide the children with a safe and stable home environment. For example, the trial court observed not only that Father has been convicted of class B felony sexual misconduct with a minor, but that his subsequent failure to register as a sex offender and resulting incarceration indicates a "lack of responsibility" as well as a continuing willingness to "jeopardize his family." Judgment p. 3.[4] The trial court also found that Father's proffered reason for failing to so register, namely, that there was a warrant out for his arrest for failure to pay child support on another child not subject to this appeal, further reflects Father's lack of responsibility and willingness to ignore the court system.

The trial court also found that Father "jeopardize[d] every relationship that he ha[d]" by using his money to buy drugs, thereby committing the additional criminal offense of possession of methamphetamine at a time when he was not paying child support or sending cards or gifts to the children. *Id.* Finally, the court indicated in its findings that Father's failure to regularly attend home-based counseling sessions with his

[4] For clarification purposes, we point out that any citation to the trial court's judgment made throughout this opinion refers to the trial court's revised judgment submitted to this court on September 14, 2009.

parent aide reflects a "lack of investment in his kids." *Id.* Based on these and other findings, the trial court concluded as follows:

> There is a reasonable probability that the conditions that resulted in the removal of [B.A.] and [D.A.] outside the care and custody of [Father] will not be remedied. The court bases this opinion on the fact that [Father] continues to be in and out of jail, [and] doesn't respect authority[] or society's rules. [Father], a sex offender and drug user, after being fully aware of his responsibilities, usually ignores them. This can be seen over and over again, examples include, being arrested [on] multiple occasions while trying to raise children, not appearing in court, being behind in his child support, not meeting with his parent aid[e], not being compliant with [drug] treatment and AA, not registering as a sex offender, and driving on a suspended license. The chances that [F]ather is rehabilitated and will not end up in jail again is slim at best.

Id. at 6-7. Our review of the record leaves us convinced that the trial court's findings and conclusions set forth above are supported by ample evidence.

The record discloses that Father has been unable to provide the children with a stable home environment for a sustained period of time. Although Father did accomplish some of the trial court's dispositional goals, such as obtaining employment and participating in a drug rehabilitation program through Stepping Stone, by the time of the termination hearing, Father was no longer compliant with the Stepping Stone program and was not attending AA classes as directed. Father had also failed to successfully complete home-based counseling, was prohibited from visiting with the children, and had failed to obtain safe and stable independent housing. Testimony from various case workers further illustrates Father's sporadic participation in services and current inability to properly care for the children.

Patterson informed the court that he had been providing home-based counseling services to Father since August 2008, but that Father had failed to attend many of their scheduled appointments during the three months immediately preceding the termination hearing. Specifically, Father missed one scheduled appointment in August 2008, four of seven scheduled appointments in September 2008, and two or three appointments in October 2008. Similarly, when questioned as to how Father was "doing in his services[,]" VCDCS case manager Ahmed Afifi answered, "I don't think he's as compliant as he should be." Tr. p. 84. Afifi further explained:

> [T]he parenting sessions are being missed . . . four out of the seven last month. . . . [W]hen the report came back on the 26th of September [it indicated] . . . [Patterson] showed up for the parenting session[,] [but][Father] didn't wanna (sic) get out of bed. The . . . getting arrested for [driving] without a license, that didn't reflect very [well on] his ability to do what he needed to be doin' (sic). Uh, the February incarceration for possession, dealing and manufacturing came in the middle of the case. And . . . Stepping Stone, the report came back a couple of weeks ago that [Father's] not complying. He's refusing to go to AA meetings, which I understand they have to comply with all the program guidelines . . . to graduate.

Id.

In addition, Father confirmed during the termination hearing that he deliberately chose not to register as a sex offender because he was trying to "avoid 'em (sic) because [he] had a warrant for own' (sic) child support" and he "didn't want them to take [him] to jail." *Id.* at 9. Father also admitted that he had never paid any child support for B.A. and D.A., that he was supposed to attend AA classes twice a week but was only attending once a week, and that he was currently living with his brother, Michael, who had been accused of molesting B.A.

This court has recognized that "[i]ndividuals who pursue criminal activity run the risk of being denied the opportunity to develop positive and meaningful relationships with their children." *Castro v. State Office of Family & Children*, 842 N.E.2d 367, 374 (Ind. Ct. App. 2006), *trans. denied*. Moreover, as previously explained, a juvenile 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. The record reveals that Father, due in large part to his continuous engagement in criminal activity and repeated incarcerations, has been unable to demonstrate an ability to provide the children with a consistently safe and stable home environment throughout the duration of the underlying proceedings. Thus, the conditions that resulted in the children's removal and continued placement outside Father's care remained largely unchanged by the time of the termination hearing.

"A pattern of unwillingness to deal with parenting problems and to cooperate with those providing services, in conjunction with unchanged conditions, support[s] a finding that there exists no reasonable probability that the conditions will change." *Lang v. Starke County Office of Family & Children*, 861 N.E.2d 366, 372 (Ind. Ct. App. 2007), *trans. denied*. Based on the foregoing, we conclude that clear and convincing evidence supports the trial court's determination that there is a reasonable probability the conditions leading to the children's removal or continued placement outside Father's care will not be remedied. It is clear from the language of the judgment that the trial court gave more weight to the evidence of Father's current inability to parent the children,

habitual pattern of neglectful conduct, and criminal activity, than to Father's purported change in circumstances, which the court was permitted to do. *See Bergman v. Knox County Office of Family & Children*, 750 N.E.2d 809, 812 (Ind. Ct. App. 2001) (concluding 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 before the termination hearing than to mother's testimony that she had changed her life to better accommodate the children's needs). Father's arguments on appeal, emphasizing the few services he completed as opposed to the evidence cited by the trial court in its termination order, amount to an invitation to reweigh the evidence, which we may not do. *D.D.*, 804 N.E.2d at 264.[5]

II. Best Interests

We next consider Father's assertion that termination of his parental rights is not in B.A.'s and D.A.'s respective best interests. Specifically, Father claims that the trial court "failed to look to the totality of the circumstances when it found that termination was in the best interest[s] of the children." Appellant's Br. p. 22. Father goes on to assert that, "[g]iven the testimony presented at trial, there was not sufficient evidence upon which the [c]ourt could conclude that it was in the best interests of the children to terminate their [f]ather's parental rights." *Id.* at 23. Father fails, however, to direct our attention to any specific testimony supporting this assertion.

[5] Having concluded there is clear and convincing evidence supporting the trial court's determination that there is a reasonable probability the conditions resulting in the children's removal or continued placement outside Father's care will not be remedied, consideration of Father's additional assertion that insufficient evidence supports the trial court's determination that continuation of the parent-child relationship poses a threat to the children's well-being is unnecessary. *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).

We are mindful that when determining what is in a child's best interests, the trial court is required to look beyond the factors identified by the Indiana Department of Child Services and to 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). Nevertheless, the court must subordinate the interests of the parent to those of the child when determining what course of action is in the child's best interests. *Id.* In addition, we have previously concluded that the recommendations of the case manager and court-appointed child advocate that parental rights should be terminated support a finding that termination is in the child's best interest. *Id.*

In deciding that termination of Father's parental rights is in the children's best interests, the trial court specifically found that Father's "unreliability" and "lack of interest" in the children could be seen in Father's failure to appear for court hearings and failure to comply with the court's parental participation plan. Judgment p. 2. The trial court also found that Father's inability to remember either of the children's birthdays and failure to send either child any Christmas or birthday cards during the underlying proceedings is "another indication of how either uncaring or uninterested this father is concerning his children." *Id.* Moreover, the trial court found that B.A. has special concerns and needs due to being a victim of sexual abuse and, in light of the facts Father has committed a sexual offense himself and currently lives with the person who has been accused of molesting B.A., the court "highly doubts" Father has the understanding it takes to "empathize" with B.A. *Id.* at 4. Finally, the court found (1) that B.A.'s statement that she wants a home with '"no stinky drug people in it"' indicates that she has

"bad memories of her past and no real bond to her father[,]" and (2) that D.A. "has no memory of his father." *Id.* at 4. Based on these and other findings, the trial court concluded as follows:

> c. * * *
>
> A father who doesn't know when his children were born, doesn't give them gifts, exposes them to drugs, is a sexual offender and drug abuser himself, commits crimes, who lives with his . . . brother who molested one of his children, who cannot provide them with a safe home, or even drive them to school, who doesn't even come to court to check on his kids, is a father who is a danger mentally, physically, and poses a threat to his children. To attempt to reintroduce this father into these children's lives could only harm these children. There is little or no bond and only a few bad memories.
>
> d. Termination of the parent-child relationship between [Father] and [B.A.] is in the child's best interests based upon all of the above.
>
> e. Termination of the parent-child relationship between [Father] and [D.A.] is in the child's best interests based on all of the above.

Id. at 7. Our review of the record reveals that the above-mentioned findings and conclusions are supported by the evidence.

During the termination hearing, the children's therapist, Windy James, informed the trial court that B.A. and D.A. were progressing in therapy. In so doing, James reported that B.A. was "settling in well" at her current therapeutic foster home and that D.A. was also doing "much better." Tr. p. 50. James further testified that both children need a "very structured home environment with consistent rules" and weekly therapy. *Id.*

Regarding B.A.'s prior relationship with Father and his brother, James reported that B.A. had told her she had been "sexually abused by her Uncle Michael and that, . . . [Father] did . . . not do exactly the same thing as Uncle Michael, but close to it." *Id.* at 51. James also informed the court that when she asked B.A. during therapy sessions what

troubles her most, B.A's response was that she "wants a safe home where people are nice to one another and that she would like to be adopted." *Id.* at 59. B.A. further explained to James that she "would like a nice home where people don't do stinky drugs and throw things and do nasty to one another." *Id.* at 59-60. Finally, James testified that she had recently recommended against visitation between Father and the children, stating she believed it would be "inadvisable" at this time and that "introducing [Father] at this point [would] cause disruption in [the children's current] placement and lead [the children] to feel insecure again." *Id.* at 66.

Also significant, the record reveals that both the court-appointed special advocate ("CASA") and VCDCS case manager recommended termination of Father's parental rights as in the children's best interests. When asked during the termination hearing, "What do you think these children need at this time[,]" CASA Kathy Tuley replied, "I think they need a safe stable environment." *Id.* at 75. Tuley went on to explain that she felt the best way to achieve this goal would be to "leave them where they are now, because they're doing so well . . . they're speaking out in therapy and they're starting to deal with some of the issues and . . . I think it's a safe haven for them." *Id.* at 75-76. When specifically asked whether she believed it was in the best interests of the children to have Father's parental rights terminated, Tuley answered, "Yes I do." *Id.* at 76. Likewise, when asked what course of action she believed was in the children's best interests, VCDCS case manager Afifi answered, "To be adopted by a good home." *Id.* at 87. When further questioned as to whether that was the VCDCS's plan, Afifi replied, "Yes, ma'am, absolutely." *Id.*

A court need not wait until a child is irreversibly influenced by a deficient lifestyle such that his or her physical, mental, and social growth is permanently impaired before terminating the parent-child relationship. *In re E.S.*, 762 N.E.2d 1287, 1290 (Ind. Ct. App. 2002). Based on the totality of the evidence, including Father's extensive criminal history, his failure to complete court-ordered services, and his current inability to provide the children with a safe and stable home environment, coupled with James', Tuley's, and Afifi's testimony concerning the children's critical need for stability and a structured home environment, we conclude that there is ample evidence to support the trial court's findings and ultimate determination that termination of Father's parental rights is in both B.A.'s and D.A.'s best interests. *See In re A.H.*, 832 N.E.2d 563, 570 (Ind. Ct. App. 2005) (concluding that historic inability to provide adequate housing, stability and supervision, coupled with current inability to do the same, supports finding that continuation of the parent-child relationship is contrary to the child's best interests).

II. Satisfactory Plan

We now turn to Father's final assertion that the VCDCS failed to prove it had a satisfactory plan for the future care and treatment of B.A. and D.A because it "failed to present any testimony regarding the [VCDCS's] plan" for the children. Appellant's Br. p. 23.

We agree with Father that before a trial court may terminate a parent-child relationship, it must find there is a satisfactory plan for the future care and treatment of the child. *D.D.*, 804 N.E.2d at 268. It is well-established, however, that this plan need not be detailed, so long as it offers a general sense of the direction in which the child will

be going after the parent-child relationship is terminated. *Id.* Notably, this court has also previously held that the fact there is no specific family in place to adopt the child does not make the plan unsatisfactory. *See In re B.D.J.*, 728 N.E.2d 195, 204 (Ind. Ct. App. 2000) (concluding that plan for adoption of special needs children was sufficient even if not adopted by current foster parents because if that avenue did not work other adoption options could be pursued). "Attempting to find suitable parents to adopt [a child] is clearly a satisfactory plan." *Lang*, 861 N.E.2d at 375.

In the present case, case manager Afifi testified that the VCDCS's plan for B.A. and D.A. was for the children to be adopted by a suitable adoptive family. This plan provides the trial court with a general sense of the direction of the children's future care and treatment. We therefore conclude that the VCDCS's plan for adoption is "acceptable and satisfactory" and the trial court's determination is not clearly erroneous. Judgment p. 8.

A thorough review of the record reveals that the trial court's judgment terminating Father's parental rights to B.A. and D.A. is supported by clear and convincing evidence. This court will reverse a termination of parental rights "only upon a showing of 'clear error'-- that which leaves us with a definite and firm conviction that a mistake has been made." *In re A.N.J.*, 690 N.E.2d 716, 722 (Ind. Ct. App. 1997) (quoting *Egly*, 592 N.E.2d at 1235). We find no such error here.

Affirmed.

BAILEY, J., and BRADFORD, J., concur.