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IN THE COURT OF APPEALS OF INDIANA

IN THE MATTER OF THE TERMINATION OF THE PARENT-CHILD RELATIONSHIP OF S.H., A MINOR CHILD,	)	
B.H. and C.H.,	)	
Appellants-Respondents,	)	
vs.	)	No. 06A05-0909-JV-538
DEPARTMENT OF CHILD SERVICES BOONE COUNTY OFFICE,	)	
Appellee-Petitioner.	)	

APPEAL FROM THE BOONE CIRCUIT COURT
The Honorable Steve David, Judge
Cause No. 06C01-0810-JT-459

March 31, 2010

MEMORANDUM DECISION - NOT FOR PUBLICATION

BROWN, Judge

B.H. ("Father") and C.H. ("Mother") appeal the involuntary termination of their parental rights to their child, S.H., claiming there is insufficient evidence supporting the trial court's judgment. Concluding that the Indiana Department of Child Services, Boone County ("BCDCS") provided clear and convincing evidence to support the trial court's judgment, we affirm.

Facts

Father and Mother are the biological parents of S.H., born on August 26, 2007. The evidence most favorable to the trial court's judgment reveals that in November 2007, BCDCS received a report alleging unsafe and filthy living conditions in Father's and Mother's home. BCDCS initiated an investigation, and caseworkers discovered an infestation of cockroaches crawling on the floors and walls of every room of the home. Dead and live cockroaches were also observed in the kitchen sink, laundry, children's bedding, and crib. Several clothing items with mice feces were also observed on the floor. In the kitchen, old food and milk filled the sink, and a knife and hammer were found on the floor of the kitchen hallway. In addition, exposed electrical wiring, cleaning supplies, nails, and various medications were observed throughout the house within the reach of the children.

Due to the conditions of the family home, then three-month-old S.H. and her older half-sibling were taken into emergency protective custody.[1] BCDCS thereafter filed a petition alleging S.H. was a child in need of services ("CHINS") because the child's

[1] S.H.'s half-sibling was subsequently placed with that child's biological father. In addition, Mother gave birth to a third child during the pendency of the underlying proceedings. Neither of S.H.'s siblings are subject to the trial court's termination order. Consequently, we limit our recitation of the facts to those pertinent solely to the parents' appeal of the termination of their parental rights to S.H.

physical or mental condition was "seriously impaired or seriously endangered" as a result of the "inability, refusal, or neglect" of the parents to supply S.H. with necessary food, clothing, shelter, medical care, or supervision. Appellants' Appendix at 30. Both parents initially denied but later admitted to the allegations of the CHINS petition.

S.H. was adjudicated a CHINS in February 2008, and, following a dispositional hearing in March 2008, the trial court issued an order formally removing S.H. from the care of her parents. The court's dispositional order also directed both parents to participate in a variety of services in order to achieve reunification with S.H. Specifically, Father and Mother were ordered to, among other things, maintain suitable housing and employment, participate in regular visitation with S.H., and successfully complete parent education classes and home-based services through Mental Health America. Father and Mother were later ordered to participate in psychological evaluations.

In October 2008, BCDCS filed a petition seeking the involuntary termination of Father's and Mother's parental rights to S.H. A two-day fact-finding hearing on the termination petition commenced on May 20, 2009 and concluded the following day. During the termination hearing, BCDCS presented evidence showing that although Father and Mother had remedied the unsanitary living conditions of the family home, they nevertheless remained unable and/or unwilling to properly care for S.H. Specifically, BCDCS presented significant evidence of escalating incidents of verbally aggressive and physically abusive altercations between the parents. The evidence further indicated that at the time of the termination hearing, both parents remained unemployed

and continued to struggle with basic parenting issues, such as providing proper nutrition and hygiene for S.H. In addition, testimony from various service providers and caseworkers revealed that both Father and Mother have significantly diminished mental capacities which contributed to their inability to benefit from services offered during the CHINS case.

At the conclusion of the termination hearing, the trial court took the matter under advisement. On July 24, 2009, the court issued its judgment terminating Father's and Mother's parental rights to S.H. Both parents now appeal.

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 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, 265 (Ind. Ct. App. 2004), trans. denied. Instead, we consider only the evidence and reasonable inferences therefrom that are most favorable to the judgment. Id.

Here, the trial court's termination order contained specific findings of fact and conclusions thereon. When reviewing findings of fact and conclusions of law entered in a case involving a termination of parental rights, we apply a two-tiered standard of review. First, we must determine whether the evidence supports the findings. Bester v. Lake County Office of Family & Children, 839 N.E.2d 143, 147 (Ind. 2005). Second, we determine whether the findings support 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; see also Bester, 839 N.E.2d at 147. 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. Bester, 839 N.E.2d at 147.

"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. Moreover, because termination severs all rights of a parent to his or her child, the involuntary termination of parental rights is arguably one of the most extreme sanctions a court can impose; consequently, such a sanction is intended as a last resort, available only when all other reasonable efforts have failed. In re T.F., 743 N.E.2d 766, 773 (Ind. Ct. App. 2001), trans. denied. Nevertheless, parental rights are not absolute and must be subordinated to the child's interests in determining the proper disposition of a petition to terminate a parent-child relationship. Id. Because the purpose of terminating parental rights is to protect the child, not to punish the parent, parental rights may be properly terminated when a parent is unable or unwilling to meet his or her parental responsibilities. K.S. 750 N.E.2d at 836.

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

(C) termination is in the best interests of the child . . . .

Ind. Code § 31-35-2-4(b)(2). The State's burden of proof for establishing these allegations in termination cases "is one of 'clear and convincing evidence.'" In re G.Y., 904 N.E.2d 1257, 1260-1261 (Ind. 2009) (quoting Ind. Code § 31-37-14-2 (2008)). If 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 (2008).

In the present case, the trial court found BCDCS presented sufficient evidence to satisfy both prongs of Ind. Code § 31-35-2-4(b)(2)(B). This statute, however, is written in the disjunctive. Thus, BCDCS was required to establish, by clear and convincing evidence, only one of the two requirements of subsection 2(B). See L.S., 717 N.E.2d at 209. Because we find it dispositive under the facts of this case, we consider only whether clear and convincing evidence supports the trial court's findings regarding Ind. Code § 31-35-2-4(b)(2)(B)(i).

Remedy of Conditions

Father and Mother assert that BCDCS failed to prove there is a reasonable probability the conditions necessitating S.H.'s removal and continued placement outside of their care will not be remedied. In so doing, the parents claim that the trial court

terminated their respective parental rights "primarily due to [the parents'] mental retardation." Appellants' Brief at 1. They further claim that, at the time of the termination hearing, they were making progress in their parenting abilities, and the unsanitary conditions of the home were no longer an issue. Father and Mother therefore contend that the trial court improperly terminated their parental rights to S.H.

When determining whether there is a reasonable probability that the conditions justifying a child's removal and continued placement outside the family 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 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. Moreover, we have previously explained that the Indiana Department of Child Services (here, the BCDCS) 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).

In terminating Father's and Mother's parental rights, the court made numerous detailed findings acknowledging both the parents' successes and failures in completing

the court's dispositional goals. The trial court recognized that at the time of the termination hearing, the condition of the parents' home "was no longer an issue" and that despite some sanitary issues early in the CHINS case, the family home has been "clean and relatively well kept." Appellants' Appendix at 14. The court also acknowledged in its findings that "there is no evidence that [S.H.] has been physically abused by Mother or Father" and that there is "no dispute from service providers, mental health[,] or [BCDCS] that Mother and Father were loving, caring[,] and love [S.H.]." Id. at 11, 18.

Notwithstanding these acknowledgments, however, the trial court's judgment contains many additional findings regarding Father's and Mother's continuing inability to properly care for S.H., either separately or as a couple. For example, the trial court specifically found that "multiple safety concerns" remained at the time of the termination hearing despite the fact "many services and assistance" had been offered to both parents. Id. at 12. The trial court also found Mother and Father still needed to be reminded that S.H. "needs her diaper changed or that she needs to eat" as well as what food is both nutritional and "age appropriate" for S.H. Id. at 12-13. In addition, the trial court found that during visits, S.H., who is less than two years old, had to "bring a diaper to her Mother and/or Father in an effort to let them know she needs a diaper change . . . ." Id. at 13. The trial court also found that both parents have "difficulty multi-tasking" and "seem to only be able to concentrate on one task at a time, including leaving [S.H.] alone unsupervised if they are doing something else," and that Father and Mother would often times be "preoccupied with watching TV or doing other things and not paying attention to [S.H.]." Id. at 13, 19.

As for Father's and Mother's mental disabilities, the trial court found that both parents "suffer from borderline intellectual functioning . . . ." Id. at 10. Relying on the testimony from clinical psychologist Dr. Rosalind Schmutte, the trial court made the following pertinent findings as to Mother's mental disabilities:

> 20. Mother's intellectual functioning [is] significantly below average. She has minimal social skills.
> 21. Dr. Schmutte found that Mother demonstrated a deficit in cognitive processing, that she had difficulty comprehending directions.
> 22. Dr. Schmutte also found that Mother ha[s] dependent personality traits and follows whatever directions or commands that her husband suggests or gives.
> 23. Dr. Schmutte found that Mother needs constant help with everyday tasks.

Id. With regard to Father's mental disabilities, the court specifically found:

> 27. Dr. Schmutte determined that Father [is] mentally retarded and she concluded that [F]ather could not parent a child independently.
>
> * * * * *
>
> 30. Dr. Schmutte testified that Father has significant deficiencies in his cognitive skills and that he has an IQ of 58. He lacks appropriate social skills. He has a long history of marijuana usage since the age of fourteen. He is unable to read, write[,] or tell time. He distrusts health care professionals. He appears to lack the capacity to identify a health emergency.

Id. at 11.

The trial court's judgment also contains multiple findings concerning recurrent domestic violence in the family home between Father and Mother, finding that "[d]omestic violence permeates the parents' lives[,]" and citing numerous episodes during which Mother and Father hit, choked, kicked, punched, and/or threw things at each other, including one altercation where Mother "stabbed Father with a fork" and

another episode where Father "threw a telephone at Mother." Id. at 12, 16. With regard to visitation, the court's findings indicate that "[s]ince December of 2008, Mother and Father have cancelled or not shown up for 11 visits[,] and 4 visits had to be terminated by the visit supervisor due to inappropriate behavior." Id. at 14. The court's findings also indicated that "[m]any of the [parents'] visits [with S.H.] have been consumed by domestic arguments and issues relating to the parents[,] and the visit supervisor has played referee more so than assist with parenting issues." Id. The court's judgment also contained multiple findings concerning the parents' unresolved budgeting issues and housing instability.

Based on these and other findings, the trial court concluded as follows:

> 7. Parents['] MMPI results suggest an inability to function as parents. There is clear and convincing evidence that the parents put their own needs before [S.H.]. Mother and Father can barely get by on their own with public assistance. To return [S.H.] to a chaotic household run by Mother and Father would be a recipe for disaster.
>
> 8. Mental retardation is relevant in determining whether parents have the capacity to care properly for the child. [Citation omitted]. There is evidence of mental retardation beyond the clear and convincing standard. There is also a plethora of other evidence to conclude that the parents are incapable of parenting [S.H.].
>
> 9. Every witness called by the State testified that [the parents] cannot parent.
>
> 10. It is all [the parents] can do to take care of themselves[,] and they are not doing a very good job of that.
>
> 11. Father is a bully. Mother is dependent on Father. They have difficulty getting along on a day-to-day basis. There is much domestic violence[,] and [S.H.] would be at great risk for direct physical injury or the trauma of witnessing domestic violence.

12. Father has threatened [BCDCS] personnel and others. He has no respect for people unless they are doing exactly what he expects.

13. Mother and Father lack the maturity, the logic, the common sense, the desire[,] and the will to be effective parents. This case is a testament to the continued efforts of [BCDCS] to re-unite a family despite the conduct of parents to blame others either out of a desire to make excuses or because they just don't know any better.

* * * * *

15. While there is no doubt that Mother and Father love [S.H.], there is also little doubt that they are incapable of parenting her. They can't. They haven't even demonstrated that they can parent her very effectively with supervision, let alone without supervision and assistance.

16. They do not understand the basic child care concepts. They lack the capacity to understand. They lack the capacity to appreciate.

17. While the reason for the original removal has been effectively remedied, by public assistance, the Court finds by clear and convincing evidence that the multiple reasons for continued placement will not be remedied.

Id. at 23. A thorough review of the record leaves us convinced that ample evidence supports the trial court's findings and conclusions set forth above. These, in turn, support the trial court's ultimate decision to terminate Father's and Mother's parental rights to S.H.

During the termination hearing, Dr. Schmutte informed the court that she completed psychological evaluations of Father and Mother in January 2008. Dr. Schmutte testified that Father had an overall IQ of 58, placing him in the "mildly mentally retarded category." Transcript at 126. Dr. Schmutte also indicated that Father had "significant deficits in his ability to do cognitive processing," such as following

directions, listening, retaining information, and demonstrating appropriate social skills. Id. She went on to explain that, due to Father's mental retardation, he lacks the "knowledge and ability to learn about children's developmental needs," and that his social and intellectual skills are "not at a level that any child should be left alone with him." Id. at 127.

When asked to describe the results of Mother's psychological assessment, Dr. Schmutte stated that Mother falls into a "very difficult range intellectually" because she does not function low enough to be considered "mentally retarded," but Mother also "does not function high enough to be considered low average. She's in this category called borderline." Id. at 131. Dr. Schmutte went on to explain, however, that Mother's lack of adaptive skills, such as the ability to communicate, social interpersonal skills, knowledge of health and safety, home living skills, and the ability to use self-direction, place Mother in the "very lower end of this [borderline] range." Id. at 132. Dr. Schmutte also diagnosed Mother with "dependent personality disorder," which meant that Mother "simply does not make decisions on her own." Id. at 134.

BCDCS case manager Jenny Essex's testimony confirmed that Mother and Father had failed to achieve housing and financial stability during the CHINS case. When asked whether this was a concern, Essex answered in the positive, explaining that Mother and Father had been "very resistant to budgeting issues," and were currently in their "sixth home since [BCDCS] became involved [with the family] in November of [2007]." Id. at 33. Essex also testified that Father and Mother often spent their disability income at the beginning of the month and would then report that they "[did] not have money for things

such as medication." Id. In addition, Father and Mother had recently reported that they did not have food in the home for S.H., so "food had to be brought to the home by the service provider." Id.

Home-based case manager and visitation supervisor Becky Fettig informed the court that it became "immediately clear" to her that Father and Mother were going to need parenting education because they did not possess even basic parenting skills such as "when to change a diaper on time" or "how to burp a child." Id. at 203. Fettig attempted to educate Father and Mother through a wide variety of methods including verbal instruction, video tapes, and parenting books. Nevertheless, Fettig reported that during the nine months she was assigned to the case, Father and Mother required constant reeducation on basic parenting issues such as proper nutrition, age-appropriate foods, swaddling a baby, and hygiene. In addition, Fettig reported that Mother became "very agitated" when Fettig offered feeding advice, and on one occasion informed Fettig she "knew how to take care of a child." Id. at 210. Similarly, when asked why he was giving S.H. cake before breakfast one morning, Father became angry and told Fettig that S.H. was "his child and he was going to give her what he felt like he wanted to give her." Id. In addition, by late 2008, Fettig had noticed an increase in domestic altercations between the parents. When asked, whether she believed, based on her observations, that Father and Mother "could ever safely parent [S.H.] without supervision," Fettig answered, "No." Id. at 232.

As previously mentioned, when determining whether a reasonable probability exists that the conditions resulting in a child's removal from the home will not be

remedied, the juvenile court must judge a parent's fitness to care for his child *at the time of the termination hearing*. D.D., 804 N.E.2d at 266. Moreover, receiving services alone is not sufficient evidence to show that conditions have been remedied if the services do not result in the needed change and the parent does not acknowledge a need for change. See, e.g., In re A.H., 832 N.E.2d 563, 570 (Ind. Ct. App. 2005) (concluding that court properly terminated parent-child relationship where parent participated in but failed to benefit from services). In light of the foregoing, we conclude that clear and convincing evidence supports the trial court's determination that there is a reasonable probability the conditions resulting in S.H.'s removal or continued placement outside of Father's and Mother's care will not be remedied.

Father's and Mother's additional assertion that their parental rights were terminated based solely on their mental disabilities is also unavailing. The evidence most favorable to the judgment reveals that the reason for S.H.'s continued placement outside of Father's and Mother's care was the parents' continuing inability to provide S.H. with a safe and stable home environment, free from domestic violence. By the time of the termination hearing, neither parent had shown any significant overall improvement in their respective abilities to properly care for and parent S.H. Also significant, Father's and Mother's participation in visitation had become increasingly sporadic in recent months, the domestic violence in the family home was continuing to escalate, and the parents' financial circumstances remained unstable.

Father and Mother are correct in their assertion that mental disability, standing alone, is not a proper ground for terminating parental rights. R.G. v. Marion County

Dep't of Family & Children, 647 N.E.2d 326, 330 (Ind. Ct. App. 1995), trans. denied. Nevertheless, in instances where parents are incapable of or unwilling to fulfill their legal obligations in caring for their child, the parents' mental disabilities may be considered. Id. Such is the case here. Contrary to Father's and Mother's argument on appeal, a thorough review of the record makes clear that the trial court properly considered the evidence pertaining to Father's and Mother's respective mental disabilities as only one of many relevant factors in determining both parents' current and future ability to care for S.H.

The trial court was within its discretion in weighing the parents' testimony of improved conditions against significant evidence demonstrating their habitual pattern of neglectful parenting, domestic violence, mental deficiencies, and past and present inability to demonstrate they are capable of providing S.H. with a safe and stable home environment. 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). The parents' arguments on appeal amount to an invitation to reweigh the evidence, and this we may not do. D.D., 804 N.E.2d at 264.

Best Interests

Father and Mother also challenge the sufficiency of the evidence supporting the trial court's determination that termination of their parental rights is in S.H.'s best

interests. In support of this argument, the parents claim there was "definite bonding" between the parents and S.H. Appellants' Appendix at 20. Father and Mother further assert that although S.H. may be "placed in a better home," they were not abusing S.H., and any issues regarding S.H.'s safety were "speculative." Id. The parents therefore contend that termination of their parental rights is not in S.H.'s best interests.

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 Indiana Department of Child Services and 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). In so doing, the trial court must subordinate the interests of the parent to those of the child. Id. The court need not wait until a child is irreversibly harmed before terminating the parent-child relationship. Id. Moreover, we have previously held that recommendations by a case manager and child advocate to terminate parental rights, coupled with evidence demonstrating 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. In re M.M., 733 N.E.2d 6, 13 (Ind. Ct. App. 2000).

In addition to the findings set forth previously, the trial court made several additional pertinent findings in determining that termination of Father's and Mother's parental rights is in S.H.'s best interests, including the following:

> 32. While there is no evidence that [S.H.] has been physically abused by Mother or Father, there is significant evidence of domestic violence and the threat of domestic violence between Mother and Father. This was of great concern to Dr. Schmutte.

* * * * *

34. In 2009, there were further acts of domestic violence. In February, Father threw a telephone at Mother and the planned visit with [S.H.] was cancelled.

* * * * *

40. During supervised visitation occurring during this same time period, [S.H.] became more aggressive with her parents and they with her.

41. [S.H.] is doing very well in foster care. She is much more verbal and behaves more normally in foster care than when she is with her parents.

* * * * *

71. A psychological evaluation was also completed by Robert J. Adams in September of 2008. A follow-up contact was made just prior to the parental termination hearing.

* * * * *

73. At the time of his initial evaluation, Mr. Adams recommended that no children be left alone with Mother and Father.

* * * * *

75. In May 2009, Mr. Adams opined that Mother's capacity to effectively and appropriately parent both of her very young children in an ongoing, daily situation is extremely questionable. Mr. Adams testified in [c]ourt that Mother does not fully comprehend cause and effect reasoning regarding the possibility of injury and/or other types of threats to herself and her minor children.

* * * * *

77. [Mr. Adams] testified that neither Father nor Mother individually, nor even as a team, can provide the necessary environment, guidance, and supervision required to maintain a suitable home and lifestyle that will serve the best interests of [S.H.].

* * * * *

> 81. Mr. Adams could not recommend reunification now or in the foreseeable future as this would not be in the best interests of [S.H.]. He testified that the "prognosis is very poor for their (Mother and Father) being able to parent." He further testified that he was aware of no service or entity in Indiana that could give Mother and Father the 24/7 assistance they would need to parent [S.H.].

Appellants' Appendix at 11-17. These findings are also supported by the evidence.

In recommending termination of Father's and Mother's parental rights, case manager Essex informed the court that Father exhibited "sustained aggression" throughout the CHINS case. Transcript at 36. Essex also testified that Father had been "verbally aggressive" on several different occasions, not only towards Mother, but to Essex and other case workers as well. Id. at 42. During one such encounter, Father began "punching his hand" and threatened that "he was going to lay [Essex] out cold on the floor. . . ." Id. at 48. When asked why the domestic violence between Father and Mother was a concern for BCDCS, Essex replied:

> [T]his has been an ongoing problem throughout the course of our involvement . . . . Research shows that in seventy percent (70%) of homes where domestic violence is present, abuse or neglect is also present in the home. . . . My concern is not only that the domestic violence is occurring, [but] that it's no longer occurring in what I would consider behind closed doors. . . . [T]hey're throwing objects when the children are present. They have thrown objects when the service provider is present. They talk of the domestic violence almost in a bragging fashion. The domestic violence seems to be escalating to the point that there's bruising up and down both of [Mother's] legs and on her arms.

Id. at 53-54. When asked to describe her observations of S.H. while in foster care as compared to her parents' care, Essex stated that when S.H. is in the foster home, she "sings," "plays with toys," and "whispers secrets in people's ears." Id. at 59. Essex went

on to say that when S.H. is in Father's and Mother's home, she is "very quiet and withdrawn," she does not smile, and she "just seem[s] fearful." Id. at 61. When asked if she believed termination was in S.H.'s best interests, Essex replied, "Yes. [S.H.] is comfortable [in foster care]. She has . . . resided there for over a year and a half[,] . . . and I feel that she has bonded appropriately there." Id.

Dr. Schmutte's testimony also supports the trial court's findings. Dr. Schmutte informed the court that it was her "clinical opinion" that Father "is not able to parent a child independently," and that she would have "grave concerns" if S.H. were left in Father's care. Id. at 127, 128. When asked what her "ultimate" conclusions were as to Mother, Dr. Schmutte stated that, like Father, Mother had below average cognitive processing skills and would "require almost constant supervision to take care of a child because she's not able to identify safety and health needs and . . . also because of her dependence on her husband." Id. at 133-34.

Adams, a mental health counselor and licensed clinical social worker, likewise recommended termination of both Father's and Mother's parental rights. In so doing, Adams stated that his psychological assessment of both Father and Mother revealed that the parents' "prognosis is very poor for them to be able to parent on an ongoing basis." Id. at 282. Adams also confirmed his initial recommendation that Father and Mother be allowed to parent only if supervised, stating he was "very fearful" about what might happen to S.H. if left with the parents unsupervised. Id. at 283. Although Adams recognized that the parents' bonding and ability to nurture S.H. had improved since the first time he had examined the parents, he nevertheless felt the weaknesses of the parents

in terms of their "understanding developmental milestones and needs, generalizing parenting and social interaction skills to a child's level, as well as [Father's] ability to foresee and head off possible danger" to S.H. was "significantly lacking." Id. at 317. Adams therefore testified that he could not recommend reunification "now or in the foreseeable future" as he did not believe it would be in S.H.'s best interest. Id.

Based on the totality of the evidence, including Father's and Mother's habitual pattern of domestic violence and inability to demonstrate they can properly care for S.H, coupled with the testimony from Essex, Dr. Schmutte, and Adams recommending termination of the parent-child relationships, we conclude that clear and convincing evidence supports the trial court's determination that termination of Father's and Mother's parental rights is in S.H.'s best interests. See, e.g., In re A.I., 825 N.E.2d 798, 811 (Ind. Ct. App. 2005) (concluding that testimony of child advocate and family case manager, coupled with evidence that conditions resulting in continued placement outside 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 reveals that the trial court's judgment terminating Father's and Mother's parental rights to S.H. 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." Matter of A.N.J., 690 N.E.2d 716, 722 (Ind. Ct. App. 1997) (quoting

Egly v. Blackford County Dep't of Pub. Welfare, 592 N.E.2d 1232, 1235 (Ind. 1992)).

We find no such error here.

Affirmed.

MATHIAS, J., and BARNES, J., concur.