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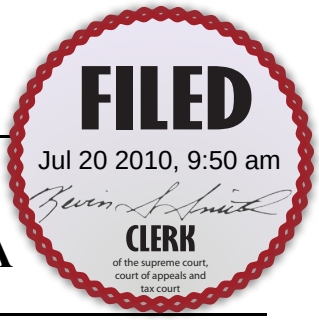

IN THE
COURT OF APPEALS OF INDIANA

IN THE MATTER OF THE TERMINATION OF THE PARENT / CHILD RELATIONSHIP OF: B.S., Child's Mother, and K.S., Minor Child,	)	
Appellant,	)	
vs.	)	No. 82A01-1002-JT-76
INDIANA DEPARTMENT OF CHILD SERVICES,	)	
Appellee.	)	

APPEAL FROM THE VANDERBURGH SUPERIOR COURT
The Honorable Renee Allen Ferguson, Magistrate
Cause No. 82D01-0902-JT-95

July 20, 2010

MEMORANDUM DECISION - NOT FOR PUBLICATION

DARDEN, Judge

STATEMENT OF THE CASE

B.S. ("Mother") appeals from the trial court's order terminating her parental relationship with her son, K.S.

We affirm.

ISSUES

1. Whether the trial court abused its discretion in denying Mother's motion for a continuance of the termination proceedings when the Indiana Department of Child Services ("IDCS") was considering the child's father as a potential placement for K.S.

2. Whether the State presented clear and convincing evidence to establish that Mother's parental relationship with K.S. should be terminated.

FACTS

K.S. (born November 18, 2007) is the son of Mother and R.D.W. ("Father").[1] On May 10, 2008, he was removed from Mother's care "due to a lack of proper parenting skills and bruising on [K.S.]'s back" and because "[M]other [is] unable, without further training and classes[,] to provide properly for [him]." (IDCS Ex. 1, p. 38, 72).

On May 13, 2008, IDCS filed a petition alleging K.S. to be a child in need of services ("CHINS"). Specifically, IDCS alleged that Mother had endangered K.S.'s

[1] Father is not a party to this appeal. He was incarcerated from July 24, 2007 until approximately July of 2010. At the time of K.S.'s removal and the fact-finding hearing, Father "ha[d] seen [K.S.] only once." (IDCS Ex. 1, p. 71). Father's involvement in the underlying proceedings began on or about April 28, 2009. Subsequent to November 10, 2009, when he signed a petition for parental participation, he participated in services through IDCS and was considered as a potential placement for K.S.

physical or mental health by "the neglect of [Mother] to supply [K.S.] with necessary supervision and medical care, to-wit:"

> On or about 5/10/08, [K.S.] was found to have severe visible bruising to [his] lower back. [Mother] reported that she had lost her temper while burping [K.S.] and had struck[2] the child as a result. [K.S.] is five months old and unable to defend himself. [M]other's physical abuse of [K.S.] places [him] at risk of continued mental or physical harm.

(DCS Ex. 1, p. 54). K.S. was subsequently determined to be a CHINS.

On February 3, 2009, IDCS filed a petition to terminate Mother's parental relationship with K.S. Subsequently, Mother and the maternal grandmother ("Grandmother") filed a request for change of placement. On March 25, 2009, the trial court held a hearing wherein Mother, Grandmother, and K.S.' court-appointed special advocate ("CASA") testified.

Grandmother testified that she and Mother can provide for K.S.' needs. She testified that prior to May of 2008, K.S., Mother, Grandmother, and Grandmother's fiancé, along with K.S.'s maternal great-grandmother lived together. She testified that K.S. was removed from the home when he was approximately six months old, after an IDCS investigation substantiated allegations that he had suffered significant bruising to his back while in Mother's care. Grandmother testified that only Mother and R.S., (Mother's fiancé) were at home with K.S. when the incident occurred. She testified that

[2] The record contains a case supplemental police report by Investigator M.C. Bow, which states: (1) "it appeared . . . that [K.S.] was punched in the back with a fist"; (2) Mother "showed [the investigator] a small slap" when asked how hard she hit [K.S.]; (3) when she was told that "the little tap that she showed would not have caused the bruising on [K.S.]'s back," Mother "stated that she might have hit [K.S.] with her fist harder than what she showed earlier" because "she was really upset and [he] hadn't burped yet." (IDCS Ex. 3, p. 8).

she had never seen Mother be aggressive with K.S., and suggested that the injuries might have been inflicted by R.S. She testified that after K.S. was injured, Mother voluntarily ended her relationship with R.S. Lastly, she acknowledged Mother's "slight anger disorder," (tr. 10), but testified that Mother only became aggressive when she "g[o]t frustrated and . . . ha[d]n't been on medication." (Tr. 27).

Mother testified that she and Grandmother are capable of taking care of K.S. She testified that although she has grappled with anger issues in the past, has been in a fight at school, has been suspended for threatening to hit the school principal, and has had multiple angry outbursts, she has since learned to control her temper. She testified further that when she loses her temper, she now "ask[s] the teacher if [she can] sit in the hallway for a couple of hours." (Tr. 36). In addition, Mother gave conflicting testimony regarding the incident that led to K.S.'s removal. She initially testified that K.S. was injured as she burped him while she was arguing with R.S. She later testified, "I didn't know **he** left a bruise on [K.S.]," (tr. 49); and "**I** didn't hit [K.S.]," (tr. 50), (emphasis added). Mother's testimony often reflected a lack of comprehension of counsels' questions. She also had difficulty with gauging elapsed time and indicated questionable judgment as to K.S.'s safety and welfare.[3]

Gloria Speer ("CASA") testified that she recommended against placing K.S. with Mother and Grandmother. She testified that Grandmother has good intentions, but also

[3] Mother testified that the family's new dog -- a pit bull -- has "met [K.S.]," likes K.S., and poses no threat to K.S. because it is "just a puppy," "he just licks K.S. and runs off," and "we're teaching [it] not to be aggressive." (Tr. 55).

"has her hands full taking care of [Mother] and [maternal great grandmother]." (Tr. 59). She described Mother and Grandmother's residence at the time of the placement hearing as unsuitable and unsafe -- "very cluttered, with four adults living in a two-bedroom apartment," (tr. 58); "[T]here's no place for [K.S.] to go. There's no safe space outside for him to play. And there are a great many things he could get into if he were not watched every moment." (Tr. 59). She also testified that Mother "is controlling her temper better at school," (tr. 57), after an incident in which she "lost her temper[,] threatened to hit the [school] principle [sic]," and was suspended from school for a week. (Tr. 58).

At the close of the evidence, the trial court denied the request for change of placement. Citing household living conditions and Grandmother's various responsibilities, the trial court concluded that "their plate is absolutely full" and "it's in [K.S.]'s best interest to remain in foster care." (Tr. 63).

Subsequently, on September 28, 2009, the trial court held a fact-finding hearing on IDCS' petition to terminate Mother's parental relationship with K.S. At the onset, Mother moved for a continuance, arguing that termination of her parental rights was premature pending IDCS' determination as to whether K.S. could be placed with Father; the trial court denied Mother's motion. IDCS subsequently moved to incorporate the March 25, 2009 change of placement hearing into the termination of parental rights trial, which motion was granted.

At the fact-finding hearing, the trial court heard the following testimony: Peggy Harland, Special Education Department Head at Mother's high school, testified that Mother has a "moderate cognitive disability" and has been enrolled primarily in special education classes because "we found out that she needed more supervision" and would benefit from "more of a self-contained classroom, learning more functional skills." (Tr. 22). Next, Mother's special education teacher, Jennifer Althaus, testified that she taught Mother "[s]kills that [she] would need for, um, independent living" and language "that [Mother] would need . . . [to] manage herself in the community." (Tr. 29). She testified further that Mother has "good independent living skills and . . . has enough of the . . . basic academic skills to get along fine," but should live independently only if she can "prove that she can be dependable." (Tr. 40).

Emily Morrison, Community Services Director at the Lampion Center ("Lampion"), testified that Mother attended a parenting class from May 21, 2008 through August 6, 2008. She testified that Mother participated actively, did all that was requested of her in a manner commensurate with "her age and . . . her abilities to understand things[,]" (tr. 51), and completed the class successfully. She testified further, however, that although Mother did "a pretty good job" meeting K.S.'s basic needs,

> [w]here we saw some [reason for] concern was her expectations for ages and stages. * * * [I] could see where if she continued to have unrealistic expectations of what [K.S.] could do or understand, that could lead to some real frustration down the road, which was why we focused on that.

(Tr. 57). She also testified that "from what [Mother] was saying or in the interactions with her child, . . . she had some maybe unrealistic expectations of what [K.S.] should be able to understand or do at [his] age." (Tr. 54). Specifically, she testified that Mother "was expecting [K.S.] to understand big concepts in, um, what she was saying to him, as well as, um, expecting him to be able to kind of communicate concepts that were not age appropriate," such as "higher level kind of concepts than a six or seven month old could deal with." (Tr. 58).

Amber Parker, formerly of Ireland Home-Based Services, testified that she facilitated Mother's supervised visits with K.S. She testified that Mother attended 52 of 54 visitation sessions scheduled between November 13, 2008 and August 4, 2009. She testified further that Mother "did fairly well" during the visitation sessions, "typically feed[ing] [K.S.] dinner, play[ing] with him" before K.S. was returned to his foster home approximately four or five hours later. (Tr. 70). Parker testified that she was concerned by the following incidents that she observed during Mother's supervised visits: (1) on "a few occasions," Mother fed hot dogs, which present a choking hazard to a young child, to K.S. when he was only sixteen months old, (tr. 64); (2) Mother "put [K.S.] in a walker [although he] was not walking yet," (tr. 65), and when she was "asked . . . to let [K.S.] out of the walker, . . . became angry and yelled at both [Parker] and the CASA," (tr. 65); and (3) after being instructed to stop administering baby bottles to K.S., Mother persisted in giving K.S. "a few more." (Tr. 64). Lastly, Parker testified that Mother's last

scheduled visit with K.S. was cut short because "the electricity [at Mother and Grandmother's house] had been shut off." (Tr. 67).

IDCS family case manager Donald Chambliss testified that termination of Mother's parental relationship with K.S. was in the child's best interests. He testified that even though Mother has received the recommended services, "we still feel as though she's not able to take care of K.S." (Tr. 116). He also testified that Mother "has shown an inability to be able to care for [K.S.]" and "an inability to recognize some of the things around her, such as like when things go wrong. Um, she's not able to accept them as easily and we feel that that endangers [K.S.]." (Tr. 116-17). He testified further that he is concerned about Mother's ability to properly care for K.S. without supervision, saying "we have not been able to move past supervised visits unless [Grandmother]'s been there." (Tr. 118). He also testified that Mother's "moods fluctuate a lot" and that she "become[s] very angry . . . at things, whenever she doesn't quite comprehend what all is going on. [I]f she's not sure why something is the way it is she tends to react by getting upset and frustrated." (Tr. 118).

Chambliss further testified that he is concerned about Mother's living conditions. He testified that when IDCS first became involved with the family, "the home was relatively suitable," but that "as the case progressed, [the house] became dirtier and dirtier, and then there became roaches and mice in the home." (Tr. 121). He testified

further that the house[4] was (1) "clutter[ed]" -- with "a lot of heavy objects that could easily be dislodged [and] fall on [K.S.,]" (tr. 117); (2) unsanitary -- "with the dog using the restroom in the house," (tr. 117); (3) dangerous -- with exposed heating surfaces "such as the furnace and water heater in the kitchen" and "exposed electrical outlets," (tr. 117); and (4) structurally flawed -- "the stairwell . . . is not flat [or level]," thus, "a baby gate might not be as effective in that location," (tr. 117-18). Chambliss testified that IDCS offered Mother assistance in securing alternate independent housing, which Mother refused. (Tr. 120). He testified that Mother's parent aide offered to "help make the house more livable, which [Mother and Grandmother] didn't have any interest in doing." (Tr. 120).

In addition, Chambliss testified that K.S., who was twenty-two months old at the time of the fact-finding hearing, is thriving in his foster placement -- "[he's] well maintained, he's clean, he's happy, he's healthy. He gets to do a lot of activities which are a lot of fun for him. He has two older boys in the home who he has a lot of fun with." (Tr. 119). He testified that IDCS' permanency plan for K.S. involves "providing services for the father . . . . possibly looking at . . . placing [K.S.] with him. And if that doesn't work, we have an adoptive placement [that] would be more than happy to adopt." (Tr. 118).

[4] The record reveals that at the time of the fact-finding hearing, Mother and Grandmother had been evicted from their former residence. Chambliss' testimony pertained to their residence at the time of K.S.'s removal, prior to the fact-finding hearing.

Mother, who was eighteen years old at the time of the fact-finding hearing, testified that she can "take care of [K.S.,]" loves him "very much," and that their bond is "really good." (Tr. 111, 95). She testified that since the placement hearing, she, Grandmother and the rest of the family had been evicted from their former home for nonpayment of rent; that they had moved into a new home approximately one week before the fact-finding hearing; and that the new home receives electrical power via an extension cord that is connected to a neighbor's house.

Mother also testified that she is unemployed, lacks means of transportation, and cannot always afford the $2.00 fare to ride the city bus to school or work. She testified that she was previously employed at the cafeteria in her high school, but was fired because she "didn't make it." (Tr. 97). According to her testimony, at that the time of the hearing, no one in the household was employed. Lastly, Mother testified that she broke up with R.S. approximately one week before the fact-finding hearing; however, under further questioning, she stated, "Does it matter really? Does it really matter who I'm goin' [sic] out with? He's not a . . . bad person." (Tr. 100). Mother then admitted that R.S. was still her boyfriend; that they were looking for a house; and that they plan to raise K.S. together.

Grandmother testified that that she is prepared to either adopt K.S. or to serve as his court-appointed guardian. She also testified that Mother can take care of K.S., and that he should be returned to Mother's care. She testified that she, Mother and the rest of the family had "got[ten] just a little behind [on] our rent" and had been evicted. (Tr.

134). She testified that the new house had electrical power. She testified that the combined household income is $1,100.00 per month, and that she sometimes cannot afford to give Mother $2.00 for bus fare, saying, "if I would have had the Two Dollars, then [Mother] . . . would've had it." (Tr. 141). During her testimony, she recounted telling Mother to set aside a portion of her earnings for bus fare, but stated that Mother did not follow through. At the close of the evidence, the trial court took the matter under advisement.

On November 10, 2009,[5] the court held a hearing on the trial court's finding regarding IDCS' petition to terminate Mother's parental relationship with K.S. At the start of the hearing, counsel for Mother moved for a continuance

> until it can be determined the status of the father in this case. If the father is able to regain custody of the child there would be no reasons to terminate the rights of the mother. And leaving the rights of the mother intact would provide the child with a necessary form of [child] support that would otherwise [be unavailable].

(Tr. 148). Counsel for IDCS responded that "[M]other's unemployable . . . . [s]he's not going to be able to maintain [employment]. With her significant [cognitive] issues, it's not in the best interest for the child to be around her." (Tr. 149). The trial court denied Mother's motion for a continuance and granted IDCS' petition to terminate her parental

[5] Also, on November 10, 2009, the trial court conducted a hearing on Father's participation in the matter involving K.S. The IDCS filed a petition for parental participation, which Father signed "with the proviso that he [wa]s objecting to the substance abuse evaluation [provision] and the [provision requiring him to] follow treatment recommendation[s]." (Tr. 150-51). The trial court overruled Father's objection and ordered him to comply with both provisions as well as to attend Alcoholics or Narcotics Anonymous meetings.

relationship with K.S. The court subsequently entered findings of fact and conclusions of law, including, in pertinent part, the following:

> 5. At the time of the TPR trial, [Mother] was 18 years old.
>
> 6. [Mother] has been diagnosed with a Moderate Cognitive Disability.
>
> 7. [Mother] reads at a third to fourth grade level with some verbal cues.
>
> 8. [Mother] has failed to demonstrate the ability to meet [K.S.'s] basic needs and interact appropriately with [him].
>
> 9. [Mother] was [sic] never been witnessed as presenting a risk to [K.S.'s] well-being although [she] has not understood how to interact with [K.S.] given the child's various ages and stages of development.
>
> * * *
>
> 11. [Mother] has never parented [K.S.] alone.
>
> 12. [Mother] had trouble understanding what infants such as this child know.
>
> * * *
>
> 14. During patenting [sic] time there were problems such as [Mother] feeding the child inappropriate food and placing [K.S.] in a walker when he could not walk.
>
> 15. [Mother] lacks the comprehension to be a parent.
>
> CONCLUSIONS OF LAW
>
> 16. DCS did prove by clear and convincing evidence that the conditions that resulted in [K.S.'s] removal and placement outside the home will not be remedied, rather, the evidence showed that even though [Mother] participated in services and [sic] she still was not appropriate with [K.S.].

(Order 1-2).

Additional facts will be provided as necessary.

DECISION

Mother argues that the trial court abused its discretion in denying her motion for a continuance of the termination proceedings; and that the State failed to establish by clear and convincing evidence that her parental relationship with K.S. should be terminated.

1. Motion for a Continuance

Mother argues that the trial court erred in denying her motions for a continuance of the termination proceedings when IDCS was actively pursuing services with Father and considering him as a potential placement. Specifically, she contends that "[t]he trial court could have continued the trial . . . to allow the father time to complete reunification, in which case termination of [Mother]'s rights would not have been necessary." Mother's Br. at 5. We cannot agree.

The decision to grant or deny a motion for a continuance rests within the trial court's sound discretion. *Rowlett v. Vanderburgh County Office of Family & Children*, 841 N.E.2d 615, 619 (Ind. Ct. App. 2006). We only reverse for an abuse of this discretion. *Id.* An abuse of discretion may be found in a denial of a motion for continuance where the movant has shown good cause for granting the motion. *Id.*

The record reveals that Mother and Father's parenting roles were entirely separate throughout the pendency of the underlying action. The CHINS action arose when Mother's anger-fueled conduct injured six-month old K.S. and resulted in his removal from her care. Throughout K.S.'s wardship, Mother received services from IDCS, including IDCS case managers, CASA Speer, and service providers who were able to

monitor her performance, gauge her progress, and to form opinions regarding her ability to properly supervise and parent K.S. On the other hand, it is undisputed that Father, who was incarcerated at the time, was not involved in the incident that precipitated the CHINS action and did not participate in IDCS-referred services with Mother.

The State argues, and we agree, that IDCS' "pursuit of the termination of the parental rights of [M]other . . . was based on the conditions and circumstances of [her] relationship to K.S. and not the father's conditions and circumstances." State's Br. at 5. We find no abuse of discretion from the trial court's denial of her motion to continue the termination proceedings.

2. Termination of Parental Rights

Next, Mother challenges the sufficiency of the evidence to support the termination of her parental relationship with K.S. Specifically, she argues that the trial court's findings and conclusions are clearly erroneous regarding whether (1) the reasons for K.S.'s removal were likely to be remedied or (2) continuation of her parent-child relationship posed a threat to K.S.'s well-being; and (3) whether termination of the parent-child relationship was in K.S.'s best interests.

Here, the trial court issued findings of fact and conclusions of law; thus, in deference to the trial court's unique position to assess the evidence, we set aside the judgment terminating a parent-child relationship only if it is clearly erroneous. *Bester v. Lake County Office of Family & Children*, 839 N.E.2d 143, 147 (Ind. 2005). Our review is two-tiered: we first consider whether the evidence supports the findings; and whether

the findings support the judgment. *Id*. A finding is clearly erroneous when there are no facts or inferences drawn therefrom that support it. *In re T.D.*, 912 N.E.2d 393, 395 (Ind. Ct. App. 2009). A judgment is clearly erroneous if the findings do not support the trial court's conclusions or the conclusions do not support the judgment. *Id*. We neither reweigh the evidence nor judge the credibility of witnesses. *In re T.F.*, 743 N.E.2d 766, 773 (Ind. Ct. App. 2001). If the evidence and inferences therefrom support the trial court's decision, we must affirm. *T.D.*, 912 N.E.2d at 395.

"Parental rights are of a constitutional dimension, but the law provides for the termination of those rights when the parents are unable or unwilling to meet their parental responsibilities." *In re E.E.*, 736 N.E.2d 791, 793-94 (Ind. Ct. App. 2000). The purpose of terminating parental rights is not to punish the parents, but to protect their children. *Id*. at 794. To effect the involuntary termination of a parent-child relationship, the State must present clear and convincing evidence establishing the elements of Indiana Code section 31-35-2-4(b)(2). *In re D.D.*, 804 N.E.2d 258, 265 (Ind. Ct. App. 2004). Thus, the State must prove that:

> (A) one (1) of the following exists:
>
> (i) the child has been removed from the parent for at least six (6) months under a dispositional decree;
>
> * * *
>
> (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 trial court must subordinate the interests of a parent to those of the child when evaluating the circumstances surrounding the termination. *In re H.L.*, 915 N.E.2d 145, 149 (Ind. Ct. App. 2009). Termination of a parent-child relationship is proper where the child's emotional and physical development is threatened. *Id.* The trial court need not wait to terminate the parent-child relationship until the child is irreversibly harmed such that his or her physical, mental, and social development is permanently impaired. *Id.*

Subsection (b)(2)(B) is written in the disjunctive and, therefore, requires IDCS to establish by clear and convincing evidence only one of the two requirements of subparagraph (B). Accordingly, termination was proper if IDCS established that the conditions leading to K.S.'s removal would probably not be remedied or that the continuation of the parent-child relationship posed a threat to his well-being. Here, the trial court concluded that IDCS proved both of these requirements; however, for our review, we only need to find that the evidence supports one of the requirements. Thus, we proceed to review the evidence that supports the trial court's finding that the conditions leading to K.S.'s removal would probably not be remedied.

a. Unlikelihood that Conditions Leading to Removal would be Remedied

Mother asserts that the trial court erred in concluding that the conditions that led to K.S.'s removal would probably not be remedied.[6] When determining whether a reasonable probability exists that the conditions justifying a child's removal and continued placement outside the home will not be remedied, the 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). 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).

The 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.* Notably, a county department of child services is not required to provide evidence ruling out all possibilities of change;

[6] Mother also argues that the trial court "did not issue any findings regarding the father of K.S. or the fact that [I]DCS was providing him [with] services with an eye toward reunification," and that "[t]he fact that [I]DCS was considering placement with the father refutes the trial court's conclusion that the reasons for placement outside the home will not be remedied." Mother's Br. at 8. We are not persuaded and direct Mother's attention to our finding above that we find no nexus between termination of Mother's parental relationship and the IDCS' decision to consider a potential placement with Father.

rather, it need only establish that there is a reasonable probability that the parent's behavior will not change. *In re Kay L.*, 867 N.E.2d 236, 242 (Ind. Ct. App. 2007).

At the fact-finding hearing, the trial court heard the testimony, discussed below, from which we conclude that the following findings of and conclusions of law are supported by the record and, therefore, are not clearly erroneous:

> **8. [Mother] has failed to demonstrate the ability to meet [K.S.'] basic needs and interact appropriately with [him]**.
>
> **9. [Mother] was [sic] never been witnessed as presenting a risk to [K.S.'] well-being although [she] has not understood how to interact with [K.S.] given the child's various ages and stages of development.**
>
> **11. [Mother] has never parented [K.S.] alone.**
>
> **12. [Mother] had trouble understanding what infants such as this child know.**
>
> *** * ***
>
> **14. During patenting [sic] time there were problems such as [Mother] feeding the child inappropriate food and placing [K.S.] in a walker when he could not walk.**

(Order 1-2) (emphasis added).

As to her ability to meet K.S.'s basic needs, Mother testified that she is currently unemployed; that the residence that she shares with Grandmother, stepfather, and great-grandmother lacked electrical power at the time of the fact-finding hearing; that she has no means of transportation to school or work; and that Grandmother occasionally cannot afford to give her $2.00 for bus fare.

Lampion service provider Morrison testified that despite completing a parenting class, Mother did not gain enough parenting ability and skills to independently parent

K.S. outside of a "structured" and supervised environment. (Tr. 52). She also expressed concerns about Mother's "unrealistic expectations of what [K.S.] should be able to understand or do" at his tender age and the way Mother "expect[ed] [K.S.] to be able to kind of communicate concepts that" were "higher level . . . concepts than an six or seven month old could deal with." (Tr. 58). Thus, Morrison worried that Mother's lack of understanding of K.S.'s ability would trigger "some real frustration down the road." (Tr. 54, 57). The record reveals that Mother's becoming frustrated and angry has previously escalated to the point of her injuring K.S.

Home-Based Services provider Parker testified that Mother displayed stubborn resistance, frustration and/or became angry when she was instructed against feeding K.S. age-inappropriate food and allowing him to use age-inappropriate equipment (bottles and walker). She testified that even after being instructed otherwise, Mother persisted in feeding K.S. hot dogs that presented a choking hazard; resisted removing him from a walker when he could not yet walk; and continued to administer baby bottles, the continued use of which posed a threat to K.S.'s speech, and which was further discouraged because K.S. had not been eating table food for long.

Family case manager Chambliss testified that that Mother "has shown an inability to be able to care for [K.S.]" and that even after she received parenting skills instruction, "still fe[lt] as though she's not able to care for [K.S.]" and that she "show[ed] an inability to recognize some of the things around her, such as like when things go wrong . . . she[ ] [was] not able to accept them as easily [which] we feel . . . endangers [K.S.]." (Tr. 116-

17). He also testified that Mother did not accept services offered to assist her in securing independent housing and "had no interest in" making her existing home "more livable." (Tr. 120). He also expressed concern that during the wardship, Mother was not able to progress beyond supervised visits, and, therefore, never demonstrated an ability to independently parent K.S.

Our review of the record leaves us convinced that sufficient evidence supports the trial court's findings, which findings also support the trial court's decision to terminate Mother's parental rights. In light of Mother's unfitness to care for K.S. at the time of the termination hearing; her lack of adequate housing and employment; her inability to financially support him; her failure to demonstrate progress after participating in services referred by IDCS; and the witnesses' conclusions, based upon her patterns of conduct, that there was a reasonable probability that she would fail to properly supervise or neglect K.S. in the future, we cannot say that the trial court's ultimate finding that the conditions justifying K.S. removal and continued placement outside the home will not be remedied is clearly erroneous. *See J.T.*, 742 N.E.2d at 512; *see also A.F.*, 762 N.E.2d at 1251.

b. Best Interests of the Child

Next, Mother argues that the trial court erred in concluding that termination of her parent-child relationship with K.S. was in the child's best interests.[7] We disagree.

In determining what is in the best interests of the child, the trial court is required to look beyond the factors identified by the department of child services and look to the

[7] As noted above, much of Mother's argument hinges upon the status of the IDCS' assessment of Father's prospective parental relationship with K.S., which we do not deem relevant herein.

totality of the evidence. *In re A.B.,* 887 N.E.2d 158, 167 (Ind. Ct. App. 2008). 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 the recommendations of the case manager and child 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. *In re M.M.,* 733 N.E.2d 6, 13 (Ind. Ct. App. 2000).

The testimony presented at the change of placement and fact-finding hearings reveals that K.S. was approximately six months old when he was removed from Mother's care. By the time of the fact-finding hearing, he was approximately twenty-two months old and "doin' [sic] very well" in his foster placement. (Tr. 119). Family case manager Chambliss testified that IDCS' permanency plan for K.S. was to consider "placing [K.S.] with [Father]" or "if that doesn't work, we have an adoptive placement who would be more than happy to adopt." (Tr. 118).

The record reveals that Mother loves K.S., but lacks the judgment and parenting skills to care for him outside of a supervised setting. She also lacks the means to provide for his care inasmuch as she is unemployed and has no means of transportation to school or work. Also, Mother is deeply dependent upon Grandmother for guidance and support with respect to K.S.'s upbringing, which is why IDCS only permitted Mother to visit with K.S. when Grandmother was also present. However, the trial court heard testimony that

Grandmother's "plate is [absolutely] full," raising doubt as to her ability to provide the sustained influence and constant supervision that Mother apparently requires with respect to K.S.'s care. (Tr. 63).

Based upon the foregoing, we conclude that there is evidentiary support in the record for the trial court's finding that termination of Mother's parental relationship with K.S. is in the child's best interests; thus, the trial court's finding in this regard is not clearly erroneous. Accordingly, we conclude that IDCS presented clear and convincing evidence from which the trial court could conclude that termination of Mother's parental rights was in K.S.'s best interests.

Affirmed.

BAKER, C.J., and CRONE, J., concur.