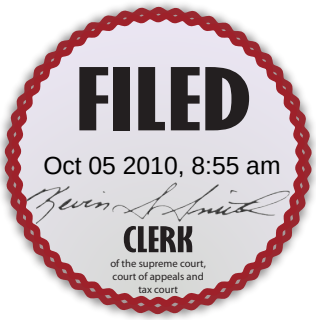


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# IN THE
# COURT OF APPEALS OF INDIANA

| | | |
|---|---|---|
| IN RE: THE TERMINATION OF THE PARENT-CHILD RELATIONS OF B.P-D., A Minor Child | ) | |
| G.D., Appellant-Respondent, | ) | |
| vs. | ) | No. 02A03-1004-JT-224 |
| INDIANA DEPARTMENT OF CHILD SERVICES, Appellee-Petitioner. | ) | |

APPEAL FROM THE ALLEN SUPERIOR COURT
The Honorable Charles F. Pratt, Judge
Cause No. 02D07-0902-JT-41

**October 5, 2010**

**MEMORANDUM DECISION – NOT FOR PUBLICATION**

**RILEY, Judge**

## STATEMENT OF THE CASE

Appellant-Respondent, G.D. (Father), appeals the trial court's involuntary termination of his parental rights to his minor child, B.P-D.

We affirm.

## ISSUE

Father raises two issues on appeal, which we consolidate and restate as: Whether the trial court properly terminated his parental rights to his minor child.

## FACTS AND PROCEEDURAL HISTORY

Father is the biological father of B.P-D., born on April 18, 2003.[1] The facts most favorable to the trial court's judgment indicate that on the day B.P-D. was born, Father was no longer in a relationship with B.P-D.'s mother, S.P. (Mother). In fact, Mother was living with B.W., her boyfriend and presumed biological father of B.P-D.,[2] and Father had just enlisted in the United States Army. For the next two years, Father participated in military training and was deployed to Iraq for his first tour of duty in November 2003. During this same time, Mother and B.W. were unable to provide B.P-D. and his siblings with a consistently safe and stable home environment, resulting in B.P-D. being adjudicated a child

[1] An order establishing Father's paternity of B.P-D. was entered in March 2005. Mother voluntarily relinquished her parental rights to B.P-D. during the final day of the termination hearing and does not participate in this appeal. Consequently, we limit our recitation of the facts to those facts pertinent solely to Father's appeal.

[2] Although not the biological father of B.P-D., B.W. is the biological father of at least two of B.P-D.'s younger half-siblings. None of B.P-D.'s siblings were subject to the trial court's termination order in the underlying cause.

in need of services (CHINS) on two separate occasions in 2003. Mother participated in services, however, and the second wardship involving B.P-D. was terminated in April 2004. Also during this time, DNA testing excluded B.W. as the biological father of B.P-D.

In January 2005, Father was re-deployed to Iraq, but while in the United States on leave in early March 2005, Father participated in DNA paternity testing which established that he was B.P-D.'s biological father. On March 24, 2005, the trial court entered an order acknowledging "a Soldiers and Sailors Civil Relief Act Waiver[3] was filed with the court" and granting Father's request to establish his paternity of B.P-D. (Appellee's Appendix p. 97). The trial court's paternity order further directed Father to pay child support for B.P-D. and granted Father visitation privileges pursuant to the Indiana Parenting Time Guidelines. Father completed his second tour of duty in Iraq and returned to the United States in January 2006.

Meanwhile, in June 2005, B.P-D. was again taken into protective custody following a preliminary investigation during which Indiana Department of Child Services, Allen County (ACDCS) substantiated a report that Mother, who had been arrested and incarcerated on charges relating to possession of marijuana, had left then two-year-old B.P-D. and two of his siblings, who were also under the age of four, at home alone and unsupervised. In addition, the family home was found to be filthy. There was a pile of dirt and garbage in the kitchen, several open bags of trash behind a couch, dirty floors throughout the home, and the children

[3] The formal name for this Act is, "The War and National Defense Servicemembers Civil Relief Act." *See* 50 App. U.S.C.A. § 501.

had been sleeping on mattresses on the floor without sheets, blankets, or pillows. B.P-D. was adjudicated a CHINS in July 2005 and placed in licensed foster care. Several months later, in November 2005, Father re-enlisted for four additional years of active duty service with the U.S. Army.

For the next several years, B.P-D. was adjudicated a CHINS on at least two additional occasions and bounced between living in licensed foster care and returning to Mother. B.P-D. was removed from Mother for the final time in January 2007. When not in Iraq, Father was stationed primarily in Fort Gordon, Georgia. Although paternity of B.P-D. had been established at Father's request in 2005, Father failed to maintain regular contact with ACDCS and B.P-D, even when stationed in the United States. In addition, notwithstanding the trial court's September 2007 order approving a concurrent permanency plan that called for a change of legal custody of B.P-D. to Father, Father neglected to file the requisite custody pleadings as directed by the trial court.

Father was deployed to Iraq for a third time in July 2007. While on leave in March 2008, Father and his wife, Z.D. (Step-mother), attended a permanency hearing and informed the trial court that Step-mother was willing to take custody of B.P-D. for the duration of Father's deployment in Iraq. The trial court thereafter entered provisional orders for services for both Father and Step-mother, and in June 2008 the court modified its dispositional decree to include a Parent Participation Plan as to Step-mother.

Step-mother began participating in court-ordered services, but her participation soon began to wane. By September 2008, the trial court had determined that Step-mother was no

longer compliant with the Parent Participation Plan nor willing to take custody of B.P-D. In addition, Father had failed to participate in any court-ordered provisional services either through the U.S. Army or through local offices of the Department of Child Services when stationed in the United States. Eventually, the trial court approved a new permanency plan and authorized ACDCS to file a petition seeking the involuntary termination of Father's parental rights.

On February 16, 2009, ACDCS filed an involuntary termination petition and the trial court set evidentiary hearing on the petition for May 2009. Father appeared for the initial evidentiary hearing on the termination petition and expressed a desire to have custody of B.P-D. Father also asked the trial court for a continuance of the evidentiary hearing so that he could have an opportunity to participate in reunification services under a dispositional order. The trial court took notice of the "Soldiers and Sailors Civil Relief Act," granted Father's request for a continuance, and scheduled a review hearing in August 2009. (Ex. Vol 1, State's Ex. 35C).

The trial court also issued a dispositional order directing Father to successfully complete a variety of tasks and services in order to achieve reunification with B.P-D, a special needs child who has significant health issues and has been diagnosed with Fetal Alcohol Syndrome (FAS), Attention Deficit Hyperactivity Disorder (ADHD), and Defiant Disorder. Specifically, Father was ordered to, among other things: (1) maintain clean, safe, and appropriate housing at all times; (2) cooperate with all caseworkers and the court-appointed special advocate (CASA) by attending all case conferences, maintaining contact

with ACDCS, and notifying ACDCS of all changes in household, employment, and housing; (3) provide ACDCS with the results of all U.S. Army drug screens; (4) enroll, attend, and successfully complete parenting classes at an approved licensed agency and/or the U.S. Army; (5) within forty-five days either obtain a psychological evaluation at an approved licensed agency, or provide a copy of a U.S. Army psychological examination in substitution thereof if completed within the past two years and follow all resulting recommendations; (6) exercise regular visitation with B.P-D. as directed by ACDCS; and (7) when discharged from active duty with the U.S. Army, attend and cooperate with B.P-D.'s medical appointments and treatment plan.

For the next several months, Father failed to comply with the trial court's dispositional orders. By the time of the first review hearing in August 2009, Father still had not contacted ACDCS or participated in any of the requisite reunification services. In addition, Father had not telephoned, sent letters, or visited with B.P-D. since the dispositional hearing in May 2009 despite the fact B.P-D.'s foster mother had provided Father with her phone number in three separate e-mails.

Father was formally discharged from active duty services with the U.S. Army in October 2009 and contacted ACDCS case manager Ariane Beasley (Beasley) on November 2, 2009. Referrals for services were made for Father on November 9, 2009. On December 8, 2009, an evidentiary hearing on the ACDCS's involuntary termination petition commenced. The evidentiary hearing was later concluded on January 5, 2010.

During the termination hearing, evidence was presented establishing Father had failed to successfully complete a majority of the trial court's dispositional goals and services, including parenting classes and a psychological examination. Father also had failed to provide ACDCS with copies of his military drug screens. In addition, although Father was taking twelve hours of college courses and serving in the United States Army Reserves, he was otherwise unemployed and did not have independent housing. Rather, Father was living with his own father, who was an unsuitable caregiver for B.P-D. due to the grandfather's prior history with the Department of Child Services which ultimately resulted in the termination of the grandfather's parental rights to four of his own children, but not Father. Father had also failed to participate in any of B.P-D.'s medical appointments or treatment plans.

At the conclusion of the termination hearing, the trial court took the matter under advisement. On April 1, 2010, the trial court issued its Order terminating Father's parental rights to B.P-D. Father now appeals. Additional facts will be provided as necessary.

## DISCUSSION AND DECISION

### I. *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). When reviewing the termination of parental rights, we will not reweigh the evidence or judge the credibility of the witnesses. *In re D.D.*, 804 N.E.2d 258, 265 (Ind. Ct. App. 2004), *trans. denied*. Instead, we consider only the

evidence and reasonable inferences that are most favorable to the trial court's judgment. *Id.* Moreover, 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*.

Here, the trial court's judgment contains specific findings and conclusions. When a trial court's judgment contains specific findings of fact 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*. A finding is clearly erroneous when there are no facts or inferences drawn therefrom that support it. *D.D.*, 804 N.E.2d at 265. A judgment is clearly erroneous only if the findings do not support the trial court's conclusions or the conclusions do not support the judgment thereon. *Bester*, 839 N.E.2d at 147. Thus, if the evidence and inferences support the trial court's decision, we must affirm. *L.S.*, 717 N.E.2d at 208.

A parent's interest in the care, custody, and control of his or her children is arguably one of the oldest of our fundamental liberty interests. *Bester*, 839 N.E.2d at 147. Hence, "[t]he 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*. These parental interests, however, are not absolute and must be subordinated to the child's interests when determining the proper disposition of a petition to terminate parental rights. *Id.* In addition, 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. *K.S.*, 750 N.E.2d at 836.

Before an involuntary termination of parental rights may occur, 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)(B) and (C) (2008).[4] Moreover, "[t]he State's burden of proof in termination of parental rights cases is one of 'clear and convincing evidence.'" *In re G.Y.*, 904 N.E.2d 1257, 1260-61 (Ind. 2009) (quoting Ind. Code § 31-37-14-2 (2008)). Father challenges the sufficiency of the evidence supporting the trial court's findings as to subsections 2(B) and 2(C) of the termination statute cited above. *See* Ind. Code § 31-35-2-4(b)(2)(B) and (C).

## II. *Termination of Parental Rights*

### A. *Remedy of Conditions*

In claiming there is insufficient evidence to support the trial court's Order, Father asserts he was "complying with the requirements of his [P]arent [P]articipation [P]lan at the

[4] Indiana Code section 31-35-2-4 was amended by Pub. L. No. 21-2010, § 8 (eff. March 12, 2010). Because the changes to the statute became effective in March 2010 following the filing of the termination petition herein, they are not applicable to this case.

time of the termination hearing," and that it was "impossible" for him to comply prior to that time due to his active service to this country "as a member of the United States military in the war in Iraq." (Appellant's Br. p. 5). Father further claims that the evidence shows he "had paid child support, maintained employment, was now in the United States Army Reserves, was attending college," and was "visiting with his child." (Appellant's Br. pp. 9-10). Father therefore contends the record does not "clearly and convincingly demonstrate that which is necessary to support the judgment," and he is entitled to reversal. (Appellant's Br. p. 11).

At the outset, we note that Indiana Code section 31-35-2-4(b)(2)(B) is written in the disjunctive. A trial court therefore need only find one of the two requirements of subsection 2(B) has been established to properly terminate parental rights. *See In re L.V.N.*, 799 N.E.2d 63, 69 (Ind. Ct. App. 2003). Here, the trial court determined that ACDCS presented sufficient evidence to satisfy the first prong of subsection 2(B), that is, that ACDCS presented clear and convincing evidence establishing there is a reasonable probability the conditions that resulted in B.P-D.'s removal and continued placement outside Father's care will not be remedied. *See* Ind. Code § 31-35-2-4(b)(2)(B)(i).

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*. However, 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*. The trial court may also properly consider the services offered to the parent by the county department of child services, and the parent's response to those services, as evidence of whether conditions will be remedied. *Id*. In addition, a county department of child services is not required to provide evidence ruling out all possibilities of change; rather, it need establish only 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).

Here, the trial court made numerous detailed findings concerning Father's refusal to consistently participate in, successfully complete, and benefit from court-ordered services throughout the duration of the CHINS and termination proceedings. Specifically, the trial court found Father failed to maintain regular contact with ACDCS and B.P-D. for several years, even during the periods Father was stationed in the United States and following his most recent return from Iraq in 2009. The trial court's findings also referenced Father's refusal to take the actions necessary to gain custody of B.P-D. when given the opportunity to do so, specifically referring to Father's refusal to file the requisite custody pleadings in order to achieve the court-approved permanency plan calling for a change of custody of B.P-D. to Father in September 2007. In addition, the trial court found:

> 13. At the August 6, 2009 Review Hearing, the [c]ourt found that [Father] had not demonstrated an ability to benefit from services and was not in compliance with the Dispositional Decree. The [c]ourt also found that the foster mother had e-mailed [Father] with contact information on three occasions. However, [Father] had not called [B.P-D.] nor had he sent [B.P-D.] a card or letter since the Dispositional Decree.

* * *

16. From the testimony of Adrianne Beasley, a case[]manager with [ACDCS], the [c]ourt finds that [Father] now visits with the child. [Father], however, has a limited relationship with the child having had only ten visits in 2009. The Father has not completed his psychological evaluation or parenting classes. [Father] has not participated in [B.P-D.'s] treatment plan and is not involved in [B.P-D.'s] therapies.

17. [Father] is living with his father and is in the [U.S.] Army Reserves.

(Appellant's App. pp. 7-8). The trial court thereafter concluded:

2. By the clear and convincing evidence[,] the court determines that there is a reasonable probability that reasons that brought about [B.P-D.'s] placement outside the home will not be remedied. [B.P-D.] has significant medical and emotional needs that require on-going treatment. [Father], even with the knowledge that a termination petition is pending, has not demonstrated an ability to understand, participate, or to meet the child's special needs. Notwithstanding multiple opportunities to engage in services through the [U.S.] Army or, after his discharge, locally, [Father] has not completed the services required under the Dispositional Decree. Efforts to secure a least restrictive permanency plan failed despite [ACDCS's] efforts.

(Appellant's App. pp. 8-9). Our review of the record reveals there is ample evidence to support these findings and conclusions, which, in turn, support the trial court's ultimate decision to terminate Father's parental rights to B.P-D.

During the termination hearing, case manager Beasley informed the trial court that since the case was assigned to her in September 2006, Father had been uncooperative in maintaining contact with ACDCS despite her repeated attempts to reach Father via e-mail and letter. Beasley further testified that although she had been aware of Father "since the beginning," the first time Father attempted to contact her was March 17, 2008. (Transcript p.

96). Beasley also confirmed that Father never participated in any of the March 2008 provisional orders of the trial court, and prior to the first day of the termination hearing in December 2009, Father had likewise failed to complete any of the May 2009 dispositional services ordered by the court. Finally, in recommending termination of Father's parental rights, Beasley acknowledged Father's recent participation in visits with B.P-D. and attendance at some parenting classes prior to the second day of the termination hearing in January 2010, but nevertheless pointed out that Father had failed to complete the parenting program, had scheduled but not submitted to a psychological examination, had provided ACDCS with the results of only one drug screen, and had never inquired about B.P-D.'s medical treatment plan nor attended any of B.P-D.'s medical appointments.

Father's own testimony lends further support for the trial court's findings. During the termination hearing, Father acknowledged that he never contacted ACDCS to request B.P-D. be placed in his custody while stationed in the United States. Father also admitted that he never filed the requisite custody pleadings needed to gain legal custody of B.P-D. as directed by the trial court during the CHINS proceedings, and that he had only attempted to contact ACDCS via telephone twice while deployed in Iraq. With regard to his current circumstances, Father confirmed that he was serving in the United States Army Reserves, but was otherwise unemployed and living with his own Father. As for B.P-D.'s medical issues, Father acknowledged that he had not obtained any medical training regarding B.P-D.'s "specific needs," and that he had only seen B.P-D. "[f]ive or six times" since 2005. (Tr. pp. 197, 199).

As previously explained, a trial court must judge a parent's fitness to care for his or her children at the time of the termination hearing, taking into consideration the parent's habitual patterns of conduct to determine the probability of future neglect or deprivation of the children. *D.D.*, 804 N.E.2d at 266. Moreover, "a pattern of unwillingness to deal with parenting problems and to cooperate with those providing social services, in conjunction with unchanged conditions, support[s] a finding that there exists no reasonable probability that the conditions will change." *Lang*, 861 N.E.2d at 372. Although we acknowledge and commend Father for his service and sacrifice to this country through his voluntary participation in the U.S. Army, based on the foregoing, we conclude that ACDCS presented clear and convincing evidence to support the trial court's determination that there is a reasonable probability the conditions resulting in B.P-D.'s removal and/or continued placement outside Father's care will not be remedied.

Notwithstanding Father's recent participation in some parenting classes and visits with B.P-D., abundant evidence illustrating Father's habitual failure to maintain regular contact with ACDCS and B.P-D. and to complete a majority of the trial court's dispositional goals supports the trial court's determination that conditions will not be remedied. The trial court was responsible for judging Father's credibility and for weighing his testimony of improved conditions against the significant evidence demonstrating Father's past and current inability to provide B.P-D. with a stable home environment. It is clear from the language of the termination order that the trial court gave more weight to evidence of the latter, rather than the former, which it 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 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 she had changed her life to better accommodate children's needs). Father's arguments on appeal amount to an invitation to reweigh the evidence, and this we may not do. *D.D.*, 804 N.E.2d at 264.

B. *Best Interests*

We next consider Father's assertion that termination of his parental rights is not in B.P-D.'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 to consider the totality of the evidence. *McBride v. Monroe Co. Office of Family & Children*, 798 N.E.2d at 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 the recommendations of the case manager and court-appointed advocate to terminate parental rights, in addition to evidence that the conditions resulting in removal will not be remedied, is 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 also found:

> 14. [B.P-D.] is low[-]functioning. He is diagnosed with [ADHD] and [FAS]. He suffers from sleep apnea and must sleep with a C-pack

(oxygen). [B.P-D.] is developmentally delayed and requires speech and occupational therapies. He is under an Individual Educational Plan (IEP) at his school. He has a spinal cord condition. He has regular medical appointments and is under the care of a neurologist and a geneticist.

15. [B.P-D.] is currently in placement with the foster parents who have adopted his siblings.

* * *

18. The [CASA] has concluded that termination is in the child's best interests. In support of that conclusion, CASA stated [Father] has known of his parenting responsibilities since 2005. Yet, [Father] has had little or no involvement until very recently. Attempts were made to provide [Father] with reunification but failed. In addition, [Father] was afforded the opportunity to secure services while still on active duty but failed to follow through.

(Appellant's App. p. 8). The trial court thereafter concluded that termination of Father's parental rights and adoption would allow B.P-D. to be "placed with his natural siblings in a house that is well capable [of] meet[ing] all of [B.P-D.'s] special needs," and would provide B.P-D. with the "permanency that has not been afforded to him for a significant portion of his life." (Appellant's App. p. 9). These findings and conclusions are also supported by the evidence.

During the termination hearing, B.P-D.'s pre-adoptive foster parent, Y.H. (Foster Mother), confirmed that Father had had very little contact with B.P-D. throughout the majority of the underlying proceedings, despite her repeated attempts to provide Father with the family's e-mail and contact information. Foster Mother also informed the trial court of B.P-D.'s health diagnoses and significant daily medical needs, such as the fact B.P-D. suffers

with a spinal condition known as Charis Malformation which can result in B.P-D.'s "brain oozing" if not properly monitored. (Tr. p. 139). Foster Mother also explained B.P-D. needs to use a C-Pack when sleeping due to his apnea, takes multiple daily medications for his ADHD and Defiant Disorder, and must use special inserts in his shoes because his "muscles kind of putty." (Tr. p. 141). When asked how many times Father had been involved in B.P-D.'s medical treatment plan, Foster Mother answered, "Zero." (Tr. p. 158). When asked if Father had even inquired as to B.P-D.'s treatment plan Foster Mother replied, "No, sir." (Tr. p. 158).

CASA Rex McFarren (McFarren) also testified during the termination hearing. When asked whether he had been able to make a determination as to what was in the best interests of B.P-D., McFarren answered in the affirmative and stated that he believed B.P-D.'s interests would be best served if the trial court terminated Father's parental rights to B.P-D. and allowed B.P-D. to be adopted by his foster parents. McFarren further explained:

> B.P-D. has some serious medical issues, as well as functional issues[,] . . . and he is going to need ongoing care. . . . It's disconcerting when you know an adult becomes aware that he or she is a parent, and then [abdicates] that responsibility, and then uses excuses for why they have [abdicated] that responsibility. . . . I do not believe [Father] has the energy or the inclination to meet B.P-D.'s . . . medical . . . [or] emotional needs. . . .

(Tr. p. 163). McFarren also testified he believed there were "times when [Father] could have continuously communicated with [B.P-D.] to . . . re-establish and to reaffirm to this kid that his father is out there and cares about him," but Father had failed to do so and thus had neglected his parental responsibilities. (Tr. p. 164).

"It is undisputed that children require secure, stable, long-term continuous relationships with their parents or foster parents. There is little that can be as detrimental to a child's sound development as uncertainty." *Baker v. Marion County Office of Family & Children*, 810 N.E.2d 1035, 1040 (Ind. 2004). Based on the totality of the evidence, including Father's failure to successfully complete a majority of the trial court's dispositional goals, Father's historical lack of interest and involvement in B.P-D.'s life and day-to-day medical needs, and Father's current inability to provide B.P-D. with a safe and stable home environment, coupled with Beasley's and McFarren's testimony recommending termination, we conclude that ample evidence supports the trial court's finding that termination of Father's parental rights is in B.P-D.'s best interests. *See, e.g.*, *In re A.I.*, 825 N.E.2d 798, 811 (Ind. Ct. App. 2005) (concluding that testimony of CASA and family case manager, coupled with evidence that conditions resulting in continued placement outside of home will not be remedied, is sufficient to prove by clear and convincing evidence termination is in child's best interests), *trans. denied*.

## CONCLUSION

Based on the foregoing, we conclude that the trial court properly terminated Father's parental rights to his minor child.

Affirmed.

KIRSCH, J., and BAILEY, J., concur.