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IN THE COURT OF APPEALS OF INDIANA

IN THE MATTER OF THE INVOLUNTARY TERMINATION OF THE PARENT-CHILD RELATIONSHIP OF C.C. and B.C.	)	
CHRISSY WOODCOCK and ANDREW CLEMANS	)	
Appellants-Respondents,	)	
vs.	)	No. 91A02-0906-JV-525
DEPARTMENT OF CHILD SERVICES and WHITE COUNTY LOCAL OFFICE,	)	
Appellees-Petitioners.	)	

APPEAL FROM THE WHITE CIRCUIT COURT
The Honorable Robert W. Thacker, Judge
Cause Nos. 91C01-0808-JT-7 and 91C01-0808-JT-8

November 10, 2009

MEMORANDUM DECISION – NOT FOR PUBLICATION

RILEY, Judge

STATEMENT OF THE CASE

Respondents-Appellants, Chrissy Woodcock (Woodcock) and Andrew Clemans (Clemans), appeal the trial court's Orders terminating their parental rights to minor children C.C. and B.C.

We affirm.

ISSUE

Woodcock and Clemans raise the same issue, which we restate as follows: Whether the evidence at the termination of parental rights hearing supports the findings of the trial court, and in turn support its judgment terminating their parental rights.

FACTS AND PROCEDURAL HISTORY

On January 8 and 9, 2009, the trial court conducted a hearing on a petition filed by the Department of Child Services, Division of White County (DCS), seeking to terminate the parental rights of Woodcock and Clemans to C.C. and B.C. The trial court made the following findings and conclusions:

> 5. [C.C.] was born October 24, 2001 and [B.C.] was born February 29, 2000. They are the children of Andrew Clemans ("Father") and Chrissy Woodcock ("Mother"). Mother was awarded custody over [B.C.] under Paternity Cause 91C01-0004-JP-007, and over [C.C.] under Paternity Cause 91C01-0208-JP-029.
>
> 6. The Father has never had custody of the children and has had little contact with the children. Father has admitted spending the majority of his adult life incarcerated and has remained incarcerated for all but a short period of the children's lives.
>
> * * *

10. That the children were removed from the home on September 25, 2006, after Mother instructed the Monticello Police Department to have the Department of Child Services (then the White County Department of Child Services) take detention of the children.

11. [C.C.] was four (4) years old at removal and [B.C.] was six (6) years old at removal.

12. Immediately after removal, the children were placed in relative care with a maternal aunt, but were removed and placed in foster care the next day at the request of Mother.

13. On September 27, 2006, the DCS initiated CHINS cause of action in the White Circuit Court and the Court conducted a Detention Hearing on that date and entered an Order Authorizing Taking Into Custody finding that "detention was necessary to protect the above named children . . . it is in the best interest of the children to be detained . . . it would be contrary to the welfare of the children to remain in the home." The Order continued the children's placement in the foster home [].

* * *

15. November 28, 2006, the CHINS Court held a Dispositional Hearing and entered Dispositional Decrees finding, in part, that:

> 2. The needs for the children for care, treatment, rehabilitation, consistent continued care and support while the Mother receives counseling and home-based caseworker services.
>
> 3. The Father is currently incarcerated at Miami Correctional Facility due to parole violation. He expects to be released in approximately three months.
>
> 5. Participation by the Mother in the plan care for the children is needed in order for her to provide a safe drug free home for the children and apply appropriate parenting skills.
>
> 7. DCS has made reasonable efforts to reunify the children and to provide family services including visitation and providing the Mother with counseling through Wabash Valley Outpatient Services and Families United home-based services. However, reunification of the children is not

currently in the children's best interests and would be contrary to the welfare of the children.

9. The Case Plans include continued wardship and foster care, supervised visitation for the Mother approximately two times per week, and the above counseling and home-based services for the Mother. The Case Plans meet the special needs and best interest of the children and are therefore approved.

16. The Dispositional Decrees also ordered the DCS wardship over the children and that the DCS have care and control of the children and foster care placement was appropriate and was authorized to continue.

17. The Initial DCS case plans were reviewed and agreed to by both Mother and Father and included the recommended home-based services by Families United to address issues of possible drug use, dependency and difficulty controlling their anger, as well as visitation services and services through Wabash Valley Outpatient Services ("Wabash Valley").

* * *

19. March of 2007, supervised visitation was offered to Father by DCS. Father refused to see the children and informed [the Family Case Manager] that he did not believe supervision was necessary.

20. Mother initially cooperated with the DCS by participating with the recommended services and the children were placed in the home of the mother in March 2007, in the form of a Trial Home Visit. This placement ended in May 2007 and the children were returned to the original foster home after a domestic incident between Mother and her husband, John Novak, (then live-in boyfriend), in the addition to a positive drug screen result indicating Mother was positive for methamphetamines while the children were in her care.

21. Since the positive drug test result, Mother has been randomly screened for drugs by the DCS and has tested negative for illegal drugs, but has threatened to reinitiate illegal drug use during an anger outburst towards the DCS.

22. The children have been placed in foster care continuously since the May 2007 ending of the Trial Home Visit.

23. The father's situation remained stagnant for more than fifteen of the last twenty-two months, as he became incarcerated and has remained in the Cass County Jail.

24. Reunification was not met by December 2007, as Mother refused to fully cooperate with or sign the DCS Case Plan and the services recommended in the Case Plan. These services included counseling to address aggression and her relationship with her husband [] and the children.

25. The children's mother assisted in the creation of a six (6) month reunification plan in December 2007, along with the Guardian Ad Litem, and DCS Family Case manager, Due to statutory requirements, the DCS filed Petitions to Terminate Parental Rights a month later but moved to dismiss the Petitions to allow the mother the opportunity to complete this plan.

26. The reunification plans consisted of four steps, which included Mother meeting a series of seven goals. The steps entailed Mother maintaining the goals for specified increments. During these periods visitation between the children and mother was increased as Mother made progress. The seven goals included: meeting visitation and working on parenting techniques, attending all scheduled sessions with a psychologist for the purpose of refining parenting skills, attending all scheduled appointments with a drug counselor at Wabash Valley Outpatient Services, cooperating with her Families United case worker with home-based services, refraining from negative incidents resulting in police intervention, avoiding domestic incidents of physical violence or arguments escalating to the point of verbal abuse, and submitting and passing random drug screening.

27. Through the course of the six months of the plans, progress was not being made in accordance to the time frames specified. Family Case Manager, Karyl Brown, modified the plans to a simpler version in an attempt to further facilitate the possibility of a Trial Home Visit.

28. The reunification plans ultimately failed in May 2008, two (2) weeks prior to the projected reunification date, when mother could not show compliance with the plans or the case plans' recommended services. Mother failed the reunification plans by failing to complete services listed within and violated the plans' stipulations that the mother provide an appropriate safe home environment by refraining from engaging in significant domestic altercations with her husband, John Novak[]. The domestic incident occurred during school hours but in the presence of [Mother's] youngest children[] who were ultimately detained because of the situation. Mother's explanation for the

violation of the requirement was that the oldest two [] children were in school and not present for the incident.

* * *

30. On August 28, 2008, Mother requested to terminate her parental rights over the children because she no longer wanted the DCS in her life. Later the same day Mother voiced displeasure to Monticello Police Officer Timothy McFadden that she was unable to sign away her parental rights while at a visit with the children earlier that afternoon.

31. The DCS determined that it would be in the children's best interests to re-file the Termination of Parental Rights Petitions and filed such Petitions August 11, 2008. Mother has continued to engage in anger outbursts and has offered to give up parental rights as to her children since the filing of the Petitions, but has not actually done so and now actively resists the TPR.

32. On September 8, 2008, the CHINS Court held a Periodic Case Review and Permanency Hearing and entered its review orders finding, in part, that:

> e) The children's mother has continued to have domestic disputes with her live-in companion, John Novak, requiring police and DCS intervention;
>
> f) The children's father remains incarcerated.

The Orders also determined that DCS service recommendations were appropriate, and these services being provided included but were not limited to counseling for Mother.

33. A primary objective of the Dispositional Decree and Case Plans throughout the CHINS actions have been the treatment of Mother for angry outbursts and behaviors. Mother was offered multiple opportunities to complete services for these issues through Wabash Valley Outpatient Services []. Mother demonstrated a pattern of noncompliance by stating that she would cooperate, beginning services briefly and then refusing to continue with them by either no-showing appointments, or refusing to actively engage in the sessions. Mother was offered multiple different types of services and multiple counselors to address these issues. Mother skipped appointments or refused to engage in the treatment by refusing to discuss issues or admittedly answering questions generically, attempting to tell the providers only what she believed they wanted to hear. This refusal to cooperate included the refusal to attend individual counseling sessions, which were a prerequisite to the family

counseling that Mother and her husband, John Novak, requested the DCS provide.

* * *

35. Mother informed DCS that she would not cooperate with the Wabash Valley services because she felt she did not need them. Due to the history of failure to attend sessions and an admitted refusal to actively engage in services, Wabash Valley closed Mother's case with the agency and ceased offering services.

36. August 22, 2008, Mother exhibited an angry outburst during a supervised visitation with the children and their siblings []. The visit had to be ended early by FCM Reed after Mother refused to stop swearing and angrily raising her voice toward the FCM in the presence of the children.

37. On October 20, 2008, an in-home visitation had to be ended early by FCM Reed due to Mother and her husband's angry outbursts, cursing, and threats towards the FCM. Visitation was attempted within the DCS office later that evening where the mother and her husband's angry behavior again escalated and police intervention was necessary. The angry outburst was in the presence of the Guradian Ad Litem, DCS staff, a visitation facilitator, and the children. The outbursts were also directed towards her children at one point, as she demanded the children's school bags and [C.C.'s] pants from him because she considered them her property. During the course of the visitation, Mother reiterated to Police Officer McFadden that she did not want the children.

38. Mother's supervised visitations with the children were generally considered successful but did include recent incidents of inappropriate comments to the children blaming others for the children's removal, behaving in such a hostile manner that police intervention was warranted, and mother creating and providing the children access to a MySpace webpage, listing the children as age eighteen and providing links to adult material.

* * *

40. As recently as October 31, 2008, Mother commented to a DCS staff member during a visitation that she would give up parental rights to her children.

41. The children's relationship with their mother has endangered the children emotionally from the pattern of instability and angry behaviors exhibited in the

children's presence and the multiple removals and failed reunification attempts.

42. Despite no evidence of the children having faced physical injury from the domestic disputes in the mother's home, the potential for such harm exists, and the testimony of the Guardian Ad Litem supports this finding.

* * *

44. The children have been removed from the parent's home for more than six (6) months under dispositional decrees and more than fifteen (15) out of the last twenty-two (22) months under Order of the White Circuit Court in Cause No. 91C01-0609-JC-011 ([C.C.]), and in Cause Number 91C01-0609-JC-12 ([B.C.]).

45. Mother has had more than two years to demonstrate her willingness and ability to cooperate with plans towards reunification, and has failed to do so. Instead, Mother has denied the issues need to be addressed and continued to engage in angry altercations without consideration for the effects upon her children's emotional well-being and the chance towards reunification. Mother has continued to inform DCS of her willingness [to] give up custody of her children, including after the Petitions for the Termination of Parental Rights had been filed by the DCS. Thus, there is clear and convincing evidence that there is a reasonable probability that the conditions that resulted in the children's removal will not be remedied.

46. A pattern exists showing repeated periods of progress towards reunification followed by the regression of Mother in cooperation in services and with DCS case plans. This pattern has caused the repeated change in the location, length, and supervision style of the children's contact with their mother. The children have shown the DCS, foster mother, Guardian Ad Litem, as well as the mother, periods of distress and despair during the Mother's outbursts and instability during the case. Therefore, mother's actions have shown a threat to the children's wellbeing from the parent-child relationship, and this threat was shown by clear and convincing evidence.

47. There is clear and convincing evidence that termination is in the best interest of the children. Reasons include the need for permanency and stability in the children's life, the children's development while in foster care, the length of time out of the parents' care, the inability or unwillingness of the parents to cooperate with services in support of reunification, and the emotional threat to the children's well-being from the mother's angry

> outbursts, unstable behavior, repeated domestic disputes, in addition to the father's history of criminal behavior resulting in his absence from the children's everyday life.
>
> 48. There is clear and convincing evidence that the Department of Child Services has a satisfactory plan for the care and treatment of the children after termination; namely, adoption. [C.C.] and [B.C.] have bonded with their current caregivers and the caregivers have shown a willingness to adopt the children. The children have done well in their schooling, are involved in extracurricular activities, have shown a social, outgoing, and happy demeanor while with the caregivers, and have resided with these caregivers for more than two years.

(Appellant's App. pp. 16-26). Based on these findings and conclusions the trial court terminated the parental rights of Woodcock and Clemans to C.C. and B.C.

Both Woodcock and Clemans now appeal. Additional facts will be provided as necessary.

DISCUSSION AND DECISION

I. *Standard of Review*

Our supreme court recently articulated the standard of review for appeals from the termination of parental rights as follows:

> When reviewing the termination of parental rights, we do not reweigh the evidence or judge witness credibility. We consider only the evidence and reasonable inferences that are most favorable to the judgment. Here, the trial court entered findings of fact and conclusions thereon in granting the State's petition to terminate Mother's parental rights. 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 determine whether the evidence supports the findings, and second we determine whether the findings support the judgment. We will set aside the trial court's judgment only if it is clearly erroneous. A judgment is clearly erroneous if the findings do not support the trial court's conclusions or the conclusions do not support the judgment.

R.Y. v. Ind. Dep't of Child Servs., 904 N.E.2d 1257, 1260 (Ind. 2009) (internal citations and punctuation omitted).[1] In addition, the *R.Y.* court emphasized the protections which our law affords the parent child relationship, but noted the bounds of those protections.

> The Fourteenth Amendment to the United States Constitution protects the traditional right of parents to establish a home and raise their children. A parent's interest in the care, custody, and control of his or her children is perhaps the oldest of the fundamental liberty interests. Indeed the parent-child relationship is one of the most valued relationships in our culture. We recognize, however, that parental interests are not absolute and must be subordinated to the child's interests in determining the proper disposition of a petition to terminate parental rights. Thus, parental rights may be terminated when the parents are unable or unwilling to meet their parental responsibilities.

Id. at 1259-60 (internal citations and punctuation omitted). It is in the context of this hierarchy of interests that we review Woodcock and Clemans' challenge to the termination of their parental rights.

II. *Sufficiency of the Findings*

Our analysis begins by acknowledging the allegations that the State must prove in order to obtain a termination of parental rights. Indiana Code section 31-35-2-4(b)(2) requires that the State allege 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;
> >
> > (ii) a court has entered a finding under IC 31-34-21-5.6 that reasonable efforts for family preservation or reunification are not required, including a

[1] Westlaw refers to the opinion as "*In re G.Y.*" using the minor child's initials as the basis for the case name, but our supreme court has referred to the opinion as "*R.Y. v. Ind. Dep't of Child Servs*." utilizing the initials of the mother whose parental rights were at stake in the litigation. *In re J.M.*, 908 N.E.2d 191, 193 (Ind. 2009).

description of the court's finding, the date of the finding, and the manner in which the finding was made; or

(iii) the child has been removed from the parent and has been under the supervision of a county office of family and children or probation department for at least fifteen (15) months of the most recent twenty-two (22) months, beginning with the date the child is removed from the home as a result of the child being alleged to be a child in need of services or a delinquent child;

(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.

The State must prove these elements by clear and convincing evidence. *Rowlette v. Vanderburgh County Office of Family and Children*, 841 N.E.2d 615, 621 (Ind. Ct. App. 2006). Neither Woodcock nor Clemans contend that the evidence was insufficient to prove subsections (A) or (D);[2] therefore, our analysis covers only subsection (B) and (C).

A. *Will the Conditions Which Resulted in Placement Outside the Home be Remedied?*

Woodcock and Clemans contend that the trial court's conclusion that the conditions will not be remedied is not supported by sufficient evidence or findings. However, neither

[2] Clemans alone mentions that "DCS failed to demonstrate a satisfactory plan for the care of and treatment of the children if termination is granted." (Appellant's Br. p. 11). However, later in his brief he specifically "concedes that . . . the Office for Family and Children presented a plan for adoption meeting the requirement for a satisfactory plan for the care and treatment of the children." (Appellant's Br. p. 19).

party directs our attention to specific findings of the trial court which do not contain support in the record. To the contrary, they highlight evidence contrary to the trial court's verdict, compare it to other Indiana appellate court decisions, and ask us to reweigh the evidence. However, our standard of review prevents us from taking that track in our analysis. *See R.Y.*, 904 N.E.2d at 1260.

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 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*. Additionally, the trial court must take into consideration "the parent's habitual patterns of conduct to determine the probability of future neglect or deprivation of the child." *Id*. The trial court may also take into consideration the parent's response to the services offered through the Department of Child Services. *Lang v. Starke County Office of Family and Children*, 861 N.E.2d 366, 372 (Ind. Ct. App. 2007), *trans. denied*.

The trial court concluded that the reason for C.C. and B.C.'s placement outside of Woodcock and Clemans' home will not be remedied. The basis given by the trial court for this statement focused solely on Woodcock:

> Mother has had more than two years to demonstrate her willingness and ability to cooperate with plans towards reunification, and has failed to do so. Instead, Mother has denied the issues need to be addressed and continued to engage in angry altercations without consideration for the effects upon her children's emotional well-being and the chance towards reunification. Mother has continued to inform DCS of her willingness [to] give up custody of her

> children, including after the Petitions for the Termination of Parental Rights had been filed by the DCS.

(Appellant's App. p. 25). In addition to these findings, several other findings throughout the trial court's Order support its determination that the conditions which resulted in the placement outside the home will not be remedied.

First, we must determine what the conditions were that resulted in the placement of C.C. and B.C. outside of the home. We note that the initial conditions which resulted in the placement of C.C. and B.C. outside the home was Woodcock's decision that she would not pick the children up from school on September 25, 2006. At the time C.C. was four years old and B.C. was six years old. Woodcock testified that she was unable to pick the children up because she did not have transportation and lived at a place where the school bus would not pick up or drop off the children. She "figured that [DCS] would do their investigation and put the kids with family until I was able to get my own apartment or place to live, and to where a bus could take them back and forth." (Tr. p. 400). However, it is difficult to understand what "family" Woodcock intended for DCS to place the children with because when DCS placed them with her sister she reported that her sister's home was inappropriate because she had "meth" in her home, and later testified that she had no other family to call for help that day. (Tr. p. 11).

Of course, a lack of transportation alone was not the condition which led to the continuing placement of C.C. and B.C. outside of the home. DCS Family Case Manager Karyl Brown (FCM Brown) was assigned to perform an initial assessment of C.C. and B.C.'s

family and filed a report pursuant to her preliminary investigation on September 27, 2006. At that time, Clemans was out of jail on parole. He would not agree to take a drug test and had just recently failed a drug screening for Manpower. He informed FCM Brown that he was bi-polar but had no money to purchase his medications. FCM Brown concluded that both Clemans and Woodcock have "explosive tempers" and were involved in a "dysfunctional relationship." (Petitioner's Exhibit 4). She also observed that Woodcock and Clemans "appear to have mental health issues and extreme relationship difficulties that affect the children." (Petitioner's Ex. 4). Based on these conclusions, FCM Brown thought that more information should be gathered regarding the couples ability to parent C.C. and B.C., and for the time being, out-of-home placement should be considered.

The documents related to the CHINS proceeding all acknowledged that Woodcock made progress with counseling and stabilizing her life during the initial months after the children became wards of DCS. However, Woodcock moved in with her new boyfriend, John Novak (Novak), to a neighborhood where Clemans' brother lived just down the road. She began hanging out with Clemans' brother and using methamphetamines with him.

On May 4, 2007, after Clemans had been released from jail again, Novak saw Clemans and Woodcock together in public. He became upset, "started fighting" with Woodcock, and contacted FCM Brown. (Tr. p. 403). Woodcock left and picked up B.C. and C.C. at school. When she returned home, the police were there. The police asked Woodcock to take a drug test, which she initially refused, but later agreed to. The drug test was positive for methamphetamines, and Woodcock was hospitalized that weekend. She admitted during

the termination hearing that she had been driving the children while high on the methamphetamines.

In February of 2008, a new Family Case Manager, Gretchen Reed (FCM Reed), took over as the DCS representative working with C.C. and B.C.'s family. FCM Reed testified that when she took over, Woodcock was not complying with the reunification case plan as best she could. She had been assigned to take regular drug screens since the May 4, 2007 incident. All of the drug screens she took came up negative, but sometimes she would request "to have her lawyer there, and then she'd walk out and say she's not going to do them." (Tr. p. 170). Additionally, Woodcock would not attend her assigned individualized counseling on a frequent basis. She was scheduled to eventually start joint therapy with Novak, but never successfully advanced through individualized therapy so that she could begin the therapy sessions with Novak. In the last few months prior to the termination hearing, Woodcock stopped therapy altogether, telling her therapist "that she doesn't feel like she needs it." (Tr. p. 173).

Additionally, a series of events led FCM Reed to believe that Woodcock was not making progress. On August 27, 2008, FCM Reed brought the children to come visit with Woodcock, but Woodcock was upset. Woodcock began yelling at FCM Reed, and when FCM Reed asked her not to do so in front of the children, Woodcock stated "Do you want to see me yell, I'll yell" and raised her voice even more. (Tr. p. 188). FCM Reed ended the visitation early because of Woodcock's behavior, but Woodcock refused to help get the children ready to leave. On September 3, 2008, FCM Reed held a "case plan meeting" with

Woodcock and Novak. Woodcock disagreed with the case plan that FCM Reed had developed, but when FCM Reed suggested the idea of adjusting the case plan, Woodcock refused to talk about it and left. On October 18, 2008, a miscommunication regarding the time of a family visit between a visitation service provider and Woodcock infuriated Woodcock to the point that she refused the visitation with C.C. and B.C. On October 20, 2008, FCM Reed arranged for a family visit at the DCS office because Woodcock was still upset about what had happened on the 18th. When Woodcock showed up, she demanded that the pants the boys were wearing and their backpacks be returned to her because she had purchased them. When she met with C.C. and B.C. she began yelling at them and upset them both to the point that they cried. Woodcock stated on different occasions that she was done with the whole situation and wanted to voluntarily terminate her parental rights to C.C. and B.C.

With respect to Clemans, the trial court found that the development of his role as a parent has remained "stagnant" during the two years that DCS has interceded on behalf of C.C. and B.C. (Appellant's App. p. 20). This finding is amply supported by Clemans' own testimony that he has been incarcerated for criminal offenses six times, four of which have occurred during the lives of C.C. and B.C. Woodcock chose to describe her previous living situation with Clemans as follows: "I wouldn't call it living [together]. I had my own place and he got out of jail and he come there until he got arrested again." (Tr. p. 395). Further, Woodcock testified that she had no expectation of ever receiving child support payments from Clemans because she knew he would "go back to jail." (Tr. p. 432).

The conditions that led to C.C. and B.C. being removed from Woodcock and Clemans was Woodcock's inability or refusal to pick the children up from school one day. However, the condition with led to C.C. and B.C. remaining under DCS supervision was their parents' inability to provide an emotionally and physically stable family environment. Although Woodcock made some progress at times, she routinely slipped back to a state where she exhibited inappropriate emotional outbursts and refused to take part in the process designed to help her succeed in reuniting with C.C. and B.C. In addition, while she knew that her ability to parent was under DCS scrutiny, she engaged in illegal behavior by using methamphetamines, and did so while caring for C.C. and B.C. Clemans never made progress because of his inability to stay out of jail long enough to do so.

B. *Best Interests of C.C. and B.C.*

Both Woodcock and Clemans contend that the trial court's conclusion that termination was in the best interests of C.C. and B.C. was not supported by sufficient evidence. When determining what is in the best interests of a child, the trial court is required to look beyond the factors identified by the DCS and to consider the totality of the evidence. *In re J.S.*, 906 N.E.2d 226, 236 (Ind. Ct. App. 2009). "[W]e 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 interest." *Id.*

FCM Reed gave the trial court her opinion that it is not in the best interest of C.C. and B.C. to be reunified with Woodcock and Clemans. (Tr. p. 196). And, the former Family

Case Manager for C.C. and B.C., who had become a DCS supervisor by the time of the termination hearing, testified that she supported the termination of parental rights in this case. (Tr. p. 69). The Guadian Ad Litem testified that she did not "think the pattern of behavior that started back in '06 will stop. I think that there will be ongoing explosive actions in Ms. Woodcock's life at least for some period of time in the future, and maybe always." (Tr. p. 454). Additionally, she testified that she believed that anxious behaviors exhibited by C.C. and B.C. were the result of their concerns over what was going to happen to them and their parents as a result of everything that was happening. However, the Guardian Ad Litem never stated that it was her conclusion that it was in the best interests of the children that Woodcock and Clemans' parental rights be terminated.

An overriding theme present throughout the record is that neither Woodcock nor Clemans were ready to take custody of C.C. or B.C. at the time of the termination hearing. C.C. and B.C.'s family status had remained in flux for over two years at the time of the termination hearing directly due to the actions of their parents. "There is little that can be as detrimental to a child's sound development as uncertainty over whether he is to remain in his current 'home,' under the care of his parents or foster parents, especially when such uncertainty is prolonged." *Baker v. Marion County Office of Family and Children*, 810 N.E.2d 1035, 140 (Ind. 2004) (quoting *Lehman v. Lycoming County Children's Servs. Agency*, 458 U.S. 502, 513-14, 102 S. Ct. 3231, 73 L.Ed.2d 928 (1982)). Altogether, we conclude that the trial court's determination that it was in the best interests of C.C. and B.C.

to have a chance at a stable permanent relationship, which only the termination of Woodcock and Clemans' rights could provide, was supported by sufficient evidence and findings.

CONCLUSION

Based on the foregoing, we conclude that the DCS presented sufficient evidence to prove clearly and convincingly that the conditions which caused DCS to place C.C. and B.C. outside the custody of Woodcock and Clemans will not be remedied and that the termination of Woodcock and Clemans' parental rights is in the best interest of C.C. and B.C.

Affirmed.

BAKER, C.J., and FRIEDLANDER, J., concur.