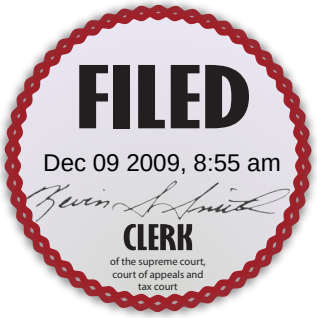

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IN THE
COURT OF APPEALS OF INDIANA

IN RE: THE TERMINATION OF THE PARENT-CHILD RELATIONSHIP OF S.A.W. AND HER FATHER, T.W., AND HER MOTHER, T.R.,	)	
T.W. (Father) and T.R. (Mother),	)	No. 02A03-0907-JV-326
Appellants-Respondents,	)	
vs.	)	
INDIANA DEPARTMENT OF CHILD SERVICES OF ALLEN COUNTY,	)	
Appellee-Petitioner.	)	

APPEAL FROM THE ALLEN SUPERIOR COURT
The Honorable Charles F. Pratt, Judge
Cause No. 02D07-0807-JT-137

December 9, 2009

MEMORANDUM DECISION - NOT FOR PUBLICATION

BRADFORD, Judge

Appellants-Respondents Tunisha R. ("Mother") and Travis W. ("Father") appeal the involuntary termination of their respective parental rights to their daughter, S.A.W. On appeal, both parents claim there is insufficient evidence supporting the trial court's judgment terminating their parental rights. Concluding that there is clear and convincing evidence supporting the trial court's judgment, we affirm.

FACTS AND PROCEDURAL HISTORY

Mother and Father are the biological parents of S.A.W., born on May 8, 2004. The facts most favorable to the trial court's judgment indicate that in 2005, Mother, who had sole care and custody of S.A.W., was convicted of forgery. Prior to the commencement of her sentence, Mother made arrangements for Father to care for S.A.W. during the fourteen months she was to be incarcerated at the Madison Correctional Facility. Consequently, in August 2005, S.A.W. began living with Father and her paternal grandfather in Fort Wayne, Indiana. Soon thereafter, Father and S.A.W. moved in with Father's sister, Quntanya W.

Father continued to care for S.A.W. and live with his sister until February 21, 2006, when he left Indiana to go to Chicago, Illinois. Although Father left S.A.W. in the care of his sister, he failed to maintain contact with S.A.W. and refused Quntanya's repeated requests during the next several days to return to Indiana. On February 24, 2006, Quntanya contacted the ACDCS and informed it that Father had left S.A.W. in her care but that she did not have the financial means to continue to care for the child indefinitely.

Father returned to Indiana on or about February 25, 2006, and discovered S.A.W. was no longer living with Quntanya W. but had been placed in the care of the ACDCS. Shortly thereafter, Father was arrested and incarcerated in Allen County for approximately two days on domestic battery charges involving his girlfriend. Meanwhile, a preliminary inquiry hearing was held on February 28, 2006, after which the trial court determined there was probable cause to believe S.A.W. was a child in need of services ("CHINS"). The trial court therefore issued an order temporarily placing S.A.W. in licensed foster care and authorizing the ACDCS to file a CHINS petition. Father failed to appear for the preliminary inquiry hearing.

An initial hearing on the ACDCS's CHINS petition was held on May 9, 2007. Mother, who remained incarcerated, appeared telephonically and admitted to the allegations contained in the petition. Father failed to appear. The trial court adjudicated S.A.W. a CHINS and proceeded to disposition. In its dispositional order, the trial court formally removed S.A.W. from Mother's care and ordered S.A.W. to remain in licensed foster care. As part of its dispositional order, the trial court also issued a parent participation plan directing Mother to successfully participate in a variety of services in order to achieve reunification with S.A.W.

Father was again incarcerated in Allen County from approximately mid-May until the first of July 2006 on possession of cocaine and domestic battery charges. In October 2006, during a subsequent fact-finding hearing on the ACDCS's CHINS petition as it related to Father, the trial court determined that although Father had been providing care for S.A.W. at the onset of Mother's incarceration, he had abandoned S.A.W. in February

2007 when he left her in Quntanya's care without maintaining contact with them. The court proceeded to disposition and entered another dispositional order formally removing S.A.W. from Father's care and directing Father to participate in various services in order to achieve reunification with S.A.W. by incorporating its previous parent participation plan into its current dispositional order.

The parent participation plan directed both Mother and Father to, among other things: (1) refrain from criminal activity; (2) maintain safe and appropriate housing; (3) obtain psychological examinations through Park Center and follow any resulting treatment recommendations; (4) enroll in and satisfactorily complete parenting classes at Caring About People, Inc.; (5) participate in regular visitation with S.A.W.; and (6) notify ACDCS caseworkers of any changes in housing, household composition, and employment. In addition, Mother was ordered to obtain her G.E.D. and to participate in and successfully complete a drug and alcohol assessment and recommended classes. Father was also ordered to maintain employment and to pay all court-ordered child support and fees.

Both parents' participation in services throughout the duration of the CHINS case was inconsistent and ultimately unsuccessful. For example, Mother obtained her G.E.D. while incarcerated and began participating in visits with S.A.W. following her release from incarceration in November 2006. Mother did not obtain employment, however, until March 2007. Mother also failed to secure independent housing until April 2007. Although Mother did participate in the parenting assessment and classes at Caring About People, Inc., her exit interview in August 2007 revealed that she had not sufficiently

benefited from her participation in the parenting classes. Consequently, it was recommended that Mother retake the parenting classes, but Mother refused to do so. Similarly, although Mother completed a substance abuse assessment at Caring About People, Inc., she refused to participate in the resulting recommended home-based case management program.

With regard to visitation, for the majority of 2007 Mother regularly attended visits with S.A.W. and progressed to in-home visitation privileges beginning in October 2007. The following month, however, Mother was arrested and incarcerated at the Marion County Jail on charges relating to theft and receiving stolen property. Mother was eventually convicted in January 2008 and sentenced to eighteen months incarceration. While serving her sentence, Mother was allowed to participate in a work-release program. Mother was released from the work-release program on October 6, 2008, but was ordered to serve approximately nine months on parole. Mother failed to maintain any contact with S.A.W. following her arrest in November 2007 and did not request visitation following her release from incarceration in October 2008.

Father's participation in court-ordered services during the CHINS case was essentially non-existent, in large part due to multiple periods of incarceration. In addition to his brief incarceration following his return to Indiana in February 2006, Father was also incarcerated from mid-May 2006 until July 2006, from November 2006 until January 5, 2007, and again from mid-January 2007 until June 28, 2007. During this time, Father had no contact with S.A.W. and attended only one CHINS hearing. Following his release from incarceration in June 2007, Father contacted the ACDCS and requested

services. A referral was made on July 7, 2007, to Stop Child Abuse Now, Inc. ("SCAN, Inc.") for Father to participate in supervised visits with S.A.W. Father's first supervised visit with S.A.W. took place on September 7, 2007. Father attended a second visit with S.A.W. two weeks later, on September 21, 2007. Father failed to appear for the next two consecutively scheduled visits, and his visitation privileges were placed on hold. Father never requested visitation or initiated contact with S.A.W. following the September 21st visit.

In January 2008, Father was arrested on gun-related charges while on vacation in Jacksonville, Florida. He was incarcerated from January 28 until February 24, 2008. The charges against Father were later dropped, and Father returned to Indiana. Upon his return to Indiana, Father did not request visitation with S.A.W. nor participate in any court-ordered services.

On July 29, 2008, the ACDCS filed a petition seeking the involuntary termination of both Mother's and Father's parental rights to S.A.W. A three-day fact-finding hearing on the termination petition was eventually held on January 26, February 3, and February 24, 2009. At the time of the termination hearing, Mother had been working at McDonald's since June 2008 and was scheduled to be released from parole on July 5, 2009. However, she had not attempted to contact or visit with S.A.W. since November 2007. Mother had also not provided for S.A.W. financially since the child's removal and had not sent S.A.W. any birthday cards or Christmas presents. Similarly, Father also had not visited with S.A.W. for over a year. Although Father informed the court that he had been working for his current employer for approximately two months and had scheduled

a psychological evaluation at Park Center as previously requested by the trial court, at the time of the termination hearing, Father had failed to complete a majority of the court's dispositional goals including establishing a stable home environment, participating in parenting classes, paying child support, and maintaining contact with the ACDCS.

At the conclusion of the hearing, the trial court took the matter under advisement. On May 22, 2009, the trial court issued its judgment terminating both Mother's and Father's parental rights to S.A.W. Both parents now appeal.

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, 264 (Ind. Ct. App. 2004), *trans. denied*. Instead, we consider only the evidence and reasonable inferences that are most favorable to the 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, in terminating Mother's and Father's parental rights, the trial court entered 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*. "Findings are clearly erroneous only when the record contains no facts to support them either directly or by inference." *Quillen v. Quillen*, 671 N.E.2d 98, 102 (Ind. 1996). A judgment is clearly erroneous only if the findings do not support the trial court's conclusions or the conclusions do not support the judgment thereon. *Id.* If the evidence and inferences support the trial court's decision, we must affirm. *L.S.*, 717 N.E.2d at 208.

"The traditional right of parents to establish a home and raise their children is protected by the Fourteenth Amendment of the United States Constitution." *In re M.B.*, 666 N.E.2d 73, 76 (Ind. Ct. App. 1996), *trans. denied*. However, a trial court must subordinate the interests of the parents to those of the child when evaluating the circumstances surrounding a termination. *K.S.*, 750 N.E.2d at 837. Termination of a parent-child relationship is proper where a child's emotional and physical development is threatened. *Id.* Although the right to raise one's own child should not be terminated solely because there is a better home available for the child, parental rights may be terminated when a parent is unable or unwilling to meet his or her parental responsibilities. *Id.* at 836.

"The 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) (citing Ind. Code § 31-37-14-2 (2008)). Thus, in order to terminate a parent-child relationship, the State is required to allege and prove, by clear and convincing evidence, among other

things, that:

> (B) there is a reasonable probability that:
> (i) the conditions that resulted in the child's removal or the reasons for placement outside the home of the parents will not be remedied; or
> (ii) the continuation of the parent-child relationship poses a threat to the well-being of the child;
> (C) termination is in the best interests of the child; and,
> (D) there is a satisfactory plan for the care and treatment of the child.

Ind. Code § 31-35-2-4(b)(2) (2008). Mother and Father both challenge the sufficiency of the evidence supporting the trial court's findings as to subsections (B) and (C) of the termination statute cited above.

II. Analysis

A. Remedy of Conditions

We begin our review by considering Mother's and Father's assertions that insufficient evidence supports the trial court's findings that there is a reasonable probability the conditions resulting in S.A.W.'s removal from her parents' care will not be remedied or that continuation of the parent-child relationships poses a threat to S.A.W.'s well-being. In making this assertion, Mother acknowledges that she has "not attempted to visit S.A.W. since [her] release [from incarceration] in October of 2008" but asserts that the fact that she contacted the ACDCS caseworker approximately two weeks after her release demonstrates "a desire to do what [is] necessary" for reunification. Appellant-Mother's Br. pp. 11-12. In addition, Mother repeatedly states, without further explanation, that her failure to participate in services following her release from incarceration was due to the fact she "did not think she was allowed to do anything but wait for the [termination] hearing." *Id.* at 12. Finally, Mother argues that the trial court

"failed to take into consideration facts presented at trial which demonstrated a change of circumstances" and thus the trial court's findings "are not supported by the evidence at trial." *Id.* at 13. Similarly, Father asserts that the evidence shows he has now "stabilized his lifestyle" and that he testified he believed "he would benefit from [ACDCS] services[.]" Appellant-Father's Br. p. 13. Father therefore contends there was "no showing, by clear and convincing evidence, that there [is] a reasonable probability that the reasons for the removal of [S.A.W.] from [his] care will not be remedied." *Id.*

Initially, we observe that Indiana Code section 31-35-2-4(b)(2)(B) is written in the disjunctive. It therefore requires the trial court to find that only one of the two requirements of subsection (B) have been established by clear and convincing evidence. *See L.S.*, 717 N.E.2d at 209. Here, the trial court determined that there is a reasonable probability the conditions resulting in S.A.W.'s removal from Mother's and Father's care will not be remedied.

In making such a determination, 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), *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.* Moreover, the county department of child services (here, the ACDCS) 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).

In determining that there is a reasonable probability the conditions resulting in S.A.W.'s removal and continued placement outside of Mother's and Father's care will not be remedied, the trial court made the following pertinent findings:

> 10. At the time of [S.A.W.'s] removal from the parents' care, [Mother] was in prison . . . .
> 11. From the date of her release in November[] 2006 and until April 2007[,] [Mother] lived with her brother. During that time she started some of the service[s] ordered in the decree. She was employed for a short time. Then, in November 2007, she was again arrested for receiving stolen property and theft. She was jailed . . . until January 2008 . . . and for a total of ten (10) months, she was placed on work release . . . . She was released from that program in October 2008. She is currently on parole.
>
> * * *
>
> 13. [Mother] was referred for visitation with the child under the supervision of . . . SCAN. Her visits progressed from in-office visits in January[] 2006 to in-home visits beginning in August [] 2007. [Mother's] visits continued until November 2007[,] when they stopped due to her incarceration. She has not seen [S.A.W.] since November[] 2007.
> 14. Since her release[,] [Mother] has not contacted [S.A.W.] and has had limited contact with the [ACDCS]. During . . . December[]2008, [Mother] contacted the [ACDCS] caseworker and inquired as to [S.A.W.'s] well-being. She did not[,] however[,] request to visit with [S.A.W.].
> 15. . . . . [Mother] completed the required [parenting classes] curriculum. However, following her exit interview and examination, the

determination was made that her responses did not indicate that [Mother] had benefited from the instruction. Although referred and directed to repeat the classes, [Mother] did not.

* * *

17. Since October 2008, [Mother] has had three separate residences. She now resides in a three bedroom home with her boyfriend in Indianapolis, Indiana. The latter residence was first made known to the [ACDCS] case[]manager through [Mother's] testimony on February 3, [2]009.
18. [Father] was granted supervised visits with [S.A.W.], also under the supervision of SCAN. He saw [S.A.W.] on two (2) occasions, September 7, 2007[,] and September 28, 2007. He has not seen her since.
19. Like [Mother], [Father] has a criminal history. He was incarcerated from May[] 2006 until July 2006. Then in November 2006 he was again arrested and later convicted of possession of cocaine. He was committed to the Department of Correction until his release in June[]2007. He was jailed for domestic battery and possession of cocaine. While in Florida, he was arrested and was jailed from January 2008 until February 2008.
20. [Father] reports that he is presently employed. He has only recently begun services having scheduled his psychological evaluation for February 11, 2009, a date after the commencement of the presentation of evidence in this case. . . .

Appellant-Father's App. pp. 9-10. The trial court then concluded as follows:

3. . . . . By the clear and convincing evidence[,] the court determines that there is a reasonable probability that [the] reasons that brought about [S.A.W.'s] placement outside the home will not be remedied. Despite being fully released from restraint for her last criminal convictions, [Mother] has not sought to visit [S.A.W.] or complete the services required of her. Following an examination, C.A.P. Inc. determined that [Mother] did not benefit from the first round of parenting classes and needed to retake them. Accordingly, the [c]ourt cannot conclude that [Mother] has benefited from the services she has thus far completed. Both Mother and Father have extensive criminal histories. Their choices have precluded their ability to meaningfully participate in services and to maintain a relationship with [S.A.W.]. Both parents have demonstrated an historic pattern of contact that is not conducive to the safety and well-being of [S.A.W.].

Id. at 10. The evidence most favorable to the trial court's judgment supports these

findings and conclusions, which in turn support the court's ultimate decision to terminate both parents' parental rights to S.A.W.

S.A.W.'s initial removal from the parents in 2006 was a result of Mother's unavailability to parent due to her incarceration and Father's neglectful conduct in abandoning S.A.W. with his sister and failing to maintain contact with them for several days. S.A.W.'s continued placement outside of her parents' care was the result of Mother's and Father's unavailability to parent due to their ongoing criminal activities coupled with their refusal to participate in and successfully complete court-ordered services. At the time of the termination hearing approximately three years later, these conditions had not significantly improved and both parents' future ability to provide S.A.W. with a safe and stable home environment remained decidedly unclear.

Although there was evidence presented during the termination hearing that Mother and Father had each recently taken some positive steps toward getting their respective lives in order, such as finding employment and allegedly obtaining suitable housing, the record nevertheless makes clear that the parents still had not successfully completed a majority of the court-ordered services. For example, at the time of the termination hearing, both parents had failed to successfully complete the parenting curriculum or to provide any financial support for S.A.W. since her removal. In addition, although Mother did complete a psychological evaluation, she had refused to participate in the resulting recommended treatment. Father failed to complete both. We have previously explained that "the time for parents to rehabilitate themselves is during the CHINS process, *prior* to the filing of the termination petition." *Prince v. Dep't of Child Servs.*,

861 N.E.2d 1223, 1230 (Ind. Ct. App. 2007) (emphasis added). Moreover, where there are only temporary improvements, and the pattern of conduct shows no overall progress, a trial court might reasonably infer that under the circumstances, the problematic situation will not improve. *In re A.H.*, 832 N.E.2d 563, 570 (Ind. Ct. App. 2005).

Also significant, at the time of the termination hearing, neither Mother nor Father had visited with S.A.W. nor initiated contact of any kind with their daughter for over a year. "[T]he failure to exercise the right to visit one's child demonstrates a lack of commitment to complete the actions necessary to preserve the parent-child relationship." *Lang v. Starke County Office of Family & Children*, 861 N.E.2d 366, 372 (Ind. Ct. App. 2007), *trans. denied*. Finally, testimony from the ACDCS case manager as well as the parents themselves further supports the trial court's findings.

During the termination hearing, ACDCS case manager Joshonda Weeks informed the court that Mother had never provided S.A.W. with food, clothing, money, birthday gifts or other holiday gifts since the child's removal from the family. Weeks further testified that Mother had never requested phone contact with S.A.W. while she was incarcerated. In addition, Weeks acknowledged Mother had contacted her by telephone one time shortly after Mother's release from incarceration in October 2008, and had asked how S.A.W. was doing, but stated Mother had never asked to visit with S.A.W.

Similarly, with regard to Father, Weeks confirmed that Father had also not provided any "material support, clothing, food . . . [or] [p]resents" for S.A.W. since the child's removal from his care. Tr. Vol. 2 p. 69. When questioned as to what Father had done to comply with the court's dispositional orders from the time of her removal until

February of 2009, Weeks replied, "Nothing." *Id.* In recommending the termination of both Mother's and Father's parental rights, Weeks explained, "I don't believe the reasons we became involved with [S.A.W.] have been remedied[,] and I don't see them be[ing] remedied in the near future." *Id.* at 70.

During the termination hearing, Mother admitted that she had not seen S.A.W. since November 2007 even though she knew ACDCS case manager Weeks's name, phone number, and that she worked in Allen County. Mother also admitted that she had not requested visitation with S.A.W. or sent any birthday or holiday gifts to her daughter following her completion of the work release program in October 2008. When asked whether she could have moved back to Fort Wayne following her completion of the work release program in October 2008, Mother replied, "Yes, I could have. . . . I knew my daughter was out here, but I just wanted to start over and start somewhere new." Tr. Vol. 1 p. 42. Similarly, Father confirmed during the termination hearing that he had been incarcerated during the majority of 2007. When asked if he had made "any effort to see [S.A.W.]" since March 1, 2008, Father replied, "No, I haven't." Tr. Vol. 2 p. 49. He went on to acknowledge that S.A.W. had been removed for approximately three years but acknowledged he had been trying to "get [his] life together" and stated that it had "been a hard row for [him]." *Id.* at 50.

A thorough review of the record leaves us convinced that the trial court's determination that there is a reasonable probability the conditions resulting in S.A.W.'s removal from Mother's and Father's care will not be remedied is supported by ample evidence. As previously stated, 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 the parent's *habitual patterns of conduct* to determine the probability of future neglect or deprivation of the child. *D.D.*, 804 N.E.2d at 266 (emphasis supplied). In the present case, the trial court had the responsibility of judging Mother's and Father's credibility and of weighing their testimony of changed conditions against the abundant evidence demonstrating Mother's and Father's habitual pattern of neglectful conduct in failing to refrain from criminal activity, in failing to provide S.A.W. with a consistently stable home environment, and in refusing to successfully complete court-ordered services designed to remedy any parenting deficiencies and facilitate reunification. It is clear from the language of the judgment 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 to and in fact gave more weight to abundant evidence of mother's pattern of conduct in neglecting her children during several years prior to the termination hearing than to mother's testimony that she had changed her life to better accommodate the children's needs). The parents' arguments on appeal amount to an invitation to reweigh the evidence, and this we may not do. *D.D.*, 804 N.E.2d at 264; s*ee also In re L.V.N.*, 799 N.E.2d 63, 68-71 (Ind. Ct. App. 2003) (concluding that mother's argument that conditions had changed and that she was now drug-free constituted an impermissible invitation to reweigh the evidence).

B. Best Interests

Next, we turn to Mother's and Father's assertions that the ACDCS failed to prove

that termination of their respective parental rights is in S.A.W.'s best interests. We are ever mindful that, when determining what is in a child's best interests, a trial court is required to look beyond the factors identified by the Indiana Department of Child Services and to look to the totality of the evidence. *McBride v. Monroe County Office of Family & Children*, 798 N.E.2d 185, 203 (Ind. Ct. App. 2003). In so doing, however, the court must subordinate the interests of the parent to those of the child. *Id.* Moreover, we have previously explained that recommendations from the case manager and child advocate that parental rights should be terminated support a finding that termination is in the child's best interests. *Id.*

Here, in finding that termination of Mother's and Father's parental rights is in S.A.W.'s best interests, the trial court found as follows:

> 22. The Guardian [a]d Litem reports that termination is in [S.A.W.'s] best interests. In support of her conclusion, the Guardian ad Litem [indicated] that [S.A.W.] has been placed outside the care of the parents for almost three years. [S.A.W.] is in need of permanency. The parents have had ample opportunity to complete services and have failed to do so. [S.A.W.] has spent the majority of her life in foster care.

Appellant-Father's App. p. 10. The trial court thereafter concluded as follows:

> 4. . . . In this case[,] the Guardian ad Litem has concluded that termination of the parent-child relationship is in [S.A.W.'s] best interests. The parent[s'] aforementioned historic pattern of criminal behaviors would suggest that placement in [the parents'] care is contrary to [S.A.W.'s] welfare. [S.A.W.] has spent approximately three fourths (3/4^{ths}) of her life waiting for the parents to stabilize and provide for her care. They still have not completed all of the services required under the decree and they have not provided for her support. They have not maintained or re-established a relationship with her. Through adoption[,] [S.A.W.] would be afforded a safe[,] permanent placement. Termination is in [S.A.W.'s] best interests.

Id. at 10-11.

The record reveals that, in recommending termination of Mother's and Father's parental rights, case manager Weeks testified that S.A.W. is "doing well" in her current foster placement, that she is "very talkative" and "outgoing" and does not have any health concerns. Tr. Vol. 2 p. 59. When asked if she believed that termination of the Mother's and Father's parental rights was in S.A.W.'s best interests, Weeks responded affirmatively and further stated that the parents' "lack of contact" caused her concern because it showed a "general lack of interest in [S.A.W.] and her care." *Id.* at 70.

Guardian ad Litem Roberta Renbarger also recommended termination of both parent's parental rights to S.A.W. In so doing, Renbarger stated:

> I've been involved in this case since the beginning. In fact, I think it's three years today, so [S.A.W. has been in placement for more of her life than she's been with either of her parents. during this three[-]year period, the parents have had ample opportunity to get their act together . . . [and] complete the services and be reunited with [S.A.W.] I'm just of the opinion that they haven't gotten there and three years is long enough for her to wait. [S.A.W.] needs permanency.

Tr. Vol. 3 pp. 5-6.

A court need not wait until a child is irreversibly influenced by a deficient lifestyle such that his or her physical, mental, and social growth is permanently impaired before terminating the parent-child relationship. *In re E.S.*, 762 N.E.2d 1287 (Ind. Ct. App. 2002). Based on the totality of the evidence, including Mother's and Father's failure to successfully complete a majority of the trial court's dispositional goals despite having almost three years and a wealth of services available to them to do so, the parents' extensive criminal histories and current inability to demonstrate they are capable of

providing S.A.W. with a safe and stable home environment, as well as Weeks' and Renbarger's testimony recommending against reunification, we conclude that the trial court's finding that termination is in S.A.W.'s best interests is supported by the evidence. This finding further supports its ultimate decision to terminate Mother's and Father's parental rights.

We reverse a termination of parental rights '"only upon a showing of "clear error" – that which leaves us with a definite and firm conviction that a mistake has been made.'" *Matter of A.N.J.*, 690 N.E.2d 716, 722 (Ind. Ct. App. 1997) (*quoting Egly v. Blackford County Dep't of Pub. Welfare*, 592 N.E.2d 1232, 1235 (Ind. 1992)). We find no such error here.

The judgment of the trial court is affirmed.

BAILEY, J., and VAIDIK, J., concur.