MEMORANDUM DECISION

ATTORNEY FOR APPELLANT

Andrew R. Rutz
New Albany, Indiana

ATTORNEYS FOR APPELLEE

Theodore E. Rokita
Attorney General of Indiana

Frances H. Barrow
Supervising Deputy Attorney General

Marjorie Lawyer-Smith
Deputy Attorney General
Indianapolis, Indiana

IN THE COURT OF APPEALS OF INDIANA

In the Matter of the Involuntary Termination of the Parent-Child Relationship of:

C.N. and L.N. (Minor Children),

and

A.R. f.k.a. A.N.(Mother),

*Appellant*s-*Respondents,*

v.

December 11, 2023

Court of Appeals Case No. 23A-JT-1542

Appeal from the Floyd Circuit Court

The Honorable Justin B. Brown, Judge

Trial Court Cause Nos. 22C01-2212-JT-654
22C01-2212-JT-655

Indiana Department of Child Services,
Appellee-Petitioner.

Memorandum Decision by Judge Bailey
Judges May and Felix concur.

Bailey, Judge.

Case Summary

[1] A.R. ("Mother") appeals the trial court's order terminating her parental rights over her minor children, C.N. and L.N. (the "Children").[1] We affirm.

Issues

[2] Mother raises three issues for our review, which we revise and restate as follows:

1. Whether certain findings of fact by the trial court are supported by the evidence.

[1] The court also terminated the parental rights of the Children's father, but he does not participate in this appeal.

2. Whether the court clearly erred when it terminated her parental rights.

3. Whether the court violated Mother's due process rights when it suspended her parenting time.

Facts and Procedural History

[3] Mother and J.N. ("Father") are the parents of L.N., born April 11, 2007, and C.N., born June 24, 2009. They also have an adult daughter together. In 2012, allegations came about that both Mother and Father had abused the Children. As a result, in December, the Children were placed with a guardian under a guardianship order. Then, in 2013, the Commonwealth of Kentucky charged both Mother and Father with two counts of sexual abuse in the first degree against a child under the age of twelve and two counts of criminal abuse in the first degree against a child under the age of twelve based on the alleged acts that had occurred against the Children. *See* Ex. at 35-36, 41-42. In October 2016, Mother and Father each pleaded guilty to the two charges of criminal abuse, and the charges of sexual abuse were dismissed.

[4] On June 17, 2020, the Indiana Department of Child Services ("DCS") received a report that the Children had been victims of neglect. Specifically, the Children's guardian reported to DCS that he no longer wished to have custody of the Children, and he requested that DCS take the Children. DCS Family Case Manager ("FCM") Nathan Keller investigated the report and determined that the Children had been abandoned. DCS detained the Children on the same day.

[5] On June 18, DCS filed petitions alleging that the Children were Children in Need of Services ("CHINS").[2] In the petitions, DCS alleged that, due to the abandonment, the Children were faced with a "substantial risk of neglect and/or abuse." *Id.* at 28. DCS also alleged that "Mother and Father have not had any significant involvement with [the Children] in approximately eight (8) years" and that "Mother and Father are unwilling, unable, or otherwise incapable of providing for [the Children's] reasonable needs at this time in a manner that does not expose [the Children] to substantial risk of neglect and/or abuse." *Id.*

[6] FCM Keller subsequently contacted Mother. Mother acknowledged that she "hadn't seen the kids in eight years." Tr. at 11. Mother further stated that she believed that there was an emergency protective order between her and the Children and that she was not allowed to see them. However, during his investigation, FCM Keller learned that neither Kentucky nor Indiana had any record of a protective order against Mother.

[7] On September 14, the court adjudicated the Children to be CHINS. At some point, Mother completed a parenting assessment. On September 30, DCS filed a motion to suspend parental visitation due to Mother's and Father's criminal histories and the fact that they had not seen the Children in eight years. DCS alleged that the "actions of Mother and Father cause[d] significant trauma to

---

[2] DCS filed a separate petition as to each of the Children, but both petitions included nearly identical allegations.

the [C]hildren" and that "[f]orcing the [C]hildren to interact with Mother and Father would pose [a] grave risk of immeasurable harm" to the Children. Ex. at 33. In support of that motion, DCS presented Mother's and Father's criminal records from Kentucky. The court granted the order on the same day.

[8] Then, on December 7, DCS filed a motion to require no reasonable efforts to reunify the Children with Mother and Father based on Mother's and Father's long absences from the Children's lives and their past abuse against the Children. On February 22, 2022, the court ordered that DCS had "no legal obligation . . . to make reasonable efforts to reunify or preserve the family relationship" between the Children and Mother. *Id*. at 77. Based on that order, the court did not hold a dispositional hearing or enter a dispositional decree. Following the court's entry of that order, Mother did not participate in any services or ask for any referrals. Thereafter, on June 24, DCS changed the permanency plan for the Children to adoption.

[9] On December 1, 2022, DCS filed petitions to terminate Mother's parental rights as to the Children. The court held a hearing on DCS' petitions on May 8, 2023. During the hearing, FCM Keller testified that the Children had "a lot of emotional issues" and "a lot of behavior issues[.]" Tr. at 13. Specifically, FCM Keller testified that, when L.N. was first removed, she struggled with depression and self-harming; she had once "tried to overdose on her medication," which resulted in a two-night hospital stay; and she had "cut herself all up and down her forearm" on another occasion, which resulted in a nine-month stay in a residential treatment facility. *Id*. at 17, 19. FCM Keller

also testified that L.N.'s behaviors related to concerns about "going back home" and that he was "fearful" that L.N. would "try and do something like this again" if the court "were to send her back home." *Id.* at 18. FCM Keller also testified that L.N. has "gotten much better," but that she needs "somebody who's patient, somebody who's trauma informed, somebody who's going to be consistent and permanent, caring, [and] willing to listen to her needs" to care for her. *Id.* at 19-20. And he testified that Mother is not "able to provide her with that." *Id.* at 20.

[10] FCM Keller then testified that C.N. has "struggled with violent behaviors," including having made a "plausible bomb threat" to his school and having "pulled knives" on other foster children. *Id.* at 21. But FCM Keller testified that C.N. is now "a lot more willing to . . . participate in services" and that he needs someone who is "trauma informed" to care for him. *Id.* FCM Keller testified that, if C.N. returns to his "natural family," his behaviors "will escalate and get worse." *Id.* FCM Keller also testified that C.N.'s "past trauma" led to the "violent behaviors and threats[.]" *Id.* at 22. And FCM Keller testified that Mother is not able to provide C.N. with the home he needs.

[11] FCM Keller further testified that the Children had made "tremendous progress" with both their mental health and their behavioral health. *Id.* at 15. But he testified that it would be "detrimental to the kids" to reintroduce them to Mother. *Id.* He also testified that the Children would "relearn all the trauma." *Id.* at 24. And, while FCM Keller acknowledged that Mother had completed a parenting assessment at the beginning of the CHINS case, he testified that

Mother had not provided him with "any credible evidence that [she was] doing what [she] needed to be doing." *Id*. at 16, 26. He then testified that termination of the parental rights was in the Children's best interests.

[12] The Children's Court-Appointed Special Advocate ("CASA") testified that there were "quite a bit of behavior issues" with the Children and that both Children have "an uncertainly of their future." *Id*. at 48-49. The CASA also testified that L.N. had mentioned "several times" that "she wished her mom would just give up so that she can move on[.]" *Id*. at 49. The CASA further testified that both Children had made improvements and that there would be a "negative effect" if the Children were reintroduced to Mother. The CASA continued that the Children "do not want to go back with Mom," that reunification would be "detrimental" to the Children, and that they would "regress" in their behaviors if they were returned to Mother. *Id*. at 51. And the CASA testified that termination of Mother's parental rights was in the Children's best interests.

[13] Mother also testified at the hearing. Specifically, Mother testified that her older daughter lives with her, that her older daughter had also sustained trauma in the past, and that she provides for all of the older daughter's needs. Mother further testified that she had asked for visitation with the Children numerous times but that she "didn't keep bugging for visitation" after DCS filed the motion to suspend visits. *Id*. at 61. And she testified that she believed that, following the criminal charges, there was a no contact order in place that

prevented her from seeing the Children and that she only learned that there was not a no contact order in June 2020.

[14] Following the hearing, the court found that both Children "faced significant emotional, behavioral, and mental health issues" throughout the case and that the "trauma and instability they faced led to dangerous and volatile behaviors for both children[.]" Appellant's App. Vol. 2 at 59. The court also found that, despite the issues they had faced, the Children "have made substantial progress in their emotional and mental health" and that "to reintroduce parents back into their lives after eleven years would threaten to undo all the work that they have put into bettering themselves." *Id.* at 61. The court then concluded that there is a reasonable probability that the conditions that resulted in the Children's removal and continued placement outside the home will not be remedied by Mother, that there is a reasonable probability that the continuation of the parent-child relationship between the Children and Mother poses a threat to the Children, that termination of Mother's parental rights is in the Children's best interests, and that there is a satisfactory plan for the care and treatment of Children. Accordingly, the court terminated Mother's parental rights as to the Children. This appeal ensued.

Discussion and Decision

Standard of Review

[15] Mother challenges the trial court's termination of her parental rights over the Children. We begin our review of this issue by acknowledging that "[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." *Bailey v. Tippecanoe Div. of Fam. & Child. (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. *Schultz v. Porter Cnty. Off. of Fam. & Child. (In re K.S.),* 750 N.E.2d 832, 837 (Ind. Ct. App. 2001). 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.

[16] When reviewing a termination of parental rights, we will not reweigh the evidence or judge the credibility of the witnesses. *Peterson v. Marion Cnty. Off. of Fam. & Child. (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 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. *Judy S. v. Noble Cnty. Off. of Fam. & Child. (In re L.S.),* 717 N.E.2d 204, 208 (Ind. Ct. App. 1999), *trans. denied*.

Issue One: Findings of Fact

[17] Mother first contends that the trial court erred when it terminated her parental rights because several of the court's findings are not supported by the evidence. Here, in terminating Mother's parental rights, the trial court entered findings of fact and conclusions thereon. When a trial court's judgment contains special findings and conclusions, we apply a two-tiered standard of review. *Bester v. Lake Cnty. Off. of Fam. & Child.*, 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). If the evidence and inferences support the trial court's decision, we must affirm. *In re L.S.*, 717 N.E.2d at 208. On appeal, Mother specifically challenges findings number 30, 33, 34, 39, 40, 43, and 50.[3] We address each argument in turn.

Findings Number 30 and 33

[18] Mother first challenges the trial court's findings number 30 and 33. In finding number 30, the court found: "L.N. needs a caregiver that is, among other things, patient, trauma informed, consistent, and understanding of her

[3] Mother also purports to challenge finding number 51, but she does not make any argument regarding that finding.

emotional needs. Neither Mother nor Father has shown that they could provide her with the home environment she needs." Appellant's App. Vol. 2 at 60. And, in finding number 33, the court similarly found: "C.N. needs a caregiver that is understanding and informed on how to manage his behaviors, provides a consistent home, and is able to be trusted and patient with him. Neither Mother nor Father has shown that they could provide him with the home environment he needs." *Id*.

[19] On appeal, Mother asserts that the court erred when it entered those findings because she had "demonstrated" the ability to care for Children by "raising another traumatized child[.]" Appellant's Br. at 18. According to Mother, the fact that she raised the Children's older sibling, who had similar trauma from her past, shows that she is "'consistent,' 'patient,' 'trauma informed,'" and capable of understanding emotional needs." *Id*.

[20] However, Mother's arguments are simply requests that we reweigh the evidence and credit her testimony over that of the FCM, which we cannot do. FCM Keller testified that L.N. needs a caregiver that is "patient," "trauma-informed," "consistent and permanent," "caring," and "willing to listen to her needs." Tr. at 20. And FCM Keller testified that Mother was not "able to provide her with that." *Id*. Similarly, FCM Keller testified that C.N. needs a caregiver who "understands what kids do . . . when they've endured trauma, why they do things, how to correct them. Somebody who's willing to actually participate in all the services that's going to help him." *Id*. at 22. And FCM Keller testified that Mother could not provide him "with the home and home

environment" he needs. *Id*. at 23. Based on FCM Keller's testimony, a reasonable fact-finder could readily conclude that Children need a caregiver who could provide things that Mother was not able to provide. Findings number 30 and 33 are supported by the evidence.

Findings Number 34

[21] Mother next challenges the court's finding number 34, in which the court found:

> Even assuming, *arguendo*, that Mother and/or Father were able to provide the type of home environment that L.N. and C.N. need (which the Court does not believe that they can), their failure to take any steps to adequately address the issues which predicated state involvement in both Kentucky and Indiana, issues which continue to plague the children, is inhibitive to reunification.

Appellant's App. Vol. 2 at 60 (emphasis in original).

[22] Mother contends that that finding is unsupported by the evidence because she testified that she "did, in fact, take steps to become involved in the Childrens' lives" when she asked for visitation prior to the court's order suspending visitation. Appellant's Br. at 19. And she contends that she stopped reaching out to the Children "because DCS imposed, via a motion granted by the trial court, an order suspending contact between Mother and Children." *Id*. at 18. And Mother contends that this order by the trial court to suspend visitation "amounted to a *de facto* no contact order" that prevented Mother "from

therapeutic visits or any contact with the Children that would arguably be necessary to heal the broken relationship between Mother and Children and further reunification." *Id*. at 19.

[23] However, the evidence most favorable to the judgment demonstrates that Mother was convicted of having abused the Children, which conviction led to the Children being placed with a guardian. Then, following that placement, Mother had no contact at all with the Children for eight years. It was only after DCS became involved that Mother completed a parenting assessment. But Mother did not complete any other services or take any action on her own to improve her parentings skills or learn how to best support the Children's specific needs. Indeed, even by Mother's own admission, she did not take any action to confirm whether there was a protective order in place.

[24] We acknowledge that, during the proceedings, DCS obtained an order from the trial court that it was not required to take reasonable efforts toward reunification. But nothing about that order prevented Mother from taking any action toward being better able to parent the Children. A reasonable fact-finder could infer from the evidence that Mother had not taken any steps to address the issues that led to Children's removal and continued placement outside her home. Finding number 34 is supported by the evidence.

Findings Number 39, 40, and 43

[25] Mother next challenges the court's findings number 39, 40, and 43. In finding number 39, the court found: "Prior to the opening of the DCS case, both

parents had opportunities to reengage in their children's lives, but both parents failed to do so." Appellant's App. Vol. 2 at 61. In finding number 40, the court found:

> While DCS was not required to make reasonable efforts to reunify the children with their parents, neither parent attempted to take an active role in either child's behavioral or mental health. Neither parent routinely reached out to FCM Keller to learn about the children or to understand the struggles they were facing. Furthermore, at the time of the Termination hearing, neither parent could show that they have learned, or attempted to learn, the skills necessary to parent children with these specific issues.

Id. And, in finding number 43, the court found that neither "parent has provided emotional or financial support for the children for eleven years." *Id*. at 62.

[26] Mother contends that those findings "share a common theme: Mother's alleged indifference." Appellant's Br. at 20. However, Mother contends that her "alleged indifference is based upon her failure to reach out to FCM Keller," but that the court's decision to bar contact "between the Mother and the Children ha[d] an immeasurable chilling effect upon the level of involvement in which Mother can engage with her Children." *Id*. And Mother contends that "she completed a parenting assessment and acquired a certificate." *Id*.

[27] However, the evidence demonstrates that, following the criminal allegations against Mother, she did not see the Children for eight years while they were under a guardianship. Then, once DCS became involved, the only service

Mother completed was one parenting assessment. FCM Keller testified that Mother did not present him with "any proof of participation or completion of any sort of services" that she had done outside of a DCS referral. Tr. at 16. And, again, FCM Keller testified that Mother was not capable of providing the Children with the home or support that they need. Ultimately, by the time of the fact-finding hearing, Mother had neither seen the Children in eleven years nor taken any steps beyond one parenting assessment to show that she was capable of handling the Children and their trauma. Accordingly, findings number 39, 40, and 43 are supported by the evidence.

Finding Number 50

[28] Mother also challenges the court's finding number 50, in which the court found: "There is a reasonable probability that the conditions which resulted in the children's removal will not be remedied." Appellant's App. Vol. 2 at 62. Mother contends that the "event that triggered state intervention was the guardian's inability to care for the Children" and that she presented testimony that "she lived on 14 acres with a home containing enough space and amenities to care for the Children" and that she had a "willingness to care for the Children." Appellant's Br. at 19-20.

[29] Mother is correct that the event that triggered DCS involvement was the guardian reporting that he could no longer care for the Children. But the reason the Children remained out of Mother's care was because she had perpetrated abuse on them and had not seen them for eight years. And as a

direct result of Mother's actions, the Children sustained serious and lasting trauma. Indeed, L.N. exhibited self-harming behaviors, and C.N. had violent tendencies. As outlined above, Mother has not shown that she is capable of parenting the Children and providing for their specific needs, which needs are a direct result of the trauma that they sustained from Mother. Finding number 50 is supported by the evidence.

[30] The findings of fact challenged by Mother are supported by the evidence. Mother's arguments on appeal are simply requests that we reweigh the evidence, which we cannot do.

Issue Two: Termination of Parental Rights

[31] Mother next contends that the court clearly erred when it terminated her parental rights as to Children. Before an involuntary termination of parental rights can occur in Indiana, DCS is required to allege and prove:

> (B) that one (1) of the following is true:
>
> > (i) There is a reasonable probability that the conditions that resulted in the child's removal or the reasons for placement outside the home of the parents will not be remedied.
> >
> > (ii) There is a reasonable probability that the continuation of the parent-child relationship poses a threat to the well-being of the child.
>
> * * *

(C) that termination is in the best interests of the child; and

(D) that there is a satisfactory plan for the care and treatment of the child.

Ind. Code § 31-35-2-4(b)(2) (2023). DCS's "burden of proof in termination of parental rights cases is one of 'clear and convincing evidence.'" *R.Y. v. Ind. Dep't of Child Servs. (In re G.Y.),* 904 N.E.2d 1257, 1260-61 (Ind. 2009) (quoting I.C. § 31-37-14-2).

[32] Here, the court concluded that there "is a reasonable probability that the conditions which resulted in [the Children's] removal and continued placement outside the home will not be remedied" by Mother and that "there is a reasonable probability that the continuation of the parent-child relationships between the [Children] and Mother . . . poses a threat to [the Children's] well-being." Appellant's App. Vol. 2 at 67. The court also found that the termination of the parent-child relationship was in the Children's best interests. On appeal, Mother only challenges the court's "remedy" conclusion.[4] Because Indiana Code Section 31-35-2-4(b)(2)(B) is written in the disjunctive, the trial court need only find that one of the requirements of that subsection has been

[4] In the first sentence of this issue, Mother purports to challenge conclusions number 12 (the conditions that resulted in L.N.'s removal will not be remedied), 13 (the conditions that resulted in C.N.'s removal will not be remedied), and 16 (termination of the parental rights is in the Children's best interests). However, Mother only makes an argument regarding conclusions number 12 and 13. *See* Appellant's Br. at 20-21. Because she has failed to make a cogent argument regarding conclusion number 16, she has waived it for our review. Waiver notwithstanding, both FCM Keller and the Children's CASA testified that termination of Mother's parental rights is in the Children's best interests. Accordingly, the facts support the findings, and the findings support the court's conclusion that termination is in the best interests of the Children.

established by clear and convincing evidence. *See S.K., Sr. v. Ind. Dep't of Child Servs. (In re S.K)*, 124 N.E.3d 1225, 1233 (Ind. Ct. App. 2019). Because Mother failed to challenge the "threat" prong of that subsection, she has waived our review regarding the court's conclusion on either prong. Waiver notwithstanding, we address the merits of Mother's contention that the court erred when it concluded that the conditions that resulted in the Children's removal or continued placement outside of her home will not be remedied.

[33] To determine whether there is a reasonable probability that the reasons for Children's continued placement outside of Mother's home will not be remedied, the trial court should judge Mother's fitness to care for the Children at the time of the termination hearing, taking into consideration evidence of changed conditions. *See E.M. v. Ind. Dep't of Child Servs. (In re E.M.)*, 4 N.E.3d 636, 643 (Ind. 2014). 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[ren]." *Moore v. Jasper Cnty. Dep't of Child Servs.*, 894 N.E.2d 218, 226 (Ind. Ct. App. 2008) (quotations and citations omitted). 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. *Id*. Moreover, DCS is not required to rule out all possibilities of change; rather, it need establish only that there is a reasonable probability the parent's behavior will not change. *Id*.

[34] On appeal, the entirety of Mother's argument is as follows: "As argued above, Mother's testimony rebuts the findings, and the conclusions of law, that circumstances giving rise to state intervention will continue or are insoluble. These conclusions of law are incorrect because the findings upon which they are based are incorrect." Appellant's Br. at 21. In other words, Mother simply contends that her own testimony rebuts the court's findings and that the findings do not support the court's conclusion. We cannot agree.

[35] Here, the trial court found, and the evidence supports, that Mother pleaded guilty to two counts of first-degree child abuse based on actions she had taken against the Children. As a direct result of Mother's abuse, the Children were placed under a guardianship order and had no contact with Mother for eight years. Further, as a result of the trauma the Children sustained because of Mother's abuse, they both had emotional and behavioral issues. In particular, L.N. harmed herself, and C.N. was violent toward others. When the Children's guardian no longer wished to care for the Children, DCS became involved. At that point, Mother completed a parenting assessment. However, Mother did not take any other steps toward learning about how to care for the Children and their specific needs. And FCM Keller testified that Mother had not shown that she was capable of providing the Children with a home environment that they required.

[36] We again acknowledge that DCS obtained an order that it was not required to take reasonable steps to reunify the family. But there was nothing to stop Mother from requesting services or participating on her own to learn about the

Children's needs or how to handle them. Simply put, Mother has not demonstrated any willingness or ability to the parent the Children. Mother's argument on appeal is a request that we reweigh the evidence, which we cannot do. Based on the totality of the circumstances, we hold that the trial court's findings support its conclusion that there is a reasonable probability that the conditions that resulted in the Children's removal and the reasons for their continued placement outside of Mother's home will not be remedied.

Issue Three: Suspension of Parenting Time

[37] Finally, Mother contends that the court erred when it suspended her parenting time. Mother's entire argument on this issue is as follows:

> The trial court suspended Mother's visitation with the Children. This suspension subjugated [M]other's "long recognized" and "precious privilege" of non-custodial reasonable visitation to an indefinite and inflexible court order. *Perkinson v. Perkinson*, 989 N.E.2d 758, 762 Ind. 2013) *quoting Duncan v. Duncan*, 843 N.E.2d 966, 969 (Ind. Ct. App. 2006), *see also In re. D.D.*, 804 N.E.2d 258, 264 (Ind. Ct. app. 2004), *trans. denied* (standing for the proposition that the Fourteenth Amendment enshrines a parent's right to establish a home and raise her children.) An unreasonable amount of time passed while Mother made some good faith efforts, as discussed above, to re-engage with the Children – i.e., taking an online parenting class, raising the Childrens' traumatized sibling, and reaching out to the FCM regarding visitation. After the unreasonable passage of time the suspension became a *de facto* no contact order that was inherently in violation of the court order to pursue reunification, invalidating the proceedings and violating due process. *Id*.

Appellant's Br. at 21 (citations to the record omitted). Stated differently, Mother contends that the court violated her due process rights when it suspended her visits because that order contradicted the stated goal of reunification in the CHINS proceedings.

[38] Mother is correct that the "traditional rights of parents to establish a home and raise their children is protected by the Fourteenth Amendment of the United States Constitution." *Peterson v. Marion Cnty. Off. of Fam. and Child. (In re D.D.)*, 804 N.E.2d 258, 264 (Ind. Ct. App. 2004). However, those parental interests "are not absolute" and they "must be subordinated to the child's interests[.]" *Id*. Here, while the initial goal of the CHINS case was reunification, DCS moved to suspend Mother's visitation based on her criminal history and because she had not seen the Children in eight years. Indeed, Mother pleaded guilty to two counts of criminal abuse against the Children, which abuse caused the Children lasting trauma. And DCS alleged that forcing the Children to interact with Mother risked causing even more harm to the Children. The court correctly subordinated Mother's interests to those of the Children when it suspended Mother's visits to prevent any further harm to the Children.

[39] Further, even though the court suspended Mother's visits, nothing prevented Mother from taking other steps to work toward the initial goal of reunification. Indeed, Mother could have requested services, participated in therapy, or otherwise educated herself about the Children's trauma and how to handle it. But other than a parenting assessment at the beginning of the CHINS proceedings, Mother did not avail herself of any service or take any steps to

better able herself to parent the Children she had harmed. As such, we cannot say that the court violated Mother's due process rights or otherwise erred when it suspended her visits with the Children.

Conclusion.

[40] The evidence supports the trial court's findings. Further, the trial court did not clearly err when it terminated Mother's parental rights. And the court did not violate Mother's due process rights when it suspended her visits with the Children. We therefore affirm the trial court's order.

[41] Affirmed.

May, J., and Felix, J., concur.