MEMORANDUM DECISION

IN THE

Court of Appeals of Indiana

In the Termination of the Parent-Child Relationship of:
C.J. and E.J. (Minor Children),
and
C.C. (Mother),
Appellant-Respondent

v.

The Indiana Department of Child Services,
Appellee-Petitioner

May 6, 2024

Court of Appeals Case No.
23A-JT-2438

Appeal from the Madison Circuit Court

The Honorable Stephen J. Koester, Judge

The Honorable T. Grey Chandler, Magistrate

Trial Court Cause Nos.
48C02-2304-JT-115
48C02-2304-JT-116

Memorandum Decision by Judge Riley
Judges Brown and Foley concur.

Riley, Judge.

STATEMENT OF THE CASE

[1] Appellant-Respondent, C.C. (Mother), appeals the trial court's Order, terminating her parental rights to the minor children, E.J. and C.J. (collectively, Children).

[2] We affirm.

ISSUE

[3] Mother presents this court with two issues, which we consolidate and restate as follows: Whether the trial court's Order terminating her parental rights to Children is clearly erroneous.

FACTS AND PROCEDURAL HISTORY

[4] Mother is the biological parent of E.J., born on July 13, 2006, and C.J., born on August 18, 2008.[1] On November 5, 2016, the Indiana Department of Child Services (DCS) became involved with this family while investigating a report that Mother had locked E.J. and two of his older minor siblings in the basement, leaving them without access to a bathroom, water, food, or a phone while Mother and her husband (Stepfather) left the home; that Mother locked C.J., who has cystic fibrosis which requires monitoring by an adult, in her bedroom apart from her siblings, also without access to a bathroom, water, food, or a phone; that one of Children's siblings had traveled eight miles by himself to a hotel in another county to avoid being locked in the basement; and that Mother knew that the sibling had been gone for six hours but did not file a missing person's report. After an investigation, Children and Children's siblings were removed from Mother's care. C.J. was placed in the hospital immediately upon her removal from Mother's care.

[5] On November 8, 2016, DCS filed petitions seeking to have E.J. and C.J. adjudicated as children in need of services (CHINS). On November 23, 2016, Mother admitted that she had not supervised Children appropriately, and the trial court found that Children were CHINS. On December 20, 2016, the trial court entered its CHINS dispositional orders directing Mother to participate in

[1] Father's parental rights to Children were terminated on May 24, 2021. Father does not participate in this appeal.

reunification services, including weekly contact with DCS, home-based counseling as recommended, a psychological assessment and recommended treatment, prescription management, supervised visitation, family counseling, individual counseling, and a psycho-parenting evaluation.

[6] In February 2017, Mother completed a psychological assessment and was diagnosed with, among other things, major depressive disorder with psychotic features, other specified anxiety disorder, unspecified personality disorder with avoidant, schizoid, paranoid, and dependent features, borderline intellectual functioning, and parent-child relational problem. The evaluator noted that Mother was evasive in her responses to questions, making it difficult for the assessors to "assist the family in resolving their underlying issues." (Mother's Exh. Vol. p. 53). The assessment resulted in recommendations for three forms of intensive individual therapy, a psychiatric evaluation with medication management, hands-on parenting education, a zero-tolerance policy for physical discipline, ongoing home-based case management, and vocational training. The assessor concluded that reunification should not occur until Mother had continued compliance with the aforementioned recommendations, developed the parenting skills to ensure Children's safety, gained insight into her character, eliminated all incidents of domestic violence, and learned how to routinely manage a budget. Visitation was to continue to be supervised. An April 2017 periodic review noted that Mother participated in home-based case management, supervised visitation, individual therapy, and medication management. Her progress in case management was slow, and DCS observed

that Mother "may not fully grasp the reasons behind her children's feelings and behaviors." (Mother's Exh. Vol. p. 54). Children had reported suffering abuse and neglect in the home, primarily by Stepfather. Mother showed little interest in these reports. DCS observed that Mother had not enhanced her parenting abilities and that further work was needed for Mother to internalize healthy parenting skills. Through much of the remainder of 2017, Mother complied with home-based services, and she had unsupervised visitation with Children. Mother also attended DCS family/team meetings.

[7] On January 5, 2018, a trial home visit began for Children in Mother's home. This trial home visit was extended in April 2018, although DCS reported that Mother had not fully completed the goals of her case plan. On May 11, 2018, the trial home visit ended when Mother was arrested and subsequently charged with four Counts of Level 6 felony neglect of a dependent based on allegations that Mother had left Children without adult supervision. A no-contact order was entered in Mother's criminal case barring her from contact with Children. Mother subsequently pleaded guilty to the charges. After her arrest, Mother continued to engage in home-based case management and drug screens, with reunification still being Children's permanency plan; however, by the spring of 2019, Mother had lost her job, which also affected her housing stability. On July 23, 2019, Mother was sentenced to two years of probation, and the no-contact order was continued. Mother subsequently lost her housing and stopped engaging in any DCS services. By October of 2019, Children's permanency plan was amended to add a concurrent plan of legal guardianship.

Almost a year later, on September 2, 2020, the no-contact order was still in place, and Children's permanency plan was changed to a concurrent plan of adoption. Despite DCS's offer to help Mother seek modification of the no-contact order so that she could have supervised visits with Children, Mother never filed the modification request.

[8] On a date which is unclear from the record, DCS filed its first set of petitions seeking to terminate Mother's parental rights to Children. On May 11, 2021, Mother executed consents for Children's adoptions.[2] DCS elected not to pursue its termination petitions as to Mother because she had executed the adoption consents. In August 2021, Mother completed her probation in the neglect case, and the no-contact order was dismissed.

[9] The adoptions contemplated by DCS when Mother executed her consents never came to fruition. E.J. had reported being sexually abused by a sibling and having witnessed Stepfather rape a sibling. E.J. was twice accused of inappropriate sexual interaction with other children. After his removal from Mother's care, E.J. was placed in multiple relative, foster, and residential treatment placements. E.J., who turned seventeen years old in July 2023, developed little interest in obtaining a driver's license, a job, or any other forms of preparation for adulthood. After C.J.'s removal from Mother's care, she received care for her untreated cystic fibrosis. C.J. has been diagnosed with

[2] Copies of these consents are not part of the record on appeal.

PTSD. Like E.J., C.J. had been in multiple placements, many of which were disrupted by her behavioral issues such as having a poor attitude and running away. Some of these behaviors occurred in response to C.J.'s contact with Mother. On one occasion, in response to Mother unexpectedly calling C.J., the child locked herself in a room. Throughout the life of the CHINS proceedings, DCS was unsuccessful at finding a lasting, pre-adoptive home for either E.J. or C.J.

[10] In another attempt to find permanency for Children, in late 2022 or early 2023, DCS's family case manager (FCM) contacted Mother about re-engaging in DCS services. Mother participated in home-based services and individual therapy and did well. FCM attempted to arrange for Children to have therapeutic visitation, an online meeting, or a telephone call with Mother. Children refused to have any contact with Mother. The CHINS court apparently issued an order that Children could decide whether to have contact with Mother.[3]

[11] Reunification with Mother did not occur. DCS went forward with adoption efforts and determined that it would expand the search for pe-adoptive homes for Children outside of Indiana. However, even though Mother had already executed consents for Children's adoption, the severance of Mother's parental

[3] A copy of this order is not in the record on appeal. The parties appear to agree that, after Mother had executed the adoption consents and DCS had re-engaged with Mother, the trial court allowed Children to decide whether they would visit with Mother.

rights was necessary before Children could participate in the federal adoption program. To that end, on April 21, 2023, DCS filed petitions to terminate Mother's parental rights to Children.

[12] On July 3, 2023, the trial court held a hearing on DCS's petitions. FCM testified that DCS had exhausted every avenue available in the effort to return Children to Mother safely. At the time of the hearing, E.J. was not in a pre-adoptive placement, but C.J. was in a pre-adoptive home with a sibling. FCM explained that Children are "high needs" and that there were adoption services that would not be available to them unless Mother's parental rights were terminated. (Transcript p. 30). FCM testified that termination was in Children's best interests, as Children needed permanency, and every day without it was harmful to them. On cross-examination, FCM agreed with Mother that she had done everything that DCS had asked her to do. Children's court appointed special advocate (CASA) reported that Children were both doing well in their respective placements. Both of Children's siblings had reached the age of eighteen and were in collaborative care. CASA observed that E.J. just wanted to be part of a family. E.J. was aware that Mother had recently re-engaged in DCS services. At one point, E.J. had expressed a desire to contact Mother because "he had a few things he needed to say to get off his chest[,]" but after engaging in therapy, he felt he no longer needed that contact. (Tr. p. 63). According to CASA, C.J. still struggled with the past, and C.J. became angry when CASA had recently broached the subject of the possibility of reunification with Mother. From July 2022 to December 2022, Mother

contacted CASA on a weekly basis but never inquired about visiting Children. Mother had procured housing in February 2023 and was supporting herself though a social security benefit. Mother did not know whether Children were eligible for any social security benefits. Mother testified that E.J. should be adopted if he wanted to be and that C.J. should not be forced to reunify with her if she did not desire to do so.

[13] On September 14, 2023, the trial court entered its Order, terminating Mother's parental rights to Children. In support of its Order, the trial court entered the following relevant findings of fact and conclusions thereon:

> 8. Over two years ago, Mother executed consents to adoption for both [C]hildren.
>
> * * *
>
> 11. DCS seeks termination of parental rights, notwithstanding Mother's consent to [C]hildren's adoption, to expand the avenues for adoption recruitment for [C]hildren.
>
> 12. To date, recruitment has been unsuccessful in light of [C]hildren's ages and unique challenges and needs.
>
> 13. Both [C]hildren have had multiple foster and residential placements during the CHINS case.
>
> 14. [E.J.] has been diagnosed with sexually maladaptive behavior, for which he has been in treatment.
>
> 15. [C.J.] has been diagnosed with [c]ystic [f]ibrosis, PTSD, and has extensive trauma resulting in difficulty bonding with others.
>
> 16. [C.J.] is significantly triggered by her mother's attempts to contact her, resulting in more than one placement disruption after the undesired contact.

17. While FCM [] set up a therapeutic visit between Mother and [C]hildren, they refused to go.

18. The CHINS [c]ourt validated that it was up to [C]hildren whether they would as [of] this late date attend.

* * *

21. DCS has offered Mother, without cost to her, a number of services to aid her in maintaining and running a household in which she could safely and stably parent [C]hildren.

* * *

25. In early 2018, [C]hildren were placed on a [trial home visit]with Mother and her husband.

26. The [t]rial [h]ome [v]isit ended when Mother and [Stepfather] were arrested on May 11, 2018, for leaving [C]hildren without a caregiver.

* * *

28. The criminal court entered a [no-contact order] between Mother and [C]hildren as part of Mother's criminal case.

29. Mother entered a guilty plea to the charges and was subsequently sentenced on that case.

30. The no-contact order continued to be in effect until August of 2021 when Mother completed her sentence under the criminal cause number.

31. CASA offered to help Mother seek modification of the [no-contact order] so [C]hildren could have supervised visits, but Mother never filed the request.

* * *

33. DCS's staffed recommendation is that termination of Mother's rights be granted so that [Children] can achieve permanency.

34. [] CASA, also recommends that Mother's parental rights be terminated.

35. Review of the [o]rders issued by the CHINS court reflects over five full years of Mother's lack of any significant, ongoing progress to reunify with and safely parent her children.

* * *

37. To allow [Children] to continue to languish in the child welfare system on the hope that Mother will, at this late date and notwithstanding her consent to their adoption which has never been set aside by any court, decide to involve herself in her children's rearing and pursue physical custody of them is simply unrealistic and therefore not in the [Children's] best interest.

38. [C]hildren have already been wards of the child welfare system for more than six (6) years, well beyond the time the Indiana legislature intended.

39. [E.J.'s] expressed desire as [17-year-old] is to be adopted; he does not wish to have contact with Mother but wants to be part of a family.

40. At trial, Mother agreed that if [E.J.] wished to be adopted, that is the outcome he should receive.

41. [C.J.'s] expressed desire is to not return to Mother's care.

42. At trial, Mother agreed that if [C.J.] wished to not return to Mother's care, she should not be forced to do so.

* * *

46. It is harmful for [C]hildren to not know where their permanent home is and who their permanent family is.

47. Both [C]hildren have suffered, and their well-being has devolved due to the lack of permanency.

* * *

49. Mother's behavior, exhibited by her lack of progress during her involvement throughout the CHINS cases and her conviction for [n]eglect of these children, shows that Mother is unwilling or unable to provide [Children] with a safe and stable home, with stable parenting, now or in the immediate future.

(Appellant's App. Vol. II, pp. 29-34). The trial court found that DCS had exhausted its options to find Children permanency and that the only other options remaining required that Mother's parental rights be terminated. The trial court concluded that there was a reasonable likelihood that the conditions that warranted Children's removal and continued placement outside of Mother's care would not be remedied, that there was a reasonable likelihood that Mother's continued relationship with Children posed a threat to their well-being, that termination was in Children's best interests, and that adoption or Children's participation in "APPLA"[4] were satisfactory plans for Children. (Appellant's App. Vol. II, p. 31).

[14] Mother now appeals. Additional facts will be provided as necessary.

DISCUSSION AND DECISION

I. *Standard of Review*

[15] Mother challenges the evidence supporting the trial court's Order. Our supreme court has enunciated the standard of review applicable to such matters as follows:

[4] APPLA is an acronym for "another planned, permanent living arrangement". I.C. § 31-34-21-7.5(E). APPLA is typically implemented for "an older, teenaged child who is unlikely or unwilling to be adopted, who has no relatives able or willing to act as a custodian or guardian, and whose parents are unable or unwilling to become safe and appropriate caregivers." *In re E.W.*, 26 N.E.3d 1006, 1009 (Ind. Ct. App. 2015).

> We affirm a trial court's termination decision unless it is clearly erroneous; a termination decision is clearly erroneous when the court's findings of fact do not support its legal conclusions, or when the legal conclusions do not support the ultimate decision. We do not reweigh the evidence or judge witness credibility, and we consider only the evidence and reasonable inferences that support the court's judgment.

Matter of Ma.H., 134 N.E.3d 41, 45 (Ind. 2019) (citations omitted). A trial court's findings of fact are only clearly erroneous if there is no evidence or reasonable inferences from the evidence in the record to support them. *X.S. v. Ind. Dep't of Child Servs.*, 117 N.E.3d 601, 605 (Ind. Ct. App. 2018). Mother does not challenge the evidence supporting any of the trial court's factual findings, and, therefore, we take the trial court's findings as true. *See Matter of C.C.*, 170 N.E.3d 669, 675 (Ind. Ct. App. 2021) (relying on *In re S.S.*, 120 N.E.3d 605, 614 (Ind. Ct. App. 2019), and holding that mother's arguments relating to the trial court's factual findings which she had failed to challenge as being clearly erroneous were waived).

II. *Termination of Mother's Parental Rights*

[16] It is well-established that parents' right to raise their children is "'perhaps the oldest of the fundamental liberty interests.'" *Matter of Bi.B.*, 69 N.E.3d 464, 466-67 (Ind. 2017) (quoting *Bester v. Lake Cnty. Office of Family & Children*, 839 N.E.2d 143, 147 (Ind. 2005), in turn quoting *Troxel v. Granville*, 120 S.Ct. 2054, 2060 (2000)). However, even though the traditional right of parents to raise their children is cherished and protected, it is not absolute, and that right may be terminated when parents are unable or unwilling to meet their parental

responsibilities and obligations. *In re N.G.*, 51 N.E.3d 1167, 1169 (Ind. 2016). Termination of parental rights is an extreme sanction that is intended as a measure of "last resort" that is available only when all other reasonable efforts have been attempted and have failed. *R.L.-P.*, 119 N.E.3d 1098, 1104 (Ind. Ct. App. 2019). Before a trial court may conclude that termination is warranted, DCS is required to allege and prove certain facts by clear and convincing evidence, including that one 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 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.

Ind. Code § 31-35-2-4(b)(2)(B)(i-ii). In addition to these facts, DCS must also allege and prove that termination is in the best interests of the child and that there is a satisfactory plan for the care and treatment of the child. I.C. § 31-35-2-4(b)(2)(C), (D). Mother challenges the evidence supporting each of these factors.

A. Conditions Resulting in Children's Removal and Continued Placement

[17] When reviewing a trial court's determination that there is a reasonable probability that the conditions that resulted in a child's removal or the reasons for continued placement outside the home will not be remedied, we engage in a two-step analysis. *Matter of J.S.*, 133 N.E.3d 707, 715 (Ind. Ct. App. 2019)

(citing *In re E.M.*, 4 N.E.3d 636, 643 (Ind. 2014)). First, we must identify the conditions that led to removal and/or continued placement; second, we determine whether the evidence supports the trial court's conclusion that there is a reasonable probability that those conditions will not be remedied. *Id*. When engaging in the second step of this analysis, a trial court must judge a parent's fitness as of the time of the termination hearings, taking into account evidence of changed conditions, and balancing any recent improvements against habitual patterns of conduct to determine whether there is a substantial probability of future neglect or deprivation. *Id*. This delicate balance is entrusted to the trial court, and a trial court acts within its discretion when it weighs a parent's prior history more heavily than efforts made only shortly before termination. *Id*. Requiring a trial court to give due regard to changed conditions does not preclude it from finding that parents' past behavior is the best predictor of their future behavior. *Id*. When assessing whether a parent will remediate the conditions that resulted in removal, a trial court may properly consider the parent's prior criminal history, drug and alcohol abuse, history of neglect, failure to provide support, and lack of adequate housing and employment. *McBride v. Monroe Cnty. Office of Family and Children*, 798 N.E.2d 185, 199 (Ind. Ct. App. 2003).

[18] Here, in 2016, Children were initially removed from Mother's care because Mother left them without adult supervision, a bathroom, food, water, or a telephone. Both Children later reported experiencing abuse and neglect. C.J. was immediately hospitalized after removal to address her untreated cystic

fibrosis. After Mother admitted Children were CHINS, Mother was ordered to engage in a panoply of reunification services to address her mental health, parenting skills, and ability to provide Children with a safe and stable home. Care providers noted that Mother seemed to lack insight into Children's feelings and behaviors and had little interest in Children's reports of being abused by Stepfather. Mother was diagnosed with parent-child relational problem, and one of the services ordered by the CHINS court was family counseling.

[19] Mother initially complied with DCS services and was allowed a trial home visit in January 2018 even though she had not met all her case plan goals. Despite receiving DCS services for one and one-half years, in May 2018, Mother engaged in the very same behavior that caused Children's initial removal from her care, namely, leaving Children without appropriate adult supervision. The trial court was entitled to reasonably infer from these circumstances that Mother had failed to internalize the benefit of the services she had received from DCS. *See id*. (observing that a trial court may consider a parent's history of neglect in ruling on the 'conditions' factor); *see also In re J.S.*, 906 N.E.2d 226, 234 (Ind. Ct. App. 2009) (holding that "simply going through the motions of receiving services alone is not sufficient if the services do not result in the needed change").

[20] As a result of leaving Children unattended in 2018, Mother was charged with four Counts of Level 6 felony neglect, and the criminal court issued a no-contact order barring her access to Children. Mother subsequently stopped

engaging in services that would enhance her parenting skills, and she failed to maintain her housing or employment. Although DCS informed the prosecutor that it supported the lifting of the no-contact order so that Mother could have supervised visits with Children and DCS offered Mother assistance in lifting the no-contact order, Mother never filed a motion to start the process. As a result of her neglect and the ensuing criminal charges, Mother had no official contact with Children for over three years until the expiration of the no-contact order in August 2021. Thereafter, Mother did not request visitation with Children. Mother's inaction deprived her of valuable parenting time and of the opportunity to enhance her parenting skills and to develop her understanding of Children's feelings and behaviors through interaction with them. The trial court determined in a series of findings that from June 4, 2018, to March 15, 2023, Mother was only found to be in compliance with Children's case plan once, and Mother does not specifically contest these findings which support the trial court's determination on this factor. *See A.F. v. Marion Cnty. Office of Family & Children*, 762 N.E.2d 1244, (Ind. Ct. App. 2002) (holding that a trial court may properly consider the services offered to a parent and the parent's response to those services as evidence of whether conditions will be remedied).

[21] By the time of the termination fact-finding hearing, Mother had re-engaged in some DCS services at DCS's instigation, not her own. Mother had recently procured housing but was supporting herself on a social security benefit, and she did not know whether Children would qualify for any income benefits. Inasmuch as Mother maintains that by the time of the fact-finding hearing she

had improved her ability to provide Children with a safe and stable home, the trial court was entitled to discount any recent improvements by Mother based on her history of poor parenting and housing instability. *See K.T.K. v. Ind. Dep't of Child Servs.*, 989 N.E.2d 1225, 1234 (Ind. 2013) (concluding that the trial court acted within its discretion in disregarding the efforts made by Mother only shortly before termination and to weigh Mother's history of prior conduct more heavily). In light of this evidence, we conclude that the trial court's determination that there was a reasonable probability that Mother would not remedy the conditions that had warranted Children's removal and continued placement outside the home was not clearly erroneous.

[22] In arguing otherwise, Mother draws our attention to testimony by FCM and CASA that she "did everything she was asked, and everything she was permitted to do[.]" (Appellant's Br. p. 21). However, this testimony was contradicted by evidence that Mother stopped engaging in services after she was criminally charged and that she was found to be non-compliant with the case plan for the overwhelming majority of the period between June 4, 2018, to March 15, 2023. Mother also asserts that, by the time of the fact-finding hearing, she was a "fit and capable parent," despite a lack of evidence to that effect, given that she was absent from her high needs Children's lives for over five years after being criminally charged with neglect and given that she had only recently re-engaged with services in 2023 at DCS's behest. (Appellant's Br. p. 22). Contrary to Mother's argument that she must have remedied the conditions that caused Children's removal because DCS sought her out for

reunification in late 2022 or early 2023, DCS merely sought out Mother to re-engage her in services; DCS did not immediately seek to place Children with Mother because it deemed her to be ready and able to parent. Mother's arguments require us to consider evidence that does not support the trial court's judgment and to reweigh evidence. As such, they are contrary to our standard of review and are ultimately unpersuasive.[5] *See Matter of Ma.H.*, 134 N.E.3d at 45.

B. Best Interests

[23] Mother also contends that the trial court's conclusion that termination was in Children's best interests was unsupported by the evidence. Our supreme court has summarized the nature of the 'best interests' determination as follows:

> Deciding whether termination is in children's best interests is perhaps the most difficult determination the trial court must make. To make this decision, trial courts must look at the totality of the evidence and, in doing so, subordinate the parents' interests to those of the children. Central among these interests is children's need for permanency. Indeed, children cannot wait indefinitely for their parents to work toward preservation or reunification.

[5] We do not address Mother's argument pertaining to the trial court's conclusion that her relationship with Children posed a threat to their well-being. Section 31-35-2-4(b)(2)(B) is written in the disjunctive, and we have already concluded that the trial court's 'conditions' conclusion was not clearly erroneous. *See Bester*, 839 N.E.2d at 153 n.5 (noting that DCS is required to prove either of the factors listed in section 31-35-2-4(b)(2)(B), but not both of them).

Id. at 49. We may affirm a trial court's best interests determination if the trial court has concluded that there is a reasonable probability that the conditions that resulted in the child's removal will not be remedied and the child's family case manager and appointed advocate testify that termination is in the child's best interests. *C.S.*, 190 N.E.3d 434, 439-40 (Ind. Ct. App. 2022), *trans. denied*; *A.D.S. v. Ind. Dep't of Child Servs.*, 987 N.E.2d 1150, 1158-59 (Ind. Ct. App. 2013), *trans. denied*.

[24] In addressing the evidence supporting the trial court's best interests determination, we begin by observing that in May 2018, Mother executed her consents to Children's adoptions, and Mother did not move to withdraw her consents. Neither party has cited any cases involving the appeal of the termination of rights of a parent who has already executed a consent for adoption, and we were unable to locate any. However, we consider Mother's execution of the consents to be strong evidence supporting the trial court's conclusion that termination was in Children's best interests. In addition, we have already concluded that the evidence supported the trial court's 'conditions' determination, and FCM and CASA testified that termination was in Children's best interests. *See id*. In addition, E.J., who will turn eighteen years old in July 2024 wants to be adopted. Mother testified at the fact-finding hearing that E.J. should be adopted if that was his desire and that C.J. should not be forced to reunify with her if C.J. did not wish to do so. We cannot say that the trial court's best interests determination is clearly erroneous where Mother's own support for reunification is equivocal.

[25] Contrary to Mother's arguments on appeal, the trial court did not improperly terminate her parental rights solely because a better home for Children existed or because authority had been improperly delegated to the Children to decide whether to have contact with Mother. FCM and CASA both testified that Children need permanency and that the instability of their lives in the child welfare system is harmful to them. DCS sought termination after attempting reunification services with Mother twice, after Mother had already executed adoption consents, and after Children had been in numerous relative, foster, and residential treatment placements. Termination of Mother's rights was truly a last resort that was necessary so that Children could access additional services and a wider range of pre-adoptive placements. This was not a case wherein Children were given the authority to decide whether Mother's parental rights were terminated. Rather, the CHINS court apparently ruled after Children had been removed from Mother's care a second time and after she had consented to Children's adoption that Children, who were then sixteen and fourteen years old, could choose whether they had contact with Mother. While Mother is correct that, as a general rule, children are not permitted to dictate whether they have contact with their parents, under the unique circumstances of this case, we find no clear error in the trial court's consideration of the fact that Children did not desire to have any contact with Mother in determining that termination was in Children's best interests. Inasmuch as Mother attempts to attack the validity of the CHINS order, she presents us with no legal authority permitting her to do so in this termination proceeding. Therefore, we conclude that the trial

court's 'best interests' determination was also supported by the evidence and was not clearly erroneous. *See Matter of Ma.H.*, 134 N.E.3d at 45.

C. Plan for Children's Care

[26] Mother lastly challenges the trial court's conclusion that a satisfactory plan existed for Children's care following termination through adoption or their participation in APPLA. Mother contends that DCS "needed to knock [her] out of the way so they could then expand to a speculative and ill-defined set of nation-wide resources." (Appellant's Br. p. 15). Mother also contends that APPLA is unnecessary because she is a fit and able parent and that, without reunification, Children will be denied "the flexibility to develop a relationship" with her for no good reason. (Appellant's Br. p. 27).

[27] In this case, Mother has already consented to Children's adoption. We have recognized that in order for DCS's plan to be satisfactory in terms of the termination statute, it need not be a detailed plan, and the plan is sufficient if it has a general sense of the direction in which the child will go after parental rights are terminated. *Lang v. Starke Cnty. Off. of Family and Children*, 861 N.E.2d 366, 374 (Ind. Ct. App. 2007), *trans. denied*. Adoption is a satisfactory plan, and this is true even if at the time of the termination of parental rights a specific family is not in place to adopt the child. *Id.*; *see also In re C.D.*, 141 N.E.3d 845, 854 (Ind. Ct. App. 2020) (holding that a DCS plan to attempt to find suitable parents to adopt the children is satisfactory), *trans. denied*. In addition, the termination statute lists APPLA as one among an array of permanency plans available for a child over sixteen years of age. *See* I.C. § 31-34-21-7.5(E).

CASA testified that two of Children's siblings who are over the age of eighteen have participated in APPLA. On appeal, Mother has not established that she is a fit and able parent, and the trial court was not obligated to prolong the CHINS to give her additional time to improve herself. *See Prince v. Ind. Dep't Child Servs.*, 861 N.E.2d 1223, 1230 (Ind. Ct. App. 2007) (observing that the termination statute does not require a trial court to give a parent additional time to complete her parental participation plan). Accordingly, we find no clear error in the trial court's conclusions that adoption and APPLA are satisfactory plans for Children.

CONCLUSION

[28] Based on the foregoing, we hold that the trial court's Order terminating Mother's parental rights to Children is not clearly erroneous.

[29] Affirmed.

Brown, J. and Foley, J. concur

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