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IN THE
COURT OF APPEALS OF INDIANA

DIANA GROVES,	)	
	)	
Appellant-Respondent,	)	
	)	
vs.	)	No. 53A01-0605-JV-211
	)	
MONROE COUNTY DEPARTMENT OF CHILD SERVICES,	)	
	)	
Appellee-Petitioner.	)	

APPEAL FROM THE MONROE CIRCUIT COURT
The Honorable E. Michael Hoff, Judge
Cause No. 53C01-0505-JT-290

December 11, 2006

MEMORANDUM DECISION - NOT FOR PUBLICATION

SHARPNACK, Judge

Diana Groves ("Mother") appeals the involuntary termination of her parental rights to J.G. Mother raises five issues, which we consolidate and restate as:

I. Whether the trial court violated Mother's constitutional rights by basing its termination of Mother's parental rights in part on her refusal to incriminate herself; and

II. Whether the trial court's order terminating Mother's parental rights to J.G. is clearly erroneous.

We affirm.

The relevant facts follow. Mother adopted J.G., who was born in Texas on April 20, 2001, when he was five months old. In November 2003, Mother had thirteen children living in her home, and the Monroe County Department of Child Services ("MCDCS") received a report that Mother had abused M.M., one of Mother's children. As a result, all of the children were removed from Mother's care. On December 18, 2003, the MCDCS filed a petition alleging that the thirteen children in Mother's care were children in need of services. The CHINS petition alleged:

* * * * *

5. That the children are Children in Need of Services as defined in I.C. 31-34-1, et.seq in that:

A. The child's physical or mental condition is seriously impaired or seriously endangered as a result of the inability, refusal, or neglect of the child's parent, guardian, or custodian to supply the child with necessary food, clothing, shelter, medical care, education, or supervision, and/or, the child's physical or mental health is seriously endangered due to injury by the act or omission of their parent, guardian, or custodian, to-wit:

> [M.M.] resides in the home with the above-named children. On or about September, 2003 [Mother] bound [M.M.]'s hands, arms, and feet with duct tape and put duct tape across his mouth. She left him alone in the bathtub. He was eventually released by other members of the household. [M.M.] and another child, [R.M.], have been pushed down the stairs by [Mother]. [Mother] also used duct tape to restrain [C.H.] and [V.T.].

Appellant's Appendix at 30.

Mother and the MCDCS entered an agreed finding, which stated in part, "[t]he parties recognized that, based on this evidence, the children will be found to be Children in Need of Services by this Court." Id. at 40. Mother filed motions to dissolve her guardianship of six children[1] and argued that no guardianship of a seventh child[2] had ever been created. The agreed finding stated that Mother's biological children, L.G. and B.G., would immediately be returned to Mother's home. The agreed finding also stated that, in the cases of J.G. and three other children, a case conference would be held with the goal of offering services to the children and to Mother. J.G. remained in foster care during this time.

On May 16, 2005, the MCDCS filed a petition for termination of Mother's parental rights to J.G. After a hearing, the trial court granted the petition to terminate Mother's parental rights and entered the following findings of fact and conclusions thereon:

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[1] These six children include: C.H., A.M., Z.K., M.M., V.T., and K.G.

[2] This child is N.L.

* * * * *

1. [J.G.] was born on April 20, 2001 in Texas. [Mother] adopted him in Texas in September, 2001. [Mother] did not live in Texas when she adopted [J.G.] there. She was not required to appear in court in Texas. [J.G.] was delivered to [Mother] in Indiana by a representative of an agency that had the care of [J.G.]. [J.G.] lived with [Mother] from September, 2001 until he was removed from her home by the DCS on or about November 24, 2003.

2. A CHINS petition was filed on December 18, 2003. [J.G.] was found to be a child in need of services on August 9, 2004 pursuant to an agreed order. A dispositional order was entered on November 22, 2004. [J.G.] was in foster care at the time of the CHINS finding and dispositional order. The dispositional order continued [J.G.] in foster care placement outside of the parent's home.

3. [J.G.] has been removed from [Mother's] home and in foster care placement continuously since November 24, 2003.

4. When [J.G.] was removed from [Mother's] home in November, 2003 he was one of thirteen children living there. The other children living in the home and their ages at [sic] in November, 2003 were [L.G.], age 16, [B.G.], age 13, [B.K], age 13, [A.M.], age 11, [V.T.], age 9, [K.G.], age unknown, [R.M.], age 9, [C.H.], age 9, [M.M.], age 7, [N.L.], age 6, [B.H.], age 1, and [S.T.], age 4 months.

5. [J.G.] has lived in the foster home of Deborah Launer since shortly after he was removed in 2003. Deborah Launer has been a foster parent for fifteen years, and has had over 200 foster children in her care. She has three adopted teenagers living in her home now, along with [J.G.]. She considers [J.G.] a special needs child. He had issues with boundaries and inappropriate behaviors when he first came into her care. He would get into the garbage and grab food from other kids. He would take bites out of books, and run through the house at random doing whatever he wanted. He was hard to manage. When Deborah Launer took [J.G.] out in public he would grab women's' [sic] purses and grab things off shelves. He would grab women and call them Mommy and would not let go. He would physically resist correction. It was a year before he could stay in a store so that Launer could complete transactions. The first year

[J.G.] was with Deborah Launer he could not go to day care. He would try to leave. In school last year they had to lock the doors to keep [J.G.] in.

6. [J.G.]'s behavior has improved at this time. Other children are now happy to play with him. [J.G.] can go on school trips. He has not been trying to eat any non-foods. He still has some backsliding and still eats food that has been on the floor.

7. During his visits with [Mother], and while at home with his foster mother, [J.G.] continues to have angry outbursts and exhibit episodes of aggression. His behavior ranges from loving to violent. For no apparent reason, he will become physically aggressive and defiant. [J.G.] is extremely impulsive and requires close supervision. [J.G.] will continue to be a behavioral challenge in the future.

8. [Mother] has consistently visited with [J.G.] and has seen him at every opportunity since he was removed from her home. Immediately after removal [Mother] had visits with all of the children who were in the home ([L.G.] and [B.G.], her teenage biological children were living with older siblings after removal and [Mother] saw them separately). It was chaotic to visit with eleven children at once; even groups of three or four was difficult. Dena Novak, the visitation supervisor at the time expressed some concerns about [Mother's] discipline of [J.G.]. Novak opined that there were more discipline problems with [J.G.] after visits with [Mother]. [Mother] had supervised and unsupervised visits with [J.G.] in 2004.

9. In 2005 [Mother] had supervised visits with [J.G.] three times a week for two hours each time. Chris Sommers supervised those visits for McConn Partnerships. [J.G.]'s behavior is volatile. He can behave very lovingly or violently hit and kick [Mother]. Despite being a mother for over thirty years, [Mother] has continued to struggle with the imposition of discipline on [J.G.]. She has listened to the recommendations of the visitation supervisor and has incorporated those recommendations into her discipline of [J.G.].

10. [Mother's] parenting skills are generally good. Her therapist, Dr. Spencer, [J.G.]'s therapist, Dr. Marsha McCarty, and current visit supervisor, Chris Sommers all agree that [Mother] knows the rules

of good parenting. Dr. McCarty testified, in describing [Mother's] interaction with [J.G.], that "it is like watching a parenting demonstration". [Mother] presents well when she is being observed by others.

11. All thirteen children were removed from [Mother's] home in November, 2003 as a result of statements made by [B.K.] to a DCS case manager in November, 2003. [B.K.] testified in this case on December 15, 2005 and repeated the statements. [B.K.] testified that [Mother] physically restrained [M.M.] with duct tape in September, 2003 and left him in a bathtub.

12. [M.M.] was born on November 7, 1996 but was very small for his age. He had behavioral problems. He screamed, yelled and didn't understand people. He spoke a different language (he is Polish). In September, 2003 [B.K.] and [A.H.], one of the helpers [Mother] employed (called Nannies by the children), found [M.M.] in a bathtub in the upstairs bathroom. [M.M.]'s wrists and legs were bound with duct tape. He was lying on his back in the bathtub. There was no water in the bathtub. [Mother] was away from the house when [B.K.] and [A.H.] found [M.M.]. [Mother] called on the telephone and told [B.K.] to get [M.M.] out of the tub.

13. [B.K.] testified that on another occasion [B.K.] held [M.M.]'s hands together while [Mother] wrapped duct tape around [M.M.]'s hands. [B.K.] said that she saw [C.H.] sitting in a chair with her hands taped on another occasion. [B.K.] also testified that [Mother] placed [M.M.] in a clothes dryer on two occasions. [Mother] turned the clothes dryer on once with [M.M.] inside. He screamed and was shaking when he got out. [B.K.] also testified that [Mother] hit [C.H.] with a tennis racket, and hit one of the other girls, who was known in the house as [L.], with a hair brush a couple of times.

14. DCS Family Case Manager Melissa Richardson also testified in this case on December 15, 2005. Richardson spoke with [Mother] on November 24, 2003. [Mother] told Melissa Richardson then that the incident with [M.M.] never occurred and there was no duct tape in the house. At the detention hearing on November 26, 2003 [Mother] told Richardson that [B.K.] had taped [M.M.] with duct tape. [Mother] did not explain the discrepancy in her statements.

15. Deborah Launer, [J.G.]'s foster mother, testified in this case on December 15, 2005. She reported that [J.G.] saw duct tape in a U Haul store when Launer was in the store with [J.G.]. Referring to the duct tape, [J.G.] said "This is what we use for [M.M.]."

16. The court finds that the incidents testified to by [B.K.], described in paragraphs twelve (12) thirteen (13) of this order occurred substantially as described by [B.K.]. [Mother] placed duct tape on [M.M.] and on other children, and used inappropriate discipline.

17. [Mother's] conduct was physical abuse and/or improper discipline of the children in [Mother's] care.

18. [Mother] is the mother of six (6) biological children. Their names and ages are Desiree Elizabeth Noble (age 36), Douglas Henry Roll (35), Jeffrey Scott Roll (31), Kimberly Sue Roll (27), [L.G.] (16) and [B.G.] (15). She also adopted Abigail Roll (24) and Heather Roll (22), in addition to her adoption of [J.G.]. Two other children she was going to adopt, [A.] and [M.], were removed from her care and determined to be children in need of services in 1985.

19. [L.G.] and [B.G.] were living in [Mother's] home on November 24, 2003. They were removed from [Mother's] care on November 24, 2003, and placed with an adult sibling, but have since been returned to [Mother's] custody and they live in her home. [L.G.] is eighteen (18) and [B.G.] is fifteen (15). Neither child has a relationship with [J.G.]. [L.G.] and [B.G.] do not want [J.G.] or other children to live in their home.

20. The other eleven children in [Mother's] home on November 24, 2003 beside her two biological children were mostly placed in her care through guardianships. [Mother] adopted [J.G.]. She filed a petition to adopt [R.M.]. That petition was filed in Marion County, Indiana even though [Mother] and [R.M.] lived in Monroe County, Indiana at the time. (The Marion County petition was filed after [Mother] had filed a similar petition to adopt [R.M.] in the Monroe Circuit Court. The first Monroe County petition was dismissed after the DOC objected to [Mother's] intention to adopt [R.M.]. The judge presiding in the first Monroe County petition ordered the DCS to do a home study in late 2001. The preparation of that home study lead to the first recent contact between [Mother] and the DCS.) The

petition to adopt [R.M.] that [Mother] filed in the Marion Superior Court was initially granted, but that court subsequently ordered the adoption set aside. The Marion Superior Court ordered the adoption petition transferred to Monroe County. The Monroe Circuit Court ordered the petition dismissed in April, 2005. [Mother] also filed a petition to adopt [B.H.], another child living in her home and removed on November 24, 2003. That petition was either filed in court in Hamilton County, Indiana or transferred to Hamilton County, Indiana. That petition is believed to have been dismissed by the court in Hamilton County, Indiana after the DCS intervened in that case and stated its objection to the proposed adoption. The evidence concerning the disposition of the petition to adopt [B.H.] is not entirely clear.

21. The guardianships for the other children in the home were agreed to by the parents of the children. Many of the children had been adopted from other countries by people who later decided that they could not care for the children, or did not want to.

22. The children found their way to [Mother's] care as a result of what [Mother] described as an informal network for children whose placements had [sic] disrupted. There is some evidence that [Mother] advertised "Adoptions by Granny" on the World Wide Web, and listed her son's address on Smith Road in Bloomington. [Mother] told Case Manager Melissa Richardson that she worked through Loving Choices placement agency. When Richardson called a telephone number for that agency, [Mother] answered the phone.

23. The living situation of the children in [Mother's] care in November, 2003 was precarious and chaotic. [Mother's] home had enough beds for the children, and she lived in a nice home. However, [Mother] kept adding to the number of children in the home, and, although [Mother] hired college students to help out, she was the only adult living in the home. She had no observable source of income, and did not have health insurance for the children.

24. There was no legal requirement that [Mother's] home be licensed or inspected, or be maintained in any particular way, as a result of the large number of unrelated children living there.

25. The evidence about [Mother's] criminal history is not entirely clear. It came exclusively from [Mother's] testimony. [Mother's] history of criminal activity began in 1981 when she was charged with Check Deception, a Class A misdemeanor, in Monroe County, Indiana. The charge was later dismissed when [Mother] paid restitution to the victims. In 1986 [Mother] was again charged with Check Deception, a Class A misdemeanor, in Monroe County, Indiana. That charge was refiled as Theft, a Class D felony. [Mother] plead [sic] guilty to Theft, and on October 15, 1986 judgment was entered as a Class A misdemeanor. [Mother] received a suspended one year sentence. In 1987 [Mother] was arrested for Theft. She was sentenced to three years in the Women's Prison. In March, 1990 [Mother] was charged with Check Deception in Lawrence County, Indiana. The checks were paid. The disposition of the charge is unknown. In July, 1990 [Mother] was charged with Theft and with two counts of Defrauding a Financial Institution in Monroe County, Indiana. She plead [sic] guilty to Defrauding a Financial Institution. She failed to appear for sentencing, and went to Hershey, Pennsylvania with four of her children. [Mother] was arrested in Pennsylvania for failure to appear at her Indiana sentencing. Her children, who she took with her to Pennsylvania, were taken into custody by Pennsylvania authorities until [Mother's] former husband could travel to Pennsylvania to retrieve them. [Mother] subsequently also plead [sic] guilty to Failure to Appear in Indiana as a result of her failure to appear for sentencing. [Mother] testified that [sic] served two years in prison in the 1990's, which is consistent with a sentence of four years for the charges of Defrauding a Financial Institution and Failure to Appear. She also reported being held for periods of time in county jails in Monroe, Vigo and Lawrence Counties in Indiana. [Mother] was charged with Theft in Colorado in 1997. The disposition of that charge is not clear from the evidence. There are currently three counts of Neglect of a Dependent pending against her in Monroe County, Indiana.

26. [Mother] has no valid driver's license, yet continues to operate a motor vehicle. She claims that a local judge gave her a letter that allows her to drive legally, but the letter was not produced at any of the hearings in this case.

27. [Mother] is not employed and has not been for fourteen years. [Mother] has had to ask area churches to provide money for her

utility payments. [Mother] states that she will take any type of job in order to support [J.G.], but she has not yet done so.

28. [Mother] lives at 859 Coriander Court in Bloomington, Indiana. She rents that residence. The home is a nice home in a subdivision, and is worth about $200,000.00. [Mother] had been evicted from two other homes, and lived with one of her adult children for some period of time after the removal of the children, before she moved into the Coriander Court home. She paid six months rent in advance for the Coriander Court home when she moved in. The rent was therefore paid through August, 2005. A suit to foreclose the mortgage on the property is pending and the owner of the property, Michael Brown, is in bankruptcy. Brown told [Mother] he could not accept rent after August, 2005 because of the bankruptcy, so [Mother] has been living in the property rent free since August, 2005. She believes she will be able to stay there without paying rent until the spring, 2006.

29. [Mother] testified that her source of money since the early 1990's has been payments from friends of her family. She testified that she received $10,000.00 each month (usually more, sometimes less) from the early 1990's until 2004 from various people, including R.D. Roberts, Robert Richardson, and Robert Robinson. Most of the time she received the money in cash, as [Mother] didn't have a checking account for years. No details were offered about how [Mother] received these large cash payments. No credible evidence was submitted about why [Mother] received these large cash payments. [Mother] testified that her father, who died in 1991, was well off, but that the money she had from the early 1990's until 2004 did not come from his estate. [Mother] testified that her father left her a substantial sum that she has not received, but cannot explain how this was accomplished or who has the money is [sic] now. She stated that she does not have access to it now, not in her name, but "down the line" she does have access. The earliest she will have access is in six months (testified to on December 15, 2005), and she will get $300,000.00. There was no evidence about where this money is now, or how it got to wherever it is, or how it will get to [Mother] in May, 2006. [Mother] denied telling someone that her father was in the Mafia. She stated that she does not know if her father had illegal business ties, but she appears to encourage that notion.

30. [Mother] and the thirteen children were living in a home [Mother] rented for $2,500.00 per month in November, 2003. [Mother] employed college students to help with the children. She fed and clothed the children and paid day care and other expenses. [Mother] had no apparent source of income, but she did have income. She testified that money came from mysterious friends of her father with surprisingly similar names (R.D. Roberts, Robert Richardson, and Robert Robinson). These men do not have addresses, telephone numbers or other indicia of existence. The conclusion that [Mother] wishes to be drawn from this testimony is that these shadowy people are criminal associates of her father who are motivated to help [Mother] from some obligation to him. That could be true, although it is not reassuring to conclude that [Mother's] capacity to care for [J.G.] is dependent on the existence and good will of a group of criminals. If, as is highly likely, this story was wholly or partially fabricated by [Mother], then the real truth concerning the source of the money that [Mother] had must be even less salutary. As stated, [Mother] did not have income from employment or any source except that listed above for over a decade.

31. In addition to the money [Mother] got until 2004 from the mysterious R.D. Roberts, Robert Richardson, and Robert Robinson, [Mother] testified in this case that she received $30,000.00 in 2004 from a local business person who was not one of her father's associates. She is not in business with this person. She needed to pay rent in advance at the new home she got after a period of homelessness, and her daughter [L.G.] wanted a car. She paid $10,800 in rent, bought [L.G.] a car for $6,000.00, bought her son [B.G.] a four wheeler for $1,800.00, bought some furniture and paid some other bills. She did not explain why she received this money.

32. [Mother] testified differently recently about her receipt of money in a hearing in Hamilton County, Indiana. The Hamilton County hearing was held in the case [Mother] filed to adopt [B.H.], one of the children previously in her care. (The evidence did not show why the case was pending in Hamilton County). At the hearing in Hamilton County [Mother] stated that she had received $14,000.00, not $30,000.00, and that the source of the $14,000.00 was undercover work [Mother] is doing. In this case, on December 15, 2005, [Mother] testified that the $14,000.00 she reported receiving

for undercover work was actually part of the $30,000.00 she received. It came from the same person. [Mother] said she reported her receipt of the $14,000.00 to the undercover agent she was working with. The agent photocopied the cash and gave it back to her. [Mother] said the agent is a local police officer under direction from Monroe County Prosecutor Salzmann. [Mother] testified that she felt "skittish" about testifying in this case that she is doing undercover work in Monroe County. [Mother] testified that the target of the investigation is a business person in town (Bloomington) who is being looked at for doing unethical things. [Mother] testified in this case on December 15, 2005 that she therefore received $14,000.00 for doing undercover work "in a roundabout way."

33. [Mother's] statement that her money came from undercover work does not explain why she received the money, as she did not assert she was paid by the police. She said she received the $30,000.00, which includes the $14,000.00 she testified to in Hamilton County, from a business person, but she did not explain why it was given to her.

34. The court finds that [Mother] did receive a substantial sum of money in 2004, as she has described real expenses that she seems to have paid. It should be pointed out that no financial documents, such as cancelled checks, receipts or the like were ever introduced into evidence. However, [Mother] must have had money to live. It is highly troubling that she cannot account for her receipt of money in any credible way.

35. The conclusion to be drawn from [Mother's] testimony about the $30,000.00 she received is that she received it for no reason from someone she is helping to investigate, and who is being investigated, for unethical things. Since the police investigate actions that are in violation of criminal laws, and not ethical rules, it must be concluded from [Mother's] testimony that the person who provided this money to her is suspected to be involved in criminal activity.

36. [Mother] testified in this case on January 10, 2006 that there are no business associates she is afraid of. When she is working with the police there are people she is concerned about, but this has nothing to do with her home. She is concerned for herself, but not for her

children, as the people she is helping to investigate also have children.

37. [Mother] testified that she has been exploring business deals with the promise of funding from a different benefactor, not one of her father's former associates, and not, presumably, the person she is helping to investigate who gave her the $30,000.00 recently. She uses the name of Martin when she explores these deals because that is her father's surname and people know her as Spike Martin. "Spike" is a nickname her father gave her. One of the business possibilities she explored was the purchase of a Maggie Moo's ice cream franchise in Bloomington. [Mother] testified that she was very close to purchasing the Maggie Moo's franchise but that the money was not available, although she was told it would be. She needed about $50,000.00, which she described as a small sum. The purchase did not occur.

38. Billy Joe Hobbs, the owner of the Maggie Moo's franchise, testified on December 15, 2005. He said [Mother], who identified herself as Diana Martin, contacted him and made a cash offer of $50,000.00 for a turnkey operation. She said her dad had owned a flower shop and had recently died and left to her a substantial sum of money. Hobbs accepted the offer, subject to [Mother's] approval by the franchisor. Hobbs described the approval process he and his wife had gone through when they purchased the Maggie Moo's franchise from another person. The Hobbs went to Columbia, Maryland and met with people in the national office of Maggie Moo's to review their financial ability and be approved. The entire process took four hours, not counting the time to travel to Maryland and back. This is a significant fact because [Mother] testified in court on December 15, 2005, shortly before Mr. Hobbs did. [Mother] testified that she would have been required to go to Boston to attend Maggie Moo's college for eleven days. She did not go to Boston. She was going to send her daughter, but did not.

39. Hobbs said the trip to Maryland to meet with the Maggie Moo's corporate officers was set up, and a corporate employee was sent to the airport to pick [Mother] up. She didn't arrive. [Mother] called Hobbs the next day and [Mother] told Hobbs that her best friend in Utah had died, leaving thirteen children. [Mother] told Hobbs she went to Utah to be with her friend's husband.

40. A second trip to Maryland for [Mother] to meet with the Maggie Moo's corporate officers was set up. Again [Mother] did not arrive. [Mother] told Hobbs she had come down with shingles and had been sedated. [Mother] was very apologetic.

41. A third trip was set up. This time [Mother] told Hobbs that she was on her way to the Indianapolis airport when a daughter, or someone like a daughter, tried to commit suicide. Hobbs and the Maggie Moo's corporate officer gave up on the transaction at that point.

42. Jennifer Spencer, PhD, HSPP provided therapy to [Mother] from March, 2005 through the first hearing date of December 15, 2005. Dr. Spencer has a PhD. and a Masters Degree in counseling psychology. She has an Indiana license as a Health Services Provider in Psychology. Dr. Spencer testified in this case on December 15, 2005, and again briefly on January 10, 2006. Dr. Spencer also authored progress reports concerning [Mother] that were a part of the CHINS records admitted into evidence as Petitioner's Exhibit 1.

43. [Mother] made several allegations concerning her background and financial affairs to her therapist, Dr. Jennifer Spencer, which were later found to be untrue. The court has not attempted to repeat all of the findings of Dr. Spencer in her reports, but the court finds that Dr. Spencer is a thoughtful and credible witness who patiently and thoroughly explored [Mother's] business history and business proposals. The court concludes from Dr. Spencer's reports, and from the other evidence presented, that [Mother] has made many untrue claims and has engaged in deceptive behavior either because she is deluded, or because she is simply dishonest.

44. Dr. Spencer saw [Mother] more than 25 times. Her opinion is that [Mother] meets the criteria for Delusional Disorder, a psychotic disorder. [Mother] meets the criteria for the Grandiose Type. The diagnosis by Dr. Spencer is supported by earlier examinations by Drs. Ehrman and Lennon.

45. The basic definition of Delusional Disorder is that the person is suffering from non-bizarre delusions involving situations that occur in real life. These are beliefs that could be real, but are not. Apart

from the impact of the delusions, the daily functioning of people with this disorder is not markedly impaired, and behavior is not obviously odd or bizarre.

46. Dr. Spencer's September 23, 2005 Progress Report states that delusional disorders have several subtypes. Grandiose Type delusions involve delusions of inflated self-worth, power, knowledge, identity or special relationships to those with power, often a deity or famous person. The grandiose delusions that Dr. Spencer diagnosed in [Mother's] case are [Mother's] portrayal of herself as a person of special wealth and privilege and her special relationships with local people with power. [Mother] also sees herself with a special mission or assignment to save the children. The reasons she gave Mr. Hobbs for not going to Maryland to meet with the Maggie Moo's officers, going to Utah to help a dad with thirteen children, and going to help a suicidal child, are consistent with this delusion. Dr. Spencer opined that [Mother] has two cohesive delusions: a fabulous and wealthy businesswoman on a mission to save the children.

47. Typically a Delusional Disorder comes in middle age. Dr. Spencer believes that it most likely didn't affect [Mother's] parenting of her older children because the delusion wasn't present at that earlier time.

48. The cause of a Delusional Disorder often [sic] unknown, but it can be the result of a brain injury, particularly lesions. Dr. Spencer gave [Mother] the name of a local neurologist and strongly advised [Mother] to make an appointment. [Mother] indicated that she was wiling [sic] to follow the recommendation.

49. Dr. Spencer also suggested [Mother] see a psychiatrist to consider medication. [Mother] resisted this suggestion, but later made an appointment.

50. It does not appear from the evidence that [Mother] ever obtained a neurological examination or saw a psychiatrist as Dr. Spencer recommended.

51. The court finds that [Mother] has a psychotic disorder that she denies exists. She has not obtained a neurological examination that

might reveal a physical injury relating to the disorder, and she has not sought medication that might help her control the disorder.

52. [Mother's] disorder affects judgment and decision making. If the delusions are challenged, it can lead to aggression. Due to the behavioral challenges presented by [J.G.], it is likely that [Mother's] delusions, especially with regard to being "the good mother", would often be challenged. [Mother's] delusional disorder threatens the safety of [J.G.] if he were to be returned to the home.

53. Deborah Launer, [J.G.]'s foster mother, has had significant experience at caring for foster children with special needs. She has adopted children in the past, but does not intend to adopt [J.G.]. Launer is a strong proponent of reunification of children with their parents. However, in this case, Launer's opinion is that it is not in [J.G.]'s best interest to be reunited with [Mother].

54. James Terlizzi (Terlizzi), the Court Appointed Special Advocate for [J.G.] since May, 2004, spent approximately two hundred thirty-five (235) hours investigating this case. He had contact with [J.G.] 21 times and with [Mother] 28 times. He saw [J.G.] in different places, including in school, in his foster home, and in [Mother's] home. He soke [sic] with [J.G.]'s head start teacher, Joleen Wright, with [J.G.]'s therapist, Dr. Marsha McCarty, with DCS Family Case Manager Melissa Richardson and with others. Terlizzi testified that [J.G.] was very unsettled when Terlizzi first met him. [J.G.] had few boundaries and was hard to control. [J.G.] is now playful, defiant and pleasant. He shows stress due to lack of permanency. [J.G.] is more defiant with [Mother] than with other female caregivers, like Deborah Launer and Joleen Wright. [B.G.] and [L.G.], [Mother's] children who live with her, do not want [J.G.] or any other children in their home. [J.G.] and [B.G.] do not like each other. [J.G.] is more respectful in Deborah Launer's home. He listens. He has a good relationship with [A.] and [S.], other children in Deborah Launer's home. Terlizzi noted that Dr. Marsha McCarty, the psychologist who evaluated [J.G.] in late 2004, concluded that most of [J.G.]'s problems appear to have been environmental. The court finds from a review of Dr. McCarty's December 30, 2004 report, introduced into evidence with the CHINS records, that the CASA has accurately summarized her findings. Terlizzi has concern for [J.G.]'s psychological well being if he is in [Mother's] care. Terlizzi

believes it is in [J.G.]'s best interest that [Mother's] parental rights be terminated, and that [J.G.] be placed in an adoptive home as soon as possible.

55. Melissa Richardson has been a DCS family case manager for fourteen years. She supervises the licensing of foster care families and oversees adoption for the DCS. She has been involved with [Mother] and many of the children in her home since she prepared a home study throughout the removal and subsequent placement of the thirteen (13) children removed on November 24, 2003. Richardson continues to have concerns about the safety of [J.G.] if he were to return to [Mother's] home. Richardson believes that termination of [Mother's] parental rights is in [J.G.]'s best interest.

56. The plan of the DCS for [J.G.] is adoption by a family that is able to provide for all of [J.G.]'s financial, physical and emotional needs.

57. Although it is clear that [Mother] loves [J.G.] very much, the concerns for [J.G.]'s physical safety which were present at the time of removal continue to exist at this time. [Mother] has a significant mental illness and a chaotic life. She is unable to explain basic facts about her income and future prospects. She lies repeatedly and uses the truth selectively to serve her own purposes and to foster her delusions. [Mother] has refused to do the things that might help diagnose and treat her mental illness.

The Court finds that the allegations in the petition are true and are established by clear and convincing evidence in that:

A. [J.G.] was removed from the care and custody of his mother, and has been under the supervision of the DCS for at least fifteen (15) of the last twenty-two (22) months;

B. There is a reasonable probability that the conditions which resulted in the removal of [J.G.] from the home will not be remedied, as set forth in this order. [Mother] has not shown financial stability, and has not followed through with the treatment recommendations of her therapist. [Mother] continues to deny that any abuse occurred in her home;

C. Continuation of the parent-child relationship poses a threat to the well-being of [J.G.]. [Mother] suffers from a delusional disorder which may threaten [J.G.]'s physical safety, but

> which will surely threaten [J.G.]'s emotional development if he is returned to her care. [Mother] continues to deny that any abuse occurred in her home. [Mother] has not shown that she is financially able to support [J.G.] if he were returned to her home;
>
> D. Termination of the parent-child relationship is in the best interest of [J.G.], for the reasons set forth above;
>
> E. The DCS has a satisfactory plan for the care and treatment of [J.G.]. The plan is adoption.
>
> IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the parent-child relationship between [J.G.] and [Mother] is hereby terminated, and all rights, powers, privileges, immunities, duties, and obligations, including the right to consent to adoption, pertaining to that relationship are hereby permanently terminated.

Appellant's Appendix at 10-21.

I.

The first issue is whether the trial court violated Mother's constitutional rights by basing its termination of Mother's parental rights in part on her refusal to incriminate herself. According to Mother, the trial court used her refusal to admit abusing M.M. against her. Mother argues that using her silence against her is a violation of her Fifth Amendment rights, and of Article I, Section 14 of the Indiana Constitution. The MCDCS argues that Mother did not remain silent but denied the allegations. In any event, we need not decide whether the privilege of self-incrimination might have been applicable to this case because Mother denied the allegations and made no objection to any of the MCDCS's questions during Mother's testimony on the basis of the Fifth Amendment privilege. See Hardin v. State ex rel. Van Natta, 176 Ind. App. 514, 518, 376 N.E.2d 518,

520 (1978) (holding that appellant waived any error because he failed to object to any of the State's questions on the basis of the Fifth Amendment privilege).

Citing criminal case decisions, Mother also argues that the State may not make use of a denial of guilt and that the principle is applicable to cases involving the termination of parental rights. "In essence, parental termination actions are civil in nature." Keen v. Marion County Dep't of Public Welfare, 523 N.E.2d 452, 455 (Ind. Ct. App. 1988). "[T]he privilege against self-incrimination does not prohibit the trier of fact in a civil case from drawing adverse inferences from a witness' refusal to testify." Gash v. Kohm, 476 N.E.2d 910, 913 (Ind. Ct. App. 1985), reh'g denied, trans. denied. More importantly we do not find any support that the court considered her denials as a refusal to testify or otherwise considered the denials as other than indicative of her delusional disorder.

II.

The next issue is whether the trial court's order terminating Mother's parental rights to J.G. is clearly erroneous. The traditional right of parents to establish a home and raise their children is protected by the Fourteenth Amendment of the United States Constitution. Bester v. Lake County Office of Family & Children, 839 N.E.2d 143, 147 (Ind. 2005). However, these parental interests are not absolute and must be subordinated to the child's interests in determining the proper disposition of a petition to terminate parental rights. Id. Parental rights may be terminated when the parents are unable or unwilling to meet their parental responsibilities. Id. The purpose of terminating parental rights is not to punish parents, but to protect children. In re L.S., 717 N.E.2d 204, 208

(Ind. Ct. App. 1999), reh'g denied, trans. denied, cert. denied, 534 U.S. 1161, 122 S. Ct. 1197 (2002).

When reviewing a termination of parental rights, we will not reweigh the evidence or judge the credibility of the witnesses. Bester, 839 N.E.2d at 147. We will consider only the evidence and reasonable inferences therefrom that are most favorable to the judgment. Id. Here, the trial court made findings in granting the termination of Mother's parental rights. When reviewing findings of fact and conclusions thereon entered in a case involving a termination of parental rights, we apply a two-tiered standard of review. Id. First, we determine whether the evidence supports the findings. Id. Then, we determine whether the findings support the judgment. Id. The trial court's judgment will be set aside only if they are clearly erroneous. Id. "A judgment is clearly erroneous if the findings do not support the trial court's conclusions or the conclusions do not support the judgment." Id. (citation and internal quotations omitted).

Ind. Code § 31-35-2-8(a) (2004) provides that "if the court finds that the allegations in a petition described in [Ind. Code § 31-35-2-4] are true, the court shall terminate the parent-child relationship." Ind. Code § 31-35-2-4(b)(2) provides that a petition to terminate a parent-child relationship involving a child in need of services must allege that:

(A) one (1) of the following exists:

(i) the child has been removed from the parent for at least six (6) months under a dispositional decree;

(ii) a court has entered a finding under Ind. Code § 31-34-21-5.6 that reasonable efforts for family preservation or reunification are not required, including a description of the court's finding, the date of the finding, and the manner in which the finding was made; or

(iii) after July 1, 1999, the child has been removed from the parent and has been under the supervision of a county office of family and children for at least fifteen (15) months of the most recent twenty-two (22) months;

(B) there is a reasonable probability that:

(i) the conditions that resulted in the child's removal or the reasons for placement outside the home of the parents will not be remedied; or

(ii) the continuation of the parent-child relationship poses a threat to the well-being of the child;

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

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

The State must establish these allegations by clear and convincing evidence. Egly v. Blackford County Dep't. of Pub. Welfare, 592 N.E.2d 1232, 1234 (Ind. 1992); Doe v. Daviess County Div. Of Children & Family Services, 669 N.E.2d 192, 194 (Ind. Ct. App. 1996), trans. denied. Mother challenges the trial court's findings: (A) that the continuation of the parent-child relationship posed a threat to the well-being of J.G.; (B) that the conditions that resulted in J.G.'s removal will not be remedied; and (C) that the termination of the parent-child relationship is in J.G.'s best interests.

Because much of Mother's arguments center on the trial court's findings regarding her mental health, we first address Mother's arguments regarding her diagnosis.

Specifically, Mother argues that: (1) the psychological tests did not produce a reliable result; (2) the falsity of Mother's delusions was never established; and (3) the evidence does not support the trial court's findings that Mother made many untrue claims and lied repeatedly. We will address each of Mother's arguments separately.

1. Validity of Psychological Testing

The trial court made the following findings:

> 42. Jennifer Spencer, PhD, HSPP provided therapy to [Mother] from March, 2005 through the first hearing date of December 15, 2005. Dr. Spencer has a PhD. and a Masters Degree in counseling psychology. She has an Indiana license as a Health Services Provider in Psychology. Dr. Spencer testified in this case on December 15, 2005, and again briefly on January 10, 2006. Dr. Spencer also authored progress reports concerning [Mother] that were a part of the CHINS records admitted into evidence as Petitioner's Exhibit 1.
>
> 43. [Mother] made several allegations concerning her background and financial affairs to her therapist, Dr. Jennifer Spencer, which were later found to be untrue. The court has not attempted to repeat all of the findings of Dr. Spencer in her reports, but the court finds that Dr. Spencer is a thoughtful and credible witness who patiently and thoroughly explored [Mother's] business history and business proposals. The court concludes from Dr. Spencer's reports, and from the other evidence presented, that [Mother] has made many untrue claims and has engaged in deceptive behavior either because she is deluded, or because she is simply dishonest.
>
> 44. Dr. Spencer saw [Mother] more than 25 times. Her opinion is that [Mother] meets the criteria for Delusional Disorder, a psychotic disorder. [Mother] meets the criteria for the Grandiose Type. The diagnosis by Dr. Spencer is supported by earlier examinations by Drs. Ehrman and Lennon.

Appellant's Appendix at 18.

Mother argues that the tests were not reliable and personality testing was necessary. Dr. Ehrman saw Mother twice and his personality testing of Mother had elevations on three scales: "hysteria, psychopathic deviant, and paranoia." Transcript at 219. Dr. Lennon saw Mother five times and concluded in his report that Mother either had a delusional disorder or that she was lying. Dr. Spencer testified that Dr. Lennon was not able to make a determination between the two because he had limited data and because Mother had refused access to the records so Dr. Lennon did not have background information.

Dr. Spencer was Mother's treating therapist and saw Mother more than twenty-five times over a period of nine months. Dr. Spencer testified that the fact that she was Mother's treating therapist and saw Mother over a period of time on numerous occasions makes a big difference in terms of the amount of data she was able to collect in comparison to Dr. Ehrman and Dr. Lennon. Dr. Spencer testified that the two previous personality tests had "marginal validity," which means it is "interpretable, but it's interpreted with caution." Transcript at 216, 219. Dr. Spencer diagnosed Mother with a grandiose delusional disorder. Dr. Spencer testified that her conclusion was not inconsistent with the conclusions of Dr. Ehrman and Dr. Lennon because Dr. Ehrman and Dr. Lennon did not have enough information and Dr. Lennon concluded that a delusional disorder was a possibility. Dr. Spencer admitted that she wanted to perform personality testing on Mother "to help with the diagnostics," but Mother failed to show for the appointments, canceled the appointments, or failed to complete the testing. Transcript at

216. Based on the record, we conclude that the evidence supports the finding that Mother was diagnosed with grandiose delusional disorder.

2. Falsity of Mother's Delusions

Mother argues that the evidence never established the falsity of her "delusions" by clear and convincing evidence. The MCDCS argues that Mother confuses the standard for the termination proceeding with the standard required to adequately diagnose delusional disorder. We agree. Dr. Spencer did not testify that the falsity of Mother's delusions must be proven by clear and convincing evidence. Rather, Dr. Spencer indicated that "[w]hen the sheer volume of unlikely but possible events are examined, along with the lack of evidence of nearly all of the events themselves, a diagnosis can be made." Appellant's Appendix at 62. Dr. Spencer's progress report included a section entitled "Delusional Belief Systems" that was divided by "Childhood," "Employment," "Legal," and covered more than five single spaced pages. Appellant's Appendix at 62-67. Mother essentially asks that we reweigh the evidence and judge the credibility of Dr. Spencer, which we cannot do. Bester, 839 N.E.2d at 147. See Young v. State, 266 Ind. 557, 562, 364 N.E.2d 1180, 1183 (1977) (holding that defendant's challenge to the sufficiency of the evidence went merely to the weight and credibility of the testimony of the psychiatrists and their testimony constituted substantial evidence of probative value).

3. Mother Lies Repeatedly

Mother argues that the evidence does not support the trial court's following findings:

> 43. [Mother] made several allegations concerning her background and financial affairs to her therapist, Dr. Jennifer Spencer, which were later found to be untrue. The court has not attempted to repeat all of the findings of Dr. Spencer in her reports, but the court finds that Dr. Spencer is a thoughtful and credible witness who patiently and thoroughly explored [Mother's] business history and business proposals. The court concludes from Dr. Spencer's reports, and from the other evidence presented, that [Mother] has made many untrue claims and has engaged in deceptive behavior either because she is deluded, or because she is simply dishonest.
>
> * * * * *
>
> 57. Although it is clear that [Mother] loves [J.G.] very much, the concerns for [J.G.]'s physical safety which were present at the time of removal continue to exist at this time. [Mother] has a significant mental illness and a chaotic life. She is unable to explain basic facts about her income and future prospects. She lies repeatedly and uses the truth selectively to serve her own purposes and to foster her delusions. [Mother] has refused to do the things that might help diagnose and treat her mental illness.

Appellant's Appendix at 18, 20. Mother argues that these findings overstate the evidence and that "[t]here is evidence at most of occasional untruths." Appellant's Brief at 26. Dr. Spencer's progress report indicated that Mother "sometimes gave her case manager incorrect information." Appellant's Appendix at 70. Novak, a family preservationist and visit supervisor, testified that "there were several times where [Mother] would share information with the children that I would either at the time know was not accurate or would later find out was not accurate." Transcript at 293. For example, Mother mentioned during a visit that she had to sell her home to pay for a lawyer, but she had actually been evicted from her home and did not own the home. Again, we conclude that the evidence supports the trial court's findings.

With these findings regarding Mother's mental health in mind, we now address Mother's arguments regarding the trial court's findings: (A) that the continuation of the parent-child relationship posed a threat to the well-being of J.G.; (B) that the conditions that resulted in J.G.'s removal will not be remedied; and (C) that the termination of the parent-child relationship is in J.G.'s best interest.

A. Threat to the Well-Being of J.G.

Mother argues that the continuation of the parent-child relationship does not pose a threat to the well-being of J.G. Mother also argues that termination cannot be based solely on a parent's mental illness and that there was no evidence that her delusional disorder would pose a threat to J.G.'s emotional development. "A trial court need not wait until a child is irreversibly influenced by a deficient lifestyle such that [his] physical, mental, and social growth is permanently impaired before terminating the parent-child relationship." In re E.S., 762 N.E.2d 1287, 1290 (Ind. Ct. App. 2002).

The trial court found:

> The Court finds that the allegations in the petition are true and are established by clear and convincing evidence in that:
>
> * * * * *
>
> C. Continuation of the parent-child relationship poses a threat to the well-being of [J.G.]. [Mother] suffers from a delusional disorder which may threaten [J.G.]'s physical safety, but which will surely threaten [J.G.]'s emotional development if he is returned to her care. [Mother] continues to deny that any abuse occurred in her home. [Mother] has not shown that she is financially able to support [J.G.] if he were returned to her home.

Appellant's Appendix at 20.

Mother argues that the State may not terminate a parent-child relationship because of the parent's mental illness, unless it also shows that the illness could have a harmful effect on the child, and that the MCDCS failed to demonstrate such a harmful effect. "Mental retardation of the parents, standing alone, is not a proper ground for terminating parental rights." Egly v. Blackford County Dep't of Public Welfare, 592 N.E.2d 1232, 1234 (Ind. 1992). "Where, however, the parents are incapable of or unwilling to fulfill their legal obligations in caring for their children, then mental illness may be considered." Id. "This includes situations not only where the child is in immediate danger of losing his life, but also where the child's emotional and physical development are threatened." Id.

Mother argues that her parenting skills were generally good. The family case manager did not focus on Mother's parenting skills but focused on Mother's diagnosis. The following exchange occurred during the cross examination of the family case manager:

> Q: And the fear is that [Mother] doesn't understand how to parent correctly cause I, I think the testimony is that on paper she understands what she's supposed to do, and when she's supervised she can do that. I think, am I correct in saying that the fear is that when she's alone unsupervised with [J.G.] if he triggers this effect of that she cannot be the perfect mother, then we have the danger?
>
> A: Absolutely, um, and that's why, you know, I was not convinced that a parenting class was what [Mother] needed to do. She has the cognitive ability. She understands. She's a bright, competent personable woman. She has the ability, but absolutely, um, and originally when I asked for

> unsupervised visits, that was part of my thinking. I know she can do what she's supposed to do when she's being watched. I know she knows how to answer me when I ask her questions, what is she going to do, um, when I ask her questions, what is she going to do, um, when it's just her making the call, when she's not, I think Doctor McCarty said, performance parenting, when she's not, um, doing that for observation, being graded on that, what could happen, um, absolutely to this moment I am concerned about [J.G.]'s safety there.
>
> Q: And a lot of your concern is because of the, her psychological diagnosis?
>
> A: Absolutely.

Transcript at 280-281. Dr. Spencer's report also stated that "[t]eaching [Mother] parenting skills does not appear to be the relevant issue" and that Mother's psychotic disorder is "the most relevant issue for both decision making for her termination of parental rights case, and for her treatment." Appellant's Appendix at 70.

Mother also argues that there was no clear and convincing evidence that her mental illness had ever harmed J.G. or was likely to harm J.G. in the future. Dr. Spencer testified as follows:

> One of the definitions of a delusional disorder is outside of the particular delusions, the person does not show marked impairment, so you can have a very normal kind of existence as long as, you know, nobody challenges those delusions, and it's, it's actually kind of okay, um, so how it would effect parenting would depend very much on what kind of delusion it is. For, ah, [Mother], I'm actually less concerned about the, the delusions around the businesses which is the one that absorbs the most of her time. That doesn't worry me quite as much, although there are concerns for how she would financially support a child, if she believes she's already got a million dollars and is going to be buying these businesses. The one that worries me more is the sort of the good mother, special mission one. Um, where that could get a little dicey is people who have delusions, um, can maintain for the most part pretty well as long as their delusions are not

> directly challenged. So if you have a small child who is maybe not acting well, who is acting up, who is causes [sic] problems, who has behavioral issues, ah, how do you maintain if you're a perfect mother that you are not able to control the child, and then what happens because then the delusion is challenged, ah, I think, um, her older children, um, I'm, I'm not as worried about that either because they're teenagers now. They, um, they probably, I don't know them, but the types of behavior problems you see aren't the kicking, screaming, tantrum kind of stuff, typically, with teenagers. They're also old enough they can protect themselves, and so they can kind of avoid those things they know may be triggering. With a small child, that that [sic] child doesn't have that ability and no way to protect themselves.

Transcript at 227-228. The following exchange occurred during cross examination of Melissa Richardson, the family case manager:

> Q: So after you hear that and you understand the failure to acknowledge what was done to [M.M.], um, and her fear that if a child inadvertently does something wrong, does that raise concerns with putting the child back in her home?
>
> A: Absolutely. As a mother of four kids, I'll take off my professional hat, I'll tell you kids are not perfect, um, ah, and I, parents aren't perfect, but children misbehave, all children do, ah, moreover, [J.G.] is a special needs child and, ah, he will misbehave more than the average four [sic] child. There's no doubt about that, and we don't know if that will get better or get worse as he gets older, um, that, the agency that placed [J.G.] with [Mother], according to her, had told her that there was a chance that he's fetal alcohol, which we know can create huge problems with behavior, with learning, um, with impulsivity which can cause problems as a teenager, um, [J.G.] is a special needs child, and when we've had all of these case conferences, we talk about [J.G.] for part of the conference, and, ah, the therapist, the school staff, the current foster parent, professionals in the foster parent home, will all talk about the different behavior problems they see with [J.G.] and their concerns for him. [Mother] states that she's never seen those. That she doesn't see them when she visits with him, that she didn't see them in her home prior to being placed, so I, hearing Doctor Spencer put it that way today, has me hugely concerned about his safety in her home.

Transcript at 278-279.

Terlizzi, the CASA, testified that he had concerns regarding J.G.'s physical and psychological well-being if he was returned to Mother's care. Terlizzi testified that J.G.'s behavior challenges Mother's delusions in significant ways. Terlizzi also expressed concerns regarding Mother's ability to provide for J.G. especially with Mother's "checkered financial history and ability to provide and her periodic homelessness." Transcript at 319.

Further, at the hearing, B.K., a fifteen-year-old child placed in Mother's care in the summer of 2002, testified that she saw Mother hit a child with a tennis racket, hit another child with a hairbrush, place a child in the clothes dryer, and tape a child's hands and legs in a bathtub using duct tape. J.G. is a difficult child to control and J.G. would try to find reasons to pick a disagreement with Mother so that he could hit her and show defiance.

Based upon the totality of the evidence, we cannot say that the trial court's finding that continuation of the parent-child relationship posed a threat to the well-being of J.G. was clearly erroneous.

B. Conditions Will Not Be Remedied

Mother also argues that the trial court erred by finding that there was a reasonable probability that the conditions that resulted in J.G.'s removal or placement outside the home would not be remedied. Ind. Code § 31-35-2-4(b)(2)(B) required the MCDCS to demonstrate by clear and convincing evidence a reasonable probability that *either*: (1) 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* (2) the continuation of the parent-child relationship poses a threat to the well-being of J.G. The trial court specifically found that the continuation of the parent-child relationship posed a threat to the well-being of J.G., and there is sufficient evidence in the record to support the trial court's conclusion. See supra Part A. Thus, we need not determine whether the trial court's conclusion that there was a reasonable probability that the conditions that resulted in the child's removal or placement outside the home would not be remedied is clearly erroneous. See, e.g., In re T.F., 743 N.E.2d 766, 774 (Ind. Ct. App. 2001), trans. denied.

C. Best Interests

Mother appears to argue that termination of the parental relationship is not in J.G.'s best interest. In determining what is in the best interests of the child, the trial court is required to look at the totality of the evidence. A.F. v. Marion County Office of Family & Children, 762 N.E.2d 1244, 1253 (Ind. Ct. App. 2002), trans. denied. In doing so, the trial court must subordinate the interests of the parents to those of the child involved. Id. Melissa Richardson, the family case manager, testified that adoption was in J.G.'s best interests. Terlizzi, the CASA, testified that he thought it would be in J.G.'s best interest to terminate Mother's parental rights and move J.G. to a home with capable and nurturing parents as quickly as possible. Based upon the totality of the evidence in this case, the trial court's finding that termination was in J.G.'s best interest was supported by clear and convincing evidence. See, e.g., In re M.M., 733 N.E.2d 6, 13 (Ind. Ct. App. 2000) (holding that the testimony of the CASA and the family case

manager, coupled with the evidence that the conditions resulting in the placement outside the home will not be remedied, was sufficient to prove by clear and convincing evidence that termination was in a child's best interest); McBride v. Monroe County Office of Family & Children, 798 N.E.2d 185, 203 (Ind. Ct. App. 2003) (holding that the testimony of a caseworker and CASA alone is sufficient to support the court's conclusion that termination is in the children's best interests).

For the foregoing reasons, we affirm the trial court's involuntary termination of Mother's parental rights to J.G.

Affirmed.

SULLIVAN, J. and CRONE, J. concur