



TPR

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In ***In re G.F.***, 135 N.E.3d 654 (Ind. 2019), Father appeals the trial court's termination of his parental rights to his child, G.F. The Court of Appeals affirms, holding that "[Father's] behavior during the fifteen months leading up to the termination hearing established that he was not a safe or available option for Child and that his parental rights should be terminated." *Id.* at 662.

G.F. was born in February 2008, and was found to be CHINS in December of that year, after a period of informal adjustment. Eventually, maternal grandmother was named guardian of G.F., and served in that capacity until November 2015. *Id.* At that time, Mother had been clean and serving in-home detention, and both Mother and Grandmother agreed the guardianship was no longer necessary. However, G.F. was found to be CHINS in June of 2019 and was subsequently placed in foster care.

In July 2017, Mother identified Father as a potential father of G.F. The DCS case manager contacted Father, who was living in Maryland, and asked that he take a paternity test. Father did not do so, and instead attempted suicide by drug overdose and went to rehab. At some point during his stay in rehab, Father took the paternity test and was found to be the biological father. Father moved to Indiana in January 2018 to try to be a part of G.F.'s life. Father had one visit with G.F. in January 2018. G.F. was almost ten years old, and very excited to meet her father. However, this was the only visit they would have, because Father began using methamphetamine and was incarcerated shortly after. Father continued using and engaging in criminal behavior, such that he was arrested and charged with felonies on five separate occasions between March 2018 and May 2019. During this time, Father made no progress toward reunification with G.F. because he was incarcerated and using drugs while failing to stay in contact with the DCS case manager. Similarly, Mother continued to use drugs and was not progressing.

In December 2018, DCS filed a petition to terminate both Mother and Father's parental rights. A hearing was held in April 2019, where DCS presented evidence about the parents' failure to progress, as well as testimony from G.F.'s therapist about the child's need for emotional stability and ongoing mental health issues. DCS and the guardian ad litem agreed that termination was in the best interest of G.F., as her parents were unable to provide her much needed stability, and her foster parents for over three years were prepared to adopt her. On May 9, 2019, the trial court issued its order terminating both Mother and Father's parental rights. Father appeals.

The Court first addresses the standard of review, which in this instance is "the applicable clear and convincing evidence standard, we review to determine whether the evidence clearly and convincingly supports the findings and whether the findings clearly and convincingly support the

judgment. *In re R.S.*, 56 N.E.3d at 628.” *Id.* at 660. The Court acknowledges “ that the traditional right of parents to ‘establish a home and raise their children is protected by the Fourteenth Amendment of the United States Constitution.’ *In re M.B.*, 666 N.E.2d 73, 76 (Ind. Ct. App. 1996), *trans. denied.*” *Id.* However, the Court also finds that this right cannot come at the cost of the safety of the child. *Id.*

Here, the Court reflects that “[o]n appeal, Father argues only that the trial court’s findings did not establish that continuation of the parent-child relationship would pose a threat to Child’s well-being. *Id.* His argument is based solely on the premise that there were no findings indicating that he “posed a menace to do bodily harm” to Child.” *Id.* at 661. However, the Court notes that “[i]t is well established that ‘a trial court need not wait until a child is irreversibly influenced by a deficient lifestyle such that her 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).” *Id.* During the trial, the Court finds that the testimony of the child’s therapist regarding her mental health and stability issues well illustrates the damage caused by home instability. *Id.*

In response to Father’s argument that he “was robbed of the chance to develop a relationship with Child during her first almost ten years of life,” the Court responds that “[w]hen given a chance to be a father to Child, a parent that she desperately needed, Father failed her.” *Id.* The Court then lists off Father’s substance and criminal issues, and ultimately finds no substance to Father’s arguments, since “**Father’s habitual pattern of conduct is highly relevant in determining whether the continuation of the parent-child relationship poses a threat to Child, as it suggests a substantial probability of future neglect or deprivation.** *See In re A.P.*, 981 N.E.2d 75, 81 (Ind. Ct. App. 2012).” *Id.*