

IN THE NEBRASKA COURT OF APPEALS

**MEMORANDUM OPINION AND JUDGMENT ON APPEAL**

IN RE INTEREST OF TAYLOR S. & MADDISON S.

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IN RE INTEREST OF TAYLOR S. AND MADDISON S.,  
CHILDREN UNDER 18 YEARS OF AGE.

STATE OF NEBRASKA, APPELLEE,

v.

REBECCA S., APPELLANT, AND JEFFREY S.,  
APPELLEE AND CROSS-APPELLANT.

Filed May 15, 2012. No. A-11-671.

Appeal from the Separate Juvenile Court of Douglas County: CHRISTOPHER KELLY,  
Judge. Affirmed.

Thomas C. Riley, Douglas County Public Defender, and Juliet A. Summers for appellant.

Donald W. Kleine, Douglas County Attorney, Jennifer C. Clark, and Kailee Smith,  
Senior Certified Law Student, for appellee State of Nebraska.

Matthew R. Kahler, of Finley & Kahler Law Firm, P.C., L.L.O., for appellee Jeffrey S.

Joshua J. Yambor, of Woodke & Gibbons, P.C., L.L.O., guardian ad litem for Jeffrey S.

INBODY, Chief Judge, and IRWIN and SIEVERS, Judges.

IRWIN, Judge.

I. INTRODUCTION

Pursuant to this court's authority under Neb. Ct. R. App. P. § 2-111(B)(1) (rev. 2008), this case was ordered submitted without oral argument. Rebecca S. appeals and Jeffrey S. cross-appeals from an order of the juvenile court, which order terminated their parental rights to their minor children, Taylor S. and Maddison S. Both Rebecca and Jeffrey challenge the statutory grounds for termination of their parental rights and the juvenile court's finding that

termination of their parental rights is in the children's best interests. In addition, Rebecca challenges the juvenile court's decision to admit certain evidence at the termination hearing.

Upon our de novo review of the record, we find that the State presented sufficient evidence to warrant termination of Rebecca's and Jeffrey's parental rights. As such, we affirm the order of the juvenile court terminating Rebecca's and Jeffrey's parental rights.

## II. BACKGROUND

Rebecca's appeal and Jeffrey's cross-appeal focus on their ability to parent their two children, Taylor, born in May 2004, and Maddison, born in April 2005.

In April 2007, Taylor and Maddison were removed from their parent's care after it was reported that Rebecca and Jeffrey were homeless, unemployed, and unable to care for the children. At the time of the removal, the children were residing with Rebecca's mother rather than with Rebecca and Jeffrey.

As a result of the report concerning Rebecca and Jeffrey's circumstances, on April 18, 2007, the State filed a petition with the juvenile court, alleging that each of the children was within the meaning of Neb. Rev. Stat. § 43-247(3)(a) (Cum. Supp. 2006). Specifically, the petition alleged that Rebecca and Jeffrey failed to provide the children with safe and stable housing and with proper parental care and financial support.

Also on April 18, 2007, the juvenile court entered an order placing the children in the immediate custody of the Department of Health and Human Services (the Department) and indicated that placement of the children was not to include Rebecca and Jeffrey's home. The children have remained in the custody of the Department in an out-of-home placement since the entry of that order.

On July 12, 2007, an adjudication hearing was held. At the hearing, both Rebecca and Jeffrey admitted to the portions of the petition which alleged that they failed to provide the children with safe and stable housing and with financial support. As a result of the parents' admissions, the children were adjudicated pursuant to § 43-247(3)(a). The juvenile court then ordered Rebecca and Jeffrey to obtain and maintain employment and safe and adequate housing, to cooperate with their family support worker, and to participate in individual therapy.

After the adjudication hearing, further hearings were held in September and December 2007 and in March 2008. At these hearings, the juvenile court adopted the case plans proposed by the Department and ordered Rebecca and Jeffrey to participate in a rehabilitation plan. As a part of the rehabilitation plan, Rebecca and Jeffrey were ordered to participate in family therapy; participate in, and complete, a parenting education program; attend visitation with Taylor and Maddison; keep their home open to announced and unannounced visits by the Department; obtain and maintain employment and safe and adequate housing; cooperate with their family support worker; and participate in individual therapy. In addition, Rebecca was ordered to take all of her medication as prescribed.

On August 12, 2008, the State filed a motion for termination of Rebecca's and Jeffrey's parental rights to Taylor and Maddison. In the motion, the State alleged that termination of their parental rights was warranted pursuant to Neb. Rev. Stat. § 43-292(2) (Reissue 2008), because they had substantially and continuously or repeatedly neglected and refused to give Taylor and Maddison necessary parental care and protection; § 43-292(6), because reasonable efforts to

preserve and reunify the family failed to correct the conditions that led to the determination that Taylor and Maddison were within the meaning of § 43-247(3)(a); and § 43-292(7), because Taylor and Maddison had been in an out-of-home placement for 15 or more months of the most recent 22 months. In addition, the State alleged that termination of Rebecca's and Jeffrey's parental rights was in the children's best interests.

The hearing on the State's motion for termination of parental rights began on November 14 and 15, 2008. After the first 2 days of the hearing, however, the State filed a motion to dismiss its motion to terminate Rebecca's and Jeffrey's parental rights. As a result of the dismissal of the State's motion to terminate parental rights, the case continued to proceed in juvenile court.

In May 2009, the juvenile court held a hearing where it ordered Rebecca and Jeffrey to comply with its orders from the previous hearings. In addition, the court ordered the parents to have semisupervised and unsupervised visitation with Taylor and Maddison.

The juvenile court then held additional hearings in November 2009 and January, May, and July 2010. At each of these hearings, the court ordered Rebecca and Jeffrey to comply with its orders from previous hearings. In fact, at the hearing in January 2010, the court ordered Rebecca and Jeffrey to "immediately" comply with certain orders, including participating in family therapy. In October 2010, the juvenile court entered an order changing Rebecca's and Jeffrey's visitation from semisupervised and unsupervised to fully supervised, because there were unauthorized persons living in their home and because they failed to cooperate with the Department's requests to visit the home.

On December 30, 2010, the State filed a second and third motion for termination of parental rights. In the second motion for termination of parental rights, the State alleged that termination of Rebecca's parental rights was warranted pursuant to § 43-292(2), (6), and (7) and that termination is in the children's best interests. In the third motion for termination of parental rights, the State alleged that termination of Jeffrey's parental rights was warranted pursuant to § 43-292(2), (6), and (7) and that termination is in the children's best interests.

In March and April 2011, a hearing was held on the State's second and third motions for termination of parental rights. While we have reviewed the evidence presented at the lengthy hearing in its entirety, we do not set forth the specifics of the voluminous testimony and exhibits here. Instead, we will set forth more specific facts as presented at the hearing as necessary in our analysis below.

After the termination hearing, the juvenile court entered a detailed order finding that the State proved by clear and convincing evidence that grounds for termination of Rebecca's and Jeffrey's parental rights existed under § 43-292(2), (6), and (7). The court also found that it would be in the children's best interests to terminate Rebecca's and Jeffrey's parental rights. The court then entered an order terminating their parental rights to Taylor and Maddison.

Rebecca appeals and Jeffrey cross-appeals from the juvenile court's order.

### III. ASSIGNMENTS OF ERROR

On appeal, Rebecca alleges, restated, renumbered, and consolidated, that the juvenile court erred in (1) finding that the State proved the statutory factors for termination of her parental

rights, (2) finding that termination of her parental rights is in the children's best interests, and (3) admitting into evidence certain testimony concerning her recent visitation with the children.

On cross-appeal, Jeffrey alleges that the juvenile court erred in (1) finding that the State proved the statutory factors for termination of his parental rights and (2) finding that termination of his parental rights is in the children's best interests.

#### IV. ANALYSIS

##### 1. STANDARD OF REVIEW

An appellate court reviews juvenile cases de novo on the record and reaches its conclusions independently of the juvenile court's findings. *In re Interest of Ryder J.*, 283 Neb. 318, 809 N.W.2d 255 (2012). When the evidence is in conflict, however, an appellate court may give weight to the fact that the lower court observed the witnesses and accepted one version of the facts over the other. *Id.*

For a juvenile court to terminate parental rights under § 43-292, it must find that one or more of the statutory grounds listed in this section have been satisfied and that termination is in the child's best interests. See *In re Interest of Jagger L.*, 270 Neb. 828, 708 N.W.2d 802 (2006). The State must prove these facts by clear and convincing evidence. *Id.* Clear and convincing evidence is that amount of evidence which produces in the trier of fact a firm belief or conviction about the existence of the fact to be proven. *Id.*

##### 2. STATUTORY GROUNDS WARRANTING TERMINATION OF REBECCA'S AND JEFFREY'S PARENTAL RIGHTS

We first address Rebecca's and Jeffrey's assertion that the juvenile court erred in finding that the State sufficiently proved the statutory factors for termination of their parental rights. We note that because Rebecca's and Jeffrey's arguments regarding their assigned errors and our resolution of those arguments are similar in nature, we analyze their assertions together.

The juvenile court found that termination of Rebecca's and Jeffrey's parental rights was warranted pursuant to § 43-292(2), (6), and (7). On appeal, Rebecca asserts that the juvenile court erred in sustaining the motion to terminate her parental rights pursuant to § 43-292(2) and (6). On cross-appeal, Jeffrey asserts that the juvenile court erred in sustaining the motion to terminate his parental rights pursuant to § 43-292(2), (6), and (7). Upon our de novo review of the record, we find that the evidence presented at the termination hearing clearly and convincingly demonstrated that Taylor and Maddison were in an out-of-home placement for at least 15 of the most recent 22 months, pursuant to § 43-292(7). As such, we need not specifically address Rebecca's and Jeffrey's assertions concerning the sufficiency of the evidence relevant to § 43-292(2) or (6).

As we discussed above, termination of parental rights is warranted whenever one or more of the statutory grounds provided in § 43-292 is established. See *In re Interest of Jagger L.*, *supra*. If an appellate court determines that the lower court correctly found that termination of parental rights is appropriate under one of the statutory grounds set forth in § 43-292, the appellate court need not further address the sufficiency of the evidence to support termination under any other statutory ground. *Id.*

Section 43-292(7) provides for termination of parental rights when “[t]he juvenile has been in an out-of-home placement for fifteen or more months of the most recent twenty-two months.” See, also, *In re Interest of Aaron D.*, 269 Neb. 249, 691 N.W.2d 164 (2005). This section operates mechanically, and unlike the other subsections of the statute, does not require the State to adduce evidence of any specific fault on the part of the parent. *In re Interest of Aaron D.*, *supra*.

In this case, the court found that termination of Rebecca’s and Jeffrey’s parental rights was warranted pursuant to § 43-292(2), (6), and (7). At the termination hearing, there was uncontradicted evidence which demonstrated that Taylor and Maddison were removed from their parents’ home in April 2007 and were never returned to Rebecca’s or Jeffrey’s custody during the pendency of the juvenile court proceedings. As such, when the State filed its second and third motions to terminate Rebecca’s and Jeffrey’s parental rights in December 2010, Taylor and Maddison had been in an out-of-home placement for almost 44 months, or over 3½ years. And, at the conclusion of the termination hearing in April 2011, Taylor and Maddison had been in an out-of-home placement for 48 months, or 4 years. Based on this evidence, there is no dispute that Taylor and Maddison were in an out-of-home placement for 15 or more months of the most recent 22 months as § 43-292(7) requires.

There is clear and convincing evidence that termination of Rebecca’s and Jeffrey’s parental rights was appropriate pursuant to § 43-292(7). In light of this fact, we need not, and do not, further address the sufficiency of the evidence to demonstrate that termination was also appropriate pursuant to § 43-292(2) and (6). The parents’ assignments of error relating to the sufficiency of the statutory authority to support termination are without merit.

### 3. BEST INTERESTS OF CHILDREN

We next address Rebecca’s and Jeffrey’s assertion that the juvenile court erred in determining that termination of their parental rights is in the children’s best interests. However, before we address their arguments on this issue, we explain the implications of our previous finding that termination of Rebecca’s and Jeffrey’s parental rights was warranted pursuant to § 43-292(7).

In the previous section, we found that termination of Rebecca’s and Jeffrey’s parental rights was appropriate pursuant to § 43-292(7). As a result, we declined to address the sufficiency of the evidence demonstrating that termination was also appropriate pursuant to § 43-292(2) or (6). We, therefore, treat our discussion of whether terminating Rebecca’s and Jeffrey’s parental rights is in the children’s best interests as though § 43-292(7) is the only statutory basis for termination.

In cases where termination of parental rights is based solely on § 43-292(7), the Nebraska Supreme Court has held that appellate courts must be particularly diligent in their de novo review of whether termination of parental rights is, in fact, in the child’s best interests. *In re Interest of Aaron D.*, *supra*. In such a situation, because the statutory ground for termination does not require proof of such matters as abandonment, neglect, unfitness, or abuse, as the other statutory grounds do, proof that termination of parental rights is in the best interests of the child will require clear and convincing evidence of circumstances as compelling and pertinent to a

child's best interests as those enumerated in the other subsections of § 43-292. *In re Interest of Aaron D.*, 269 Neb. 249, 691 N.W.2d 164 (2005).

In their briefs to this court, Rebecca and Jeffrey both argue that termination of their parental rights is not in the children's best interests. Specifically, Rebecca argues that termination of her parental rights is not appropriate because she has demonstrated improvement in her parenting skills, in her employment, and in her living situation and because she has a beneficial relationship with Taylor and Maddison. Similarly, Jeffrey argues that termination of his parental rights is not appropriate because he has made sufficient progress toward maintaining stable housing and employment and because he has a strong bond with Taylor and Maddison. Rebecca and Jeffrey assert that there is no reason the children should not be returned to their care.

Rebecca's and Jeffrey's assertions have no merit. Although we recognize that they both love their children, the evidence presented at the termination hearing reveals that despite all of the efforts and resources provided to Rebecca and Jeffrey in the almost 4 years this case was pending, they failed to make any significant progress toward becoming appropriate and effective parents.

#### (a) Housing

During the 4 years this case was pending, Rebecca and Jeffrey failed to obtain and maintain stable, appropriate housing. They regularly moved from residence to residence. These moves were often precipitated by them being evicted from their home because they failed to keep up with their rent payments. A brief description of their housing during the pendency of this case clearly demonstrates that Rebecca and Jeffrey have not made progress toward maintaining safe and stable housing for their children.

In May 2007, shortly after this case was initiated, the Department assisted Rebecca and Jeffrey financially with obtaining housing. Despite the Department's assistance, they struggled to keep up with their rent payments and regularly asked the Department to provide them with additional financial assistance. Rebecca and Jeffrey were evicted from their residence in December 2007. Although they did not report this eviction to the Department, their landlord did notify the Department of the situation. When the family's caseworker attempted to contact Rebecca and Jeffrey to determine where they were living after the eviction, she was unable to reach either of them. The Department did not know Rebecca's and Jeffrey's whereabouts for approximately 3 months.

In March 2008, Rebecca and Jeffrey reported that they were living in "downtown" Omaha, but declined to provide the specific address. They did, however, ask the Department to assist them with their rent payments.

In June 2008, Rebecca and Jeffrey were accepted into a program sponsored by the Salvation Army. This program provided them with housing and with assistance to maintain this housing. They remained in the program through November 2009 and maintained stable housing during this time. However, on more than one occasion, there was concern that they may be evicted due to their failure to keep up with rent payments.

In December 2009, Rebecca and Jeffrey obtained independent housing after leaving the Salvation Army program. They remained in that residence for approximately 1 month before being evicted.

Rebecca and Jeffrey did not report any new address to the Department until March 2010, when the Department learned they were living in a residence on Westgate Street in Omaha.

Rebecca and Jeffrey moved again in April 2010. They were evicted from that residence in October 2010 and moved in with Jeffrey's brother and his girlfriend. This arrangement did not last because Rebecca and Jeffrey could not afford to keep up with their bills.

By the time of the termination hearing in March and April 2011, Rebecca and Jeffrey did not have a regular residence and it was not known exactly where they were residing.

During the 4 years this case was pending in juvenile court, Rebecca and Jeffrey had at least seven residences. By the time of the termination hearing, they continued to demonstrate an inability to maintain a residence for any significant length of time.

#### (b) Employment

Rebecca did obtain and maintain consistent employment for a majority of the time this case was pending. In the first year the case was pending, Rebecca obtained employment at a restaurant. She remained at this same employment for approximately 1 year. She then became employed at a fast-food restaurant. Rebecca remained employed there until September 2010, when she sought out a better position at another fast-food restaurant. She remained employed with that restaurant through the time of the termination hearing. Rebecca did not provide consistent verification of her employment status to the Department. As a result, it is not entirely clear how many hours Rebecca was working or how much she was being paid.

Jeffrey failed to obtain and maintain consistent employment during the pendency of this case. At various times, Jeffrey reported working at several different fast-food restaurants. In addition, he reported that he was employed at a floral shop; doing construction work; and driving a cab. It is clear from the record that Jeffrey's jobs lasted for only a few months at a time. Jeffrey did report periods of unemployment during the 4 years this case was pending. In fact, Jeffrey once told the Department that he had to quit his job at a fast-food restaurant because he was not receiving enough hours. Jeffrey indicated that he believed this was due to people not eating as much fast food during certain times of the year. Jeffrey did not consistently provide verification of his employment status to the Department. As a result, it is not clear exactly when Jeffrey was employed and when he was unemployed.

Rebecca's and Jeffrey's combined salaries did not provide enough income to enable them to support their children. Throughout the pendency of this case, Rebecca and Jeffrey often requested financial assistance from the Department. They indicated that they were unable to afford to pay their rent, to buy food for the children during visitation, to pay for their own transportation, or to purchase beds for the children to sleep on when they had overnight visitations. During one visit with the children, Jeffrey refused to buy diapers because they were too expensive. The visit had to be terminated early. When Rebecca and Jeffrey did have money to spend, they chose to spend it on themselves rather than for the benefit of their children. At the same time that Rebecca and Jeffrey were asking the Department for financial assistance, Jeffrey was engaging in gambling and Rebecca and Jeffrey were purchasing expensive cellular

telephones and renting such luxury items as a laptop computer, a video game system, a flat-screen television, a DVD player, and a camcorder.

Rebecca and Jeffrey refused to accept help with budgeting the family's finances. They would not provide any documentation of their income or bills to the family support worker. Jeffrey indicated that he and Rebecca's financial circumstances were "fine."

#### (c) Individual Therapy

Rebecca did not participate in individual therapy. In April 2008, she began seeing a therapist, Kevin Killian, along with Jeffrey. Rebecca attended therapeutic sessions with Killian until August 2008, when Killian decided that Rebecca needed more individual attention than he could provide during couple's therapy. As such, he recommended that Rebecca seek out her own individual therapist. Rebecca did not find her own therapist and did not continue with any individual therapy. In fact, in June 2009, the Department offered to provide Rebecca with inhome individual therapy to facilitate her involvement. Rebecca declined the offer and indicated that she was simply too busy to participate with any therapy.

Jeffrey did not successfully complete an individual therapy program and, as a result, made only minimal progress toward resolving his personal and financial problems. Jeffrey began working with Killian in September 2007. Jeffrey met with Killian once a week through December 2008. During this time, Killian worked with Jeffrey on such goals as maintaining housing and employment, budgeting, improving interpersonal relationships, and learning proper communication techniques. Killian reported that Jeffrey made only minimal progress during the therapeutic sessions. Killian indicated that Jeffrey continued to be inconsistent in his employment and housing. In addition, Killian reported that Jeffrey is not able to properly prioritize things in his life. Killian indicated this was particularly true of Jeffrey's financial situation. Killian believed that Jeffrey has problems with being able to trust people and wants to do things on his own, without help. Killian stated that Jeffrey is "defensive."

After December 2008, Jeffrey's participation in therapy began to decline. His attendance at the therapeutic sessions with Killian was not as consistent, and eventually, by December 2009, Jeffrey stopped attending therapy altogether. At this time, Killian terminated his relationship with Jeffrey. Killian indicated that therapy was no longer beneficial for Jeffrey because he refused to think outside of "Jeff's world" or change his behavior. Killian reported that Jeffrey had not made any real progress toward his therapeutic goals since December 2008. After Killian terminated their relationship, Jeffrey refused to continue engaging in individual therapy with another therapist.

#### (d) Family Therapy

The juvenile court ordered Rebecca and Jeffrey to participate in family therapy to help Taylor overcome his behavioral problems. Taylor's therapist, Dr. Jennifer Burt, diagnosed Taylor as suffering from attention deficit hyperactivity disorder and oppositional defiant disorder. She believed that family therapy with Taylor, Rebecca, Jeffrey, and Taylor's foster mother would assist Taylor in overcoming his behavioral problems. Specifically, Dr. Burt wanted to implement consistent positive feedback for Taylor's good behaviors and consistent consequences for Taylor's bad, or inappropriate, behaviors.

Rebecca began attending family therapy sessions with Taylor in approximately December 2009. She was initially very cooperative and consistent in scheduling the appointments with Dr. Burt and in attending the appointments with Taylor. However, her cooperation and consistency dwindled over time. By August 2010, Rebecca was no longer making appointments or attending therapy with Taylor. In addition, Dr. Burt testified that during the time period when Rebecca was attending the therapeutic sessions, it was clear that she was not consistently implementing what she learned during the sessions when she had visitation with Taylor.

Jeffrey did not actively participate in therapy and attended the sessions rarely, if ever. Jeffrey did not even participate after a January 2010 hearing where the juvenile court ordered both parents to immediately comply with its order to attend family therapy with Taylor. It is clear that Jeffrey's failure to attend the therapy sessions contributed to the lack of consistency in parenting Taylor.

#### (e) Visitation

Rebecca and Jeffrey were initially provided with supervised visitation with their children. Although there were no glaring safety concerns while they were with their children, there was evidence that they did not always consistently attend their scheduled visitation and did not always accept all of the visitation time offered to them. The visitation specialist who supervised Rebecca and Jeffrey's time with their children indicated that over time, Rebecca and Jeffrey improved their parenting skills somewhat. However, Jeffrey in particular did not always accept instruction or apply the parenting techniques taught to him.

At some point, Rebecca and Jeffrey's visitation time transitioned to semisupervised and unsupervised. As a part of this visitation, Rebecca and Jeffrey were supposed to comply with announced and unannounced "drop-ins" by visitation workers. Rebecca and Jeffrey were not cooperative with this requirement. Workers struggled to maintain contact with the parents and often appeared for a scheduled drop-in to find the family was not home or was not answering the door.

In October 2010, the visitations were transitioned back to fully supervised because Rebecca and Jeffrey continued to be unable to provide for the children, were not cooperating with the Department, and were allowing unauthorized persons to be present during visitations. After the visitations were transitioned back to fully supervised, Rebecca's and Jeffrey's attendance at visitations declined. At the time of the termination hearing in March and April 2011, Jeffrey had not had visitation with his children in at least 3 months and had only had two visitations since November 2010. Similarly, Rebecca's visits with the children devolved to a frequency of one time per week even though she was permitted to have virtually unlimited visitations because they were supervised by her mother, who is the children's foster mother.

We briefly digress to address Rebecca's assertion that the juvenile court erred in admitting into evidence testimony by Tracy Schaffer, a family permanency specialist, that Rebecca visited with her children only one time per week after October 2010. At the termination hearing, Rebecca objected to the testimony as hearsay because Schaffer indicated that she had received such information from the children's foster mother. The court overruled the objection and permitted the testimony. Assuming, without deciding, that the juvenile court erred in allowing such testimony, such error is harmless. There was other direct testimony and evidence

to demonstrate that Rebecca was visiting the children only one time per week in recent months. Rebecca did not object to this testimony or evidence. Accordingly, on our de novo review of the record, we consider the evidence that Rebecca was only minimally participating in visitation in the months just prior to the termination hearing.

When we consider the totality of the evidence presented at the termination hearing, it is clear that Rebecca and Jeffrey are not ready to be effective parents to Taylor and Maddison. Despite the Department's efforts for over 4 years, Rebecca and Jeffrey have failed to demonstrate consistency in almost any area of their lives, including their housing, employment, finances, or parenting skills. Such inconsistency is particularly relevant in this case where the evidence revealed that one of their children, Taylor, is a child who desperately needs and, in fact, requires consistency and stability in his life. Taylor's therapist testified that he needs a consistent regimen of feedback and consequences to keep his behavior under control. Rebecca and Jeffrey have demonstrated that they are unable, or unwilling, to provide this type of environment for Taylor.

The evidence also reveals that Rebecca and Jeffrey have been consistently uncooperative with the Department during the pendency of this case. Such uncooperativeness was repeatedly demonstrated by the parents' failure to attend family team meetings, failure to follow through with the court's orders, and prevention of their Department caseworker and visitation specialists from entering their home. In its order, the juvenile court made the following finding with regard to Rebecca and Jeffrey's failure to cooperate:

While [Rebecca and Jeffrey] point the finger at the department case manager, it is clear that these parents could at times be confrontive, present themselves as threatening, and were, at best, difficult to work with. These parents shoulder a good deal of the responsibility for making this professional relationship work. The reality is that these parents have not progressed from when the case first came before the court in April, 2007 despite having been adequately provided with requisite services and resources to enable them to do so.

We agree with the juvenile court's finding. While we recognize that Rebecca and Jeffrey love their children, it is clear from the evidence presented at the termination hearing that they are simply not capable of parenting their children at this time. Four years have passed since Taylor and Maddison were removed from their parents' care, and both children deserve a permanent placement. Upon our de novo review of the record, we conclude that the juvenile court did not err in finding that termination of Rebecca's and Jeffrey's parental rights is in the children's best interests.

## V. CONCLUSION

Upon our de novo review of the record, we find that the State presented sufficient evidence to warrant termination of Rebecca's and Jeffrey's parental rights. As such, we affirm the order of the juvenile court terminating their parental rights to their minor children.

AFFIRMED.