

IN THE NEBRASKA COURT OF APPEALS

MEMORANDUM OPINION AND JUDGMENT ON APPEAL

IN RE INTEREST OF KHRYSOTFER C.

NOTICE: THIS OPINION IS NOT DESIGNATED FOR PERMANENT PUBLICATION
AND MAY NOT BE CITED EXCEPT AS PROVIDED BY NEB. CT. R. APP. P. § 2-102(E).

IN RE INTEREST OF KHRYSOTFER C., A CHILD UNDER 18 YEARS OF AGE.

STATE OF NEBRASKA, APPELLEE,

V.

LEROY G., ALSO KNOWN AS LEROY C., APPELLANT.

Filed March 31, 2009. No. A-08-950.

Appeal from the Separate Juvenile Court of Douglas County: VERNON DANIELS, Judge.
Affirmed.

Brian J. Muench for appellant.

Donald W. Kleine, Douglas County Attorney, Jennifer Chrystal-Clark, and Carolyn H. Curry, Senior Certified Law Student, for appellee.

Lynnette Z. Boyle, of Tietjen, Simon & Boyle, guardian ad litem for Khrystofer C.

Jeffrey A. Wagner, of Schirber & Wagner, L.L.P., guardian ad litem for Leroy G.

IRWIN, CARLSON, and MOORE, Judges.

MOORE, Judge.

INTRODUCTION

Leroy G., also known as Leroy C., appeals from the order of the separate juvenile court of Douglas County, which terminated his parental rights to Khrystofer C. Because we find no error in the juvenile court's decision, we affirm.

BACKGROUND

Leroy is the natural father of Khrystofer, born November 4, 2002. On March 1, 2006, the State filed a petition in the juvenile court, alleging that Khrystofer was a child within the

meaning of Neb. Rev. Stat. § 43-247(3)(a) (Reissue 2004) by reason of the faults or habits of Leroy in that Leroy had failed to provide Khrystofer with safe, stable, and appropriate housing; that Leroy was then currently incarcerated, making him unable to provide proper care and support to Khrystofer; and that due to these allegations, Khrystofer was at risk for harm. Because Khrystofer's natural mother is not involved in the present appeal, we have not set forth any of the allegations in the petition or other facts of this case relevant to her.

Khrystofer was placed in the custody of the Department of Health and Human Services (Department) on March 1, 2006, and he has been in foster care placement continuously since that time.

On July 20, 2006, the juvenile court entered an order finding Khrystofer to be a child within the meaning of § 43-247(3)(a) as to Leroy. The court ordered Leroy to undergo psychiatric and psychological evaluations and a parenting assessment as arranged by the Department, to have reasonable rights of visitation, and to notify the court, all counsel, and the Department of any change of address and telephone number within 48 hours of any such changes. On October 25, following a dispositional hearing, the court ordered Leroy to obtain and maintain safe, stable, and adequate housing and provide proof to the case manager every 3 months; obtain and maintain a legal, stable source of income and provide proof to the case manager every 3 months; complete the previously ordered psychological and psychiatric evaluations forthwith; have reasonable rights of supervised visitation; and notify the court, his counsel, and the Department in writing of any change in his employment, address, or telephone number within 48 hours of any such changes.

On November 8, 2007, the State filed a motion for termination of parental rights, alleging that Khrystofer was within the meaning of Neb. Rev. Stat. § 43-292(2), (6), and (7) (Reissue 2008) and that termination of Leroy's parental rights was in Khrystofer's best interests. Leroy was arraigned with respect to the termination motion on November 28, and, after being advised of his rights and the potential consequences of the motion, he entered a plea of denial to the motion at that time.

The termination hearing was held on June 13 and 16, 2008. The juvenile court heard testimony from Nakia Beauford, a protection and safety worker with the Department; heard testimony from Khrystofer's foster parent; and received various documentary exhibits.

Beauford testified that she was currently employed by the Department and had been so employed for 4 years. Beauford's duties as a protection and safety worker include setting up and providing certain services for families for the purpose of reunification and making referrals for those families for certain other services. Beauford also meets with families, makes sure families have what they need, visits foster parents, develops case plans and reports, and communicates with the professionals involved.

Beauford received the case from the previous caseworker in August 2006 and discussed the case with the previous caseworker at that time. Beauford was the case manager for this case through the end of May 2008.

Beauford met with Leroy in person in September 2006 in order to go over the then current court order with him. At that time, Leroy had been ordered to have supervised visitation at a neutral location, provide any changes in contact information to the case manager, complete a psychological evaluation and psychiatric evaluation, and complete a parenting assessment. When

they met, Beauford offered Leroy the names of individuals who could perform the required evaluations, but Leroy refused the names of those service providers, stating that he wanted his attorney to give him the names of providers. Beauford explained to Leroy that it was essential that the results of these evaluations be provided to the juvenile court. Leroy told Beauford that he was living with a friend, but refused to provide her with the actual address. Leroy did provide Beauford with his cellular telephone number and informed her where he was working. Beauford informed Leroy that he needed to provide proof of his living and employment arrangements, and Leroy acknowledged that he was aware of what was expected of him. Beauford provided Leroy with her contact information.

As of the October 2006 dispositional hearing, Leroy had not yet completed the court ordered evaluations, so Beauford tried to reoffer the service provider names to Leroy. Leroy did not accept the names from Beauford but had his attorney provide Beauford with the name of an individual he wished to use for the evaluations. Based on this information, Beauford sent referrals to Dr. Stephanie Peterson on two separate occasions. Leroy set up an appointment with Peterson, but after Leroy missed the first three appointments, Peterson's office refused to schedule any more appointments. According to Leroy, he missed the first two appointments because he had to work late. Beauford did not ask and Leroy did not provide an explanation for why he missed the third appointment.

At some point, Leroy informed Beauford that he wanted the evaluations to take place at the "GOCA Center," but when Beauford called to set up the referrals for both the psychological and the psychiatric evaluation, Beauford was informed that the center did not perform either type of evaluation. In July 2007, Beauford offered to set up an evaluation with a neutral psychiatrist to assist Leroy, and she explained the necessity of completing the evaluations in order for Leroy to reunify with Khrystofer. Leroy responded that he did not need either a psychiatric or psychological evaluation because the professionals involved did not know what they were doing.

Beauford made subsequent referrals for Leroy to set up evaluations, with her last referral being in May 2008. Throughout her entire involvement with the case, Beauford never received any proof that Leroy had completed a psychological or psychiatric evaluation.

Beauford initially set up visitation services for Leroy with Sigma Foster Care Agency. Beauford spoke with her contact at the agency a few times each month regarding Leroy's visitation with Khrystofer and discussed with Leroy the information received from the agency concerning the visitations on a weekly basis. Beauford spoke with Leroy about his inconsistency in visitation, lack of emotional motivation, and failure to confirm his visits. In preparing her November 2007 court report, Beauford informed Leroy that the Department was trying to find another visitation service provider because the agency then providing those services was uncomfortable continuing to provide service to Leroy. After that agency discontinued services to Leroy, Beauford tried to set up supervised visitation through yet another agency, but due to scheduling and travel issues, that agency was not able to provide visitation services for Leroy. After that agency stopped providing services, Beauford did not make a referral to another visitation agency. Leroy was upset that he was not able to see his son, and Beauford tried to explain to Leroy that the Department was working on finding another agency and that it had to go through agencies that had not already provided Leroy with services because certain agencies were no longer willing to do so. Leroy wanted visitation on weekends, and Beauford explained

that weekends “fill up pretty fast.” Beauford testified that Leroy was very unhappy but that she did try to find him other means of visitation.

Leroy never provided Beauford with proof of his living arrangements. At one point, Leroy indicated that he was living out of his van. Beauford discussed alternatives for living arrangements with Leroy, but he never took advantage of any of the available services.

Beauford testified that Leroy visited her office at least twice a week for the 6 months preceding the termination hearing. Beauford described Leroy’s behavior when he came to her office, stating that he was inappropriate, yelling, threatening to sue her, and demanding a new caseworker. Beauford testified that it was very difficult to provide Leroy with services because he was difficult to talk to, uncooperative, and demanding and because he refused to listen to her. Beauford testified that despite these difficulties, she tried to assist Leroy and provide him with services.

After objections by both Leroy’s attorney and his guardian ad litem (GAL), a thorough voir dire by Leroy’s GAL as to Beauford’s qualifications and her bases for arriving at her opinion, and additional foundational examination by the State, Beauford was allowed to testify that termination of Leroy’s parental rights would be in Khrystofer’s best interests. Beauford based her opinion on the lack of progress Leroy made in the last couple of years, the fact that Leroy would not address potential mental health issues, Leroy’s failure to maintain suitable housing and to provide proof of a stable source of income, Leroy’s lack of consistency in visitation, and his lack of compliance with the court’s orders. Beauford did agree that Leroy and Khrystofer have a very strong bond and that having a strong bond between parent and child would weigh against terminating parental rights in most cases.

Beauford testified that she is required to visit her state wards monthly. Beauford first met with Khrystofer in September 2006. At that time, Khrystofer was 4 years old. Beauford described Khrystofer as very well-mannered but extremely quiet. Beauford last saw Khrystofer in March 2008. At that time, Khrystofer was verbal and spoke with Beauford. She described him as “more verbal,” a “regular five year old,” and a “completely different child.”

The State’s second witness was Khrystofer’s current foster parent at the time of the termination hearing. She is also Khrystofer’s paternal aunt and Leroy’s sister. Khrystofer has been in her care since April 20, 2007. At the time of the hearing, Khrystofer’s foster parent, who is a registered nurse, had been a licensed foster parent for over a year. She had visitation with Khrystofer at least once a month when he was in his previous foster care placement. She testified that Khrystofer’s speech has improved, that he has become more talkative and affectionate, and that he has been potty-trained since moving into her home.

On June 18, 2008, the juvenile court entered an order terminating Leroy’s parental rights to Khrystofer. The court found that Khrystofer came within the meaning of § 43-292(2), (6), and (7) with respect to Leroy and that termination of Leroy’s parental rights was in Khrystofer’s best interests.

Leroy filed a motion for new trial on June 26, 2008, and a hearing on the new trial motion was scheduled for August 5. On July 31, he filed a motion seeking to continue the hearing on the motion for new trial. The juvenile court heard both motions on August 5 and entered an order on that date, denying both motions. Leroy subsequently perfected his appeal to this court.

ASSIGNMENTS OF ERROR

Leroy asserts that the juvenile court erred in (1) advising Leroy that it was not necessary for him to be at the termination hearing and denying the motion to continue made by Leroy's attorney after Leroy left the courtroom; (2) allowing testimony from Beauford as to Khrystofer's best interests; (3) finding that Leroy's parental rights should be terminated pursuant to § 43-292(2), (4), and (7); (4) finding that termination of Leroy's parental rights was in Khrystofer's best interests; and (5) denying Leroy's motion for new trial and motion to continue the hearing on the new trial motion.

STANDARD OF REVIEW

Juvenile cases are reviewed de novo on the record, and an appellate court is required to reach a conclusion independent of the juvenile court's findings. *In re Interest of Taylor W.*, 276 Neb. 679, 757 N.W.2d 1 (2008).

ANALYSIS

Father's Presence at Termination Hearing.

Leroy asserts that the juvenile court erred in advising Leroy that it was not necessary for him to be at the termination hearing and denying the motion to continue made by Leroy's attorney after Leroy left the courtroom.

The termination hearing occurred on June 13 and 16, 2008. At the start of the June 13 hearing, Leroy was present together with his attorney and his GAL. The juvenile court asked whether there was a need to re-advise Leroy. Leroy's GAL indicated that there was and asked that the termination motion be read. The State's attorney then proceeded to read the termination motion into the record. The court asked Leroy if he understood the allegations against him, and Leroy responded affirmatively.

The following exchange then occurred between the juvenile court and Leroy:

[The court]: Sir, if any of the charges in the motion for termination of parental rights as they relate to you are found to be true on proof by clear and convincing evidence your parental rights to this child can be terminated; do you understand what can happen to you:

[Leroy]: Yeah.

THE COURT: Is that yes?

[Leroy]: Yeah.

THE COURT: Is that yes?

[Leroy]: I said yes.

THE COURT: Thank you. Now, sit up.

[Leroy]: Excuse me?

THE COURT: Sit up.

[Leroy]: My back hurts from working so hard, and I'm relaxing.

THE COURT: You're sitting up in this court room, sir. I should tell you it is not necessary for you to be present at this hearing.

[Leroy]: I realize that.

THE COURT: And this Court will not tolerate disrespectful behavior in the court room.

[Leroy]: I'm not being disrespectful.

THE COURT: Now, be quite [sic], sir.

[Leroy]: I'm leaving.

THE COURT: The record shall reflect that it is 9:13 and [Leroy] has chosen to leave.

[Leroy]: I have a right to free speech.

THE COURT: Now, had [Leroy] remained the Court would have advised him of his rights as well as the authority of the court.

After Leroy's departure from the courtroom, Leroy's attorney made an oral motion for a continuance, which motion was joined in by Leroy's GAL. The juvenile court overruled the motion for a continuance, noting that Leroy "made the decision on his own to leave after the Court advised him to conduct himself in an appropriate manner." The court also noted certain case law indicating that a parent's physical presence is not necessary at a termination proceeding provided that the parent has been afforded procedural due process with respect to the hearing. The court noted that Leroy had been served personally; that Leroy had notice and was present at the start of the June 13, 2008, hearing; and that Leroy had been previously advised of his rights, as well as the authority of the court, and had stated his understanding of those rights and authority.

Following the resolution of other preliminary matters, the parties proceeded with the presentation of evidence. Both Leroy's attorney and his GAL participated in the hearing, making objections and conducting cross-examination of witnesses called by the State.

The termination hearing adjourned for the weekend and resumed on Monday, June 16, 2008. On that date, Leroy's attorney and his GAL were both present, but Leroy did not appear. The State rested its case without presenting any further evidence. Leroy's GAL rested without presenting any evidence. Leroy's attorney made a motion to dismiss, which was taken under advisement by the juvenile court. Leroy's attorney then rested without presenting any evidence, and the matter was submitted to the court.

The Nebraska Supreme Court has held that parental physical presence is unnecessary for a hearing to terminate parental rights, provided that the parent has been afforded procedural due process for the hearing to terminate parental rights. *In re Interest of L.V.*, 240 Neb. 404, 482 N.W.2d 250 (1992). Procedural due process includes notice to the person whose right is affected by a proceeding, that is, timely notice reasonably calculated to inform the person concerning the subject and issues involved in the proceeding; a reasonable opportunity to refute or defend against a charge or accusation; a reasonable opportunity to confront and cross-examine adverse witnesses and present evidence on the charge or accusation; representation by counsel, when such representation is required by constitution or statute; and a hearing before an impartial decisionmaker. *Id.*

The record establishes that Leroy was afforded procedural due process in connection with the termination hearing. Leroy was given notice and was, in fact, present at the start of the hearing. Leroy was arraigned on the motion for termination on November 28, 2007. At that time, Leroy was represented by his attorney and his GAL, was advised and stated his understanding of

the nature of the proceedings and the possible consequences or dispositions, was advised of his rights under Neb. Rev. Stat. § 43-279.01 (Reissue 2008) and stated his understanding of those rights, was read the motion for termination of his parental rights, and entered a plea of denial to the motion. At the June 13, 2008, hearing, the termination motion was again read on the record, and Leroy again stated his understanding of the allegations against him. Leroy was represented by both his attorney and his GAL, who participated fully in the hearing on Leroy's behalf. There is nothing in the record to suggest that Leroy was not afforded a hearing before an impartial decisionmaker. In short, Leroy's assignment of error is without merit.

Caseworker's Testimony as to Best Interests.

Leroy asserts that the juvenile court erred in allowing testimony from Beauford as to Khrystofer's best interests. Leroy argues that Beauford was not qualified to give such an opinion and that the State was using Beauford as a proxy for other witnesses.

We first observe that this case does not involve a situation where a parent was referred to various service providers, took advantage of those services, and where the State, instead of providing direct testimony from those service providers, simply used the caseworker as a proxy for the testimony of a variety of individuals, including certain medical experts. See, e.g., *In re Interest of Aaron D.*, 269 Neb. 249, 691 N.W.2d 164 (2005); *In re Interest of Eden K. & Allison L.*, 14 Neb. App. 867, 717 N.W.2d 507 (2006); *In re Interest of Skye W. & McKenzie W.*, 14 Neb. App. 74, 704 N.W.2d 1 (2005). Given Leroy's almost total lack of cooperation with and participation in the services provided, as well as his frequent contact with Beauford, Beauford was the individual best positioned to provide such testimony in this case. We also observe that Beauford did have regular contact with Khrystofer and testified about that contact. The record reveals that Beauford was qualified to provide an opinion regarding Khrystofer's best interests. See *In re Interest of J.H.*, 242 Neb. 906, 497 N.W.2d 346 (1993) (wherein appellate court considered contention that juvenile court erred in allowing caseworker to render opinion as to best interests and concluded that it was within juvenile court's discretion to ask for recommendations from "experts" such as caseworker and that such opinions were received, not as conclusive evidence relieving court of ultimate responsibility for best interests determination, but as opinions upon which court could choose to rely). Many of the issues raised by Leroy as to Beauford's qualifications to testify as to best interests go more to the weight of Beauford's testimony than to its admissibility. We find no error in the juvenile court's decision to allow Beauford to testify as to best interests.

Statutory Grounds.

Leroy asserts that the juvenile court erred in finding that Leroy's parental rights should be terminated pursuant to § 43-292(2), (4), and (7). We note that the court actually found termination proper under subsections (2), (6), and (7) and that there were no allegations or findings under subsection (4) as to Leroy.

Because we find that the evidence clearly and convincingly demonstrates that Khrystofer was in an out-of-home placement for at least 15 of the most recent 22 months, we affirm the court's order under § 43-292(7) and need not further specifically address the sufficiency of the evidence under § 43-292(2) and (6).

To terminate parental rights, the State must prove by clear and convincing evidence that one or more of the statutory grounds listed in § 43-292 have been satisfied and that termination is in the child's best interests. *In re Interest of Walter W.*, 274 Neb. 859, 744 N.W.2d 55 (2008). Clear and convincing evidence is that amount of evidence that produces in the trier of fact a firm belief or conviction about the existence of a fact to be proved. *In re Interest of Jagger L.*, 270 Neb. 828, 708 N.W.2d 802 (2006). 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 42-292(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.” Thus, in order to terminate parental rights under § 43-292(7), the State must prove by clear and convincing evidence that the child has been in out-of-home placement for 15 or more of the most recent 22 months and that termination of parental rights is in the best interests of the child. *In re Interest of Jagger L.*, *supra*. Along with proof of best interests, § 43-292(7) is satisfied if the evidence shows the requisite number of months of out-of-home placement and, unlike the other subsections of the statute, does not require the State to adduce evidence of any specific fault on the part of a parent. *Id.*

In the present case, there is no dispute that Khrystofer had been in an out-of-home placement continuously since March 1, 2006, which placement had lasted more than 20 months at the time the motion to terminate was filed on November 8, 2007, and more than 27 months at the time the court's termination order was filed on June 18, 2008. Thus, there is clear and convincing evidence that Khrystofer had been in an out-of-home placement for 15 of the most recent 22 months pursuant to § 43-292(7). The assignment of error challenging the basis for termination is without merit.

Best Interests.

Leroy asserts that the district court erred in finding that termination of his parental rights would be in Khrystofer's best interests.

Beauford testified that termination of Leroy's parental rights would be in Khrystofer's best interests, and we have discussed above that the juvenile court did not err in allowing this testimony. The record shows that, at least throughout Beauford's management of the case, Leroy was uncooperative, was referred for many services, refused many of the services he was offered, and abused some of the services of which he did take advantage. The record shows that Leroy made little to no progress toward accomplishing the goals of the case plan. When a parent is unable or unwilling to rehabilitate himself or herself within a reasonable time, the child's best interests require termination of parental rights. *In re Interest of Walter W.*, 274 Neb. 859, 744 N.W.2d 55 (2008). Children cannot, and should not, be suspended in foster care or be made to await uncertain parental maturity. *Id.* Upon our de novo review, we conclude that termination of Leroy's parental rights was in Khrystofer's best interests.

Motion for New Trial.

Leroy asserts that the juvenile court erred in denying his motion for new trial and motion to continue the hearing on the motion for new trial.

Leroy filed a motion for new trial on June 26, 2008, alleging (1) that the juvenile court erred in admitting evidence in violation of his constitutional rights; (2) that there was newly discovered evidence, which, if it had been available at the time of trial, would have significantly affected the court's assessment of the credibility of the State's primary witness; and (3) that the court erred in constructively removing Leroy from the courtroom prior to the termination hearing, impairing Leroy's right to contribute to his own defense. Leroy's motion for new trial included a notice of hearing for August 5. Leroy filed a motion to continue the hearing on July 31. In the motion to continue, Leroy's attorney represented that

counsel has contacted the Department . . . in attempt to take a deposition in support of its Motion for New Trial and that the Department . . . has not responded to counsel's request to identify the appropriate person to be deposed. In addition, the Court has only set aside fifteen (15) minutes for said hearing and that if said deposition is not conducted, . . . counsel requires additional time by way of evidentiary hearing in support of [the] Motion for New Trial.

Leroy's motions were heard by the juvenile court on August 5, 2008. In arguing Leroy's motion to continue, Leroy's attorney stated that the motion to continue related to his attempts to obtain evidence in support of the motion for new trial. Leroy's attorney stated that it came to his attention several days after the court issued the order terminating Leroy's parental rights that Beauford may have been suspended from her position at the Department for "alleged maleficence [sic]" and that, depending on what the alleged malfeasance was, there was an issue as to whether Beauford's testimony at the termination hearing was credible. Leroy's attorney related that he attempted to find out from the Department who would be able to testify on the issue but that he had been unable to do so. Leroy's attorney argued that information concerning Beauford's alleged malfeasance was relevant to her credibility and "could certainly have resulted in the Court making a different finding had that information been available at the time of trial [and] had [the GAL and Leroy's attorney] been able to cross-examine on those issues." Leroy's attorney asked the court to continue the hearing so that he could prepare and present evidence relative to Beauford. The court denied Leroy's motion for a continuance after hearing argument from the other parties involved in the case, as well as further argument from Leroy's attorney.

In arguing Leroy's motion for new trial, Leroy's attorney presented three arguments. First, he took exception to the way the juvenile court handled Leroy's departure from the termination hearing. Second, he argued that the court should grant a new trial based on the fact that "four days after the termination order came down [he] came to understand that [Beauford] may have been suspended for alleged maleficence [sic] in her position as the caseworker." Finally, Leroy's attorney argued that the court improperly allowed Beauford to testify as to the issue of best interests. The court overruled the motion for new trial after hearing argument from the other parties present.

A motion for continuance is addressed to the discretion of the trial court and will not be disturbed on appeal absent a showing of an abuse of discretion. *State v. Connor*, 16 Neb. App. 871, 754 N.W.2d 774 (2008). Decisions regarding motions for new trial are directed to the discretion of the trial court and will be upheld in the absence of an abuse of discretion. *Sturzenegger v. Father Flanagan's Boy's Home*, 276 Neb. 327, 754 N.W.2d 406 (2008). A

judicial abuse of discretion exists only when the reasons or rulings of a trial judge are clearly untenable, unfairly depriving a litigant of a substantial right and denying a just result in matters submitted for disposition. *State v. Nelson*, 276 Neb. 997, 759 N.W.2d 260 (2009). One moving for new trial on the basis of newly discovered evidence must show that the evidence was uncovered since the trial, that the evidence was not equally available before the trial, and that the evidence was not simply discovered by the exercise of belated diligence. *State v. Van*, 268 Neb. 814, 688 N.W.2d 600 (2004).

The termination order was filed June 18, 2008. Leroy filed his motion for new trial on June 26 and motion for continuance on July 31. The hearing on Leroy's motions was not until August 5. The arguments by Leroy's attorney at the hearing did nothing to show that the "newly discovered evidence" as to Beauford's alleged malfeasance was not simply discovered by the exercise of belated diligence. Both Leroy's attorney and GAL cross-examined Beauford at the termination hearing. The GAL conducted an extensive voir dire examination of Beauford, inquiring about Beauford's job, training, certification, duties, and the basis for her opinion as to best interests, but he did not inquire about her status with her employer. Finally, we have addressed Leroy's arguments concerning Leroy's presence at the termination hearing and the admission of Beauford's testimony above. We find no abuse of discretion in the juvenile court's denial of Leroy's motions for new trial and continuance.

CONCLUSION

Upon a de novo review of the record, we find that the juvenile court did not err in terminating Leroy's parental rights to Khrystofer.

AFFIRMED.