

IN THE NEBRASKA COURT OF APPEALS

MEMORANDUM OPINION AND JUDGMENT ON APPEAL

IN RE INTEREST OF MICHAEL M.

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 MICHAEL M., JR., A CHILD UNDER 18 YEARS OF AGE.

STATE OF NEBRASKA, APPELLEE AND CROSS-APPELLEE,

V.

MICHAEL M., SR., APPELLANT, AND KATHERINE S.,
APPELLEE AND CROSS-APPELLANT.

Filed November 8, 2011. No. A-11-167.

Appeal from the County Court for Adams County: ROBERT A. IDE, Judge. Affirmed.

Michael Mead, of Law Offices of Whelan, Scherr, Glen, Goding & Mead, P.C., L.L.O.,
for appellant.

Arthur C. Toogood, Adams County Public Defender, for appellee Katherine S.

Nicholas D. Valle, of Langvardt, Valle & James, guardian ad litem.

IRWIN, MOORE, and CASSEL, Judges.

IRWIN, Judge.

I. INTRODUCTION

Pursuant to this court's authority under Neb. Ct. R. of App. P. § 2-111(B)(1) (rev. 2008), this case was ordered submitted without oral argument. Michael M., Sr. (Michael), appeals and Katherine S. cross-appeals from an order of the juvenile court, which order terminated their parental rights to their minor child, Michael M., Jr. (Michael Jr.). Both Michael and Katherine challenge the statutory grounds for termination of their parental rights and the juvenile court's finding that termination of their parental rights is in Michael Jr.'s best interests. Upon our de novo review of the record, we find that the State presented sufficient evidence to warrant termination of Michael's and Katherine's parental rights. As such, we affirm the order of the juvenile court terminating Michael's and Katherine's parental rights to Michael Jr.

II. BACKGROUND

Michael's appeal and Katherine's cross-appeal center on their ability to parent their son, Michael Jr., born in October 2002. However, this case is not the first time that Katherine and Michael have been involved with the juvenile court system. Katherine has additional children who are not the subject of the current appeal, but who have also been involved in the juvenile court system. During the time Katherine and her older children were involved with the juvenile court, Michael was residing with Katherine and described himself as one of the children's primary caregivers. Because the family's prior history with the juvenile court is relevant to the current proceedings, we briefly recount that history here.

Katherine has four children in addition to Michael Jr.: Cody G., born in November 1993; Dylan G., born in October 1995; Devin G., born in February 1998; and Brendan S., born in March 2000. The biological fathers of Katherine's four oldest children are not parties to this appeal and will not be discussed further.

On March 1, 2001, prior to Michael Jr.'s birth, Cody, Dylan, Devin, and Brendan were adjudicated as being children within the meaning of Neb. Rev. Stat. § 43-247(3)(a) (Reissue 1998) after Katherine admitted that through no fault of her own, the children were at risk of harm. The adjudication was premised on information received by the State that Katherine's home was dirty and not appropriate for the children and that the children were not properly supervised. The children were placed in the custody of the Department of Health and Human Services (the Department) and outside of Katherine's home.

In April 2003, after living in an out-of-home placement for over 2 years, the three oldest children, Cody, Dylan, and Devin, were returned to Katherine's home. At this time, Katherine and Michael were living together and Michael Jr. was a few months old.

In March 2004, a plan was put into place to transition Brendan back into Katherine's and Michael's home. Eventually, in October 2004, Brendan was placed back into their home and the entire family resided together. At this time, Katherine and Michael continued to rely on the services provided to them by the Department. They were able to appropriately maintain their home, but received prompting from the Department caseworker and other service providers.

In June 2006, service providers observed that Katherine and Michael's home was messy in that there was trash and feces present on the floors. The Department caseworker communicated to Katherine and Michael that the condition of the house was a problem and that something needed to be done. By September 2006, the house no longer met the Department's minimum standards and Brendan was again removed from Katherine's custody. Ultimately, Katherine relinquished her parental rights to Brendan.

In January 2007, service providers observed that the condition of the home had further deteriorated. Filth and animal feces were on the floor, large amounts of trash and food debris were in the basement, and rodents were inhabiting the space. The main area of the home had debris, animal feces, and dirt everywhere. At this time, Cody, Dylan, Devin, and Michael Jr. were removed from Katherine and Michael's home.

The State filed a petition to terminate Katherine's parental rights to Cody, Dylan, and Devin. Rather than go through with the termination proceedings, Katherine agreed to allow the

foster parents of these three boys to be named their guardians. These boys remain in the care of their guardians.

The State filed a petition alleging that Michael Jr. was a child within the meaning of § 43-247(3)(a) (Cum. Supp. 2006) as to both Katherine and Michael. Specifically, the State alleged that Michael Jr. was at risk of harm due to the living conditions present at Katherine and Michael's home and because Michael Jr.'s siblings were previously removed from the home for the same reason. In February 2007, the State amended the petition to allege that Michael Jr.'s situation, including the conditions of the home and the previous removal of his siblings, was not the fault of his parents. Although our record does not include documentation from the adjudication hearing, other evidence in the record indicates that Michael and Katherine apparently admitted to the allegations in the amended petition. Michael Jr. was adjudicated as a child within the meaning of § 43-247(3)(a), the Department was given custody of him, and he was placed outside of Katherine and Michael's home. During the entirety of the juvenile court proceedings, Michael Jr. has resided with Cody, Dylan, and Devin and their guardians. Michael and Katherine separated and began living in separate residences sometime during the initial stages of this case.

After the adjudication hearing, further hearings were held in July, August, and December 2007 and January, April, August, and December 2008. At these hearings, the juvenile court adopted the case plans proposed by the Department and ordered Michael and Katherine to participate in rehabilitation plans. Specifically, Michael and Katherine were ordered to obtain and maintain housing and employment; maintain the cleanliness of their housing; establish a workable budget; participate in counseling; and participate in family support services, including supervised visitation with Michael Jr. In addition, Michael was ordered to take a parenting class and demonstrate what he learns in that class during visitations with Michael Jr.

On December 23, 2008, the State filed a motion for termination of Michael's and Katherine's parental rights to Michael Jr. The State alleged that termination of their parental rights was warranted pursuant to Neb. Rev. Stat. § 43-292(2) (Reissue 2008), because they have substantially and continuously or repeatedly neglected and refused to give Michael Jr. 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 Michael Jr. was within the meaning of § 43-247(3)(a); and § 43-292(7), because Michael Jr. 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 Michael's and Katherine's parental rights is in the best interests of Michael Jr.

In September and October 2010, a hearing was held on the State's motion 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 an order finding that the State proved by clear and convincing evidence that grounds for termination of Michael's parental rights existed under § 43-292(6) and (7) (Cum. Supp. 2010) and that grounds for termination of Katherine's parental rights existed under § 43-292(2), (6), and (7). The court also found that it

would be in Michael Jr.'s best interests to terminate Michael's and Katherine's parental rights. The court then entered an order terminating their parental rights to Michael Jr.

Michael appeals and Katherine cross-appeals from the juvenile court's order.

III. ASSIGNMENTS OF ERROR

On appeal, Michael alleges that the juvenile court erred in finding that the State proved the statutory factors for termination of his parental rights and in finding that termination of his parental rights was in Michael Jr.'s best interests.

Similarly, on cross-appeal, Katherine alleges that the juvenile court erred in finding that the State proved the statutory factors for termination of her parental rights and in finding that termination of her parental rights was in Michael Jr.'s best interests.

IV. ANALYSIS

1. 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 Jagger L.*, 270 Neb. 828, 708 N.W.2d 802 (2006). 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.*, *supra*. 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. MICHAEL'S APPEAL

In his appeal, Michael challenges both the statutory basis for termination of his parental rights and the juvenile court's finding that termination of his parental rights is in Michael Jr.'s best interests. We first address Michael's assertions concerning the statutory basis for termination.

(a) Statutory Basis for Termination

Michael asserts that the juvenile court erred in sustaining the motion to terminate his parental rights pursuant to § 43-292(6) and (7). Upon our de novo review of the record, we find that the evidence clearly and convincingly demonstrates that Michael Jr. was in an out-of-home placement for at least 15 of the most recent 22 months, pursuant to § 43-292(7). As such, we do not specifically address whether the State met its burden under § 43-292(6).

Termination of parental rights is warranted whenever one or more of the statutory grounds provided in § 43-292 is established. 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. *In re Interest of Jagger L., supra.*

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 a parent. *In re Interest of Aaron D., supra.*

In this case, the court found that termination of Michael’s parental rights was warranted pursuant to § 43-292(6) and (7). At the termination hearing, there was uncontradicted evidence which demonstrated that Michael Jr. was removed from Katherine and Michael’s home in January 2007 and was never returned to Michael’s custody during the pendency of the juvenile court proceedings. As such, when the State filed its motion to terminate Michael’s parental rights in December 2008, Michael Jr. had been in an out-of-home placement for 23 months. And, at the conclusion of the termination hearing in October 2010, Michael Jr. had been in an out-of-home placement for 44 months, or over 3½ years. Based on this evidence, there is no dispute that Michael Jr. was 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 Michael’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(6). Michael’s assignment of error relating to the sufficiency of the statutory authority to support termination is without merit.

(b) Best Interests

In the previous section, we found that termination of Michael’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(6). We, therefore, treat our discussion of whether termination of Michael’s parental rights is in Michael Jr.’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., supra.*

Michael argues that termination of his parental rights is not in Michael Jr.’s best interests. Specifically, he argues that he has a strong bond with Michael Jr., that he has taken advantage of all of the services offered to him by the Department, and that he has corrected the problems

which initially led to Michael Jr.'s removal from the home. Michael asserts that there is no reason not to return Michael Jr. to his care.

Michael's assertions have no merit. Although we recognize that Michael loves Michael Jr. very much and desires to be a good parent for him, the evidence presented at the termination hearing reveals that despite all of the efforts and resources provided to Michael in the 3 years this case was pending, he failed to make any significant progress toward becoming an appropriate and effective parent.

During the 3 years this case was pending, Michael failed to obtain and maintain stable, appropriate housing. Michael regularly moved from residence to residence. Typically, he would live with others, including his mother and father, rather than obtaining or maintaining a residence on his own. For example, evidence at the termination hearing revealed that from June 2009 through the beginning of the hearing in September 2010, Michael lived in five different residences. Michael obtained only one of these residences on his own. At the time of the hearing, he was residing with his new girlfriend in an apartment. There was some suggestion that Michael's name was not on the lease or on the utilities. Michael admitted during his testimony that a local charitable organization was paying his rent and that others were paying for the rest of his bills.

Michael's residences were clean and appropriate for Michael Jr. However, Michael's caseworkers and other service providers continued to have to remind or prompt Michael to complete chores such as taking out the trash.

Michael failed to obtain and maintain consistent employment during the pendency of this case. As a result, he does not have any regular income. One of the Department caseworkers assigned to this case described Michael's employment history as "erratic." Michael worked off and on at his father's drywall business, but Michael indicated that he had trouble getting paid after completing the work and that the work was not consistent. He has also briefly worked delivering pizza and serving fast food. These jobs only lasted for a few months at a time. Michael testified at the termination hearing that his last regular employment was in September 2009. At that time, he worked at a fast-food restaurant for 1½ months. Michael testified that his "work situation hasn't been the greatest" and that he has struggled in the last 3 years.

Michael also testified that he continues to submit applications for employment but has not been hired. However, he declined offers from his family support worker to assist him in looking for a job. He admitted that his efforts have been hindered by a recent injury to his hand. In July 2010, he accidentally "sliced" his hand with a knife after consuming alcohol. Michael is unable to complete physical therapy for his hand because he does not have the money to pay for the service.

Michael does not have a regular income. He does not have a checking account, has never paid taxes, and is currently unable to pay for his own rent or bills. Most importantly, Michael is unable to support Michael Jr. financially. Michael testified at the termination hearing that he has had to pawn his personal property to even buy food for Michael Jr. during their weekly visitations. Michael has also had to cancel visits because he could not afford to feed Michael Jr. In addition, Michael has been unable to pay child support. He was jailed for 30 days and currently does not have a driver's license because he failed to pay child support.

Michael did not participate in therapy at any time during the pendency of these proceedings. In 2007, after Michael Jr. was removed from the home, Dr. Glenda Cottam performed a psychological assessment on the entire family. In Dr. Cottam's report, she indicated that both Michael and Katherine exhibited a "tremendous inconsistency" in their parenting. Michael and Katherine sent mixed messages to the children, and the children did not consistently listen to their parents. Dr. Cottam had serious concerns about the children's safety when they were in the care of their parents. Dr. Cottam recommended that Michael and Katherine participate in therapy to address some of the problems exhibited during her sessions with them. She also indicated that without some type of intervention like therapy, she "strongly doubt[ed]" whether Michael or Katherine could improve their situations. Michael did not participate in any therapy. At the termination hearing, Michael testified that he did not believe that he needed any type of therapy. Michael also indicated that he has been previously diagnosed as suffering from attention deficit disorder, but that he does not believe in taking any medication and prefers to address it on his own by focusing on other things.

Michael did not complete a formal parenting class during the pendency of these proceedings. He did work on the "Common Sense Parenting" workbook with his family support worker. However, he was unable to consistently utilize anything he learned from the workbook during his visitations with Michael Jr. In addition, although Michael would readily accept redirection from the family support worker during visitations, he would apply such redirection only in the short term. Michael was unable to demonstrate any consistent or long-term improvement in his parenting skills. He constantly requires instruction or redirection. Because Michael could not demonstrate any consistent improvement in his parenting skills, his visits remained supervised during the pendency of the proceedings.

At the termination hearing, there was evidence that during the visitations, Michael does not do a lot of parenting, but instead, just plays video games with Michael Jr. There was also evidence that Michael Jr. considered Michael as more of a friend than as a father figure. At the hearing, Michael continued to display a lack of understanding about his role as Michael's father when he testified that his philosophy is to "never keep anything back from your kids." He testified that this philosophy is why he consistently discussed with Michael Jr. the juvenile court proceedings and told Michael Jr. that in the future he would be returned to Michael's care.

When we consider the totality of the evidence presented at the termination hearing, it is clear that Michael is not ready to be an effective parent to Michael Jr. Despite the Department's efforts for over 3 years, Michael has failed to demonstrate consistency in any area of his life, including his housing, his employment, his finances, or his parenting skills. Such inconsistency is particularly relevant in this case where the evidence revealed that Michael Jr. is a "high needs" child who desperately needs and, in fact, requires consistency and stability in his life. Michael Jr.'s foster mother testified that he requires a routine and that when that routine changes, Michael Jr. struggles and appears distressed and frustrated.

While it is clear that Michael loves his son very much and desires to be a good parent to him, it is also clear that Michael is not capable of parenting Michael Jr. at this time. Over 3 years have passed since Michael Jr. was removed from his home, and he deserves, and requires, a permanent placement. The juvenile court did not err in finding that termination of Michael's parental rights is in Michael Jr.'s best interests.

(c) Conclusion

Upon our de novo review of the record, we find that the State presented sufficient evidence to warrant termination of Michael's parental rights pursuant to § 43-292(7) and to demonstrate that termination is in Michael Jr.'s best interests. We affirm the order of the juvenile court terminating Michael's parental rights to Michael Jr.

3. KATHERINE'S CROSS-APPEAL

In her cross-appeal, Katherine challenges both the statutory basis for termination of her parental rights and the juvenile court's finding that termination of her parental rights is in Michael Jr.'s best interests. We first address Katherine's assertions concerning the statutory basis for termination.

(a) Statutory Basis for Termination

Katherine asserts that the juvenile court erred in sustaining the motion to terminate her parental rights pursuant to § 43-292(2), (6), and (7). Upon our de novo review of the record, we find that the evidence clearly and convincingly demonstrates that Michael Jr. was in an out-of-home placement for at least 15 of the most recent 22 months, pursuant to § 43-292(7). As such, we do not specifically address whether the State met its burden under § 43-292(2) or (6).

As we discussed above, § 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." The evidence presented at the termination hearing revealed that Michael Jr. was removed from the home of his parents in January 2007 and was never returned to Katherine's custody during the pendency of the juvenile court proceedings. As such, when the State filed its motion to terminate Katherine's parental rights in December 2008, Michael Jr. had been in an out-of-home placement for 23 months. And, at the conclusion of the termination hearing in October 2010, Michael Jr. had been in an out-of-home placement for 44 months, or over 3½ years. Based on this evidence, there is no dispute that Michael Jr. was 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 Katherine'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) or (6). Katherine's assignment of error relating to the sufficiency of the statutory authority to support termination is without merit.

(b) Best Interests

In the previous section, we found that termination of Katherine'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 termination of Katherine's parental rights is in Michael Jr.'s best interests as though § 43-292(7) is the only statutory basis for termination. As we discussed above, when parental rights are terminated solely on the basis of § 43-292(7), 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. As such, we review the record to determine if there

is 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.

Katherine argues that termination of her parental rights is not in Michael Jr.'s best interests. Specifically, she argues that even though she was not a good parent to Michael Jr. in the past, she is now ready and able to be a good parent for him.

Contrary to Katherine's assertions, the record reveals that during the 10 years that Katherine's family has been involved with the juvenile court, including the 3 years that this case has been pending, Katherine has failed to make any significant, long-term progress toward becoming a stable, appropriate, or effective parent. Katherine's failure to make any significant, long-term progress in her parenting abilities is due not only to her inability to comply with the tenets of her rehabilitation plan, but also to her choice to voluntarily leave the state for a majority of the 3 years Michael Jr.'s case was pending in the juvenile court.

Katherine has been involved with the juvenile court system continuously since March 2001 when her older children were removed from her home and adjudicated to be within the meaning of § 43-247(3)(a) (Reissue 1998) because the home was dirty and the children were not being properly supervised. At the termination hearing in this case, Katherine acknowledged that she has been working on the same goals with the Department since March 2001. Those goals include establishing appropriate and stable housing, obtaining and maintaining employment, and participating in counseling to help improve her parenting skills.

From 2001, when Katherine first became involved with the juvenile court, to 2008, after Michael Jr. was removed from her care, Katherine did not maintain stable and appropriate housing. She lived in 11 different residences during this time period. And, as we described more thoroughly above, Katherine often failed to keep her residences clean and above the minimum standards established by the Department.

From 2001 to 2008, Katherine failed to obtain and maintain steady employment. During this time, she had 10 different jobs for short periods of time.

Katherine did not meaningfully participate in counseling. In July 2007, she started seeing a counselor; however, Katherine did not make any progress. The counselor described their therapeutic relationship as "tumultuous" because Katherine did not trust her or the system. Katherine refused to communicate, and ultimately, she decided to end the relationship. Katherine did not consult another counselor.

In 2008, approximately 1 year after Michael Jr. was removed from her care, Katherine chose to leave the state. She remained out of the state for a majority of the time this case was pending. Because she was not in Nebraska, she did not have much contact with Michael Jr. and did not comply with her rehabilitation plan.

In February 2008, Katherine enlisted in the military and signed up for 5 years of duty. After enlisting, Katherine was assigned to Fort Leonard Wood in Missouri and left Nebraska. In December 2008, Katherine was deployed to Iraq. She returned in April 2009. In January 2010, Katherine was medically retired from the military and returned to Nebraska. Katherine testified at the termination hearing that her retirement may be only temporary if, after an evaluation, it is determined that she can serve again.

From February 2008, when Katherine left Nebraska, to January 2010, when she returned, Katherine had physical contact with Michael Jr. only when she was in Nebraska on leave.

Otherwise, she had weekly telephone contact with him. There was some indication that Katherine's contact with Michael Jr. was not consistent. In fact, she did not see him at all from June to December 2009. While Katherine was away, she did not participate in any of the services that had been previously offered to her by the Department, in part because the Department could not offer her any services when she was not in Nebraska. In fact, the Department had only limited contact with Katherine during this time. Katherine did request that Michael Jr. be placed with her in Missouri. The Department informed her that this was not feasible because she failed to demonstrate how she was doing in Missouri and whether she was capable of taking care of Michael Jr.

When Katherine returned to Nebraska in January 2010, she resumed participating in supervised visitations with Michael Jr. every other Saturday. At the time of the termination hearing, she was living in a mobile home with her boyfriend. The Department found that Katherine's housing situation was appropriate. Katherine was not employed, but was receiving military disability payments. She testified at the hearing that she had taken a parenting class while in the military, and other evidence indicated that she had completed the "Common Sense Parenting" workbook. Katherine was still not participating in counseling, although she did indicate she would be willing to find a counselor through the Veterans' Administration. Katherine indicated that she was not sure how much she would benefit from counseling, but that it would not hurt her to go talk with someone.

Arguably, by the time of the termination hearing, Katherine had made positive steps toward changing her circumstances and finding some stability. Unfortunately, Katherine waited 10 years before she started making these positive changes. Katherine received a great deal of support and resources from the Department since 2001. She was offered every opportunity to find stability and to be reunited with her children, and she squandered those opportunities. Perhaps most revealing is her decision to leave the state during these juvenile court proceedings. While Katherine's decision to join the military was laudable, she chose this path knowing that it would separate her from Michael Jr. indefinitely and knowing that she would not be able to continue to receive services from the Department.

As we discussed above, Michael Jr. is a high-needs child who requires stability, consistency, and routine. In the past 10 years, Katherine has failed to demonstrate that she can provide such stability and routine to Michael Jr. on a long-term, consistent basis. Over 3 years have passed since Michael Jr. was removed from his home, and he deserves, and requires, a permanent placement. The juvenile court did not err in finding that termination of Katherine's parental rights is in Michael Jr.'s best interests.

(c) Conclusion

Upon our de novo review of the record, we find that the State presented sufficient evidence to warrant termination of Katherine's parental rights pursuant to § 43-292(7) and to demonstrate that termination is in Michael Jr.'s best interests. We affirm the order of the juvenile court terminating Katherine's parental rights to Michael Jr.

V. CONCLUSION

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

AFFIRMED.