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## Guardianship

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In **In Re Guardianship of A.R.S.**, 816 N.E.2d 1160 (Ind. Ct. App. 2004), the Court reversed and remanded the trial court's denial of the Mother's petition to terminate the guardianship of her two children by the Maternal Grandfather and Step-Grandmother. In 1996, the Mother acquiesced in the original assumption of guardianship. She petitioned to terminate the guardianship twice before this petition, but abandoned the efforts, once after establishing a fixed visitation schedule and once because of an unfavorable recommendation from the Domestic Relations Counseling Bureau. This filing, Mother's third petition to terminate the guardianship, alleged that "[t]he guardianship is no longer necessary because the children's mother is able to provide them suitable care and custody." The trial court denied the Mother's petition to terminate the guardianship, and the Mother appealed.

**A generalized finding that a placement other than with the natural parent is in a child's best interests will not be adequate to support such determination, and detailed and specific findings are required.** In **In Re Guardianship of B.H.**, 770 N.E.2d 283, 287 (Ind. 2002). Here, the trial court did not issue any findings—generalized or otherwise. The Court observed that, even though neither party requested findings and the statute governing the termination of guardianships does not require specific factual findings, the Supreme Court has explicitly mandated trial courts to issue detailed and specific findings when a child is placed in the care and custody of a person other than a natural parent. The Court herein extended this requirement of detailed findings to petitions to terminate guardianship for two reasons: (1) The issues are the same regardless of whether the placement is the initial placement or a question of whether the placement should be continued. (2) The reason behind requiring detailed and specific findings applies in equal force to termination of guardianship petitions, i.e. notifying the parties and the reviewing court of the facts and theory upon which the decision is based. **A.R.S.** at 1162-63.

**The Court reversed because, absent any findings and in light of confusion at the trial regarding what standard of review to apply to the action, the Court could not be certain that the proper standard of review, the clear and convincing evidence standard, was employed.** **Id.** at 1163.

Judge Crone dissented and would affirm the trial court's order. He does not agree that the Court should expand the special findings requirement to subsequent guardianship proceedings once the threshold for establishing a guardianship has been met. He believes such petitions should be treated the same as other petitions to modify custody. **Id.**