



Termination of the Parent-Child Relationship

10/6/16

In **In Re Involuntary Termination of Parent-Child Relationship of N.G.**, 61 N.E.3d 1263 (Ind. Ct. App. 2016), the Court remanded with instructions for the trial court to enter proper findings of fact and conclusions of law to support its order terminating Mother's parental rights. Id. at 1266. In January 2013, the four-year-old child and her sixteen-year-old brother (Brother) were removed from Parents' home on a report of physical abuse, stemming from an incident in which Father allegedly punched Brother in the face. DCS filed a CHINS petition for the child. The trial court adjudicated the child to be a CHINS and ordered services for both Mother and the child, with a goal of reunification. In July 2014, DCS filed a petition for termination of Mother's parental rights to the child. At the time of the filing of the termination petition, the child was residing in relative placement with her aunt. Before the September 2015 termination hearing, the child was placed in a pre-adoptive foster home. In January 2016, the trial court issued an order terminating the parent-child relationship between Mother and the child. The court's findings of fact numbered fifteen findings, fourteen of which contained only one sentence.

The Court held the trial court's findings were so sparse that the Court could not discern whether the trial court based its order on proper statutory considerations; therefore, the Court remanded with instructions for the trial court to enter proper findings of fact and conclusions of law to support the termination of Mother's parental rights. Id. at 1266. On appeal, Mother maintained that the trial court's findings of fact were deficient. The Court noted that: (1) Indiana has adopted a clear and convincing standard of proof and a clearly erroneous standard of review; (2) the Court's review for clear error requires that the Court first determines whether the evidence supports the trial court's findings and then determine whether the findings support the judgment; (3) the trial court's findings of fact and conclusions of law are crucial to the Court's review; (4) where the findings of fact and conclusions of law are sparsely or improperly stated and do not adequately address the requirements of the termination statute, the Court cannot conduct an adequate review. (Multiple citations omitted.) Id. at 1265.

The Court observed that IC 31-35-2-8(c) states "the court *shall* enter findings of fact that support the entry of the conclusions" terminating a parent-child relationship (emphasis in opinion). Id. In support of its decision to remand for proper findings and conclusions, the Court observed: (1) the trial court's unnumbered findings and conclusions comprised little more than one page; (2) the trial court made an ultimate finding that termination was in the child's best interests without any supporting facts, except to say that it was in the child's best interest that "Mother's visits be changed to supervised therapeutic visits"; (3) the trial court made an ultimate finding concerning

DCS's satisfactory plan for adoption with only a brief mention that the child "has made progress in therapy with the help of the foster parents"; (4) it would facilitate appellate review to indicate how long the child had been with the foster parents, especially given the implications for her stability and best interests; (5) the only finding supporting that Mother posed a threat to the child's wellbeing was not a finding at all because it merely recited that the child "made new disclosures sexual abuse at the hands of a brother"; (6) the termination order gave no indication that the trial court ever adopted or substantiated the child's statements regarding the alleged abuse. Id. at 1265-66.