



CHINS

7/15/2019

In **Matter of C.M.**, 130 N.E.3d 1149 (Ind. Ct. App. 2019), the Court reversed the lower court's determination that the child was a Child in Need of Services ("CHINS"), holding that DCS failed to present sufficient evidence showing that the child's mental or physical condition was seriously endangered or impaired as a result of Mother's inability, refusal, or neglect to supply the child with necessary food, clothing, shelter, medical care, or other treatments.

The child had been the subject of two prior CHINS adjudications; one in 2011, and one in 2016. In 2017, the juvenile court closed the CHINS case after Mother the child were reunified. In 2018, DCS again filed a CHINS petition, alleging that the child was a CHINS under IC 31-34-1-1 (inability, refusal, or neglect to provide needed care, education, supervision, etc.). The petition alleged that Mother was incarcerated and had left the child with no caregiver, that Mother struggled with mental health problems that impeded her ability to parent, that Mother supplied insufficient food, and other items. The child was removed from Mother's care, and after a factfinding hearing, the trial court concluded the child was a CHINS. The trial court made many findings regarding Mother's apparent mental health problems and the ways in which they presented themselves, both in prior circumstances leading to the CHINS petition, Mother's actions in court, and Mother's actions during the pendency of the case.

While DCS established that J.M. ("Mother") struggles with mental health, substance use, housing, legal issues, and anger, "DCS did not present sufficient evidence to support a reasonable inference that Mother's actions or inactions harmed C.M. in any way or prevented her from providing for C.M.'s needs, or that C.M.'s needs would go unmet without coercive court intervention." Id. at 1155. The Court held that IC 31-34-1-1 requires "three basic elements: that the parent's actions or inactions have seriously endangered the child, that the child's needs are unmet, and (perhaps most critically) that those needs are unlikely to be met without State coercion." In re S.D., 2 N.E.3d 1283, 1287 (Ind. 2014)." Id. at 1154. Merely presenting evidence of a parent's struggles does not fulfill the statutory requirement to show that a child is endangered or has unmet needs. Id. at 1155. Here, DCS provided evidence that the child had ADHD and was present during some of Mother's outbursts, but never showed that the child was endangered or was not receiving medication or treatment due to Mother's issues. Id.