



Adoption
8/13/21

In **In re Adoption of C.M.L.**, 175 N.E.3d 325 (Ind. Ct. App. 2021) *trans. denied*, the juvenile court did not abuse its discretion when it denied Parental Aunt and Uncle's motion for relief from judgment pursuant to Indiana Trial Rule 60(B).

Aunt and Uncle filed a petition for kinship adoption of the two Children in Madison Circuit Court 3. At the time the adoption petition was filed, a CHINS petition for each of the Children was pending in Madison Circuit Court 2. Father consented to the adoption. Mother contested the adoption and DCS intervened to object to the adoption. Meanwhile, the Children were adjudicated as CHINS and placed with Maternal Grandparents. Maternal Grandparents filed a motion to intervene in the adoption case, requesting the trial court dismiss Aunt and Uncle's adoption petition, alleging it had been filed without their or DCS's consent. The motion was granted. Aunt and Uncle then filed a motion to reconsider on the basis that Maternal Grandparents lacked standing. DCS then filed a motion to transfer the adoption cause to Madison Circuit Court 2, where the CHINS and TPR cases were pending. The motion to transfer was granted and Aunt and Uncle filed a motion for relief from judgment under T.R. 60(B) arguing that the trial court erroneously granted DCS's motion to transfer without giving them an opportunity to respond and because probate courts have exclusive jurisdiction over adoption cases, thus the adoption case should have stayed in Madison Circuit Court 3. Madison Circuit Court 2 denied the motion and stated it would retain jurisdiction over the adoption proceeding.

Madison Circuit Court 2 did not abuse its discretion by denying Aunt and Uncle Trial Rule 60(B) motion for relief from judgment; the transfer of the case from Circuit Court 3 to Circuit Court 2 promoted efficiency, fair distribution, and timely resolution of the issues. Id. at 330-31. Indiana Trial Rule 60(B) provides in relevant part that a court may relieve a party from a judgment for (1) mistake, surprise, or excusable neglect; (2) any ground for a motion to correct error, or (3) because the judgment is void. Aunt and Uncle argued that the transfer to Madison Circuit 2, which has a designated juvenile docket, was erroneous and DCS's motion to transfer should have been denied as Madison Circuit 3 was designated as a probate docket. Id. at 329-30. However, the Court reasoned that similar to the rule established in In re Adoption of J.T.D., 21 N.E.3d 824 (Ind. 2014), Madison County is a county that does not have an exclusively probate court as "the Madison circuit court is a court of general jurisdiction;" thus, caseloads become a matter of venue rather than jurisdiction. Id. at 330. The Court concluded that while the adoption petition was appropriately filed, the CHINS and TPR proceedings were already pending in Madison Circuit 2, which had accumulated information about the Children's situation, wellbeing, and best interests. Id. Further, the evidence submitted in the CHINS and TPR cases would be needed to rule on the adoption petition. Id. Accordingly, the transfer of the adoption cause to Madison Circuit 2 promoted efficiency, fair distribution, and timely resolution of the petitions; thus, the court did not abuse its discretion by denying Aunt and Uncle's T.R. 60(B) motion. Id. at 330-31.