



CHINS
8/31/21

In **Matter of A.A.D.**, 172 N.E.3d 714 (Ind. Ct. App. 2021), the trial court was without statutory authority to order Father to participate in an informal adjustment without his consent.

Because the trial court determined that there was insufficient evidence to support a CHINS adjudication, it was required to discharge the Children from its jurisdiction. Id. at 715. The trial court concluded that DCS had not proven the allegations by a preponderance of the evidence and denied the petition, ordering the Children to be returned to Father’s care. Id. The trial court further ordered the parties to “prepare and institute a plan for an informal adjustment to address the unique needs evidenced by the facts of the case.” Id. Father contended that the trial court was without statutory authority to order him to participate in an informal adjustment without his consent, and because the trial court determined that there was insufficient evidence to support a CHINS adjudication, the court was required to discharge the Children from its jurisdiction. Id. DCS agreed. Indiana Code 31-34-8-2 provides that “The child and the child’s parent, guardian, custodian, or attorney must consent to a program of informal adjustment.” Indiana Code 31-34-11-3 provides “If the court finds that a child is not a child in need of services, the court shall discharge the child.” Accordingly, the Court reversed the trial court’s order directing Father to participate in an informal adjustment. Id.