

## MEMORANDUM DECISION

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## IN THE COURT OF APPEALS OF INDIANA

In the Matter of K.U., M.U.,  
Ma.U., G.U., S.U. (Minor  
Children), C.U. (Father), and  
Z.U. (Mother)

*Appellants - Respondents*

v.

Indiana Department of Child  
Services,

*Appellee - Petitioner*

November 17, 2022

Court of Appeals Case No.  
22A-JC-1502

Appeal from the Wayne Superior  
Court

The Honorable Darrin M.  
Dolehanty, Judge

The Honorable Kaarin M.  
Lueck, Magistrate

Trial Court Cause Nos.  
89D03-2201-JC-000009  
89D03-2201-JC-000010  
89D03-2201-JC-000011

**May, Judge.**

- [1] C.U. (“Father”) and Z.U. (“Mother”) (collectively, “Parents”) appeal the trial court’s adjudication of their children, G.U., S.U., M.U., K.U., and Ma.U. (collectively, “Children”) as Children in Need of Services (“CHINS”). Father and Mother separately argue the trial court’s findings do not support its conclusions that Children are CHINS because: (1) Children are not endangered; and (2) Children’s needs were met without coercive intervention of the court. We affirm.

## Facts and Procedural History

- [2] Parents are the biological parents of G.U., born October 13, 2014; S.U., born July 16, 2015; M.U., born May 10, 2016; K.U., born April 15, 2020; and Ma.U., born July 1, 2021. From 2019 to 2021, the Department of Child Services (“DCS”) received multiple reports regarding the family, and those reports resulted in at least two informal adjustments. The last informal adjustment was dismissed on March 25, 2021.
- [3] In early January 2022, the family moved in with Mother’s sister, H.P. While there, Mother was involved in a physical altercation with H.P.’s boyfriend. The family moved out shortly thereafter. On January 7, 2022, DCS received a

report Children were victims of physical abuse. After an investigation, the report was unsubstantiated. On January 12, 2022, DCS received a report Children were victims of educational neglect. On January 19, 2022, DCS received a report that “Mother was leaving [Children] with people who did not agree to supervise [Children], Mother slept all of the time, and Mother was not taking care of her mental health needs.” (Mother’s App. Vol. II at 209.) Multiple times between January 12 and January 19, 2022, DCS attempted to meet with Parents, but Parents repeatedly canceled the appointments. On January 20, 2022, DCS received another report alleging educational neglect and also asserting Children’s basic needs were not being met.

[4] On January 20, 2022, Family Case Manager Debra Farrell (“FCM Farrell”) attempted to speak to G.U., S.U., and M.U. at their school but “had trouble interviewing [Children] because of developmental delays and communication issues.” (*Id.* at 209.) On January 21, 2022, Family Case Manager Michelle Perkins (“FCM Perkins”) investigated the family’s living situation. The trailer the family lived in at the time (“Trailer 56”) did not have heat so Father had set up an “industrial-size heater pushed up against a counter[.]” (*Id.* at 210.) FCM Perkins was concerned about the use of the industrial heater “because [Children] could be burned if they touched the cage guarding the flame.” (*Id.*) Additionally, the trailer did not have a functioning toilet or running water; it had trash and debris throughout; there was no food “except bottles of pickles and mustard[;]” and the floor was littered with cat feces. (*Id.*) Based thereon, DCS removed Children from Parents’ care. When doing so, DCS noted

Children were dirty, did not have the proper size car seats, and did not have proper clothing for the weather. DCS placed G.U., S.U., and M.U. with relatives and placed Ma.U. and K.U. in licensed foster care, where they have remained during the pendency of these proceedings.

[5] On January 24, 2022, DCS filed petitions alleging Children were CHINS due to educational neglect; inadequate housing, food, clothes, and hygiene; Mother's mental illness; and physical violence in the home. On January 25 and 26, 2022, the trial court held initial hearings on the CHINS petitions. Parents denied Children were CHINS. On May 6, 2022, the trial court held a fact-finding hearing on all CHINS petitions and took the matter under advisement. DCS presented evidence of Children's medical issues; the family's continued lack of appropriate housing; Mother's mental health issues; and the educational performance of G.U., S.U., and M.U. before and after DCS involvement. DCS also presented evidence of the services it provided after its CHINS petition including visitation, parenting guidance for Parents, mental health supports for Mother, medical and related treatment for Children, and educational supports for Children.

[6] On May 12, 2022, the trial court issued its order adjudicating Children as CHINS. On June 1, 2022, the trial court held its dispositional hearing. The trial court ordered Mother and Father to, among other things, maintain safe and suitable housing; secure and maintain a legal source of income; complete parenting assessments and follow all recommendations; and attend all scheduled visits. The trial court also ordered Mother to complete a

psychological assessment and follow all recommendations, including medication management and related therapy.

## Discussion and Decision

- [7] Parents argue the trial court erred when it adjudicated Children as CHINS. Because a CHINS proceeding is a civil action, DCS must prove by a preponderance of the evidence that a child is a CHINS as defined by the juvenile code. *In re N.E.*, 919 N.E.2d 102, 105 (Ind. 2010). The CHINS petition was filed pursuant to Ind. Code section 31-34-1-1, which states:

A child is a child in need of services if before the child becomes eighteen (18) years of age:

(1) the child's physical or mental condition is seriously impaired or seriously endangered as a result of the inability, refusal, or neglect of the child's parent, guardian, or custodian to supply the child with necessary food, clothing, shelter, medical care, education, or supervision; and

(2) the child needs care, treatment, or rehabilitation that:

(A) the child is not receiving; and

(B) is unlikely to be provided or accepted without the coercive intervention of the court.

DCS must also prove “the child’s physical or mental health is seriously endangered due to injury by the act or omission of the child’s parent, guardian, or custodian.” Ind. Code § 31-34-1-2.

- [8] A CHINS adjudication focuses on the needs and condition of the child, rather than the culpability of the parent. *In re N.E.*, 919 N.E.2d at 105. The purpose of a CHINS adjudication is not to punish the parent but to provide proper services for the benefit of the child. *Id.* at 106. “[T]he acts or omissions of one parent can cause a condition that creates the need for court intervention.” *Id.* at 105. “A CHINS adjudication can also come about through no wrongdoing on the part of either parent[.]” *Id.*

While we acknowledge a certain implication of parental fault in many CHINS adjudications, the truth of the matter is that a CHINS adjudication is simply that - a determination that a child is in need of services. Standing alone, a CHINS adjudication does not establish culpability on the part of a particular parent. Only when the State moves to terminate a particular parent’s rights does an allegation of fault attach. We have previously made it clear that CHINS proceedings are “distinct from” involuntary termination proceedings. The termination of the parent-child relationship is not merely a continuing stage of the CHINS proceeding. In fact, a CHINS intervention in no way challenges the general competency of a parent to continue a relationship with the child.

*Id.* (citations omitted).

- [9] When a trial court enters findings of fact and conclusions of law in a CHINS decision, we apply a two-tiered standard of review. *In re Des. B.*, 2 N.E.3d 828,

836 (Ind. Ct. App. 2014). We consider first whether the evidence supports the findings and then whether the findings support the judgment. *Id.* We may not set aside the findings or judgment unless they are clearly erroneous. *Id.*

Findings are clearly erroneous when the record contains no facts to support them either directly or by inference, and a judgment is clearly erroneous if it relies on an incorrect legal standard. *Id.* We give due regard to the trial court’s ability to assess witness credibility and do not reweigh the evidence; we instead consider the evidence most favorable to the judgment with all reasonable inferences drawn in favor of the judgment. *Id.* We defer substantially to findings of fact but not to conclusions of law. *Id.* Unchallenged findings “must be accepted as correct.” *Madlem v. Arko*, 592 N.E.2d 686, 687 (Ind. 1991).

Parents do not challenge any of the trial court’s findings.

[10] In its factfinding order,<sup>1</sup> the trial court found DCS had been involved with the family at least twice 2019; all instances resulted in an informal adjustment and subsequent dismissal of the respective cases. Regarding the family’s contact with DCS that prompted the case before us, the trial court found:

13. On January 7, 2022, Family Case Manager Debra Farrell, with the Randolph County DCS Office, received an initial report for an assessment of physical abuse that was unsubstantiated.

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<sup>1</sup> The trial court’s factfinding order spans twelve pages and includes 162 findings. We commend the trial court’s attention to detail and extensive findings, as they have greatly aided our review.

14. On January 12, 2022, the DCS received a report of educational neglect of [Children], and that [Children's] basic needs were not being met.

15. On January 19, 2022, the DCS received a report that Mother was leaving [Children] with people who did not agree to supervise [Children], Mother slept most of the time, and Mother was not taking care of her mental health needs.

\* \* \* \* \*

17. On January 20, 2022, the DCS received a report of educational neglect of [Children], and [Children's] basic needs not being met.

\* \* \* \* \*

21. On January 21, 2022, the DCS received a report that [Parents and Children] had moved back to Richmond, Indiana, to an unsafe home.

(Mother's App. Vol. II at 209.)

[11] DCS conducted a number of investigations into the various reports received in 2022. Regarding the investigation into educational neglect, the trial court found:

19. On January 20, 2022, FCM Farrell saw [M.U.], [G.U.], and [S.U.] at their school, but had trouble interviewing [Children] because of developmental delays and communication issues.

\* \* \* \* \*



123. During the 2021-2022 school year, until sometime in December 2021:

c. [M.U.] attended kindergarten at Rose Hamilton Elementary School. [M.U.] had an individual education plan (IEP) for speech and language needs.

d. [G.U.] attended first grade at Rose Hamilton Elementary School. [G.U.] did not receive any special education services.

e. [S.U.] attended kindergarten at Rose Hamilton Elementary School. [S.U.] had an IEP for deaf and hard of hearing services.

124. By December 2021, [M.U.], [G.U.], and [S.U.] had 20-25 unexcused absences, which was reported to the DCS.

125. In September 2021, when [M.U.], [G.U.], and [S.U.] were quarantined due to COVID exposure, those children were marked as virtual students, and those days not [sic] did not count as unexcused absences.

126. Sam Pritchard, the principal at Rose Hamilton Elementary School, routinely sends letters to students' parents once a student has eight (8) absences from school, including information about a report being made to the DCS if a student has ten (10) or more absences.

127. Once, Mr. Pritchard went to this family's trailer to check on the absent children, but did not get into the trailer.

128. At the beginning of the 2021-2022 school year, [G.U.] did not speak, but began speaking later in the school year.

129. Rose Hamilton Elementary School staff had concerns about [M.U.'s], [G.U.'s], and [S.U.'s] access to food and clothing.

130. [M.U.], [G.U.], and [S.U.] were referred to Community-in-Schools for assistance with food and clothing.

131. Rose Hamilton Elementary School staff also had concerns about [S.U.]'s bathing and cleanliness. For example, when [S.U.] came to school with feces on her feet, staff washed [S.U.]'s feet and gave [S.U.] new shoes.

(*Id.* at 209, 216.) The trial court also found Parents allowed M.U., G.U., and S.U. to travel to the bus stop unsupervised. Regarding the educational progress of M.U., G.U., and S.U. after their removal from Parents' care, the trial court found:

148. [M.U.] has been assessed as having progressed 0% educationally, because [M.U.] does not know the alphabet, can only count from one (1) to seven (7), and has difficulty with colors.

149. [M.U.] will be repeating kindergarten for the 2022-2023 school year.

150. [G.U.] continues to be behind academically, but is improving.

151. [G.U.] receives speech therapy in school biweekly.

152. [S.U.] wants to learn, but is hampered by her hearing impairment.

153. [S.U.] continues to be behind academically, but is improving.

154. [S.U.] receives speech therapy in school twice per week.

(*Id.* at 218.)

[12] Regarding DCS’s investigation into general neglect, the trial court found Mother had been diagnosed with “Major Depression Disorder with psychotic features, Post-Traumatic Stress Disorder, and Borderline Personality Disorder” and was prescribed multiple medications to help her manage her mental illness. (*Id.* at 213.) As part of its investigation into the report of unsafe housing, DCS discovered several issues with various trailers in which the family had resided. Regarding this issue, the trial court found:

27. On January 21, 2022, FCM Perkins assessed Trailer 56.

a. The inside of Trailer 56 was as cold as it was outside.

b. The living room had:

i. trash and debris throughout;

ii. several soft spots that felt like rotting floor; and

iii. a “salamander” industrial-size heater pushed up against a counter, which was a concern because the children could be burned if they touched the cage guarding the flame, if the flame was lit.

c. The kitchen had:

- i. a stand-up freezer, but no other appliances;
- ii. no food, except bottles of pickles and mustard;
- iii. an overflowing trash can;
- iv. countertops that were covered with trash and debris; and
- v. no flowing water from the faucet.

d. The bathroom had:

- i. a nonfunctioning toilet;
- ii. no running water; and
- iii. razors on the toilet and tub that were within reach of the children.

e. The first bedroom had:

- i. a queen-size bed with no bedding, but had personal items and two (2) rifles on top;
- ii. a toddler bedframe; and
- iii. a wooden crib with a filthy mattress and no bedding.

f. The second bedroom had a table and benches.

g. There was a cat, which Father identified as the family's cat, that had no litter box or access to food.

h. There were cat feces on the floor throughout the trailer.

28. On January 21, 2022, Father planned to use the "salamander" heater to heat Trailer 56 and unfreeze the pipes, or get electric heaters.

29. On January 21, 2022, [Parents] had access to \$179.00, and were concerned about having enough money to get heaters and food.

\* \* \* \* \*

45. Between January 21, 2022, and February 23, 2022, while FCM Perkins was assigned to these cases, [Parents] lived in three (3) different trailers, Trailers 56, 21, and 27.

\* \* \* \* \*

55. In March 2022, the CASA and FCM Jessica Strayer assessed [Parents'] third trailer, Trailer 27.

a. The trailer was filled with clutter and piles of clothes, and it looked like [Parents] were unpacking.

b. There were significant soft spots in the floor.

c. The CASA stepped into one (1) of the soft spots in the floor.

d. The CASA told Mother to call the landlord about the soft spots in the floor.

e. There was food in the kitchen.

f. In the back bedroom, there was a dog that had torn up some items.

g. Outside the trailer, there was a package of meat and other trash.

(*Id.* at 210-212.)

[13] DCS decided to remove Children from Parents' care after observing the issues with Trailer 56. Regarding the Children's state at that time and shortly thereafter, the trial court found:

33. On January 21, 2022, FCM Perkins asked [Parents] to gather the children's personal items.

a. [Parents] did not provide any clothing, despite some clothes on the car's seats under [Children].

b. A diaper bag had incorrectly-sized diapers, a half-full can of formula, and some diaper wipes.

c. There was no bottle for the six (6) month old child, [Ma.U.].

d. There was a toddler cup that appeared to contain spoiled chocolate milk.

e. The car seat for the one and one-half-year-old child, [K.U.], was inappropriately sized.

f. Mother did not know where [S.U.]’s hearing aids were located.

34. On January 21, 2022, FCM Perkins and FCM Blankenship transported [Children] to the Wayne County DCS Office for further assessment.

35. On January 21, 2022, [Ma.U.]:

a. was wearing dirty clothes with stains and a foul odor;

b. was changed into other clothes after being cleaned with wipes;

c. was given a bottle using a DCS bottle; and

d. had limited mobility, including a stiff back and difficulty holding up her head.

36. On January 21, 2022, [K.U.] was barefoot and wearing foul-smelling, dirty clothes.

37. On January 21, 2022, [M.U.] was wearing foul-smelling, dirty clothes and had little ability to communicate.

38. On January 21, 2022, [G.U.] was wearing foul-smelling, dirty clothes.

39. On January 21, 2022, [S.U.] could only say a few simple words and phrases, such as “hungry” and “go to the bathroom,” could read lips to some extent, and could not communicate using American Sign Language.

40. On January 21, 2022, [Children] were using “crib language” to communicate with each other, but FCM Perkins could not understand what was being said.

41. On January 21, 2022, at the Wayne County DCS Office, [M.U.], [G.U.], and [S.U.] were attending to [K.U.] and [Ma.U.] by comforting them and helping them go to sleep.

*(Id. at 211.)*

[14] Additionally, DCS noted Children had several unaddressed medical issues. Regarding those issues, the trial court found Children missed 48% of their appointments with their first pediatrician, Dr. James Bertsch. In January 2021, the family moved to another pediatrician, Dr. Kristina Hair. Dr. Hair reported Parents did not bring Children to several scheduled appointments. The trial court also found, regarding Children’s medical issues:

80. On March 9, 2021, Dr. Hair saw [G.U.] for a well-child visit and due to concerns that [G.U.] did not have close friends, was angry, and bullied the younger children. At that visit, it was unclear whether [G.U.] was up-to-date receiving vaccines because of a lack of records.



81. On March 19, 2021, Dr. Hair saw [K.U.] for a twelve-month-old well-check visit. At that visit, [K.U.] was still on formula and was behind receiving vaccines.

82. On March 30, 2021, Dr. Hair saw [M.U.] for a four-year-old well-check visit. At that visit, [M.U.] could not recognize the alphabet.

83. On April 16, 2021, Dr. Hair saw [S.U.] for a well-child visit, during which [S.U.] could not keep her balance or skip, had bilateral hearing loss, did not know numbers, colors, or the alphabet, and could not follow verbal directions. At that visit, Dr. Hair suggested that [S.U.]’s hearing aids may need to be adjusted.

\* \* \* \* \*

113. [K.U.] has recently had ear infections that will require tubes to be placed in his ears, and is causing stomach issues.

114. [Ma.U.] has a flat spot on the back of her head and poor muscle tone.

115. [G.U.] continues to rarely speak, but recently spoke to the reading resource teacher and some peers.

(*Id.* at 213-5.) In October 2021, Children began seeing Jennifer Shaneyfelt, a Family Nurse Practitioner. Shaneyfelt also reported Children suffered from several medical issues and referred the family to several developmental services. One of those referrals allowed S.U., after her removal from Parents’ care, to see an audiologist and an Ear, Nose, and Throat (“ENT”) doctor, Dr. Rohit Bawa,

to address her hearing issues. Regarding S.U.'s visits with an audiologist and Dr. Bawa, the trial court found:

109. When [S.U.] attended an audiology appointment to get new hearing aids, a foreign object was located in [S.U.]'s ear, which prevented the audiologist from completing the fitting for the new hearing aids.

110. On March 4, 2022, Dr. Rohit Bawa, an ear, nose, and throat specialist, examined [S.U.] due to a history of hearing loss and a possible foreign body in [S.U.]'s ear.

111. On or about March 18, 2022, Mother consented to [S.U.] having surgery to remove the foreign body from [S.U.]'s ear, and [Parents] were notified of the date and time of the surgery.

112. On March 18, 2022, Dr. Bawa performed surgery on [S.U.] to remove a foreign body from [S.U.]'s right ear and ear wax mixed with cotton in [S.U.]'s left ear.

a. [Parents] did not attend [S.U.]'s surgery, despite receiving notice from the DCS.

b. Had the foreign body and the cotton remained in [S.U.]'s ears, [S.U.]'s hearing could have worsened, and [S.U.]'s ears could have become infected.

(*Id.* at 215.)

[15] Based on the multiple issues the family faced, DCS referred Parents and Children to relevant services. Regarding these referrals, the trial court found:

47. From February 2022, until early-March 2022, [Parents] were referred for parenting time through Lifeline twice per week.

48. In early-March 2022, Lifeline canceled [Parents'] parenting time referral after [Parents] missed, or were late for, three (3) scheduled sessions.

49. In March 2022, [Parents] failed to confirm all scheduled parenting time sessions, and did not attend any scheduled parenting time sessions.

50. In April 2022, [Parents] were scheduled for parenting time sessions on Mondays at the Winchester Library, which was approximately equal distance from [Children's] placements and [Parents'] home.

51. Between February 23, 2022, and May 6, 2022, [Parents] attended four (4) parenting time sessions total.

52. During [Parents'] parenting time sessions:

a. [Parents] arrived on time and brought food.

b. [Parents] gave [M.U.] and [G.U.] cellphones to play with throughout the sessions.

c. During the last parenting time session, Mother and/or Father gave [S.U.] a tablet to use during the session, which disturbed other people at the library, because of how loud [S.U.] had the volume due to her hearing loss.

d. Father actively engaged with [K.U.], and was somewhat engaged with [S.U.].

e. [Parents] discussed these cases and the upcoming hearing with FCM Strayer.

53. [Parents'] lack of parenting time participation is, in part, related to Father's work schedule and Mother's refusal to attend parenting time sessions without Father.

54. [Parents'] parenting time schedule has been discussed at several Child and Family Team Meetings.

\* \* \* \* \*

62. Through a DCS referral, [K.U.] has completed a First Steps evaluation, and has started occupational therapy.

63. The DCS referred [M.U.] for individual therapy to address trauma, mistrust, and fear, which are, at least in part, related to [M.U.]'s detention.

64. The DCS referred [Ma.U.] for a First Steps evaluation, which has been completed.

65. The DCS referred [G.U.] for individual therapy, which was initiated by [Parents] prior to the referral.

66. The DCS referred [S.U.] for individual therapy.

67. The DCS referred Mother for case management, a psychological evaluation, individual therapy, a parenting assessment, and a medication evaluation, due to concerns that Mother is not taking her prescribed mental health medication.

68. The DCS referred Father for case management, Father Engagement, and a parenting assessment.

(*Id.* at 212-3.) Based on its numerous findings, the trial court concluded:

The DCS has met its burden by a preponderance of the evidence that the children are CHINS pursuant to I.C. 31-34-1-2, specifically that:

- a. [Children's] physical and mental conditions are seriously impaired as a result of Mother's and Father's inability to provide the children with necessary food, clothing, shelter, medical care, education, and supervision;
- b. Mother and Father are unable financially to provide the necessary food, clothing, shelter, and medical care; and
- c. [Children] need care, treatment, or rehabilitation that [Children] were not receiving while under Mother's and Father's care, and are unlikely to be provided or accepted without the coercive intervention of the court.

(*Id.* at 218.)

[16] Parents argue the trial court's findings do not support its conclusions that Children are endangered and that the coercive intervention of the court is necessary. Father contends the trial court's finding noting the improvement in Parents' living situation after Children's removal did not support the trial court's conclusion that Children were endangered by the family's inadequate housing. However, the trial court found Trailer 27, where Parents lived after Children's removal, was "filled with clutter and piles of clothes[,]” had

“significant soft spots[,]” a dog in the trailer “had torn up some items[,]” and there was “a package of meat and other trash” outside the trailer. (*Id.* at 212.) When DCS employees attempted to make unannounced assessments of the trailer, Mother would not let them in the trailer and the trial court noted in its findings that Mother did not allow DCS to access the trailer prior to the fact-finding hearing. The issues with Trailer 27, as well as the past issues with Trailer 56 and Mother’s refusal to allow unannounced assessments, supports the trial court’s conclusion that Children were endangered in Parents’ care as it pertains to their housing situation.

[17] Father further contends the trial court’s findings regarding the Children’s medical conditions do not support its conclusion Children were endangered. Father notes that while those conditions existed prior to Children’s removal, they continued to exist after their removal. The trial court found Children had significant medical issues, including S.U.’s need for hearing assistance and failure to meet developmental milestones; Ma.U.’s developmental issues that prompted Dr. Hair to diagnose her as failure to thrive; G.U.’s “selective mutism” and “history of being violent” at school; M.U.’s failure to meet developmental milestones; and K.U.’s lack of proper vaccinations. (*Id.* at 214.) The trial court found prior to Children’s removal, the family routinely missed scheduled medical appointments, which likely contributed these medical difficulties.

[18] While the Children’s medical ailments have continued since removal, Children now are receiving medical treatment to address the ailments. For

example, S.U. received medical treatment for a blockage in her ear that was determined to be “ear wax mixed with cotton[.]” (*Id.* at 215.) S.U. underwent surgery to remove the blockage and Parents did not attend, despite notice of the surgery. In addition, the trial court’s findings indicated K.U. received medical assistance because he had experienced several ear infections and would need tubes in his ears. The trial court’s findings support its conclusion Children were endangered in Parents’ care based on their medical issues and lack of treatment therefor.

[19] Finally, Father argues the Court’s coercive intervention was not necessary because Parents engaged the family in the relevant services without DCS intervention. Father contends “Mother was engaging in mental health services, Father was engaging in case management and father engagement services, Father continued to be employed, and Mother and Father had adequate housing.” (Father’s Br. at 13.) However, with the exception of Mother’s engagement in some mental health services and Father’s employment, the trial court found that Parents did not engage with DCS-provided referrals, such as to case management and father engagement services, and that Parents’ housing was not adequate. Therefore, the trial court’s findings support its conclusion that the court’s coercive intervention was necessary.

[20] Mother argues<sup>2</sup> the trial court’s findings do not support its conclusion that “[Children’s] physical and mental conditions are seriously impaired as a result of Mother’s and Father’s inability to provide [Children] with necessary food, clothing, shelter, and medical care” because there is not sufficient evidence that Children’s mental or physical conditions are seriously endangered. (Mother’s App. Vol. II at 218.) However, as indicated *supra*, the trial court found, among other things, that Parents’ new housing as well as their old housing was inadequate and that Children suffered from various medical ailments that were likely worse because they were left untreated. The trial court’s findings support its conclusion Children were endangered.

[21] Mother also asserts the court’s coercive intervention is not required “especially because Mother seemingly had more success in obtaining services without DCS’ [sic] assistance, and since being in the care of DCS, [Children] were not receiving services that they needed.” (Mother’s Br. at 14.) However, the trial court found it was DCS, not Mother, who referred Children to services to address their developmental delays and medical needs. The trial court also found that, after DCS intervention, G.U., S.U., and M.U. seemed to be making

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<sup>2</sup> Mother argues the trial court erred when it did not make findings based on evidence she claims the trial court should have considered but did not. She agrees “the trial court’s findings are accurate” but she asserts there was evidence “that the family was capable of handling their own affairs.” (Mother’s Br. at 11.) Mother then makes several arguments asking us to essentially supplement the trial court’s findings to include Mother’s version of the events. We cannot make additional findings on appeal. As Mother did not specifically challenge any of the trial court’s findings, they “must be accepted as correct.” *Madlem*, 592 N.E.2d at 687. Therefore, our review is limited to whether the trial court’s findings support its judgment. *In re Des. B.*, 2 N.E.3d at 836.



academic progress. Additionally, the trial court found Children were receiving desperately needed medical care after their removal from Parents' home. The trial court's findings support its conclusion the coercive intervention of the court was required.

[22] The trial court's findings regarding the family's history with DCS; Children's ongoing untreated medical conditions; Mother's mental health issues; the educational difficulties experienced by G.U., S.U., and M.U.; and the family's living conditions support the trial court's conclusion Children's mental or physical well-being was endangered. *See In re A.C.*, 905 N.E.2d 456, 462 (Ind. Ct. App. 2009) (trial court's findings regarding mother's lack of suitable housing and child's medical issues supported trial court's conclusion that child was endangered). The trial court's findings regarding the family's history with DCS and Parents' chronic inability to seek medical treatment for Children, as well as the numerous services in which the family participated after DCS's referral supported the trial court's conclusion that the court's coercive intervention was needed. *Contra Matter of E.Y.*, 126 N.E.3d 872, 878 (Ind. Ct. App. 2019) (family did not have a history of DCS intervention or criminal charges and, after initial DCS involvement based on unsubstantiated allegations of domestic violence, the coercive intervention of the court was not required as to father because he had participated in services and children were provided services).

## Conclusion

[23] The trial court's findings support its conclusion that Children are CHINS. Accordingly, we affirm the trial court's decision.

[24] Affirmed.

Crone, J., and Weissmann, J., concur.