

INDIANA COURT OF APPEALS

In the Matter of: A.B. and B.B. (Minor Children); E.B. (Mother) v. Indiana Department of Child Services

25A-JC-1315 (Ind. Ct. App. Feb. 17, 2026) · No. 25A-JC-1315 · Decided February 17, 2026

SUMMARY

The Indiana Court of Appeals affirmed a CHINS adjudication involving two minor children after their mother failed to protect them following an allegation of sexual abuse by her husband. The court held that any error in denying the mother's emergency continuance was harmless because she failed to demonstrate prejudice. The court also upheld exclusion of unstipulated polygraph evidence, concluding that Indiana's stipulation requirement applies in CHINS proceedings.

CASE DETAILS

COURT	Indiana Court of Appeals
WRITING FOR THE COURT	Judge Weissmann; Judge Kenworthy; Judge DeBoer
JURISDICTION	Indiana Court of Appeals
DECIDED	February 17, 2026
DOCKET	25A-JC-1315
DISPOSITION	affirmed
PROCEDURAL POSTURE	Mother appealed from the Brown Circuit Court's CHINS adjudication and disposition, challenging the denial of an emergency continuance of the factfinding hearing and the exclusion of unstipulated polygraph evidence.
STANDARD OF REVIEW	A ruling on a motion to continue is reviewed for abuse of discretion, and reversal requires a showing of prejudice. The exclusion of polygraph evidence is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	published
PARTIES	E.B. (Mother) v. Indiana Department of Child Services

TOPICS

- family law procedure
- parental rights
- evidence
- appellate procedure
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by denying Mother's emergency motion to continue the CHINS factfinding hearing after one of her attorneys was hospitalized.
2. Whether Mother established prejudice sufficient to warrant reversal based on the denial of the emergency continuance.
3. Whether the trial court abused its discretion by excluding the results of Stepfather's unstipulated polygraph examination.
4. Whether Indiana law permits admission of polygraph results in a CHINS proceeding without a valid stipulation between the parties.

HOLDINGS

1. Even assuming the trial court abused its discretion by denying Mother's emergency continuance motion, reversal was unwarranted because Mother failed to establish prejudice resulting from the denial.
2. Polygraph evidence is generally inadmissible unless the parties have validly stipulated to its admission; the rule applies in civil and CHINS proceedings.
3. The trial court acted within its discretion by excluding Stepfather's unstipulated polygraph results.

KEY QUOTATIONS

"Mother's generalized and unsubstantiated claims of prejudice simply are not enough to win reversal." (p. 12)

"The court's paramount obligation is to the child's safety and well-being, and the purpose of the CHINS adjudication "is to protect children, not punish parents."" (p. 16)

FACTUAL BACKGROUND

A.B. told Mother and her younger sister that Stepfather had repeatedly sexually touched her and exposed himself. Mother instructed the children not to disclose the allegation, did not obtain treatment for A.B., and did not prevent Stepfather's access to the children. After the allegation was reported by a school counselor, DCS filed CHINS petitions, and the trial court removed the children from Mother's custody and placed them with Father. At the factfinding hearing, the trial court credited A.B.'s account, rejected Mother's explanation that any contact was accidental, and found the children CHINS.

PROCEDURAL HISTORY

DCS petitioned to adjudicate A.B. and B.B. as children in need of services after allegations that Stepfather sexually abused A.B. and Mother failed to protect the children. The trial court removed the children from Mother's custody, denied several continuance motions, conducted the factfinding hearing, adjudicated the children CHINS, and entered dispositional service orders. The Indiana Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Matter of M.S., 140 N.E.3d 279, 285 (Ind. 2020)
- In re K.W., 12 N.E.3d 241, 244 (Ind. 2014)
- Rowlett v. Vanderburgh Cnty. Off. of Fam. & Child., 841 N.E.2d 615, 619 (Ind. Ct. App. 2006)
- Rynerson v. City of Franklin, 669 N.E.2d 964, 970 (Ind. 1996)
- J.R.T. v. State, 783 N.E.2d 300, 305-06 (Ind. Ct. App. 2003)
- In re A.J., 877 N.E.2d 805, 813-15 (Ind. Ct. App. 2007)
- Davis v. State, 749 N.E.2d 552, 556-57 (Ind. Ct. App. 2001)
- C.T.S. v. State, 781 N.E.2d 1193, 1198 n.6 (Ind. Ct. App. 2003)
- Sauzer-Johnsen v. Sauzer, 544 N.E.2d 564, 568-69 (Ind. Ct. App. 1989)
- Gray v. State, 758 N.E.2d 519, 522 (Ind. 2001)
- In re B.W., 17 N.E.3d 299, 309 (Ind. Ct. App. 2014)
- In re N.E., 919 N.E.2d 102, 105-06 (Ind. 2010)