

INDIANA SUPREME COURT

In the Matter of J.K., a Child in Need of Services: M.K. v. Marion
County Department of Child Services and Child Advocates, Inc.

30 N.E.3d 695 (Ind. 2015) · No. 49S02-1505-JC-260 · Decided May 12, 2015

SUMMARY

The Indiana Supreme Court held that the cumulative effect of a trial court's derogatory and coercive comments in a CHINS proceeding deprived the father of an impartial tribunal and due process. Because the comments pressured him to waive fact-finding and admit that his daughter was a child in need of services, the court reversed the CHINS adjudication. The court noted that reversal was moot as to the child, who had turned eighteen, but addressed the issue as one of public importance.

CASE DETAILS

COURT	Indiana Supreme Court
WRITING FOR THE COURT	Rush, Chief Justice; Dickson, Justice; Massa, Justice; Rucker, Justice; David, Justice
JURISDICTION	Indiana
DECIDED	May 12, 2015
DOCKET	49S02-1505-JC-260
DISPOSITION	reversed
PROCEDURAL POSTURE	Father appealed a CHINS adjudication after the trial court's comments and conduct allegedly deprived him of an impartial forum and coerced his admission that J.K. was a child in need of services. The Indiana Court of Appeals affirmed, and the Indiana Supreme Court granted transfer.
STANDARD OF REVIEW	The court reviewed the unobjected-to judicial conduct for fundamental error and assessed whether the cumulative effect of the trial court's comments and demeanor deprived Father of due process and coerced his admission.
PRECEDENTIAL VALUE	Published Indiana Supreme Court opinion; precedential
PARTIES	M.K. v. Marion County Department of Child Services, Child Advocates, Inc.

TOPICS

family law procedure

parental rights

due process

appellate procedure

mootness

PRACTICE AREAS

juvenile law

family law

constitutional law

appellate procedure

QUESTIONS PRESENTED

1. Whether the cumulative effect of the trial court's comments, demeanor, and conduct deprived Father of his due process right to an impartial tribunal.
2. Whether the trial court's statements coerced Father into waiving fact-finding and admitting that J.K. was a child in need of services.
3. Whether reversal required a remand after J.K. reached the age of eighteen.

HOLDINGS

1. The cumulative effect of the trial court's derogatory, impatient, and hostile comments and conduct breached its duty to remain impartial and deprived Father of a fair proceeding.
2. The trial court's conduct coerced Father's admission that J.K. was a CHINS, and that coercion constituted fundamental error despite Father's failure to object to the court's earlier comments.
3. No remand was necessary because J.K. had turned eighteen, rendering the CHINS adjudication moot except for the public-importance issue resolved by the court.

KEY QUOTATIONS

"Though Father did not object to the trial court's statements, their combined effect was sufficiently coercive to constitute fundamental error." (30 N.E.3d at 696)

"The cumulative effect of the trial court's comments and demeanor had a direct impact on Father accepting the court's leading suggestion to 'waive fact-finding.'" (30 N.E.3d at 703)

"Such coercion is fundamental error, and we reverse J.K.'s adjudication as a CHINS accordingly." (30 N.E.3d at 704)

FACTUAL BACKGROUND

Seventeen-year-old J.K. lived with her mother, maternal grandmother, and uncle after her parents had separated. DCS initiated CHINS proceedings after J.K. was locked out of the home and Mother expressed that she wanted to relinquish J.K.; Father denied that J.K. needed services if placed in his care and sought custody or placement. During two hearings concerning placement, the trial court repeatedly criticized the parties, announced that it was adjudicating J.K. as a CHINS before sworn testimony, and pressured Father to waive fact-finding by threatening that he would otherwise be responsible for transportation and stating that he would be 'finding a new job.'

PROCEDURAL HISTORY

The Marion County Department of Child Services initiated CHINS proceedings concerning J.K. Father denied that J.K. was a CHINS and sought custody or placement. After the trial court made derogatory and coercive comments during two hearings, Father admitted that J.K. was a CHINS, and the trial court entered the adjudication. The Court of Appeals affirmed, but the Indiana Supreme Court reversed; because J.K. had turned eighteen, the court did not remand.

DISPOSITION

reversed

REMAND INSTRUCTIONS

No remand; the court stated that J.K.'s attainment of age eighteen made the CHINS adjudication moot, although the public-importance issue warranted decision.

CASES CITED

- Timberlake v. State, 690 N.E.2d 243, 256 (Ind. 1997)
- Taylor v. State, 530 N.E.2d 1185, 1187 (Ind. 1988)
- Swift v. State, 255 Ind. 337, 341, 264 N.E.2d 317, 320 (Ind. 1970)
- Harrington v. State, 584 N.E.2d 558, 561-62 (Ind. 1992)
- Rowe v. State, 539 N.E.2d 474, 477 (Ind. 1989)
- Beatty v. State, 567 N.E.2d 1134, 1136 (Ind. 1991)
- Everling v. State, 929 N.E.2d 1281, 1287, 1290-91 (Ind. 2010)
- Caperton v. A.T. Massey Coal Co., 556 U.S. 868, 876 (2009)
- In re N.E., 919 N.E.2d 102, 108 (Ind. 2010)
- In re G.P., 4 N.E.3d 1158, 1165 (Ind. 2014)
- In re C.G., 954 N.E.2d 910, 916 (Ind. 2011)
- Baker v. Marion County Office of Family and Children, 810 N.E.2d 1035, 1041 (Ind. 2004)
- Abernathy v. State, 524 N.E.2d 12, 13-15 (Ind. 1988)
- Brannum v. State, 267 Ind. 51, 52-59, 366 N.E.2d 1180, 1182-84 (Ind. 1977)
- Kennedy v. State, 258 Ind. 211, 218, 280 N.E.2d 611, 615 (Ind. 1972)
- Lake County Division of Family and Children Services v. Charlton, 631 N.E.2d 526, 529 (Ind. Ct. App. 1994)
- Stellwag v. State, 854 N.E.2d 64, 69 (Ind. Ct. App. 2006)
- Elbert v. Elbert, 579 N.E.2d 102, 115 (Ind. Ct. App. 1991)
- M.K. v. Marion County Department of Child Services, No. 49A02-1312-JC-1008 (Ind. Ct. App. Aug. 6, 2014), slip op. at 6-7, 9

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