

MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

In the Matter of A.E. and C.E.,
Children in Need of Services,
C.E.,
Appellant-Respondent,

v.

Indiana Department of Child
Services,
Appellee-Petitioner.

February 12, 2024
Court of Appeals Case No.
23A-JC-1308
Appeal from the
Allen Superior Court
The Honorable
Charles Pratt, Senior Judge
Trial Court Cause Nos.
02D08-2301-JC-11
02D08-2301-JC-12

Memorandum Decision by Judge Foley
Judges Pyle and Tavitas concur.

Foley, Judge.

- [1] C.E. (“Mother”) appeals the trial court’s order adjudicating her minor children, A.E. and C.E. (“the Children”) Children in Need of Services (“CHINS”). Mother raises one issue for our review: whether sufficient evidence was presented to support the trial court’s CHINS adjudication. Because we find no error, we affirm.

Facts and Procedural History

- [2] Mother and B.E.,¹ who are divorced, are the parents of the Children. Mother had custody of the Children, and the Children resided in her home prior to this case. On January 1, 2023, the Indiana Department of Child Services (“DCS”) received a report that the Children were living with Mother in a home without heat and running water. Family Case Manager Morgan Sawyer (“FCM Sawyer”) went to Mother’s home on that date to investigate the report. When he arrived at the home, FCM Sawyer went to the front door, but Mother came out the side door asking who he was. FCM Sawyer introduced himself, and Mother said she did not believe him and called law enforcement. She then told him to get off her property.
- [3] The next day, at approximately 10:56 a.m., Officer Domonic Sikorski (“Officer Sikorski”) with the Fort Wayne Police Department was dispatched to Mother’s

¹ B.E. does not participate in this appeal.

home on a call that “came in as a mentally ill,” which he understood to mean that there was “a call from a mentally ill person at the address.” Tr. Vol. 2 pp. 21, 28. When Officer Sikorski arrived at Mother’s address, he spoke to her at “length about various things,” and Mother told him “she had no water because her pipes are ripped out.” *Id.* at 22. Officer Sikorski also talked to her about the Children, and Mother said, “her kids were kidnapped.” *Id.* Mother said her car was not working because someone “had come . . . and disabled it,” and Officer Sikorski “tried to talk to her more about it, but . . . didn’t get anywhere.” *Id.*

[4] Officer Sikorski told Mother he needed “to go make some calls to try to figure out what is going on,” and Mother gave him some phone numbers. One of the phone numbers was for C.S., one of Mother’s adult daughters, and Officer Sikorski called C.S. from his squad car. After his conversation with C.S., with whom the Children were staying, he returned to Mother to provide her with information that C.S. provided about where the Children were and how DCS was involved, and “it seemed like [Mother] didn’t like [his] answer and she became more irritated and frustrated.” *Id.* at 24. Officer Sikorski told Mother that she needed to contact DCS to get more information regarding the Children. Mother informed Officer Sikorski that she could not contact DCS because her phone did not work, but she would not let the officer see her phone to verify her claim. Because their conversation then began “going in a circle of getting nowhere,” Officer Sikorski asked Mother if there was anything else he

could do for her, and Mother “said no and shut the door in [his] face.” *Id.* at 25–26.

[5] FCM Sawyer went back to Mother’s house on January 3, and 6, 2023. When he interacted with Mother, she “appeared to be very erratic and fast speaking with her speech,” and when he tried to say anything “she’d cut [him] off and just go on a whole spiel [about] how DCS isn’t real.” *Id.* at 72. FCM Sawyer attempted to notify Mother about allegations regarding the heating situation, and she told him that the allegations were false and that “she had put in her own furnace,” and the company she used “was trying to steal her money.” *Id.* at 74. Although Mother did not admit having any mental health diagnosis to FCM Sawyer, he was concerned about Mother’s mental health. He also had concerns about the lack of heat and running water in the home and the way A.E. had reported that Mother spoke negatively to the Children, which he believed could be concerning on their mental health. FCM Sawyer believed that conditions of Mother’s home “seriously impaired and endangered” the Children if they continued to live with Mother. *Id.* at 73.

[6] On January 10, 2023, DCS filed a petition alleging the Children were CHINS based on educational neglect, unsafe conditions in the home, and Mother’s mental health issues. The Children had been previously removed from the home with the assistance of law enforcement, and the trial court authorized the Children’s placement with their older Sister, C.S. A fact-finding hearing was held on March 9, 2023.

[7] At the hearing, S.A., Mother’s ex-boyfriend (“Boyfriend”) testified that he had been in a relationship with Mother and lived with her for eight years before moving out in June 2022. For the last two years of their relationship, they lived at Mother’s current address, and the Children lived with them. Boyfriend testified that, on June 2, 2022, he woke up with Mother’s hands around his throat. She attacked Boyfriend because she “believed that she had had some sort of vision that [he] was unfaithful to her.” *Id.* at 32. Boyfriend testified that Mother was “frequently having visions and speaking to spirits and . . . God and Devil and Ted Bundy and Hitler and crazy things,” so “she had a vision and decided that [he] was cheating on her and woke [him] up by choking [him] in the night and sa[ying] she was going to kill [him].” *Id.* The Children were in the home at the time. Boyfriend stated he moved out the next day. After he moved out, Mother would sporadically send him a text message saying, “she’s going to kill [him] and things like that.” *Id.* at 33. The last text he received from Mother “was extremely bad saying she was going to dismember [him] in front of [his] parents[.]” *Id.* At that point, Boyfriend decided to get a protective order “because [he] believe[d that] [Mother] [wa]s dangerous, and [that] she would act on such things.” *Id.* In the beginning of February 2023, Mother sent Boyfriend ten texts “out of nowhere,” saying she was going to kill Boyfriend, and he “feared for his life.” *Id.* at 34.

[8] A.E., who was seventeen at the time of the hearing, testified that he was home during the event that caused Boyfriend to move out. He stated that he heard Mother accusing Boyfriend of cheating on her because “she had a dream about

it and anything that she basically either hears . . . or dreams about she just takes it legitimately and thinks it's all real." *Id.* at 52. A.E. said it had not always been like that, but Mother started behaving like that about a year and a half to two years prior to the hearing. A.E. also testified that he saw Mother go into fits of rage "[m]any times." *Id.* at 49. On one occasion, Mother threw his gaming console against the wall three times, and "she destroyed a bunch of [his] stuff." *Id.* He stated that the slightest thing would set her off, and it became "a daily thing." *Id.* at 50. A.E. testified that he saw Mother hit C.E. and that Mother "probably would have done a lot more if [he] was not there." *Id.* A.E. stated that Mother stopped hitting him when he got closer to the size of an adult but that she had "gotten in [his] face to try to threaten [him] many times, but [they were] mostly empty threats." *Id.*

[9] A.E. testified that he did not feel like he had a future because he did not have an education. The last time he attended public school was in the seventh grade, and the last time he attended any school was with the online Connections Academy about four months before the Children were relocated to C.S.'s home in January 2023. He stated that he stopped doing the online classes because he was kicked out of the school "due to not enough engagement." *Id.* at 57. A.E. testified that Mother took all the money he had in his bank account, which was about \$1,500 he had saved up from a job as a restaurant busser. He had been saving the money to buy a car. Mother would not let him get a driver's license or go anywhere, and he said he "just basically felt like [he] was going to be stuck there forever." *Id.* at 51. If he wanted to leave the house with a friend, he

had to plan it several hours in advance and be sure to “articulate [his] sentences just to not make her upset [to] . . . make it so [he and the friend] c[ould]n’t leave.” *Id.* A.E. testified that Mother had about twelve cats that lived in the house. A.E. also testified that Mother had birds that starved to death because Mother did not take care of them.

[10] C.E., who was fourteen at the time of the hearing testified that she thought Mother’s “perception was skewed on a lot of things.” *Id.* at 41. As an example, she referred to Mother’s mental health, stating that Mother “didn’t think she had any problems.” *Id.* C.E. testified that Mother was very against religion for a long time but “out [of] the blue she believed in God, believed in ancestors, and stuff, like ghosts and everything.” *Id.* C.E. testified that Mother had fits of rage against her. C.E. stated that on the day in December 2022, when Mother threw A.E.’s game console, Mother entered her room and broke the TV, almost broke the computer, and tried to shatter the mirror. Mother would hit C.E. in the mouth if C.E. talked back to her and one time tried to rip jewelry off C.E.’s neck, “choking [her] with it basically.” *Id.* at 42. In late December 2022, Mother hit C.E. causing her mouth to bleed. Although C.E. did not physically fear Mother because they were close in size, C.E. did fear “for [Mother’s] mental health and what she might do.” *Id.*

[11] C.E. testified that she also attended school online at Connections Academy, which required use of a computer and the internet. However, there were periods of time of up to a month where Mother would not allow C.E. access to the computer for school, which “drastically” affected her grades. *Id.* at 39.

When asked how she felt living at home with Mother, C.E. said “[i]t wasn’t great,” and not much changed from day to day because C.E. did not often leave the home. *Id.* at 39. C.E. would only leave if her older sister, M.S., would take her somewhere, and C.E. stated she had no friends other than family members.

[12] C.E. testified that there was no running water at Mother’s house at the time the Children moved to C.S.’s home. In December 2022, there “was a really cold day and the pipes froze,” but even after it got warmer, Mother did not call anyone to fix them. *Id.* at 44. C.E. stated that “for the longest time” they did not take showers and were “dirty and not really like hygienic,” and they would brush their teeth with bottled water. *Id.* They went without showers for about two weeks. Because of the lack of water, they could not use the toilets and had to use a bag and dump it outside. They took a shower at C.S.’s home on Christmas Day and again on New Year’s Day, when they then just stayed at her house. C.E. testified that there was plenty of food in the house only because her older sister, M.S., went to the grocery store.

[13] C.S. testified that the Children were subject to Mother’s “vocalizations[,]” and Mother “won’t stop and she doesn’t care.” *Id.* at 68. After the Children moved in with her, C.S. had to block Mother’s attempt to contact A.E. because she was telling him that “he wasn’t her son and that [he] should just go ahead and kill himself because []he’s not her son anyways so it won’t matter.” *Id.* at 69. C.S. herself blocked Mother on Facebook and blocked her phone number so Mother could no longer contact her. However, Mother was able to call her from a different number, and “[s]he started screaming at [C.S.] saying ‘this is

your mom, you need to bring my kids back before you go to prison and they're going to blame you.'" *Id.* at 59. C.S. did not respond and hung up on Mother. C.S. testified that she was concerned that Mother allowed her house not to have running water for several months in the middle of winter and did not care whether the Children had showers or clean water. She was concerned that there was no heat in the home except for space heaters that "caught on fire." *Id.* at 68.

[14] On March 6, 2023, Mother left two messages on C.S.'s phone. In the first message, Mother said, "if [this] is my daughter to think she's gonna somehow walk away unscathed, I'm here to remind her once again that I gave her her life and I will totally destroy her if need be." Ex. Vol. 1 p. 85. She also stated that C.S. was "perpetuating a criminal activity by refusing to comply with the actual law that is being broken by the governmental entities that think they are somehow above the law." *Id.* In the second message, Mother said, "I could just keep calling and putting my testimony to the courts that think they're building a case against me, but they're not. . . . They're actually mother f***ing criminals. And whoever the mother f***ing criminals are, are the ones that aren't gonna live past this f***ing day." *Id.*

[15] Mother did not personally appear for the fact-finding hearing. The trial court called her on the phone and said it was presiding over a matter associated with the Children and that the fact-finding hearing was set for that date. The following exchange occurred:

MOTHER: [M]y children are abducted illegally. So, I would appreciate you returning them before everyone involved is incarcerated. And that's all I have to say for the matter and you can put that on the record, because everyone that is involved has committed a crime. Are you also participating in the crime? Are you gonna (sic) tell me otherwise today that they are being returned to me and the guilty parties – perpetrators are going to be prosecuted? Which is it that you're going to tell me today?

THE COURT: Ma'am this is a trial on the issue - -

MOTHER: - - No, it's not. This is illegal and the fact that you're calling me on the phone trying to do this only makes it worse, sir.

THE COURT: When you return the - -

MOTHER: - - so stop pretending, stop pretending that what you're doing is legal because there are repercussions and consequences for your choice to go forward in this illegal manner. Are going to dismiss the case and hold the people accountable, or are you participating? Choose now.

THE COURT: Ma'am your attorney is here present - -

MOTHER: Okay, goodbye.

Tr. Vol. 2 pp. 17–18.

[16] At that time, the trial court could not tell whether Mother was still on the line but offered her the opportunity to talk privately with her lawyer, who was

present in the courtroom. Mother did not respond, and the trial court kept the phone active, and the hearing proceeded.

[17] During Officer Sikorski's testimony, Mother, who apparently was still on the phone, interjected, accusing Officer Sikorski of lying. Mother told the trial court that she wanted "a re-trial on this." *Id.* at 26. At that point, the court tried to have Mother talk to her attorney. Mother raised her voice and continued to insist that Officer Sikorski was lying. When Mother's attorney tried to tell Mother that she would have an opportunity to speak later, Mother made a remark suggesting that everyone involved in the hearing had "been lied to" and that the hearing was part of "the fraud that goes on in this country[.]" *Id.* at 27.

[18] Before swearing in Boyfriend as the next witness, the trial court noted that it appeared that Mother had discontinued the call. Mother called back in during C.S.'s testimony and asked whether "you just have a continuous hearing going on 24 hours a day for this call to be conducted." *Id.* at 59. The trial court explained that it was in session until the completion of the fact-finding hearing and that the line was left open in case Mother wanted to rejoin. After Mother asked if she could just call in at any point no matter what and be able to speak, the trial court tried to explain it was trying to accommodate Mother. She interrupted and said, "the fact is, you're lying." *Id.* at 60. She continued, stating that the trial court was patronizing her, and then began screaming that she was being slandered and that the Children had been abducted. The trial

court reminded Mother that they were in a court proceeding and permitted DCS to proceed with its direct examination of C.S.

[19] Mother called in again while C.S. was testifying, and when the trial court tried to tell Mother who was in the courtroom, she interrupted “really, so this is going to be a 24 hour open line that I just call in and you try to find something to use against me?” *Id.* at 63. The court named additional people who were in the courtroom, and Mother said “so all the people . . . that are willing participants in the crime are present. And I’m allowed to just call in at any point and you hope you’re going to find something incriminating. Is that what I’m hearing?” *Id.* The trial court started to explain the reason for the hearing, and Mother asked, “Okay so why don’t you tell me what the basis is that my children were abducted. Off the record.” *Id.* Mother was screaming when she said “[t]hat’s how it works? You steal people’s children and then you make a determination with what, what, what? A whole group of people that decided to game stalk me and (inaudible) and slander me and then have also lying police officers put on trial - - ” *Id.* at 64. The trial court tried to explain that Mother was welcome to participate in the proceedings, and she started laughing and continued on a tirade. Mother’s counsel asked the court to strike all of Mother’s statements as nonresponsive to a question, and the trial court said it would strike Mother’s “most recent comments.” *Id.* at 65. At that time, Mother disconnected the call and did not call back into the proceeding.

[20] At the conclusion of the fact-finding hearing, the trial court determined that the Children were CHINS. On March 9, 2023, the trial court issued its written

order, wherein it found that “[t]he [C]hildren . . . need[] care treatment, or rehabilitation that the [Children are] not receiving and that is unlikely to be provided or accepted without the coercive intervention of the court.”

Appellant’s App. Vol. 2 p. 57. Mother now appeals.

Discussion and Decision

[21] A CHINS adjudication focuses on the needs and condition of the child and not the culpability of the parent. *In re N.E.*, 919 N.E.2d 102, 105 (Ind. 2010). 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. 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. *Id.* at 105. Standing alone, a CHINS adjudication does not establish culpability on the part of a particular parent. *Id.*

[22] A CHINS proceeding is civil in nature, so DCS must prove by a preponderance of the evidence that a child is a CHINS as defined by the juvenile code. Ind. Code § 31-34-12-3. The CHINS petition here was filed pursuant to Indiana 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:

(A) when the parent, guardian, or custodian is financially able to do so; or

(B) due to the failure, refusal, or inability of the parent, guardian, or custodian to seek financial or other reasonable means to do so; 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.

[23] Our Supreme Court has interpreted this statute to require “three basic elements: that the parent’s actions or inactions have seriously endangered the child, that the child’s needs are unmet, and (perhaps most critically) that those needs are unlikely to be met without State coercion.” *In re S.D.*, 2 N.E.3d 1283, 1287 (Ind. 2014). “When determining whether a child is a CHINS under section 31-34-1-1, the juvenile court ‘should consider the family’s condition not just when the case was filed, but also when it is heard.’” *Ad.M. v. Ind. Dep’t of Child Servs.*, 103 N.E.3d 709, 713 (Ind. Ct. App. 2018) (quoting *In re S.D.*, 2 N.E.3d at 1290).

[24] Where the trial court issues findings of fact and conclusions thereon under Trial Rule 52, we apply a two-tiered standard of review. *In re A.M.*, 121 N.E.3d 556,

561 (Ind. Ct. App. 2019), *trans. denied*. We consider first whether the evidence supports the findings and then whether the findings support the judgment. *Id.* We will set aside the trial court’s findings and conclusions only if they are clearly erroneous and a review of the record leaves us firmly convinced that a mistake has been made. *Id.* In reviewing a trial court’s determination that a child is a CHINS, we neither reweigh the evidence nor judge the credibility of the witnesses. *In re S.D.*, 2 N.E.3d at 1287 (citations omitted). Instead, “[w]e consider only the evidence that supports the trial court’s decision and reasonable inferences drawn therefrom.” *Id.* Appellate courts generally grant latitude and deference to trial courts in family law matters. *In re E.K.*, 83 N.E.3d 1256, 1260 (Ind. Ct. App. 2017), *trans. denied*. This deference recognizes the trial court’s “unique ability to see the witnesses, observe their demeanor, and scrutinize their testimony, as opposed to this court’s only being able to review a cold transcript of the record.” *Id.*

[25] Mother argues that there was insufficient evidence presented at the fact-finding hearing to support the trial court’s determination that the Children are CHINS under Indiana Code section 31-34-1-1. In making this argument, Mother asserts that the findings made by the trial court were insufficient for the trial court to make a determination that the Children are CHINS and that DCS failed to prove the necessary statutory elements for a CHINS adjudication. Mother baldly asserts that she is challenging all of the trial court’s factual findings and that there was insufficient evidence to support them. However, she does not develop that assertion any further and instead focuses on a

contention that DCS failed to prove the necessary statutory elements. She specifically maintains that the trial court erred because there was no evidence that, in the absence of the coercive intervention of the trial court, the Children were in any danger or that their needs would go unmet.

[26] As previously stated, under Indiana Code section 31-34-1-1, as synthesized by the Indiana Supreme Court, DCS was required to prove by a preponderance of the evidence that Mother’s “actions or inactions have seriously endangered the [Children], that the [Children’s] needs are unmet, and (perhaps most critically) that those needs are unlikely to be met without State coercion.” *In re S.D.*, 2 N.E.3d at 1287. The evidence presented at the fact-finding hearing revealed that through Mother’s actions and inactions, she had failed to fulfill her parental responsibilities. Although there was not expert evidence that Mother suffered from a mental health diagnosis, the evidence did demonstrate that Mother acted erratically, had fits of rage, and would experience delusions that caused her to act in a dangerous and threatening way. FCM Sawyer testified that, when he went to Mother’s home on two occasions in early 2023, she acted very erratically, was speaking very fast and cutting him off, and was going on “a whole spiel [about] how DCS isn’t real.” Tr. Vol. 2 p. 72. Boyfriend testified that, on June 2, 2022, he woke up with Mother’s hands around his throat because Mother “believed that she had had some sort of vision that [he] was unfaithful to her.” *Id.* at 32. He stated that Mother was “frequently having visions and speaking to spirits.” *Id.* After he moved out, Mother sporadically sent him threatening text messages saying she was going to kill him, which

caused him to obtain a protective order “because [he] believe[d] she [wa]s dangerous, and [that] she would act on such things.” *Id.* at 33.

[27] A.E. stated that, on June 2, 2022, he heard Mother accusing Boyfriend of cheating on her and that she thought her dreams about his cheating were real. C.E. thought Mother’s “perception was skewed on a lot of things,” and in referring to Mother’s mental health, she said that Mother “didn’t think she had any problems” such as “her being bi-polar.” *Id.* at 41. Both Children experienced fits of rage from Mother and described an occasion where Mother threw A.E.’s gaming console against the wall three times and broke C.E.’s TV. C.E. also testified that Mother sometimes hit her on the mouth, one time causing her mouth to bleed, and also tried to rip some jewelry off C.E.’s neck, basically choking her. C.S. had to block Mother’s attempt to call A.E. because Mother was saying “he wasn’t her son and that [he] should just go ahead and kill himself because []he’s not her son anyways.” *Id.* at 69.

[28] The evidence also revealed that the conditions of Mother’s home posed a serious danger to the Children’s well-being. At the time they were removed in early January 2023, Mother’s home lacked heat and running water and had been that way since sometime in December 2022. Without running water, the Children were unable to take showers or use the toilets. The Children went for two weeks without a shower, had to brush their teeth with bottled water, and had to use a bag when they needed to use the bathroom that they would later dump outside. There was also no heat in the home in the middle of winter except for an insufficient number of space heaters that caught on fire.

[29] Evidence was also presented to demonstrate that the Children were not regularly attending school. The last time that A.E. attended public school was the seventh grade, and the last time he attended any school was with the online Connections Academy about four months before the Children were relocated to C.S.'s home. A.E. testified that he did not feel like he had a future because he did not have an education. C.E. testified that she also attended school online at Connections Academy, but that there were periods of time of up to a month where Mother would not allow C.E. access to the computer for school, which "drastically" affected her grades. *Id.* at 39.

[30] Looking at this evidence in a light most favorable to the judgment, we conclude that DCS presented sufficient evidence to establish that the Mother's actions had seriously endangered the Children and that Children's needs were unmet because Mother had failed to provide them with a safe and stable home free from violence and threats of violence. All of Mother's arguments to the contrary and reliance on evidence not favorable to the trial court's determination improperly ask this court to reweigh the evidence, which we do not do. *In re S.D.*, 2 N.E.3d at 1287.

[31] The evidence presented also established that the court's intervention was needed. "When determining whether coercive intervention is necessary, 'the question is whether the parents must be coerced into providing or accepting necessary treatment for their child.'" *In re N.E.*, 198 N.E.3d 384, 390 (Ind. Ct. App. 2022) (quoting *In re E.K.*, 83 N.E.3d at 1262). The same evidence used by the court to determine that a parent's acts or omissions injured or endangered a

child may also support that coercive intervention is necessary to safeguard the child. *Id.* Therefore, the evidence previously discussed indicated that Mother suffers from mental health issues that cause her to act erratically, have delusions, and engage in fits of rage and that Mother had not adequately addressed the root cause of these issues. Her actions placed the Children in danger, caused unsafe and unhealthy living conditions in the home, and resulted in the Children experiencing educational neglect. Further the evidence demonstrated that Mother’s behaviors had been deteriorating over the past year and a half to the point where, when the Children were removed from the home, there was no heat or running water, and the Children were no longer attending school and rarely left the house. Thus, the evidence presented established the need for court intervention, and sufficient evidence supported the trial court’s adjudication of the Children as a CHINS.

[32] Mother makes an additional argument that the trial court erred because, in making its CHINS determination, it clearly used statements made by Mother when she called into the fact-finding hearing even though the trial court stated that it was striking those statements. Initially, we note that Mother has waived this contention for failure to cite to relevant authority and has therefore waived her argument. *See N.C. v. Ind. Dep’t of Child Servs.*, 56 N.E.3d 65, 69 (Ind. Ct. App. 2016) (“A party waives an issue where the party fails to develop a cogent argument or provide adequate citation to authority and portions of the record.”), *trans. denied*. Waiver notwithstanding, we note that not all of Mother’s statements were stricken from the record. During the last time that

Mother called into the fact-finding hearing and interrupted the proceedings, the trial court tried to explain that Mother was welcome to participate, and she started laughing and went on a tirade. Mother’s counsel then asked the court to strike “all of those statements” as nonresponsive to a question. Tr. Vol. 2 p. 65. The trial court responded that it would strike Mother’s “most recent comments.” *Id.* at 65–66. Therefore, the court only struck those particular statements and not any of the other previous statements and outbursts from earlier in the hearing. Further, there was other evidence from which the trial court could glean that Mother had unresolved mental health issues, including her erratic behavior, threatening behavior toward Boyfriend, the rage she showed toward the Children, the delusional behavior testified to by A.E. and Boyfriend, and her demeanor and behavior when she called in during the fact-finding hearing.²

[33] We conclude that the trial court did not err when it found that the Children were CHINS because sufficient evidence was presented to support its determination.

² We find Mother’s reliance on *In re D.S.*, 150 N.E.3d 292 (Ind. Ct. App. 2020) to be misplaced. In that case, we reversed a CHINS determination where the mother admitted to having a substance abuse problem especially when she was stressed and overwhelmed but DCS did not present any evidence that the mother used marijuana while the child was in the home and never perceived the mother to be under the influence of drugs. *Id.* at 295–96. Further, in that case, DCS conceded that the basic needs of the child were being met and a safety plan was in place that placed the child with the grandmother if the mother felt overwhelmed and in need of marijuana. *Id.* at 296. The present case does not involve substance abuse where Mother is triggered by stress; instead, it involves Mother’s unresolved mental health issues, which had been deteriorating over the past two years. And the evidence revealed that Mother’s actions placed the Children in danger and that the Children’s basic needs were not being met as the home did not have heat or running water.

[34] **Affirmed.**

Pyle, J., and Tavitas, J., concur.