MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

In Re: The Matter of B.D. (Minor Child), a Child in Need of Services;

M.D. (Mother),

Appellant-Respondent

v.

The Indiana Department of Child Services,

Appellee-Petitioner.

April 11, 2023

Court of Appeals Case No. 22A-JC-1204

Appeal from the Vanderburgh Superior Court

The Honorable Brett J. Niemeier, Judge

Trial Court Cause No. 82D04-2106-JC-968

Memorandum Decision by Judge Pyle

Judges Bradford and Kenworthy concur.

Pyle, Judge.

Statement of the Case

[1] M.D. ("Mother") appeals the trial court's order adjudicating her thirteen-year-old son, B.D. ("B.D.") to be a Child in Need of Services ("CHINS"). Mother specifically argues that: (1) her due process rights were violated because the trial court did not follow the statutory timeline set forth in INDIANA CODE § 31-34-11-1 regarding the amount of time a trial court may take to complete a factfinding hearing in a CHINS case; and (2) there is insufficient evidence to support the CHINS adjudication. Concluding that: (1) Mother's due process rights were not violated; and (2) the Department of Child Services ("DCS") presented sufficient evidence to support the CHINS adjudication, we affirm the trial court's judgment.

[2] We affirm.

Issues

1. Whether Mother's due process rights were violated because the trial court did not follow the statutory timeline set forth in INDIANA CODE § 31-34-11-1 regarding the amount of time a trial court may take to complete a factfinding hearing in a CHINS case.

2. Whether there is sufficient evidence to support the CHINS adjudication.

Facts

[3] The evidence most favorable to the CHINS adjudication reveals that fifty-year-old Mother is the parent of B.D., who was born in July 2008. Mother is also the parent of four adult children, including twenty-seven-year-old E.M. ("E.M."). B.D.'s father ("Father") died unexpectedly in January 2018.

[4] On June 20, 2021, at approximately 9:00 p.m., Mother was attempting to prepare the family's inground swimming pool for the summer season. She had retrieved a pump from the crawlspace in the basement, lit the Tiki Torches around the pool, and begun attempting to pump green water out of the pool. While Mother was working on the pool, then-twelve-year-old B.D. came outside and asked Mother if she smelled smoke. Mother told B.D. that the neighbors had recently set off fireworks and directed him to go back into the house. Shortly thereafter, B.D. came back outside and again asked Mother if she smelled smoke. Mother and B.D. went into the garage, opened the door to the home, and saw smoke coming up the basement stairs. Mother and B.D. ran outside with the family's pets, and Mother called 911.

[5] Scott Township Fire Department Fire Marshall Patrick Fisher ("Fire Marshall Fisher") was the first person to arrive at the scene. When Fire Marshall Fisher opened the front door to Mother's home, he saw that the living room was filled with smoke. Fire Marshall Fisher closed the front door, walked around the house, and noticed an orange flame in the basement.

[6] Firefighters arrived at the scene and extinguished the fire in the basement. After the fire had been extinguished, Fire Marshall Fisher walked through the house and discovered five separate points of origin for fires. Specifically, Fire Marshall Fisher discovered: (1) burned cardboard boxes that had caused the flames in the basement; (2) a burned area that had caused extensive damage to the crawlspace in the basement; (3) a burned piece of rope, which tested positive for an ignitable fluid such as that used to light Tiki Torches, on the basement stairs; (4) another burned piece of rope on the basement stairs; and (5) burned Tiki Torch wicks on a kitchen rug. Based upon the five points of origin, Fire Marshall Fisher concluded that the fire in the basement had been intentionally set.

[7] While Fire Marshall Fisher was walking through Mother's house, Vanderburgh County Sheriff's Deputy Jeff Fentress ("Deputy Fentress") arrived at the scene. Deputy Fentress noticed that Mother, who was sitting in the front yard, was "extremely upset and was crying." (Ex. Vol. 1 at 108). Mother yelled that she had "had enough and that she no longer wanted to live." (Ex. Vol. 1 at 108). Mother subsequently told Deputy Fentress that she had recently lost her husband and that she had thought about suicide. Based upon Mother's statements and demeanor, Deputy Fentress believed that Mother was at risk of harming herself.

[8] Shortly thereafter, Vanderburgh County Sheriff's Detective Matthew Elrod ("Detective Elrod") arrived at the scene and took over the investigation. After learning that Fire Marshall Fisher believed that the fire in the basement had

been intentionally set, Detective Elrod interviewed Mother at the Sheriff's Operations Center. Mother, who was distraught and emotional throughout the interview, told Detective Elrod that she spoke to her deceased husband daily and that there were days when she felt suicidal. Mother denied setting the fire at her home.

[9] Following this interview and based upon concerns that Mother was at risk for harming herself, Detective Elrod recommended that Mother be transported to the emergency room at the hospital for a critical intervention ("CIT"). Before Mother had left for the hospital, a DCS family case manager arrived at the operations center to speak with Mother and to make arrangements for B.D. Mother told the family case manager that she had only mentioned harming herself because she had been having a bad day. The family case manager placed B.D. with his older sister, E.M.

[10] When Mother arrived at the hospital for the CIT, she was initially uncooperative and told Nurse Practitioner Corie Aiken ("NP Aiken") that she did not know why she had been brought there. When NP Aiken asked Mother what had happened that evening, Mother responded that she did not know. NP Aiken reviewed Mother's medical records, which revealed that three months after Father's death, Mother had seen her primary care physician, Dr. Craig Haseman ("Dr. Haseman"), for mental health issues. Dr. Haseman's case notes revealed that Mother had been unable to sleep and had been suffering from "some significant depression." (Ex. Vol. 1 at 39). Dr. Haseman prescribed Mother medication to treat her depression.

[11] Mother's medical records further revealed that Mother had returned to Dr. Haseman two weeks later and had reported that she still had not been sleeping well and that she had had "funny feelings on [her] skin." (Ex. Vol. 1 at 41). Dr. Haseman had prescribed Mother a medication for her skin and had told her to continue taking the medication that he had prescribed for her depression. One week later, Mother had returned to Dr. Haseman's office and had reported that she believed that there was "something in her skin." (Ex. Vol. 1 at 43). Dr. Haseman had increased the dosage of the medication that he had previously prescribed for Mother's depression.

[12] In addition, Mother's medical records revealed that in November 2018, Dr. Haseman had referred Mother for a psychiatric evaluation. The progress notes from the evaluation revealed that during the evaluation, Mother was "tearful, anxious, [and] wringing [her] hands." (Ex. Vol. 1 at 23). In addition, Mother had reported to the evaluator, nurse Laura Alexander ("Nurse Alexander"), that since Father had passed away, she had been depressed, had had crying episodes, and had been unable to sleep. Mother had also told Nurse Alexander that she had had suicidal thoughts and that she had felt like she had "things crawling on [her]." (Ex. Vol. 1 at 23). Mother had further told Nurse Alexander that following Father's death, Mother had heard music coming from the garage where Father used to play music. Nurse Alexander had diagnosed Mother with a "severe episode of recurrent major depressive disorder" and had changed Mother's prescription for depression medication. (Ex. Vol. 1 at 27).

Nurse Alexander had also recommended that Mother attend therapy with mental health therapist Remy Montejano ("Therapist Montejano").

[13] According to Mother's medical records, Mother had attended one session with Therapist Montejano in January 2019. During the session, Mother had reported that she had had difficulty coping with the loss of Father and that "everything ha[d] been much to manage in addition to financial and family stressors since his loss." (Ex. Vol. 1 at 29). Mother had also reported that she had had suicidal thoughts throughout the year because the "stressors ha[d] been exhausting[.]" (Ex. Vol. 1 at 30). Therapist Montejano, who had also diagnosed Mother with a "severe episode of recurrent major depressive disorder[,]" had spoken with Mother about a partial hospitalization program due to the severity of Mother's distress. (Ex. Vol. 1 at 29). Mother had told Therapist Montejano that she had been receptive to possibly starting the program the following day. Mother had explained that she had needed to make some telephone calls to her employer's human resources department. However, Mother had never begun the program or returned to see Therapist Montejano. After reviewing these records, evaluating Mother, and consulting with the on-call psychiatrist, at the conclusion of the CIT, NP Aiken recommended that Mother attend outpatient therapy.

[14] On June 23, 2021, DCS filed a petition alleging that B.D. was a CHINS. The petition alleged that Mother may have intentionally set fire to the family's home and that she had made statements to law enforcement officers about not wanting to live. The trial court held the CHINS initial hearing the following

day. When Mother failed to appear for the hearing, the DCS family case manager explained that Mother's house was uninhabitable because of the fire and the family case manager had been unable to reach Mother. The trial court rescheduled the initial hearing to allow the family case manager additional time to contact Mother.

[15] The trial court held the rescheduled initial hearing on July 6, 2021. Mother appeared at the hearing and told the trial court that she did not have a place to stay and that she did not have an attorney. B.D. was still staying with his sister. The trial court appointed an attorney for Mother and rescheduled the initial hearing for July 20, 2021.

[16] Mother attended the July 20 hearing with her appointed counsel and denied the allegations in the CHINS petition. The trial court scheduled the CHINS factfinding hearing for August 23, 2021, which was more than sixty days after the CHINS petition had been filed. Mother did not object to the date of the factfinding hearing. On August 17, 2021, Mother and DCS agreed to reschedule the factfinding hearing to October 6, 2021.

[17] The trial court held a pre-trial hearing on September 28, 2021. Mother appeared at the hearing with her counsel. Mother orally moved to reschedule the factfinding hearing scheduled for October 6, 2021, and DCS did not object. The trial court reset the factfinding hearing to November 18, 2021.

[18] The factfinding hearing began as scheduled on November 18 and took place over several days. At the hearing, the trial court heard the facts as set forth

above. In addition, on the first day of the hearing, Mother testified that immediately following the fire at her home, she had lived in her car. She had subsequently lived with her daughter, E.M. Mother had then lived at an extended stay Residence Inn until the management had asked her to leave. At the time of the hearing, Mother was staying with E.M. while Mother prepared a rented mobile home for occupancy.

[19] Also, on the first day of the hearing, Mother acknowledged that following Father's unexpected death, her mental state had "not been the best." (Tr. Vol. 2 at 60). However, Mother denied having ever been diagnosed with a severe episode of recurrent major depressive disorder. Rather, according to Mother, she only suffered from seasonal depression in the winter. Mother further testified that she did not know why she had not participated in the partial hospitalization program that Therapist Montejano had recommended in January 2019. Mother also testified that on the night of the fire, she had not told law enforcement officers that she had had suicidal thoughts. In addition, Mother testified that she did not remember having been referred to outpatient therapy after the June 2021 CIT.

[20] Further, Mother testified that the insurance company's investigator had concluded that the fire at her home had not been intentionally set. Rather, according to Mother, the insurance company's investigator had concluded that it was an electrical fire. Mother testified that she had attempted to obtain a copy of the insurance company's investigation and conclusion. However, Mother explained that an insurance company representative had told her that

the investigation report was the insurance company's property. Mother further testified that she had hired a public adjuster, who was in the process of negotiating repairs to her home with the insurance company.

[21] At the end of the day, the trial court scheduled a continuation of the factfinding hearing for December 13, 2021. Further, on its own motion, the trial court ordered Mother "to provide a release, phone numbers, email addresses, whatever she ha[d] concerning who she [was] working with at the insurance company and now the entity - I think you said [the public adjuster] who [was] working for her - to be able to try to get these records." (Tr. Vol. 2 at 72-73).

[22] When the hearing began on December 13, Mother's counsel told the trial court that Mother had tried but had been unable to obtain records from her insurance company. According to Mother's counsel, it was going to require a court order to obtain the insurance company's records. Mother gave the trial court the name of her insurance company and the claim number of her case, and the trial court issued an order on production of documents requiring Mother' insurance company to produce certified copies of its file concerning Mother's claim. In addition, the trial court reset the factfinding hearing to January 27, 2022.

[23] At the beginning of the January 27 hearing, Mother orally moved for a continuance because the insurance company had not responded to the trial court's order on production of documents. Mother's counsel told the trial court that he had spoken with a representative from the insurance company. According to Mother's counsel, this representative had told him that the

insurance company had already paid "$3,000 towards personal property loss." (Tr. Vol. 2 at 88). Mother's counsel told the trial court that it needed to issue another order to the insurance company. Mother argued that she had a compelling reason for continuing the factfinding hearing because she was seeking essential information that everyone agreed they needed for the trial court to make an informed decision in the case. The trial court granted Mother's motion for a continuance and reset the factfinding hearing for March 11, 2022.

[24] Also at the January 27 hearing, Mother asked the trial court to return B.D. to her care. DCS objected and pointed out that Mother had been "completely uncooperative in pretty much every way she c[ould] be." (Tr. Vol. 2 at 91). According to DCS, although Mother's treatment providers had recommended outpatient treatment and therapy, Mother had told DCS that she was "not interested" in treatment and that she did not need it. (Tr. Vol. 2 at 92). DCS further pointed out that it could not even "get her to answer the phone." (Tr. Vol. 2 at 92). Despite DCS's objection, the trial court told Mother that B.D. could return to her care when she had settled into the mobile home and DCS had approved the home. B.D. returned to Mother's care for a trial home visit in February 2022.

[25] At the March 11, 2022, factfinding hearing, Mother did not mention her insurance company and whether it had responded to the trial court's order for production of documents. Fire Marshall Fisher testified again and reiterated that his investigation had revealed five separate and distinct points of origin for

fires, none of which was near an electrical source. According to Fire Marshall Fisher, his findings were simply not consistent with an electrical fire.

[26] The DCS family case manager testified that over the years following Father's death, mental health professionals had recommended outpatient therapy and even partial hospitalization for Mother. According to the family case manager, court intervention was necessary to ensure that Mother "obtain[ed] at least an evaluation to see what her current needs [were] to be able to have mental health stability to be able to ensure the safety of [B.D.] in any type of situation[.]" (Tr. Vol. 2 at 125).

[27] Mother testified and again denied making any statements at the time of the fire that could have caused law enforcement officers to be concerned about her well-being. She specifically did not recall making any statements about having thoughts of suicide. Also, during Mother's testimony, the trial court admitted into evidence three photographs that Mother claimed showed repairs to her basement for which the insurance company was paying. Mother submitted no documentation that the insurance company was paying for the repairs to her basement. Further, at no time during the proceedings did Mother object, either orally or in writing, to the timeliness of the factfinding hearing.

[28] In April 2022, the trial court issued a detailed order adjudicating B.D. to be a CHINS. That order provides, in relevant part, as follows:

> 20. The Court believes and finds [Mother] intentionally set fire to the family home with [B.D.] inside: there is no other reasonable explanation due to the several points of origin, her

> reactions concerning the fire, and her ongoing depression. She also directly endangered [B.D.] by having him return inside the home after he first smelled smoke. Clearly, [Mother] was not thinking rationally and with her continued untreated mental illness she is a threat to [B.D.].
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> * * * * *
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> 24. [Mother] will have to be coerced into receiving the appropriate mental health treatment, medication, and follow-up. In the past, she has refused to obtain any therapeutic treatment for her mental health concerns. She has repeatedly failed to follow treatment recommendations. At the hearing, she testified that she was not taking any prescription medication because she did not need it. Despite her medical history, she continues to insist that she only suffers from mild seasonal depression. [Mother] has mental health conditions that interfere with her ability to parent [B.D.] and render her incapable of safely parenting [B.D.], especially since she refuses to acknowledge the extent of her mental health issues and refuses to seek physician recommended treatment.

(App. Vol. 2 at 70).

[29] Mother now appeals.

Decision

[30] Mother specifically argues that: (1) her due process rights were violated because the trial court did not follow the statutory timeline set forth in INDIANA CODE § 31-34-11-1 regarding the amount of time a trial court may take to complete a factfinding hearing in a CHINS case; and (2) there is insufficient evidence to support the CHINS adjudication. We address each of her contentions in turn.

1. Due Process

[31] Mother first argues that her due process rights were violated because the trial court did not follow the statutory timeline set forth in INDIANA CODE § 31-34-11-1 regarding the amount of time a trial court may take to complete a factfinding hearing in a CHINS case. However, the law is well-established that a party on appeal may waive a constitutional claim. *McBride v. Monroe County Office of Family and Children*, 798 N.E.2d 185, 194 (Ind. Ct. App. 2003). For example, in *In re K.S.*, 750 N.E.2d 832, 834 n.1 (Ind. Ct. App. 2001), this Court determined that a mother had waived her claim that the trial court had violated her due process rights because she had raised the constitutional claim for the first time on appeal. Here, Mother did not argue at the CHINS factfinding hearing that her due process rights had been violated because the trial court had not followed the statutory timeline set forth in INDIANA CODE § 31-34-11-1 regarding the amount of time a trial court may take to complete a factfinding hearing in a CHINS case. Rather, Mother is now raising her due process claim for the first time on appeal. She has therefore waived appellate review of this issue. *See id*.

[32] In an attempt to avoid waiver, Mother argues that fundamental error occurred. The fundamental error doctrine is an extremely narrow exception to the waiver rule that requires a party to show that an error was so prejudicial as to make a fair trial impossible. *Ryan v. State*, 9 N.E.3d 663, 558 (Ind. 2014). However, because we address the merits of Mother's argument, we need not discuss the application of the fundamental error doctrine to the facts of this case.

[33] Although Mother has waived appellate review of her due process claim, we find no error. INDIANA CODE § 31-34-11-1 sets forth the timeline regarding the amount of time a court may take to complete a factfinding hearing in a CHINS case. *Matter of M.S.*, 140 N.E.3d 279, 282 (Ind. 2020). The statute specifically provides as follows:

> (a) Except as provided in subsection (b), unless the allegations of a petition have been admitted, the juvenile court shall complete a factfinding hearing not more than sixty (60) days after a petition alleging that a child is a child in need of services is filed in accordance with IC 31-34-9.
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> (b) The juvenile court may extend the time to complete a factfinding hearing, as described in subsection (a) for an additional sixty (60) days if all parties in the action consent to the additional time.
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> * * * * *
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> (d) If the factfinding hearing is not held within the time set forth in subsection (a) or (b), upon a motion with the court, the court shall dismiss the case without prejudice.

I.C. § 31-34-11-1.

[34] Here, the CHINS factfinding hearing was not completed within 120 days of the filing of the CHINS petition. Mother now argues that because the trial court failed to follow the statutory timeline, her due process rights were violated and she is entitled to a vacation of the CHINS adjudication.

[35] The interpretation of a statute presents a question of law, which this Court reviews de novo. *M.S.*, 140 N.E.3d at 282. In construing a statute, our primary

goal is to determine and effectuate legislative intent. *Matter of J.S.*, 130 N.E.3d 109, 111 (Ind. Ct. App. 2019). We give words and phrases their ordinary meaning. *Matter of N.C.,* 83 N.E.3d 1265, 1267 (Ind. Ct. App. 2017).

[36] At the outset, we note that subsection (d) of INDIANA CODE § 31-34-11-1 addresses non-compliance with the statutory timeframe. Specifically, that subsection provides that "upon a motion with the court, the court shall dismiss the case without prejudice." I.C. § 31-34-11-1(d). This plain language contemplates the filing of a motion to dismiss with the trial court. Here, Mother's failure to file a motion to dismiss results in waiver of her argument. *See Matter of R.A.M.O.*, 190 N.E.3d 385, 390 (Ind. Ct. App. 2022).

[37] Waiver notwithstanding, we further note that subsection (d) of the statute also addresses the remedy for non-compliance with the statutory timeline. Specifically, that remedy is dismissal of the CHINS case without prejudice. *See* I.C. § 31-34-11-1(d). This plain language does not contemplate that non-compliance with the statutory timeline is a due process violation requiring the vacation of a CHINS adjudication.

[38] In addition, our Indiana Supreme Court has determined that "despite the deadlines in the CHINS statute, Indiana Trial Rule 53.5 allows a court, for good cause shown, to continue a hearing *beyond* those deadlines." *Matter of J.C.*, 142 N.E.3d 427, 432 (Ind. 2020) (emphasis in the original). Here, Mother does not argue that no good cause was shown to continue the hearing beyond the statutory deadline.

[39] Moreover, Mother invited any alleged error. The invited-error doctrine is based on the doctrine of estoppel and forbids a party from taking advantage of an error that she commits, invites, or which is the natural consequence of her own neglect or misconduct. *Id*. Where a party invites the error, she cannot take advantage of that error. *Id*. In short, invited error is not reversible error. *Id*. Here, Mother invited any error when: (1) she and DCS agreed on August 7, 2021 to reschedule the August 23, 2021 factfinding hearing; (2) she asked the trial court on September 28, 2021 to continue the October 7, 2021 factfinding hearing; (3) she delayed the factfinding hearing on December 13, 2021 when she asked the trial court to issue a court order to obtain records from her insurance company; (4) she asked the trial court on January 27, 2021 to continue the factfinding hearing scheduled to begin that day. *See id*.

[40] Lastly, we note that "[g]enerally stated, due process requires notice, an opportunity to be heard, and an opportunity to confront witnesses." *In re Adoption of K.M.*, 31 N.E.3d 533, 536 (Ind. Ct. App. 2015) (internal citation and quotation marks omitted). Here, Mother received due process at the CHINS factfinding hearing. Specifically, Mother received notice of the hearing, testified at the hearing, and had an opportunity to confront witnesses.

[41] Based on the foregoing, Mother's due process rights were not violated when the trial court did not follow the statutory timeline set forth in INDIANA CODE § 31-34-11-1 regarding the amount of time a trial court may take to complete a factfinding hearing in a CHINS case. We find no error, fundamental or otherwise.

2. Sufficiency of the Evidence

[42] Mother also argues that there is insufficient evidence to support the CHINS adjudication. A CHINS proceeding is a civil action. *In re N.E.*, 919 N.E.2d 102, 105 (Ind. 2010). Therefore, DCS had to prove by a preponderance of the evidence that B.D. was a CHINS as defined by the juvenile code. *See id*. INDIANA CODE § 31-34-1-1 provides that a child is a CHINS 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 the necessary food, clothing, shelter, medical care, education, or supervision:
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> > (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
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> (2) the child needs care, treatment, or rehabilitation that:
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> > (A) the child is not receiving; and
> >
> > (B) is unlikely to be provided or accepted without the coercive intervention of the court.

[43] The Indiana Supreme Court has synthesized this statutory language, explaining that a CHINS adjudication requires proof of "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). A CHINS adjudication focuses on the child's condition rather than the parent's culpability. *In re N.E.*, 919 N.E.2d at 105. The purpose of a CHINS adjudication is to provide proper services for the benefit of the child, not to punish the parent. *Id.* at 106. A CHINS adjudication in no way challenges the general competency of a parent to continue a relationship with her child. *Id.* at 105.

[44] When determining whether there is sufficient evidence to support a CHINS determination, we consider only the evidence most favorable to the judgment and the reasonable inferences to be drawn therefrom. *S.D.*, 2 N.E.3d at 1287. This Court will not reweigh the evidence or reassess the credibility of the witnesses. *Id.* at 1286.

[45] We further note that, as a general rule, appellate courts grant latitude and deference to trial courts in family law matters. *Matter of D.P.*, 72 N.E.3d 976, 980 (Ind. Ct. App. 2017). "This deference recognizes a 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.*

[46] Where, as here, a trial court's order contains specific findings of fact and conclusions of law, we engage in a two-tiered review. *In re A.G.*, 6 N.E.3d 952,

957 (Ind. Ct. App. 2014). First, we determine whether the evidence supports the findings, and then, we determine whether the findings support the judgment. *Id*. We will not set aside the findings or judgment unless they are clearly erroneous. *Matter of R.G.*, 130 N.E.3d 1171, 1178 (Ind. Ct. App. 2019), *trans. denied*. Findings are clearly erroneous when the record contains no facts to support them, either directly or by inference. *Id*. at 1178-79. A judgment is clearly erroneous if the findings do not support the trial court's conclusions or the conclusions do not support the resulting judgment. *A.G.*, 6 N.E.3d at 957.

[47] As a preliminary matter, we note that Mother challenges seven of the trial court's findings. All of these challenged findings concern Mother's mental health issues, including her past suicidal thoughts and her failure to follow recommendations for mental health treatment. However, Mother ignores the evidence set forth above that is favorable to the trial court's findings and instead directs us to her testimony. Mother's challenges to the findings are simply requests that we reweigh the evidence and reassess the credibility of the witnesses, which we will not do. *See S.D.*, 2 N.E.3d at 1286. The trial court observed the witnesses' demeanors and their testimony firsthand and was in the best position to weigh credibility and any conflicting evidence. *See D.P.*, 72 N.E.3d at 980. We find ample evidence to support the trial court's findings regarding Mother's mental health issues and her failure to follow recommendations for mental health treatment.

[48] We now turn to Mother's argument that the trial court's factual findings do not support the trial court's legal conclusion that B.D. was a CHINS. Mother

specifically contends that B.D. was not endangered, that he did not need care, treatment, or rehabilitation that he was not receiving, and that the coercive intervention of the court was not necessary. We disagree.

[49] First, the trial court's findings regarding Mother setting fire to the family's home, which Mother does not challenge, amply support a finding that B.D. was endangered and was not receiving adequate care. Second, the trial court's findings regarding Mother's untreated mental health issues and refusal to obtain any therapeutic treatment for these issues all support the trial court's conclusion that the coercive intervention of the court was necessary. We reiterate that we will not reweigh the evidence or reassess the credibility of the witnesses. S*ee S.D.*, 2 N.E.3d at 1286. There is sufficient evidence to support the CHINS adjudication.

[50] Affirmed.

Bradford, J., and Kenworthy, J., concur.