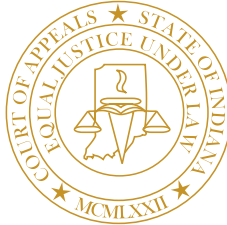


MEMORANDUM DECISION

Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision is not binding precedent for any court and may be cited only for persuasive value or to establish res judicata, collateral estoppel, or law of the case.



IN THE Court of Appeals of Indiana

In the Matter of C.S. (Minor Child), Child in Need of Services,

and

L.S., III (Father)

Appellant-Respondent

v.

Indiana Department of Child Services,

Appellee-Petitioner

December 5, 2025

Court of Appeals Case No.
25A-JC-1818

Appeal from the Fulton Circuit Court

The Honorable Arthur Christopher Lee, Judge

Trial Court Cause No.
25C01-2503-JC-37

Memorandum Decision by Judge Bailey
Judges Tavitias and Kenworthy concur.

Bailey, Judge.

Case Summary

- [1] L.S., III, (“Father”) appeals the trial court’s dispositional order that it entered after it adjudicated C.S. (“Child”) a Child in Need of Services (“CHINS”).¹ Father raises one issue for our review, namely, whether the court abused its discretion when it ordered him to complete certain requirements. We affirm in part, reverse in part, and remand with instructions.

Facts and Procedural History

- [2] Child was born on February 4, 2008. In 2018, Father gained sole physical custody of Child following a previous proceeding with the Indiana Department of Child Services (“DCS”). In the following four or five years, Child made a “number” of allegations that Father had hit her with “a closed fist.” Tr. Vol. 2 at 29-30. But each time DCS investigated, Child denied those allegations because she was “scared” that she would be placed into foster care. *Id.* at 30.
- [3] On March 4, 2025, Father picked seventeen-year-old Child up from the bus stop after school. Father then began driving toward his mother’s house instead of

¹ Child’s mother does not participate in this appeal.

their house. When Child asked why, Father stated that his ex-girlfriend had called DCS and that DCS “was at [their] house.” *Id.* at 34. Child asked Father if he had “provoked” his ex-girlfriend, and Father “started hitting” Child in the face with “a closed fist.” *Id.* at 33-34. Child put her arms up to block Father, and she “threatened to jump out of the car” if he did not stop. *Id.* at 35.

[4] Once they arrived at Father’s mother’s house, Child ran inside, and Father came inside after her. Father was “yelling,” and Child ran back outside. *Id.* While outside, Father “bashed” Child’s head into a “porch pole” on her grandmother’s porch. *Id.* at 37. Father’s brother, who had recently arrived at the house, saw that Father had “his hands on both sides of [Child’s] head and just like hitting it up against the pole like three, four times.” *Id.* at 44. Child was able to get away, and she ran to the neighbor’s house, who called the police.

[5] DCS received a report of the alleged abuse and conducted an assessment the same day. Child reported the events to DCS, and the DCS Family Case Manager (“FCM”) saw “redness” on Child’s face and a “bump or knot” on Child’s forehead. *Id.* at 53. DCS released Child to the care of a relative. As a result of the offense, the State charged Father with domestic battery and entered a no-contact order that prohibited Father from having any contact with Child.

[6] On March 6, DCS removed Child from Father’s care. Then, on March 7, DCS filed a petition alleging that Child is a CHINS. The court held a fact-finding hearing on the petition on May 6. During that hearing, Child and her uncle testified to the events that had occurred on March 4, and the FCM testified to

his assessment. In addition, the FCM testified that there had “been things reported” to DCS about possible drug use by Father, but that DCS did not have “anything founded[.]” *Id.* at 56. The FCM also testified that Father “needs services to be able to address parenting needs.” *Id.* at 57.

[7] After the hearing, the court entered findings of facts and conclusions thereon and adjudicated Child a CHINS. Thereafter, DCS submitted its predispositional report. In that report, DCS recommended, in relevant part, that Father be ordered to: meet all medical and mental health needs of Child, allow DCS and service providers to make announced or unannounced visits to his home, submit to random drug screens, and complete a clinical assessment and follow all recommendations.

[8] Following a hearing, the court issued its dispositional order and, “consistent with the recommendation of DCS,” ordered Father to allow the DCS or other service providers to “make announced or unannounced visits to the home of” Child, submit to random drug screens, meet “the medical and mental health needs of the child in a timely and complete manner,” and complete a “clinical intake” and follow all recommendations. Appellant’s App. Vol. 2 at 101-03. This appeal ensued.

Discussion and Decision

[9] Father appeals the court’s dispositional order.² Following a CHINS adjudication, the trial court is required to complete a dispositional hearing in order to consider alternatives for the care, treatment, and rehabilitation of the child; the “necessity, nature, and extent of the participation by the parent . . . in the program of care, treatment, or rehabilitation of the child”; and the financial responsibility of the parent for the services provided for the parent or child. Ind. Code § 31-34-19-1(a). Then, the court must issue a dispositional order that sets forth, in relevant part, the “need for participation by the parent” in the plan of care for the child. I.C. § 31-34-19-10(a)(2).

[10] Here, Father contends that the trial court abused its discretion when it entered its dispositional order and required him to participate in certain services and programs. As our Supreme Court has stated, “[a]lthough the juvenile court has broad discretion in determining what programs and services in which a parent is required to participate, the requirements must relate to some behavior or circumstance that was revealed by the evidence.” *S.S. v. Ind. Dep’t of Child Servs. (In re K.D.)*, 962 N.E.2d 1249, 1258 (Ind. 2012) (quoting *A.C. v. Marion Cnty. Dep’t of Child Servs.*, 905 N.E.2d 456, 464 (Ind. Ct. App. 2009)).

[11] Father first asserts that the court abused its discretion when it ordered him to meet all of Child’s medical needs and when it required him to allow DCS and

² Father does not challenge Child’s adjudication as a CHINS.

service providers into his home. In particular, he contends that the court abused its discretion when it entered those two provisions because there is a no-contact order in place such that he “cannot” meet Child’s medical needs and that home visits are “unnecessary.” Appellant’s Br. at 10. We agree. The evidence shows that there is a no-contact order in place that prohibits Father from having any contact with Child. In addition, DCS removed Child from Father’s care. Given that Child is no longer in the care of Father and that Father is legally prohibited from contact with Child, it is not possible for him to provide for her medical needs. Further, so long as Father is legally prohibited from having Child in his home, we see no need to require Father to allow DCS or service providers into a home where Child is not allowed to be.

[12] Father faces possible consequences, including the termination of his parental rights, if he fails to comply with the dispositional order even though he is legally prohibited from doing so. We therefore reverse and remand with instructions for the court to vacate the portions of the dispositional order that require Father to provide for Child’s medical needs and to allow DCS and service providers to conduct visits to his home until such time as the no-contact order is dismissed and/or Child is returned to Father’s care.

[13] Father next contends that there was no evidence to support the need for random drug screens and that the requirement for daily drug screens is “burdensome, counterproductive, and unsupported by the record.” *Id.* at 11. While Father is correct that the only evidence in the record provided regarding possible drug use was the FCM’s testimony at the CHINS fact-finding hearing that prior

allegations had not been substantiated, DCS specifically requested in its predispositional order that Father submit to random drug screens, indicating that drug use was a concern of DCS's. In addition, we note that Father has not provided a transcript of the dispositional hearing in his record on appeal. As a result, we are unable to determine whether there was any evidence presented at that hearing regarding possible drug use by Father. Because we do not know what, if any, evidence was presented, Father has not met his burden on appeal to show that the court abused its discretion when it ordered him to submit to drug screens.

[14] Finally, Father argues that the court abused its discretion when it ordered him to complete a clinical intake and follow the recommendations. He maintains that the order is “unintelligible” and “lacks any nexus” to the CHINS case. *Id.* However, there is nothing vague or unclear about the court's order. And it is apparent that, at a minimum, Father suffers from serious anger-management issues, which could be identified in the intake and treated based on the subsequent recommendations. The court did not abuse its broad discretion with this order.

Conclusion

[15] The court did not abuse its discretion when it ordered Father to submit to drug screens and complete a clinical intake, and we affirm those provisions. But the trial court abused its discretion when it ordered Father to meet Child's medical needs and allow DCS and service providers into his home so long as the no-

contact order is in place. We therefore reverse those portions of the court's order and remand with instructions for the court to vacate those provisions.

[16] Affirmed in part, reversed in part, and remanded with instructions.

Tavitas, J., and Kenworthy, J., concur.

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