

Children's Law Center of Indiana



Termination of Parental Rights (TPR)

03/21/2007

In **Parks v. DCDCS**, 862 N.E.2d 1275 (Ind. Ct. App. 2007), the Court remanded the trial court's termination of Mother's and Father's parental rights to their two children. The trial court adopted verbatim the proposed findings of facts and conclusions of law submitted by DCDCS. All but five of the alleged findings were mere recitations of testimony and, thus, were not proper findings of fact. The five remaining findings of fact were insufficient to support the judgment of termination of the parental rights of Mother and Father. The Court stated:

Because the findings are deficient, we must remand to the trial court for proper findings that support the judgment. Termination of parental rights is such a serious matter that we must be convinced that the trial court based its judgment on proper considerations. We cannot determine this based on these findings. Although we recognize that the trial court is not required to make finding in termination cases unless specifically asked to do so by the parties, once the trial court walks down the path of making findings, it is bound under Indiana Trial Rule 52(A) to make findings that support the judgment. Accordingly, we remand this matter to the trial court for proper findings of fact and conclusions of law.

Id. at 1280-81.