



CHINS
5/5/22

In ***In re K.T.***, 188 N.E.3d 479 (Ind. Ct. App. 2022), the Court affirmed that the juvenile court had good reason to extend the factfinding hearing three days beyond the 120-day deadline set by *IC 31-34-11-1* despite Mother's objection; Mother did not contest DCS's representations that settlement was likely to occur before the set court date.

DCS filed a CHINS petition alleging the children to be CHINS on the basis that Mother failed to provide a home for them that was "free from substance abuse and domestic violence." *Id.* at 480. Mother and DCS mediated twice before the factfinding hearing on July 29, but failed to come to an agreement. Consequently, DCS filed a motion for continuance, alleging that mediation may yet be successful. Mother did not object to the continuance but did reserve her right to a factfinding hearing within 120 days of the petition date. The trial court granted DCS's motion for continuance and set the factfinding hearing for August 19, but only scheduled twenty minutes for the hearing because of the likelihood of agreement. However, the parties did not reach an agreement, resulting in a hearing on August 26, three days after the 120-day deadline. Mother objected to the new date, but the trial court kept the August 26 date set. Mother then filed a motion to dismiss the CHINS petition due to the failure to hold a factfinding hearing within 120 days of the petition date. Mother's motion was denied as the trial court had previously found good cause for the continuance.

The juvenile court had good cause to extend the factfinding hearing beyond the 120-day deadline. *Id.* at 482. Mother argues that her case should have been dismissed because the trial court failed to hold a factfinding hearing within the 120 days required by statute. *Id.* at 481. Although a trial court must dismiss a CHINS petition if a factfinding hearing is not held within 120 days of the petition being filed, a party may move for a continuance if they can show 'good cause' for why a continuance is necessary. *Id.* (citing *Matter of M.S.*, 140 N.E. 3d 279, 280-81 (Ind. 2020)). Further, trial courts have discretion when ruling on motions for continuances, including when deciding if a party has shown good cause. *Id.* (citing *M.S.* at 285). Appellate courts only reverse a finding of good cause by a trial court when it is "clearly against the logic and effect of facts and circumstance or reasonable inferences to be drawn therefrom." *Id.* at 482 (quoting *In re K.W.*, 178 N.E. 3d at 1206). The Court stated that the juvenile court did make specific findings of good cause to support scheduling the factfinding hearing outside of the 120-day deadline, including the court's reliance on the indications of the parties that a resolution was imminent. *Id.* Mother's argument that only DCS indicated the potential for resolution was not upheld as she had the opportunity to contest DCS's claim and failed to do so. *Id.*