

Children's Law Center of Indiana



CHINS

06/30/2008

In ***In Re A.T.***, 889 N.E.2d 365 (Ind. Ct. App. 2008), the Court reversed the trial court's denial of DCS' motion to correct error with regard to its judgment reinstating the nineteen-year-old child as a ward of DCS. The child, who was born January 9, 1988, was designated a CHINS and made a ward of DCS on February 20, 2004. Following the child's acceptance to attend the Indianapolis Art Institute beginning in the fall of 2006, DCS moved to dismiss the child's wardship. DCS reported that educational funding had been accessed, that housing had been arranged, and that the child had secured work-study employment. The CASA did not object and the trial court dismissed the child as a ward of DCS on August 22, 2006. On August 16, 2007, the trial court received a letter from the child requesting that her case be reopened because she was having financial trouble. The trial court treated the letter as a pro se motion to set aside the judgment dismissing her wardship, granted the motion, and reinstated her wardship. DCS filed a motion to correct error and appealed the trial court's denial of that motion.

The juvenile court lacked jurisdiction to reinstate the nineteen-year-old child as a ward of DCS. *Id.* at 368-69. The Court held that, pursuant to IC 31-30-2-1(a), although the child could have remained a CHINS until she was twenty-one years old, because the trial court had dismissed the child's wardship, it could not be reinstated when she was nineteen years old. *Id.* at 368. Citing IC 31-34-1-1 *et seq.*, the Court noted that, because the child was nineteen at the time she requested reinstatement, a new CHINS proceeding would have been unavailable to her. *Id.* at 369 n.4.