MEMORANDUM DECISION

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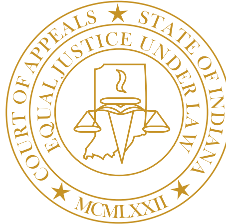

IN THE

Court of Appeals of Indiana

D.L.,

Appellant-Mother

v.

T.L.,

Appellee-Guardian

April 1, 2026

Court of Appeals Case No.
25A-GU-2202

Appeal from the Miami Circuit Court

The Honorable Timothy P. Spahr, Judge

Trial Court Cause Nos.
52C01-2301-GU-1
52C01-2301-GU-2
52C01-2301-GU-3

Memorandum Decision by Judge Vaidik
Judges Bailey and Scheele concur.

Vaidik, Judge.

Case Summary

[1] D.L. ("Mother") appeals an order in which the trial court (1) denied her petition to terminate the guardianship of her children, (2) restricted her parenting time, and (3) required her to pay child support to the guardian. We affirm.

Facts and Procedural History

[2] The evidence most favorable to the judgment is as follows. Mother has three minor children, born in 2014, 2017, and 2019. The children's father, R.L. ("Father"), died in October 2022. A few months later, the children's maternal grandfather ("Grandfather") petitioned to be appointed as the children's guardian. The petitions noted that there were open CHINS cases regarding the children and argued that a guardianship was necessary for their well-being. Mother consented to the appointment, and the trial court granted the petitions in February 2023. The court ordered that Mother could have parenting time at Grandfather's discretion if she wasn't using intoxicating substances. The court also ordered that Mother had to satisfy the following conditions in order to seek modification or termination of the guardianship:

> a. Mother must provide proof of a legal source of income that she has maintained for six months.
>
> b. Mother must provide proof of valid lease or mortgage for a residence and a budget that shows her ability to maintain the home and related expenses.
>
> c. Mother must establish that she has maintained a period of sobriety and is able to provide a safe, stable, and domestic violence, and substance abuse free home environment for the child and is in compliance with any recommended treatment from a mental health provider.
>
> d. Mother must show she does not have any pending criminal matters and is not on parole or probation, or has been successfully participating in all terms of her parole or probation, for at least six months.

Appellant's App. Vol. 2 pp. 72-73, 75-76, 78-79. Finally, the court ordered Mother to transfer the children's Social Security survivor benefits to Grandfather.

[3] In January 2024, Grandfather asked the court to appoint a successor guardian because of his declining health. Mother responded with a petition to terminate the guardianship, claiming she was fit to resume custody. In May, the trial court denied Mother's petition and appointed the children's paternal aunt, T.L., as successor guardian ("Guardian"). The court found that Mother had failed to satisfy the conditions it had set for termination of the guardianship. Most notably, Mother was facing a felony charge of attempted domestic battery by means of a deadly weapon after a drunken dispute with her husband in

December 2023. The court ordered that the children's survivor benefits would be transferred to Guardian and that Mother would have parenting time on the first and third weekends of each month and on some holidays, provided she stayed sober.

[4] Over the following months, the Peru Police Department responded to multiple calls regarding Mother and her husband. Those calls usually involved "domestic battery issues, unwanted guest, disorderly," and "almost . . . every one of those calls involved alcohol." Tr. Vol. 2 p. 18. In late December, Guardian cut off Mother's contact with the children because, according to Guardian, "the kids have reported that there had been domestic issues while the kids were in the home." *Id.* at 43.

[5] In early January 2025, Mother again petitioned to terminate the guardianship. Two weeks after that filing, Mother and her husband had a physical altercation at a bar. Police responded and observed that Mother was "belligerent" and had an odor of alcohol, slurred speech, loss of balance, and glossy eyes. *Id.* at 19. Mother and her husband were both arrested. Shortly thereafter, Guardian moved to modify Mother's parenting time by requiring supervision, claiming that Mother was still exposing the children to domestic violence. Guardian also asked the court to order Mother to pay child support.

[6] The hearing on the motions began in March but couldn't be completed and was continued until June. The trial court ordered that Mother could have parenting time with a "professional visit supervisor" until then. Appellant's App. Vol. 2

pp. 175-76. After one visit, however, Mother was unhappy with the supervisor because she "followed [the] kids around." Tr. Vol. 2 p. 123. Around 2:50 a.m. the next morning, Mother sent the supervisor 23 text messages that were "not nice." *Id.* at 178. This prompted the supervision agency to close the case.

[7] When the hearing resumed in June, Mother testified that she and her husband had separated but that they still lived on the same block. She also testified that in August 2024 she fell on a staircase leading to an apartment above a bar and suffered a brain injury that affected her reasoning and thought process. On one occasion in December 2024, she forgot who her husband was and locked herself in her garage. A therapist who had been seeing the children weekly since mid-2024 testified that there was a "regression" when they had contact with Mother. *Id.* at 203.

[8] After the hearing, the trial court issued an order denying Mother's petition to terminate the guardianship, restricting her parenting time, and requiring her to pay $246 per week in child support. As to termination of the guardianship, the court's primary concern was that "[s]ince the entry of the May 7, 2024 Order, Mother and her husband have continued to have issues with alcohol abuse and domestic violence." Appellant's App. Vol. 2 p. 177. The court found that Mother "has not met her 'minimal' burden of persuasion to show that a modification of the existing orders to return the children to her primary care is justified" and that, even if she had, "Guardian has shown, by clear and convincing evidence, that the children's best interests are substantially and significantly served by placement with Guardian." *Id.* at 179-80.

[9] As for parenting time, the court found that unsupervised parenting time would not be in the children's best interests and "would endanger their physical health and significantly impair their emotional development." *Id.* at 178. The court restricted Mother's parenting time as follows:

> Until further Order of the Court, Mother's in-person parenting time with the children in these cases shall be supervised at all times until Mother shows this Court that she has made clear, consistent, and concrete steps toward addressing the issues described above. Given Mother's significant history of engaging in conflict, that parenting time shall take place once a week for two to three hours and shall be supervised by a third-party agency located in Miami County, Fulton County, Wabash County, or Howard County at Mother's sole expense. Mother's parenting time shall be in the nature of family counseling. Mother's husband shall not be present for any of that parenting time and shall not communicate with the children or in their presence during that parenting time. The Court instructs Mother to go to great lengths to ensure that she gets along with the supervising party.

Id. at 180.

[10] Mother filed a motion to correct error, which the trial court denied.

[11] Mother now appeals.

Discussion and Decision

I. The trial court didn't err by denying Mother's petition to terminate the guardianship

[12] Mother first contends that the trial court erred by denying her petition to terminate the guardianship. Trial courts have discretion in deciding whether to terminate a guardianship, and we review such a decision only for an abuse of that discretion. *In re Guardianship of J.K.*, 862 N.E.2d 686, 690 (Ind. Ct. App. 2007).

[13] Mother argues that the trial court improperly placed the burden of proof on her. We disagree. The court simply noted—as Mother herself does on appeal—that when a natural parent seeks to terminate a guardianship, the parent bears an initial, "minimal" burden of **persuasion** to show that termination is justified. *In re Guardianship of I.R.*, 77 N.E.3d 810, 813 (Ind. Ct. App. 2017). If the parent carries this minimal burden, the guardian has the burden of **proving** by clear and convincing evidence that the child's best interests would be substantially and significantly served by continuing the guardianship. *Id.* Here, the trial court found that Mother didn't satisfy her minimal burden of persuasion and that, even if she had, Guardian rebutted that showing with clear and convincing evidence that continuing the guardianship is appropriate. Appellant's App. Vol. 2 pp. 179-80. There is substantial evidence supporting that ruling.

[14] The trial court's primary concern was that Mother and her husband continued to have issues with alcohol abuse and domestic violence after the court denied

Mother's first petition to terminate the guardianship in May 2024. This included the incident at the bar in January 2025, two weeks **after** Mother filed the current petition to terminate. Mother doesn't dispute that she and her husband drank and fought on multiple occasions after the May 2024 order, leading to an arrest and several other interactions with police. Rather, she notes that the children weren't present for any of those incidents. But the fact that the incidents occurred at all reflects poorly on Mother's stability. So does the fact that, while this petition was pending, Mother clashed with her parenting-time supervisor after just one session and sent her 23 unpleasant text messages in the middle of the night. Mother emphasizes her own testimony that she has stopped drinking and is no longer seeing her husband. If true, that is commendable, and it could soon lead to the termination of the guardianship. For now, though, we cannot say that the trial court abused its discretion by continuing the guardianship.

II. The trial court didn't err by restricting Mother's parenting time

[15] Mother also argues that the trial court erred by ordering her parenting time to be supervised and to be "in the nature of family counseling." Trial courts have discretion in deciding whether to impose restrictions on parenting time, and we will review such decisions only for an abuse of that discretion. *In re B.J.N.*, 19 N.E.3d 765, 769 (Ind. Ct. App. 2014). Here, the evidence that supports the continuation of the guardianship—namely, Mother's continuing issues with alcohol and domestic violence—also supports supervised parenting time.

Mother again stresses that the children weren't present for any of the more recent incidents, but we agree with the trial court's finding on this point:

> It does not matter that the aforementioned conflicts and incidents have allegedly taken place when the children were not with Mother. They have been so substantial and frequent that it is clear that even permitting her to exercise unrestricted parenting time with them at this time would not be in their best interests and would endanger their physical health and significantly impair their emotional development.

Appellant's App. Vol. 2 p. 178.

[16] As for the requirement that the parenting time be "in the nature of family counseling," Mother argues that there is no evidence that "the children's emotional health requires therapeutic intervention." Appellant's Br. p. 22. But the children had been seeing a therapist weekly, and she testified that there was a "regression" when they had contact with Mother. And in any event, the family-counseling requirement is as much about the needs of Mother as the needs of the children. Mother's history of erratic behavior, both before and during these proceedings, also supports this requirement.

[17] The trial court didn't abuse its discretion by ordering supervised parenting time in the nature of family counseling.

III. The trial court didn't err by requiring Mother to pay child support

[18] Finally, Mother contends that the trial court erred by ordering her to pay $246 per week in child support. The court arrived at this amount by using Indiana's Child Support Obligation Worksheet and entering weekly gross income of $807.69 for Mother (which Mother doesn't challenge) and $652.85 for Father, which is the weekly amount of Social Security survivor benefits paid to Guardian on behalf of the children due to Father's death. Appellant's App. Vol. 2 p. 182. Mother argues that the court should have given her a credit for the survivor benefits rather than treating them as Father's income:

> By imputing this income to the children's deceased father's column, the trial court treated the children's own financial resources as if they were a parental contribution, which skewed the relative shares of support.
>
> The trial court's artificial inflation of the combined weekly income increased the basic child support obligation (the total amount the guidelines estimate the parents should spend on the children). In treating the $652.85 per week as income rather than a credit, the trial court forced Mother to pay a percentage of an inflated support amount, while denying her the benefit of the fact that the children's financial needs are already being met by the Social Security Administration. This results in an impermissible windfall to [Guardian], who receives $2,829.00 per month [$652.85 per week] from Social Security to care for the children, plus an erroneously calculated $246.00 per week from Mother for the same expenses.

Appellant's Br. p. 21.

[19] As Mother notes, we have held that, at least in some situations, a child's survivor benefits should not be treated as income of a parent for child-support purposes. *See In re Paternity of W.M.T.*, 180 N.E.3d 290, 302-04 (Ind. Ct. App. 2021), *trans. denied*; *Martinez v. Deeter*, 968 N.E.2d 799, 808-810 (Ind. Ct. App. 2012). But even assuming this is such a situation, simply entering $0 for Father's income and using only Mother's weekly gross income of $807.69 would actually increase Mother's weekly support obligation from $246 to $269. *See* Guidelines Schedule for Weekly Support Payments, https://www.in.gov/courts/files/schedule.pdf (establishing $269 as the basic support obligation for three children when Combined Weekly Adjusted Income is $810). That's where Mother's claim for a $652.85 credit comes in. We see three problems with that claim. First, Mother cites no legal authority that would support such a credit. Second, Mother cites no evidence to support her allegation that the survivor benefits fully meet the children's financial needs. And third, even if they do, the purpose of child support isn't just to meet the bare minimum needs of a child but to provide the child as closely as possible with the same standard of living they would have enjoyed had the family remained intact. *See Stanke v. Schmitt*, 273 N.E.3d 89, 96 (Ind. Ct. App. 2025). Mother hasn't shown any reversible error in the trial court's child-support order.

[20] Affirmed.

Bailey, J., and Scheele, J., concur.

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