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**IN THE
COURT OF APPEALS OF INDIANA**

IN THE MATTER OF THE INVOLUNTARY)
TERMINATION OF PARENT-CHILD)
RELATIONSHIP OF K.T., minor child, and HER)
FATHER, DENNIS BROWN,)
)
DENNIS BROWN,)
Appellant-Respondent,)
)
vs.)
)
MARION COUNTY DEPARTMENT OF)
CHILD SERVICES,)
Appellee-Petitioner,)
)
and)
)
CHILD ADVOCATES, INC.,)
Co-Appellee-Guardian Ad Litem.)

No. 49A04-0610-JV-579

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Victoria Ransberger, Judge Pro Tempore
Cause No. 49D09-0511-JT-45790

June 7, 2007

MEMORANDUM DECISION – NOT FOR PUBLICATION

MATHIAS, Judge

Dennis Brown (“Brown”) appeals from an order in Marion Superior Court terminating his parental rights as to his minor daughter K.T. Brown raises one issue, whether the termination order violated his right to due process because no petition to terminate his rights was filed. We affirm.

Facts and Procedural History

On November 23, 2005, following a CHINS adjudication, the Indiana Department of Child Services (“DCS”) filed a petition to terminate the parental rights of Kristie Thompson (“Mother”) as to K.T. under cause number 49D09-0511-JT-45790 (“Cause Number 45790”). At a continued initial hearing on the petition held on January 11, 2006, the DCS attorney informed the trial court that “at the time we filed the petition on [Mother] it was not right [sic] for Mr. Brown to be filed on. We will be filing a petition on him within the next week.” Tr. p. 1.

On February 22, 2006, the DCS filed a petition to terminate Brown’s parental rights as to K.T. under cause number 49D09-0602-JT-007497 (“Cause Number 7497”). Appellee’s App. p. 20. On the same date, the DCS also filed a petition to consolidate the two termination proceedings. The juvenile court granted the motion and ordered Cause Number 7497 consolidated with Cause Number 45790. Appellant’s App. p. 4; Appellee’s App. p. 16. At a hearing on March 10, 2006, the court acknowledged the consolidation of the termination proceedings and then asked Brown if he had been served with a summons and advisement of rights. Tr. p. 7. Brown replied that he had and later indicated that he denied the allegations in the petition. Tr. pp. 7, 15.

Following a series of fact-finding hearings, the court issued an order terminating the parent-child relationship between Brown and K.T. Appellant's App. p. 12. The order listed both Cause Number 45790 and Cause Number 7497. Id. Brown now appeals.

Discussion and Decision

Brown argues that the termination order must be reversed because "it would appear that no petition for Termination of [] Brown's parental relationship with his daughter [K.T.] ever was filed, as required" by Indiana Code chapter 31-35-2. Br. of Appellant at 5.

To the contrary, a petition to terminate Brown's parental rights was filed on February 22, 2006, under Cause Number 7497 and was later consolidated with the petition to terminate Mother's parental rights under Cause Number 45790. Appellant's App. p. 4; Appellee's App. p. 16. More importantly, Brown had clear, actual knowledge of the proceedings. At worst, these facts and circumstances amount to invited error, which this court will not sanction. See In re Adoption of B.C.S., 793 N.E.2d 1054, 1061 (Ind. Ct. App. 2003).

Affirmed.

DARDEN, J., and KIRSCH, J., concur.