MEMORANDUM DECISION ON REHEARING

Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



ATTORNEY FOR APPELLANT

Andrew R. Wolf
The Wolf Law Office
Michigan City, Indiana

IN THE
COURT OF APPEALS OF INDIANA

In Re the Adoption of L.J. and E.J., minors,

C.S.,

Appellant-Respondent,

v.

J.J. and J.J.,

Appellees-Petitioners.

July 24, 2017

Court of Appeals Case No. 64A03-1608-AD-1886

Appeal from the Porter Superior Court

The Honorable William E. Alexa, Judge

Trial Court Cause No. 64D02-1508-AD-7208

Bradford, Judge.

[1] On May 16, 2017, in an unpublished memorandum decision, we affirmed the adoption court's determination that the consent of Appellant-Respondent C.S. ("Birth Mother") was not required for the adoption of her biological children L.J. and E.J. (collectively, "the Children") by Appellee-Petitioner J.J. ("Step-Mother"). We also remanded with instructions to conduct a criminal history check on Step-Mother pursuant to Indiana Code section 31-19-8-5(d), which Birth Mother claimed had not been performed.

[2] Birth Mother now petitions for rehearing, contending that we erroneously affirmed the adoption court's determination regarding her consent but conceding that the required criminal history check has, in fact, already been performed on Step-Mother. Birth Mother also submits an affidavit from her counsel to this effect. Although we conclude that Birth Mother's first contention does not warrant relief on rehearing, we accept her second. To that end, we grant Birth Mother's rehearing petition for the limited purpose of vacating any portion of our May 16, 2017, memorandum opinion indicating that the cause should be remanded for the purpose of performing a criminal history check on Step-Mother.[1] We grant Birth Mother's petition for rehearing in part and consequently affirm the judgment of the adoption court in all respects.

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[1] In an order issued contemporaneously with this opinion on rehearing, we grant Birth Mother leave to file an appendix with her petition for rehearing.

Vaidik, C.J., and Brown, J., concur.