





3. Whether the evidence was sufficient to sustain the circumstances had occurred?

We affirm.

***FACTS***

On July 23, 1992, the trial court granted Mother custody of the child, Nikki, born September 14, 1989. Both Mother and Father are profoundly **deaf**, and have been since birth and ten months of age respectively. KJ is also profoundly **deaf**,



determination. [Ind.Code § 31-11.5-21\(a\)\(5\)](#) (trial court must consider all relevant factors, including the adjustment to his home, school, and community ). If the

physical health or emotional development, then a modification of custody is permissible. [Johnson](#), 615 N.E.2d at 146. A modification of custody would also be permissible if a religious or educational decision, *combined* with other relevant considerations, makes it in [Joe v. Lebow](#), 670 N.E.2d at 22-23 (While the trial court could not find a substantial change in circumstances based only upon changes in a

interests determination.); [Ind.Code § 31-11.5-21\(a\)](#).

Here, so educational issues, others address non-educational issues, and others overlap. The overlap occurs because of the

were placed at the Indiana School for the Deaf is because they have impaired hearing. Yet, their hearing

The IDEA requires participating states, as a condition of receiving federal assistance, to provide a free and appropriate public education to all disabled children. *Evans v. Tuttle*, 613 N.E.2d 854, 857 58 (Ind.Ct.App.1993). In connection with the IDEA, a case conference committee is established to create an individualized education program for each disabled

Nikki to the Indiana School for the **Deaf**.

precludes the trial court from ordering a change of

educational placement. The fact the case conference committee recommends a particular educational placement is not binding. If a parent of a disabled child disagrees with the recommendation, they may appeal or send their child to a different school at their own expense. If a parent and child would move to a new school district, an educational placement would have to be reevaluated. Likewise, if the child was no longer a resident of the State

conference committee would be meaningless. The IDEA has no impact whatsoever on this case.

<sup>191</sup> Mother contends that the evidence does not sustain the  
\*452 there was a substantial  
change in circumstances justifying the modification of  
a  
substantial, significant, and continuing change in  
circumstances sufficient to warrant a change in custody.  
R. 173. While the court did not designate a specific

findings contain sufficient detail to satisfy the statutory  
requirement of a substantial change in circumstances. In

need and desire to live with Father, that they need

### ***SUBSTANTIAL CHANGE IN CIRCUMSTANCES***