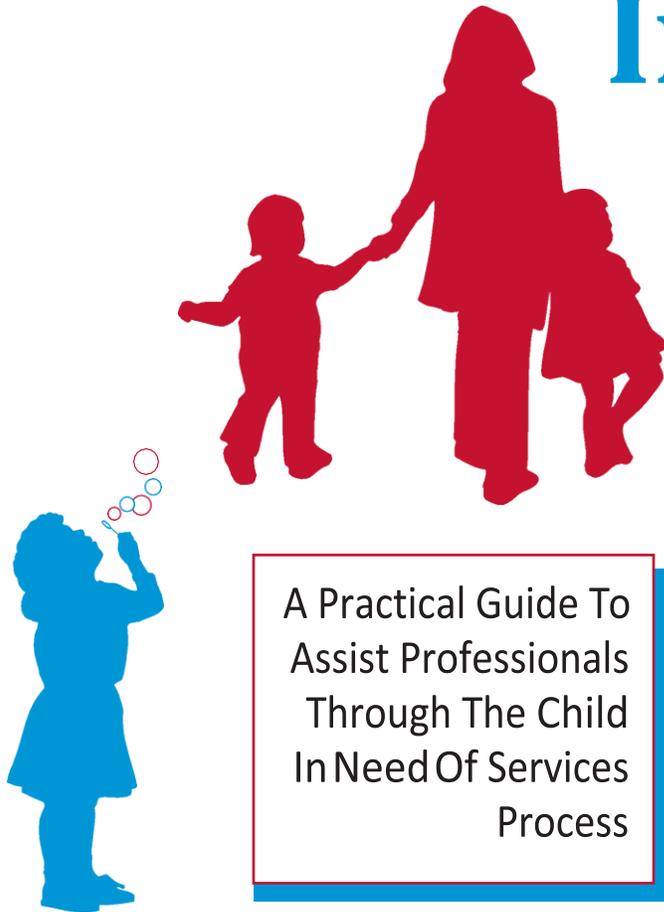


In the Child's Best Interest



A Practical Guide To
Assist Professionals
Through The Child
In Need Of Services
Process

Published by



INDIANA ASSOCIATION OF RESOURCES
AND CHILD ADVOCACY

***In The Child's Best Interest:
A Practical Guide to Assist Professionals through
the CHINS Process***

This guide was created to assist professionals as they prepare to go into the courtroom with Children In Need of Services (CHINS). It was intended to answer some of the questions that may arise prior to or throughout the court hearing process. Originally developed by the IARCA Adoption & Safe Families Act Task Force, the guide provides a brief overview of each hearing in the court process along with the general duties assigned to the professionals involved in a child's case. The guide was also developed in response to the Adoption and Safe Families Act of 1997, which was signed into law for the purpose of improving the safety of children, to promote adoption and other permanency plans for children, and to support families.

Legal Notice: *This guide has been written based upon current Indiana and federal statutes related to abused and neglected children, and other related types of family law cases.*

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Indiana Association of Resources and Child Advocacy

Indiana Association of Resources and Child Advocacy is a non-profit association committed to strengthening services available to the children, youth, and families of Indiana. As a solid advocacy voice for children, IARCA promotes cooperation, communication, development and mutual support among organizations and systems providing services to children, youth, and their families, and advocates for the establishment and maintenance of the highest quality, most effective, and most appropriate services possible to children, youth, and families.

The IARCA *Institute for Excellence* is a public benefit corporation that was organized and operated exclusively to benefit, perform, and carry out the exclusively public, charitable, scientific, educational, and other purposes of Indiana Association of Resources and Child Advocacy. In carrying out such responsibilities, the Institute engages in activities that provide training opportunities and related services that enhance and improve the ability of members of IARCA, the supported organization, to serve the needs of women, children, and families; assist IARCA in raising funds and support that can be used to accomplish the association's charitable and educational purposes related to the needs of women, children, and families; and accomplishing such goals that are consistent with the purposes set forth by the Indiana Association of Resources and Child Advocacy.

Funding opportunities for projects such as the parent guide are sought through grants received through the Institute.

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Adoption and Safe Families Act of 1997

The Adoption and Safe Families Act of 1997 (ASFA) was signed into law with the intent of improving the safety of children, to promote adoption and other permanency plans for children who need them, and to support families. The Act set the expectation that agencies would make reasonable efforts to prevent out-of-home placement of children and make reasonable efforts to reunify children with their biological parents. For those children who are not going to be reunified with the birth families or live with kin, the state must articulate the actions it will take to ensure that these children are adopted or achieve some other form of permanency. The emphasis is on moving children much more rapidly through the system, on the prompt termination of parental rights for families unable to make needed changes, and on the subsequent

adoption of a large number of these children. Many advocates support the permanency concept but voice concerns about the impact on children and their families.

Special Thanks to the Following for Their Work on the ASFA Materials

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Cathleen Graham, MSW, LCSW, served as Deputy Director of family protection and preservation for the Division of Family and Children, Indiana Family and Social Services Administration from 1993 to 1999. She supervised policy and program development for child protection services, family preservation, family violence prevention and treatment, child abuse prevention, foster care, adoption, independent living, youth services, and child care licensing. She has worked in the public sector as a child welfare caseworker, trainer, licensing supervisor, assistant director of child welfare services, and legislative liaison. Ms. Graham received a Master's degree in Social Work from Indiana University in 1983 and is a Licensed Clinical Social Worker. Ms. Graham became the Executive Director for Indiana Association of Resources and Child Advocacy in 2000 retiring in 2018.

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Removal of Child/Detention of Child

The removal of a child (also called detention or protective custody of the child) from his/her family's home must be based on probable cause that the child is a Child in Need of Services and consideration for the child's safety precludes the immediate use of family services to prevent removal. The procedures for removal of a child from the home are specified in the Indiana Code and are intended to balance the rights of the child to health and safety with the right of a family to be free from an unnecessary intrusion by a governmental agency into their private lives.

Role of the DCS Family Case Manager

- Meet with the family and child to determine if there is a factual basis to the allegations that have been made. Through the course of the assessment, determine the safety of the child and whether the child's physical or mental condition will be seriously impaired or seriously endangered if the child is not immediately removed from the home.
- Rule out that the immediate use of family services to prevent removal of the child will adequately assure the safety of the child.
- Rule out the possibility that the alleged perpetrator can be taken into custody by law enforcement and removed from the residence of the child or that a temporary child protective order can be obtained from juvenile court as a protective measure for the child or determine that such action will not be adequate to protect the safety of the child (also includes the issuance of a protective order that will require the alleged perpetrator to refrain from having direct or indirect contact with the child).
- If removal is identified as imminent, the Family Case Manager (FCM) should make an assessment as to whether a Child and Family Team Meeting (CFTM) can be convened in an effort to identify placement options for the child (non-custodial parent, relative care, etc). The FCM will also gather information about the child's medications, allergies and medical conditions, and other information that the foster parent will need to know. If timing and circumstances preclude a CFTM, the FCM should talk to the parents and others concerned about the child about potential placements and medical needs for the child.
- When circumstances allow, the FCM may obtain a written court order for said removal, otherwise, the court order should be obtained as soon as possible after the emergency removal of the child. When the removal is done without a court order the FCM shall provide parents with a written advisement of their rights and document the reasons for removal of the child within 24 hours.
- Give the parents a written advisement of their rights if not already done so.
- The FCM shall ensure that both of the child's parents are notified of the removal of the child within 2 hours (or make a good faith effort to leave written notice at parent's home within 6 hours if the parent cannot be located). Identify in the notice a person or entity that can be contacted by the parent to obtain more information.
- As a first priority, and through the facilitation of the child's placement, see to the immediate needs of the child for medical care, shelter, food, or other crisis services
- The FCM will contact DCS counsel to set a detention hearing within 48 hours (may exclude legal holidays and weekends) of the child's removal from the home and provide information for CHINS petition, which shall be filed before detention hearing. Notify parents, guardian, current caregiver of child, and any other person who should attend, of detention hearing location, date and time.
- Comply with MEPA and IEPA in making placements of children (refer to glossary for definitions).

- Use due diligence to identify, and, if appropriate, notify all adult relatives, including child's siblings who are at least 18 years of age, if child is removed from parents. Adult relatives include a maternal or paternal grandparent, an adult aunt or uncle, or any other relative suggested by either parent of the child. DCS need not notify a relative if DCS knows or suspects that the relative has caused family or domestic violence.
- Inquire of parents, guardians, and custodians whether there is reason to know that the child is an Indian (Native American) child and whether a parent is a member of the U.S. Military.
- Prior to the Detention Hearing/Initial Hearing complete a Preliminary Inquiry for review by the DCS attorney.

Role of the Judge with Juvenile Jurisdiction

- Issue verbal or written order for the removal of the child based on probable cause, prior to the removal of the child or shortly thereafter. The order should authorize DCS to take the child into custody and make a temporary placement of the child.
- Set detention hearing to be held within 48 hours of the child's removal from the home, excluding legal holidays and weekends.

Detention Hearing

Timing: Within 48 hours—excludes legal holidays and weekends

The detention hearing provides due process to the parents and the child to assure that the removal of the child was necessary, that family services would not have provided for the immediate safety of the child within the child's home, whether reasonable efforts were made to provide family services to prevent removal, and that there is probable cause to believe that the child is a CHINS.

Role of the Agency Social Worker

- Obtain information about the child's needs from the child's DCS family case manager and/or the child's parent.
- Assess the child's emotional, physical, health care, and educational needs for the immediate future.
- Assure that the child is receiving proper care such as room and board, and case management services in the foster home/shelter care facility. Provide a care plan as required by licensing rules for shelter care facilities.
- Provide information to the DCS family case manager regarding issues relevant to further detention of the child.
- Clarify with DCS the role of the agency in providing immediate services to the child and his/her family.
- Clarify who can visit the child and comply with any visitation arrangements and assess the impact on the child.
- Prepare the child for the detention hearing as appropriate for the age and abilities of the child.

Role of the DCS Family Case Manager

- Obtain information about the child's emotional, physical, health care, religious/spiritual, and educational needs and the names and addresses of parents and guardians from the child's parent(s) or caretaker and pass the information to the agency/foster parent/shelter/relative caregiver. This information should be gathered through collaboration with the child's parents in a CFTM.
- Collaborate with local DCS staff attorney to verify that all necessary paperwork has been completed for court hearing. Document and ensure order wording includes Best Interest/Contrary to the Welfare, Reasonable Efforts to prevent removal, and Placement and Care responsibility.
- Through the results of a CFTM, work with identified team members to assess the underlying needs of the family in an effort to arrange for family services to make reasonable efforts to reunify the family or begin documentation that reasonable efforts are not required. Collaborate with parents in assessing and planning for family services to determine the most appropriate interventions.
- Visitation should be determined through a CFTM and should meet the child's needs, including plans which ensure continued contact with parents, siblings, and any other individual with whom the children has a significant relationship.
- Continue to seek information on appropriate family members with whom the child may be placed and consider such suitable and willing relatives before considering other out-of-home placements for the child. Due diligence should be documented as well as the completion of genograms.

- Advise the court if there is a “reason to know” that child is an Indian (Native American) child or if a parent is a member of the U.S. Military so needed procedures can begin.
- Advise the court on possible kinship placements, including a defacto custodian or stepparent. Conduct home visit and criminal history check on all persons age 14 and older residing in unlicensed kinship homes.
- The case plan will begin to be developed as this information is gathered through efforts in a CFTM.
- Submit report to court regarding DCS approval or disapproval of court’s proposed pre-dispositional service, program, or out-of-home placement within 3 business days of receipt of court’s proposal; recommend alternative service, program, or placement if needed.
- Meet with parents and interested family members to discuss the purpose of the detention hearing and talk with them about what they should expect during the hearing.
- Complete the dual status screening tool report on the child.
- Attend detention hearing and testify as necessary.

Role of the Judge with Juvenile Jurisdiction

- Make written findings at the detention hearing concerning: whether there is probable cause to believe the child is a CHINS; whether detention was necessary to protect the child; description of the family services that were available before the removal of the child; efforts made to provide family services before removal of the child; why the efforts to provide family services did not prevent removal of the child; whether the efforts made to prevent removal of the child were reasonable; whether removal was necessary because it was in the child’s best interests to be removed and the reasons why remaining in the home would be contrary to the health and welfare of the child.
- Include in any order approving or requiring detention, all findings and conclusions required by federal law or regulation as condition of eligibility of child for assistance under federal law (consult recommended orders on Indiana Judicial Center website relating to child’s removal or detention).
- Determine whether or not there is probable cause to believe the child is a CHINS and whether or not the child should be returned to the parent or continued in placement.
- Consider placing the child alleged to be a CHINS with an appropriate family member of the child.
- May issue predispositional orders concerning visitation, services to be delivered, programs, or out-of-home placement, but must submit any proposed service, program, or placement not recommended by DCS to DCS before ordering or approving the service, program or placement. DCS shall submit report to court within 3 business days stating whether DCS approves or disapproves the proposed service, program, or placement.
- If DCS approves the service, program, or placement recommended by the court, enter order to implement approved proposal.
- Accept DCS recommendation for alternative program, service, or placement unless court finds recommendation is unreasonable, based on facts and circumstances of case, or contrary to child’s welfare and best interests.
- If court does not accept DCS recommendations, court may order DCS to provide a specified service, program, or placement. Order must state reasons why court is not accepting DCS recommendation, that recommendation is unreasonable based on facts and circumstances of the case or is contrary to child’s welfare and best interests, and whether court ordered out-of-home placement is an emergency.

- May release child to parent and impose conditions to ensure child's safety.
- Inquire of parties if there is "reason to know" the child is an Indian (Native American) child. If a party answers affirmatively, order DCS to conduct the Bureau of Indian Affairs to determine whether child meets the definition of an Indian (Native American) child.
- Appoint counsel for parents if they are indigent and request appointed counsel.

Role of Foster Parent/Child Care Worker

- Acquaint the child with routines and rules of the home or facility.
- Make the child as comfortable as possible and see to the child's needs.
- Be involved in visitation as directed by the agency social worker or the DCS family case manager.
- Make necessary arrangements for the child's educational, religious/spiritual, and medical needs.
- Present information and recommendations at court hearing.

Role of the CASA (Court Appointed Special Advocate)/Guardian ad litem

- A CASA/GAL will be appointed at the initial hearing, which must be held at the same time as the detention hearing. A CASA/GAL is a party to the court proceedings and has the right to notice of hearings and to present information to the court.
- If CASA/GAL staff or volunteer is present at hearing, meet parents, explain CASA/GAL role, obtain contact information for parents and child and other information needed to assign case to volunteer.
- If CASA/GAL volunteer is present, schedule meetings with parents and child.

CHINS Petition –Initial Hearing

Timing: Within 48 hours – excludes legal holidays and weekends

The CHINS petition is a legal document that lists the specific allegations of abuse or neglect regarding the child. The initial hearing serves to clarify the allegations or reasons the child is believed to be a CHINS, advise the parents further of their rights, and determine whether the parents admit or deny the allegations. If the child has been detained following a detention hearing, the initial hearing shall be held at the same time as the detention hearing, excluding legal holidays and weekends. If the initial hearing is not held at the same time as the detention hearing, the child shall be released to the parent, guardian, or custodian. If the child has not been detained, the initial hearing shall be held within ten days of filing CHINS petition.

Role of the Agency Social Worker

- Learn from DCS the specific CHINS allegations, in order to better serve the child and the family.
- Continue to assess the child's needs and work with foster parents/child care staff to meet educational and health care needs (Contractor/Agency's role is to utilize Medicaid services to meet the child's health care needs if the child is eligible).
- Begin development of treatment plan with input from the child's DCS family case manager, the parents, and the child, as appropriate.
- Participate in court hearing.
- Participate in Child and Family Team Meetings as invited and/or notified.
- Provide information to the DCS family case manager that may be useful for the court hearing.
- Comply with visitation arrangements; assess impact of visitation on child.
- Prepare the child for the hearing as appropriate for the age and abilities of the child.
- Clarify further with DCS the role of the agency in providing services to the child and family.
- Finalize the placement agreement with DCS.
- Document the child's educational, health care, and religious/spiritual arrangements; mental health assessment; visitation with parents; and services to the parents.

Role of the DCS Family Case Manager

- Through the course of a CFTM the parents, FCM and team members should explore if an informal adjustment can effectively meet the needs of the family in order to avoid removal or so the child can be returned to the home safely.
- In preparation for the hearing the FCM should gather and provide to the DCS attorney facts about the child, the allegations, name and residence of the parents, whether the child has been removed from the parents, and efforts to provide family services or why services were not provided prior to the child's removal.
- Conclude the child protection assessment, send feedback information to school and medical reporters, and provide notice of availability of 311 report to parents.
- Notify foster parents/caregivers of date and time of initial hearing(s).

- Visitation should be determined through a CFTM and should meet the child's needs, including plans which ensure continued contact with parents, siblings, and any other individual with whom the children has a significant relationship. Present the plan for visitation to the Court Through the results of a CFTM, work with identified team members to assess the underlying needs of the family in an effort to arrange for family services to make reasonable efforts to reunify the family or begin documentation that reasonable efforts are not required. Collaborate with parents in assessing and planning for family services to determine the most appropriate interventions. Consider and develop a concurrent plan with the input of family and team members. When appropriate, consult with the DCS attorney regarding filing a motion requesting that the court find that reasonable efforts to preserve or reunify the family are not required in this case.
- Participate with the child's parents and their attorney in a pre-hearing conference (if available in the county).
- Continue to work with the child's parents, foster parents, CASA/GAL and the agency social worker to share information and develop an effective team to support the family and ensure the safety of the child in addition to developing the case plan.
- Take steps to determine the child's eligibility for Title IV-E and/or Medicaid as appropriate.
- Continue efforts to locate the absent parent and to assist in paternity establishment for putative fathers.
- Meet with parents and interested family members to discuss the purpose of the initial hearing and talk with them about what they should expect during the hearing.
- Attend initial hearing and testify as necessary.
- Contact Bureau of Indian Affairs if there is "reason to know" child is Indian (Native American) child.

Role of the Judge with Juvenile Jurisdiction

- Exclude the child from the hearing for good cause.
- Verify that a summons and petition have been issued to the child, the parents, and other necessary persons.
- Inform the child (if the child is of age to understand) and the child's parents of the nature of the allegations in the CHINS petition, and the dispositional alternatives available to the court if the child is found to be a CHINS.
- Inform the parents that they may be required to participate in a treatment program, be held financially responsible for services, and that they may controvert the allegations made and their financial responsibility for services.
- Schedule an additional initial hearing if necessary to comply with procedural requirements concerning notice, the Servicemembers Civil Relief Act, or the Indiana Child Welfare Act. The additional initial hearing shall be held not more than 30 calendar days after the first initial hearing unless the court grants extension of time for extraordinary circumstances which are documented in a written court order.
- Determine whether the parents admit or deny the allegations of the petition. A failure to respond constitutes a denial.
- If the child is alleged to be a CHINS (6) on the basis that he is a danger to himself or others or a CHINS (3.5) because he is the victim of human or sexual trafficking, determine whether the child admits or denies the petition. Appoint an attorney for the child if needed. A failure to respond constitutes a denial.

- If the parents admit the allegations, the court shall enter judgment accordingly and schedule a dispositional hearing. By agreement of the parties, the court can proceed directly to a dispositional hearing. The dispositional hearing must be held within 30 days of CHINS adjudication.
- If the parents deny the allegations, the court shall hold a factfinding hearing, which may, with the agreement of the parties, be held immediately; or be scheduled for a later date. The factfinding hearing shall be completed within 60 days after the CHINS petition is filed. The court may extend the time to complete the factfinding hearing for an additional 60 days if all parties consent.
- Appoint a CASA/GAL.
- Make reasonable efforts findings if child is removed from parents at initial hearing. See recommended reasonable efforts orders on Indiana Office of Court Services website.
- Allow parties, foster parents, and caretakers the opportunity to be heard and make recommendations.
- If appropriate, refer the child to be assessed by the dual status assessment team.
- At any phase of a CHINS proceeding, the court may make a finding that reasonable efforts to reunify a child with the child's parents or to preserve a child's family are not required if the court finds that the parents have been convicted of certain crimes, or if the parental rights of the parents with respect to a sibling of the child have been involuntarily terminated by a court, or if the court finds that the child is an abandoned infant. In making such a determination, **the child's health and safety are the paramount concern.**
- If DCS files a motion requesting that the court find that reasonable efforts are not required in this case, and the court grants the motion, the court must set a permanency hearing within 30 days.

Role of Foster Parent /Child Care Worker

- Identify further needs of the child; see that health care and educational needs are met.
- Be involved in visitation arrangements as directed by the agency social worker or the DCS family case manager.
- Be involved in case planning/treatment planning as part of the Child and Family Team Meetings or case conference; including the foster parent's role in rehabilitation of the child and the parents, visitation arrangements, and services required to meet the special needs of the child.
- Present information and recommendations at court hearing.

Role of the CASA (Court Appointed Special Advocate)/Guardian ad Litem

- Meet parents and child (if present), explain CASA/GAL role, obtain contact information for parents and child.
- Communicate and share information with the DCS family case manager.
- Seek information about identity and location of missing parents and possible relative placements.
- Participate in case conferences and Child and Family Team Meeting(s).
- Using available information, represent and protect child's best interests if there has been an opportunity to meet child before hearing. (This most often applies if initial hearing has been continued, which allows the CASA/GAL to begin investigation).

- May prepare, file and distribute CASA/GAL report on the child's status, particularly if this is a continued initial hearing.
- Provide the services requested by the court, including: researching, examining, advocating, facilitating, and monitoring the child's situation.
- Encourage compliance with statutory timelines in scheduling the factfinding hearing.

Factfinding Hearing

Timing: May be held immediately after initial hearing and must be completed within 60 days after CHINS petition is filed, unless all parties agree to additional 60 day extension.

This hearing provides an opportunity for the evidence concerning the CHINS allegations to be heard and for the court to determine whether or not the child is a CHINS.

Role of the Agency Social Worker

- Provide information to the DCS family case manager that may be considered as evidence at the hearing.
- Contact the DCS family case manager to determine if the social worker or other agency staff/foster parents are needed to provide evidence/present testimony at the hearing.
- Inform the DCS family case manager of any statements pertaining to abuse or neglect which have been made by child so the DCS attorney can file notice of intention to introduce statements into evidence at least 7 days before factfinding hearing.
- Clarify whether or not the child will testify and who will prepare the child for such testimony. Based on the clarification, assist in preparing the child for any testimony.
- Prepare the child for the day of the hearing.
- Continue development of the child's treatment plan consistent with the child's case plan and provide monthly reports to DCS and the court (if requested) on the child's progress.
- Continue to assess the impact of visitation and other treatment-related aspects of interaction between the child and parents. Coordinate the continued care and treatment of the child with the foster parent or child care worker(s), including the child's educational needs and extracurricular school activities.
- Participate in court hearing or Child and Family Team Meetings as invited and/or notified.

Role of the DCS Family Case Manager

- Partner with DCS attorney and other professionals to prepare the child for any testimony that the child is to give.
- Partner with DCS attorney to prepare for own testimony in court and to ensure that the attorney has what is needed for the hearing.
- Partner with DCS attorney to provide follow-up information on whether the child is an Indian (Native American) child or a parent is a member of the U.S. Military so correct procedures can be initiated.
- Continue process of case plan development through a CFTM process, with the parents, child (as appropriate), foster parents, CASA/GAL, and agencies involved in the child's care and treatment. Include plan for ensuring educational stability for child so child either remains in the school child was attending before removal or child is immediately enrolled in new school with transfer of all records, if remaining in the same school is not in child's best interests. Conclude the case plan development not later than 45 days after the child's first placement out of the home or CHINS disposition, whichever comes first. Provide copy of the plan to parents, CASA/GAL, and agency social worker, and file a copy with the court according to the court's wishes.
- Notify parent, foster parent and CASA/GAL of date and time of fact-finding hearing, if juvenile court has not given them this information at previous hearing.

- Meet with parents and interested family members to discuss the purpose of the fact finding hearing and talk with them about what they should expect during the hearing.
- Review reports received from the agency responsible for the child's care and treatment and from other service agencies involved in providing services to the family.
- Meet with the child face-to-face at least once monthly or more frequently as determined by the risk assessment and the needs and best interests of the child.
- Work with the family and the court to transition the child to the parents if the court finds the child not to be a CHINS.
- Coordinate necessary services for the child and parents and perform casework responsibilities according to the case plan as it is developed.

Role of the Judge with Juvenile Jurisdiction

- If child is an Indian (Native American) child, comply with ICWA requirements on jurisdiction and burden of proof.
- Consider the evidence presented and, based on the preponderance of the evidence, enter judgment accordingly as to whether or not the child is a CHINS.
- If the court finds that the child is not a CHINS, order that the child be discharged from care.
- If the court finds that the child is a CHINS, order a predispositional report to be prepared.
- Schedule a dispositional hearing to be held within 30 days of CHINS adjudication.
- Make necessary interim orders to facilitate assessment and treatment of the child and parents and to set visitation.
- If child is removed from parents at factfinding hearing, make reasonable efforts findings. See recommended orders on Indiana Office of Court Services website.
- If court determines that child is a dual status child, refer for assessment by a dual status team.
- If indigent parent requests, appoint attorney to represent parent at dispositional hearing.

Role of Foster Parent/Child Care Worker

- Assist in preparing the child for court, if court attendance is required for the child.
- Continue involvement in meeting the child's needs.
- Continue involvement in case planning and Child and Family Team Meeting(s) and review of progress in the child's care and treatment. Cooperate with the DCS family case manager and CASA/GAL.
- Continue involvement in visitation arrangements and assist in assessing the interaction between the child and the parent, as indicated in the case plan/treatment plan.
- Attend hearing and testify if requested.

Role of the CASA (Court Appointed Special Advocate)/GAL (Guardian ad Litem)

- Provide information concerning child's statements about abuse/neglect to CASA/GAL Program Director to submit to DCS for child hearsay motion, if applicable.
- Share information with the DCS family case manager and agency social worker.

- Participate in case planning and Child and Family Team Meeting(s).
- Be mindful of timelines for trial of case and do not request continuances absent extenuating circumstances, such as unavailability of key witnesses to testify.
- Help prepare child to testify and support child at hearing.
- Attend the hearing and advocate for the child's best interests and protection.
- Prepare, file and distribute CASA/GAL report regarding child's progress if requested by the court.
- Present testimony from information gathered, if requested by the court or by counsel appointed for the CASA/GAL, the DCS attorney, or parents' attorney.
- Encourage compliance with statutory timelines in scheduling the dispositional hearing.

Dispositional Hearing

Timing: Scheduled by the court after factfinding within 30 days of CHINS adjudication

The Dispositional Hearing determines the care and treatment services for the child, the services to be provided for and the responsibilities of the parents, and the requirements of DCS to provide such services.

Role of the Agency Social Worker

- Confer with the DCS family case manager and CASA/GAL as a part of the predispositional report, identify the child's needs, services provided, and make recommendations to DCS for the child's care and treatment. Include a forecast for the length of time that the child will need to remain in the agency's care and the treatment plan goals and accomplishments for the child.
- Provide the DCS family case manager (and the court according to local custom) with a report on the progress of the child and family (as applicable) at least 15 days prior to the dispositional hearing.
- Assure that the child is receiving proper care such as room and board, case management services, arrangements for treatment programming including mental health or behavioral health therapy, medical and dental care, and clothing.
- Provide information on the child's school progress, testing results, and any medical or mental health diagnosis for the child.
- Provide necessary services to the child and parents on an interim basis, pending the court's order, and utilizing the child's case plan.
- Assist the child in preparing for the court hearing, to the extent that the child is able to participate.
- Request a copy of the dispositional decree when it is entered.
- Participate in court hearing and/or Child and Family Team Meetings as invited and/or notified.

Role of the DCS Family Case Manager

- Meet with parents and interested family members to discuss the purpose of the dispositional hearing and talk with them about what they should expect during the hearing.
- Notify parent, foster parent, and GAL/CASA of date and time of dispositional hearing if juvenile court has not given them this information at previous hearing.
- Convene a CFTM in order to prepare a pre-dispositional report for the juvenile court that states the needs of the child for care, treatment, rehabilitation or placement. In preparing this report, confer with the members of the team, CASA/GAL, agency social worker, foster parent and with experts regarding the needs of the child, including the child's school, community mental health center, and other persons as directed by the court. The FCM should work with the family and team to develop a concurrent plan for the child in an effort to ensure that permanency for the child is not delayed.
- Conduct criminal history checks for each person age 14 and older residing in an unlicensed kinship care placement and include results in predispositional report.
- After assessing the underlying needs of the parents, consider and include in the report the necessity, nature, and extent of the participation by the parents in a program of care and treatment for the child.

- Consult with the DCS attorney regarding contents of parental participation petition and petition for no-contact order.
- Prepare a report about the financial condition of the parents (or estate of the child if applicable) to present to the court.
- Recommend to the court the least restrictive, most family-like, and most appropriate setting, close to the parents' home that least interferes with family autonomy/is least disruptive of family life. All recommendations must be consistent with the best interests, safety, and special needs of the child. Recommendations must impose the least restraint on the freedom of the child/parents and provide opportunity for parental participation. If the child is an Indian (Native American) child, consider tribal placement preferences in making recommendation.
- Include dispositional options, an evaluation of each option, and information about the persons with whom the report preparer conferred.
- Provide copies of the predispositional report, parental participation petitions and other pertinent filings to all parties in a reasonable time prior to the hearing. The predispositional report shall be made available at least 48 hours before the hearing.
- Partner with DCS attorney to prepare for own testimony in court and to ensure that the attorney has what is needed for the hearing.
- If court does not accept the DCS recommendations and wants DCS to consider recommendations by parents, CASA/GAL, foster parents or relative caretakers, other parties, or the court, consider the recommendations of others and submit supplemental predispositional report with the final DCS recommendations for continued dispositional hearing. Hearing shall be held within 7 business days of notice of court's determination.
- Provide child who is 14 years old or older and in out-of-home care with copy of the Indiana Bill of Rights for Youth in Care, explain Bill, and obtain child's signature.

Role of the Judge with Juvenile Jurisdiction

- Direct the report preparer to confer with any persons the court wishes to be consulted for the dispositional recommendations.
- May authorize a mental or physical examination of the child. Make provision for a similar examination of the parents, if the parents give consent.
- Assure that DCS and CASA/GAL predispositional reports have been provided to the child, each attorney representing the parents, unrepresented parents and any attorney representing the child.
- May provide a factual summary of the report to the child or parents if court determines that the reports should not be released to the parents or child.
- Hold a dispositional hearing to consider the alternatives for the care, treatment, rehabilitation or placement of the child; the necessity, nature, and extent of parental participation in the child's care and treatment; and the financial responsibility of the parents for services. If the decree for the child includes an out-of-home placement, the court shall consider whether the child should be placed with a suitable and willing relative before considering other out-of-home placements for the child.
- Hold a separate or combined hearing on any petitions filed for parental participation or no contact orders.
- Give the child, the parents, foster parents, and relative caretakers a fair opportunity to controvert any part of predispositional reports and to provide information and make recommendations.

- If it appears to the court that the child is mentally ill, the court may refer the matter to the probate court to initiate civil commitment proceedings or initiate limited civil commitment proceedings in the juvenile court. The juvenile court may commit a child to a child caring institution, but does not have the authority to commit the child to a State mental health facility.
- If the court accepts the DCS recommendations in the predispositional report, enter a dispositional decree that meets standards for least restrictive and most appropriate setting that is in the best interests of the child and meets the child's special needs. Findings include the needs of the child; the parents' participation, efforts made to prevent the child's removal or reunite the family; family services that were offered/provided. The court should also make findings concerning the legal settlement of the child for educational purposes. Order supervision of the child by DCS, order the parents to receive family services, and make other orders consistent with parental participation in services.
- Determine whether child is a dual status child and whether DCS or juvenile probation will be the lead agency to supervise the child.
- Make reasonable efforts findings if child is removed from parents at this hearing. See recommended reasonable efforts orders on Indiana Office of Court Services website.
- If court determines that it does not accept recommendations of DCS in the predispositional report and wants DCS to consider recommendations by parents, CASA/GAL, foster parents or relative caretakers, other parties, or the court, continue the dispositional hearing for not more than 7 business days after notifying parties of court's determination.
- Consider final DCS recommendations in supplemental predispositional report and order each final recommendation unless court finds that recommendation is unreasonable, based on facts and circumstances of case or contrary to child's welfare and best interests.
- Include in dispositional decree which does not accept DCS final recommendations, why the court is not accepting DCS final recommendations, and whether the placement is an emergency required to protect the health and welfare of the child.
- Must have the recommendation or approval of the DCS director or the director's designee to place child outside the state of Indiana or make written findings based on clear and convincing evidence that the out-of-state placement is appropriate because there is not a comparable facility with adequate services in Indiana or the out-of-state placement is within 50 miles of the child's county of residence.
- If court does not order final DCS recommendations, participate in expedited appeal if it is initiated by DCS.
- Advise the child and parents of procedures to modify the dispositional decree.
- Send a copy of the dispositional decree to each person who receives placement of the child.
- Order DCS to file a progress report every 3 months or more often.
- Schedule modification hearing, if necessary.

Role of Foster Parent/Child Care Worker

- Assist in identifying the needs of the child, including the appropriateness of the current placement as part of the development of the predispositional report.
- Assist in preparing the child for the court hearing and responding to the child's concerns.

- Continue involvement in case planning and Child and Family Team Meetings, if invited, and review of progress in the child's care and treatment. Cooperate with the DCS family case manager and CASA/GAL.
- Provide information and recommendations to the court.
- Continue involvement in visitation arrangements.
- Assist in treatment and reunification efforts as specified in the case plan and/or treatment plan.
- Attend hearing and present information and recommendations.
- If a foster parent, request a copy of the dispositional decree.

Role of the CASA (Court Appointed Special Advocate)/Guardian ad Litem (GAL)

- Meet with the child, the parents, the DCS family case manager, agency social worker and foster parents to assess the needs of the child.
- Participate in case planning conferences and Child and Family Team Meeting(s).
- Consult with the DCS family case manager prior to hearing regarding DCS recommendations.
- Prepare, file and distribute CASA/GAL report which includes recommendations for the child's placement, care and treatment and services for the parents (report may be admitted into evidence if it has probative value even if report contains hearsay) at least 48 hours before the hearing.
- Prepare, file and distribute petition for parental participation and petition for no contact order if needed to represent and protect child's best interests.
- Review DCS predispositional report for areas of agreement and areas of disagreement regarding (1) the child's best interests, protection, placement, and services; and, (2) the ability of the parents to be rehabilitated and any necessary services and responsibilities required of the parents.
- Attend hearing and advocate for the child's best interests and protection, and for the placement and services most appropriate to the child's special needs.
- Confer with the DCS family case manager if CASA/GAL recommendations differ from DCS recommendations, and if agreement cannot be reached, provide supplemental report to court detailing why CASA/GAL recommendations support the child's welfare and best interests and whether CASA/GAL recommended placement is an emergency.
- Encourage compliance with statutory timelines in scheduling periodic case review or placement and jurisdiction review hearing.
- If court does not order DCS final recommendations, may participate as a party if DCS initiates expedited appeal.
- Review DCS progress report, which will be filed three months after dispositional decree, and determine whether additional information needs to be provided to the court in a CASA/GAL three month progress report.

Periodic Case Review **(also known as the Placement and Jurisdiction Review)**

Timing: Six months after child's removal or CHINS disposition, whichever comes first. The court may set an earlier date, most commonly at three months. A twelve month Periodic Case Review Hearing may be combined with the Permanency Hearing.

The purpose of this hearing is to determine the progress being made by the child and the parents, the efforts made by DCS and parents to comply with the dispositional decree and/or case plan, and to make any necessary changes in the decree and the goals for the child and family.

Role of the Agency Social Worker

- Provide written documentation to the DCS family case manager on the services provided to the child and family, including the dates on which services were provided and the outcomes of the services.
- Provide written documentation on the child's visitation with the parent(s), including any recommendations for change, and reasons for infrequent visitation.
- Participate in meetings with the DCS family case manager and the foster parents concerning the child's progress while in the foster parent's care.
- Send a current written progress report to the DCS family case manager (and the court according to the court's custom) at least 15 days prior to the periodic case review court hearing. Reports should include information on the child's current school performance and extracurricular activities, mental health diagnosis or treatment including goals and accomplishments, and recommendations of the child's therapist, the child's stated desires, and the projected date to transfer the child to a less restrictive placement if the child is in residential treatment, projected discharge date, and/or progress toward permanency plan goals.
- Assure that the child is receiving proper care such as room and board, case management services, arrangements for treatment programming including mental health or behavioral health therapy, medical and dental care, and clothing. Assure that child's foster parents or other residential placements are using the "reasonable and prudent parent" standard.
- Assure the child's medical passport has been updated.
- Attend the court hearing or send an appropriate representative who can represent the agency as the current caretaker of the child.
- Prepare the child for the court hearing.
- Continue to facilitate and provide necessary services to the child and family.
- Work with the DCS family case manager to facilitate a case conference or Child and Family Team Meetings with the child's parents, CASA/GAL other parties, and appropriate treatment providers.

Role of the DCS Family Case Manager

- Coordinate all service delivery and other requirements ordered by the court in the dispositional decree. Perform casework responsibilities according to the case plan for the child and family.
- Have face to face contact with the child at least every month.

- Meet with the child and the child’s parents regularly to assess progress. Review reports from service agencies to assess progress and possible need for adjustments.
- Assist the parents and facilitate a Child and Family Team Meeting to discuss current strengths of family, any underlying needs, and progress of the family during this timeframe. Assist the parent in the development of informal supports and coordinate with others who may have important information regarding the family’s and/or child’s progress such as the CASA/GAL and appropriate treatment providers. Develop next steps or address any adjustments which may need to be made to the case plan to ensure success. The FCM will work with the parents and the team to further develop and discuss the concurrent permanency plan as part of the “what could go wrong” portion of the CFTM.
- Prepare a report (called a periodic progress report) to the court on the progress made in implementing the dispositional decree, rehabilitating the child, rehabilitating the parents, preventing placement or reunifying the family. Include a description of the family services that have been offered/provided, the dates on which those services were offered/provided, and the outcome arising from the services.
- Document the amount of visitation and assess the results of parent-child visitation, including the reasons for infrequent visitation, and make visitation recommendations to the court.
- Consult with a foster parent of the child about the child's progress while in the foster parent's care and include information in the report to the court. Include the agency social worker and CASA/GAL in such consultation/meetings. (This consultation should take place as part of a CFTM)
- Make available a copy of the report to the child (if of appropriate age), the parents, and CASA/GAL at least 48 hours before the hearing.
- If modification of the dispositional decree is recommended, include recommendations for such modification in the DCS report.
- At least 7 days before the hearing, send notice of the hearing date and time to the parent, CASA/GAL, foster parent, a prospective adoptive parent, those who have been identified as a long term foster parent, any other person who is providing care for the child, and any other suitable relative or person with a significant or caretaking relationship to the child. Advise the parent in writing that a petition to terminate the parent-child relationship must be filed if the child has been removed from the parent and has been under DCS supervision for at least 15 months of the most recent 22 months.
- If modification of disposition is requested and court does not accept DCS recommendation, follow procedures outlined under **Dispositional Hearing**.
- Inform court if DCS receives information that indicates parents may have violated a dispositional order, including positive results of drug or alcohol screen.
- Before changing out-of-home placement of child who has been in same out-of-home placement for at least one year, inform DCS attorney so DCS can file motion requesting change of placement. Prepare for hearing on motion if person with placement or a party request hearing. If child’s life or health is in imminent danger in out-of-home placement, child’s placement may be changed and emergency order requested.

Role of the Judge with Juvenile Jurisdiction

- Assure that copies of the DCS and CASA/GAL progress reports have been made available to the child and the parents. If the court determines that information in the report should not be released to the child or parent, the court shall provide a copy to each attorney for the child or parents. The court may also provide a factual summary of the report to the child or parents.
- Appoint an attorney to represent an indigent parent who requests an attorney.

- In making a determination of reasonable efforts, the **child's health and safety are the paramount concern.**
- Provide the parents, CASA/GAL, foster parents, relative caregivers, child (if applicable) and others who received notice the opportunity to be heard and to make recommendations.
- Consider and enter written findings regarding the extent of compliance by DCS, the child, and the parent with the case plan; the family services offered/provided and the outcome; the extent to which the parent has enhanced his/her ability to fulfill parental obligations; the extent of parental visitation with the child; the extent of parental cooperation with DCS; the child's recovery from any injuries suffered; whether additional services are required and the nature of those services; the extent to which the child has been rehabilitated; whether the child is placed in the least restrictive, most family-like setting, close to the parent's home; the extent to which the causes for the child's out-of-home placement have been alleviated; whether the current placement or supervision should be continued; the extent to which the parent has had opportunity to participate in case planning, reviews, placement of the child and visitation; whether reasonable efforts to reunify or preserve a child's family have been made; and whether it is time to prepare or implement a permanency plan for the child. See recommended order on periodic case review on Indiana Office of Court Services website.
- When applicable, make finding that reasonable efforts for reunification are not required based on statutory factors including parents' criminal convictions for specific serious crimes, prior involuntary termination of parents' rights to child's siblings, or child abandonment and schedule permanency hearing to be held within 30 days.
- If modification of disposition has been requested and court determines that it does not accept recommendations of DCS, follow procedures outlined in **Dispositional Hearing.**
- Participate in expedited appeal initiated by DCS.
- If parent, guardian, or custodian has been charged with criminal offense listed in reasonable efforts exception (class A, B, or C battery or level 2, 3, 4, or 5 battery, aggravated battery, criminal recklessness, neglect of dependent, or human/sexual trafficking), consider ordering suspension of reasonable reunification efforts pending disposition of criminal charge.
- Hold hearing on DCS request to change out-of-home placement if child has resided in placement for at least one year, and person with placement or a party requests hearing. Issue emergency order if child is in danger.

Role of Foster Parent/ Child Care Worker

- Consult with the DCS family case manager, CASA/GAL, and the agency social worker. Identify and seek clarification of any issues and concerns regarding the plan for the child and the family.
- Assist in assessing the progress of the child and the parents in meeting the case plan goals/requirements.
- Attend the court hearing and make recommendations to the court consistent with the foster parent's knowledge of the child and the child's needs. Provide a written statement and provide oral testimony to court.
- Assist in preparing the child for the court hearing and responding to the child's concerns.
- Continue involvement in case planning, Child and Family Team Meetings, visitation, and any other services according to the orders of the court and the plan for the child and family.

Role of the CASA (Court Appointed Special Advocate)/Guardian ad litem

- Meet with the child, parents, foster parents, the DCS family case manager, and agency social worker to obtain updated information. Speak with or obtain reports from all persons providing assessment or treatment services to the child and family.
- Participate in case conference planning and Child and Family Team Meetings. Monitor compliance with court orders.
- Prepare, file and distribute CASA/GAL report which summarizes what has transpired since last hearing. Include recommendations to the court concerning child's best interests and special needs. Make report available to DCS, parents, and other parties at least 48 hours before hearing.
- Review DCS report and confer with the DCS family case manager if CASA/GAL recommendations differ from DCS recommendations. If agreement cannot be reached and a modification of disposition has been requested, provide supplemental report detailing why the CASA/GAL recommendations support the child's welfare and best interests and whether the CASA/GAL recommended placement is an emergency.
- Attend the hearing and advocate for the child's best interests. Provide any additional information concerning the child's situation as requested by the court.
- If child attends the hearing, help the child understand what happened in court. If child does not attend hearing, inform child about the case progress after the hearing.
- Encourage compliance with statutory timelines in scheduling the permanency hearing.
- May participate as a party if DCS initiates an expedited appeal.
- Consider what permanency plan or plans are in child's best interests and gather information to prepare to make recommendations for permanency hearing.

Permanency Hearing

Timing: Twelve months after the child's removal/dispositional decree, whichever comes first

This hearing provides an opportunity to consider and determine the plan for a permanent family for the child (or other permanent option) and to continue to assess the progress being made on the child's behalf. It may be combined with the twelve month Period Case Review (also known as the Placement and Jurisdiction Review) Hearing.

Role of the Agency Social Worker

- Make all preparations required for the 6 month periodic review hearing, including providing a current report on the child (and family as applicable).
- Provide written progress reports and documentation to the DCS family case manager at least 15 days prior to the permanency hearing on the services provided to the child and family, progress that has been made, treatment plan goals and accomplishments, areas continuing to need work, outcomes of the services (include dates services were provided), child's current school performance and extracurricular activities, and age appropriate consultation with child concerning permanency plan. Assist in exploring options and developing the permanency plan (include foster parents in this) and projected discharge date.
- Assure that the child is receiving proper care such as room and board, case management services, arrangements for treatment programming including mental health or behavioral health therapy, medical and dental care, and clothing.
- Assure the child's medical passport has been updated.
- If in the best interests of the child, explore voluntary termination of parental rights or consent to adoption with the child's parents as appropriate and in cooperation with DCS.
- Prepare the child for the court hearing, including permanency consultation with court, the DCS family case manager, CASA/GAL, or foster parent/ primary caregiver.
- Attend/send an agency representative to the hearing.
- Comply with MEPA and IEPA in making placements of children (refer to glossary for definitions).
- Prepare the child/child's family for changes in the permanency plan and subsequent court orders.
- Arrange for child who is at least 16 years old and whose proposed permanency plan is Another Planned, Permanent Living Arrangement to attend hearing and make recommendations to court.
- Participate in Child and Family Team Meetings as invited and/or notified.

Role of the DCS Family Case Manager

- Convene a CFTM in order to meet with the child, the child's parents, CASA/GAL, and foster parents to assess progress. Review reports from service agencies.
- During the course of the CFTM, discuss the progress of the concurrent permanency plan and whether or not voluntary termination of parental rights, filing termination of parental rights petition, adoption, relative custody, or guardianship are in the best interest of the child and if reunification does not appear likely to occur

- When appropriate, consult with child regarding the permanency plan and/or arrange for consultation with child regarding permanency plan by court, CASA/GAL, or foster parent/primary caregiver.
- For DCS attorney and the court, document or prepare testimony about the special court determinations for child over 16 whose recommended permanency plan is Another Planned, Permanent Living Arrangement, including efforts to reunify child or secure child's adoption, guardianship, or third party custody, and whether child's placement is following "reasonable and prudent" standard and providing opportunities for child to engage in appropriate activities.
- Prepare a report to the court that includes all the elements contained in the required report for a periodic case review, including whether DCS has made reasonable efforts to reunify or preserve the child's family. In addition, the report should contain recommendations for the intended permanent or long-term arrangements for the care and custody of the child that are appropriate and consistent with the best interests of the child. Options include the following:
 - Return to or continuation of care in the parent's home or placement with the noncustodial parent;
 - Use search technology, including social media, to locate child's relatives, and report efforts and results to DCS attorney.
 - Placement of the child for adoption;
 - Placement of the child with a relative who is able and willing to act as the child's permanent custodian or appointment of a legal guardian who will act as the child's caretaker on a permanent basis; and
 - Placement of the child in Another Planned, Permanent Living Arrangement if child is 16 years or older;
- Gather information to show that court jurisdiction should continue if the objectives of the dispositional decree have not been met and the child remains a CHINS.
- If reunification is not the recommended permanency plan, DCS may request judicial authority to exert reasonable efforts to complete the recommended permanency plan, including approval to initiate an out-of-home placement consistent with the approved plan. DCS may also request judicial authority to end reunification efforts, including services and visitation, if such efforts are inconsistent with the best interest of the child.
- Include a time schedule to implement the permanency plan and any interim arrangements for the child.
- At least 7 days before the hearing, send notice of the hearing to the parent, foster parent, CASA/GAL, prospective adoptive parent, other persons providing care for the child or having a significant caretaking relationship to the child, and the child if the child is at least 16 years old and the proposed permanency plan is to transition from foster care to independent living.
- Make available a copy of the DCS report to the child, the parents, and the CASA/GAL at least 48 hours before the hearing.

Role of the Judge with Juvenile Jurisdiction

- Assure that the DCS and CASA/GAL reports have been made available to the child and parent. If the court determines that the information should not be released to the child or parent, the court shall provide a copy to each attorney for the child or parent. The court may provide a factual summary of the report to the child or parent.
- Appoint an attorney to represent an indigent parent who requests an attorney.

- Assure that child who is at least 16 years old and whose proposed permanency plan is Another Planned Permanent Living Arrangement receives notice of hearing and has the opportunity to be heard and make recommendations.
- Make the determinations and findings required under the periodic case review concerning the child's case plan, best interests of the child, reasonable efforts made by DCS, family services offered/provided, the extent of parental rehabilitation and the child's rehabilitation, whether the causes which led to the child's placement have been alleviated, and the need for continued placement/supervision. **The child's health and safety remain the paramount concern in** determining whether reasonable efforts have been made to reunify or to preserve the child's family.
- If child is 16 years old or older and the permanency plan is Another Planned, Permanent Living Arrangement (APPLA), require DCS to document or provide testimony about: efforts to secure reunification, adoption, guardianship, or relative custody, including use of search technology to locate relatives; why APPLA is the best plan; and steps DCS is taking to ensure child's placement is following the "reasonable and prudent" standard and providing opportunities for child to engage in appropriate activities.
- Consider the question of continued jurisdiction and whether the dispositional decree should be modified. There is a rebuttable presumption that jurisdiction over a child in a CHINS proceeding continues for not more than 12 months from the dispositional decree or from removal of the child from the parent's home, whichever occurs first. The presumption may be rebutted by showing that the objectives of the decree have not been met, that the continuation of the decree is necessary, and that it is in the best interests of the child for the court to maintain its jurisdiction.
- Consider recommendations of the DCS family case manager, CASA/GAL, parents, foster parents, and others who have been given notice of the hearing.
- Consult with child regarding permanency plan, either in person or through reviewing written statement or report submitted by CASA/GAL, the DCS family case manager, or the foster parent/primary caregiver.
- Consider and approve a permanency plan for the child that the court deems most appropriate and consistent with the best interests of the child and that clearly states the permanency option to be pursued.
- If child is removed from parents at this hearing, make reasonable efforts findings. See recommended orders on Indiana Office of Court Services website.
- If consistent with the permanency plan, order DCS to exert reasonable efforts to facilitate adoption or other permanent plan. The court can authorize DCS to discontinue reunification services if the services are inconsistent with the permanency plan for the child.
- If the need for continued jurisdiction is not sustained, the court shall either discharge the child to the parent or direct DCS to establish a permanency plan within 30 days and retain jurisdiction necessary to carry out such orders.

Role of Foster Parent/ Child Care Worker

- Consult with the DCS family case manager, CASA/GAL, and the agency social worker. Identify and seek clarification of any issues and concerns regarding the plan for the child and the family.
- If reunification is no longer the plan for the child, consider whether the foster parent/caretaker wants to be the child's permanent family either through adoption, legal guardianship, or other permanent arrangement. Assist in assessing the child and family's progress.

- If the child is at least 16 years old and the proposed permanency plan is Another Planned, Permanent Living Arrangement, facilitate the child's attendance at the permanency hearing as directed by the DCS family case manager.
- Attend the court hearing and make recommendations to the court consistent with the foster parent's knowledge of the child and the child's needs.

Role of the CASA (Court Appointed Special Advocate)/Guardian ad Litem

- Meet with the parents, foster parents, the DCS family case manager, and the agency social worker regarding the child. Speak with or obtain reports from all persons providing assessment or treatment services to the child and family. Encourage timely development of a permanency plan in compliance with statutory timeframes.
- Provide input to the DCS permanency plan and review the DCS report.
- Consult with the child in age appropriate manner regarding permanency plan and encourage child's participation if appropriate. Facilitate child's attendance at hearing if child is at least 16 years old and the proposed permanency plan is Another Planned, Permanent Living Arrangement.
- Prepare, file and distribute CASA/GAL report which discusses permanency options; include CASA/GAL recommendation regarding best permanency option for the child. Make report available to parents, DCS, and other parties at least 48 hours before hearing.
- Attend hearing and advocate for the child's best interests. Support the child's opportunity to be heard and to make recommendations (if applicable).
- Encourage compliance with statutory timelines in filing and scheduling termination of the parent-child relationship if adoption is the permanency plan.
- Prepare testimony and testify at termination hearing on whether termination is in the child's best interest and whether there is a satisfactory plan for the child.

Termination of the Parent-Child Relationship (TPR)

Timing: Varies

Termination of the parent-child relationship can occur under three different situations. The first of these is **voluntary termination of the parent-child relationship by the child's parent or parents**; this can occur at any time in the progress of the child's case.

The second of these is a **petition for involuntary termination of the parent-child relationship which may be filed after the child has been removed from the child's parents for at least 6 months** under a dispositional decree. The following additional conditions must be met for the court to find in favor of such a petition:

- There is a reasonable probability that the conditions which led to the child's removal or the reasons for placement outside the parents' home will not be remedied or the child has been adjudicated a CHINS on two separate occasions, or the continuation of the parent-child relationship poses a threat to the well-being of the child;
- Termination of the parent-child relationship is in the best interests of the child; and
- There is a satisfactory plan for the care and treatment of the child.

The third of these is a **mandatory filing of petition to involuntarily terminate the parent-child relationship**. This is required if a court finds that reasonable efforts for family preservation or reunification with respect to the child are not required or if the child has been in out-of-home care for at least 15 of the most recent 22 months (beginning with the date the child is removed from the home) and has been under the supervision of the Department of Child Services. The following additional conditions must be met for the court to find in favor of such a petition:

- There is a reasonable probability that the conditions which led to the child's removal or the reasons for placement outside the parents' home will not be remedied or the child has been adjudicated a CHINS on two separate occasions, or the continuation of the parent-child relationship poses a threat to the well-being of the child;
- Termination of the parent-child relationship is in the best interests of the child; and
- There is a satisfactory plan for the care and treatment of the child.

A motion to dismiss the petition in this situation may be filed by DCS or the GAL/CASA if termination of the parent-child relationship is not in the child's best interests, if DCS has not provided services to the family under a case plan that remains in effect, or if DCS has not provided services to the family that are necessary for the safe return of the child to the family.

There will be a hearing set by the court to provide an opportunity for the court to hear testimony from all parties and significant others prior to the issuance of the court's decree concerning the voluntary or involuntary termination of the parent-child relationship.

Role of the Agency Social Worker

- Assist the DCS family case manager in exploring options for the child, including reviewing the best interests of the child, family services that have been provided, case plan progress to determine whether or not termination of the parent-child relationship is in the best interests of the child, and if there is compelling reason why there should not be a termination of the parent-child relationship.

- Provide the same type of documentation to DCS and the court as in the 6 month review report.
- Assist in developing a plan for the child's care and treatment as necessary.
- Assure that the child is receiving proper care such as room and board, case management services, arrangements for treatment programming including mental health or behavioral health therapy, medical and dental care, and clothing.
- Assure the child's medical passport has been updated.
- Prepare testimony for the hearing to support either the allegations of the petition or a motion to dismiss the petition.
- Assist in preparing the child and the foster parent/child care worker for the court hearing.
- Address emotional concerns of the child in the process.
- Participate in court hearing as invited and/or notified.

Role of the DCS Family Case Manager

- Convene a CFTM in order to meet with the child, the child's parents, CASA/GAL, and foster parents to discuss permanency for the child and to discuss the progress of the concurrent plan.
- Discuss with the parent the implications of termination of parental rights and discuss with them permanency options that are available.
- When appropriate, consult with child regarding termination of parental rights and what that means with regard to the permanency plan for the child.
- Determine if medical information from parents and grandparents has previously been gathered to develop a medical history for the child. If not, this information should be gathered prior to termination.
- Provide information to the DCS attorney so that a termination petition can be filed if adoption is the permanency plan. The termination petition may be filed if the child: (1) has been removed from Parents for six months under a dispositional decree; or (2) has been adjudicated a CHINS and under DCS supervision for fifteen of the most recent twenty-two months; or (3) the court has entered a finding that reasonable efforts for family preservation or reunification are not required.
- Provide information to the DCS attorney so that a motion to dismiss the termination petition can be filed (1) if there is a compelling reason to conclude that the filing of a termination petition is not in the best interests of the child; or (2) if DCS has not provided services to the family under the case plan and the case plan period for completion has not yet expired; or (3) if DCS has not provided services to the family and the services are substantial and necessary for the safe return of the child.
- Seek a court order to end reunification services with the parent. This would include visitation if it is deemed to be in the best interest of the child.
- Confer with CASA/GAL, foster parents, child (if age appropriate), prospective adoptive parents, and agency social worker
- At least 10 days before the hearing on either the motion to dismiss the termination petition or on the petition itself, send notice to the parent, foster parent, prospective adoptive parent, other persons providing care for/having a significant caretaking relationship to the child, CASA/GAL, and other parties.
- Prepare evidence for the court that (1) the conditions which led to the child's removal will not be remedied or that the continuation of the parent-child relationship poses a threat to the child's well-being,

and that termination of the relationship is in the child's best interest, and that there is a satisfactory plan for the child's care or (2) supports the motion to dismiss the termination petition.

Role of the Judge with Juvenile Jurisdiction

- Appoint an attorney for the parents. (May need to appoint attorney for each parent if there is a potential for attorney conflict of interest.)
- Appoint CASA/GAL for child on termination case.
- Commence a hearing not more than 90 days after the petition to terminate the parent-child relationship was filed. Conclude the hearing within 180 days after the petition to terminate the parent-child relationship was filed.
- If child is an Indian (Native American) child, provide notice to Tribe to determine whether Tribe wishes to accept jurisdiction. If tribe declines jurisdiction, comply with ICWA burden of proof (beyond a reasonable doubt) and evidence requirements.
- Provide to each person given notice an opportunity to be heard and make recommendations to the court at the hearing.
- If the motion to dismiss the petition is filed, and if the court finds that any one of the three allegations described for dismissal of the petition are true by a preponderance of the evidence, the court shall grant the motion to dismiss the termination petition.
- If the court finds that the child has been removed from the parent and has been under the supervision of DCS for at least 6 months under a dispositional decree, or the court has found that reasonable efforts for family preservation or reunification are not required, or the child has been removed from the parent under DCS supervision for at least 15 months of the most recent 22 months, and there is a reasonable probability that the conditions which led to the child's removal or the reasons for placement outside the parents' home will not be remedied or the child has been adjudicated a CHINS on two separate occasions; or the continuation of the parent-child relationship poses a threat to the well-being of the child; and that termination of parental rights is in the best interests of the child; and that there is a satisfactory plan for the care and treatment of the child, the court shall terminate the parent-child relationship. The standard of proof for this determination is "clear and convincing evidence."
- If the court does not find that the allegations in the petition to terminate the parent-child relationship are true, based on clear and convincing evidence, the court shall dismiss the termination petition.

Role of Foster Parent/ Child Care Worker

- Assist in exploring options for the child and in developing a plan for the child's care and treatment.
- If the foster parent is the planned permanent family for the child, reassert that interest and choice.
- Provide information on the child and the family that is helpful to either support the allegations of the petition or to support its dismissal.
- Attend the court hearing and make recommendations to the court.
- Testify if requested to do so by the court, the DCS attorney, the CASA/GAL attorney, or the parents' attorney.

Role of the CASA (Court Appointed Special Advocate Court Appointed Special Advocate)/Guardian ad Litem

- Review CHINS file if CASA/GAL has not previously served on CHINS case.
- Meet with child, child's caretakers (foster parents, relative caretakers, or agency staff), and the DCS family case manager regarding child's progress and special needs.
- May file a petition to terminate the parent-child relationship jointly with DCS or on CASA/GAL's own authority after consultation with attorney for CASA/GAL.
- May file a motion to dismiss a petition for termination of the parent-child relationship.
- Attend hearing and advocate for the child's best interests.
- Provide testimony if requested by the court, the CASA/GAL attorney, the DCS attorney, or parents' attorney and make recommendations to the court.
- Encourage compliance with statutory timelines in completing trial on termination petition.

Periodic Case Review (also known as the Placement and Jurisdiction Review)

Timing: Eighteen months after child's removal/dispositional decree, whichever comes first

This hearing reviews progress made and determines any necessary changes to be made on the child's behalf.

Role of the Agency Social Worker

- Provide progress reports concerning the child and the permanency plan, including written documentation to the DCS family case manager at least 15 days prior to the periodic case review court hearing on the services provided to the child and family, including the dates on which services were provided and the outcomes of the services.
- Assure that the child is receiving proper care such as room and board, case management services, arrangements for treatment programming including mental health or behavioral health therapy, medical and dental care, and clothing, and that child's placement is using the "reasonable and prudent" standard
- Assure the child's medical passport has been updated.
- Participate in meetings with the DCS family case manager, CASA/GAL and the foster parents concerning the child's progress while in the foster parent's care.
- Participate in Child and Family Team Meetings as invited and/or notified.
- Attend the court hearing/send representative who can represent the agency as the current caretaker of the child.
- Address further concerns of the child if the permanency plan is not progressing smoothly or in a timely way.
- Identify additional steps necessary to complete the plan.

Role of the DCS Family Case Manager

- Coordinate all service delivery and other requirements ordered by the court in the dispositional decree. Perform casework responsibilities according to the case plan for the child and family.
- Have face to face contact with the child at least every month.
- Meet with the child and the child's parents regularly to assess progress. Review reports from service agencies to assess progress and possible need for adjustments.
- Assist the parents and facilitate a Child and Family Team Meeting to discuss current strengths of family, any underlying needs, and progress of the family during this timeframe. Discuss any concurrent permanency plans and coordinate with others who may have important information regarding the family's and/or child's progress such as the CASA/GAL and appropriate treatment providers. Develop next steps or address any needed adjustments which may need to be made to the case plan to ensure success.
- Prepare a report to the court on the progress made in implementing the dispositional decree, progress in rehabilitating the child, rehabilitating the parents, preventing placement or reunifying the family. Include a description of the family services that have been offered/provided, the dates on which those services were offered/provided, and the outcome arising from the services.

- Document the amount of visitation and assess the results of parent-child visitation, including the reasons for infrequent visitation, and make visitation recommendations to the court.
- Consult with a foster parent of the child about the child's progress while in the foster parent's care and include information in the report to the court. Include the agency social worker and CASA/GAL in such consultation/meetings. (This consultation should take place as part of a CFTM)
- If the permanency plan for the child is for other than family preservation or reunification, provide information to the court that shows that reasonable efforts have been made to place the child in accordance with the permanency plan and to complete whatever steps are necessary to finalize the permanent placement of the child in a timely manner.
- Make available a copy of the report to the child (if of appropriate age), the parents (except where the parent-child relationship has been terminated), and CASA/GAL at least 48 hours before the hearing.
- If modification of the dispositional decree is recommended, include recommendations for such modification in the DCS report.
- At least 7 days before the hearing, send notice of the hearing date and time to the parent (except where the parent-child relationship has been terminated by the court), CASA/GAL, foster parent, a prospective adoptive parent, those who have been identified as a long term foster parent, any other person who is providing care for the child, and any other suitable relative or person with a significant or caretaking relationship to the child.
- Inform court if DCS receives information that indicates parents may have violated a dispositional order, including positive results of drug or alcohol screen.
- Before changing out-of-home placement of child who has been in same out-of-home placement for at least one year, inform DCS attorney so DCS can file motion requesting change of placement. Prepare for hearing on motion if hearing requested. If child's life or health is in imminent danger in out-of-home placement, child's placement may be changed and emergency order requested.

Role of the Judge with Juvenile Jurisdiction

- Assure that DCS and CASA/GAL reports have been made available to the child and parent (except where the parent-child relationship has been terminated by a court). If the court determines that information in the report should not be released to the child or parent, the court shall provide a copy to each attorney for the child or parent. The court may also provide a factual summary of the report to the child or parent.
- Consider any recommendations for modification of the permanency plan for the child.
- Provide to the persons given notice of the hearing an opportunity to be heard and to make any recommendations to the court.
- If the permanency plan continues to be reunification of the child with a parent or family preservation, the court shall make the same determinations as listed under the 6 month periodic case review.
- If the permanency plan for the child is for other than family reunification or preservation, the court shall make a determination of whether or not DCS has made reasonable efforts to place the child in accordance with the permanency plan and to complete whatever steps are necessary to finalize the permanent placement of the child in a timely manner. Under this type of permanency plan, the court is not required to determine (1) whether or not reasonable efforts have been made to make it possible for the child to safely return to the child's home and (2) whether the child is placed in close proximity to the home of the child's parent. (Note: This applies even if parental rights have not been terminated by a court. The key factor is the permanency plan for the child that has been approved by the court at the 12 month hearing.)

- If the child is removed from the parents at this hearing, make reasonable efforts findings. See the recommended orders on the Indiana Office of Court Services website.
- Hold hearing on DCS request to change out-of-home placement if child has resided in placement for at least one year, and person with placement or a party requests a hearing. Issue emergency order if child is in danger.

Role of Foster Parent /Child Care Worker

- Consult with the DCS family case manager (for foster parents, as required by law) together with the agency social worker. Identify and seek clarification of any issues and concerns regarding the plan for the child (and the family as applicable).
- Provide information on the child's progress while in foster care.
- If the foster parent is the child's planned permanent family, provide information on any steps necessary to complete the finalization of the plan.
- Attend the court hearing and make recommendations to the court.
- Assist in preparing the child for court.

Role of the CASA (Court Appointed Special Advocate)/Guardian ad litem

- Meet with the child, parents, foster parents, the DCS family case manager, and agency social worker regarding the child. Speak with or obtain reports from all persons providing assessment or treatment services to the child and family.
- Participate in case conference planning and Child and Family Team Meetings. Monitor compliance with court orders.
- Prepare, file and distribute CASA/GAL report which summarizes what has transpired since last hearing. Include recommendations to the court concerning the child's best interests and special needs. Make report available to parents, DCS, and other parties at least 48 hours before hearing.
- Review the DCS report to the court.
- Attend the hearing and advocate for the child's best interests. Provide any additional information concerning the child's situation as requested by the court.
- If the child attends the hearing, help the child understand what happened in court. If the child does not attend the hearing, inform the child about the case progress after the hearing.
- Encourage completion of permanency plan as soon as possible consistent with child's best interests.

24 Month Permanency Hearing

Timing: 24 months after child's removal/dispositional decree, whichever comes first)

This hearing provides the opportunity to review progress in implementing the permanency plan, determine necessary changes to be made on the child's behalf, and review the need for continued jurisdiction of the court in the child's case.

Role of the Agency Social Worker

- Provide progress reports concerning the child and the permanency plan, including written documentation to the DCS family case manager at least 15 days prior to the permanency hearing on the services provided to the child and family, progress that has been made, treatment plan goals and accomplishments, areas continuing to need work, outcomes of the services (include dates services were provided), child's current school performance and extracurricular activities, and age appropriate consultation with child concerning permanency plan. Assist in exploring options and revising the permanency plan (include foster parents in this) and projected discharge date.
- Assure that the child is receiving proper care such as room and board, case management services, arrangements for treatment programming including mental health or behavioral health therapy, medical and dental care, and clothing, and that child's placement is using the "reasonable and prudent" standard.
- Assure the child's medical passport has been updated.
- Participate in meetings with the DCS family case manager, CASA/GAL and the foster parents concerning the child's progress while in the foster parent's care.
- Participate in Child and Family Team Meetings as invited and/or notified.
- Prepare the child for the court hearing, including permanency consultation with the court, the DCS family case manager, CASA/GAL, or foster parent/primary caregiver as directed by the DCS family case manager.
- Attend the hearing/send an agency representative.
- Address further concerns of the child if the permanency plan is not progressing smoothly or timely
- Arrange for child who is at least 16 years old and whose permanency plan is to transition to independent living to attend hearing and make recommendations to court.

Role of the DCS Family Case Manager

- Convene a CFTM in order to meet with the child, the child's parents, CASA/GAL, and foster parents to assess progress. Review reports from service agencies.
- During the course of the CFTM, discuss the progress of the concurrent permanency plans and whether or not adoption, relative custody or guardianship should be permanency plan if reunification does not appear likely to occur
- When appropriate, consult with child regarding the permanency plan and/or arrange for consultation with child regarding permanency plan by court, CASA/GAL, or foster parent/primary caregiver.
- Use search technology, including social media, to locate child's relatives, and inform DCS and Court about efforts and results.

- Prepare a report to the court that includes all the elements contained in the required report for a periodic case review, including whether DCS has made reasonable efforts to reunify or preserve the child’s family. In addition, the report should contain recommendations for the intended permanent or long-term arrangements for the care and custody of the child that are appropriate and consistent with the best interests of the child. Make report available to parents (if parental rights have not been terminated), CASA/GAL, and other parties at least 48 hours before hearing. Options include the following:
- Return to or continuation of care in the parent's home or placement with the noncustodial parent;
- Placement of the child for adoption;
- Placement of the child with a relative who is able and willing to act as the child's permanent custodian, or the appointment of a legal guardian who will act as the child's caretaker on a permanent basis; and
- Placement of the child in Another Planned, Permanent Living Arrangement if the child is sixteen years old or older
- If child’s permanency plan is Another, Planned Permanent Living Arrangement, provide information about efforts to secure reunification, adoption, guardianship, or relative custody including using search technology to locate child’s relatives, and whether child’s placement is complying with “reasonable and prudent” standards and providing opportunities for child to engage in appropriate activities.
- Gather information to show that court jurisdiction should continue if the objectives of the dispositional decree have not been met and the child remains a CHINS.
- If reunification is not the recommended permanency plan, DCS may request judicial authority to exert reasonable efforts to complete the recommended permanency plan, including approval to initiate an out-of-home placement consistent with the approved plan. DCS may also request judicial authority to end reunification efforts, including services and visitation, if such efforts are inconsistent with the best interest of the child.
- Include a time schedule to implement the permanency plan and any interim arrangements for the child.
- At least 7 days before the hearing, send notice of the hearing to the parent (except where the parent-child relationship has been terminated by the court), foster parent, CASA/GAL, prospective adoptive parent, other persons providing care for the child or having a significant caretaking relationship to the child, and the child if the child is at least 16 years old and the proposed permanency plan is Another Planned, Permanent Living Arrangement.
- Make available a copy of the DCS report to the child, the parents (except where the parent-child relationship has been terminated by the court), and the CASA/GAL.

Role of the Judge with Juvenile Jurisdiction

- If parental rights have been not terminated, appoint attorney to represent an indigent parent who requests an attorney.
- Assure that the DCS and CASA/GAL progress reports have been made available to the child and the parents (except where the parent-child relationship has been terminated by a court). If the court determines that information in the report should not be released to the child or parent, the court shall provide a copy to each attorney for the child or parent. The court may provide a factual summary of the report to the child or parent.
- If child is 16 years old or older and the permanency plan is Another Planned, Permanent Living Arrangement (APPLA), require DCS to document or provide testimony about: efforts to secure

reunification, adoption, guardianship, or relative custody, including the use of search technology to locate relatives, the steps DCS is taking to ensure child's placement is following the "reasonable and prudent" standard and providing opportunity for child to engage in appropriate activities, and why APPLA is best plan.

- Assure that child who is at least 16 years old and whose permanency plan is Another Planned, Permanent Living Arrangement has the opportunity to be heard and to make recommendations.
- Consider recommendations of the other persons given notice of the hearing.
- Consult with child regarding permanency plan, either in person or through reviewing written statement or report submitted by CASA/GAL, the DCS family case manager, or the foster parent/primary caregiver.
- Make the determinations and findings required under periodic case review. If the permanency plan is for other than family reunification or preservation, the court is not required to determine (1) whether or not reasonable efforts have been made to make it possible for the child to safely return to the child's home and (2) whether the child is placed in close proximity to the home of the child's parent. (Note: This applies even if parental rights have not been terminated by the court.)
- Make a determination of whether or not DCS has made reasonable efforts to place the child in accordance with the permanency plan and to complete whatever steps are necessary to finalize the permanent placement of the child in a timely manner. See recommended orders on Indiana Office of Court Services website.
- Consider the question of continued jurisdiction and whether the dispositional decree should be modified.
- Determine whether the existing permanency plan must be modified.
- Examine procedural safeguards used by DCS to protect parental rights (except where the parent-child relationship has been terminated by a court).
- If the need for continued jurisdiction is not sustained, the court shall either discharge the child to the parent or direct DCS to establish a permanency plan within 30 days and retain jurisdiction necessary to carry out such orders.

Role of Foster Parent/Child Care Worker

- Consult with the DCS family case manager, CASA/GAL, and the agency social worker. Identify and seek clarification of any issues and concerns regarding the plan for the child (and the family as applicable).
- Provide information on the child's progress while in foster care
- If the child is at least 16 years old and the permanency plan is Another Planned, Permanent Living Arrangement, facilitate the child's attendance at the hearing as directed by the DCS family case manager,
- Provide information on any steps necessary to complete the finalization of the permanency plan.
- Attend the court hearing and make recommendations to the court based on knowledge of the child and the child's needs.
- Assist in preparing the child for court.

Role of the CASA (Court Appointed Special Advocate)/Guardian ad litem

- Meet with the parents (except where the parent-child relationship has been terminated), foster parents, the DCS family case manager, and the agency social worker regarding the child. Speak with or obtain

reports from all persons providing assessment or treatment services to the child and family. Obtain updates regarding the progress which has been made on facilitating the permanency plan.

- Provide input on the progress of the DCS permanency plan and review the DCS report.
- Consult with the child in an age appropriate manner regarding the progress on the permanency plan, and encourage child's participation if appropriate. Facilitate child's attendance at hearing if child is at least 16 years old and the permanency plan is Another Planned, Permanent Living Arrangement
- Prepare, file and distribute CASA/GAL report which discusses the progress on the permanency plan; include CASA/GAL recommendations regarding the permanency plan. Make report available to parents (if parental rights have not been terminated), DCS, and other parties at least 48 hours before hearing.
- Attend the hearing and advocate for the child's best interests. Support the child's opportunity to be heard and make recommendations (if applicable).
- Encourage completion of permanency plan as soon as possible consistent with the child's best interests.

APPENDIX

RESOURCES

The Indiana Judicial Branch makes available a list of electronic *Juvenile CHINS Benchbook Forms*. You can find forms related to:

- DCS Reports
- Intake
- Informal Adjustment
- Detention and Custody
- Filing CHINS Petition
- Initial Hearing
- Fact Finding
- Disposition
- Court Orders to Parents
- Modification and Permanency
- Indian Child Welfare Act

To locate the forms, search for “Indiana Judicial Branch” or go to www.in.gov/judiciary/iocs

From there, go to “Forms and Publications”

Scroll down to “Forms.” You’ll find the *Juvenile CHINS Benchbook Forms* listed there.

GLOSSARY

Agency – a child caring institution, group home, emergency shelter facility, secure private facility or child placing agency licensed by the Department of Child Services (DCS).

Assessment – an initial and ongoing Department of Child Services investigation or evaluation that includes a review and determination of the safety issues that affect a child; an identification of the causes of the safety issues; a determination whether child abuse, neglect or maltreatment occurred; and a determination of the needs of the child’s family in order for the child to remain in or be returned to the home safely or be placed in an alternative living arrangement.

Child and Family Team Meeting (CFTM) – a case planning meeting which focuses on the family needs and identified strengths to determine what intervention might be most successful. The CFTM includes safety planning for the child.

Child care worker – an agency employee who has been assigned the responsibility for the daily care and supervision of the child in care.

Child in Need of Services (CHINS) – a child is a CHINS if the child is a victim of child abuse, child sexual abuse, or child neglect. A child can also be a CHINS if the child is a danger to himself/herself or others and needs care or treatment that the court must order to be provided to the child. A “child” is defined as a person under the age of 18. A petition may be filed in court by the county DCS alleging that a child is a CHINS.

The conditions for CHINS are more specifically written in the law (IC 31-34-1) as:

1. The child’s physical or mental condition is seriously impaired or seriously endangered due to the neglect, refusal or inability of the child’s parent (or guardian or custodian) to give the child the necessary food, clothing, shelter, medical care, education, or supervision; or

2. The child's physical or mental health has been seriously endangered due to an injury by the act or omission of the parent (or guardian or custodian) of the child; or the child is a victim of assisting suicide, battery, strangulation, or neglect of a dependent offenses or attempt or conspiracy to commit the offenses; or the child lives with an adult who has been convicted or charged with one of the offenses against another child who lives in the household;
3. The child: (1) is a victim of sex offense; or (2) lives in the same household as another child who is a victim of sex offense, or (3) lives in the same household as an adult who committed a sex offense or a human or sexual trafficking offense which resulted in a CHINS finding or a criminal conviction; or (4) lives in the same household as an adult who has been charged with and is awaiting trial for a sex offense or a human or sexual trafficking offense.
- 3.5. The child is a victim of human or sexual trafficking regardless of whether the child consented to conduct.
4. The parent allows the child to participate in an obscene performance; or
5. The parent allows the child to commit a sex offense; or
6. The child substantially endangers the child's own health or the health of another and the child needs care, treatment, or rehabilitation that the child is not receiving or will not be likely to receive without the coercive intervention of the court; or
7. The child's parent fails to participate in a school disciplinary proceeding if the child has been repeatedly disruptive in school, under certain conditions; or
8. The child is a missing child; or
9. The child is born with fetal alcohol syndrome or with a trace of a controlled substance or legend drug; or has an injury, abnormal physical or psychological development, symptoms of neonatal intoxication or withdrawal or a substantial risk of a life-threatening condition, due to the child's mother's use of alcohol or controlled or legend drugs during the mother's pregnancy; (Note: The child is not a CHINS if the child's mother possessed a valid prescription for the drug and the mother did not violate certain laws in taking the prescribed drug.)

In all CHINS determinations, the judge has to decide that it is necessary for the court to intervene in order to provide the care, treatment, or rehabilitation that the child needs.

Compelling reason for the purposes of documenting that the permanency plan is another planned permanent living arrangement – To use the final alternative under the permanency planning options, follow the federal guidance which notes that this is based on the individual circumstances of the child and the family. Examples provided in federal rules include: (1) The older teen who specifically requests that independent living be his/her established permanency plan; (2) The child who has a significant bond with his or her parent, but the parent is unable to care for the child because of an emotional or physical disability, and the child's foster parents have committed to raising the child to the age of majority and to facilitate visitation with the parent; (3) The child whose Native American/Indian tribe has identified another planned permanent living arrangement for the child.

Compelling reason for the purposes of a motion to dismiss a petition to terminate parental rights – Indiana law provides for the following reasons: (1) the current case plan documents that termination is not in the child's best interests, including that a relative is caring for the child; (2) the Department of Child Services has not provided family services in accordance with a case plan or juvenile court order and the period for completion of services has not expired; (3) the Department of Child Services has not provided substantial and material family services to permit safe return of the child.

Concurrent Planning – Planning that requires caseworkers to plan at the same time for both reunification and permanent placement elsewhere. Concurrent planning is the identification and establishment of concurrent permanency planning goals and simultaneous reasonable efforts toward both goals with the knowledge of all participants.

Contrary to the Welfare – a judicial determination that must be made under Title IV-E of the Social Security Act that it would be contrary to the child’s welfare to continue in the home. The “contrary to the welfare” determination must be made in the first court ruling that approves the removal of a child from the home, or the child will not be eligible for Title IV-E benefits for the duration of that stay in foster care.

Court Appointed Special Advocate (CASA) – a community volunteer who has received training and has been appointed by a court to represent and protect the best interests of a child. A CASA speaks for the child in court. A CASA may research, examine, advocate, facilitate, and monitor a child’s situation under Indiana law.

Custodian – includes a person with whom a child resides; a member of the household of the child’s noncustodial parent; or a child caregiver.

Department of Child Services (DCS) – the state agency responsible for conducting assessments of child abuse or neglect, filing and proceeding with CHINS petitions, providing child welfare services, and licensing foster homes, group homes, child caring institutions, and child placing agencies. The county offices which carry out DCS duties are local offices of DCS.

Dual Status Child – a child who has been involved in a CHINS case and a delinquency case or is eligible for release from Department of Correction and whose parents are unwilling to take custody.

Foster parent – a person who provides care and supervision for a child in his or her home and is licensed by DCS.

Guardian ad litem – an attorney, volunteer, or employee of a county program who is appointed by the court to represent and protect the best interests of a child. The guardian ad litem may provide the child with services requested by the court, including researching, examining, advocating, facilitating, and monitoring the child’s situation.

Indian (Native American) Child – unmarried person under age eighteen who is either (a) a member or an Indiana tribe or (b) is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.

Indian Child Welfare Act (ICWA) – federal law which supersedes state law on jurisdiction and procedures for Indian Children in CHINS termination parental rights, and adoption cases.

Indiana Bill of Rights for Youth in Foster Care – document describing rights of foster children which DCS provides to all youth age 14 and over who are in out-of-home care.

Indiana Code – Indiana law pertaining to children served by the child welfare system can be found at IC 31-33 (Juvenile Law: Reporting and Investigation of Child Abuse and Neglect) and IC 31-34 (Juvenile Law: Children in Need of Services). The Indiana Code can be located on the website at iga.in.gov This website is updated annually to incorporate newly enacted legislation.

Individual Child Placement Agreement – an agreement with the placing agency or placing parent or guardian which at least includes the authorization to care for the child; provision for treatment plan reviews; financial plan for payment of care and services covered; and, permission for the child caring institution or licensed child placing agency to seek routine and emergency medical, surgical, and hospital care.

Kinship care – placement of a child with a person or persons who are related to the child by blood, marriage, or adoption. Kinship care may also include care by those who meet a broader definition of kin, including Native American/Indian tribal members, godparents, or those who have been part of an informal family or household network and who have a significant relationship with the child.

Legal guardianship – from the federal regulations included here for the purpose of clarifying the federal intention of the extent of the transfer of parental rights (Note that the Indiana Code differs in its definition of guardianship.) – a judicially-created relationship between child and caretaker which is intended to be permanent and self-sustaining as evidenced by the transfer to the caretaker of the following parental rights with respect to the child: protection, education, care and control of the person, custody of the person, and decision-making.

Multiethnic Placement Act (MEPA) and Interethnic Placement Act (IEPA) – these federal Acts govern the placement of children in foster and adoptive care and specify that neither the State nor any agency that receives federal funds may: (1) deny any person the opportunity to become an adoptive or foster parent on the basis of race, color, or national origin of the person or child involved; and (2) delay or deny the placement of a child for adoption or into foster care on the basis of race, color, or national origin of the foster or adoptive parent or child involved. MEPA also requires the diligent recruitment of potential foster and adoptive families who reflect the ethnic and racial diversity of children in the State for whom foster and adoptive homes are needed.

Ombudsman – official appointed by the Governor who may receive, investigate, and attempt to resolve a complaint that DCS failed to follow a specific law, rule, or policy and thereby failed to protect the health or safety of any child.

Parent – a biological or adoptive parent. Term includes both parents, regardless of their marital status, and alleged fathers who have not established paternity.

Putative father – a man who is alleged to be or claims to be a child's father, who was not married to the mother of the child, or who has not established paternity in a court proceeding or by a court affidavit. (Refer to Indiana Code 31-9-2 for a more complete definition.)

“Reason To Know” that child is an Indian (Native American) child – (1) anyone tells the court that child is an Indian (Native American) child or there is information indicating that child is an Indian (Native American) child; (2) domicile or residence of child, parent, or custodian is on a reservation or in Alaska Native village; (3) child is or has been ward of tribal court; (4) either parent or the child possesses identification indicating tribal membership.

Reasonable efforts – efforts required by federal law under Title IV-E and state law (IC 31-34) to prevent removal of a child from the child's home, to preserve the family, or to reunify the family. A court must make the determination as to what is “reasonable.” In making this determination, the court is required to hold the child's health and safety as the paramount concern.

“Reasonable and Prudent” – careful and sensible parental decisions that maintain a child’s health, safety, and best interests, while encouraging the child’s emotional and developmental growth.

Rebuttable presumption – an assumption made in the law that requires that the opposing party refute it or prove it not to be true.

Relative – for the purposes of compliance with Indiana Code identification and notification of relatives, a maternal or paternal grandparent, an adult aunt or uncle, or any other adult relative suggested by either parent of a child.

Religious/spiritual – any activity that is in accordance with a child’s faith that is religious or spiritual in nature. The child caring institution shall make available the opportunity for a child to participate in such activities as far as is practical.

Servicemembers Civil Relief Act – federal law which supersedes state law and allows members of U.S. Military: (a) 90 days to respond to a CHINS/termination petition, and (b) the right to a court appointed attorney for the CHINS/termination case.