

	<b>INDIANA DEPARTMENT OF CHILD SERVICES</b> <b>CHILD WELFARE POLICY</b>	
	<b>Chapter 8:</b> Out-of-Home Services <b>Section 38:</b> Placement Changes	
	<b>Effective Date:</b> July 1, 2023	<b>Version:</b> 8

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## POLICY OVERVIEW

The best interest of the child and the child's safety must always be the priority. A placement change may be recommended when there are safety concerns in the current placement, or a more appropriate placement has been identified.

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## PROCEDURE

The Indiana Department of Child Services (DCS) has a duty to ensure children are placed in stable and nurturing homes with caregivers who are well-equipped to address the needs of the child. DCS will strive to minimize placement changes and will act in a timely manner to address any situation that may affect the child's safety and well-being while in placement.

**Note:** If a child is placed in an out-of-home placement in a location in which a sibling of the child resides, DCS shall, before changing the placement of the child, consider whether separating the child from the child's sibling is in the child's best interest.

DCS will recommend to the court a change in placement if any one (1) of the following exists:

1. There is a substantiation of Child Abuse and/or Neglect (CA/N) in a resource home by the resource parent or any household member;

**Note:** DCS will remove the child immediately if the safety of the child cannot be ensured in the current placement.

2. An appropriate placement becomes available with the child's siblings, if applicable and not previously placed together, unless placement with siblings is not in the best interest of one (1) or more of the children;
3. An appropriate relative or kinship caregiver is identified and placement with the relative or kinship caregiver is in the best interest of the child;
4. The current placement has requested the child be moved;

**Note:** The resource parent must provide DCS with at least a 14-day notice if the caregiver is no longer able and/or willing to care for the child. DCS will attempt to work with the resource parent prior to removing the child.

5. Disruption of a Trial Home Visit (THV);

6. A pre-adoptive home has been identified and determined to be in the best interest of the child;
7. The child needs a more or less restrictive placement; or

**Note:** Reuniting a child with the parent, guardian, or custodian is not a placement disruption, nor is a planned transition out of residential treatment into less restrictive care.

8. The residential treatment facility where the child is receiving treatment is in the process of license revocation or contract termination. See policies 17.07 Licensing Revocations and 17.09 Contract Termination.

The Family Case Manager (FCM) will:

1. Discuss the reasons for considering a placement change, resource parent supports provided and considered to prevent a placement disruption, and alternative placement options with the FCM Supervisor;
2. Engage the Child and Family Team (CFT) to:
  - a. Discuss the child's placement needs,
  - b. Consider whether separating the child from the child's sibling is in the child's best interest, if applicable,
  - c. Assess all available alternatives to support the child's current placement and help to prevent placement disruption,
  - d. Identify a new placement type and/or resource, when determined to be in the best interest of the child,

**Note:** Factors to consider when there is a change in the child's placement include:

- i. Child safety;
- ii. The family's preference;
- iii. Cultural backgrounds;
- iv. Strengths and needs of the child; and
- v. The caregiver's ability to meet those needs.

When placement with a suitable and willing relative or kin is not possible, former foster parents should be considered whenever possible and appropriate. See policy 8.01 Selecting a Placement Option.

- e. Develop a transition plan with assistance from the CFT to the fullest extent possible given any time constraints, and
  - f. Notify the child in advance of a placement change and discuss the new placement with the child (if age and developmentally appropriate). See policy 8.08 Preparing the Child for Placement.
3. Complete the following steps when the child has been in the same resource home for **less than 12 months** or when the child is receiving treatment in a residential treatment facility:
    - a. Notify all relevant parties of the planned change in placement at least 14 days prior to the change or as soon as possible given any time constraints or child safety concerns, and
    - b. Provide information regarding the placement change to the DCS Staff Attorney for submission of written notice to the court within 10 business days following a

placement change (e.g., beginning a THV or placing a child in foster or relative care upon the disruption of a THV).

**Note:** In counties where the court requires a court order or hearing for placement changes, DCS will follow court protocol.

4. Complete the following steps when the child has been in the same resource home for **at least 12 months** and an emergency change in placement is needed because the child's life or health is in imminent danger:
  - a. Ensure the resource parent is aware of the plan to change the child's placement, if appropriate, and complete the following:
    - i. Change the placement of the child;
    - ii. Provide notice to the affected individuals immediately following the emergency placement;
    - iii. Provide information regarding the recommended placement change to the DCS Staff Attorney and immediately ask the DCS Staff Attorney to file an emergency motion with the court; and

**Note:** The attorney's motion must state that the person affected may file a written objection not later than 10 calendar days after service of the DCS notice. Any objection that the resource parent wishes to file must be filed directly with the court by the resource parent with a copy provided to DCS.

- iv. Request that the court issue a temporary order for an emergency change in the child's placement.
  - b. Attend any hearing scheduled by the court on the issue.
5. Complete the following steps when the child has been in the same resource home for **at least 12 months and an emergency change in placement is not needed:**
  - a. Ensure the resource parent is aware of the plan to change the child's placement,

**Note:** The FCM may provide notice of the placement change to the resource parent in advance of DCS filing its Motion to Change Placement that the resource parent may waive their right to request a hearing on the change in placement. If the resource parent wishes to waive their right to request a hearing, they can provide a written notice of the same to the FCM or file it directly with the Court.

- b. Provide information regarding the recommended placement change to the DCS Staff Attorney for filing a motion with the court prior to the placement change,

**Note:** If a resource parent gives a written waiver of their right to request a hearing on the change in placement to the FCM, the FCM should provide the writing to the DCS staff attorney as soon as possible. Any objection and request for hearing that the resource parent wishes to file must be filed directly with the court by the resource parent with a copy provided to DCS.

- c. Obtain a court order regarding the placement change prior to moving the child, and
    - d. Attend any hearing scheduled by the court on the issue.

6. Change the placement of the child and assist in transitioning the child to the new placement. See policy 8.09 Placing the Child in Out-of-Home Care;

**Note:** DCS will not change the placement of the child prior to receipt of the court's decision regarding the placement change, unless the child's safety cannot be ensured.

7. Request the assistance of law enforcement if the resource parent acts to prevent removal of the child. See policy 4.28 Removals from Parents, Guardians, and Custodians;
8. Complete all steps outlined in policy 5.24 Child Focused Treatment Review (CFTR), including the completion of a 30-Day Assessment Referral, if the child is being admitted to residential treatment;

**Note:** A new 30-Day Assessment referral must be completed when a child moves from one (1) residential treatment facility to another residential treatment facility.

9. Ensure the child's school personnel are verbally notified of the child's removal and placement into out-of-home care as soon as possible, but no later than the next school day; and

**Note:** When an education placement change is considered, the FCM must submit a referral to the Education Services Team within **24 hours** of the child's removal or change of placement to identify the need for collaboration to determine educational best interests and completion of the School Notification and Best Interest Determination (BID) form. For assistance in obtaining an official determination of the child's best interests regarding educational placement, see policy 8.22 School Notifications and Legal Settlement.

10. Document and note reasons for the placement change in the case management system within 24 hours of the placement change.

The FCM Supervisor will:

1. Attend CFT Meetings with the FCM, when available;
2. Staff all case specifics with the FCM, including the transition for the child's placement change; and
3. Ensure the FCM provides the DCS Staff Attorney with the necessary information for filing a motion with the court regarding the recommended placement change when the child has been in the current placement for more than 12 months.

The DCS Staff Attorney, for both changes of placement to a new resource home and requests for trial home visits (see policy 8.39 Trial Home Visits), will:

1. Ensure notice of a placement change or motion for placement change is submitted to the court when a child has been in the current placement for less than 12 months, as appropriate; or
2. Ensure a motion to change placement is filed with the court and affected parties are notified, when a child has been in the current placement for more than 12 months and a placement change is planned.

**Note:** The attorney's motion must state that the person affected may file a written objection not later than 10 calendar days after service of the DCS notice. If the change in placement is not an emergency and the resource parent has provided a waiver of their

right to request a hearing on the change in placement, the attorney should attach the written waiver to their motion and file it with the court.

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## RELEVANT INFORMATION

### Definitions

#### Placement Disruption

A placement disruption is a change in a child's placement from one out-of-home placement to another (e.g., moving from an emergency shelter to a relative resource home or from one resource home to another).

### Forms and Tools

- [Consent to Change in Placement and Waiver of Right to Request Hearing \(SF 53108\)](#)
- [School Notifications and Best Interest Determination \(BID\) \(SF 47412\)](#)

### Related Policies

- [4.28 Removals from Parents, Guardians, and Custodians](#)
- [5.24 Child Focused Treatment Review \(CFTR\)](#)
- [8.01 Selecting a Placement Option](#)
- [8.08 Preparing the Child for Placement](#)
- [8.09 Placing a Child in Out-of-Home Care](#)
- [8.22 School Notifications and Legal Settlement](#)
- [8.39 Trial Home Visits](#)
- [17.07 Licensing Revocations](#)
- [17.09 Termination of Residential Contract](#)

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## LEGAL REFERENCES

- [IC 31-34-3-4.7: Notice to the child's school](#)
- [IC 31-34-4: Temporary Placement of Child Taken Into Custody](#)
- [IC 31-34-4-8: Change in temporary out-of-home placement; consideration of separation of siblings](#)
- [IC 31-34-18-4: Recommendation on care, treatment, rehabilitation, or placement](#)
- [IC 31-34-19-7: Placement of child; relative; evaluation; background checks](#)
- [IC 31-34-20-1: Entry of Dispositional Decree; Placement in facility or home outside of Indiana; findings and conclusions](#)
- [IC 31-34-20-1.5: Placement in household with certain individuals prohibited; criminal history checks; exceptions; considerations](#)
- [IC 31-34-21-7.5: Placement prohibited in residence of individual who has committed certain acts or offenses; criminal history check; contents of permanency plans](#)
- [IC 31-34-23-3: Notice and hearing requirements; change in out of home placement; temporary order for emergency change of placement](#)
- [IC 31-34-23-5: Placement of a child with a previous placement](#)
- [IC 31-34-23-6: Notice and hearing requirements: change in out-of-home placement](#)

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## PRACTICE GUIDANCE- DCS POLICY 8.38

*Practice Guidance is designed to assist DCS staff with thoughtful and practical direction on how to effectively integrate tools and social work practice into daily case management in an effort to achieve positive family and child outcomes. Practice Guidance is separate from Policy.*

### **Impact of Placement Disruptions**

Disruption in a child's placement must be considered carefully, because it has the potential to jeopardize the child's capacity to trust the environment, including the adults around the child. Disruption in placement may have serious negative consequences for the child's sense of security and self-worth. A placement change may be another loss, rejection, or possible trauma for a child and may affect the child's ability to form positive attachments in the future. Thus, the best interest of the child must be the priority when considering a change in placement.

### **Request to Move a Sibling**

A resource parent may request removal of one (1) sibling rather than the removal of all the children. In such cases, the Family Case Manager (FCM) and the Child and Family Team (CFT) should carefully determine if the placement change would be in the best interest of one (1) or more of the children. If the placement change is not in the best interest of one (1) or more of the children, the FCM may review the current services that the resource parent is receiving and discuss service changes that may increase the resource parent's ability to care for the child in question. After reviewing the situation, the team may decide that it is in the best interest for the entire sibling group to be moved.

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