

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY	
	Chapter 6: Court	Effective Date: September 1, 2020
	Section 7: Dispositional Hearing	Version: 4

STATEMENTS OF PURPOSE

The Indiana Department of Child Services (DCS) will attend and participate in a [Dispositional Hearing](#) for every parent, guardian, or custodian named as a Respondent for each child adjudicated as a Child in Need of Services (CHINS).

Note: The juvenile court will complete a [Dispositional Hearing](#) not more than 30 days after the date the court finds that a child is a CHINS. See [Related Information](#) for more guidance on court considerations during the [Dispositional Hearing](#).

When a child is removed from his or her home, DCS will request that the following required federal language be included in the court order beginning at the first hearing that authorizes the removal of the child:

1. It is in the best interest of the child to be removed from the home environment and remaining in the home would be contrary to the health and welfare of the child (Contrary to the Welfare or Best Interest [CTW/BI]);
2. Reasonable efforts have been made to prevent or eliminate the need for removal or the child OR reasonable efforts to prevent removal of the child were not required because of the emergency nature of the situation (Reasonable Efforts to Prevent Removal [RE]); and
3. DCS is given responsibility for the “placement and care” of the child (Responsibility for Placement and Care [PC]).

For additional guidance, see policies [15.1 Eligibility Overview for Field and Legal Staff](#) and [15.3 Judicial Determinations](#).

Code References

1. [IC 31-34-19: Dispositional Hearing](#)
2. [IC 31-34-20-5: Determination and Reporting of Legal](#)
3. [IC 31-34-20-3: Order for Participation by Parent, Guardian, or Custodian in Program of Care, Treatment, or Rehabilitation for Child](#)
4. [IC 31-34-19-10\(b\): Findings and Conclusions](#)

PROCEDURE

The Family Case Manager (FCM) will:

1. Follow all procedures in policies [6.4 Providing Notice](#) and [6.6 Predispositional Report \(PDR\)](#) related to preparing the [PDR](#) and providing notice, prior to the [Dispositional Hearing](#);
2. Attend the scheduled hearing and be prepared to speak regarding recommended services for the child and/or family;
3. Enter the court hearing information in the case management system; and

Note: A Title IV-E eligibility determination must be completed for every child who enters out-of-home care. The court order should have required language regarding RE and PC responsibility reflected. This language is necessary for determining the child's eligibility for federal funding to cover costs for out-of-home care. See policy [15.1 Eligibility Overview for Field and Legal Staff](#) for additional information.

4. Update court hearing information in the case management system when the court issues findings regarding Reasonable Efforts to Finalize the Permanency Plan (REPP) and PC responsibility for a child placed in out-of-home care.

Note: The court order findings, referenced above, are necessary for determining the child's ongoing eligibility for federal funding.

The FCM Supervisor will:

1. Assist the FCM in preparation for the [Dispositional Hearing](#); and
2. Ensure the court hearing information is entered in the case management system.

The DCS Staff Attorney will:

1. Ensure the issuance of the required court order language regarding RE and PC responsibility is reflected in the court order, if the child has been removed and placed in out-of-home care. For additional guidance, see policy [15.1 Eligibility Overview for Field and Legal Staff](#); and
2. Request the court to enter an order establishing support if no child support order exists for the child. For additional guidance, see policy [2.20 Establishment of Child Support Orders](#).

PRACTICE GUIDANCE

N/A

FORMS AND TOOLS

[Predispositional Report \(PDR\)](#) – Available in the case management system.

RELATED INFORMATION

Dispositional Hearing

The purpose of the Dispositional Hearing is for the court to enter a Dispositional Decree in the case and consider the alternatives for the plan of care, treatment, rehabilitation, and placement of the child, which best address the specific case and the child's needs.

Dispositional Hearing's Findings and Conclusions

The court will accompany the court's Dispositional Decree with written findings and conclusions upon the record concerning the following:

1. The needs of the child for care, treatment, rehabilitation, or placement;
2. The need for participation by the parent, guardian, or custodian in the plan of care for the child;
3. RE have been made, if the child is a CHINS, to:
 - a. Prevent or eliminate the need for removal of the child, or

- b. Efforts to prevent removal of the child were not required because of the emergency nature of the situation.
4. Family services were offered and provided to:
 - a. A CHINS, or
 - b. The child's parent, guardian, or custodian.
5. The court's reasons for the plan of care, treatment, rehabilitation, or placement of the child, as ordered or approved by the court;
6. Identification of a dual status child, if applicable;
7. The legal settlement of the child; and
8. Giving DCS PC of the child.

Note: The juvenile court may incorporate a finding or conclusion from a [PDR](#) as a written finding or conclusion upon the record in the court's [Dispositional Decree](#) under [IC 31-34-19-10\(b\)](#).

Dispositional Decree

The Dispositional Decree will likely consist of at least two (2) separate orders: a Dispositional Order and a Parental Participation Decree (PPD), also known as the Parental Participation Order (PPO).

In the PPD/PPO, the court may order the parent, guardian, or custodian to complete the following:

1. Obtain assistance in fulfilling the obligations as a parent, guardian, or custodian;
2. Provide specified care, treatment, or supervision for the child;
3. Work with a person providing care, treatment, or rehabilitation for the child;
4. Participate in a program operated by and through the Department of Correction (DOC); and/or
5. Participate in a mental health or addiction treatment program.

Dispositional Court Hearing Considerations

During the [Dispositional Hearing](#), the court will consider the following:

1. Alternatives for the care, treatment, rehabilitation, or placement of the child;
2. The necessity, nature, and extent of the participation by a parent, guardian, or custodian in the program of care, treatment, or rehabilitation for the child;
3. The financial responsibility of the parent or guardian of the estate for services provided for the parent, guardian, or the child;
4. The recommendations and report from the Dual Status Assessment Team (DSAT), if the child is identified as dual status; and
5. Legal settlement of the child for school attendance if the child has been removed from the home.

Court Disagreement with Placement, Services, or Programs

The CHINS court may disagree with the placement, services, or programs offered, implemented, or not offered by DCS. When this occurs, the court is required to provide a recommendation option to DCS. If the disagreement occurs prior to the Dispositional Decree, DCS will have three (3) days from the date it receives the court's order to provide a report to the court. If the disagreement occurs after the Dispositional Decree, DCS will have seven (7) days from the date it receives the court's order to reconsider the option and provide a supplemental [PDR](#). Each report will inform the court of the decision made by DCS, including the

recommended placement, program, or services, and the reason for the decision. If the court continues to disagree, a court order may result. DCS must follow the order of the court but will have an opportunity to appeal the decision, if applicable.

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