



Mitchell E. Daniels, Jr., Governor
James W. Payne, Director

Indiana Department of Child Services
Room W306 – MS47
302 W. Washington Street
Indianapolis, Indiana 46204-2739

317-232-4705
FAX: 317-232-4490

www.in.gov/dcs

Child Abuse and Neglect Hotline: 800-800-5556

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To: Regional Managers
Directors, Local Offices, Department of Child Services

From: James W. Payne, Director
Angela Green, Deputy Director Practice Support
Dave Judkins, Deputy Director Field Operations
Department of Child Services

Subject: CHINS Court Legislation 2009
DCS-09-10

The Indiana Department of Child Services (DCS) has historically requested that the detention and initial hearings be held together. This administrative letter outlines a recent legislative change directing that both be held together. Below is a summary of the changes effective July 1, 2009.

IC 31-34-5-1 requires DCS to file a petition alleging that a child is a child in need of services (CHINS) before a detention hearing is held for the child. Furthermore, IC 31-34-10-2(h-k) states that if a detention hearing is held under IC 31-34-5, the initial hearing on the CHINS petition shall be held at the same time as the detention hearing. The court may schedule an additional initial hearing on a CHINS petition. However, an additional hearing cannot be held more than 30 calendar days after the date of the first initial hearing on the CHINS petition unless the court grants an extension of time for extraordinary circumstances and states the extraordinary circumstances in a written court order.

The DCS Child Welfare Policy Manual will be revised to reflect these important changes.



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If you have any questions regarding these changes, please address them to the DCS policy mailbox at DCSPolicy@dcs.in.gov .

Sincerely,

James W. Payne, Director
Department of Child Services

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