
TITLE 465 DEPARTMENT OF CHILD SERVICES

Final Rule

LSA Document #16-55(F)

DIGEST

Amends [465 IAC 2-14-2](#), [465 IAC 2-14-4](#), [465 IAC 2-14-5](#), [465 IAC 2-14-6](#), [465 IAC 2-14-7](#), [465 IAC 2-14-8](#), [465 IAC 2-14-10](#), [465 IAC 2-14-11](#), [465 IAC 2-14-12](#), [465 IAC 2-14-13](#), [465 IAC 2-14-14](#), and [465 IAC 2-14-15](#), concerning transitional services, to correct references to collaborative care for older youth and related department procedures. Adds [465 IAC 2-15.1](#), concerning older youth in the collaborative care program, to establish eligibility requirements and conditions for consideration by the department of child services (department) of an application for entry into the collaborative care program; to provide procedures for determination of eligibility and filing of a petition in the appropriate court for receipt of older youth services through the program; to provide conditions for housing and services to be provided to current or former foster youth; to provide for payments to be made for housing and services to be provided to or on behalf of a youth approved by the court for collaborative care; to authorize the department to establish guidelines for the eligible youth's continuing participation in the program; to specify the terms of agreements between the department and the youth, and continuing eligibility of youth receiving collaborative care services; to specify grounds and procedures for termination of voluntary collaborative care agreements and services under the program; and to provide a procedure for administrative review by the department of certain determinations under the program. Amends [465 IAC 3-3-1](#) and [465 IAC 3-3-6](#), concerning administrative hearings, to provide a procedure for administrative hearings for review of certain determinations under the collaborative care program. Repeals [465 IAC 2-15](#). Effective 30 days after filing with the Publisher.

[465 IAC 2-14-2](#); [465 IAC 2-14-4](#); [465 IAC 2-14-5](#); [465 IAC 2-14-6](#); [465 IAC 2-14-7](#); [465 IAC 2-14-8](#); [465 IAC 2-14-10](#); [465 IAC 2-14-11](#); [465 IAC 2-14-12](#); [465 IAC 2-14-13](#); [465 IAC 2-14-14](#); [465 IAC 2-14-15](#); [465 IAC 2-15](#); [465 IAC 2-15.1](#); [465 IAC 3-3-1](#); [465 IAC 3-3-6](#)

SECTION 1. [465 IAC 2-14-2](#) IS AMENDED TO READ AS FOLLOWS:

[465 IAC 2-14-2](#) "Assigned case manager" defined**Authority:** [IC 31-25-2-18](#); [IC 31-25-2-21](#)**Affected:** [IC 31-25-2-21](#)

Sec. 2. "Assigned monitor" has **case manager" means** the meaning set forth in ~~[465 IAC 2-15-2](#)~~ **family case manager or collaborative care case manager assigned to the eligible youth's case.**

(Department of Child Services; [465 IAC 2-14-2](#); filed Dec 10, 2010, 10:21 a.m.: [20110105-IR-465090167FRA](#); filed Oct 12, 2016, 2:03 p.m.: [20161109-IR-465160055FRA](#))

SECTION 2. [465 IAC 2-14-4](#) IS AMENDED TO READ AS FOLLOWS:

[465 IAC 2-14-4](#) "Eligible youth" defined**Authority:** [IC 31-25-2-18](#); [IC 31-25-2-21](#)**Affected:** [IC 31-28-5.8](#); [IC 31-34](#); [IC 31-37](#)

Sec. 4. (a) "Eligible youth" means an individual who:

(1) while receiving foster care, has become or will become:

(A) eighteen (18) years of age; or

(B) emancipated by order of a juvenile court:

(i) under [IC 31-34-20-1\(a\)\(5\)](#), [IC 31-37-19-1\(a\)\(5\)](#), or [IC 31-37-19-5\(b\)\(5\)](#); and

(ii) based on findings and terms in accordance with [IC 31-34-20-6](#) or [IC 31-37-19-27](#); or

(2) is receiving foster **collaborative** care for older youth under ~~[IC 31-28-5.7](#)~~ [IC 31-28-5.8](#).

(b) The term includes an individual who:

(1) is more than sixteen (16) and less than twenty-one (21) years of age;

(2) has received foster care after attaining sixteen (16) years of age; and

(3) is the subject of a juvenile court case under [IC 31-34](#) or [IC 31-37](#) that is open within ninety (90) days before the youth will become eighteen (18) years of age.

(Department of Child Services; [465 IAC 2-14-4](#); filed Dec 10, 2010, 10:21 a.m.: [20110105-IR-465090167FRA](#); filed Oct 12, 2016, 2:03 p.m.: [20161109-IR-465160055FRA](#))

SECTION 3. [465 IAC 2-14-5](#) IS AMENDED TO READ AS FOLLOWS:

[465 IAC 2-14-5](#) "Foster care" defined

Authority: [IC 31-25-2-18](#); [IC 31-25-2-21](#)

Affected: [IC 31-9-2-71](#); [IC 31-9-2-114](#); [IC 31-27](#); [IC 31-28-5.8](#); [IC 31-34](#); [IC 31-37](#)

Sec. 5. (a) "Foster care" means residential care and supervision of an individual who is less than twenty-one (21) years of age, subject to subsection (b), in any of the following categories of homes or facilities:

- (1) A foster family home licensed under [IC 31-27-4](#) or applicable law of the state in which the home is located.
- (2) The home of a relative of the individual, who is not the individual's parent, if the:
 - (A) home is not required to be licensed under [IC 31-27-4](#) or applicable law of the state in which the home is located; and
 - (B) relative is primarily responsible for support and maintenance of the home.
- (3) A child caring institution licensed under [IC 31-27-3](#) or applicable law of the state in which the institution is located.
- (4) A group home licensed under [IC 31-27-5](#) or applicable law of the state in which the home is located.
- (5) A transitional living placement.
- (6) An out-of-home placement pursuant to an Indiana court order.**

(b) An eligible youth, as defined in section 4(a) of this rule, must be receiving foster care:

- (1) while subject to:
 - (A) wardship of, or court-ordered supervision by, the department, in a case pending under [IC 31-34](#); or
 - (B) court-ordered supervision by a county probation department, or wardship of a person or shelter care facility, in a case pending under [IC 31-37](#);under a dispositional decree entered by the juvenile court; or
- (2) in accordance with applicable provisions of [IC 31-28-5.7](#) and ~~[465 IAC 2-15 relating to older youth foster care](#)~~; **[IC 31-28-5.8](#) and [465 IAC 2-15.1 relating to collaborative care](#).**

(c) The term does not include detention or housing of an individual in a:

- (1) juvenile detention facility, as defined in [IC 31-9-2-71](#);
 - (2) facility operated by the department of correction;
 - (3) secure facility, as defined in [IC 31-9-2-114](#), that is not licensed by the department; or
 - (4) forestry camp, training school, or any other facility operated primarily for detention of delinquent children;
- or**
- (5) acute psychiatric facility.**

(Department of Child Services; [465 IAC 2-14-5](#); filed Dec 10, 2010, 10:21 a.m.: [20110105-IR-465090167FRA](#); filed Oct 12, 2016, 2:03 p.m.: [20161109-IR-465160055FRA](#))

SECTION 4. [465 IAC 2-14-6](#) IS AMENDED TO READ AS FOLLOWS:

[465 IAC 2-14-6](#) "Successful adulthood services" defined

Authority: [IC 31-25-2-18](#); [IC 31-25-2-21](#)

Affected: [IC 31-9-2-123.5](#); [IC 31-25-2-21](#)

Sec. 6. (a) ~~"Independent living "~~**"Successful adulthood services" has the meaning set forth in [IC 31-9-2-123.5](#).**

(b) "Successful adulthood services" shall include:

- (1) a comprehensive, written, independent living assessment of the youth's strengths and needs required to enable the youth to be self-supporting and to live independently in a self-sufficient manner; and
- (2) all services needed to implement a transitional services plan for the eligible youth.

(b) "Independent living (c) **"Successful adulthood** services" may include any of the following kinds of services that are intended to prepare the youth for self support and living arrangements that are self-sufficient and not subject to supervision by another individual or institution:

- (1) Arrangements for and management of a transitional living placement for a youth who is seventeen (17) years and six (6) months of age or older, if appropriate.
- (2) Activities of daily living and social skills training.
- (3) Opportunities for social, cultural, recreational, or spiritual activities that are designed to expand life experiences in a manner appropriate to the youth's cultural heritage and needs and any other special needs.
- (4) Matching of a youth on a voluntary basis with caring adults to act as mentors and assist the youth to establish lifelong connections with caring adults.
- (5) Any other services that are eligible for federal financial assistance through the John H. Chafee Foster Care Independence Program, 42 U.S.C. 677.

(Department of Child Services; [465 IAC 2-14-6](#); filed Dec 10, 2010, 10:21 a.m.: [20110105-IR-465090167FRA](#); filed Oct 12, 2016, 2:03 p.m.: [20161109-IR-465160055FRA](#))

SECTION 5. [465 IAC 2-14-7](#) IS AMENDED TO READ AS FOLLOWS:

[465 IAC 2-14-7](#) "Transitional living placement" defined

Authority: [IC 31-25-2-18](#); [IC 31-25-2-21](#)

Affected: [IC 31-25-2-21](#)

Sec. 7. "Transitional living placement" means an apartment or other semi-independent living arrangement:

- (1) for youth who demonstrate progress in ~~independent living~~ **successful adulthood** skills; and
- (2) that is arranged with approval of the department and that may be managed and monitored by:
 - (A) the department; or
 - (B) another person or entity that the department approves or with which the department contracts to manage a transitional living placement.

(Department of Child Services; [465 IAC 2-14-7](#); filed Dec 10, 2010, 10:21 a.m.: [20110105-IR-465090167FRA](#); filed Oct 12, 2016, 2:03 p.m.: [20161109-IR-465160055FRA](#))

SECTION 6. [465 IAC 2-14-8](#) IS AMENDED TO READ AS FOLLOWS:

[465 IAC 2-14-8](#) "Transitional services plan" defined

Authority: [IC 31-25-2-18](#); [IC 31-25-2-21](#)

Affected: [IC 12-15](#); [IC 12-17.6](#); [IC 31-25-2-21](#)

Sec. 8. "Transitional services plan" means a comprehensive written plan that is personalized for the eligible youth and that includes information and specific options relating to each of the following subjects:

- (1) Education and training.
- (2) Employment services and work force supports.
- (3) Housing, which may include a transitional living placement when appropriate.
- (4) Health care, including prevention and treatment services and referral information.
- (5) Procedures available under Indiana law for, and the importance of, stating in advance an individual's desires concerning the following:
 - (A) Health care treatment decisions if the individual is unable to participate in those decisions when required.
 - (B) Designation of another person to make health care treatment decisions for an individual who is unable to make those decisions when required.
- (6) The manner in which a health care treatment decision can be made for an incapacitated individual who has not made an advance designation of another person through a procedure authorized by law, and the procedure for disqualifying specified individuals from participating in the decision.
- (7) Health insurance availability and options, including, but not limited to, eligibility for Medicaid under [IC 12-15](#), the children's health insurance program under [IC 12-17.6](#), or any other state-assisted health insurance for which the youth could be eligible.
- (8) Local opportunities for mentors and continuing support services, including development of lifelong adult relationships and informal continuing supports.

- (9) Identification and development of daily living and problem-solving skills.
- (10) Any additional ~~independent living~~ **successful adulthood** services that are approved by the department and are appropriately tailored to the needs of the eligible youth.
- (11) Availability of local, state, and federal resources, including financial assistance, relating to any of the plan subjects described in this section.

(Department of Child Services; [465 IAC 2-14-8](#); filed Dec 10, 2010, 10:21 a.m.: [20110105-IR-465090167FRA](#); filed Oct 12, 2016, 2:03 p.m.: [20161109-IR-465160055FRA](#))

SECTION 7. [465 IAC 2-14-10](#) IS AMENDED TO READ AS FOLLOWS:

[465 IAC 2-14-10](#) Requirements for development and completion of successful adulthood and transitional services plans

Authority: [IC 31-25-2-18](#); [IC 31-25-2-21](#)

Affected: [IC 31-25-2-21](#); [IC 31-28-5.8](#)

Sec. 10. (a) If an individual who may become an eligible youth is in foster care at the time the youth becomes fifteen (15) years and six (6) months of age, the department, through the ~~department's family case manager assigned to the youth's case~~ **assigned case manager** or contracted independent living **successful adulthood** services provider, may develop, in conjunction with the youth, a plan for ~~independent living~~ **successful adulthood** services. If feasible and requested by the youth, the plan should be completed within thirty (30) days after the start of development of the plan. The plan may include any ~~independent living~~ **successful adulthood** services described in section ~~6(b)~~ **6(c)** of this rule. The plan may, but is not required to, contain any or all of the elements of a transitional services plan, as defined in section 8 of this rule.

(b) If a transitional services plan for an eligible youth:

- (1) was developed as provided in subsection (a); and
- (2) is in effect ninety (90) days before the youth's eighteenth birthday;

the department will, during the ninety (90) day period immediately before the date on which the youth will attain eighteen (18) years of age, ~~assure~~ **ensure** that the existing plan is reviewed, revised, and updated for purposes of implementation after the youth becomes eighteen (18) years of age.

(c) If a transitional services plan:

- (1) was not developed under subsection (a); or
- (2) is not in effect on the date ninety (90) days before an eligible youth's eighteenth birthday;

the department will, during the ninety (90) day period immediately before the date on which the youth will attain eighteen (18) years of age, develop or ~~assure~~ **ensure** the development of an appropriate transitional services plan that will be approved for implementation beginning at the time the youth becomes eighteen (18) years of age, or at any later time as specified in the plan.

(d) If an eligible youth:

- (1) is receiving ~~elder youth foster care under~~ [IC 31-28-5.7](#) and [465 IAC 2-15](#) **collaborative care under** [IC 31-28-5.8](#) and [465 IAC 2-15.1](#); and
- (2) does not have an approved transitional services plan in effect at the time the ~~court approves the foster care placement~~ **voluntary collaborative care agreement under** [465 IAC 2-15.1-10](#) **is fully executed**;

the department will develop an appropriate transitional services plan for the youth within sixty (60) days ~~after the effective date of the foster care placement~~ **of the date of execution of the agreement**, unless the time for completion of the plan is extended by the ~~department permanency manager, or order of the court having jurisdiction over the placement.~~ **director's designee.**

(Department of Child Services; [465 IAC 2-14-10](#); filed Dec 10, 2010, 10:21 a.m.: [20110105-IR-465090167FRA](#); filed Oct 12, 2016, 2:03 p.m.: [20161109-IR-465160055FRA](#))

SECTION 8. [465 IAC 2-14-11](#) IS AMENDED TO READ AS FOLLOWS:

[465 IAC 2-14-11](#) Procedure for development of transitional services plans

Authority: [IC 31-25-2-18](#); [IC 31-25-2-21](#)

Affected: [IC 31-25-2-21](#); [IC 31-27](#); [IC 31-28-5.8](#); [IC 31-34](#); [IC 31-37](#)

Sec. 11. (a) If the eligible youth is in foster care under wardship or court-ordered supervision of the department, the ~~department's family~~ **assigned** case manager ~~assigned to the case~~ will work with the youth, and with other representatives of the youth or persons acting on his or her behalf, to develop and complete the transitional services plan as required under this rule.

(b) If the eligible youth is in foster care under court-ordered supervision of a county probation department or wardship of a person or shelter care facility in a case under [IC 31-37](#), the probation officer assigned to the case will have primary responsibility for working with the youth, and with other representatives of the youth or persons acting on his or her behalf, to develop and complete the transitional services plan as required under this rule. ~~If an independent living specialist employed by the department is not currently assigned to the case for purposes of monitoring, or assisting with implementation of, the youth's current case plan;~~ The department ~~will~~ **may** assign an ~~independent living specialist or other~~ appropriate staff resource to consult with and assist the probation officer, to the extent necessary or appropriate, in developing the transitional services plan.

(c) If, at the time for development of a transitional services plan, the eligible youth is residing in:

(1) a child caring institution licensed under [IC 31-27-3](#);

(2) a group home licensed under [IC 31-27-5](#);

(3) a foster family home licensed under [IC 31-27-4](#) that is supervised by a child placing agency licensed under [IC 31-27-6](#); or

(4) any comparable residential facility in Indiana or in another state;

the ~~family~~ **assigned** case manager or probation officer who is responsible for ~~assuring~~ **ensuring** the development and completion of a transitional services plan will consult with the ~~assigned~~ case manager of the facility or supervising placement agency who, with the youth's consent, will be provided the opportunity to participate in development of the plan.

(d) If, at the time for development of a transitional services plan, the eligible youth is residing in:

(1) a foster family home (including a relative home) licensed under [IC 31-27-4](#);

(2) an unlicensed relative home in Indiana; or

(3) a licensed or unlicensed foster home or relative home in another state;

the ~~family~~ **assigned** case manager or probation officer who is responsible for ~~assuring~~ **ensuring** the development and completion of a transitional services plan will consult with the youth's principal adult caretaker or supervisor who, with the youth's consent, will be provided the opportunity to participate in development of the plan.

(e) If, at the time for development of a transitional services plan, the eligible youth is receiving ~~older youth foster care under~~ [IC 31-28-5.7](#) and [465 IAC 2-15](#) **collaborative care under** [IC 31-28-5.8](#) and [465 IAC 2-15.1](#), the ~~assigned monitor~~ **case manager** will:

(1) work with the youth in developing and completing the plan; and

(2) with the youth's consent, consult with the youth's principal adult caretaker in development of the plan.

(f) The eligible youth is primarily responsible for developing a transitional services plan that is personalized and as detailed as the youth desires, subject to feasibility and reasonableness. If the youth has a guardian ad litem (GAL) or court-appointed special advocate (CASA), the assigned ~~family~~ case manager or probation officer will, with the approval of the youth, ask the GAL or CASA to participate in development of the plan. In addition, the youth may request one (1) or more other individuals to assist the youth in development of the plan.

(g) In developing a transitional services plan, the assigned ~~family~~ case manager ~~or~~ probation officer ~~or assigned monitor~~ will consult with each service provider who is currently providing, or will provide, any ~~independent living~~ **successful adulthood** services to the eligible youth.

(h) In the event that:

(1) any dispute arises among the eligible youth, department staff, probation officer, or other individuals assigned to participate in development of the transitional services plan; and

(2) the dispute cannot be resolved by agreement of the individuals involved;

the dispute may be submitted for resolution to the court having jurisdiction over the youth's case.

(i) The completed transitional services plan shall be submitted for review and approval to the ~~following~~:

(1) The family case manager supervisor assigned to the case, if the youth is a child in need of services in an

~~open case under [IC 31-34](#).~~

~~(2) The department's permanency manager or designee, if the youth is subject to supervision of a probation department in an open case under [IC 31-37](#), or is receiving older youth foster care services under [IC 31-28-5.7](#) and [465 IAC 2-15](#).~~

assigned case manager's supervisor. Review of the plan will be completed within thirty (30) days after its submission for review under this subsection. The reviewing supervisor ~~permanency manager, or designee~~ may request any changes or additions to the plan that are necessary for compliance with this rule, or appropriate for the facts and circumstances of the case.

(j) The approved transitional services plan shall be documented in a written agreement signed by the following individuals:

(1) The eligible youth.

(2) Each service provider identified in the plan who will be responsible for implementing services to be provided under the plan.

(3) The department's **family assigned** case manager **or** the county probation officer ~~or the assigned monitor~~ who is primarily responsible for completion of the plan as provided in this section.

(4) Any other appropriate person who is:

(A) requested by the youth to be a party to the agreement; and

(B) identified in the plan as a signatory, by mutual agreement of all signatories.

(Department of Child Services; [465 IAC 2-14-11](#); filed Dec 10, 2010, 10:21 a.m.: [20110105-IR-465090167FRA](#); filed Oct 12, 2016, 2:03 p.m.: [20161109-IR-465160055FRA](#))

SECTION 9. [465 IAC 2-14-12](#) IS AMENDED TO READ AS FOLLOWS:

[465 IAC 2-14-12](#) Contents of transitional services plans

Authority: [IC 31-25-2-18](#); [IC 31-25-2-21](#)

Affected: [IC 16-36](#); [IC 30-5-5-17](#); [IC 31-28-5.8](#); [IC 31-30-2-1](#); [IC 31-34](#); [IC 31-37](#)

Sec. 12. (a) A transitional services plan shall include, at a minimum, the ~~independent living~~ **successful adulthood** services specified in section ~~6(a)~~ **6(b)** of this rule.

(b) The transitional services plan may include any additional ~~independent living~~ **successful adulthood** services described in section ~~6(b)~~ **6(c)** of this rule.

(c) All ~~independent living~~ **successful adulthood** services provided in the transitional services plan shall conform to the applicable service standards approved by the department for the Chafee Foster Care Independence Program for which federal funding is provided under 42 U.S.C. 677, including services relating to mentoring and lifelong connections, that are in effect during the term of the plan.

(d) A transitional services plan shall also include documentation that the youth has been provided an explanation of, and an opportunity to sign after the youth has attained eighteen (18) years of age, any health care power of attorney, health care proxy, or similar document recognized under Indiana law that the youth may request, which may include:

(1) a health care power of attorney ([IC 30-5-5-17](#));

(2) appointment of a health care representative ([IC 16-36-1-7](#));

(3) a disqualification of designated individuals for purposes of making or participating in health care treatment decisions ([IC 16-36-1-9](#));

(4) a psychiatric advance directive ([IC 16-36-1.7](#));

(5) a living will declaration ([IC 16-36-4-10](#));

(6) a life prolonging procedures will declaration ([IC 16-36-4-11](#)); or

(7) an out of hospital do not resuscitate (DNR) declaration ([IC 16-36-5-15](#)).

(e) A transitional services plan shall also include the document described in [IC 31-28-5.8](#), containing the description of rights and signed acknowledgement.

~~(e)~~ **(f)** This subsection applies if the juvenile court continues jurisdiction under [IC 31-30-2-1](#), after the youth

has attained eighteen (18) years of age, in the youth's:

- (1) child in need of services case under [IC 31-34](#), with continuing wardship responsibility of the department; or
- (2) delinquency case under [IC 31-37](#), with continuing wardship responsibility of a county probation department.

The department or probation officer will not give the youth an opportunity to sign a document described in subsection (d)(1) or (d)(2) immediately after the youth has attained eighteen (18) years of age. In that event, the department or probation officer will give the youth another opportunity to sign either of those documents at a time within ninety (90) days before the date the court case is expected to close and the youth discharged from court supervision and wardship, effective on the date of closing of the case.

(f) **(g)** A youth to whom subsection (e) **(f)** applies may sign any of the documents described in subsection (d)(3) through (d)(7) at any time after the youth attains eighteen (18) years of age.

(Department of Child Services; [465 IAC 2-14-12](#); filed Dec 10, 2010, 10:21 a.m.: [20110105-IR-465090167FRA](#); filed Oct 12, 2016, 2:03 p.m.: [20161109-IR-465160055FRA](#))

SECTION 10. [465 IAC 2-14-13](#) IS AMENDED TO READ AS FOLLOWS:

[465 IAC 2-14-13](#) Duration, amendment, and termination of transitional services plans

Authority: [IC 31-25-2-18](#); [IC 31-25-2-21](#)

Affected: [IC 31-25-2-21](#)

Sec. 13. (a) The approved transitional services plan document shall specify the term, including the commencement and expiration date. The expiration date shall be not later than the date of the youth's twenty-first birthday.

(b) The transitional services plan may be amended from time to time during its term, as necessary or appropriate in the circumstances, by agreement among the youth and other signatories to the plan or their successors in interest. Any amendment shall be submitted for review and approval to the appropriate person or designee, as provided in section 11(i) of this rule. If an amendment involves a change in the principal service provider for any service identified in the plan, the signature of the new service provider, in place of the original service provider, shall be sufficient for approval of the amendment. An amendment shall not extend the expiration date to a time later than the date of the youth's twenty-first birthday.

(c) A youth may request termination of his or her transitional services plan before its specified expiration date by written notice delivered or mailed to the ~~youth's supervising family~~ **assigned** case manager ~~or probation officer. or assigned monitor.~~ The ~~family~~ **assigned** case manager ~~or probation officer or assigned monitor~~ will deliver or send a copy of the notice to all other signatories to the plan. The notice must state that termination is requested for one (1) of the following reasons:

(1) The:

(A) objectives of the plan have been substantially achieved; and

(B) youth is currently capable of independent living and self-support without the need for continuing assistance, supervision, or oversight.

(2) The youth desires to terminate all ~~independent living~~ **successful adulthood** services because of a change in circumstances relating to the youth's current living and support arrangements, as explained in the notice.

(d) The department or probation officer may request termination, in whole or in part, of a transitional services plan before its specified expiration date, by written notice to the youth, with copies to all other signatories to the plan. A request for termination under this subsection must state that the youth is failing substantially to comply with any specified provisions of the plan and include a statement of the specific facts and circumstances evidencing the alleged noncompliance. The notice shall specify a time at least thirty (30) days after the date of service of the notice as the effective date of the termination. The notice shall also specify the actions required to cure the alleged noncompliance before the termination becomes effective. The youth and any other plan signatory may submit a written response to a termination request under this subsection within fifteen (15) days after the date of service of the notice.

(e) A service provider signatory to a transitional services plan may give notice of termination of its duties and responsibilities under the plan. Unless the department approves a waiver of advance notice in an emergency

situation based on a determination that continuation of the provider's services would pose a substantial risk of harm to the youth, the provider, or others, a notice under this subsection will be effective not earlier than thirty (30) days after the date of the notice, unless an earlier effective date has been established by agreement with both the youth and the ~~supervising family~~ **assigned** case manager **or** probation officer. ~~or assigned monitor.~~ A notice under this subsection shall be delivered or mailed to:

- (1) the youth;
- (2) the ~~supervising family~~ **assigned** case manager **or** probation officer; ~~or assigned monitor;~~ and
- (3) any other signatories to the plan except unrelated service providers.

Upon receipt of a notice of termination under this subsection, the youth and the department or applicable county probation office will make every reasonable effort to locate and agree upon a substitute service provider before the effective date of the termination.

(f) A notice of termination under subsection (c) or (d) shall be effective only upon approval of the court that has jurisdiction over the youth's case at the time the notice is served. The department or probation officer may recommend to the court any appropriate modification of the provisions of any existing dispositional decree or other order, to become effective upon approval of termination of the plan.

(g) Termination or amendment of a particular service provided or to be provided under the plan shall not affect any other provision of the plan or service provided under the plan.

(h) The provisions of the transitional services plan agreement under section 11(j) of this rule shall include the substance of the provisions of this section, relating to amendment or termination of the plan.

(Department of Child Services; [465 IAC 2-14-13](#); filed Dec 10, 2010, 10:21 a.m.: [20110105-IR-465090167FRA](#); filed Oct 12, 2016, 2:03 p.m.: [20161109-IR-465160055FRA](#))

SECTION 11. [465 IAC 2-14-14](#) IS AMENDED TO READ AS FOLLOWS:

[465 IAC 2-14-14](#) Voluntary transition services

Authority: [IC 31-25-2-18](#); [IC 31-25-2-21](#)

Affected: [IC 31-25-2-7](#); [IC 31-34](#); [IC 31-37](#)

Sec. 14. (a) This section applies to a youth who is:

- (1) not an eligible youth; and
- (2) eligible for voluntary transition services under subsection (b).

(b) The following youth are eligible for voluntary transition services provided through the department, under the Chafee Foster Care Independence Program, 42 U.S.C. 677:

- (1) A youth between eighteen (18) and twenty-one (21) years of age who:
 - (A) is not currently receiving foster care;
 - (B) formerly received foster care after sixteen (16) years of age for a period of at least six (6) months;
 - (C) at the time of receiving foster care was either:
 - (i) under wardship or court-ordered supervision of the department pursuant to a dispositional decree in a child in need of services case under [IC 31-34](#);
 - (ii) under court-ordered supervision of a county probation office, or under wardship of a person or shelter care facility, pursuant to a dispositional decree in a juvenile delinquency case under [IC 31-37](#); or
 - (iii) in custody or under court-ordered supervision of an agency in another state based on a child abuse or neglect determination or juvenile delinquency adjudication; and
 - (D) had a case plan while receiving foster care that identified a need for ~~independent living~~ **successful adulthood** services.
- (2) A youth between sixteen (16) and twenty-one (21) years of age who:
 - (A) formerly received foster care for a period of at least six (6) months;
 - (B) was receiving foster care at the date the youth became sixteen (16) years of age;
 - (C) at the time of receiving foster care was either:
 - (i) under wardship or court-ordered supervision of the department pursuant to a dispositional decree in a child in need of services case under [IC 31-34](#); or
 - (ii) under court-ordered supervision of a county probation office or wardship of a person or shelter care facility, pursuant to a dispositional decree in a juvenile delinquency case under [IC 31-37](#); and

(D) at the time foster care ended was legally adopted or placed under legal guardianship.

(c) The department will make available to a youth described in this section appropriate ~~independent living~~ **successful adulthood** services, as described in section ~~6(b)~~ **6(c)** of this rule, based on the terms and provisions of a voluntary transition services agreement among the department, the youth, and one (1) or more appropriate service providers.

(d) The service provider will require that all youth receiving ~~independent living~~ **successful adulthood** services under a voluntary transition services agreement participate directly in the design of program activities and accept personal responsibility for meeting the independent living goals of the program.

(e) The department will ~~assure~~ **ensure** that all youth receiving services under ~~an independent living a~~ **successful adulthood** voluntary transition services agreement are referred for an appropriate life skills assessment and complete the assessment within thirty (30) days after the referral.

(f) A voluntary transition services agreement may include any of the services and subjects that would be required in a transitional services plan for an eligible youth, as determined by mutual agreement between the department and the youth.

(g) A voluntary transition services agreement shall include appropriate provisions for the time period during which services will be provided, including conditions for termination or reinstatement of services, based on applicable department policy. Services for which the department provides financial assistance may not extend beyond the date of the youth's twenty-first birthday.

(h) All services provided under a voluntary transition services agreement as described in this section shall conform to the applicable service standards approved by the department for the Chafee Foster Care Independence Program under 42 U.S.C. 677, that are in effect during the time the services are provided.

(Department of Child Services; [465 IAC 2-14-14](#); filed Dec 10, 2010, 10:21 a.m.: [20110105-IR-465090167FRA](#); filed Oct 12, 2016, 2:03 p.m.: [20161109-IR-465160055FRA](#))

SECTION 12. [465 IAC 2-14-15](#) IS AMENDED TO READ AS FOLLOWS:

[465 IAC 2-14-15](#) Other successful adulthood services

Authority: [IC 31-25-2-18](#)

Affected: [IC 31-25-2-7](#)

Sec. 15. (a) This rule shall not be construed to limit or otherwise affect eligibility of children or youth for voluntary ~~independent living~~ **successful adulthood** services provided by or through the department, for which funds are available under the Chafee Foster Care Independence Program, 42 U.S.C. 677, or any other available funding source, apart from a transitional services plan or voluntary transition services agreement as provided in this rule.

(b) The department may specify additional procedures and standards for ~~independent living~~ **successful adulthood** services by adoption of policies and service standards that are posted on the department's website and that are not inconsistent with any applicable federal or state statutes, regulations, or provisions of this rule.

(Department of Child Services; [465 IAC 2-14-15](#); filed Dec 10, 2010, 10:21 a.m.: [20110105-IR-465090167FRA](#); filed Oct 12, 2016, 2:03 p.m.: [20161109-IR-465160055FRA](#))

SECTION 13. [465 IAC 2-15.1](#) IS ADDED TO READ AS FOLLOWS:

Rule 15.1. Collaborative Care

[465 IAC 2-15.1-1](#) Applicability

Authority: [IC 31-28-5.8-9](#)

Affected: [IC 31-28-5.8](#)

Sec. 1. The definitions in sections 2 through 10 of this rule apply throughout this rule.

(Department of Child Services; [465 IAC 2-15.1-1](#); filed Oct 12, 2016, 2:03 p.m.: [20161109-IR-465160055FRA](#))

[465 IAC 2-15.1-2](#) "Collaborative care placement" defined

Authority: [IC 31-28-5.8-9](#)

Affected: [IC 31-9-2-71](#); [IC 31-9-2-114](#); [IC 31-28-5.8](#)

Sec. 2. (a) "Collaborative care placement" means the placement of an older youth eligible under this rule, and includes, but is not limited to:

- (1) foster care;**
- (2) a host home under an agreement with the older youth approved by the department;**
- (3) a supervised independent living arrangement approved by the department;**

regardless of whether payment for the placement is or has been made by the department or any other person or agency.

(b) The term does not include detention or housing of an individual in:

- (1) a juvenile detention facility, as defined in [IC 31-9-2-71](#);**
- (2) a facility operated by the department of correction;**
- (3) a secure facility, as defined in [IC 31-9-2-114](#), that is not licensed by the department;**
- (4) a forestry camp, training school, or any other facility operated primarily for detention of delinquent children; or**
- (5) an acute psychiatric placement.**

(Department of Child Services; [465 IAC 2-15.1-2](#); filed Oct 12, 2016, 2:03 p.m.: [20161109-IR-465160055FRA](#))

[465 IAC 2-15.1-3](#) "Department" or "DCS" defined

Authority: [IC 31-28-5.8-9](#)

Affected: [IC 31-25-1](#); [IC 31-28-5.8](#)

Sec. 3. "Department" or "DCS" means the department of child services established under [IC 31-25-1](#), or a local office of the department.

(Department of Child Services; [465 IAC 2-15.1-3](#); filed Oct 12, 2016, 2:03 p.m.: [20161109-IR-465160055FRA](#))

[465 IAC 2-15.1-4](#) "Foster care" defined

Authority: [IC 31-28-5.8-9](#)

Affected: [IC 31-9-2-71](#); [IC 31-9-2-114](#); [IC 31-27](#); [IC 31-28-5.8](#)

Sec. 4. (a) "Foster care" means residential care and supervision of an individual who is less than twenty-one (21) years of age, in any of the following categories of homes or facilities:

- (1) A foster family home licensed under [IC 31-27-4](#) or applicable law of the state in which the home is located.**
- (2) The home of a relative of the individual, who is not the individual's parent, if the:**
 - (A) home is not required to be licensed under [IC 31-27-4](#) or applicable law of the state in which the home is located; and**
 - (B) relative is primarily responsible for support and maintenance of the home.**
- (3) A child caring institution licensed under [IC 31-27-3](#) or applicable law of the state in which the institution is located.**
- (4) A group home licensed under [IC 31-27-5](#) or applicable law of the state in which the home is located.**
- (5) A transitional living placement.**
- (6) An out-of-home placement pursuant to an Indiana court order.**

(b) The term does not include detention or housing of an individual in:

- (1) a juvenile detention facility, as defined in [IC 31-9-2-71](#);
- (2) a facility operated by the department of correction;
- (3) a secure facility, as defined in [IC 31-9-2-114](#), that is not licensed by the department;
- (4) a forestry camp, training school, or any other facility operated primarily for detention of delinquent children; or
- (5) an acute psychiatric facility.

(Department of Child Services; [465 IAC 2-15.1-4](#); filed Oct 12, 2016, 2:03 p.m.: [20161109-IR-465160055FRA](#))

[465 IAC 2-15.1-5](#) "Foster family home" defined

Authority: [IC 31-28-5.8-9](#)

Affected: [IC 31-9-2-46.9](#); [IC 31-28-5.8](#)

Sec. 5. "Foster family home" means a foster family home as defined in [IC 31-9-2-46.9](#).

(Department of Child Services; [465 IAC 2-15.1-5](#); filed Oct 12, 2016, 2:03 p.m.: [20161109-IR-465160055FRA](#))

[465 IAC 2-15.1-6](#) "Host home" defined

Authority: [IC 31-28-5.8-9](#)

Affected: [IC 31-28-5.8](#)

Sec. 6. "Host home" means a host home as defined in [IC 31-28-5.8-3](#).

(Department of Child Services; [465 IAC 2-15.1-6](#); filed Oct 12, 2016, 2:03 p.m.: [20161109-IR-465160055FRA](#))

[465 IAC 2-15.1-7](#) "Older youth" defined

Authority: [IC 31-28-5.8-9](#)

Affected: [IC 31-28-5.8](#); [IC 31-34](#); [IC 31-37](#)

Sec. 7. "Older youth" means an individual who:

- (1) is at least eighteen (18) and less than twenty (20) years of age; and
- (2) received foster care on the day the individual turned eighteen (18) years of age:
 - (A) under wardship of the department, a person, or a shelter care facility, or under supervision of the department or a county probation office; and
 - (B) in accordance with a court order in a pending child in need of services case under [IC 31-34](#) or juvenile delinquency case under [IC 31-37](#).

(Department of Child Services; [465 IAC 2-15.1-7](#); filed Oct 12, 2016, 2:03 p.m.: [20161109-IR-465160055FRA](#))

[465 IAC 2-15.1-8](#) "Older youth services" defined

Authority: [IC 31-28-5.8-9](#)

Affected: [IC 31-28-5.8](#)

Sec. 8. "Older youth services" mean services provided to an older youth by or on behalf of the department, in accordance with section 12 of this rule:

- (1) during the time the older youth is residing in a DCS approved placement as set out in [IC 31-28-5.8-1](#); and
- (2) pursuant to a collaborative care agreement, as defined in [IC 31-28-5.8-2](#).

(Department of Child Services; [465 IAC 2-15.1-8](#); filed Oct 12, 2016, 2:03 p.m.: [20161109-IR-465160055FRA](#))

[465 IAC 2-15.1-9](#) "Reentry youth" defined

Authority: [IC 31-28-5.8-9](#)

Affected: [IC 31-28-5.8](#)

Sec. 9. "Reentry youth" means an older youth who:

- (1) meets the eligibility requirements in section 11 of this rule;**
- (2) expresses a desire to enter or reenter the collaborative care program; and**
- (3) meets one (1) of the following conditions:**
 - (A) The older youth's child in need of services or juvenile delinquency or juvenile status case closed on or after the date the youth attained eighteen (18) years of age, and the older youth did not immediately enter into a collaborative care agreement upon that case closure.**
 - (B) The older youth's collaborative care case opened and closed prior to attainment of twenty (20) years of age, and the older youth executes a second or subsequent voluntary collaborative care agreement.**

(Department of Child Services; [465 IAC 2-15.1-9](#); filed Oct 12, 2016, 2:03 p.m.: [20161109-IR-465160055FRA](#))

[465 IAC 2-15.1-10](#) "Voluntary collaborative care agreement" or "VCCA" defined

Authority: [IC 31-28-5.8-9](#)

Affected: [IC 31-28-5.8](#)

Sec. 10. "Voluntary collaborative care agreement" or "VCCA" means a written agreement executed between an older youth and the department under [IC 31-28-5.8-2](#) that includes, but is not limited to:

- (1) terms and conditions of program participation;**
- (2) a housing arrangement or placement of the older youth approved by the department under this program;**
- (3) program eligibility criteria;**
- (4) youth's choice regarding appointment of a court appointed special advocate or guardian ad litem;**
- (5) collaborative care court requirements and expectations;**
- (6) process and basis for voluntary and involuntary termination of the VCCA;**
- (7) rules of conduct for youth participating in the collaborative care program; and**
- (8) effective date of youth's entry into collaborative care program.**

(Department of Child Services; [465 IAC 2-15.1-10](#); filed Oct 12, 2016, 2:03 p.m.: [20161109-IR-465160055FRA](#))

[465 IAC 2-15.1-11](#) Eligibility for collaborative care

Authority: [IC 31-28-5.8-9](#)

Affected: [IC 31-28-5.8](#)

Sec. 11. (a) An older youth is eligible for assistance with the costs of an approved placement or housing arrangement and older youth services, if the older youth on a continuing basis is as follows:

- (1) A bona fide resident of Indiana.**
- (2) The older youth:**
 - (A) is employed for at least eighty (80) hours per month;**
 - (B) is attending secondary school, post-secondary school, or a vocational or educational certification or degree program;**
 - (C) is participating in a program or activity designed to either promote employment or remove barriers to employment; or**
 - (D) is incapable of performing any of the activities in clauses (A) through (C) due to a medical condition documented by regularly updated information in the older youth's current case plan.**

(b) The department may file the petition specified in [IC 31-28-5.8-5](#) when:

- (1) the older youth has requested the department to seek court approval of a voluntary collaborative care agreement; and**
- (2) the department determines that the older youth is eligible for collaborative care under this rule.**

(Department of Child Services; [465 IAC 2-15.1-11](#); filed Oct 12, 2016, 2:03 p.m.: [20161109-IR-465160055FRA](#))

[465 IAC 2-15.1-12](#) Placement and services provided to approved collaborative care participants

Authority: [IC 31-28-5.8-9](#)

Affected: [IC 31-28-5.8](#)

Sec. 12. (a) Upon completion of the voluntary collaborative care agreement under section 10 of this rule, the department will provide placement and services to or for the benefit of the older youth as described in this section as follows:

- (1) Placement shall be in one (1) of the living arrangements set out in the VCCA, as determined by the department.
- (2) Participants will be advised of services available to them through this program as listed in the published DCS state service standards.

(b) The department will obtain entry of a court order approving the voluntary collaborative care agreement within one hundred eighty (180) days after the start of the placement.

(Department of Child Services; [465 IAC 2-15.1-12](#); filed Oct 12, 2016, 2:03 p.m.: [20161109-IR-465160055FRA](#))

[465 IAC 2-15.1-13](#) Foster family home and host home agreements

Authority: [IC 31-28-5.8-9](#)

Affected: [IC 31-28-5.8](#); [IC 31-34](#); [IC 31-37](#)

Sec. 13. (a) The department shall create a form agreement to be provided to foster family homes and host homes. The agreement shall, at a minimum, address:

- (1) the expectations, rights, and responsibilities of all parties to the agreement;
- (2) the amount of per diem to be paid to the foster family home or host home;
- (3) the methods of conflict resolution should a disagreement occur between the youth and the adult providers of the foster family home or host home;
- (4) whether any adults residing in the foster family home or host home will be subjected to background checks; and
- (5) other matters as may be deemed appropriate based upon the circumstances of the specific older youth seeking a foster family home or host home.

(b) Before placing an older youth in a host home, the department, the older youth, and the adult providers of the host home shall enter into a written agreement as described in subsection (a).

(c) Before placing an older youth in a foster family home or continuing a placement in a foster family home resulting from an order in a child in need of services case under [IC 31-34](#) or juvenile delinquency case under [IC 31-37](#), the department may require the older youth and the adult providers of the foster family home to enter into a written agreement as described in subsection (a).

(Department of Child Services; [465 IAC 2-15.1-13](#); filed Oct 12, 2016, 2:03 p.m.: [20161109-IR-465160055FRA](#))

[465 IAC 2-15.1-14](#) Termination of the voluntary collaborative care agreement

Authority: [IC 31-28-5.8-9](#)

Affected: [IC 31-28-5.8](#)

Sec. 14. (a) The older youth may terminate the voluntary collaborative care agreement prior to the expiration of the voluntary collaborative care agreement for any reason, by:

- (1) notifying the department in writing that the older youth desires to withdraw from the collaborative care program; or
- (2) signing a form provided by the department that will indicate to the court that the department and the youth agree to terminate the voluntary collaborative care agreement.

(b) The department may terminate the voluntary collaborative care agreement before the youth turns twenty (20) years of age, in accordance with the procedure specified in this section, for any of the following reasons:

- (1) The older youth indicates in writing a desire to withdraw from the collaborative care program.
- (2) The older youth fails to maintain eligibility for the collaborative care program.
- (3) The older youth fails to submit documentation to support eligibility, including, but not limited to, report cards or pay stubs, at least quarterly.

- (4) The older youth fails to report changes that may affect eligibility to the department by the end of the business day following the change.
- (5) The older youth fails to comply with his or her case plan.
- (6) The older youth violates any written standards of conduct specified by the VCCA, this rule, or the host home agreement.
- (7) The older youth moves out of the state of Indiana.
- (8) The older youth moves from approved collaborative care placement without notifying DCS.
- (9) The older youth fails to meet, face-to-face, with assigned department personnel on at least a monthly basis.
- (10) A court does not approve the voluntary collaborative care agreement within one hundred eighty (180) days.

(c) When the department determines that it will terminate the voluntary collaborative care agreement without the concurrence of the older youth, the department will provide the youth with written notice of the termination, which shall include, at a minimum, the following:

- (1) Notice of the reasons for termination.
- (2) Notice of the ability to request a court hearing regarding the cause of the termination of the voluntary collaborative care agreement, pursuant to [IC 31-28-5.8-8\(b\)](#).

(Department of Child Services; [465 IAC 2-15.1-14](#); filed Oct 12, 2016, 2:03 p.m.: [20161109-IR-465160055FRA](#))

[465 IAC 2-15.1-15](#) Denial of eligibility

Authority: [IC 31-28-5.8-9](#)

Affected: [IC 31-28-5.8](#)

Sec. 15. (a) Any youth who is denied admission into the collaborative care program shall be advised by the department in writing of the denial.

(b) Any youth denied reentry into the collaborative care program shall be advised by the department in writing of the denial.

(c) Denials under subsections (a) and (b) shall include:

- (1) notice of the reason for denial; and
- (2) notice of the review process for denials, specifying that the youth may make a written request for review, and that the request must include a statement from the youth as to why the youth believes the youth is eligible for the program.

(Department of Child Services; [465 IAC 2-15.1-15](#); filed Oct 12, 2016, 2:03 p.m.: [20161109-IR-465160055FRA](#))

[465 IAC 2-15.1-16](#) Administrative review

Authority: [IC 31-28-5.8-9](#)

Affected: [IC 31-28-5.8](#)

Sec. 16. (a) Any youth who is notified by the department that the youth was denied admission or reentry into collaborative care pursuant to section 15 of this rule is entitled to request an administrative review of the denial.

(b) An individual entitled to request an administrative review under this section may submit a written request for review, in the form prescribed by the department for that purpose, within fifteen (15) days after the department serves a notice or letter regarding the determination that is subject to review. The individual requesting the review may submit with the request any written information or documents that the requester considers relevant to consideration in the review.

(c) The administrative review shall be conducted by a department employee who:

- (1) is familiar with the laws, rules, and policies applicable to the collaborative care program;
- (2) was not involved in making the decision or determination that is the subject of the request for

administrative review; and

(3) is selected in accordance with department policy.

(d) The department shall notify the older youth of the outcome of the review within thirty (30) days of receiving a complete request for review.

(e) The outcome of the administrative review may affirm or reverse the department's original determination. The department shall advise the older youth of the availability of an administrative hearing if the older youth is dissatisfied with the outcome of the administrative review.

(Department of Child Services; [465 IAC 2-15.1-16](#); filed Oct 12, 2016, 2:03 p.m.: [20161109-IR-465160055FRA](#))

[465 IAC 2-15.1-17](#) Administrative hearing

Authority: [IC 31-28-5.8-9](#)

Affected: [IC 31-28-5.8](#)

Sec. 17. (a) Any youth who has been notified by the department of a denial of admission or reentry into collaborative care, and has exhausted the department's administrative review process, may request an administrative hearing by submitting the hearing request form made available by the department or attached to the administrative review decision, completed in accordance with the instructions included on the form and department policy. The completed request form must be submitted to the department hearings and appeals unit not more than thirty (30) days after the person was served with written notice of the administrative review determination that affirmed a denial of admission or reentry into collaborative care.

(b) Except as otherwise provided in this rule, provisions of [465 IAC 3-3](#) apply to a request for administrative hearing under this section.

(Department of Child Services; [465 IAC 2-15.1-17](#); filed Oct 12, 2016, 2:03 p.m.: [20161109-IR-465160055FRA](#))

[465 IAC 2-15.1-18](#) Reentry into collaborative care program

Authority: [IC 31-28-5.8-9](#)

Affected: [IC 31-28-5.8](#)

Sec. 18. (a) An older youth whose participation in the collaborative care program terminates prior to the attainment of twenty (20) years of age and who wants to reenter the collaborative care program may do so as long as the older youth meets the eligibility requirements as set out in section 10 of this rule.

(b) The department shall make reasonable efforts to notify each older youth who leaves the program prior to twenty (20) years of age and who would otherwise be eligible for reentry into the collaborative care program of the process available for the youth to apply to reenter into collaborative care, in writing, at the time the older youth leaves the program.

(Department of Child Services; [465 IAC 2-15.1-18](#); filed Oct 12, 2016, 2:03 p.m.: [20161109-IR-465160055FRA](#))

SECTION 14. [465 IAC 3-3-1](#) IS AMENDED TO READ AS FOLLOWS:

[465 IAC 3-3-1](#) Purpose

Authority: [IC 31-19-26.5-12](#); [IC 31-25-2-18](#); [IC 31-25-4-27](#); [IC 31-33-26-13](#)

Affected: [IC 6-8.1-9.5-7](#); [IC 31-16-15-4.3](#); [IC 31-19-26.5](#); [IC 31-25-4](#); [IC 31-27](#); [IC 31-33-26](#)

Sec. 1. (a) The purpose of this rule is to establish procedures for administrative adjudication within the department, upon a request for an administrative hearing by a person who:

(1) has been identified as a perpetrator in a substantiated report of child abuse or neglect approved by the department on or after October 15, 2006, and entered into the child protection index under [IC 31-33-26](#);

(2) is aggrieved by a department determination concerning certain decisions relating to the Indiana adoption

assistance program or Indiana guardianship assistance program;

(3) is aggrieved by the department's actions relating to child support obligation collection or distribution concerning:

(A) income withholding under [IC 31-16-15-4.3](#);

(B) suspension of license privileges or issuance of notices of child support delinquent obligations to licensing agencies under [IC 31-25-4-32](#);

(C) blocking or encumbering an account of the obligor with a financial institution under [IC 31-25-4-31](#);

(D) interception of a state income tax refund for application to a delinquent child support obligation under [IC 6-8.1-9.5-7](#); or

(E) distribution of child support payments involving an assignment of rights to the state under [IC 31-25-4-17](#) and [IC 31-25-4-26](#);

(4) is aggrieved by the department's actions denying or revoking a license to operate a child caring institution, private secure facility, foster family home, group home for children, or child placing agency, under [IC 31-27](#); or

(5) is aggrieved by the department's determination regarding certain rates or other amounts payable under [465 IAC 2-16](#) for children placed with a licensed residential treatment services provider, or payable under [465 IAC 2-17](#) for children placed in a foster family home through a licensed child placing agency; or

(6) is aggrieved by the department's determination concerning admission or reentry into collaborative care under [465 IAC 2-15.1-16](#).

(b) In the event that any provision of this rule conflicts with any provision of a federal or state statute, regulation, or another rule that is specifically applicable to any department action described in subsection (a), the other statute, regulation, or rule shall supersede that part of this rule for which the conflict exists.

(Department of Child Services; [465 IAC 3-3-1](#); filed Nov 14, 2012, 12:46 p.m.: [20121212-IR-465120404FRA](#); filed Oct 12, 2016, 2:03 p.m.: [20161109-IR-465160055FRA](#))

SECTION 15. [465 IAC 3-3-6](#) IS AMENDED TO READ AS FOLLOWS:

[465 IAC 3-3-6](#) Denial of requested administrative hearing

Authority: [IC 31-19-26.5-12](#); [IC 31-25-2-18](#); [IC 31-33-26-13](#)

Affected: [IC 31-9-2-17.8](#); [IC 31-19-26.5](#); [IC 31-27](#); [IC 31-33-26](#)

Sec. 6. (a) If a person's request for administrative hearing under [465 IAC 2-15.1-17](#) or section 3(a), 3(g), 3(l), or 3(m) of this rule is denied without consideration of the issue or issues presented by the request, the department shall send a written notice of denial to the person that states the reason that the person is not entitled to a hearing on the issue or issues.

(b) The person may request a review of the basis for the denial of administrative hearing within fifteen (15) days after service of the notice of denial, by submitting a written request to reconsider the denial of administrative hearing. The request must:

(1) be sent or delivered to the department hearings and appeals office; and

(2) state the basis on which the person asserts entitlement to a hearing under this rule.

(c) A department employee selected in accordance with department policy will review the denial notice and the written request for reconsideration and determine whether administrative hearing is appropriate.

(d) The department will send written notice of the decision to the person within fifteen (15) days after receipt of the person's request for reconsideration of denial of administrative hearing.

(e) If the denial of administrative hearing is reversed, the administrative hearing will be scheduled and conducted without further request by the person. Any time limits applicable under this rule to the requested hearing shall commence on the date of service of the notice of decision under this subsection. If the department affirms the denial, written notice of the decision will be the final agency action on the issue.

(Department of Child Services; [465 IAC 3-3-6](#); filed Nov 14, 2012, 12:46 p.m.: [20121212-IR-465120404FRA](#); filed Oct 12, 2016, 2:03 p.m.: [20161109-IR-465160055FRA](#))

SECTION 16. [465 IAC 2-15](#) IS REPEALED.

LSA Document #16-55(F)

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