

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY	
	Chapter 14: Guardianship and Adoption Section 05: Administrative Appeals for Guardianship Assistance Program (GAP)	
	Effective Date: January 1, 2026	Version: 6

POLICY OVERVIEW

When a guardian or prospective guardian disagrees with the initial payment amount in the Guardianship Assistance Agreement, they may request an Administrative Appeal Hearing.

POLICY STATEMENT

The Indiana Department of Child Services (DCS) will process requests for an Administrative Appeal Hearing when a guardian or prospective guardian disagrees with the administrative review decision made by DCS under policy [14.04](#). When the request is timely and complete, DCS will ask for an Administrative Law Judge (ALJ) to preside over the hearing.

Note: The request for an Administrative Appeal Hearing must be about the same issues, facts, and documents presented in the first review. New issues or facts that will not be considered at this hearing, and the person that filed the appeal has the burden of proof in this hearing.

A prospective guardian may use the administrative steps for review and hearing before getting a court order for guardianship of the child. Both the prospective guardian and DCS **must** sign a Guardianship Assistance Agreement (Agreement) before the court order granting guardianship.

A prospective guardian may choose to sign the Agreement for the amount of the periodic payment offered in the DCS Final Offer Letter and keep the right to ask for a review and hearing as described in policy [14.04](#).

Note: In this case, if a prospective guardian with a current Agreement asks for a review and hearing, any change in the periodic payment that is later approved or ordered in the administrative hearing will start from the date the court finalized the guardianship.

Administrative Appeal Hearing

An Administrative Appeal Hearing requested and granted under Indiana Code will be scheduled and held by the Office of Administrative Legal Proceedings (OALP). OALP will notify all parties of the time, date, and place of the hearing. The hearing will follow the rules and policies of OALP for Administrative Appeal Hearings. The ALJ's recommendation is not a final decision.

The ALJ will issue a written recommendation. The ALJ's recommendation will be mailed to the parties and to the DCS Final Agency Authority (FAA).

The FAA will review the recommendation and issue a final decision. The final DCS decision may be reviewed under Indiana Code.

An Administrative Appeal Hearing will not be held for:

1. Approval or denial of a request to change the wording of format of the agreement form provided by DCS; or
2. Any other DCS decision about the GAP that is not listed in this policy.

Appeal of Periodic Payment

When an Administrative Appeal Hearing involves the initial periodic payment amount in a signed Guardianship Assistance Agreement, and the prospective guardian did not request the review and hearing process within 15 calendar days of the DCS Final Offer Letter date, the hearing request will be considered a request for modification of the current agreement (see policy [14.03](#)).

LEGAL REFERENCES

- [IC 4-15-10.5: Office of Administrative Law Proceedings](#)
- [IC 4-21.5-5: Judicial Review](#)
- [IC 29-3-8-9\(f\): Requirements, terms, and conditions included in order creating guardianship; requirements for modifying or terminating guardianship; notify and refer to department of child services; conduct of hearing](#)
- [IC 29-3-12-6\(b\): Guardianship extends beyond age 18 if minor is incapacitated or receives certain DCS assistance](#)
- [IC 31-9-2-17.8\(1\)\(E\): Guardianship assistance included in child services](#)
- [45 C.F.R. 1355.30 Referenced Rules for Title IV-E](#)
- [45 C.F.R. 205.10 Title IV-E Fair Hearings](#)
- [465 IAC 3-2 Administrative Reviews and Hearings](#)
- [42 U.S.C. 673\(d\) Kinship Guardianship Assistance Program](#)