

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY	
	Chapter 6: Court Section 01: Detention/Initial Hearing	
	Effective Date: January 1, 2026	Version: 8

POLICY OVERVIEW

A Detention Hearing and Initial Hearing are different court hearings, with different purposes, but are often held together. The purpose of the Detention/Initial Hearing is for the court to decide if the Indiana Department of Child Services (DCS) has probable cause to take custody of the child and for the parent, guardian, or custodian (or the child if required) to admit or deny the allegations in the Child in Need of Services (CHINS) Petition. The Initial Hearing also advises the parent, guardian, or custodian of their rights.

POLICY STATEMENT

DCS will make sure a Detention Hearing or a combined Detention/Initial Hearing is held no later than **48 hours** (excluding weekends and certain legal holidays) after a child's removal. If the Detention Hearing is not held in time, DCS will return the child to their parent, guardian, or custodian.

Exception: For a safe haven or abandoned infant, DCS will make sure a Detention/Initial Hearing is held by the **next business day**.

If the child's removal was ordered by the court at a Detention Hearing, the next hearing is an Initial Hearing.

DCS will request an Initial Hearing within **10 business days** after filing a CHINS Petition for an In-Home CHINS. If the court chooses to schedule an additional Initial Hearing, it must be held within **30 calendar days** of the date of the Detention/Initial Hearing or Initial Hearing. Extensions can be made for extraordinary circumstances.

If the parent, guardian, or custodian admits to the allegations during the Initial Hearing, the court will either take the admission under advisement or issue an order adjudicating the child to be a CHINS. If the court adjudicates the child to be a CHINS, a Dispositional Hearing will be set. If the parent, guardian, or custodian denies the allegations, the court will set the matter for further hearings, as appropriate. Alternatively, the court may dismiss the proceedings if the court does not find probable cause.

DCS will notify the following about the Detention/Initial Hearing:

1. The child;
2. The child's parent (including noncustodial, absent, and alleged), guardian, or custodian, if able to be located;
3. The child's Guardian Ad Litem (GAL), Court Appointed Special Advocate (CASA), or attorney, if assigned;

Note: If no one has been appointed to represent the child, the custodial parent will be notified. If there is no custodial parent, the resource parent will be notified. If the child is age 14 or older, they will be directly notified.

4. The resource parent; and
5. Any other person necessary for the proceedings.

Anyone required to be notified will have an opportunity to speak in court and share their thoughts. If the child is too young or is unable to speak with the court, the DCS Staff Attorney will provide information to the court detailing why (e.g., physical or mental challenges).

LEGAL REFERENCES

- [IC 31-10-2-3: Rights of persons with a disability](#)
- [IC 31-17-2-8.1: "Disability"; custody](#)
- [IC 31-34-2: Chapter 2. Taking a Child in Need of Services Into Custody](#)
- [IC 31-34-2.5: Chapter 2.5. Emergency Custody of Certain Abandoned Children](#)
- [IC 31-34-5: Chapter 5. Detention Hearing](#)
- [IC 31-34-6: Chapter 6. Detention of Alleged Child in Need of Services](#)
- [IC 31-34-7-1: Preliminary inquiry](#)
- [IC 31-34-10-2: Initial hearing; service of petition and summons; determination of referral for dual status assessment; CHINS petition; additional initial hearings](#)
- [IC 31-34-10-6: Admission or denial of allegations by parent, guardian, or custodian](#)
- [IC 31-34-10-9: Dispositional hearing; factfinding hearing; consent](#)
- [42 USC 12102: Definition of disability](#)