

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY	
Chapter 2: Administration of Child Welfare Section 05: Administrative Appeal Hearings		
Effective Date: January 1, 2026	Version: 9	

POLICY OVERVIEW

This process applies to all substantiated Child Abuse and Neglect (CA/N) determinations and denials of an Administrative Appeal Hearing made on or after October 15, 2006, when the Indiana Department of Child Services (DCS) became Child Abuse Prevention and Treatment Act (CAPTA) compliant.

A perpetrator has a right to request an Administrative Appeal Hearing if allegations of CA/N are substantiated.

POLICY STATEMENT

An alleged perpetrator may request an Administrative Appeal Hearing by contacting the DCS Hearings and Appeals:

1. Email (hearingsandappeals@dcs.in.gov); or
2. Mail or hand-delivery (302 W. Washington St., E-306, Indianapolis, Indiana 46204).

Note: The alleged perpetrator must submit the necessary documents to DCS Hearings and Appeals **within 30 calendar days** of the date on the notice about their right to an administrative appeal. An **additional three (3) days** will be allowed for mail time. If the request is received on a weekend or state holiday, the next business day will count as the receipt date.

DCS will provide any timely and complete requests to the Office of Administrative Law Proceedings (OALP) and ask for an Administrative Law Judge (ALJ) appointment/Administrative Hearing Officer to conduct the hearing.

Note: If the substantiated assessment is against a **minor perpetrator**, the request must be made by the child's parent, guardian, attorney, Guardian ad Litem (GAL), or Court Appointed Special Advocate (CASA).

Administrative Appeal Hearings are held by the OALP according to Indiana Code (IC) 4-15-10.5, IC 31-33-26, 465 IAC 3-2-7, and 465 IAC 3-3.

Timeframes

All hearings will be held within **90 calendar days** of receiving the request, unless the appeal is stayed or continued (as required by the relevant law or rule).

Exception: If the substantiated assessment is against a DCS employee or Child Care Worker (CCW), the hearing will be held within **20 calendar days** of receiving the request, unless the alleged perpetrator waives the time limit in writing (see 465 IAC 3-3-9).

Stays

If a stay is needed, DCS or appellant must notify DCS Hearings and Appeals by submitting a notice or motion.

During a stay, the substantiation will remain on the Child Protection Index (CPI).

DCS must also submit documentation to DCS Hearings and Appeals showing that one (1) of the following applies:

1. A CHINS petition has been filed based on the substantiated assessment.

Note: While the court is reviewing the CHINS petition, the Preliminary Inquiry (PI), CHINS Petition, and/or other supporting documentation must be submitted to request a stay.

2. Criminal charges or a Juvenile Delinquency (JD) Petition have been filed based on the same facts as the substantiated assessment.

Note: While the case is pending the Probable Cause Affidavit, charging information, and/or other supporting documentation must be submitted to request a stay.

3. An Informal Adjustment (IA) has been filed based on the same facts of the substantiated assessment and is pending; or

Note: A copy of the filed IA must be submitted to request a stay.

4. DCS has received written notification from the County Prosecutor's Office that criminal charges are under review.

Note: These charges are based on the same facts that led to allegations against the perpetrator who requested the Administrative Appeal Hearing.

If the Administrative Appeal is stayed, DCS or appellant may request the process be restarted or dismissed, when appropriate, depending on the ALJ's order. The stayed case will remain open on the OALP docket until the ALJ makes a final decision.

Final Agency Review

1. **For cases filed before July 1, 2024:** The DCS Final Agency Authority (FAA) will conduct Final Agency Review of decision and notify all parties once the ALJ's written decision is issued, as appropriate; and
2. **For cases filed after July 1, 2024:** The ALJ has the final determination.

LEGAL REFERENCES

- [IC 4-15-10.5: Chapter 10.5. Office of Administrative Law Proceeding](#)
- [IC 4-21.5-1-15: "Ultimate authority"](#)
- [IC 4-21.5-5: Chapter 5. Judicial Review](#)
- [IC 31-33-26: Chapter 26. Child Protection Index](#)
- [465 IAC 3: Administrative Reviews and Hearings](#)
- [465 IAC 3-2: Administrative Reviews](#)

- [465 IAC 3-2-1: Administrative review of a substantiated report of child abuse or neglect](#)
- [465 IAC 3-2-7: Denial of review](#)
- [465 IAC 3-3: Administrative Hearings](#)
- [465 IAC 3-3-9: Schedule of hearings](#)