

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY	
	Chapter 14: Adoption Assistance and Guardianship Assistance Section 12: Administrative Appeals for Adoption Assistance	
	Effective Date: January 1, 2026	Version: 6

POLICY OVERVIEW

Adoptive parents have the right to ask for an Administrative Appeal Hearing about adoption assistance. The hearing request must be based on the same facts, issues, and documents used in the request for administrative review. Pursuant to law, new issues or facts not included in the review request will not be considered.

POLICY STATEMENT

The Indiana Department of Child Services (DCS) will process requests for an Administrative Appeal Hearing from adoptive or prospective adoptive parents who disagree with a decision made during an administrative review (see Policy 14.11).

If the request is complete and submitted on time, DCS will send it to the Office of Administrative Law Proceedings (OALP), and ask for an Administrative Law Judge (ALJ) to lead the hearing.

Hearing Timeline and Process

- The hearing will be scheduled and held within 120 calendar days of OALP receiving the request.
- The ALJ may continue the hearing for good cause or if both sides agree.
- OALP will notify all parties of the date, time, and location.
- The hearing will follow OALP and DCS rules.
- The ALJ's recommendation shall not be construed to be a final decision on the case.

ALJ Recommendation

- The ALJ will send a written recommendation within 90 calendar days after the hearing ends.
- More time may be approved if all parties and the ALJ agree.
- A late recommendation is not void or voidable.
- The recommendation will be sent to all parties and to the DCS Final Agency Authority (FAA).

Before the Adoption is Final

- Both the prospective adoptive parent and DCS must sign the Adoption Assistance Agreement before the adoption is finalized.
- If a Final Offer Letter is issued, in order to not delay permanency, a prospective adoptive parent can use the administrative procedures after signing the Adoption Assistance Agreement **before** the adoption is finalized, and follow the procedures below.

If the Prospective Adoptive Parent Signs the Agreement but Still Wants to Appeal

- If a prospective adoptive parent signs the Adoption Assistance Agreement for the amount offered in the Final Offer Letter, they may still pursue the administrative review and hearing process (see policy 14.08).
- If the payment amount is changed through the appeal, the new amount will apply retroactively starting from the date the adoption was finalized.

If the Hearing is Requested After Signing the Agreement

- If the parent did **not** request a review within **15 calendar days** of the Final Offer Letter, the hearing request will be treated as a **modification**.
- See policy 10.18.

LEGAL REFERENCES

- [IC 4-15-10.5: Chapter 10.5. Office of Administrative Law Proceedings](#)
- [IC 4-21.5-5: Chapter 5. Judicial Review](#)
- [IC 31-19-26.5: Chapter 26.5. Adoption Subsidies](#)
- [45 C.F.R. 205.10: Hearings](#)
- [45 C.F.R. 1355.30: Other applicable regulations](#)
- [465 IAC 3: Administrative Reviews and Hearings](#)
- [465 IAC 4: Indiana Adoption Assistance and Guardianship Assistance Programs](#)
- [42 USC 671 \(a\)\(12\): State Plan for foster care and adoption assistance](#)