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|  | <b>INDIANA DEPARTMENT OF CHILD SERVICES</b><br><b>CHILD WELFARE POLICY</b>                                    |                   |
|                                                                                   | <b>Chapter 8:</b> Out-of-Home Services<br><b>Section 34:</b> Participation in Medical Studies and Drug Trials |                   |
|                                                                                   | <b>Effective Date:</b> January 1, 2026                                                                        | <b>Version:</b> 4 |

## POLICY OVERVIEW

*This policy applies to youth under 18 years of age and those over 18 years of age who are not able to consent to their own care.*

Some children may benefit from joining medical studies or drug trials. These studies may give them access to new treatments or medicines that are not yet available to others.

## POLICY STATEMENT

The Indiana Department of Child Services (DCS) must get court approval before a child in out-of-home care can join a medical study or drug trial. DCS will ask the court for permission after **all** of the following are true:

1. The child agrees to take part, if they are old enough and able to understand; and
2. The child's parent, guardian, or custodian gives written consent, unless the law says their consent is not needed;

**Exception:** DCS will ask the court for an order if the parent, guardian, or custodian:

1. Refuses to give consent,
  2. Cannot be found, or
  3. Has had their parental rights terminated.
3. The Child and Family Team (CFT) recommends the child's participation;
  4. DCS gets written approval from:
    - a. The child's doctor or therapist, and
    - b. The Court Appointed Special Advocate (CASA) or Guardian ad Litem (GAL), if one is assigned.
  5. The study must include children who are not in the child welfare system.

## LEGAL REFERENCES

- [IC 16-36-1-3: Consent for own healthcare; minor's blood donation](#)
- [21 CFR 50.56: Protection of Human Subjects, Wards](#)
- [45 CFR 46.409: Additional Protections for Children Involved as Subjects in Research](#)