

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 5: General Case Management	Effective Date: February 1, 2016
	Section 9: Informal Adjustment (IA)	Version: 6

POLICY

The Indiana Department of Child Services (DCS) will initiate a Program of Informal Adjustment (IA) when:

1. A Child Abuse and/or Neglect (CA/N) allegation is substantiated;
2. Voluntary participation in family and/or rehabilitative services is the most appropriate course of action to protect the safety and well-being of the child;
3. The parent, guardian, or custodian consents to an IA; and
4. Juvenile court approval is requested and obtained.

NOTE: Exception- An IA is deemed approved if the court does not approve or deny the IA or set a hearing within 10 days of filing or, the hearing is set within 10 days but not held and action is not taken to approve or deny the IA within 30 days of submission to the court.

The duration of the IA will be no longer than six (6) months. An IA extension may be requested for no longer than three (3) months.

DCS will utilize the [Progress Report on Program of Informal Adjustment \(SF54336\)](#) to:

1. Discharge the IA if the family has complied with the terms of the IA;
2. Extend the IA past the initial six (6) months (an IA may have one [1] three [3] month extension);
3. Dismiss the IA if:
 - a. The family has not complied with the terms of the IA and DCS is not requesting an extension (see Practice Guidance); or
 - b. DCS has obtained court approval to file a CHINS petition (see Practice Guidance for additional information concerning the dismissal of an IA); or
4. Notify the court that DCS will be filing a subsequent report due to:
 - a. The family has not substantially complied with the terms of the IA and the agency is reviewing the situation to determine appropriate action, or
 - b. Services have not been successful to allow the child to remain at home and a petition requesting court approval to file a CHINS has been filed.

[REVISED] Note: The [Progress Report on Program of Informal Adjustment \(SF54336\)](#) must be submitted to the court no later than five (5) months after approval of the IA. If the court approves the extension, DCS will file a supplemental report to the court no later than eight (8) months after DCS implements the program of informal adjustment.

DCS will file a petition for compliance if a parent, guardian, or custodian fails to comply with the services outlined in the IA agreement. See Related Information for further details.

DCS will consider filing a (CHINS) petition if the parent, guardian, or custodian does not comply with the terms of the IA or the best interests of the child requires additional services for which court intervention is needed.

When requesting an extension of the original six (6) months IA agreement or when filing a CHINS petition, DCS will redetermine whether the child continues to be at imminent risk for placement and that reasonable efforts are continuing to be made to safely maintain the child at home. See separate policy, [7.1 Child at Imminent Risk of Removal](#).

If the parent, guardian, or custodian has initiated an Administrative Appeal of the substantiation determination, consideration of the appeal will be delayed until after completion of the IA. See separate policies, [2.1 Notice of Assessment Outcome](#), [2.2 Administrative Review Process](#), and [2.5 Administrative Appeal Hearings](#).

Code References

[IC 31-34-8 Program of Informal Adjustment](#)

PROCEDURE

The Family Case Manager (FCM) will:

1. Convene a Child and Family Team (CFT) Meeting or case conference to assist the family in identifying the goals to be met through the IA agreement. For additional information see [5.07 Child and Family Team Meetings](#);
2. **[NEW]** Gather information necessary to complete the Child and Adolescent Needs and Strength (CANS) assessment;
3. **[NEW]** Complete the initial CANS assessment within five (5) days of the CA/N assessment finding. For additional information, see policy [5.19 Child and Adolescent Needs and Strengths \(CANS\) Assessment](#);
4. Complete the [Program of Informal Adjustment](#), outlining the activities or actions to be completed by each person and the deadline for completion. All activities and actions should directly relate to the safety and well-being of the child;
5. Review the final document with the family to ensure that each person understands and agrees to his or her responsibilities;
6. Ensure that the parent, guardian, or custodian and other participants named in the IA understand the consequences of noncompliance with the terms of the IA before requesting signatures;
7. Provide each person who is named in the IA with a copy of the signed agreement within 10 days;
8. Submit the [Program of Informal Adjustment](#) and [Intake Officer's Report of Preliminary Inquiry and Assessment](#) to the DCS Local Office Attorney;
9. Track the filing of the IA to determine whether it was approved. See Related Information for clarification regarding the denial of an IA;
10. Utilize the CFT to support the family in completing the terms of the IA agreement;
11. Review and discuss the [Safety Assessment, Risk Assessment, Strengths and Needs Assessment](#), and [CANS](#) with the family;
12. Discuss with the family any potential barriers to obtaining and/or participating in services (e.g., transportation, childcare, and work schedules);
13. Monitor the family's progress, and complete and submit to the court the [Progress Report on Program of Informal Adjustment \(SF54336\)](#);

14. **[REVISED]** Request an extension from the court or request approval to file a CHINS petition using the [Progress Report on Program of Informal Adjustment \(SF54336\)](#) if the family is not making progress toward the terms of the IA; and

Note: A CHINS petition should only be filed if safety concerns arise because the parent, guardian, or custodian has not complied with the terms of the IA or the best interest of the child requires additional services for which court intervention is needed.

15. Use the [Progress Report on Program of Informal Adjustment \(SF54336\)](#) to notify the court of DCS' intent to let the IA expire at six (6) months if no further DCS involvement is required.

The DCS Local Office Attorney will:

1. Prepare and file a Request for Approval of [Program of Informal Adjustment](#) utilizing the PI and IA as attachments/exhibits **or** discuss the legal insufficiency with the DCS Local Office Director (LOD) or designee;
2. Notify the FCM of the filing date of the Preliminary Inquiry (PI) and IA; and
3. Prepare and file appropriate pleadings to request a time extension or discharge in accordance with the [Progress Report on Program of Informal Adjustment \(SF54336\)](#) **or** discuss any issues with the DCS LOD or designee.

PRACTICE GUIDANCE [NEW]

The FCM and Supervisor should consider the age of the child when contemplating the appropriateness of an IA. A child cannot be adjudicated a CHINS if age 18 or older.

Dismissing an IA

The following scenarios are examples of situations when an IA may be dismissed when the family has not complied with/completed the terms of the IA and DCS is not requesting an extension.

1. The family has complied with but has not completed the terms of the IA, and the family is moving out of state.
2. DCS is involved due to truancy issues and probation becomes involved.
3. During the course of the IA, custody changes and the child is no longer living in the home where the IA was initiated.

FORMS AND TOOLS

1. [Program of Informal Adjustment](#)– Available in MaGIK Forms on the DCS Intranet
2. [Progress Report on Program of Informal Adjustment \(SF54336\)](#) – Available in MaGIK Forms on the DCS Intranet
3. [Intake Officer's Report of Preliminary Inquiry and Assessment](#)– Available in MaGIK Forms on the DCS Intranet
4. [Safety Assessment](#)- Available in MaGIK
5. [Risk Assessment](#)- Available in MaGIK

RELATED INFORMATION [REVISED]

Petition for Compliance

If the DCS local office determines the parent, guardian, or custodian has not substantially complied with the terms of the [Program of Informal Adjustment](#), the DCS local office may file a petition for compliance with the court. Upon the filing of a petition for compliance, and after notice and a hearing on the petition for compliance, the juvenile court may order the parent, guardian, or custodian of a child to participate in a program of IA approved by the court. A parent, guardian, or custodian who fails to participate in an IA ordered by the court may be found in contempt of court.

If a family is out of compliance with the terms of the IA, the local office may file a CHINS petition instead of the petition for compliance.

[REVISED] Denial of Informal Adjustments (IAs)

If the court denies an IA, it must state its reasons for the denial, which may include:

1. Lack of probable cause to believe there is a CHINS; or
2. The court finds the coercive intervention of the court is required.

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