

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY</b>	
	<b>Chapter 5:</b> General Case Management	<b>Effective Date:</b> March 1, 2019
	<b>Section 9:</b> Informal Adjustment (IA)	<b>Version:</b> 8

<b>STATEMENTS OF PURPOSE</b>
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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.

**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. An IA is also deemed approved if 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 beginning date of the IA is the date of court approval. If the court does not approve or deny the IA, the beginning date is 10 days after filing.

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 \(SF 54336\)](#) 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](#) for additional information; or
  - b. DCS has obtained court approval to file a Child in Need of Services (CHINS) petition (see [Practice Guidance](#) for more information concerning the dismissal of an IA); or
4. Notify the court that DCS will be filing a subsequent report because:
  - 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.

**Note:** The [Progress Report on Program of Informal Adjustment \(SF 54336\)](#) 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 implemented the IA.

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.

DCS will ensure any new allegations of CA/N are reported to the DCS Child Abuse Hotline (Hotline). New allegations, observed by or reported directly to a DCS employee who is on the scene and immediately initiates an assessment (through face-to-face contact with all alleged victims), are reported to the Hotline within one (1) hour of leaving the scene (see [Practice Guidance](#) for more information).

When requesting an extension of the original IA agreement or 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 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 policies [2.1 Notice of Assessment Outcome](#), [2.2 Administrative Review Process](#), and [2.5 Administrative Appeal Hearings](#).

#### Code References

[IC 31-34-8-1 implementation of program of informal adjustment](#)

<b>PROCEDURE</b>
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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 policy [5.07 Child and Family Team Meetings](#);
2. Gather information necessary to complete the Child and Adolescent Needs and Strength (CANS) assessment. For additional information, see policy [5.19 Child and Adolescent Needs and Strengths \(CANS\) Assessment](#);
3. Complete the initial CANS assessment within five (5) days of the CA/N assessment finding;
4. Develop a [Safety Plan](#) and/or [Plan of Safe Care \(SF 56565\)](#) to ensure the child's safety in all daily settings and seek supervisory approval of the plan;

**Note:** Regularly review the [Safety Plan](#) and/or [Plan of Safe Care \(SF 56565\)](#) and make necessary revisions to ensure the child's safety. See policies [4.42 Plan of Safe Care](#) and [5.21 Safety Planning](#) for additional information.

5. 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;
6. Review the final document with the family to ensure that each person understands and agrees to his or her responsibilities;
7. Ensure 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;

8. Provide each person who is named in the IA with a copy of the signed agreement within 10 days;
9. Submit the [Program of Informal Adjustment](#) and [Preliminary Inquiry](#) to the DCS Staff Attorney;
10. Track the filing of the IA to determine whether it is approved. See [Related Information](#) for clarification regarding the denial of an IA;
11. Utilize the CFT to support the family in completing the terms of the IA agreement;
12. Review and discuss the [Safety Assessment, Risk Assessment, Strengths and Needs Assessment](#), and CANS with the family;
13. Discuss with the family any potential barriers to obtaining and/or participating in services (e.g., transportation, childcare, and work schedules);
14. Monitor the family's progress, and complete and submit to the court the [Progress Report on Program of Informal Adjustment \(SF 54336\)](#) no later than five (5) months after court approval of the IA. If the court approves an extension, file a supplemental report no later than eight (8) months after court approval of the IA.

**Note:** If the court does not approve or deny the IA, the approval date is 10 days after filing.

15. Request an extension from the court, or request approval to file a CHINS petition using the [Progress Report on Program of Informal Adjustment \(SF 54336\)](#) 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.

16. Use the [Progress Report on Program of Informal Adjustment \(SF 54336\)](#) 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 Staff Attorney will:

1. Prepare and file a Request for Approval of [Program of Informal Adjustment](#) utilizing the [Preliminary Inquiry](#) and [Program of Informal Adjustment](#) 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](#) and [Program of Informal Adjustment](#); and
3. Prepare and file appropriate pleadings to request an extension or discharge in accordance with the [Progress Report on Program of Informal Adjustment \(SF 54336\)](#), **or** discuss any issues with the DCS LOD or designee.

## PRACTICE GUIDANCE

The FCM and FCM 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.

### **Initiation of an Assessment Prior to Reporting the Allegations of CA/N to the DCS Hotline**

When an FCM becomes aware of new CA/N allegations while on the scene and immediately (i.e., prior to leaving the scene) initiates an assessment, the FCM will report the allegations to the Hotline within 24 hours of leaving the scene. An assessment is considered initiated upon

face-to-face contact with **all** alleged child victims. See policy [4.38 Assessment Initiation](#) for additional information regarding initiation.

**Note:** If the FCM is unable to ensure safety through face-to-face contact with one (1) or more victims prior to leaving the scene, the FCM must report the allegations to the Hotline immediately.

**All new allegations of CA/N must be reported to the Hotline, per State reporting statutes, and may not be handled as part of the case.** See policy [4.36 Linking Child Abuse or Neglect \(CA/N\) Reports to Open Assessments](#) for more information regarding the receipt of an additional 310 during an open assessment.

The FCM must specify in the report to the Hotline that the assessment has already been initiated. The exact date and time the FCM became aware of the allegations and initiated the assessment must also be specified. The FCM may report the new allegations to the Hotline by emailing or faxing the completed [310](#) form, emailing equivalent information (e.g., time initiated, parent names, child victim names, description of concerns, etc.), or by calling to report equivalent information. The [310](#) or equivalent information may be submitted via email to: [DCSHotlineReports@dcs.in.gov](mailto:DCSHotlineReports@dcs.in.gov), via fax to: 317-234-7595 or 317-234-7596, or via phone to: 1-800-800-5556.

### **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. The juvenile court may order the parent, guardian, or custodian of a child to participate in an 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.

### **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; and
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 the case management system in “Forms” on the DCS Intranet
2. [Progress Report on Program of Informal Adjustment \(SF 54336\)](#) – Available in the case management system in “Forms” on the DCS Intranet
3. [Preliminary Inquiry](#)– Available in the case management system in “Forms” on the DCS Intranet

4. [Safety Assessment](#)- Available in the case management system
5. [Risk Assessment](#)- Available in the case management system
6. [Safety Plan \(SF 53243\)](#)
7. [Plan of Safe Care \(SF 56565\)](#)
8. [Preliminary Report of Alleged Child Abuse or Neglect \(SF 114\)](#)

<b>RELATED INFORMATION</b>
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**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.