

	<b>INDIANA DEPARTMENT OF CHILD SERVICES</b> <b>CHILD WELFARE POLICY</b>	
	<b>Chapter 7: In-Home Services</b> <b>Section 10: Transition to Out-of-Home Care</b>	
	<b>Effective Date:</b> December 1, 2023	<b>Version:</b> 7

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## POLICY OVERVIEW

Out-of-home care will be utilized when there is no other alternative to ensure a child’s safety and well-being in the home. To help minimize trauma, the transition to out-of-home care should be planned by the Child and Family Team (CFT), whenever possible, and should always be in the best interest of the child.

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## PROCEDURE

When a child is involved in an Informal Adjustment (IA) or In-Home Child in Need of Services (CHINS), the Indiana Department of Child Services (DCS) may recommend to the court that the child be placed in out-of-home care if:

1. There are new allegations of child abuse and/or neglect (CA/N) by the parent, guardian, or custodian or another person living in the home;
2. The safety of the child requires additional services for which court intervention is needed and the safety risk cannot be alleviated through a CHINS action; or
3. There is a pattern of non-compliance with the objectives of the Case Plan/Prevention Plan and reasonable efforts to secure the safety of the child or the community have been unsuccessful or could not be made due to the emergency nature of the situation.

When the court previously issued an order concerning Best Interest (BI) and Reasonable Efforts (RE) to Prevent Removal and gave Placement and Care (PC) Responsibility to DCS but allowed the child to remain at home, DCS will request a new Detention Hearing for the child to be removed and placed in out-of-home care (see policy 15.01 Title IV-E Eligibility Overview for Field and Legal Staff).

To transition a child to out-of-home care, the Family Case Manager (FCM) will:

1. Engage the Child and Family Team (CFT) to:
  - a. Ensure options have been explored to support the parent, guardian, or custodian in safely parenting the child in the home, differences of opinion have been addressed, and a discussion has occurred concerning non-negotiables involving child safety and well-being (see policies 5.07 Child and Family Team Meeting and 5.10 Family Services),
  - b. Identify the placement type and/or resource, if out-of-home placement is required (see policy 8.01 Selecting a Placement Option),

**Note:** When placement with a suitable and willing relative or kin is not possible, former foster parents should be considered whenever possible and appropriate (see policy 8.48 Relative or Kinship Placements). When a child has been approved by the Child-Focused Treatment Review (CFTR) and/or court ordered to be placed in residential treatment, see policy 5.24 Child-Focused Treatment Review (CFTR).

- c. Develop a plan, to the fullest extent possible given time constraints, to transition the child to the out-of-home placement, and
  - d. Discuss the identified placement with the child in an age and developmentally appropriate manner (see policy 8.08 Preparing Child for Placement).
2. Consult with the DCS Staff Attorney to request a Detention Hearing be held prior to removing the child or **within 48 hours following an emergency removal** and request that an order be issued removing the child from the home (see policies 4.28 Removals from Parents, Guardians, or Custodians and 6.01 Detention/Initial Hearing);
  3. Notify all relevant parties of the planned change in placement as soon as possible or within legal time constraints (see policies 4.28 Removals from Parents, Guardians, or Custodians and 5.23 Diligent Search for Relatives/Kin and Case Participants);
  4. Remove the child and assist with the transition to the new placement (see policies 4.28 Removals from Parents, Guardians, or Custodians and 8.09 Placing a Child in Out-of-Home Care);
  5. Document the following in the case management system:
    - a. The reason for the out-of-home placement,
    - b. The start date of the child's removal episode (this is the date the child is first placed in out-of-home care),
    - c. The child's placement, and
    - d. The date and time of the Detention hearing.
  6. Verbally notify the child's school of the child's removal and placement in out-of-home care as soon as possible but no later than the next school day, ensure the school is aware of any safety measures and/or medical interventions needed, and document the notification in the case management system; and
  7. Complete a referral to the Education Services Team within 24 hours of the child's removal to request the School Notification and Best Interest Determination (BID) be submitted to the child's school (see policies 8.20 Educational Services and 8.22 School Notifications and Legal Settlement).

The FCM Supervisor will:

1. Assist the FCM throughout the transition process; and
2. Ensure all recommendations, approvals, actions taken, and any deviation from best practice are documented in the case management system.

The DCS Staff Attorney will request:

1. A Detention Hearing be held prior to the child being removed or within 48 hours following an emergency removal;
2. An order be issued removing the child from the home; and
3. Findings of BI of the child, that RE have been made to prevent removal, and that Responsibility for PC of the child is awarded to DCS.

The DCS Education Services Team will follow all procedural steps outlined in policy 8.22 School Notifications and Legal Settlement.

## RELEVANT INFORMATION

### Definitions

N/A

### Forms and Tools

- Case Plan/Prevention Plan (SF 2956)- Available in the case management system
- [School Notification and Best Interest Determination \(SF 47412\)](#)

### Related Policies

- [4.28 Removals from Parents, Guardians, or Custodians](#)
- [5.07 Child and Family Team Meetings](#)
- [5.10 Family Services](#)
- [5.23 Diligent Search for Relatives/Kin and Case Participants](#)
- [5.24 Child-Focused Treatment Review \(CFTR\)](#)
- [6.01 Detention/Initial Hearing](#)
- [8.01 Selecting a Placement Option](#)
- [8.08 Preparing a Child for Placement](#)
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- [8.20 Educational Services](#)
- [8.22 School Notifications and Legal Settlement](#)
- [8.48 Relative or Kinship Placements](#)
- [15.01 Title IV-E Eligibility Overview for Field and Legal Staff](#)

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## LEGAL REFERENCES

- [IC 31-34-3: Child Taken Into Custody](#)
- [IC 31-34-3-4.7: Notice to the child's school](#)
- [IC 31-34-4-2: Placement of child with relative caretaker or de facto custodian; evaluation; criminal history check required; exceptions; out-of-home placement; considerations](#)
- [IC 31-34-5-1: Time for hearing; notice; petition alleging a child is a child in need of services](#)
- [IC 31-34-5-2: Findings](#)

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## PRACTICE GUIDANCE- DCS POLICY 7.10

*Practice Guidance is designed to assist DCS staff with thoughtful and practical direction on how to effectively integrate tools and social work practice into daily case management in an effort to achieve positive family and child outcomes. Practice Guidance is separate from Policy.*

### **Out-of-Home Placement**

DCS diligently works to maintain familial connections through visitation and shared activities while a child is in out-of-home care. The parent, guardian, or custodian of a child in out-home-care is also afforded an opportunity to build on family strengths and learn essential skills in providing a safe and nurturing environment to which their child may return.

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