

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY	
	Chapter 2 : Administration of Child Welfare	Effective Date: September 1, 2018
	Section 25: Dual Status	Version: 1

STATEMENTS OF PURPOSE

The Indiana Department of Child Services (DCS) will coordinate with the Juvenile Probation Department to better serve children involved in both the Juvenile Probation and Child Welfare systems. A [Memorandum of Understanding \(MOU\)](#) will be established between the local DCS office and the local Juvenile Probation Department.

DCS will ensure each child is screened to determine whether the child meets the statutory criteria to be identified as [Dual Status](#) with DCS and Juvenile Probation. The [Dual Status Screening Tool Report](#) is incorporated in the preliminary inquiry and will be provided to the court when filing a Child in Need of Services (CHINS) petition or an Informal Adjustment (IA).

DCS will participate in a Dual Status Assessment Team (DSAT) when ordered by the court. In the event that DCS does not have an open involvement with the child's family, a representative from the DCS local office will attend the scheduled DSAT meeting and provide information concerning past DCS involvement specific to the identified child.

DCS will follow court orders resulting from the DSAT recommendation.

Note: Court orders for a [Dual Status](#) child who does not have current DCS involvement must be reviewed by DCS Management and Legal staff.

Code References

1. [IC 31-34-7-1: Preliminary Inquiry](#)
2. [IC 31-34-7-2: Provision of Preliminary inquiry and recommendation to attorney for department](#)
3. [IC 31-34-9-2: Authorization to file petition; evidence; finding; determination for dual status assessment](#)
4. [IC 31-34-10-2: Initial hearing; service of petition and summons; determination of referral for dual status assessment; CHINS petition; additional initial hearings](#)
5. [IC 31-34-23: Modifications of Dispositional Decrees](#)
6. [IC 31-37-22: Modifications of Dispositional Decrees](#)
7. [IC 31-41-1: Chapter 1 Definitions \[Dual status\]](#)
8. [IC 31-41-1-2: Dual status child](#)
9. [IC 31-41-2: Chapter 2 Dual Status Assessment Team](#)
10. [IC 31-41-2-3: Dual status team meeting considerations](#)
11. [IC 31-41-2-4: Statements communicated in a dual status assessment team meeting](#)
12. [IC 31-41-2-5: Dual status team considerations](#)
13. [IC 31-41-2-6: Dual status team reports; recommendations](#)
14. [IC 31-41-3-1: Determination of lead agency](#)

PROCEDURE

The FCM will:

1. Ensure the child's current or past involvement with the Juvenile Probation Department is determined during each Child Abuse and Neglect (CA/N) Assessment;
2. Complete the [Dual Status Screening Tool Report](#), including a recommendation to the Court as to whether or not a DSAT assessment should be ordered in conjunction with filing either a CHINS petition or an IA;
3. Prepare a [Preliminary Inquiry](#) and submit it, along with the [Dual Status Screening Tool Report](#), to the DCS Staff Attorney for filing with the court;
4. Participate on the DSAT when ordered by the court;

Note: The Local Office Director (LOD) will appoint a representative to the DSAT when there is not an open case with DCS or an assigned FCM

5. Ensure consent has been obtained by having the parent, guardian, or custodian sign the [DSAT Informed Consent to Release and Exchange of Information](#) form, if the youth has an open involvement or history of involvement with the Juvenile Probation Department. See [Practice Guidance](#) for additional information;

Note: If the youth has an open involvement or history of involvement with DCS at the time of a delinquency act, the Juvenile Probation Department will obtain the signature on the informed consent form. The FCM should confirm the appropriate consent has been received prior to sharing confidential information.

6. Share available relevant information during the DSAT. See [Practice Guidance](#) for additional information;

Note: The FCM should confirm that the appropriate consent has been received prior to sharing confidential information. See [Practice Guidance](#) for additional information.

7. Assist DSAT with developing a recommendation to the court; and
8. Follow the orders of the court.

PRACTICE GUIDANCE

Dual Status IC 31-41-1-2

A child may be considered a dual status child if one (1) of the following is met:

1. A petition alleging the child is a CHINS has been filed, or the child is presently adjudicated to be a CHINS; and a petition alleging the child to be a delinquent child has been filed, or the child is presently adjudicated to be a delinquent child;
2. The child is presently named in an IA and is adjudicated a delinquent child;
3. The child is presently named in a delinquency IA and is adjudicated to be a CHINS;
4. The child was previously adjudicated to be a CHINS in which wardship was terminated or the child participated in an IA that concluded before the current delinquency petition;
5. The child was previously adjudicated to be a delinquent child in a case that has closed or participated in a delinquency IA which was concluded prior to a CHINS proceeding; or

6. The child is eligible for release from commitment of the Department of Correction (DOC), but the child's parent, guardian, or custodian cannot be located or is unwilling to take custody of the child.

Dual Status Youth Memorandum of Understanding

An MOU regarding Dual Status Youth will be established between the local DCS office and the local Juvenile Probation Department. The MOU must be signed by the Juvenile Court Judge(s) with jurisdiction, the Chief Juvenile Probation Officer, the DCS Agency Director, and the DCS LOD.

Determination of Dual Status

Each child must be screened for dual status during the preliminary inquiry process in both the CHINS and delinquency system. The FCM or the probation officer must make a recommendation to the juvenile court if a dual system assessment team is appropriate.

Determination of Referral to the Dual Status Assessment Team

In accordance with [IC 31-34-10-2\(e\)](#), the juvenile court shall determine if a child should be referred to a DSAT. In making this determination, the juvenile court should take into consideration the "length of time since the delinquent act or the incident of abuse or neglect".

Dual Status Assessment Team Participants

[IC 31-41-2-2](#) defines the membership of the DSAT to include the FCM (or a representative appointed by the LOD if an FCM is not currently assigned to the case), the probation officer (or a probation officer appointed by the Court if a probation officer is not currently assigned to the case), and a facilitator. The DSAT may also include other members as determined by the juvenile court.

Role of the Dual Status Assessment Team

If ordered by the Court, the DSAT shall consider:

1. In accordance with [IC 31-41-2-3\(c\)](#):
 - a. Allegations of abuse or neglect suffered by the child, and
 - b. Allegations that the child is a delinquent child; and
2. In accordance with [IC-31-41-1-4](#):
 - a. Best interests of the child, and
 - b. Needs, strengths, and risks of the child.

In accordance with [IC 31-41-2-6](#), the DSAT will make recommendations to the Court regarding:

1. Whether the court should proceed with an additional initial hearing regarding the CHINS petition and dismiss a pending delinquency petition or IA at the conclusion of a CHINS adjudication;
2. Whether the court should proceed with an additional initial hearing regarding a petition alleging that the child is a delinquent child and dismiss a pending CHINS petition or IA upon conclusion of the delinquency adjudication;
3. Whether the court should proceed with an additional initial hearing and adjudication or IA concerning both a CHINS petition and a delinquency petition;
4. Which agency should be the lead agency in a child's supervision;
5. Services to be included in a dispositional decree; and
6. Any other matters relevant to the child's best interests.

Dual Status Assessment Team Topics

[IC 31-41-2-5](#) outlines that the DSAT shall consider the child's best interests and well-being, which includes:

1. The child's mental health status, including any diagnosis;
2. The child's school records, including attendance and academic achievement level;
3. The child's statements;
4. The statements of the child's parent, guardian, or custodian;
5. The impact of the child's behavior on any victim;
6. The safety of the community;
7. The child's needs, strengths, and risk;
8. The need for a parent participation plan;
9. The efficacy and availability of services and community providers;
10. Whether appropriate supervision of the child may be achieved by the dismissal of a delinquency adjudication in deference to a CHINS adjudication;
11. Whether appropriate supervision of the child may be achieved by combining a delinquency adjudication or an IA with a CHINS petition;
12. The child's placement needs;
13. Restorative justice practices that may be appropriate;
14. Whether a CHINS petition or IA should be filed or dismissed;
15. Whether a delinquency petition or IA should be filed or dismissed;
16. The availability of coordinated services, regardless of whether the child is adjudicated to be a CHINS or a delinquent child;
17. Whether the DSAT recommends the exercise of dual adjudication and, if so, the lead agency to provide supervision of the child; and
18. Any other information considered appropriate by DSAT.

Sharing DCS and Delinquency Information at the Dual Status Assessment Team Meeting

The [DSAT Informed Consent to Release and Exchange Information](#) has been developed to allow information regarding the child's CHINS and Delinquency matters to be shared within the DSAT to assist in making recommendations to court. If the parent's signature cannot be obtained, a court order must be requested, authorizing the sharing of information within the DSAT.

Participation of a Child During a Dual Status Assessment Team Meeting

A child may participate in the DSAT, when authorized by the court. In accordance with [IC 31-41-2-4](#), statements communicated in a DSAT meeting are not admissible as evidence against the child in any judicial proceeding and are not discoverable in any litigation. Facts or circumstances surrounding a pending delinquency petition should not be discussed.

Timeframe for Convening a Dual System Assessment Team

In accordance with [IC 31-41-2-3](#), the DSAT must convene within 10 days of the court order. The court will designate a facilitator who will convene the meeting.

Lead Agency When a Child is Adjudicated in Both Systems

[IC 31-41-3-1](#) suggests that the DSAT may recommend a "lead agency". However, in absence of a recommendation, the court making the "later determination" (which case was filed last) may determine whether DCS or probation will act as the lead agency. In making the determination, the court shall consider:

1. The child's social and family situation;
2. The child's experiences with DCS;
3. The child's prior adjudications of delinquency;

4. The recommendations of the DSAT; and
5. The needs, strengths, and risks of the child.

Petition for Modification in the Delinquency Case

The FCM may **not** file a petition for modification in the delinquency case, even when DCS is the lead agency. The statute states the court may require DCS and the Juvenile Probation Department to work together in the supervision of a dual status child and for the purposes of filing a modification under [IC 31-34-23](#) or [IC 31-37-22](#).

FORMS AND TOOLS

1. [DSAT Informed Consent to Release and Exchange Information](#)
2. Dual Status Screening Tool Report- available via [CHINS Benchbook Forms](#)
3. [Dual Status Youth MOU \(2017-2021\)](#) - for MOU established after 2017
4. [Dual Status Youth MOU \(<2017\)](#) - for MOU established prior to 2017
5. Preliminary Inquiry- available via [CHINS Benchbook Forms](#)
6. Recommendation of the Dual Status Assessment Team - available via [CHINS Benchbook Forms](#)
7. Referral to Dual Status Assessment Team - available via [CHINS Benchbook Forms](#)
8. [Renewal #1 MOU Dual Status Youth](#) - Addendum for MOU established prior to 2017

RELATED INFORMATION

Preliminary Inquiry (PI)

A PI is a written report prepared by DCS, which includes the child's background, current status, and school performance. The report relates the facts and circumstances that establish the reason for DCS involvement in both CHINS and IA cases.