

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY	
	Chapter 6: Court Section 11: Permanency Hearing	
	Effective Date: January 1, 2026	Version: 14

POLICY OVERVIEW

Every child has the right to safe care and a forever home. A Permanency Hearing in a Child in Need of Services (CHINS) case helps decide the long-term plan for a child who has been removed from their parent, guardian, or custodian because of abuse and/or neglect. This hearing also lets DCS share the child's views about the proposed Permanency Plan.

POLICY STATEMENT

Permanency Hearing Frequency

A Permanency Hearing will be held for a child:

1. **Within 30 days** after the court finds that Reasonable Efforts (RE) to reunify or preserve a child's family are not required, and then every 12 months;
2. **Every 12 months** after the original Dispositional Decree or the date the child was removed, whichever comes first;
3. Who has been removed from their parent, guardian, or custodian for **at least 12 months**;
4. When a party to the CHINS case asks for a hearing and:
 - a. Efforts to reunite or keep the family together are not in the child's best interest, and
 - b. It has been **at least 12 months** since the Dispositional Decree.
5. More often if ordered by the court.

Note: The Indiana Department of Child Services (DCS) may ask the court to hold a Permanency Hearing at any time.

Notice Requirements

DCS will give written notice **at least 10 calendar days** before the Permanency Hearing to:

1. The child;
2. The child's parent, guardian, or custodian;
3. The child's representatives, if applicable;

Note: Starting at age 14, youth may choose up to two (2) child representatives. The child representatives:

- a. Must be at least 18 years of age,
 - b. Must be a member of the Child and Family Team (CFT), and
 - c. Cannot be a foster parent or Family Case Manager (FCM).
4. An attorney for the child's parent, guardian, or custodian;
 5. The child's Court Appointed Special Advocate (CASA) or Guardian ad Litem (GAL);

6. The child's resource parent and/or long-term foster parent; and
7. Any witnesses for the hearing.

Reasonable Efforts

DCS will make reasonable efforts to keep families together or reunite them. These efforts include:

1. Efforts to prevent removal of a child who is still at home; or
2. Efforts to return the child home safely as soon as possible if the child has been removed.

Note: When deciding on the reasonable efforts needed to reunify or preserve the family, the child's health and safety comes first.

The court will issue a finding on Reasonable Efforts to Finalize the Permanency Plan (REPP) at least once every 12 months. This is needed to ensure the child remains eligible for federal funding to reimburse the costs of the child's care and DCS' administrative costs (see policy [15.10](#)).

Child's Views on Permanency Plan

DCS will:

1. Share the child's wishes regarding the proposed Permanency Plan in the Progress Report-Permanency; and
2. Make diligent efforts to include the child in court proceedings, if appropriate.

Note: DCS may ask the court to excuse the child from court if DCS decides the youth is not able to participate in the hearing because of a physical, mental, emotional, or intellectual disability.

If the child has been out of the home for at least 12 of the most recent 22 months, the recommended permanency plan **must** include at least one (1) permanency plan goal that does not return the child to the care and custody of the parent, guardian, or custodian from whom they were removed.

Note: If the child is under 16, the permanency plan may only be changed to guardianship or placement with a permanent custodian if the proposed guardian or custodian testifies in court that they are willing to take custody of the child.

LEGAL REFERENCES

- [IC 31-9-2-76.5: "Long-term foster parent"](#)
- [IC 31-10-2-3: Rights of persons with a disability](#)
- [IC 31-17-2-8.1: "Disability"; custody](#)
- [IC 31-32-1-4: Hearing notices regarding CHINS or delinquent cases](#)
- [IC 31-34-21-4: Notice of case review; testimony in periodic case review](#)
- [IC 31-34-21-7: Deadline for permanency hearing; permanency plans; continuing juvenile court jurisdiction](#)
- [IC 31-34-22: Chapter 22. Reports Required for Reviewing Dispositional Decrees](#)
- [42 USC 672: Foster care maintenance payments program](#)
- [42 USC 675 Section 675\(5\)\(C\)\(i\)](#)
- [42 USC 121 Section 02: "disability"](#)