

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY</b>	
	<b>Chapter 6:</b> Court	<b>Effective Date:</b> July 1, 2019
	<b>Section 4:</b> Providing Notice	<b>Version:</b> 4

**STATEMENTS OF PURPOSE**

In a manner consistent with the [Indiana Trial Rules](#), the Indiana Department of Child Services (DCS) will give written notice of lawsuit, Child In Need of Services (CHINS) hearings, Termination of Parental Rights (TPR) hearings, by mail or personal service to the following:

1. The child;

**Note:** If the child’s attendance at the hearings would neither benefit the child nor contribute to the proceedings, DCS will file a request for a court order to exclude the child from the proceedings. To remove the obligation on DCS to provide notice to the child, the order must specifically address the issue.

2. Each parent, guardian, or custodian and Attorney of record;
3. Court Appointed Special Advocate (CASA) or Guardian Ad Litem (GAL); and
4. Resource parent(s) or [long-term resource parent](#).

**Note:** In Case Reviews and Permanency Hearings, notice must be sent to any fit and willing relative or person who the Department knows has had a significant relationship with the child. If required consent to adoption has been received or Termination of Parental Rights (TPR) filed, notice must also be sent to prospective adoptive parent(s),

Providing proper notice that permits CHINS and TPR cases to proceed is the responsibility of the DCS Staff Attorney, who is to provide such legal notice pursuant to the [Indiana Trial Rules](#). In addition, notice of particular hearings must be provided 10 calendar days prior to the hearing for the following:

1. Periodic Case Review Hearings;
2. Permanency Hearings; and
3. Termination proceedings.

DCS will use one (1) of the following methods for serving notice of a hearing:

1. Mail - Notice may be given by mail, if the notice is deposited in the mail at least ten (10) calendar days prior to the scheduled hearing;

**Note:** Notice to incarcerated parties must be sent, in care of the superintendent of the facility:

- a. CHINS Petition,
- b. Advisement of Rights, and
- c. Notice of all hearings.

2. **Verbal** – Verbal notice may be given, if the scheduled court hearing is less than 48 hours after the time the hearing is set by the court, excluding Saturdays, Sundays, and certain legal holidays. DCS requires verbal notice<sup>1</sup> (i.e., date, time, location, and purpose of the proceeding) to the person who is required to be notified. The person providing verbal notice must verify by affidavit, testimony, or other communication to the court at the hearing that verbal notice was given as required.

**Note:** Notice by DCS is not required if verbal notice of the date, time, location, and purpose of the proceeding is given by the court at an earlier hearing or proceeding at which the individual to be notified is present.

DCS will provide notice of a planned placement change to affected parties when the child has been in the same placement for at least 12 months. The affected parties have a right to file an objection to the placement change within 15 days.

**Note: The child's placement may not be changed prior to the court's order, unless safety cannot be ensured.**

#### Code References

1. [IC 31-32-1-4: Notice of Court Proceedings](#)
2. [IC 31-32-1-4\(f\): Juvenile Court Procedures](#)
3. [IC 31-34-5-1: Time for Hearing; notice](#)
4. [IC 31-34-10-2: Initial hearing; service of copy of petition and summons](#)
5. [IC 31-34-11-1: Hearing requirements; extension of time; notice; opportunity to be heard](#)
6. [IC 31-34-19-1.3: Notice of disposition of hearing; duties of court](#)
7. [IC 31-34-21-4: Notice of case review; testimony in periodic case review](#)
8. [IC 31-34-21-4.6: Long Term Foster Parent](#)
9. [IC 31-34-22-2: Providing copies of reports and factual summaries of reports](#)
10. [IC 31-35-2-6.5: Notice of Hearing \(Termination Cases\)](#)
11. [IC 31-34-23-3 Notice and hearing requirements; temporary order for emergency change in child's residence](#)

#### **PROCEDURE**

The FCM will:

1. Provide verbal notice of hearings to all appropriate parties in a timely manner; and
2. Notify the DCS Staff Attorney when a placement change is planned and ensure the attorney is aware that the child has been in the current placement for at least 12 months.

The DCS Staff Attorney will:

1. Obtain contact information for all parties, from the FCM;
2. Ensure that the appropriate parties have been notified of each hearing via mail or verbally; and
3. Provide notice of placement change to the affected parties when the child has been in their current placement for at least 12 months.

<sup>1</sup> The notice cannot be left on voice mail or with other persons not a party to the proceeding.

**PRACTICE GUIDANCE**

N/A

**FORMS AND TOOLS**

N/A

**RELATED INFORMATION**

**Right to be Heard**

Resource parents who are required to be notified, also have the right to be heard in all court proceedings pertaining to a child in their care.

**Long-Term Resource Parent**

A resource parent who has provided care and supervision for a child for at least:

1. The 12 most recent months;
2. 15 months of the most recent 22 months; or
3. Six (6) months, if the child is less than twelve months of age.

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