

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY	
	Chapter 6: Court	Effective Date: October 1, 2020
	Section 11: Permanency Hearing	Version: 8

STATEMENTS OF PURPOSE

The Indiana Department of Child Services (DCS) will attend and participate in a Permanency Hearing for a child:

1. Within 30 days after the court finds that [Reasonable Efforts](#) to reunify or preserve a child's family are not required and every 12 months thereafter;
2. Every 12 months after the date of the original Dispositional Decree or the date the child was removed from his or her parent, guardian, or custodian, whichever comes first; or
3. More often if ordered by the court.

Note: DCS may request the court hold a Permanency Hearing at any time.

DCS will provide notice at least 10 calendar days before the Permanency Hearing to the following:

1. The child;
2. The child's parent, guardian, or custodian;
3. The child's representatives, if applicable. See [Practice Guidance](#) for additional information;
4. An attorney who has entered an appearance on behalf of the child's/youth's parent, guardian, or custodian;
5. Court Appointed Special Advocate (CASA) or Guardian ad Litem (GAL);
6. [Resource parent](#) and/or [long-term foster parent](#); and
7. Witnesses for the hearing.

DCS will present the child's views regarding the proposed Permanency Plan in the [Progress Report-Permanency](#) and make diligent efforts to include the child in court proceedings, if appropriate. See [Practice Guidance](#) and policy [6.14 Children Attending Court Proceedings](#) for further details.

Youth 14 years of age and older are to participate in the Permanency Hearing and should submit a [Youth Report to the Court](#) if they are unable to be present for the Permanency Hearing. See [Practice Guidance](#) for exceptions.

Code References

1. [IC 31-34-21-7: Permanency hearing](#)
2. [IC 31-34-22: Reports required for reviewing dispositional decrees](#)
3. [IC 31-34-21-4: Notice of Case Review: testimony in periodic case review](#)
4. [IC 31-32-1-4: Hearing notices regarding CHINS or delinquent cases](#)
5. [42 USC 675 Section 675\(5\)\(C\)\(i\)](#)
6. [IC 31-9-2-76.5: Long-term Foster Parent](#)

PROCEDURE

The Family Case Manager (FCM) will:

1. Ensure required parties are notified of the Permanency Hearing and receive the [Progress Report-Permanency](#) at least 10 calendar days prior to the hearing. See policy [6.04 Providing Notice](#) for additional information;
2. Ensure the Permanency Plan was discussed with the child in an age appropriate manner and include the child's views in the [Progress Report-Permanency](#);
3. Make diligent efforts to include the child in court proceedings, if appropriate. See policy [6.14 Children Attending Court Proceedings](#) for additional information;

Note: Youth age 14 years and older should participate in the Permanency Hearing. The youth should complete and submit a [Youth Report to the Court](#) if the youth is unable to attend the court hearing. See [Practice Guidance](#) for exceptions.

4. Attend and participate in the Permanency Hearing for a child/youth:
 - a. Within 30 days after the court finds that [Reasonable Efforts](#) to reunify or preserve a child/youth's family are not required and every 12 months thereafter, or
 - b. Every 12 months after the date of the original Dispositional Decree or the date the child/youth was removed from his or her parent, guardian, or custodian, whichever comes first, or
 - c. More often if ordered by the court; and
5. Enter court hearing details and outcome, as well as future hearings scheduled in the case management system, including the court's findings related to [Reasonable Efforts](#) toward the Permanency Plan.

The FCM Supervisor will:

1. Assist the FCM in preparation for the Permanency Hearing; and
2. Ensure all required data and court findings are entered into the case management system.

The DCS Staff Attorney will:

1. Provide the [Progress Report-Permanency](#) to the court and ensure it was received. See policy [6.10 Permanency Plan](#) for additional information;
2. Assist the FCM in preparation for the Permanency Hearing, as needed;
3. Participate in the Permanency Hearing; and
4. Request and verify that within 12 months from the child's/youth's removal from the home or from the date of the original Dispositional Decree and every 12 months thereafter, a finding of Reasonable Efforts to finalize the Permanency Plan (REPP) is obtained in a court order.

PRACTICE GUIDANCE

Child/Youth's Voice in the Permanency Plan

The Child and Family Team (CFT) should have a meaningful and informed discussion with the child/youth regarding his or her views on the Permanency Plan. Although the child's/youth's views may be contrary to the recommendation to the court for permanency, it is necessary to present those views during the planning process. The child's/youth's views on his or her Permanency Plan should be presented to the court in the [Progress Report-Permanency](#), and

may be expressed by an attorney for the child/youth, the FCM, or the GAL/CASA at the Permanency Hearing.

Youth Age 14 Years or Older

Youth age 14 or older should attend the Permanency Hearings scheduled in his/her case. If DCS determines that the youth is unable to participate effectively in the hearing due to a physical, mental, emotional, or intellectual disability, DCS may request the court to excuse the child/youth from the hearing. If the youth refuses to participate in the hearing, DCS must record the refusal and document effort made to obtain the youth's input or participation.

A youth 14 years of age or older who is unable to attend the Permanency Hearing should complete and submit a [Youth Report to the Court](#) regarding the youth's well-being, progress, and views regarding permanency. If the youth refuses or is unable to complete the report, DCS must record the reasons preventing the youth from completing the report and/or document efforts made to obtain the youth's input or participation in completing the report.

Child Representatives

Beginning at 14 years of age, youth may select up to two (2) child representatives. The child representatives must be at least 18 years of age, members of the CFT, and may not be a foster parent or FCM. The youth may select one (1) of the child representatives to also be his or her adviser, and if necessary, advocate for age appropriate activity. Child representatives are subject to the approval of DCS, and they may be rejected if there is cause to believe that they would not act in the best interest of the child.

FORMS AND TOOLS

1. [Progress Report-Permanency](#) – available in the case management system
2. [Case Plan \(SF 2956\)](#) – available in the case management system
3. [Youth Report to the Court](#)

RELATED INFORMATION

Reasonable Efforts

In determining the extent to which Reasonable Efforts to reunify or preserve a family are appropriate, the child's/youth's health and safety are of paramount concern.

DCS will make Reasonable Efforts to preserve and reunify families as follows:

1. Efforts to prevent or eliminate the need for removing the child/youth from the child's/youth's home if the child/youth has not been removed from his or her home; or
2. Efforts to make it possible for the child/youth to return safely to his or her home as soon as possible if the child/youth has been removed.

In addition, REPP is required if a permanency plan has been approved. The court will issue a finding on REPP at least every 12 months. REPP is required to ensure a child/youth continues to be eligible for federal funding to reimburse the costs of out-of-home care and DCS's administrative expenditures (see policy [15.10 Continued Eligibility](#)).

Resource Parent

For purposes of DCS policy, the term Resource Parent includes a pre-adoptive parent, foster parent, relative, or kinship caregiver.

Long-term Foster Parent

A long-term foster parent is a resource parent who has provided care and supervision for a child/youth for at least:

1. The 12 most recent months;
2. Fifteen (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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