

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY</b>	
	<b>Chapter 6:</b> Court	<b>Effective Date:</b> July 1, 2019
	<b>Section 11:</b> Permanency Hearing	<b>Version:</b> 7

**STATEMENTS OF PURPOSE**

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

1. 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
2. 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
3. More often if ordered by the court.

DCS may request that 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/youth;
2. The child/youth’s parent, guardian, or custodian;
3. The child/youth’s child advocate (See [Practice Guidance](#))
4. An attorney who has entered an appearance on behalf of the child/youth’s parent, guardian, or custodian;
5. Court Appointed Special Advocate (CASA) or Guardian ad Litem (GAL);
6. [Resource parent](#)<sup>1</sup> or [long-term resource parent](#). See [Related Information](#) for further details; and
7. Witnesses for the hearing.

DCS will present the child/youth’s views in the [Progress Report-Permanency](#), prepared for the Permanency Hearing. See [Related Information](#) for further details. Youth ages 14 and older are to participate in the Permanency hearing. See [Procedure](#) 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 475 5 \(C\)\(i\)](#)
6. [IC 31-34-21-4.6: Long-term Foster Parent](#)

<sup>1</sup> For purposes of DCS policy, the term Resource Parent includes a foster/adoptive parent, foster parent, and relative or kinship caregiver.

## PROCEDURE

The Family Case Manager (FCM) will:

1. Convene a Child and Family Team (CFT) Meeting and/or a Case Plan Conference to review the Permanency Plan and develop a [Case Plan \(SF 2956\)](#). See separate policy, [6.10 Permanency Plan](#) and [Practice Guidance](#) for more information;
2. 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 separate policy, [6.4 Providing Notice](#);
3. 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;
4. Ensure youth age 14 years and older participate in the Permanency hearing;

**Note:** If DCS determines that the youth is unable to participate effectively in the Permanency 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 child/youth's input or participation.

5. Enter court hearing data in the case management system including the court's findings related to Reasonable Efforts toward the Permanency Plan.

The FCM Supervisor will:

1. Review and approve the [Case Plan \(SF 2956\)](#) and the [Progress Report-Permanency](#);
2. Assist the FCM in preparation for the Permanency Hearing; and
3. Ensure all required data and court findings were entered into the case management system.

## PRACTICE GUIDANCE

### Factors to Discuss During the CFT Meeting and/or Case Plan Conference to Prepare for the Permanency Hearing

1. Determine the child/youth's future status (e.g., whether the child/youth is to return to his or her parent, guardian, or custodian, continue in out-of-home care, be placed for adoption, with an appointed legal guardian, with a fit and willing relative, or under Another Planned Permanent Living Arrangement [APPLA]).
2. Determine whether it is in the child/youth's best interest for the juvenile court to retain jurisdiction;
3. Determine whether an existing Permanency Plan should be modified, taking into account the recommendations of individuals who have a significant relationship with the child/youth. See policies, [6.10 Permanency Plan](#), and [5.8 Developing a Case Plan](#);
4. Evaluate whether continuation of the decree with or without modification has a reasonable chance of success;
5. Identify procedural safeguards used by DCS to protect parental rights;

6. Determine whether DCS has made Reasonable Efforts to finalize the Permanency Plan that is in effect;
7. Determine whether responsibility for Placement and Care of the child/youth should remain with DCS; and
8. Identify objectives of the Dispositional Decree that have not been met.

### **Child/Youth's Voice in the Permanency Plan**

The CFT should have a meaningful and informed discussion with the child/youth regarding his or her views on leaving the current home and how he or she feels about reunification, adoption, guardianship, APPLA, or placement with a fit and willing relative. Present the child/youth's views in the Permanency Plan to the court. Although the child/youth's views may be contrary to the court's recommendation for permanency, it is necessary to present those views during the planning process. The child/youth's views may also be expressed by an attorney for the child/youth, the FCM or the GAL/CASA at the Permanency Hearing. There must be an indication that the child/youth's view on his or her permanent placement has been sought and reported to the court at each Permanency Hearing.

**Note:** Youth age 14 years and older are to participate in the development of the Permanency Plan. If DCS determines the youth is unable to participate effectively in the development of the Permanency Plan due to a physical, mental, emotional, or intellectual disability, DCS may excuse the youth from the planning process by documenting in the plan the reason for the youth's inability to participate. If the youth refuses to participate in the Permanency Plan development, DCS must record the refusal and document efforts made to obtain the child/youth's input or participation in the development of the plan.

### **Child Representatives**

Beginning at the age of 14, youth may select up to two (2) child representatives. The child representatives must be at least 16 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 [CHINS Benchbook Forms](#)
2. [Case Plan \(SF 2956\)](#) – Available in the case management system

### **RELATED INFORMATION**

#### **Reasonable Efforts to Preserve and Reunify Families**

In determining the extent to which reasonable efforts to reunify or preserve a family are appropriate, the child/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/youth's home if the child/youth has not been removed from his or her home;
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; or

3. If a permanency plan has been approved, Reasonable Efforts to finalize the permanency plan are required so that the court will issue a finding that DCS has made Reasonable Efforts to Finalize the permanency plan at least every 12 months. Reasonable Efforts to finalize a permanency plan are required to assure that a child/youth continues to be eligible for federal funding to reimburse the costs of out-of-home care and DCS's administrative expenditures.

**Resource Parent**

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

**Long-term Resource Parent**

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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