

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 6: Court	Effective Date: August 1, 2011
	Section 4: Providing Notice	Version: 2

POLICY

[REVISED] 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, of all CHINS Hearings, 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 of 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 foster 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),

[REVISED] Providing proper notice that permits CHINS and TPR cases to proceed is the responsibility of the DCS local office 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: 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 notice¹ (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.

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: Notice of Fact Finding Hearings](#)
6. [IC 31-34-19-1.3: Notice of Dispositional Hearings](#)
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 \(Termination Cases\)](#)

PROCEDURE

The FCM will ensure notices are given to all appropriate parties in a timely manner via the DCS approved methods.

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; or
2. 15 months of the most recent 22 months.

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