

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL</b>	
	<b>Chapter 6:</b> Court Involvement	<b>Effective Date:</b> July 1, 2008
	<b>Section 7:</b> Dispositional Hearing	<b>Version:</b> 1

<b>POLICY</b>	<b>OLD POLICY: 306.7</b>
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The Indiana Department of Child Services (DCS) will attend and participate in a Dispositional Hearing for every child adjudicated as a Child in Need of Services (CHINS).

**Note:** The juvenile court will complete a Dispositional Hearing not more than 30 days after the date the court finds that a child is a CHINS, to consider the following:

1. Alternatives for the care, treatment, rehabilitation, or placement of the child;
2. The necessity, nature, and extent of the participation by a parent/guardian/custodian in the program of care, treatment, or rehabilitation for the child;
3. The financial responsibility of the parent or guardian of the estate for services provided for the parent or guardian or the child; and
4. Legal settlement of the child for school attendance, if the child has been removed from the home.

When a child is removed from his/her home, DCS will ensure that the following required federal language is included in the court order from the Detention Hearing:

1. That it is in the child’s best interest to be removed from the home and that remaining in the home environment would be contrary to the health and welfare of the child;
2. Reasonable efforts were made or were not required to prevent the removal; and
3. DCS has responsibility for the “placement and care” of the child.

See separate policies, [6.4 Providing Notice](#) and [6.6 Predispositional Report](#).

Code References

[IC 31-34-19: Dispositional Hearing](#)

<b>PROCEDURE</b>
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Prior to the Dispositional Hearing, the Family Case Manager (FCM) will:

1. Follow all procedures contained in separate policy [6.6 Predispositional Report](#); and
2. Follow all procedures related to providing notice contained in a separate policy [6.4 Providing Notice](#).

The FCM will enter court hearing data in Indiana Child Welfare Information System (ICWIS).

The Supervisor will assist the FCM in preparation for the Dispositional Hearing.

## PRACTICE GUIDANCE

N/A

## FORMS AND TOOLS

N/A

## RELATED INFORMATION

### **Dispositional Hearing**

The purpose of the Dispositional Hearing is for the court to enter a Dispositional Decree in the case and consider the alternatives for the plan of care, treatment, rehabilitation and placement of the child which best address the specific case and the child's needs.

### **The Dispositional Hearing's Findings and Conclusions**

The court will accompany the court's Dispositional Decree with written findings and conclusions upon the record concerning the following:

1. The needs of the child for care, treatment, rehabilitation, or placement;
2. The need for participation by the parent/guardian/custodian in the plan of care for the child;
3. Efforts made, if the child is a CHINS, to:
  - a. Prevent the child's removal from, or
  - b. Reunite the child with the child's parent/guardian/custodian in accordance with federal law.
4. Family services that were offered and provided to:
  - a. A CHINS, or
  - b. The child's parent/guardian/custodian
5. The court's reasons for the plan of care, treatment, rehabilitation, or placement of the child as ordered or approved by the court.

**Note:** The juvenile court may incorporate a finding or conclusion from a Predispositional Report as a written finding or conclusion upon the record in the court's Dispositional Decree under IC 31-34-19-10 (b).

### **Effective January 1, 2009**

Prior to the Dispositional Decree, if a CHINS Court disagrees with the placement, service(s) or program(s) offered, implemented or not offered by DCS, the Court is required to give the option recommended by the Court to DCS for consideration. DCS will be given three (3) days from when DCS receives the Court's order to consider the option recommended by the Court and provide a report (yet to be developed) to the Court. The report will let the Court know what decision has been made as to the recommended placement, program or service and why. If the Court continues to disagree, an Order may result. DCS must follow the order of the Court but will have an opportunity to appeal the decision, if applicable.

After the Dispositional Decree, if a CHINS Court disagrees with the placement, service(s) or program(s) offered, implemented or not offered by DCS, the Court is required to give the option recommended by the Court to DCS for consideration. DCS will have seven (7) days from the

date it receives the order to reconsider the option and provide a supplemental PDR to the Court. The supplemental PDR will let the Court know what decision has been made as to the recommended placement, program or service and why. If the Court continues to disagree, an order may result. DCS must follow the order of the Court but will have an opportunity to appeal the decision, if applicable.

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