



## INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY

**Chapter 6:** Court

**Section 09:** Periodic Case Review Hearing

**Effective Date:** 01/01/2024

**Version:** 9

- [Procedure](#)
- [Definitions](#)

- [Forms and Tools](#)
- [Related Policies](#)

- [Legal References](#)
- [Practice Guidance](#)

### POLICY OVERVIEW

The Indiana Department of Child Services (DCS) will consistently attend and participate in Periodic Case Review Hearings to ensure the child is receiving necessary care and treatment, DCS has made reasonable efforts to provide family services, and plans are made to move the case forward. DCS provides notice of the hearings as well as prepares progress reports.

[Back to Top](#)

### PROCEDURE

DCS will request that Periodic Case Review Hearings be held at least every six (6) months to:

1. Determine the child's future status (e.g., whether the child is to return to the child's parent, guardian, or custodian, continue in out-of-home care, be placed for adoption, with an appointed legal guardian, a fit and willing relative, or under another planned permanent living arrangement [APPLA]);
2. Determine whether it is in the child's best interest for the juvenile court to retain jurisdiction for any dually adjudicated child (see policy 2.25 Dual Status);
3. Determine whether an existing Permanency Plan will be modified, taking into account the recommendations of individuals who have a significant relationship with the child (see policies 5.08 Developing the Case Plan/Prevention Plan and 6.10 Permanency Plan);
4. Evaluate whether continuation of the Dispositional 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 (REPP) that is in effect;
7. Determine whether responsibility for Placement and Care (PC) of the child should remain with DCS;
8. Identify objectives of the Dispositional Decree that have not been met;
9. Provide an opportunity for the court to hear how the child feels about the current placement and Permanency Plan; and
10. Review the ongoing appropriateness of treatment if a child is admitted to a Qualified Residential Treatment Program (QRTP).

DCS will provide notice of a Periodic Case Review Hearing at least 10 calendar days before the hearing to the following:

1. The child;
2. The child's parent, guardian, or custodian;

3. An attorney who has entered an appearance on behalf of the child's parent, guardian, or custodian;
4. Court Appointed Special Advocate (CASA) or Guardian ad Litem (GAL);
5. Resource parent or long-term foster parent;
6. Prospective adoptive parent named in a petition for adoption of the child if:
  - a. The Consent to Adoption form has been signed and received by the DCS local office,
  - b. The court having jurisdiction in the adoption case has determined that consent to adoption is not required from a parent, guardian, or custodian, or
  - c. A petition has been filed to terminate the parent-child relationship between the child and any parent who has not signed a written consent to adoption.
7. Any other person known to DCS who is currently providing care for the child and is not required to be licensed under Indiana Code (IC) 12-17.2 or IC 31-27 to provide care for the child;
8. Any other suitable relative or person who has a significant or caretaking relationship with the child; and
9. Providers or other individuals who are involved with the case and expected to attend the hearing.

The Family Case Manager (FCM) will:

1. Convene a Child and Family Team (CFT) meeting to review the Permanency Plan and develop a Case Plan/Prevention Plan (see policies 5.07 Child and Family Team (CFT) Meetings and 5.08 Developing the Case Plan/Prevention Plan);
2. Prepare a Progress Report for the Periodic Case Review Hearing (see policy 6.08 Three Month Progress Report);
3. Ensure required parties are notified of the Periodic Case Review Hearing ten (10) calendar days prior to the hearing and receive the Progress Report at least 10 calendar days prior to the hearing (see policy 6.04 Providing Notice of Hearings);

**Note:** Diligent efforts should be made to prepare the child for the Periodic Case Review Hearing (see policy 6.14 Children Attending Court Proceedings).

4. Notify the DCS Staff Attorney of any important information that comes to the FCM's attention after the Progress Report is completed but before the Periodic Case Review Hearing;
5. Staff with the DCS Staff Attorney as necessary to prepare for the Periodic Case Review Hearing;
6. Attend and participate in the Periodic Case Review Hearing for a child:
  - a. Six (6) months after the date of the child's removal from the child's parent, guardian, or custodian or after the date of the Dispositional Decree, whichever comes first; and
  - b. Every six (6) months thereafter; or
  - c. More often if ordered by the court.

**Note:** Additional Periodic Case Review Hearings are encouraged and may be held upon order of the Court.

7. Enter information about the court hearing in the case management system including the court's findings related to REPP and upload the court order to the case management system for the Central Eligibility Unit (CEU) to review the REPP language.

The FCM Supervisor will:

1. Review and approve the Case Plan/Prevention Plan and the Progress Report;
2. Assist the FCM in preparation for the Periodic Case Review Hearing; and
3. Ensure all required information and court findings are entered into the case management system.

The DCS Staff Attorney will:

1. File the Progress Report with the court, along with any additional necessary documentation (e.g., QRTP Determination Report, drug screens), and ensure parties are served with the report;
2. Meet with the FCM to prepare for the Periodic Case Review Hearing, as needed; and

**Note:** For a child receiving treatment in a QRTP (see policy 6.15 Court Process for the Assessment of Admission to a Qualified Residential Treatment Program [QRTP]), the DCS Staff Attorney will prepare the FCM to submit evidence at the Periodic Case Review Hearing demonstrating the following:

- a. The reason for the child's admission to the QRTP, including a discussion of the following:
    - i. That the ongoing assessment of the strengths and needs of the child continues to support the determination that the needs of the child cannot be met through placement in a foster home;
    - ii. That the QRTP is the most effective and appropriate level of care for the child;
    - iii. That the QRTP is the least restrictive environment for the child; and
    - iv. That the QRTP placement meets the short-term and long-term goals for the child, as specified in the Permanency Plan.
  - b. The specific treatment or service needs the QRTP meets for the child and the length of time the child is expected to need the treatment or services, and
  - c. The efforts that have been made to prepare the child to return home or be placed with a fit and willing relative, legal guardian, adoptive parent, or in a foster family home, and
  - d. A description of the child-specific short-term and long-term mental and behavioral health goals.
3. Represent the interest of DCS at the Periodic Case Review Hearing.

[Back to Top](#)

## RELEVANT INFORMATION

### Definitions

#### Dually Adjudicated (Dual Status)

A dually adjudicated child is defined in 31-41-1-2 as "a child who is alleged to be or is presently adjudicated to be a child in need of services under IC 31-34-10 or IC 31-34-11 and is alleged to be or is presently adjudicated to be a delinquent child under IC 31-37-12 or IC 31-37-13".

#### Long-term Foster Parent

A long-term foster parent is a resource parent who has provided care and supervision for a child 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 12 months of age.

### Qualified Residential Treatment Program (QRTP)

A QRTP is a designation for a Child Caring Institution (CCI), Group Home (GH), or Private Secure Facility (PSF) which meets requirements specified by the Family First Prevention Services Act (FFPSA). Requirements a program must meet for this designation may be found in policy 17.03 Verification of QRTP Designation. A program which receives this designation may qualify for federal Title IV-E matching payments after a child's first two (2) weeks in the program (see policy 15.13 Title IV-E Eligible Placements).

### Resource Parent

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

### **Forms and Tools**

- Case Plan/Prevention Plan (SF 2956)- Available in the case management system
- Notice of Periodic Case Review (SF 48997)- Available in the case management system
- Progress Report- Available in the case management system

### **Related Policies**

- [5.07 Child and Family Team \(CFT\) Meetings](#)
- [5.08 Developing the Case Plan/Prevention Plan](#)
- [6.04 Providing Notice of Hearings](#)
- [6.08 Three Month Progress Report](#)
- [6.10 Permanency Plan](#)
- [6.14 Children Attending Court Proceedings](#)
- [6.15 Court Process for the Assessment of Admission to a Qualified Residential Treatment Program \(QRTP\)](#)
- [15.13 Title IV-E Eligible Placements](#)
- [17.03 Verification of QRTP Designation](#)

[Back to Top](#)

## **LEGAL REFERENCES**

- [IC 12-17.2 Day Care Regulation](#)
- [IC 31-27 Child Services: Regulation of Residential Child Care](#)
- [IC 31-34-21-2: Periodic case review](#)
- [IC 31-34-21-3: Progress report required before case review](#)
- [IC 31-34-21-4: Notice of case review; testimony in periodic case review](#)
- [IC 31-34-21-5: Determination; findings](#)
- [42 USC 672: Foster care maintenance payments program](#)
- [42 USC 675\(5\)\(B\): Definitions](#)

[Back to Top](#)

## PRACTICE GUIDANCE- DCS POLICY 6.09

*Practice Guidance is designed to assist DCS staff with thoughtful and practical direction on how to effectively integrate tools and social work practice into daily case management in an effort to achieve positive family and child outcomes. Practice Guidance is separate from Policy.*

### **Child's Voice in Permanency Planning**

The Child and Family Team (CFT) should have a meaningful and informed discussion with the child regarding the child's views on leaving the current home and how the child feels about reunification, adoption, guardianship, another planned permanent living arrangement (APPLA), or placement with a fit and willing relative. The child's views should be taken into consideration when reviewing and revising the permanency plan.

### **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's health and safety are of paramount concern. If the child is placed in the child's home, DCS will make efforts to prevent or eliminate the need for removing the child from the home. If the child is in out-of-home placement, DCS will make efforts to make it possible for the child to return safely to their home as soon as possible.

[Back to Top](#)

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