

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL</b>	
	<b>Chapter 6:</b> Court	<b>Effective Date:</b> August 1, 2011
	<b>Section 7:</b> Dispositional Hearing	<b>Version:</b> 3

<b>POLICY</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, or 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.

**[REVISED]** When a child is removed from his or her home, DCS will ensure that the following required federal language is included in the court order from the first hearing that authorizes the removal of the child(ren):

1. It is in the best interest of the child to be removed from the home environment and remaining in the home would be contrary to the health and welfare of the child;
2. Reasonable efforts have been made to prevent or eliminate the need for removal or the child OR reasonable efforts to prevent removal of the child were not required because of the emergency nature of the situation; and
3. DCS is given 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](#).

**[REVISED]** If the child is first removed and placed in out of home care at the time of the Dispositional Hearing, the FCM should enter court hearing data in the Management Gateway for

Indiana's Kids (MaGIK) to ensure that the issuance of court order language regarding Reasonable Efforts and Placement and Care responsibility, which is necessary for determining the child's eligibility for federal funding to cover the costs of substitute care is reflected.

The Supervisor will assist the FCM in preparation for the Dispositional Hearing and ensure that the court order findings are appropriately documented in MaGIK.

#### **PRACTICE GUIDANCE**

N/A

#### **FORMS AND TOOLS**

[Predispositional Report \(PDR\) \(PDRR1070108\)](#) – Available in MaGIK

#### **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, or custodian in the plan of care for the child;
3. Reasonable Efforts have been made, if the child is a CHINS, to:
  - a. Prevent or eliminate the need for removal of the child, or
  - b. Prevent removal of the child were not required because of the emergency nature of the situation.
4. Family services that were offered and provided to:
  - a. A CHINS, or
  - b. The child's parent, guardian, or 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; and
6. DCS is given responsibility for placement and care of the child.

**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\(b\)](#).

The FCM must update hearing information in MaGIK when the court issues findings regarding Reasonable Efforts to Finalize the Permanency Plan and Placement and Care responsibility for a child that is already placed in out-of-home care. These findings are necessary for determining the child's ongoing eligibility for federal funding.

**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 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 [Predispositional Report \(PDR\) \(PDRR1070108\)](#) 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.