

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 5: General Case Management	Effective Date: July 1, 2010
	Section 9: Informal Adjustment (IA)	Version: 4

POLICY

The Indiana Department of Child Services (DCS) will initiate a Program of Informal Adjustment (IA) when:

1. A Child Abuse and/or Neglect (CA/N) allegation is substantiated;
2. Voluntary participation in family and/or rehabilitative services is the most appropriate course of action to protect the safety and well-being of the child;
3. The parent, guardian, or custodian consents to an IA; and
4. Juvenile court approval is requested and obtained.

The duration of the IA will be no longer than six (6) months. An IA extension may be requested for no longer than three (3) months.

If the court does not approve or deny the IA or set a hearing within 10 business days of filing, the IA is deemed approved. If the hearing is set within 10 business days but not held and action is not taken to approve or deny the IA within 30 business days of submission to the court, the IA is deemed approved. See Related Information for further details.

[REVISED] DCS will utilize the [Progress Report on Program of Informal Adjustment \(IAProgRptR1073008\)](#) to:

1. Notify the court that DCS will be filing a subsequent report (DCS will file a CHINS petition or is still determining the best courses of action);
2. Extend the IA past the initial 6 months (an IA can have one 3 month extension);
3. Dismiss the IA (DCS has already filed a CHINS petition or the family has not complied with the terms of the IA and DCS is not requesting an extension); or
4. Discharge the IA (if the family has complied with the terms of the IA).

Note: The [Progress Report on Program of Informal Adjustment \(IAProgRptR1073008\)](#) must be submitted to the court no later than five (5) months after the implementation of the IA.

DCS will file a petition for compliance if a parent, guardian, or custodian fails to comply with the services outlined in the IA agreement. See Related Information for further details.

DCS will consider filing a Child in Need of Services (CHINS) petition if the parent, guardian, or custodian does not comply with the terms of the IA or the best interests of the child requires additional services for which court intervention is needed.

When requesting an extension of the original six (6) months IA agreement or by the filing of a CHINS petition, DCS will redetermine if the child continues to be at imminent risk for placement and that reasonable efforts are continuing to be made to safely maintain the child at home. See separate policy, [7.1 Child at Imminent Risk of Placement](#).

If the parent, guardian, or custodian has initiated an Administrative Review or Appeal of the substantiated determination, consideration of the review or appeal will be delayed until after completion of the IA. See separate policies, [2.1 Requests for Administrative Review](#), [2.2 Administrative Review Process](#), and [2.5 Administrative Appeal Hearings](#).

Code References

[IC 31-34-8 Program of Informal Adjustment](#)

PROCEDURE

The Family Case Manager (FCM) will:

1. Convene a Child and Family Team (CFT) Meeting or case conference to assist the family in determining the goals to be met by the IA agreement;
 2. Complete the [Program of Informal Adjustment \(IA-R3091109\)](#), outlining the activities or actions to be completed by each person and the deadline for completion. All activities and actions should directly relate to the safety and well-being of the child;
 3. Review the final document with the family to assure that each person understands and agrees to his or her responsibilities;
 4. Assure that the parent, guardian, or custodian and other participants understand the consequences of failure to comply with the terms of the IA before asking for signatures;
 5. **[REVISED]** Provide each person who is named in the IA with a copy of the signed agreement within 10 days;
 6. Submit the [Program of Informal Adjustment \(IA-R3091109\)](#) and [Intake Officer's Report of Preliminary Inquiry and Assessment \(PI\) \(PI-R1\(070108\)\)](#) to the DCS Local Office Attorney;
 7. Track the filing of the IA to determine whether it was approved. See Related Information;
 8. Utilize the CFT to support the family in completing the terms of the IA agreement;
 9. Review and discuss the [Safety Assessment, Risk Assessment, Strengths and Needs Assessment](#), and [Family Functional Assessment](#) with the family;
 10. Discuss with the family any potential barriers to obtaining and/or participating in services (e.g., transportation, childcare, work schedules, etc.);
 11. Monitor the family's progress, and complete and submit to the court the [Progress Report on Program of Informal Adjustment \(IAProgRptR1073008\)](#);
 12. If the family is not making progress toward the terms of the IA, request an extension from the court or request approval to file a CHINS petition using the [Progress Report on Program of Informal Adjustment \(IAProgRptR1073008\)](#); and
- [NEW] Note:** A CHINS petition should only be filed if safety concerns arise because the parent, guardian, or custodian has not complied with the terms of the IA or the best interests of the child requires additional services for which court intervention is needed.
13. **[NEW]** Use the [Progress Report on Program of Informal Adjustment \(IAProgRptR1073008\)](#) to notify the court of DCS' intent to let the IA expire at six (6) months, if no further DCS involvement is required.

The DCS Local Office Attorney will:

1. Prepare and file a Request for Approval of [Program of Informal Adjustment \(IA-R3091109\)](#), utilizing the PI and IA as attachments/exhibits or discuss the legal insufficiency with the DCS Local Office Director or designee;
2. Notify the FCM of the filing date of the PI and IA; and
3. Prepare and file appropriate pleadings to request time extension or discharge in accordance with the [Progress Report on Program of Informal Adjustment \(IAProgRptR1073008\)](#) presented or discuss the issues with the DCS Local Office Director or designee.

PRACTICE GUIDANCE

N/A

FORMS AND TOOLS

1. [Program of Informal Adjustment \(IA-R3091109\)](#) – Available in ICWIS
2. [Progress Report on Program of Informal Adjustment \(IAProgRptR1073008\)](#) – Available in ICWIS
3. [Intake Officer's Report of Preliminary Inquiry and Assessment \(PI\) \(PI-R1\(070108\)\)](#) – Available in ICWIS
4. [Safety Assessment](#)- Available in ICWIS
5. [Risk Assessment](#)- Available in ICWIS
6. [Strength and Needs Assessment](#)- Available in ICWIS
7. [Family Functional Assessment](#)- Available on Indiana Practice Model SharePoint

RELATED INFORMATION

Petition for Compliance

If the DCS local office determines the parent, guardian, or custodian has not substantially complied with the terms of the [Program of Informal Adjustment \(IA-R3091109\)](#), the DCS local office may file a petition for compliance with the court. Upon the filing of a petition for compliance and after notice and a hearing on the petition for compliance, the juvenile court may order the parent, guardian, or custodian of a child to participate in a program of IA approved by the court. A parent, guardian, or custodian who fails to participate in a Program of Informal Adjustment ordered by the court may be found in contempt of court.

Denial of Informal Adjustments (IAs)

If the court denies an IA, it must state its reasons for the denial, which can include lack of probable cause to believe there is a CHINS or that there is no need for coercive intervention of the court.