

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY	
	Chapter 6: Court Section 04: Providing Notice of Hearings	
	Effective Date: September 1, 2023	Version: 7

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POLICY OVERVIEW

Written notice of Child in Need of Services (CHINS) and Termination of Parental Rights (TPR) hearings are sent in a manner consistent with the Indiana Trial Rules to permit CHINS and TPR cases to proceed in a timely manner.

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PROCEDURE

The Indiana Department of Child Services (DCS) will give written notice of CHINS and TPR hearings, by mail or hand delivery to the following:

1. The child;
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 and/or long-term foster parent.

Note: 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. In Periodic Case Reviews and Permanency Hearings, notice must be sent to any fit and willing relative or person whom DCS identifies as having a significant relationship with the child. Notice must also be sent to the prospective adoptive parent if required consent to adoption has been received or TPR filed.

Legal notice must be provided at least 10 calendar days prior to each of the following hearings:

1. Periodic Case Review Hearings;
2. Permanency Hearings; and
3. TPR proceedings.

DCS will use one (1) of the following methods for providing notice of a hearing:

1. Mail- Notice may be sent by mail if the notice is deposited in the mail at least 10 calendar days prior to the scheduled hearing;
2. Hand delivery- Written notice may be hand delivered. The person delivering the notice must verify by affidavit, testimony, or other communication to the court at the hearing that notice was given as required; or
3. Verbal- Verbal notice may be the only form of notice available 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. Verbal notice should be given in addition to the written notice in all other circumstances.

Note: Verbal notice must include the date, time, location, and purpose of the proceeding. The notice cannot be left on voice mail or with other persons not a party to the proceeding. 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.

DCS will provide notice of a planned placement change to appropriate parties when the child has been in the same placement for at least 12 months. The appropriate parties have a right to file an objection to the placement change within 10 calendar days.

Note: The child's placement may not be changed prior to the court's order unless safety cannot be ensured.

The Family Case Manager (FCM) will:

1. Provide contact information for all required parties to the DCS Staff Attorney;
2. Provide verbal notice of hearings, in addition to any other form of notice provided, to all required parties in a timely manner;
3. Notify the DCS Staff Attorney at least 15 calendar days in advance of the change when a placement change is planned and ensure the attorney is aware if the child has been in the current placement for at least 12 months; and
4. Document verbal notice of hearings in the case management system.

The DCS Staff Attorney will:

1. Obtain contact information for all required parties from the FCM;
2. Ensure the required parties are notified of each hearing via mail, hand delivery, or verbally, as appropriate; and
3. Provide notice of placement change to the appropriate parties when the child has been in the current placement for at least 12 months.

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RELEVANT INFORMATION

Definitions

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.

Resource Parent

For purposes of DCS policy, a resource parent includes a foster parent, licensed or unlicensed relative or kinship caregiver, and a pre-adoptive parent.

Forms and Tools

N/A

Related Policies

N/A

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LEGAL REFERENCES

- [IC 31-9-2-76.5: "Long term foster parent"](#)
- [IC 31-32-1-4: Hearing notices regarding CHINS or delinquent cases](#)
- [IC 31-34-2.3-4: Hearing; notice](#)
- [IC 31-34-5-1: Time for hearing; notice; petition alleging a child is a child in need of services](#)
- [IC 31-34-10-2: Initial hearing; service of petition and summons; determination of referral for dual status assessment; CHINS petition; additional initial hearings](#)
- [IC 31-34-11-1: Hearing requirements; extension of time; notice; opportunity to be heard](#)
- [IC 31-34-19-1.3: Notice of disposition of hearing; duties of court](#)
- [IC 31-34-21-4: Notice of case review; testimony in periodic case review](#)
- [IC 31-34-22-2: Providing copies of reports and factual summaries of reports](#)
- [IC 31-34-23-3: Notice and hearing requirements; change in out-of-home placement; temporary order for emergency change of placement](#)
- [IC 31-35-2-6.5: Notice of hearing](#)
- [Indiana Trial Rule 5](#)

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PRACTICE GUIDANCE- DCS POLICY 6.04

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.

Communicating Hearing Information to Child and Family Team (CFT) Members

Communicating hearing information to all relevant parties in a timely manner aids in building trust-based relationships. FCMs may explain to the appropriate parties who are entitled to notice of the hearing the date of an upcoming court hearing, purpose of the hearing, and what will be discussed.

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