

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY	
	Chapter 6: Court	Effective Date: May 1, 2021
	Section 07: Dispositional Hearing	Version: 5

POLICY OVERVIEW

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 addresses the specific case and the child’s and family’s needs.

PROCEDURE

The Indiana Department of Child Services (DCS) will participate in a Dispositional Hearing for every parent, guardian, or custodian named as a Respondent for each child adjudicated as a Child in Need of Services (CHINS). 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;
4. The recommendations and report of a dual status assessment team if the child is a dual status child; and
5. Legal settlement of the child for school attendance if the child has been removed from the home.

Note: When a child is removed from the home, DCS will request that the following required federal language is included in the court order from the first hearing that authorizes the removal of the child (whichever hearing that may be):

- a. It is in the Best Interest (BI) of the child to be removed from the home environment and remaining in the home would be Contrary to the Welfare (CTW) of the child;
- b. Reasonable Efforts (RE) have been made to prevent or eliminate the need for removal of the child OR reasonable efforts to prevent removal of the child were not required because of the emergency nature of the situation; and
- c. DCS is given responsibility for the “Placement and Care (PC)” of the child.

If DCS determines to seek a No Reasonable Efforts finding, see policy 6.10 Permanency Plan.

The Family Case Manager (FCM) will:

1. Complete the following:
 - a. Follow all procedures contained in policy 6.06 Predispositional Report, and verbally review each person’s Predispositional Report with them prior to the hearing,
 - b. Follow all procedures related to providing notice in policy 6.04 Providing Notice,
 - c. Attend the Dispositional Hearing, and

- d. Ensure each parent, guardian, or custodian has a copy of the Dispositional Decree/Participation Decree, review it with the parent, guardian, or custodian, and explain what services have been ordered for the parent, guardian, or custodian to complete.
2. Ensure information is entered from the court hearing in the case management system, including if the child is removed and placed in out-of-home care at the time of the Dispositional Hearing; and

Note: The court hearing data must be entered to ensure that the issuance of court order language regarding CTW/BI, RE, and PC responsibility, which is necessary for determining the child's eligibility for federal funding to cover the costs of out-of-home care, is reflected (see policies 15.01 Eligibility Overview for Field and Legal Staff and 15.03 Judicial Determinations).

3. Complete any needed referrals for services ordered by the court.

The FCM Supervisor will:

1. Assist the FCM in preparation for the Dispositional Hearing;
2. Ensure referrals are completed for court ordered services; and
3. Ensure the court's findings are appropriately documented in the case management system.

The DCS Staff Attorney will:

1. Review reports from other parties or providers;
2. Determine whether a staffing with the FCM is necessary prior to the hearing and establish contact with the FCM to schedule the staffing;
3. Determine which witnesses may be needed at the hearing, send subpoenas as needed, and prepare the identified witnesses to testify;
4. Represent DCS at the Dispositional Hearing; and
5. Request all necessary findings from the court.

LEGAL REFERENCES

- [IC 31-34-5-3\(b\): Release; findings required for detention order; approval of services, programs, and placement; court order; appeal; payment of costs](#)
- [IC 31-34-19: Dispositional Hearing](#)
- [IC 31-34-20: Dispositional Decrees](#)
- [IC 31-34-20-3: Order for participation by parent, guardian, or custodian in program of care, treatment, or rehabilitation for child](#)
- [IC 31-34-20-5: Determination and reporting of legal settlement of child](#)
- [IC 31-34-21-5.6: Exceptions to requirement to make reasonable efforts to preserve and reunify families](#)
- [42 USC 671 et. seq.: State plan for foster care and adoption assistance](#)

RELEVANT INFORMATION

Definitions

N/A

Forms and Tools

- [Predispositional Report \(PDR\)](#) – Available in the case management system

Related Policies

- [6.04 Providing Notice](#)
- [6.06 Predispositional Report](#)
- [6.10 Permanency Plan](#)
- [15.01 Eligibility Overview for Field and Legal Staff](#)
- [15.03 Judicial Determinations](#)

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