

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 6: Court	Effective Date: August 1, 2011
	Section 9: Periodic Case Review Hearing	Version: 3

POLICY

[REVISED] The Indiana Department of Child Services (DCS) will attend and participate in a Periodic Case Review Hearing:

1. At least once every six (6) months or when ordered by the Court after the date of the child's removal from the child's parent, guardian, or custodian; or
2. At least six (6) months after the date of the Dispositional Decree, whichever comes first.

DCS will provide notice at least 10¹ calendar days before the Periodic Case Review to the following:

1. The child;

Note: If the child's attendance at the hearings would neither benefit the child nor contribute to the proceedings, DCS will file a request for a court order to exclude the child from the proceedings. To remove the obligation of DCS to provide notice to the child, the order must specifically address the issue.

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. Resource parent(s);
5. Prospective adoptive parent(s) named in a petition for adoption of the child if:
 - a. Each consent to adoption of the child that has been signed and filed with 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 is pending to terminate the parent-child relationship between the child and any parent who has not signed a written consent to adoption.
6. Any other suitable relative or person who has a significant or care taking relationship with the child;
7. Court Appointed Special Advocate (CASA) or Guardian ad Litem (GAL); and
8. Long term resource parent. See Related Information for further details.

Note: DCS will present proof of notice at the Case Review, if part of a Permanency Hearing. Notice may be sent by distribution of the [Progress Report \(PermRptR1070108\)](#), if the hearing date is known and inserted in the report.

¹ DCS requires court reports to be filed 10 days prior to the court hearing, which is different from statute IC 31-34-21-4 which states the reports must be filed 7 days prior. These timeframes for notices and reports do not modify DCS's duties to conform to the notice provisions of the Indiana Trial Rules.

Code References

1. [IC 31-34-21-2: Periodic case review](#)
2. [IC 31-34-21-3: Progress report required before case review](#)
3. [IC 31-34-21-4: Notice of case review; testimony in periodic case review](#)
4. [IC 31-34-21-4.6: Long-term Foster Parent](#)
5. [IC 31-34-21-5: Determination; findings](#)
6. [IC 31-34-21-7: Permanency Hearing](#)

PROCEDURE

Prior to the hearing, the Family Case Manager (FCM) will:

1. Follow all procedures contained in a separate policy, [6.8 Three Month Progress Report](#);
2. Follow all procedures related to providing notice contained in a separate policy, [6.4 Providing Notice](#);
3. Ensure that the [Notice of Periodic Case Review \(SF 48997/CW0002\)](#) or [Progress Report \(PermRptR1070108\)](#) from the Indiana Child Welfare Information System is printed and sent to the required parties at least 10 calendar days in advance, if the Notice Section of the [Progress Report \(PermRptR1070108\)](#) was not completed and previously sent for the scheduled hearing;
4. Coordinate witnesses for hearing with the DCS Local Office Attorney; and
5. Attend the hearing prepared to testify.

Following the hearing, the FCM will enter court hearing data in the Indiana Child Welfare Information System.

1. Enter all required data in the Indiana Child Welfare Information System including court order findings of Placement and Care responsibility and Reasonable Efforts to finalize the Permanency Plan.

The Supervisor will:

1. Assist the FCM in preparation for the Periodic Case Review Hearing; and
2. Ensure all required data was entered into the Indiana Child Welfare Information System, including court order findings of Placement and Care responsibility and Reasonable Efforts to finalize the Permanency Plan.

PRACTICE GUIDANCE

NA

FORMS AND TOOLS

1. [Notice of Periodic Case Review \(SF 48997/CW0002\)](#) – Available in the Indiana Child Welfare Information System
2. [Progress Report \(PermRptR1070108\)](#) - Available in the Indiana Child Welfare Information System
3. [Case Plan \(SF 2956/DCS0046\)](#) – Available in the Indiana Child Welfare Information System

RELATED INFORMATION

[REVISED] Determination and Findings

The court shall determine the following:

1. Whether the child's [Case Plan \(SF 2956/DCS0046\)](#), services, and placement meet the special needs and best interests of the child;
2. Whether the DCS has made reasonable efforts toward finalizing the permanency plan; and
3. A projected date for the child's return home, the child's adoption placement, the child's emancipation, or the appointment of a legal guardian for the child.

Note: The determination of the court will be based on findings after consideration of the following information:

1. Whether DCS, the child, or the child's parent, guardian, or custodian has complied with the child's [Case Plan \(SF 2956/DCS0046\)](#);
2. Written documentation containing descriptions of:
 - a. The family services that have been offered or provided to the child or the child's parent, guardian, or custodian,
 - b. The dates during which the family services were offered or provided, and
 - c. The outcome arising from offering or providing the family services.
3. The extent of the efforts made by DCS to offer and provide family services;
4. The extent to which the parent, guardian, or custodian has enhanced the ability to fulfill parental obligations;
5. The extent to which the parent, guardian, or custodian has visited the child, including the reasons for infrequent visitation;
6. The extent to which the parent, guardian, or custodian has cooperated with DCS or Probation Department;
7. The child's recovery from any injuries suffered before removal;
8. Whether any additional services are required for the child or the child's parent, guardian, or custodian and, if so, the nature of those services;
9. The extent to which the child has been rehabilitated;
10. If the child is placed out-of-home, whether the child is in the least restrictive, most family-like setting, and whether the child is placed close to the home of the child's parent, guardian, or custodian;
11. The extent to which the causes for the child's out-of-home placement or supervision have been alleviated;
12. Whether current placement or supervision by DCS should be continued;
13. The extent to which the child's parent, guardian, or custodian has participated or has been given the opportunity to participate in case planning, Periodic Case Reviews, dispositional reviews, placement of the child, and visitation;
14. Whether DCS has made reasonable efforts toward finalizing the child's permanency plan unless reasonable efforts are not required; and
15. Whether it is an appropriate time to prepare or implement a Permanency Plan for the child.

Long-term Resource Parent

A resource parent who has provided care and supervision for a child for at least:

1. The 12 most recent months; or
2. 15 months of the most recent 22 months.