

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL</b>	
	<b>Chapter 6:</b> Court	<b>Effective Date:</b> October 1, 2013
	<b>Section 11:</b> Permanency Hearing	<b>Version:</b> 5
<b>POLICY</b>		

The Indiana Department of Child Services (DCS) will attend and participate in a Permanency Hearing for a child:

1. **[REVISED]** Within 30 days after the court finds that reasonable efforts to reunify or preserve a child's family are not required and every 12 months thereafter; or
2. **[REVISED]** Every 12 months after the date of the original Dispositional Decree or the date the child was removed from his or her parent, guardian, or custodian, whichever comes first; or
3. More often if ordered by the court.

DCS may request that the court hold a Permanency Hearing at any time.

**[REVISED]** DCS will provide notice at least 10 calendar days before the Permanency Hearing to the following:

1. The child;
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. Court Appointed Special Advocate (CASA) or Guardian ad Litem (GAL);
5. Resource parent<sup>1</sup> or long-term resource parent. See Related Information for further details; and
6. Witnesses for the hearing.

DCS will present the child's views in the [Permanency Hearing Report](#), prepared for the Permanency Hearing. See Related Information for further details.

#### Code References

1. [IC 31-34-21-7: Permanency hearing](#)
2. [IC 31-34-22: Reports required for reviewing dispositional decrees](#)
3. [IC 31-34-21-4: Notice of Case Review; testimony in periodic case review](#)
4. [IC 31-32-1-4: Hearing notices regarding CHINS or delinquent cases](#)
5. [42 USC 675 Section 475 5 \(C\)\(i\)](#)
6. [IC 31-34-21-4.6: Long-term Foster Parent](#)

<sup>1</sup> For purposes of DCS policy, the term Resource Parent includes a foster/adoptive parent, foster parent, and relative or kinship caregiver.

## PROCEDURE

The Family Case Manager (FCM) will:

1. **[NEW]** Convene a Child and Family Team (CFT) meeting to review the permanency plan and develop a case plan. See Practice Guidance;
2. **[REVISED]** Ensure required parties are notified of the permanency hearing and receive the [Progress Report - Permanency](#) at least 10 calendar days prior to the hearing. See separate policy, [6.4 Providing Notice](#);
3. Attend and participate in the Permanency Hearing for a child:
  - a. **[REVISED]** Within 30 days after the court finds that reasonable efforts to reunify or preserve a child's family are not required and every 12 months thereafter, or
  - b. **[REVISED]** Every 12 months after the date of the original Dispositional Decree or the date the child was removed from his or her parent, guardian, or custodian, whichever comes first, or
  - c. More often if ordered by the court.
4. Enter court hearing data in the Management Gateway for Indiana's Kids (MaGIK) including the court's findings related to Reasonable Efforts toward the Permanency Plan.

**[REVISED]** The FCM Supervisor will:

1. Review and approve the [case plan](#) and the [Progress Report – Permanency](#);
1. Assist the FCM in preparation for the Permanency Hearing; and
2. Ensure all required data and court findings were entered into MaGIK.

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.

## PRACTICE GUIDANCE

### **Factors to Discuss During the CFT meeting to prepare for the Permanency Hearing**

1. Determine the child's future status (e.g., whether the child is to return to his or her parent, guardian, or custodian, continue in substitute care, be placed for adoption, with an appointed legal guardian, with a fit and willing relative, or under another planned permanent living arrangement).
2. Determine whether it is in the child's best interest for the juvenile court to retain jurisdiction;
3. Determine whether an existing Permanency Plan will be modified, taking into account the recommendations of individuals who have a significant relationship with the child. See separate policies, [6.10 Permanency Plan](#), and [5.8 Developing a Case Plan](#);
4. Evaluate whether continuation of the decree with or without modification has a reasonable chance of success;
5. Identify procedural safeguards used by DCS to protect parental rights;
6. Determine whether DCS has made Reasonable Efforts to finalize the Permanency Plan that is in effect;
7. Determine whether responsibility for Placement and Care of the child should remain with DCS; and
8. Identify objectives of the Dispositional Decree that have not been met.

### **[REVISED] Child's Voice in the Permanency Plan**

The CFT should have a meaningful and informed discussion with the child regarding his or her views on leaving the current home and how he or she feels about reunification, adoption, guardianship, another planned permanent living arrangement, or placement with a fit and willing relative. Present the child's views in the permanency plan to the court. Although the child's views may be contrary to the court's recommendation for permanency, it is necessary to present those views during the planning process. The child's views may also be expressed by an attorney for the child, the FCM or the Guardian Ad Litem (GAL)/Court Appointed Special Advocate (CASA) at the Permanency Hearing. There must be an indication that the child's view on his or her permanent placement has been sought and reported to the court at each Permanency Hearing.

### **FORMS AND TOOLS**

1. [Progress Report](#)- available in MaGIK
2. [Case Plan](#)- available in MaGIK
3. [Permanency Hearing Report](#)- available in MaGIK

### **RELATED INFORMATION**

#### **Reasonable Efforts to Preserve and Reunify Families**

In determining the extent to which reasonable efforts to reunify or preserve a family are appropriate, the child's health and safety are of paramount concern.

DCS will make Reasonable Efforts to preserve and reunify families as follows:

1. Efforts to prevent or eliminate the need for removing the child from the child's home if the child has not been removed from his or her home;
2. Efforts to make it possible for the child to return safely to his or her home as soon as possible if the child has been removed; or
3. **[REVISED]** If a permanency plan has been approved, Reasonable Efforts to finalize the permanency plan are required so that the court will issue a finding that DCS has made Reasonable Efforts to Finalize the permanency plan at least every 12 months. Reasonable Efforts to finalize a permanency plan are required to assure that a child continues to be eligible for federal funding to reimburse the costs of substitute care and DCS's administrative expenditures.

#### **[NEW] Resource Parent**

For purposes of DCS policy, the term Resource Parent includes a foster/adoptive parent, foster parent, and relative or kinship caregiver.

#### **[NEW] Long-term Resource Parent**

Per IC 31-34-21-4.6 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; or
2. Fifteen (15) months of the most recent 22 months.