

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY	
	Chapter 8: Out-of-Home Services	Effective Date: July 1, 2018
	Section 38: Placement Changes	Version: 4

STATEMENTS OF PURPOSE

The Indiana Department of Child Services (DCS) may recommend to the court a change in placement if there are allegations of Child Abuse and/or Neglect (CA/N) and the alleged perpetrator is the resource parent or another person living in the home or facility.

DCS will recommend to the court a change in placement, if any one (1) of the following exists:

1. Any substantiated CA/N in a resource home by the resource parent or any household member;

Note: DCS will remove the child immediately if the safety of the child cannot be ensured in the current placement. See information below when the child has been in the same out-of-home placement for at least 12 months.

2. Appropriate placement for the child with his or her siblings becomes available;

Exception: Unless placement with siblings is not in the best interest of one (1) or more of the children.

3. An appropriate relative caregiver is identified and placement with the relative caregiver is in the best interest of the child;
4. Disruption of a Trial Home Visit (THV);
5. A pre-adoptive home has been identified and determined to be in the best interest of the child; or
6. The child needs a more or less restrictive placement.

The resource parent must provide DCS with at least a 14 day notice if the caregiver is no longer able and/or willing to care for the child.

When a child has been in the same out-of-home placement for less than one (1) year:

1. The resource parent and the child, if age and developmentally appropriate, will be notified at least 14 days prior to a proposed change in placement, unless the child's safety cannot be ensured; and
2. DCS will submit written notice to the court within 10 business days following a placement change (including placement of a child into a THV or into foster or relative care from a disrupted THV).

Note: In counties where the court requires a court order or hearing for placement changes, DCS will follow court protocol.

When DCS recommends a placement change for a child who has been in the same out-of-home placement for **at least 12 months**, the resource parent(s) has a right to file an objection to the placement change. DCS will:

1. File a motion with the court to change the out-of-home placement, prior to the placement change, unless the child's safety cannot be ensured (see below); and
2. Provide notice of the intent to change the child's placement to the parties affected;

Note: DCS will not change the placement of the child prior to receipt of the court's decision regarding the placement change, unless the child's safety cannot be ensured.

When a child has been in the current out-of-home placement for at least 12 months and the child's safety cannot be ensured, DCS will:

1. Change the placement of the child;
2. File an emergency motion with the court; and
3. Request the court to issue a temporary order for an emergency change in the child's placement.

Note: Immediately following an emergency change in placement, DCS will provide notice to affected individuals.

DCS will notify the child's school of **all** placement changes within 72 hours. See separate policy, [8.22 School Notification and Legal Settlement](#) for further guidance.

Note: In accordance with the Every Student Succeeds Act (ESSA), DCS will collaborate with the local education agency to allow the child to remain in the school he or she attended while living with his or her parent, guardian, or custodian when it is in the best interest of the child.

Code Reference

N/A

PROCEDURE

The Family Case Manager (FCM) will:

1. Engage the Child and Family Team (CFT) to:
 - a. Discuss the child's placement needs,
 - b. Assess all available alternatives for support of the child's current placement, if placement is being disrupted,
 - c. Identify a new placement type and/or resource. For further guidance, see separate policy [8.1 Selecting a Placement Option](#),
 - d. Develop a transition plan with assistance from the CFT, to the fullest extent possible given time constraints, and
 - e. Notify the child in advance of the placement change and discuss the new placement with the child to the extent that he or she is able to understand, given age and developmental level. For further guidance, see separate policy [8.8 Preparing the Child for Placement](#).
2. Discuss the reasons for considering a placement change, resource parent supports provided and considered to prevent a placement disruption, and alternative placement options with the FCM Supervisor;

3. When the child has been in the same out-of-home placement for less than one (1) year:
 - a. Notify all relevant parties of the planned change in placement at least 14 days prior to the change, or as soon as possible given time constraints, and
 - b. Provide information regarding the placement change to the Local Staff Attorney for submission of written notice to the court within 10 business days following a placement change (including placement of a child into a THV or into foster or relative care from a disrupted THV);

Note: In counties where the court requires a court order or hearing for placement changes, DCS will follow court protocol.

4. When the child has been in the same out-of-home placement for at least 12 months:
 - a. Ensure the resource parent is aware of the plan to change the child's placement,
 - b. Provide information regarding the recommended placement change to the Local Staff Attorney for filing a motion with the court prior to the placement change, unless the child's safety cannot be ensured, and

Note: Ensure the Local Staff Attorney is aware that the child has been in the current placement for more than 12 months.

- c. Obtain a court order regarding the placement change prior to moving the child, unless the child's safety cannot be ensured.

Note: If an emergency placement change occurs, the FCM must immediately ask the Local Staff Attorney to file a motion with the court.

5. Remove the child and assist in his or her transition to the new placement. For further guidance, see separate policy [8.9 Placing the Child in Out-of-Home Care](#);
6. Request the assistance of law enforcement if the resource parent acts to prevent removal. For further guidance, see separate policy [4.28 Involuntary Removals](#);
7. Notify the school of the placement change within 72 hours;

Note: When an education placement change is considered, the FCM must submit an Education Services referral in KidTraks for assistance in obtaining an official determination of the child's best interests regarding educational placement. See separate policy, [8.22 School Notification and Legal Settlement](#) for further guidance.

8. Record the placement change, including the relationship of the child and the new placement, on the Placement screen in the Management Gateway for Indiana's Kids (MaGIK) within 24 hours; and
9. Note the steps taken to preserve the placement and any reasons for placement change in MaGIK within 24 hours of the placement change.

The DCS Staff Attorney will:

1. Ensure notice of a placement change is submitted to the court when a child has been in the current placement for less than 12 months; and

Note: In counties where the court requires a court order or hearing for placement changes, Local Staff Attorneys will ensure court protocol is followed.

2. Ensure a motion to change placement is filed with the court and affected parties are notified, when a child has been in the current placement for more than 12 months and a placement change is planned.

PRACTICE GUIDANCE

Request to Move a Sibling

A resource parent may request removal of one (1) sibling rather than the removal of all the children (e.g., “We will continue to care for the baby, but would like DCS to remove the 7 year old”). In such cases, the FCM and the CFT should carefully determine if the placement change would be in the best interest of one (1) or more of the children. If the placement change is not in the best interest of one (1) or more of the children, the FCM may review the current services the resource parent is receiving and discuss service changes that may increase the resource parent’s ability to care for the child in question. Alternately, after reviewing the situation, the team may decide that it is in the best interest for the entire sibling group to be moved.

Eligible Placements

DCS will claim federal reimbursement (Title IV-E Foster Care, Title IV-A Emergency Assistance, and Title IV-E Waiver) on behalf of eligible children who are placed in DCS licensed placements. Eligible placement settings include, but are not limited to relative homes, resource homes, child-caring institutions, emergency shelters, group homes, and private secure care. Ineligible placement settings include those outside the scope of foster care, such as but not limited to detention centers, correctional facilities, hospitals, and boot camps.

FORMS AND TOOLS

N/A

RELATED INFORMATION

Placement Disruptions

A placement disruption occurs any time a child is moved from one out-of-home placement to another. Examples include, but are not limited to, moving from an emergency shelter to a relative resource home or from one resource home to another. Reuniting a child with his or her parent, guardian, or custodian is not a placement disruption nor is a planned transition out of a residential facility and into less restrictive care.

Impact of Placement Disruptions

Disruption in a child’s placement must be considered carefully, because it has the potential to jeopardize the child’s capacity to trust the environment, including the adults around the child. Disruption in placement may have serious negative consequences for the child’s sense of security and self-worth. A placement change may be another loss, rejection, or possible trauma for a child and may affect the child’s ability to form positive attachments in the future. Thus, the best interest of the child must be the priority when considering a change in placement.