

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY	
	Chapter 6: Court	Effective Date: September 1, 2021
	Section 04: Providing Notice of Hearings	Version: 6

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

PROCEDURE

The Indiana Department of Child Services (DCS) will give written notice of CHINS and TPR hearings, by mail or personal service 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 may 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. 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 DCS identifies as having a significant relationship with the child. If required consent to adoption has been received or TPR filed, notice must also be sent to prospective adoptive parent.

DCS is to provide proper legal notice pursuant to the Indiana Trial Rules to permit the CHINS and TPR cases to proceed in a timely manner. In addition, notice must be provided within 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 serving notice of a hearing:

1. Mail – Notice of the following may be sent by mail if the notice is deposited in the mail at least 10 calendar days prior to the scheduled hearing:
 - a. CHINS Petition,
 - b. Advisement of Rights,
 - c. Summons,

- d. Court Reports, and
- e. Notice of all hearings.

Note: Notice to incarcerated parties must be sent to the parent in care of the superintendent of the facility or designee.

2. Verbal – Verbal notice may be given 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. DCS requires verbal notice (i.e., date, time, location, and purpose of the proceeding) to the person who is required to be notified. 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.

Note: Notice by DCS is not required if verbal notice of the date, time, location, and purpose of the proceeding was given by the court at an earlier hearing or proceeding at which the individual to be notified was present.

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 15 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 parties to the DCS Staff Attorney;
2. Provide verbal notice of hearings to all required parties in a timely manner;
3. Notify the DCS Staff Attorney 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 parties from the FCM;
2. Ensure the required parties are notified of each hearing via mail 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.

LEGAL REFERENCES

- [IC 31-32-1-4: Hearing notices regarding CHINS or delinquent cases](#)
- [IC 31-32-1-4\(f\): Juvenile Court Procedures](#)
- [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 \(Termination Cases\)](#)

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, the term Resource Parent includes a foster/adoptive parent, foster parent, and relative or kinship caregiver.

Forms and Tools

- [Indiana Trial Rules](#)

Related Policies

N/A