



INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY

Chapter 6: Court

Section 07: Dispositional Hearing

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Version: 7

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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.

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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;

Note: The parent is presumed indigent unless a court makes a specific finding that states otherwise.

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. Work with the DCS Staff Attorney to prepare for the Dispositional Hearing,
 - d. Attend the Dispositional Hearing, and
 - e. 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, may be documented by the Central Eligibility Unit (CEU) (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. Meet with the FCM to prepare for the Dispositional Hearing, as needed;

Note: For a child receiving treatment in a Qualified Residential Treatment Program (QRTP) the DCS Staff Attorney will prepare the FCM in order to submit evidence at the Dispositional Hearing demonstrating the following:

- a. The reason for the child's admission to the QRTP, including a discussion of the following:
 - i. That the ongoing assessment of the strengths and needs of the child continues to support the determination that the needs of the child cannot be met through placement in a foster home
 - ii. That the QRTP is the most effective and appropriate level of care for the child;
 - iii. That the QRTP is the least restrictive environment for the child; and
 - iv. That the QRTP meets the short-term and long-term goals for the child, as specified in the Permanency Plan.
- b. The specific treatment or service needs the QRTP meets for the child and the length of time the child is expected to need the treatment or services, and

- c. The efforts that have been made to prepare the child to return home or be placed with a fit and willing relative, legal guardian, adoptive parent, or in a foster family home, and
- d. A description of the child-specific short-term and long-term mental and behavior health goals.

Note: For additional guidance regarding the QRTP process, see policy 6.15 Court Process for the Assessment of Admission to a Qualified Residential Treatment Program (QRTP).

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.

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RELEVANT INFORMATION

Definitions

Qualified Residential Treatment Program (QRTP)

A Qualified Residential Treatment Program (QRTP) is a designation for a Child Caring Institution (CCI), Group Home (GH), or Private Secure Facility (PSF) which meets requirements specified by the Family First Prevention Services Act (FFPSA). Requirements a program must meet for this designation may be found in policy 17.03 Verification of QRTP Designation. A program which receives this designation may qualify for federal Title IV-E matching payments after a child's first two (2) weeks in the program. See policy 15.13 Title IV-E Eligible Placements for additional information regarding this eligibility.

Forms and Tools

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

Related Policies

- [6.04 Providing Notice](#)
- [6.06 Predispositional Report \(PDR\)](#)
- [6.10 Permanency Plan](#)
- [6.15 Court Process for the Assessment of Admission to a Qualified Residential Treatment Program \(QRTP\)](#)
- [15.01 Eligibility Overview for Field and Legal Staff](#)
- [15.03 Judicial Determinations](#)
- [15.13 Title IV-E Eligible Placements](#)
- [17.03 Verification of QRTP Designation](#)

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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](#)
- [IC 31-40-1-3: Obligation of parent or guardian for cost of services provided to the child adjudicated delinquent or in need of services; child support obligation worksheet; manner of payment](#)
- [42 USC 671 et. seq.: State plan for foster care and adoption assistance](#)
- [42 USC 672: Foster care maintenance payments program](#)

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PRACTICE GUIDANCE- DCS POLICY 6.07

Practice Guidance is designed to assist DCS staff with thoughtful and practical direction on how to effectively integrate tools and social work practice into daily case management in an effort to achieve positive family and child outcomes. Practice Guidance is separate from Policy.

Court Disagreement with Placement, Services, or Programs

The court may disagree with the placement, services, or programs offered, implemented, or not offered by DCS. When this occurs, the court is required to provide a recommendation option to DCS. If the disagreement occurs prior to the Dispositional Decree, DCS will have three (3) days from the date it receives the court's order to provide a report to the court. If the disagreement occurs after the Dispositional Decree, DCS will have seven (7) days from the date it receives the court's order to reconsider the option and provide a supplemental PDR. Each report will inform the court of the decision made by DCS, including the recommended placement, program, or services, and the reason for the decision. If the court continues to disagree, a court order may result. DCS must follow the order of the court but will have an opportunity to appeal the decision, if applicable.

Dispositional Court Hearing Considerations

During the Dispositional Hearing, the court will 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, guardian, or the child;
4. The recommendations and report from the Dual Status Assessment Team (DSAT), if the child is identified as dual status; and
5. Legal settlement of the child for school attendance if the child has been removed from the home.

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