

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 6: Court	Effective Date: September 1, 2012
	Section 11: Permanency Hearing	Version: 4

POLICY

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

1. Within 30 days after the court finds that reasonable efforts to reunify or preserve a child's family are not required;
2. **[REVISED]** Every nine (9) months after the date of the original Dispositional Decree or the date the Child in Need of Services (CHINS) was removed from the child's parent/guardian/custodian, whichever comes first; and
3. More often if ordered by the court.

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

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](#)

PROCEDURE

[REVISED] The Family Case Manager (FCM) will:

1. Provide notice to all required parties. See separate policies, [6.4 Providing Notice](#);
2. Attend and participate in the Permanency Hearing for a child:
 - a. Within 30 days after the court finds that reasonable efforts to reunify or preserve a child's family are not required,
 - b. **[REVISED]** Every nine (9) months after the date of the original Dispositional Decree or the date the Child in Need of Services (CHINS) was removed from the child's parent, guardian, or custodian, whichever comes first, and
 - c. More often if ordered by the court.
3. Enter court hearing data in the Management Gateway for Indiana's Kids (MaGIK) including the courts findings related to Reasonable Efforts toward the Permanency Plan.

The FCM and Supervisor will ensure the child attends the hearing, unless the court has ordered otherwise.

The Supervisor will review and approve the [Case Plan](#) and the [Permanency Hearing Report](#) prepared for the Permanency Hearing.

PRACTICE GUIDANCE

Factors to Discuss During the Child and Family Team Meeting (CFT) for the Permanency Hearing

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

Note: The same factors considered during the Periodic Case Reviews are also considered during the Permanency Hearing.

[REVISED] Child's voice in the Permanency Plan

Speak with the child regarding their views on leaving their current home and how they feel 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. The child's views may also be expressed by an attorney for the child, the FCM or the GAL/CASA at the Permanency Hearing. There must be an indication that the child's view on the 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

N/A