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|  | INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY | |
| | Chapter 8: Out-of-Home Services Section 38: Placement Changes | |
| | Effective Date: April 1, 2024 | Version: 9 |

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POLICY OVERVIEW

When placement changes include residential treatment, see policies 5.24 Child-Focused Treatment Review (CFTR), 8.04 Emergency Shelter Care and Urgent Residential Treatment, and 8.53 Out-of-State Residential Treatment Review and Approval.

The best interest of the child and the child's safety must always be the priority. A placement change may be recommended when there are safety concerns in the current placement and/or a more appropriate placement has been identified.

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PROCEDURE

The Indiana Department of Child Services (DCS) has a duty to ensure children are placed in stable and nurturing homes with caregivers who are well-equipped to address the needs of the child. DCS will strive to minimize placement changes and will act in a timely manner to address any situation that may affect the child's safety and well-being while in placement.

Note: If a child is placed in an out-of-home placement in a location in which a sibling of the child resides, DCS shall consider whether separating the child from the child's sibling is in the child's best interest before changing the placement of the child.

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

1. There is a substantiation of Child Abuse and/or Neglect (CA/N) in a resource home by the resource parent or any household member that has not been waived;

Note: DCS will change the placement of the child immediately if the safety of the child cannot be ensured in the current placement.

2. An appropriate placement becomes available with the child's siblings, if applicable, unless placement with siblings is not in the best interest of one (1) or more of the children;
3. An appropriate relative or kinship caregiver is identified and placement with the relative or kinship caregiver is in the best interest of the child;
4. The current placement has requested the child be moved;

Note: 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 to help ensure a smooth

transition for the child. DCS will attempt to work with the resource parent prior to changing the placement of the child.

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

Note: Reuniting a child with the parent, guardian, or custodian is not a Placement Disruption, nor is a planned transition out of residential treatment into less restrictive care.

8. The residential treatment facility where the child is receiving treatment is in the process of license revocation or contract termination (see policies 17.07 Licensing Revocations and 17.09 Contract Termination).

The Family Case Manager (FCM) will:

1. 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;
2. Engage the Child and Family Team (CFT) (see policy 5.07 Child and Family Team Meetings) to:
 - a. Discuss the child's placement needs,
 - b. Consider whether separating the child from the child's sibling is in the child's best interest, if applicable,
 - c. Assess all available alternatives to support the child's current placement and help to prevent Placement Disruption,
 - d. Identify a new placement type and/or resource, when determined to be in the best interest of the child,

Note: Factors to consider when there is a change in the child's placement include:

- i. Child safety;
- ii. The child's and family's preference;
- iii. Cultural backgrounds;
- iv. Strengths and needs of the child; and
- v. The caregiver's ability to meet those needs.

When placement with a suitable and willing relative or kin is not possible, former foster parents should be considered whenever possible and appropriate (see policy 8.01 Selecting a Placement Option).

- e. Develop a transition plan with assistance from the CFT to the fullest extent possible given any time constraints, and
 - f. Notify the child in advance of a placement change and discuss the new placement with the child if age and developmentally appropriate (see policy 8.08 Preparing the Child for Placement).
3. Complete the following steps when the child has been in the same resource home for **less than 12 months**:

- a. Notify all relevant parties of the planned change in placement at least 14 calendar days prior to the change or as soon as possible given any time constraints or child safety concerns, and
 - b. Provide information regarding placement change to the DCS Staff Attorney for submission of written notice to the court within 10 business days following a placement change (e.g., beginning a THV or placing a child in foster or relative care upon the disruption of a THV).
4. Complete the following steps when the child has been in the same resource home for **at least 12 months** and an emergency change in placement is needed because the child's life or health is in imminent danger:
 - a. Ensure the resource parent is aware of the plan to change the child's placement, if appropriate, and complete the following:
 - i. Change the placement of the child;
 - ii. Provide notice to the resource parent immediately following the emergency placement;
 - iii. Provide information regarding the recommended placement change to the DCS Staff Attorney and immediately ask the DCS Staff Attorney to file an emergency motion with the court; and

Note: The DCS Staff Attorney's motion must state that the resource parent may file a written objection not later than 10 calendar days after service of the DCS notice. Any objection that the resource parent wishes to file must be filed directly with the court by the resource parent with a copy provided to DCS.

- iv. Request that the court issue a temporary order for an emergency change in the child's placement.
 - b. Attend any hearing scheduled by the court on the issue.
5. Complete the following steps when the child has been in the same resource home for **at least 12 months and an emergency change in placement is not needed:**
 - a. Ensure the resource parent is aware of the plan to change the child's placement,

Note: The FCM may provide notice of the placement change to the resource parent in advance of DCS filing its Motion to Change Placement that the resource parent may waive their right to request a hearing on the change in placement. If the resource parent wishes to waive their right to request a hearing, they can provide a Consent to Change in Placement and Waiver of Right to Request Hearing form to the FCM or file it directly with the court.

- b. Provide information regarding the recommended placement change to the DCS Staff Attorney for filing a motion with the court prior to the placement change,

Note: If a resource parent gives a Consent to Change in Placement and Waiver of Right to Request Hearing form to the FCM, the FCM should provide the form to the DCS Staff Attorney as soon as possible. Any objection and request for hearing that the resource parent wishes to file must be filed directly with the court by the resource parent with a copy provided to DCS.

- c. Obtain a court order regarding the placement change prior to moving the child, and

- d. Attend any hearing scheduled by the court on the issue.
6. Change the placement of the child and assist in transitioning the child to the new placement (see policy 8.09 Placing the Child in Out-of-Home Care);

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.
7. Request the assistance of law enforcement if the resource parent acts to prevent the change of placement of the child;
8. Ensure the child's school is verbally notified of the child's change in placement as soon as possible, but no later than the next school day; and

Note: When a placement change is considered, the FCM must submit a referral to DCS Education Services within **24 hours** of the child's change of placement to identify the need for collaboration to determine educational best interests and completion of the School Notification and Best Interest Determination form. For assistance in obtaining an official determination of the child's best interests regarding educational placement, see policy 8.22 School Notifications and Legal Settlement.
9. Document and note reasons for the placement change in the case management system within 24 hours of the placement change.

The FCM Supervisor will:

1. Attend CFT Meetings with the FCM, when available;
2. Review all case specifics and documented information regarding the reasons for placement change with the FCM, including the transition for the child's placement change; and
3. Ensure the FCM provides the DCS Staff Attorney with the necessary information for filing a motion with the court regarding the recommended placement change when the child has been in the current placement for more than 12 months.

The DCS Staff Attorney will complete the following for both changes of placement to a new resource home and requests for trial home visits (see policy 8.39 Trial Home Visits):

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

Note: The DCS Staff Attorney's motion must state that the person affected may file a written objection with the court not later than 10 calendar days after service of the DCS notice (see policy 6.04 Providing Notice of Hearings). If the change in placement is not an emergency and the resource parent has provided a waiver of their right to request a hearing on the change in placement, the DCS Staff Attorney should attach the written waiver to their motion and file it with the court.

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RELEVANT INFORMATION

Definitions

Placement Disruption

A Placement Disruption is a change in a child's placement from one out-of-home placement to another (e.g., moving from an emergency shelter to a relative resource home or from one resource home to another).

Forms and Tools

- [Consent to Change in Placement and Waiver of Right to Request Hearing \(SF 53108\)](#)
- [School Notification and Best Interest Determination \(SF 47412\)](#)

Related Policies

- [5.07 Child and Family Team Meetings](#)
- [5.24 Child Focused Treatment Review \(CFTR\)](#)
- [6.04 Providing Notice of Hearings](#)
- [8.01 Selecting a Placement Option](#)
- [8.04 Emergency Shelter Care and Urgent Residential Treatment](#)
- [8.08 Preparing the Child for Placement](#)
- [8.09 Placing a Child in Out-of-Home Care](#)
- [8.22 School Notifications and Legal Settlement](#)
- [8.39 Trial Home Visits](#)
- [8.53 Out-of-State Residential Treatment Review and Approval](#)
- [17.07 Licensing Revocations](#)
- [17.09 Termination of Residential Contract](#)

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LEGAL REFERENCES

- [IC 31-34-3-4.7: Notice to the child's school](#)
- [IC 31-34-4: Temporary Placement of Child Taken Into Custody](#)
- [IC 31-34-4-8: Change in temporary out-of-home placement; consideration of separation of siblings](#)
- [IC 31-34-18-4: Recommendation on care, treatment, rehabilitation, or placement](#)
- [IC 31-34-19-7: Placement of child; relative; evaluation; background checks](#)
- [IC 31-34-20-1: Entry of dispositional decree; placement in home or facility outside Indiana; findings and conclusions](#)
- [IC 31-34-20-1.5: Placement in household with certain individuals prohibited; criminal history checks; exceptions; considerations](#)
- [IC 31-34-21-7.5: Placement prohibited in residence of individual who has committed certain acts or offenses; criminal history check; contents of permanency plans](#)
- [IC 31-34-23-3: Notice and hearing requirements; change in out of home placement; temporary order for emergency change of placement](#)
- [IC 31-34-23-5: Placement of a child with a previous placement](#)
- [IC 31-34-23-6: Notice and hearing requirements: change in out-of-home placement](#)

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PRACTICE GUIDANCE- DCS POLICY 8.38

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.

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.

Request to Move a Sibling

A resource parent may request one (1) sibling be moved rather than all of the children. In such cases, the Family Case Manager (FCM) and the Child and Family Team (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 that the resource parent is receiving and discuss service changes that may increase the resource parent's ability to care for the child in question. After reviewing the situation, the team may decide that it is in the best interest for the entire sibling group to be moved.

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