

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY	
	Chapter 4: Assessment	Effective Date: July 1, 2019
	Section 28: Involuntary Removals	Version: 8

STATEMENTS OF PURPOSE

The Indiana Department of Child Services (DCS) will remove a child from his or her parent, guardian, or custodian if:

1. A reasonable person would believe the child’s physical or mental condition is seriously impaired or seriously endangered due to injury by the act or omission of the child’s parent, guardian or custodian; or
2. The child’s physical or mental condition is seriously impaired or seriously endangered as a result of the inability, refusal, or neglect of the child’s parent, guardian or custodian to supply the child with necessary food, clothing, shelter, medical care, education, or supervision; and
3. The coercive intervention of the court is needed to protect the child.

DCS will obtain a court order prior to removing a child unless emergency removal is necessary to protect the immediate health and safety of the child.

Note: In an Indian Child Welfare Act (ICWA) or potential ICWA case, the emergency removal only exists if a child alleged to be an Indian child is in imminent physical danger (see separate policy, [2.12 Indian Child Welfare Act \(ICWA\)](#)). See the [Guidelines for Implementing the Indian Child Welfare ACT](#) documentation for additional information.

DCS will not remove a child without a Law Enforcement Agency (LEA) present, unless:

1. Emergency removal is necessary; and
2. LEA has been contacted, but is unable to be present during the removal and there is an immediate concern for the safety or well-being of the child.

Note: If DCS removes a child without a court order and/or LEA present, DCS will document in the case management system the reasons why such measures were necessary.

DCS will secure a detention hearing within 48 hours of detention of the child, excluding Saturdays, Sundays, and State holidays.

DCS will notify the following adult relatives within 30 days of a child’s removal from his or her parent, guardian, or custodian:

1. paternal and maternal grandparents;
2. aunts and uncles;
3. siblings of the child involved;
4. parent of a child’s sibling if the parent has legal custody of the sibling; and
5. any other relatives suggested by the child or parent. See separate policy, [2.26 Diligent Search](#) for further information and [Related Information](#) for the definition of sibling.

The DCS local office will neither delay nor deny placement of the child in an available resource home based on the race, color, or national origin of the child or resource parent when a child who is believed to be a foreign national or an Indian child is removed due to an immediate safety concern.

DCS will notify the appropriate foreign consulate or embassy in the United States (U.S.) of the child's country of origin, as soon as possible, when DCS determines that a child believed to be a foreign national has been detained. In addition, DCS will notify the foreign consulate or embassy, when necessary, if the detained child's parents are foreign nationals. See [Practice Guidance](#) and separate policy, [2.22 International and Cultural Affairs](#) for further guidance.

DCS will notify the Indian child's parent, Indian custodian, and the tribe, within the designated timeframe as mandated by ICWA, whenever there is a pending legal action regarding the parental rights involving a child who is believed to be a member of, or is eligible for membership of, an Indian tribe. See separate policy [2.12 Indian Child Welfare Act \(ICWA\)](#).

DCS will gather the information necessary to determine eligibility for federal funding when a child is removed from the home. See [Related Information](#).

Code References

1. [IC 31-33-8-8: Immediate removal of a child](#)
2. [IC 31-32-3-10.5 Civil immunity for placement of a child on a waiting list for guardian ad litem or court appointed special advocate services](#)
3. [IC 31-34-2-3: Taking a child into custody without court order](#)
4. [IC 31-34-2-6: Documentation by person taking child into custody without court order; forms](#)
5. [IC 31-34-4: Temporary placement of child taken into custody](#)
6. [IC 31-34-3-4.5: Procedures for notices to adult relatives and siblings](#)
7. [IC 31-34-3-4.7: Notice to the child's school](#)
8. [IC 31-9-2-107 \(b\): "Relative"](#)
9. [IC 34-30-2-134: Child abuse or neglect; reporting and assisting](#)
10. [42 USC 671 \(a\)\(29\): Notification of Parents of Siblings](#)

PROCEDURE

The Family Case Manager (FCM) will:

1. Obtain Supervisory approval prior to removal of any child from their parent, guardian, or custodian;
2. Obtain a court order authorizing the removal unless emergency removal is necessary;
3. Request LEA presence at the removal;
4. Obtain information about the child in order to make the transition for the child as easy and as safe as possible;
5. Prepare the child for removal. See separate policy, [8.8 Preparing Child for Placement](#) and [Practice Guidance](#) for additional information;
6. Ask the question, "Is this an Indian child?". If the child is believed to be an Indian child, complete the [Indian Status Identification \(SF 55407\)](#) form and genogram with the family, and forward the completed documents to the FCM Supervisor for review, who will then forward documents to the DCS Staff Attorney;
7. Provide the child's parent, guardian, or custodian the [Advisement of Legal Rights: Upon Taking a Custody of/Filing a Petition on Behalf of a Child Alleged to be a Child in](#)

[Need of Services \(SF 47114\)](#) at the time of removal, or notify the parent, guardian, or custodian within two (2) hours of the child's detention, and provide him or her with the [Advisement of Legal Rights: Upon Taking a Custody of/Filing a Petition on Behalf of a Child Alleged to be a Child in Need of Services \(SF 47114\)](#) if they were not present at the time of removal;

Note: In ICWA cases, the DCS Staff Attorney will utilize the information from the [Indian Status Identification \(SF 55407\)](#) form and genogram to complete the ICWA notifications to the parent, Indian custodian, and/or Indian tribe in accordance with ICWA Guidelines.

8. Complete the [Taking Custody of a Child Without a Verbal or Written Court Order: Description of Circumstances \(SF 49584\)](#) to document why the child was removed without a court order and/or without LEA presence if such extreme measures were taken;
9. Complete a diligent search to identify all adult relatives. See separate policy, [2.26 Diligent Search](#) for additional guidance;

Note: Consider completing a Permanency and Practice Support (PPS) referral to the [DCS Investigators](#), if assistance is needed.

10. Complete and send the [Notice to Relatives \(SF 55211\)](#) to the following adult relatives within 30 days of a child being removed from his or her parent, guardian, or custodian:
 - a. paternal and maternal grandparents;
 - b. aunts and uncles;
 - c. siblings of the child involved;
 - d. parent of a child's sibling if the parent has legal custody of the sibling; and
 - e. any other relatives suggested by the child or parent.
11. Consider the suitability of noncustodial parents, relatives, and former foster parents when securing appropriate placement for the child. See separate policies, [8.01 Selecting a Placement Option](#) and [8.09 Placing a Child in Out-of-Home Care](#);
12. Notify the child's school of his or her removal within 72 hours, and ensure the school is aware of any safety measures and/or medical interventions needed (see separate policies [8.20 Educational Services](#) and [8.22 School Notifications and Legal Settlement](#));
13. Notify the DCS Central Eligibility Unit (CEU) when a child receiving benefits from the Adoption Assistance Program (AAP) or the Guardianship Assistance Program (GAP) is removed from his or her home;
14. Complete the [Consulate/Embassy Notification \(SF 55676\)](#) immediately when a foreign or dual national child is detained or a foreign nationality is identified, whichever comes first, and send to the [International and Cultural Affairs \(ICA\) liaison](#);

Note: A [Consulate/Embassy Notification \(SF 55676\)](#) must be completed for each child.

15. Complete the [Preliminary Inquiry \(PI\)](#) and submit it to the FCM Supervisor for review;
16. Staff with the DCS Staff Attorney regarding the [PI](#) and coordinate to schedule a detention hearing;
17. Submit the [PI](#) to the DCS Staff Attorney;

18. Provide the parent, guardian, or custodian with advance written notification of the detention hearing using the [Notice of Hearing](#) form. Also, see notification responsibilities for ICWA in separate policy, [2.12 Indian Child Welfare Act \(ICWA\)](#);
19. Complete the [DCS Child Support Worksheet Questionnaire Form](#) and submit it to the DCS Staff Attorney. See separate policy, [2.20 Child Support Establishment](#);
20. Coordinate and facilitate the Child and Family Team (CFT) meeting when it has been determined the child is at imminent risk of removal. Please see separate policy, [5.7 Child and Family Team \(CFT\) Meetings](#) for additional information;

Note: The CFT composition may look different in the assessment phase. Over time, the functioning of the team may change and other team members may be identified. See [Related Information](#) for additional information.

21. Complete a Child and Adolescent Needs and Strengths (CANS) Assessment. See separate policy, [5.19 Child and Adolescent Needs and Strengths \(CANS\) Assessment](#);
22. Complete a Permanency and Practice Support (PPS) referral in KidTraks for ICA services if ICA needs are identified; and
23. Ensure all information and actions taken are documented in the case management system.

The FCM Supervisor will:

1. Staff with the FCM and provide supervisory approval for removal of a child when it has been determined the child cannot safely remain in the home;
2. Assist the FCM with any removal activities; and
3. Review the [PI](#) prior to the DCS Staff Attorney screening the [PI](#) and CHINS petition;

The DCS Staff Attorney will:

1. Staff with the FCM and FCM Supervisor as needed, regarding the involuntary removal;
2. Review the [PI](#) prior to securing a Detention Hearing;
3. Email or fax the [Consulate/Embassy Notification \(SF 55676\)](#) to the ICA liaison, if applicable;
4. Provide the ICWA notification to the child's parent, Indian custodian, and/or Indian tribe within the mandated timeframe, and obtain confirmation of child's eligibility (or non-eligibility) for membership in a U.S. Federally Recognized tribe, if applicable;
5. File a request for authorization to file a CHINS petition;
6. Prepare a CHINS petition and file upon receipt of authorization to file from the court;
7. Ensure a motion is filed timely for a detention hearing. See separate policy, [6.1 Detention Hearing](#) for additional information; and
8. Ensure required language regarding Contrary to the Welfare/Best Interests of the child, Reasonable Efforts to Prevent Placement, and Placement and Care Responsibility to DCS or Active Efforts for ICWA cases is included in the Detention/Initial court order. See [Related Information](#) for additional guidance.

The ICA Liaison will:

1. Send the [Consulate/Embassy Notification \(SF 55676\)](#) to the appropriate consulate or embassy of the child's country of origin, if applicable; and
2. Serve as the liaison for DCS and each respective consulate or embassy in sharing information as allowed by law.

PRACTICE GUIDANCE

Exploring Placement Options with the CFT

CFT members may aid in identifying the least restrictive and most appropriate placement option by providing information about non-custodial parents, appropriate relatives, and/or absent parents, as well as, by discussing priorities such as proximity of placement and placement of siblings.

CFT Process During Assessment Phase

During the assessment phase, the CFT may have a unique composition. The following should be considered when developing the CFT during the assessment phase:

1. **A lengthy prep is not necessarily required when utilizing the CFT process during the assessment phase.** During the assessment phase, FCMs are gathering the same information that is covered during the “prep” for the CFT process. It is important to realize that the CFT process utilizes all of the basic Teaming, Engaging, Assessing, Planning, and Intervening (TEAPI) skills that each FCM has learned.
2. **Some families may identify a limited support system during the assessment phase.** As a result there may only be 2-3 individuals at the meeting in addition to the representatives from DCS. In these situations, DCS may engage and team with the family to identify a goal of expanding their informal support system, which would increase the CFT’s membership. The key is to have a CFT composed of key individuals that may support the family after DCS involvement ends. DCS should always ask the question, “Is this an Indian Child?”
3. **The format of the CFT may look different in the assessment phase.** These meetings may lack the formality of the CFT meetings held later in the case. The focus of the meeting will be the same: the creation of a functioning CFT that may support the family so that well-informed decisions may be made to ensure the safety and well-being of the child involved.

Preparing the Child for Removal

Prepare the child for separation and placement, as age and developmentally appropriate, by:

1. Helping the child talk about his or her feelings and concerns, and do not minimize the child’s feelings;
2. Accepting the feelings of the child;
3. Answering questions in a way the child comprehends;
4. Refraining from providing the child with false information. It is better to say, “I don’t know” than to provide false information. Do not say “everything will be fine”;
5. Have a discussion with the child to determine his or her understanding of the removal and placement. Ask the child to explain in his or her own words;
6. Eliciting the parent or guardian’s help in giving permission to the child to leave and assuring the child of their continued love;
7. Taking familiar objects (e.g., clothes; toys; bottles; cups; music; and photos of the parent, guardian, or custodian) unless the home is the site of a contaminating controlled substance. See [Indiana Drug Endangered Child Response Protocol](#);
8. Giving the child permission to miss his or her family; and
9. Providing for physical, emotional, and cultural comfort. See policy [8.8 Preparing Child for Placement](#) for additional information.

Adoption and Foster Care Analysis and Reporting System (AFCARS)

AFCARS requires that every child who is removed from the child's home must be reported in the system. If a child is removed from his or her home more than 24 hours, the case needs to be entered in the case management system.

Completing the Notification to Consulate or Embassy

When completing the [Consulate/Embassy Notification \(SF 55676\)](#), it is imperative to have accurate information. The form should reflect if the information is unknown. FCMs should not submit a [Consulate/Embassy Notification \(SF 55676\)](#) with an assumed place of birth. If the place of birth is unknown, try to obtain the information by:

1. Reviewing the child's birth certificate;
2. Asking the parent to which country was the absent parent, guardian, or custodian deported;
3. Contacting known relatives; and/or
4. Reviewing any identification paperwork obtained.

Do not contact Immigration and Customs Enforcement (ICE) to obtain this information.

FCMs should attach copies of any case documents (e.g., court orders, identification documents, and paternity orders) and any additional contact information they may have received when submitting the [Consulate/Embassy Notification \(SF 55676\)](#).

ICA Resources

ICA resources, such as documents and information about services provided by ICA, are available on the [Permanency and Practice Support Sharepoint](#). The [Permanency and Practice Support SharePoint](#) contains information to help improve services to multicultural populations and families (e.g., immigrant; tribal; sensory-impaired; Lesbian, Gay, Bi-Sexual, Transgender, Questioning [LGBTQ]; and military) by honoring the diversity of cultures and perspectives constituting the Indiana child welfare population. An email inbox is available to obtain guidance from an ICA liaison; emails may be sent to Internationalandculturalaffairs@dcs.in.gov. An example of a question that may be sent to the email inbox includes a question regarding service providers for interpreter services. Emergency situations that require immediate attention, such as a safety concern, should not be emailed to the inbox. In emergency situations, FCMs may email the ICA liaison directly and expect a response by the following day.

FORMS AND TOOLS

1. [Taking Custody of a Child Without a Verbal or Written Court Order: Description of Circumstances \(SF 49584\)](#)
2. [Advisement of Legal Rights: Upon Taking a Custody of/Filing a Petition on Behalf of a Child Alleged to be a Child in Need of Services \(SF 47114\)](#)
3. [Notice of Hearing](#) – Available in the [Juvenile Justice Benchbook: Child in Need of Services](#)
4. [Notice to Relatives \(SF 55211\)](#)
5. [Consulate/Embassy Notification \(SF 55676\)](#)
6. [DCS Child Support Worksheet Questionnaire Form](#)
7. [Title IV-E and Title IV-A/EA Information \(SF55435\)](#)
8. [Preliminary Inquiry](#)– available in the case management
9. [Indian Status Identification \(SF 55407\)](#)

RELATED INFORMATION

Sibling

A sibling is defined as:

1. A brother or sister by blood, half blood, adoption or step-sibling; and
2. Any other individual who would be considered a sibling if parental rights had not been terminated.

Active Efforts for ICWA

According to the Bureau of Indian Affairs (BIA) ICWA Guidelines, Active Efforts are intended primarily to maintain and reunite an Indian child with his or her family or tribal community and constitute more than reasonable efforts as required by Title IV-E of the Social Security Act (42 U.S.C. 671(a)(15)). Active efforts must be tailored to each child and family within each ICWA case and may include additional efforts by the agency working with the child and family. Additional examples of *Active Efforts* are listed on pages 40-42, in the [Guidelines for Implementing the Indian Child Welfare Act](#).

Note: The examples of active efforts provided in the ICWA regulations reflect best practices in the field of Indian child welfare, but are not meant to be an exhaustive list.

The State agency should take an active role in connecting the parent or Indian Custodian with substantive services and resources. Culturally appropriate services in the child welfare context may include: trauma-informed therapy that incorporates best practices in addressing Native American historical and intergenerational trauma and/or pastoral counseling that incorporates a Native American holistic approach and focus on spirituality.

Title IV-E Eligibility Program

A Title IV-E eligibility determination must be completed for every child that enters out-of-home care each time an out-of-home care episode begins. Title IV-E Eligibility is based on several factors, including information gathered at the time of a child's removal. Please review [Chapter 15 Title IV-E Eligibility](#) for additional information about the documentation needed for Title IV-E eligibility determinations for federal funding (e.g., [15.1 Title IV-E Foster Care \(Overview\)](#)). This program helps to cover the costs of the child's out-of-home care and DCS' administrative expenditures.

Note: See separate policy, [2.12 Indian Child Welfare Act \(ICWA\)](#) for information regarding IV-E involvement, when the child is an Indian Child .

Foreign National

A foreign national is any person (adult or child) who is born outside of the U.S. and has not become a U.S. citizen.

Vienna Convention

In compliance with the provisions of the Vienna Convention, DCS will contact the appropriate foreign consulate or embassy in the U.S. as soon as possible after the detention of a foreign national child.

Memorandum of Understanding (MOU) with the Mexican Consulates

The MOU with the Mexican Consulates serving Indiana may be found on the [Permanency and Practice Support SharePoint](#). DCS will notify the Mexican Consulates of the detention of a child who is a Mexican National or whose parent is a Mexican National.

DCS Investigators

DCS Investigators are employees of DCS who are responsible for assisting FCMs in locating absent parents, relatives, and/or other identified persons of interest to the case and/or assessment. FCMs may make a referral for this assistance in situations where all procedural steps have been completed and their efforts have been unsuccessful. Additional information regarding how to make a referral, when to make a referral, and other helpful information can be found on the [Permanency and Practice Support-Investigator](#) website.