

CHAPTER SEVEN
INFORMAL ADJUSTMENT AND VOLUNTARY
PLACEMENT
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CHAPTER SEVEN

INFORMAL ADJUSTMENT AND VOLUNTARY PLACEMENT

I. PROGRAM OF INFORMAL ADJUSTMENT

A. PRELIMINARY INQUIRY AND APPROVAL OF COURT REQUIRED

After the preliminary inquiry and upon approval of the juvenile court, the intake officer may implement a program of informal adjustment if the officer has probable cause to believe that the child is a child in need of services. Ind. Code § 31-34-8-1(a).

1. If the Court Does Not Act Within 10 Days, Informal Adjustment is Approved

If the juvenile court does not act to either: (1) approve or deny a program of informal adjustment; or (2) set a hearing date; within ten (10) days of its submission to the juvenile court, the program of informal adjustment is considered approved. Ind. Code § 31-34-8-1(c).

2. If the Court Does Not Rule After Hearing Within 30 Days, Informal Adjustment is Approved

If: (1) the juvenile court sets a hearing under Ind. Code § 31-34-8-1(c); and (2) the hearing is not concluded and action taken to approve or deny the program of informal adjustment within thirty (30) days of the submission of the program to the juvenile court; the program of informal adjustment is considered approved. Ind. Code § 31-34-8-1(d).

3. If Court Denies Informal Adjustment, Reasons Must be Stated

If the juvenile court denies a program of informal adjustment, the court shall state the reasons for the denial. The reasons stated may include that: (1) The juvenile court finds no probable cause to believe that the child is a child in need of services; or (2) The juvenile court finds that the coercive intervention of the juvenile court is required. Ind. Code § 31-34-8-1(b).

B. PARTIES MUST CONSENT TO PROGRAM

The child and the child's parent, guardian, custodian, or attorney must consent to a program of informal adjustment. Ind. Code § 31-34-8-2.

Wardship of Nahrwold v. Dep't of Public Welfare of Allen County, 427 N.E.2d 474, 480 (Ind. Ct. App. 1981) (Parent was not coerced into signing informal adjustment program on ground that release of child was conditioned on submission to program.).

C. DURATION OF INFORMAL ADJUSTMENT

1. Six Month Time Limit

A program of informal adjustment may not exceed six (6) months, except by approval of the juvenile court. Ind. Code § 31-34-8-6.

2. Three Month Extension Possible

The juvenile court may extend a program of informal adjustment an additional three (3) months. Ind. Code § 31-34-8-6.

D. COMPLIANCE WITH INFORMAL ADJUSTMENT

Upon the filing of a petition for compliance and after notice and a hearing on the petition for compliance, the juvenile court may order the parent, guardian, or custodian of a child to participate in a program of informal adjustment implemented under Ind. Code § 31-34-8-1. Ind. Code § 31-34-8-3(a).

1. Compliance Report Due Within 5 Months of Original Implementation

No later than five (5) months after the department implements a program of informal adjustment under Ind. Code § 31-34-8, the department shall file with the court a report indicating the extent of compliance with the program. Ind. Code § 31-34-8-7(a).

2. If Informal Adjustment is Extended, Supplemental Report Within 8 Months

If the court approves an extension of the period of the informal adjustment under Ind. Code § 31-34-8-6, the department shall file a supplemental report not later than eight (8) months after the department implements the program of informal adjustment updating the court on the status of a person's compliance with the program. Ind. Code § 31-34-8-7(b).

3. Contempt of Court if Failure to Participate

A parent, guardian, or custodian who fails to participate in a program of informal adjustment after being ordered under Ind. Code § 31-34-8-3(a) to participate may be found in contempt of court. Ind. Code § 31-34-8-3(b).

II. VOLUNTARY PLACEMENT AGREEMENT

When a child described in Ind. Code § 31-34-1-16(a) is voluntarily placed out of the home to receive special treatment or care, the department and the parent, guardian, or custodian of the child may execute a voluntary placement agreement that includes the following:

- (1) A statement that, by entering into a voluntary placement agreement, the parent, guardian, or custodian of the child is not transferring legal custody of the child to the department.
- (2) A statement specifying the legal status of the child.
- (3) A statement specifying the rights and obligations of the parent, guardian, or custodian. Ind. Code § 31-34-1-16(b).