



**ALLEN SUPERIOR COURT
FAMILY RELATIONS DIVISION
ALLEN COUNTY COURTHOUSE
CHILDREN IN COURT POLICY
(*EFFECTIVE OCTOBER 3, 2022)**

I. PURPOSE:

In every CHINS hearing that is held, the court makes very important decisions about a child's future and well-being. The focal point for the decision-making is the best interests of the child(ren). Children in CHINS cases should have a voice and an opportunity to be heard in order to assist the court with its decision making. Therefore, it is this court's intention to give children in CHINS proceedings who are 14 years of age or older the opportunity to meaningfully participate in court hearings, if they wish to do so as long as their court appearance would not be harmful to their mental or emotional well-being.

II. WHO MAY ATTEND COURT HEARINGS:

Child(ren) who are 14 years of age and older may appear in court for Review, Permanency and Detention Hearings occurring **after a child has been adjudicated to be a Child in Need of Services** unless they choose not to do so or it is deemed inappropriate for said child(ren) to do so by the child's DCS family casemanager and GAL/CASA after consulting with the child's therapist (if applicable).

III. CIRCUMSTANCES UNDER WHICH A CHILD'S APPEARANCE IN COURT MAY NOT BE APPROPRIATE:

A child age 14 and older who wants to participate in court hearings shall not be excluded from a court hearing unless their participation in the hearing is deemed to be contrary to their best interests. Examples of valid reasons for excluding a child from a court hearing include, but are not limited to, the child's attendance at school is necessary, the child is mentally or physically disabled and/or incapacitated and is unable to meaningfully participate in the proceedings or the child's participation in the proceedings might cause emotional harm to the child.

IV. SIXTY DAY MEETING BETWEEN THE CHILD AND THE DCS FAMILY CASEMANAGER AND GAL:

The DCS family casemanager shall meet with the child 60 days before the scheduled Review or Permanency Hearing or as soon as possible before a scheduled Detention Hearing and complete the Court Appearance Questionnaire with the child. In addition, the child's GAL/CASA shall meet with the child 60 days before the scheduled Review or Permanency Hearing or as soon as possible before a scheduled Detention Hearing. The Court Appearance Questionnaire shall then be filed in Quest no later than 45 days prior to the scheduled Review or Permanency Hearing or as soon as is possible before a scheduled Detention Hearing.

V. MOTION FOR EXCLUSION AND OTHER ALTERNATIVES FOR A CHILD'S "PARTICIPATION" IN A COURT HEARING

If the child has expressed a desire to be excluded from the scheduled hearing, the DCS shall file a Motion for Exclusion with the Court at least 30 days before the scheduled Review or Permanency Hearing or as soon as possible before a scheduled Detention Hearing. The child will then have the option of filing a Youth Report to the Court or may write a letter to the Court, however, must

be advised that the Youth Report to the Court or letter written to the court must be shared with all parties.

If after the DCS has met with the child in order to complete the Court Attendance Questionnaire and the child has expressed a desire to attend the scheduled Review, Permanency or Detention Hearing, but the DCS or GAL/CASA have determined that attendance at the hearing is not in the child's best interests, the DCS may file a Motion to Exclude the child from the hearing and the child shall be given the option of completing the Youth Report to the Court or writing a letter to the court in addition to communicating his/her wishes and needs to the GAL/CASA.

VI. DISAGREEMENTS ABOUT WHETHER A CHILD SHOULD APPEAR IN COURT

If there is a disagreement about the issue of whether a child 14 years of age or older should be permitted to attend a court hearing, the matter shall be scheduled for a hearing during Detention Hearing time as soon as it is determined that there is a disagreement about the child's attendance at the court hearing.

VII. CHILD AND FAMILY TEAM MEETING TO ADDRESS TRANSPORTATION ISSUES

If a child has expressed a desire to appear in court and there are no concerns about the child doing so, the DCS will convene a Child and Family Team Meeting or otherwise confer with the parties to the proceeding to determine how the child will be transported to the hearing. Ultimately, the DCS will have the responsibility of ensuring the child's attendance at the hearing if the child has expressed a desire to do so and has not been excluded from the hearing.

VIII. JUDICIAL OFFICER DISCRETION REGARDING CHILD'S ATTENDANCE AND PARTICIPATION IN COURT HEARINGS

If issues of a sensitive nature are to be addressed in a particular court hearing, the judicial officer has the option of addressing the child(ren)'s issues first and then subsequently excusing the child(ren) from the remainder of the hearing if it is determined that the courtroom discussion will be detrimental to the child(ren)'s emotional well-being.

The afore-referenced procedures are to be employed before every Review, Permanency and Detention

Hearing after a child has been adjudicated to be a Child in Need of Services.

This policy will be effective on October 3, 2022 and will be fully implemented no later than December 5, 2022.

Additional resource regarding the Children in Court Policy:

PODCAST: [Allensuperiorcourt.us/podcast](https://allensuperiorcourt.us/podcast)