

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY	
	Chapter 8: Out-of-Home Services	Effective Date: July 1, 2016
	Section 22: School Transfers and Legal Settlement	Version: 2

STATEMENTS OF PURPOSE

The Indiana Department of Child Services (DCS) will partner with the resource parent(s) and the Child and Family Team (CFT) to arrange for a child in out-of-home care to remain at his or her home school. For further guidance, see separate policy [5.7 Child and Family Team Meetings](#).

DCS will provide the court with the following addresses:

1. The child's current placement; and
2. The current residence of the child's parent, guardian, or custodian so the court may determine legal settlement¹.

The DCS local office will notify in writing the school corporation where the child has legal settlement and the school corporation where the child will be attending:

1. Within 10 days of initial placement or change in placement, regarding where the child will attend school; and
2. Annually, regarding whether the child's current school placement is anticipated to continue in the ensuing school year.

Code References

1. [IC 20-26-11: Legal Settlement and Transfer of Students](#)
2. [IC 31-34-20-5: Determination and reporting of legal settlement of child](#)
3. [IC 31-34-21-10: Review of child's legal settlement](#)

PROCEDURE

The Family Case Manager (FCM) will:

1. Assist the resource parent(s) with arranging transportation in an effort to allow the child to remain at his or her home school;
2. Use the [School Notification \(SF47412\)](#) form, to notify the appropriate school corporations if the child is unable to remain at his or her school of legal settlement.

Note: The [School Notification \(SF47412\)](#) form should also be used to notify the school of the child's placement in out-of-home care, change of placement, and return to parent, guardian, or custodian, even when the child remains in the same school or corporation.

3. Provide the court with the following addresses:
 - a. The child's current placement, and
 - b. The current residence of the child's parent, guardian, or custodian so that the court may determine legal settlement.

¹ Legal settlement defines which school corporation has responsibility for payment of the child's education expenses.

4. If the parent, guardian, or custodian moves, notify the court of the new address, so the court can re-determine "legal settlement". This may be completed as part of a progress report to the court.

[REVISED] The DCS Local Office Director (LOD) will ensure that before September 1st of each year, the appropriate school corporations are notified of whether the child's placement is anticipated to continue in the subsequent school year, using the [Annual Notification of Continuation of Placement in School Corporation \(SF49812\)](#) form.

PRACTICE GUIDANCE

N/A

FORMS AND TOOLS

1. [School Notification \(SF47412\)](#)
2. [Annual Notification of Continuation of Placement in School Corporation \(SF49812\)](#)

RELATED INFORMATION

Legal Settlement

[IC 31-34-20-5](#): and [IC 31-34-21-10](#): require the court to make findings regarding the legal settlement of all children placed in residential or other out-of-home placement. Legal settlement defines which school corporation has responsibility for payment of education costs. If the child is placed in a school within the school corporation where the child has legal residence, no transfer tuition is required. However, if the child is placed in a school corporation different from the school corporation where the child has legal settlement, the school corporation where the child has legal settlement is required to pay transfer tuition.

If the Child's Parent, Guardian, or Custodian Moves

The person completing the [School Notification \(SF47412\)](#) or the [Annual Notification of Continuation of Placement in School Corporation \(SF49812\)](#) should include the current address of the child's parent, guardian, or custodian and the school corporation of legal settlement, most recently determined. The school corporation of legal settlement and/or the Indiana Department of Education will address any conflicts.

Legal Settlement and Termination of Parental Rights

If parental rights are terminated, the court should re-determine legal settlement. If the child is in his or her permanent placement, then the address of that placement should be provided to the court. If the child is not in his or her permanent placement, the address of the current resource parent(s) should be provided to the court. The address of the DCS local office should only be provided for the purpose of determining legal settlement if no other address can be used and the DCS local office is located within the school district the child attends.

Date of Court Order

The FCM must include the date the court agreed to the recommended placement on the [School Notification \(SF47412\)](#) or the [Annual Notification of Continuation of Placement in School Corporation \(SF49812\)](#) to the school corporations.