

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY	
	Chapter 2: Administration of Child Welfare	Effective Date: November 1, 2016
	Section 04: Assessment and Review of DCS Staff Alleged Perpetrators	Version: 7

STATEMENTS OF PURPOSE

The Indiana Department of Child Services (DCS) requires that any DCS employee being assessed as an alleged perpetrator of Child Abuse and/or Neglect (CA/N) notify, within **one (1) business day** of learning of the assessment:

1. His or her DCS Local Office Director if the employee works in a local office; or
2. His or her work unit manager if the employee works in Central Office, for the Hotline, or for Child Support Bureau.

Note: Failure to notify the appropriate person in a timely manner may result in disciplinary action up to and including dismissal.

During the course of an assessment, if a Family Case Manager (FCM) learns that an alleged perpetrator is a DCS employee, the assessing FCM will notify the following and document that notification was given immediately, but no later than **one (1) business day** for:

1. Field employees the following individuals must be notified:
 - a. FCM Supervisor
 - b. DCS Local Office Director (LOD);
 - c. Regional Manager (RM); and
 - d. Human Resource Director.
2. Central Office, Hotline, and Child Support Bureau employees the following individuals must be notified:
 - a. Work Unit Manager; and
 - b. Division Deputy Director; and
 - c. Human Resource Director.

Assessments involving DCS employees as an alleged perpetrator must be conducted by DCS local office staff in a different DCS local office in which the employee is based. Assessments involving Central Office, Hotline, and Child Support Bureau employees as an alleged perpetrator will be conducted in the county in which the complaint was filed unless there is a conflict of interest.

The assessing local office will restrict any records pertaining to the DCS employee except to appropriate personnel.

DCS will not allow an employee who is an alleged perpetrator to have direct contact, in the course of DCS employment with the children and families (including resource parents) that DCS serves, until the Administrative Review process has been completed.

When DCS employees are identified as Child Care Workers (CCW) under [Policy 2.3 Child Care Worker Assessment Review Process](#), a Child Care Worker Administrative Review (CCWAR) will be completed. If the CCWAR results in substantiating the allegations, forward the assessment with the approved [Assessment of Child Abuse and Neglect \(SF 113\)](#) to the Administrative Review Team.

DCS will have fifteen (15) **business days** from approval of the [Assessment of Child Abuse and Neglect \(SF 113\)](#) to provide the [Notice of Assessment Outcome-DCS Employee \(Chapter 2 Notification Tool - Section L\)](#) and a copy of the redacted [Assessment of Child Abuse and Neglect \(SF 113\)](#), if substantiated, to the employee via certified mail. See Practice Guidance or Forms and Tools for [Chapter 2 Notification Tool](#) link.

DCS will require that an Administrative Review be conducted for all substantiated assessments that identify a DCS employee as a perpetrator. This Administrative Review must be completed within **fifteen (15) business days** from approval of the substantiation. The Administrative Review Team or designee will notify the employee perpetrator in writing of the Administrative Review decision. [The Notice of Right to Administrative Appeal of a Child Abuse or Neglect Determination \(SF 55148\)](#) will be mailed, emailed, and/or hand delivered to the DCS employee within five (5) business days of the decision.

DCS will require that an Administrative Review of a DCS decision to substantiate on a DCS employee be conducted by the Administrative Review Team which is comprised of:

1. A Regional Manager (RM);
2. Deputy Director of Field Operations or Designee¹; and
3. The DCS General Counsel or Designee.

Note: The Administrative Review Team members conducting the review should not work within the alleged employee perpetrator's local office or be a regional manager in the county/region in which the employee works or in which the assessment was conducted.

DCS recognizes that a DCS employee who is a perpetrator has the right to request an Administrative Appeal of the Administrative Review Team decision if the substantiation is upheld. See separate policy, [2.05 Administrative Appeal Hearings](#).

DCS reserves the right to take disciplinary action up to and including dismissal upon completion of the Administrative Review, if the substantiation is affirmed, regardless of whether the allegations involve actions taken in the scope of DCS employment. See separate SPD (State Personnel Department) Standard Policy on, [Discipline – Responsibilities and Procedures](#).

Code References

1. [465 IAC 3: Administrative Reviews and Hearings](#)
2. [IC 31-33-26-8 Notification after index entry; notice to perpetrators; request for administrative hearing](#)
3. [IC 31-33-26-13 Adoption of rules](#)

PROCEDURE

The DCS employee who is an alleged perpetrator will notify his/her FCM Supervisor, or Work Unit Manager and LOD within **one (1) business day** of learning of the assessment.

The assessment FCM will notify the following and document that notification was given immediately, but no later than **one (1) business day** for:

1. Field employees the following individuals must be notified:
 - a. FCM Supervisor
 - b. DCS Local Office Director (LOD); and
 - c. Regional Manager (RM) ; and

¹ The designee must be at least one supervisory level above the alleged employee perpetrator.

- d. Human Resource Director.
2. Central Office, Hotline, and Child Support Bureau employees the following individuals must be notified:
 - a. Work Unit Manager; and
 - b. Division Deputy Director; and
 - c. Human Resource Director.

In addition, the assessment FCM will:

1. Assure timely completion of the assessment. Refer to separate policy, [4.25 Completing the Assessment Report](#);
2. Send the [Assessment of Child Abuse and Neglect \(SF 113\)](#) to the FCM Supervisor for approval

The FCM Supervisor will:

1. Review the [Assessment of Alleged Child Abuse and Neglect \(SF 113\)](#) for accuracy and completeness and approve the FCM recommendations, if appropriate.
2. Notify the employee of the outcome of the assessment and pending Administrative Review, if substantiated. Attach a copy of the redacted [Assessment of Alleged Child Abuse or Neglect \(SF113\)](#) and [Notice of Assessment Outcome- DCS Employee \(Chapter 2 Notification Tool\) Section-L.](#)

Note: If a DCS employee who is an alleged perpetrator is also a Child Care Worker (CCW), a CCWAR should be conducted prior to any [Assessment of Alleged Child Abuse and Neglect \(SF 113\)](#) approval.

In addition, the FCM Supervisor will notify the following of the results of the assessment and document that notification was given immediately, but no later than **one (1) business day** for:

3. Field employees the following individuals must be notified:
 - a. DCS Local Office Director (LOD); and
 - b. Regional Manager (RM); and
 - c. Human Resource Director.
4. Central Office, Hotline, and Child Support Bureau employees the following individuals must be notified:
 - a. Work Unit Manager; and
 - b. Division Deputy Director; and
 - c. Human Resource Director.

If a DCS employee is an alleged perpetrator and also a CCW, the DCS staff person authorized to hold the CCWAR will notify the DCS employee if the allegations are unsubstantiated following the CCWAR. If allegations are substantiated, the [Assessment of Alleged Child Abuse and Neglect \(SF 113\)](#) will be approved and forwarded to the Administrative Review Team for an additional Administrative Review. The Notice of substantiation will be done by the Administrative Review Team, not the CCWAR reviewer.

The DCS RM or Division Deputy Director of the alleged DCS employee perpetrator will:

1. Upon notification of an assessment identifying a DCS employee as an alleged perpetrator, submit a request of notification to restrict access to the case management system records pertaining to DCS employees. Any records pertaining to the DCS employee who is an alleged perpetrator will be restricted except to appropriate personnel;
2. Coordinate with appropriate staff to place the employee on [desk duty](#) or reassign the employee and to ensure the DCS employee is notified within **one (1) business day** of the decision;

3. Ensure that the assessment is assigned to a DCS local office other than the DCS local office in which the employee is employed;
4. Contact the DCS Human Resource Director, in the event that emergency suspension is considered; and
5. Notify the DCS LOD and FCM Supervisor (for Field Operation) or Work Unit Manager (for Central Office, Hotline or Child Support Bureau) of the Administrative Review Team's decision.

The DCS Field Operations Deputy Director or designee will:

1. Coordinate the Administrative Review process by convening the Administrative Review Team members; and
2. Notify the employee's DCS RM or Division Deputy Director of the Administrative Review Team's findings and whether any additional actions should be taken.

The Administrative Review Team will:

1. Review the complete DCS assessment file;
2. Review any information, documentation, or statements provided by the alleged DCS employee perpetrator;
3. Decide to do one of the following:
 - a. Uphold the substantiated determination
 - b. Overturn the determination and reclassify it as unsubstantiated, or
 - c. Return the file to the FCM assessor for further assessment of the report.
4. Notify the employee of the Administrative Review Team's decision:
 - a. If the substantiation is upheld, notify the DCS employee perpetrator of the decision using the [Notice of Right to Administrative Appeal of a Child Abuse or Neglect Determination \(SF 55148\)](#) form. Also send the [Request for an Administrative Appeal Hearing for Child Abuse or Neglect Substantiation \(SF 54776\)](#) form; or
 - b. If the allegations are unsubstantiated, or returned for further assessment, notify the alleged DCS employee perpetrator of the decision using the [Notice of Assessment Outcome-DCS Employee \(Chapter 2 Notification Tool\) - Section L](#) form, and notify the assessing office of the decision.

PRACTICE GUIDANCE

The [Chapter 2 Notification Tool](#) **will be used to send the following Notices:**

1. [Notice of Assessment Outcome and Right to Request Administrative Review \(Section A\)](#);
2. [Notice of Administrative Review Decision to Unsubstantiate Allegations of Child Abuse or Neglect \(Section B\)](#);
3. [Notice of Administrative Review Decision Report Returned for Further Assessment \(Section C\)](#);
4. [Notice of Administrative Decision after Further Assessment \(Section D\)](#);
5. [Notice of Denial of Administrative Review \(Section E\)](#);
6. [Notice of Intent to Substantiate Allegations of Child Abuse or Neglect by a Child Care Worker or Licensed Resource Parent \(Section F\)](#);
7. [Notice of Administrative Review Decision to Further Assess Allegations against a Child Care Worker or Licensed Resource Parent \(Section G\)](#);
8. [Notice of DCS Decision to Unsubstantiate Allegation of Child Abuse or Neglect \(Section H\)](#);
9. [Notice to Employer of a Report of Child Abuse or Neglect Assessment Decision \(Section I\)](#);

10. [Notice of Child Care Worker \(CCW\) Assessment Review Decision for an Assessment Closed Prior to October 15, 2006 \(Section J\)](#);
11. [Notice of an Administrative Review Decision for an Assessment Closed Prior to October 15, 2006 \(Section K\)](#);
12. [Notice of Assessment Outcome for a DCS Employee \(Section L\)](#); and
13. [Notice of Deadline to Reactive Administrative Review or Appeal Request \(Section M\)](#)

Instructions for developing a Notice using the [Chapter 2 Notification Tool](#)

The Chapter 2 Notification Tool should be used by assessing FCMs and Administrative Review team members authorized to notify a perpetrator or an employer in a case involving a DCS employee or CCW regarding an assessment conclusion by DCS. The FCM or review team member should insert language from the appropriate section and place it on DCS local office letterhead. The Notice should be signed by the assessing FCM or a review team member and sent by mail, email, and/or hand delivered with proper attachments within the allotted timeframe.

Hand Delivery

Hand delivery requires successful face-to-face contact with the perpetrator and a documented contact in the case management system.

Notices and Letters

Any Notices or Letters sent to or received from the perpetrator regarding the assessment should be placed in the assessment file.

FORMS AND TOOLS

1. [Assessment of Alleged Child Abuse or Neglect \(SF1 13\)](#) – Available in the case management system
2. [Chapter 2 Notification Tool](#)
3. [Notice of Right to Administrative Appeal of an Child Abuse or Neglect Determination \(SF55148\)](#) – Available in the case management system
4. [Request for an Administrative Appeal Hearing for Child Abuse and/or Neglect Substantiation \(SF 54776\)](#) – Available in the case management system
5. [SPD Standard Policy – Discipline](#)
6. [SPD Standard Policy – Responsibilities and Procedures](#)

RELATED INFORMATION

Desk Duty for DCS Employees Who are Alleged Perpetrators

In the event that a DCS employee who is an alleged perpetrator is assigned to desk duty, that DCS employee will not be allowed to have direct contact, in the course of DCS employment with the children and families DCS serves. Depending on the position, the duties of the DCS employees may or may not change.

Consulting with Human Resources

Child Abuse and/or Neglect assessments of DCS employees are very sensitive situations. The Central Office Human Resource Department is always available to assist management staff with any decisions that must be made surrounding reassigning or suspending a DCS employee.