

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY	
	Chapter 2: Administration of Child Welfare	Effective Date: May 1, 2020
Section 04: Assessment and Review of DCS Staff Alleged Perpetrators	Version: 8	

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 his or her Local Office Director (LOD) or Work Unit Manager within **one (1) business day** of learning of the assessment.

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

Assessments involving a DCS employee as an alleged perpetrator must be conducted by DCS local office staff in a different DCS local office than which the employee is based. Assessments involving Central Office, Child Abuse Hotline (Hotline), and Child Support Bureau (CSB) employees as an alleged perpetrator will be conducted in the county in which the complaint was filed unless there is a conflict of interest. DCS will restrict any records pertaining to the DCS employee except to appropriate personnel. See [Procedure](#) and [Policy 4.39 Restricting Assessments in Management Gateway for Indiana's Kids \(MaGIK\)](#) for additional information.

DCS does 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.

Note: When a DCS employee is identified as a Child Care Worker (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 Alleged Child Abuse and/or Neglect \(SF 113\) \(311\)](#) to the Administrative Review Team, who will then complete the automatic DCS employee administrative review.

DCS has fifteen (15) **business days** following approval of the [311](#) to provide the [2.C Tool: Notifications- Notification of Assessment Outcome for a Department of Child Services Employee \(Prior to Administrative Review\) \(Appendix L\)](#) and a copy of the redacted [311](#), if substantiated, to the employee via certified mail.

DCS requires 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** following 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 requires 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 Designee; and
3. The DCS General Counsel Designee.

See [Practice Guidance](#) for exceptions if the Deputy Director of Field Operations or General Counsel was involved in the decision to substantiate.

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

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 [Code of Conduct for the Indiana Department of Child Services](#) and [State Personnel Department \(SPD\) Standard Policies on Discipline](#) (Policy Statement and Responsibilities and Procedures) for more information.

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

Any DCS employee being assessed as an alleged perpetrator of CA/N will notify, within **one (1) business day** of learning of the assessment:

1. His or her DCS LOD 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 CSB.

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

The assessing local office will restrict any records pertaining to the DCS employee except to appropriate personnel. See [policy 4.39 Restricting Assessments in Management Gateway for Indiana's Kids \(MaGIK\)](#) for additional clarification.

The assessment FCM will:

1. Notify and document that the notification was given immediately or **no later than one (1) business day** for:
 - a. Field employees:
 - i. FCM Supervisor;
 - ii. DCS LOD;
 - iii. RM; and
 - iv. Human Resources Deputy Director.
 - b. Staff Attorneys:
 - i. Attorney's Supervisor;
 - ii. Assistant General Counsel;
 - iii. Deputy General Counsel over field attorneys; and
 - iv. Human Resources Deputy Director.

- c. Central Office, Hotline, and CSB employees:
 - i. Work Unit Manager;
 - ii. Division Deputy Director; and
 - iii. Human Resources Deputy Director.
2. Ensure timely completion of the assessment. Refer to policy [4.25 Completing the Assessment Report](#) for additional guidance; and
3. Send the [311](#) to the FCM Supervisor for approval.

The FCM Supervisor will:

1. Review the [311](#) for accuracy and completeness and approve the FCM recommendations, if appropriate;

Note: If a DCS employee who is an alleged perpetrator is also a CCW, a CCWAR should be conducted prior to any [311](#) approval.

2. Notify the employee of the outcome of the assessment and pending Administrative Review, if substantiated;
3. Attach a copy of the redacted [311](#) and [2.C Tool: Notifications- Notification of Assessment Outcome for a Department of Child Services Employee \(Prior to Administrative Review\) \(Appendix L\)](#);

Note: The date of the Administrative Review must be known before the notice may be properly completed and delivered to the alleged perpetrator.

4. Notify and document in the case management system that notification was given to the following individuals immediately or **no later than one (1) business day** for:
 - a. Field employees:
 - i. DCS LOD;
 - ii. RM; and
 - iii. Human Resources Deputy Director.
 - b. Field Attorneys:
 - i. Attorney's Supervisor;
 - ii. Assistant General Counsel,
 - iii. Deputy General Counsel over field attorneys; and
 - iv. Human Resources Deputy Director.
 - c. Central Office, Hotline, and CSB employees:
 - i. Work Unit Manager; and
 - ii. Division Deputy Director; and
 - iii. Human Resources Deputy Director.

If a DCS employee is an alleged perpetrator and also a CCW, the individual authorized to conduct the CCWAR will notify the DCS employee if the allegations are unsubstantiated following the CCWAR. If allegations are substantiated, the [311](#) will be approved and forwarded to the Administrative Review Team for an additional Administrative Review. The Notice of Substantiation will be completed by the Administrative Review Team, not the CCWAR reviewer.

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

1. Submit a request of notification to restrict access to the case management system records pertaining to the DCS employee upon notification of an assessment identifying a

DCS employee as an alleged perpetrator. Any records pertaining to the DCS employee who is an alleged perpetrator will be restricted except to appropriate personnel. See policy [4.39 Restricting Assessments in Management Gateway for Indiana's Kids \(MaGIK\)](#) for additional information;

2. Coordinate with appropriate staff to place the employee on [desk duty](#) or reassign the employee and ensure the DCS employee is notified within **one (1) business day** of the decision;
3. Ensure 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 Resources Deputy Director, in the event that emergency suspension is considered; and
5. Notify the DCS LOD and FCM Supervisor (for Field Operations) or Work Unit Manager (for Central Office, Hotline, or CSB) 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, which includes:
 - a. An RM,
 - b. The Deputy Director of Field Operations or Designee, and
 - c. The DCS General Counsel Designee.

Note: If the Deputy Director of Field Operations or General Counsel was involved in the decision to substantiate, see [Practice Guidance](#) for exceptions.

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 which of the following actions will be taken:
 - a. Uphold substantiated determination, or
 - b. Overturn the substantiation determination and reclassify as unsubstantiated, or
 - c. Return the assessment case to the FCM assessor for further assessment of the report.
4. Notify the employee of the Administrative Review Team's decision:
 - a. 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 if the substantiation is upheld. Also, send the [Request for an Administrative Appeal Hearing for Child Abuse or Neglect Substantiation \(SF 54776\)](#) form; or
 - b. Notify the alleged DCS employee perpetrator of the decision using the [2.C Tool: Notifications- Notification of Assessment Outcome for a Department of Child Services Employee \(Prior to Administrative Review\) \(Appendix L\)](#) form if the allegations are unsubstantiated or returned for further assessment, and notify the assessing office of the decision.

PRACTICE GUIDANCE

Exceptions to Administrative Review Team

If the Deputy Director of Field Operations was involved in the decision to substantiate, then a new Administrative Review Team will be comprised of the following:

1. A Chief Counsel;
2. A Deputy Director of Field Operations Designee who is not in the Deputy Director of Field Operation's chain of command; and

Note: This individual must be at least one (1) supervisory level above the employee alleged to be a perpetrator.

3. An Assistant General Counsel or Deputy General Counsel

Note: The Administrative Review Team members conducting the review shall not work within the local office of the employee alleged to be a perpetrator or be an RM in the county or region in which the employee works or in which the assessment was conducted.

If the General Counsel was directly involved in the decision to substantiate, then no one in the General Counsel's chain of command may serve on the Administrative Review Team. In this instance, the General Counsel shall designate individuals at the Broadband Executive level to replace the individuals in the team who would have been in the General Counsel's chain of command.

2.C Tool: Notifications for Administrative Reviews and Appeals:

The [2.C Tool: Notifications for Administrative Reviews and Appeals](#) will be used to send the following notices:

1. [Notice of Assessment Outcome and Right to Request Administrative Review \(Appendix A\)](#);
2. [Notice of Administrative Review Decision to Unsubstantiate Allegations of Child Abuse or Neglect \(Appendix B\)](#);
3. [Notice of Administrative Review Decision Report Returned for Further Assessment \(Appendix C\)](#);
4. [Notice of Administrative Decision after Further Assessment \(Appendix D\)](#);
5. [Notice of Denial of Administrative Review \(Appendix E\)](#);
6. [Notice of Intent to Substantiate Allegations of Child Abuse or Neglect by a Child Care Worker or Licensed Resource Parent \(Appendix F\)](#);
7. [Notice of Administrative Review Decision to Further Assess Allegations against a Child Care Worker or Licensed Resource Parent \(Appendix G\)](#);
8. [Notice of DCS Decision to Unsubstantiate Allegation of Child Abuse or Neglect \(Appendix H\)](#);
9. [Notice to Employer of a Report of Child Abuse or Neglect Assessment Decision \(Appendix I\)](#);
10. [Notice of Child Care Worker \(CCW\) Assessment Review Decision for an Assessment Closed Prior to October 15, 2006 \(Appendix J\)](#);
11. [Notice of an Administrative Review Decision for an Assessment Closed Prior to October 15, 2006 \(Appendix K\)](#);
12. [Notice of Assessment Outcome for a DCS Employee \(Appendix L\)](#);
13. [Notice of Deadline to Reactive Administrative Review or Appeal Request \(Appendix M\)](#)
14. [Notice of Administrative Review Outcome for a Department of Child Services \(DCS\) Employee \(Appendix N\)](#)

Instructions for developing a Notice using the Chapter 2 Notification Tool

The [2.C Tool: Notifications for Administrative Reviews and Appeals](#) 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.

Note: The date for the CCWAR must be known before the [2.C Tool: Notifications- Notification of Assessment Outcome for a Department of Child Services Employee \(Appendix L\)](#) may be properly completed and delivered to the employee perpetrator.

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 alleged perpetrator regarding the assessment should be placed in the assessment file and uploaded into the case management system.

Consulting with Human Resources

CA/N assessments of DCS employees are very sensitive situations. The [Central Office Human Resources Department](#) is always available to assist management staff with any decisions that must be made surrounding reassigning or suspending a DCS employee.

FORMS AND TOOLS

1. [Assessment of Alleged Child Abuse or Neglect \(SF 113\) \(311\)](#) – Available in the case management system
2. [2.C Tool: Notifications for Administrative Reviews and Appeals](#)
3. [Notice of Right to Administrative Appeal of an Child Abuse or Neglect Determination \(SF 55148\)](#) – 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. [Code of Conduct for the Indiana Department of Child Services](#)
6. [SPD Standard Policy – Discipline - Policy Statement](#)
7. [SPD Standard Policy – Discipline - Responsibilities and Procedures](#)

RELATED INFORMATION

Desk Duty for DCS Employees Who are Alleged Perpetrators

In the event 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 employee may or may not change.