

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL</b>	
	<b>Chapter 2:</b> Administration of Child Welfare	<b>Effective Date:</b> September 1, 2008
	<b>Section 4:</b> Assessment and Review of DCS Staff Alleged Perpetrators	<b>Version:</b> 2

<b>POLICY</b>
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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)<sup>1</sup> 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.

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

In 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 within **one (1) business day** the employee's Regional Manager, DCS Local Office Director, or the DCS Human Resource Office, and document that the notice was given.

DCS will restrict access to Indiana Child Welfare Information System (ICWIS) records pertaining to DCS employees. Any records pertaining to the alleged DCS employee perpetrator will be held confidential. See separate policy, [2.8 Accessing Records in ICWIS](#).

DCS will not allow the alleged employee perpetrator to have direct contact with the children and families (including resource families) in which DCS serves, until the Administrative Review process has been completed. The alleged employee perpetrator will be notified by the employee's Regional Manager, the DCS Local Office Director, or DCS Human Resource Office within **one (1) business day**, if the decision is to place the alleged employee perpetrator on desk duty. The alleged employee perpetrator may be reassigned or may be placed on emergency suspension during this time.

DCS will have **ten (10) calendar days** from approval of the [Assessment of Child Abuse and Neglect \(SF 113/CW0311\)](#) to provide the [Notice of Child Abuse and/or Neglect Assessment Outcome and Administrative Review for DCS Employee \(CAPTA080801ORE\)](#) and a copy of the redacted [Assessment of Child Abuse and Neglect \(SF113/CW0311\)](#), if substantiated, to the alleged employee perpetrator.

DCS will require that an Administrative Review be conducted of all substantiated assessments of alleged employee perpetrators. This review must be completed within **ten (10) business days** of the substantiation. The DCS Division Director or designee will notify the alleged employee perpetrator the **same day** as the Administrative Review occurs, of the decision by sending the [Notice of Administrative Review Decision and Right to Administrative Appeal \(CAPTA080802RDA\)](#).

<sup>1</sup> Herein referred to as the 'alleged employee perpetrator'.

DCS will require that the Administrative Review Team of a DCS staff case be conducted by:

1. The employee's Deputy Director or Designee<sup>2</sup>;
2. A DCS Human Resource representative; and
3. A Regional Manager or work unit manager.

DCS recognizes that the alleged employee perpetrator has the right to appeal the decision of the Administrative Review Team if the substantiation is upheld. See separate policy, [2.5 Administrative Appeal Hearings](#).

DCS reserves the right to take disciplinary action up to and including termination upon completion of the Administrative Review, if the substantiation is affirmed, regardless of whether the allegations involve actions taken in the scope of employment. See separate DCS Administrative Policy, [HR-2-4 Disciplinary Action](#).

#### Code References

N/A

### **PROCEDURE**

The alleged employee perpetrator will notify his/her DCS Local Office Director or work unit manager within **one (1) business day** of learning of the assessment.

The assessing FCM will:

1. Notify the alleged employee perpetrator's Regional Manager within **one (1) business day** of learning of the assessment if the alleged employee perpetrator works in a DCS local office, and document that notification was given;
2. Notify the DCS Human Resources Office within **one (1) business day** of learning of the assessment in the event that the accused employee works in Central Office, and document that notification was given;
3. Assure timely completion of the assessment. Refer to separate policy, [4.25 Completing the Assessment Report](#); and
4. Send the [Assessment of Child Abuse and Neglect \(SF113/CW0311\)](#) to the Supervisor for approval.

The Supervisor will:

1. Review the [Assessment of Alleged Child Abuse and Neglect \(SF113/CW0311\)](#) for accuracy and completeness. Refer to separate policy, [2.1 Requests for Administrative Review](#) for procedures to follow specific to the approval and redaction process;
2. Upon request from the DCS Local Office Director or other person authorized to conduct an Administrative Review, unapprove the [Assessment of Child Abuse or Neglect \(SF113/CW0311\)](#) if the file is returned to CPS for further assessment and reconsideration of the report. See separate policy, [2.2 Administrative Review Process](#) for procedures to follow specific to the reconsideration process, if applicable; and
3. Notify the Division Director the results of the assessment.

The DCS Local Office Director/Human Resource Office will:

1. Coordinate with the appropriate staff to reassign the employee;
2. Contact the DCS Human Resource Director, in the event that emergency suspension is considered;
3. Ensure the appropriate Division Director is notified of the assessment; and

<sup>2</sup> The designee must be at least one supervisory level above the alleged employee perpetrator.

4. Notify the alleged employee perpetrator of the outcome of the assessment and pending Administrative Review, if substantiated. Send a redacted copy of [Assessment of Alleged Child Abuse or Neglect \(SF113/CW0311\)](#).

The Administrative Review Team will, if an allegation of abuse or neglect is substantiated:

1. Review the complete CPS assessment file;
2. Decide to do one of the following:
  - a. Uphold the substantiated determination,
  - b. Overturn the determination and reclassify it as unsubstantiated or indicated, or
  - c. Return the file to CPS for further assessment of the report.

The Division Director or designee will:

1. Coordinate the Administrative Review process;
2. If substantiated, notify the alleged employee perpetrator of the decision of the Administrative Review Team using the [Notice of Child Abuse and/or Neglect Assessment Outcome and Administrative Review for DCS Employee \(CAPTA080801ORE\)](#) form and [How to Request for an Administrative Appeal Hearing for Child Abuse or Neglect Substantiation \(CAPTA080802AAH\)](#) form;
3. If the allegations are unsubstantiated or indicated, notify the alleged employee perpetrator the results of the assessment using the [Notice of Child Abuse and/or Neglect Assessment Outcome and Administrative Review for DCS Employee \(CAPTA080801ORE\)](#) form;
4. Notify the alleged employee perpetrator's Supervisor with instructions to end reassignment ; or
5. Take any necessary disciplinary action in accordance with the DCS [HR-2-4 Disciplinary Action](#).

## PRACTICE GUIDANCE

N/A

## FORMS AND TOOLS

1. [Assessment of Alleged Child Abuse or Neglect \(SF113/CW0311\)](#) – available in ICWIS
2. [Notice of Child Abuse and/or Neglect Assessment Outcome and Administrative Review for DCS Employee \(CAPTA080801ORE\)](#)
3. [Notice of Administrative Review Decision and Right to Administrative Appeal \(CAPTA080802RDA\)](#)
4. [How to Request for an Administrative Appeal Hearing for Child Abuse or Neglect Substantiation \(CAPTA080802AAH\)](#)

## RELATED INFORMATION

### **Consulting with Human Resources**

Staff assessments are very delicate situations. The Central Office Human Resource Office is always available to assist management staff with any decisions that must be made surrounding reassigning an employee or when to consider emergency suspension. Please contact your assigned HR consultant or the HR Director if you have any questions.

### **Restricting Reports and Assessments**

Maintaining confidentiality of employee assessments is of utmost importance. There is a checkbox on the decision window in ICWIS in the Intake module that allows for the report to be restricted. If the report is restricted, the assessment will automatically be restricted upon its creation. The system will only allow the assigned worker, the assigned worker's supervisor, and a director for that county, and the ICWIS Program Manager access to the report or assessment.

It is recommended, whenever possible, assessments involving employees be conducted by a county other than the county in which the employee is employed.

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