

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 2: Administration of Child Welfare	Effective Date: October 1, 2010
	Section 1: Requests for Administrative Review	Version: 4

POLICY [REVISED]

The Indiana Department of Child Services (DCS) recognizes the right of each alleged perpetrator to request an Administrative Review of the related Child Abuse and/or Neglect (CA/N) substantiation. The process outlined herein will apply to all substantiated CA/N determinations made on or after October 15, 2006.

DCS will have **fifteen (15) calendar days** from approval of the [Assessment of Child Abuse and Neglect \(SF113/CW0311\)](#) to provide [Notice of Child Abuse and/or Neglect Assessment Outcome and Right to Administrative Review \(State Form 54317\)](#) and a copy of the redacted [Assessment of Child Abuse and Neglect \(SF113/CW0311\)](#) to the alleged perpetrator by mail or hand delivery.

If the substantiation is against a minor, the [Notice of Child Abuse and/or Neglect Assessment Outcome and Right to Administrative Review \(State Form 54317\)](#) must be mailed or hand delivered to at least one (1) of the following:

1. Parent;
2. Guardian;
3. Custodian;
4. Child's attorney (if representation for specific substantiation) ;
5. Guardian ad Litem; or
6. Court Appointed Special Advocate (CASA), if applicable.

DCS will require that the alleged perpetrator's request for Administrative Review be made in writing by submitting the following form, [Request for Administrative Review for Child Abuse or Neglect Substantiation \(CAPTA081003ADR\)](#).

If the substantiation is against a minor, the request for an Administrative Review must be completed and submitted by one (1) of the child's:

1. Parent;
2. Guardian;
3. Custodian;
4. Child's attorney ;
5. Guardian ad Litem; or
6. CASA, if applicable.

DCS will require that the request for Administrative Review by an alleged perpetrator must be **received** by the DCS local office within **fifteen (15) calendar days** from the date that the [Notice of Child Abuse and/or Neglect Assessment Outcome and Right to Administrative Review \(State Form 54317\)](#) was mailed or hand delivered to the alleged perpetrator.

Note: If the deadline for the request for an Administrative Review is on a day that the DCS local office is closed, the deadline is extended to the next business day.

This policy does not apply to either of the following situations:

1. Request for Administrative Review in licensed foster home denials or revocations; or
2. A court proceeding requesting expungement of reports entered into the Child Protection Index (CPI) that are governed by the procedures specified in the law, [IC 31-39-8](#) and [IC 31-33-7-6.5](#).

This policy does not apply to CA/N substantiated assessments involving child care workers or licensed resource parents. See separate policy, [2.3 Child Care Worker Assessment Review Process](#).

This policy does not apply to CA/N substantiated assessments involving DCS employees. See separate policy, [2.4 Assessment and Review of DCS Staff Alleged Perpetrator](#).

Code References:

1. [42 USC 5106a \(b\) \(2\) \(A\) \(XV\) \(II\): Grants to States for child abuse and neglect prevention and treatment programs](#)
2. [IC 31-33-26-8 Notification after index entry; notice to perpetrators; request for administrative hearing](#)
3. [IC 31-33-26-9 Administrative hearings; evidentiary standards consideration of hearsay; amendment or expungement of reports; confidentiality](#)
4. [IC 31-33-26-10 Administration of index](#)
5. [IC 31-33-26-11 Binding court determinations; stay of administrative hearings; perpetrator entitlement to administrative hearings](#)
6. [IC 31-33-26-12 Criminal charges against a perpetrator; entitlement to administrative hearings](#)
7. [IC 31-33-26-13 Adoption of rules](#)
8. [IC 31-33-26-14 Amendment or expungement from index of inaccurate report](#)
9. [IC 31-33-26-15 Expungement and amendment of record procedures](#)
10. [IC 31-39-8-4 Expungement of child abuse or neglect information](#)

PROCEDURE

The Family Case Manager (FCM) responsible for completing the assessment will:

1. Assure timely completion of the Assessment. Refer to separate policy, [4.25 Completing the Assessment Report](#); and
2. 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 \(SF113/CW 0311\)](#) for accuracy and completeness;
2. Consult with the FCM regarding recommendations for redaction to the [Assessment of Child Abuse and Neglect \(SF113/CW0311\)](#), if applicable;
3. If substantiated, type a contact note in MaGIK to track redaction;
4. "Approve" the [Assessment of Alleged Child Abuse and Neglect \(SF113/CW 0311\)](#) if he or she deems it accurate and complete; and

5. Forward the report electronically to the designated DCS staff instructing consultation with DCS Local Office Attorney for redaction, if substantiated, within the **next business day** of approval.

[REVISED] **Note:** Redaction is only necessary if confidential information above and beyond the report source needs to be redacted. ([IC 31-33-18 - Disclosure of Reports: Confidentiality Requirements](#))

[REVISED] The DCS Local Office Director or designee will:

1. Consult with DCS Local Office Attorney as to proper redaction, if applicable;
2. Properly redact the [Assessment of Child Abuse and Neglect \(SF113/CW0311\)](#), and
3. Return the report to the Supervisor within **five (5) calendar days** of approval of the [Assessment of Child Abuse and Neglect \(SF113/CW0311\)](#).

[REVISED] The Supervisor or DCS local office designee will mail or hand deliver the following to each person identified as a perpetrator of substantiated child abuse and/or neglect:

1. The [Notice of Child Abuse and/or Neglect Assessment Outcome and Right to Administrative Review \(State Form 54317\)](#); and
2. Redacted [Assessment of Child Abuse and Neglect \(SF113/CW0311\)](#) to each person identified as a perpetrator of substantiated abuse and/or neglect within **fifteen (15) calendar days** of the assessment approval date.
3. [Request for Administrative Review for Child Abuse or Neglect Substantiation \(CAPTA081003ADR\)](#). If all allegations against the individual are classified as unsubstantiated, do not send the alleged perpetrator the request for review form.

[REVISED] If the form [Request for Administrative Review for Child Abuse or Neglect Substantiation \(CAPTA081003ADR\)](#) is submitted by the alleged perpetrator to the DCS local office, proceed to next steps in separate policy, [Chapter 2.2 Administrative Review Process](#).

PRACTICE GUIDANCE

[NEW] Hand Delivery

Hand delivery requires successful face-to-face contact with the alleged perpetrator and a documented contact in MaGIK.

[NEW] Time computation for sending out the Notice of Child Abuse and/or Neglect Assessment Outcome and Right to Administrative Review (State Form 54317) within 15 days

The following guidelines should be utilized in computing timeframes for 15 day Notices:

1. Do not count the date the assessment was approved. Begin with the following day as day one (1);
2. The Notice must be mailed or hand-delivered by the close of business on the 15th day in your computation, unless it is a day the office is closed. If the office is closed for business on the 15th day, the time frame is extended until the close of business on the next day that the office is open for business.

Note: For example, if the allegation(s) is/are approved as substantiated on the 1st of a month, the local office must mail or hand deliver the [Notice of Child Abuse and/or Neglect Assessment Outcome and Right to Administrative Review \(State Form](#)

[54317](#)) on or before the close of business on the 16th. If the 16th is a day the office is closed, such as a weekend or a State holiday, the Notice must be mailed or hand delivered to the person identified as the perpetrator before the close of business on the next day that the office is open.

Redaction

Redaction is a process where a document is reviewed thoroughly to omit part of the text prior to release, in order to protect confidential information. All redactions should be done with input from the DCS Local Office Attorney.

All [Assessment of Alleged Child Abuse and Neglect \(SF113/CW0311\)](#) are not to have report sources listed as they are protected under [IC 31-33-18](#). Indiana law also supports redaction of other information such as addresses, telephone numbers, or information that may harm or endanger another person. Any information that pertains to a confidential address of a non-offending parent and families experiencing domestic violence (e.g., shelter, relocation, new housing) should be redacted. Any disclosures made by the non-offending parent or child(ren) that could affect safety should also be redacted.

The following guidelines should be utilized when redacting documents:

1. Text should not be permanently removed from the document;
2. Redaction should be done on copies, not on original documents;
3. Only distribute photocopies of the redacted version of the document; and
4. Consult with the DCS Local Office Attorney to determine what information needs to be redacted.

Methods of redaction:

1. The easiest way to redact information is to photocopy the original document and use a thick black marker to block out the information to be redacted. This process can also be used with correction fluid (white out). It is imperative that after the information has been hidden with either the marker or white out, a photocopy is made to ensure that the information did not bleed through or can be distinguished when held up to the light; or
2. Cover up tape can also be used to redact information from a document. The cover-up tape can be placed over the areas to be redacted and then photocopied. The copy can then be distributed.

FORMS AND TOOLS

1. [Notice of Child Abuse and/or Neglect Assessment Outcome and Right to Administrative Review \(State Form 54317\)](#)
2. [Assessment of Alleged Child Abuse and Neglect \(SF113/CW 0311\)](#) – Available in MaGIK
3. [Request for Administrative Review for Child Abuse or Neglect Substantiation \(CAPTA081003ADR\)](#)

RELATED INFORMATION

N/A