



## INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY

**Chapter 3:** Hotline

**Section 08:** Statutory Definition of Child Abuse and/or Neglect (CA/N)

**Effective Date:** March 18, 2022

**Version:** 10

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### POLICY OVERVIEW

Determining whether allegations meet the statutory definition of Child Abuse and/or Neglect (CA/N) requires a careful, balanced assessment of both objective and subjective information with the paramount consideration being the safety, permanency, stability, and well-being of the alleged child victim.

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### PROCEDURE

The Indiana Department of Child Services (DCS) will use the following criteria when evaluating a Preliminary Report of Alleged Child Abuse or Neglect (310) to determine if the allegations meet the statutory definition for CA/N:

1. The alleged victim is under 18 years of age;
2. The alleged perpetrator's relationship to the alleged victim is that of parent, guardian, or custodian; and

**Note:** For allegations involving sexual abuse, the perpetrator may have **any** or **no** relationship to the child.

3. The allegations would cause a reasonable person to believe that CA/N has occurred.

Indiana Law includes the following Child in Need of Services (CHINS) definitions as the basis for CA/N. This list is intended to be used by DCS at intake, in conjunction with the Indiana Department of Child Services Screening and Response Time Assessment (SDM Tool), as a parameter to determine whether a reporter's allegations would indicate that CA/N has occurred:

CHINS 1: The child's physical or mental condition is seriously impaired or seriously endangered as a result of the inability, refusal, or neglect of the child's parent, guardian, or custodian to supply the child with necessary food, clothing, shelter, medical care, education, or supervision:  
(A) when the parent, guardian, or custodian is financially able to do so; or  
(B) due to the failure, refusal, or inability of the parent, guardian, or custodian to seek financial or other reasonable means to do so.

CHINS 2: The child's physical or mental health is seriously endangered due to an injury by the act or omission of the parent, guardian, or custodian.

The child is a victim of assisting suicide (IC 35-42-1-2.5); battery (IC 35-42-2-1); domestic battery (IC 35-42-2-1.3); aggravated battery (IC 35-42-2-1.5); strangulation (IC 35-42-2-9); female genital mutilation (IC 35-42-2-10); neglect

of a dependent, child selling (IC 35-46-1-4); attempt or conspiracy to commit any of the listed offenses; or attempt or conspiracy to commit murder, causing suicide, voluntary manslaughter, involuntary manslaughter, or reckless homicide (I.C. 31-34-1-2); and the offense was committed by the parent, guardian, or custodian of the child.

The child lives in the same household as an adult who committed and has been convicted of, or has been charged with committing an offense and is awaiting trial for, any of the following offenses against another child who lives in the household: assisting suicide (IC 35-42-1-2.5); battery (IC 35-42-2-1); domestic battery (IC 35-42-2-1.3); aggravated battery (IC 35-42-2-1.5); strangulation (IC 35-42-2-9); neglect of a dependent, child selling (IC 35-46-1-4); attempt or conspiracy to commit any of the listed offenses; or attempt or conspiracy to commit murder, causing suicide, voluntary manslaughter, involuntary manslaughter, or reckless homicide (IC 31-34-1-2); and needs care treatment, or rehabilitation that the child is not receiving; and is unlikely to be provided or accepted without the coercive intervention of the court.

CHINS 3: The child is a victim of an offense listed in IC 31-34-1-3 or is living in a household with an adult who has been charged with an offense listed in IC 31-34-1-3 or IC 35-42-3.5-1 and is awaiting trial or resulted in a conviction or judgement under IC 31-34-11-2 or IC 35-42-3.5-1.

CHINS 3.5: The child is a victim of a human trafficking offense as defined in IC 31-9-2-133.1. A child is considered a victim of human trafficking regardless of whether the child consented to the conduct as defined.

CHINS 4: The child's parent, guardian, or custodian allows the child to participate in an obscene performance.

CHINS 5: The child's parent, guardian, or custodian allows the child to commit a prohibited sex offense (see 3.B Tool Sexual Offense Child Abuse and/or Neglect (CA/N) Matrix).

CHINS 6: The child substantially endangers his/her own health or the health of another individual.

CHINS 7: The child's parent, guardian, or custodian fails to participate in a school disciplinary proceeding.

CHINS 8: The child is a "missing child".

**Note:** This is a child who is the subject of a missing person's report and has been found in Indiana.

CHINS 9: The child is disabled and deprived of necessary nutrition or medical intervention.

**Note:** According to IC 31-34-1-9, a child in need of services under CHINS 1, 2, 3, 4, 5, 6, 7, or 8 of this tool includes a child with a disability who:

- 1) Is deprived of nutrition that is necessary to sustain life; or
- 2) Is deprived of medical or surgical intervention that is necessary to remedy or

ameliorate a life threatening medical condition; if the nutrition or medical or surgical intervention is generally provided to similarly situated children with or without disabilities.

CHINS 10: The child is born with fetal alcohol syndrome, neonatal abstinence syndrome, or with any amount of controlled substance, a legend drug or a metabolite of a controlled substance or legend drug in the child's body, including the child's blood, urine, umbilical cord tissue, or meconium.

CHINS 11: The child has an injury, abnormal physical or psychological development, symptoms of neonatal intoxication or withdrawal or experiences risks or injuries from the mother's use of alcohol, controlled substance, or legend drug during pregnancy.

The Hotline Intake Specialist (IS) will:

1. Complete the 310 in the case management system;
2. Thoroughly screen each individual named in the case management system prior to sending to the Hotline Intake Supervisor;
3. Determine if the allegations meet the statutory definition of CA/N;
4. Complete the following if the statutory definition of CA/N has been met:
  - a. Recommend the report be routed to the DCS local office for assessment,
  - b. Recommend how quickly the assessment must be initiated and determine if the response time is to be expedited.

**Note:** Review the timeframe assigned by the case management system and make any appropriate overrides.

5. Forward the CA/N intake report to the Hotline Intake Supervisor to be routed to the DCS local office. This may be done electronically.

**Note:** A Hotline IS may not bypass supervisory review on any reports.

The Hotline Intake Supervisor will:

1. Review the CA/N intake report as soon as possible but, not to exceed 24 hours;
2. Ensure the allegations meet the statutory definition of CA/N; and

**Note:** An IS' recommendation to "assign for assessment" may be overturned by the Hotline Intake Supervisor if the reported allegations do not meet the statutory definition of CA/N. Also, the IS' recommendation to "screen out" a report may be overturned by the Hotline Intake Supervisor if the allegations meet the statutory definition of CA/N.

3. Assign the report to the local office if the decision is "assign for assessment".

**Note:** Final recommendation regarding whether a report will be "assigned for assessment" or "screened out" will be made at the DCS local office level. See policy 3.05 Supervisory Review of Child Abuse and/or Neglect (CA/N) and Chapter 4-Assessment for additional information on completing assessments.

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## RELEVANT INFORMATION

### Definitions

#### Coercive Intervention

Coercive intervention is the inability or unwillingness of the parent, guardian, or custodian to provide needed supervision and/or services for a child without a court order.

#### Custodian

A custodian is any person with whom a child resides or any of the following:

- a. A license applicant or licensee of:
  - i. A foster home or residential child care facility that is required to be licensed or is licensed under IC-31-27,
  - ii. A child care center that is required to be licensed or is licensed under IC 12-17.2-4, or
  - iii. A child care home that is required to be licensed or is licensed under IC 12-17.2-5.
- b. A person who is responsible for the care, supervision, or welfare of children while providing services as an owner, director, manager, supervisor, employee, or volunteer at:
  - i. A home, center, or facility described in one (1) above,
  - ii. A child care ministry, as defined in IC 12-7-2-28.8, that is exempt from licensing requirements and is registered or required to be registered under IC 12-17.2-6,
  - iii. A home, center, or facility of a child care provider, as defined in IC 12-7-2-149.1(4), or
  - iv. A home, center, or facility which is the location of a program that provides child care, as defined in section 16.3 of this Indiana Code, to serve migrant children and is exempt from licensing under IC 12-17.2-2-8(6), whether or not the program is certified as described in IC 12-17.2-2-9.
- c. A school;
- d. A child caregiver;
- e. A member of the household of the child's noncustodial parent; or
- f. An individual who has or intends to have direct contact, on a regular and continuing basis, with a child for whom the individual provides care and supervision.

#### Emotional Injury

Emotional injury occurs when a child has an observable, identifiable, and substantial impairment of the mental or psychological ability to function as a result of an act or failure to act by a parent, caregiver, or household or family member. See the SDM Tool for additional information on emotional injury.

#### Legend Drug

As defined in IC 31-9-2-76, a legend drug is a drug approved by the U.S. Food and Drug Administration that can be dispensed to the public only with a prescription from a medical doctor or other licensed practitioner.

#### Controlled Substance

As defined in IC 31-9-2-24, a controlled substance is generally a drug or chemical whose manufacture, possession, and use is regulated by a government, such as illicitly used drugs or

prescription medications that are designated by law. These substances are listed on Schedules I-V (IC 35-48-2).

#### Guardian

A guardian is a person appointed by a court to have the care and custody of a child and/or the child's estate.

#### Parent

A parent is a child's biological or adoptive mother or father or alleged father.

#### Rebuttable Presumption

Rebuttable presumption is an assumption made by a court, one that is taken to be true unless someone comes forward to contest it and prove otherwise.

### **Forms and Tools**

- [3.B Tool Sexual Offense Child Abuse and/or Neglect \(CA/N\) Matrix](#)
- [Indiana Department of Child Services Screening and Response Time Assessment \(SDM Tool\)](#)
- Preliminary Report of Alleged Child Abuse or Neglect (SF 114) (310)- available in the case management system

### **Related Policies**

- [3.05 Supervisory Review of Child Abuse and/or Neglect \(CA/N\)](#)
- [Chapter 4- Assessment](#)

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### **LEGAL REFERENCES**

- [IC 12-7-2-28.6: "Child care home"](#)
- [IC 12-7-2-28.8: Child care ministry](#)
- [IC 12-7-2-149.1\(4\): Provider](#)
- [IC 12-17.2-2-8\(6\): Licensure exemptions](#)
- [IC 12-17.2-2-9: Migrant children's programs](#)
- [IC 12-17.2-4: Chapter 4. Regulation of Child Care Centers](#)
- [IC 12-17.2-5: Chapter 5. Regulation of Child Care Homes](#)
- [IC 12-17.2-6: Chapter 6. Regulation of Child Care Ministries](#)
- [IC 31-9-2-14: Child abuse or neglect](#)
- [IC 31-9-2-16.4: "Child caregiver"](#)
- [IC 31-9-2-24: "Controlled substance"](#)
- [IC 31-9-2-31: "Custodian"](#)
- [IC 31-9-2-76: "Legend drug"](#)
- [IC 31-9-2-133: "Victim of child abuse or neglect"](#)
- [IC 31-9-2-133.1: "Victim of human or sexual trafficking"](#)
- [IC 31-27 ARTICLE 27. CHILD SERVICES: REGULATION OF RESIDENTIAL CHILD CARE](#)
- [IC 31-27-4: Chapter 4. Regulation of Foster Homes](#)
- [IC 31-33-8-1: Investigations by the department of child services; time of initiation; investigations of child care ministries](#)
- [IC 31-34-1: \(Sections 1-15\) Circumstances Under Which a Child Is a Child in Need of Services](#)
- [IC 31-34-1-2: Act or omission of parent, guardian, or custodian seriously endangering child's physical or mental health; victim of specified offense](#)

- [IC 31-34-1-3: Victim of specified offense; living in household with a child victim of a specified offense or an adult who committed or is charged with a specified offense](#)
- [IC 31-34-1-9: Disabled child deprived of necessary nutrition or medical or surgical intervention](#)
- [IC 31-34-11-2: Judgment; order of predisposition report; scheduling of dispositional hearing; dual status assessment team report and recommendations](#)
- [IC 35-42-1-2.5: Assisting Suicide](#)
- [IC 35-42-2-1: Battery](#)
- [IC 35-42-2-1.3: Domestic battery](#)
- [IC 35-42-2-1.5: Aggravated battery](#)
- [IC 35-42-2-9: Strangulation](#)
- [IC 35-42-2-10: Female genital mutilation](#)
- [IC 35-42-3.5-1: Promotion of human labor trafficking](#)
- [IC 35-42-4: \(Sections 1-4, 7, 9\) Rape; criminal deviant conduct; child molesting; child exploitation and pornography; child seduction; sexual misconduct with a minor](#)
- [IC 35-45-4: \(Sections 1 and 2\) Public indecency and prostitution](#)
- [IC 35-46-1-3: Incest](#)
- [IC 35-46-1-4: Neglect of a dependent; child selling](#)

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## PRACTICE GUIDANCE – DCS POLICY 3.08

*Practice Guidance is designed to assist DCS staff with thoughtful and practical direction on how to effectively integrate tools and social work practice into daily case management in an effort to achieve positive family and child outcomes. Practice Guidance is separate from Policy.*

### **Statutory Definition of CA/N**

The determination as to whether allegations meet the statutory definition of CA/N requires a careful, balanced assessment of both objective and subjective information with the paramount consideration being the safety of the alleged victim.

### **Child Care Home**

DCS assesses all child care homes (as defined in IC 12-7-2-28.6) whether licensed, unlicensed, or operating illegally without a license (see policy 4.30 Institutional Child Protection Services [ICPS] Unit Assessments).

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