	INDIANA DEPARTMENT OF CHILD SERVICES **CHILD WELFARE POLICY**	
	Chapter 4: Assessment	**Effective Date:** July 1, 2021
	Section 05: Consent to Interview Child	**Version:** 4

POLICY OVERVIEW

Securing consent from the parent, guardian, or custodian to interview the child prior to the interview is a necessary step in a Child Abuse and/or Neglect (CA/N) assessment, unless exigent circumstances exist.

PROCEDURE

The Indiana Department of Child Services (DCS) will secure the consent (permission) of the child's parent, guardian, or custodian prior to interviewing a child who is the following:
1. An alleged victim of CA/N;
2. An alleged child perpetrator; or
3. A potential witness or collateral contact.

Exceptions to the rule requiring consent of the child's parent, guardian, or custodian prior to interviewing the child include:
1. Exigent circumstances override the necessity of consent due to concerns for the alleged child victim's safety and well-being (see policy 4.06 Exigent Circumstances for Interviewing Alleged Child Victims);
2. A reasonable number of attempts were made to locate and contact the parent, guardian, or custodian resulting in no contact being made;

   Note: The number of reasonable attempts will vary depending on the urgency of the assessment. In general, the Family Case Manager (FCM) should attempt to reach the parent, guardian, or custodian by trying each address or phone number between three (3) and five (5) times for an assessment that must be initiated within 24 hours. For an assessment that must be initiated within five (5) days, the FCM should try each address and phone number between five (5) to 10 times. See policy 4.20 Good Faith Efforts for additional guidance.

3. The child is under the care and custody of DCS and parental rights have been terminated; or
4. The child is committed to a Department of Corrections (DOC) facility.

The FCM will:
1. Consider whether exigent circumstances exist. Refer to policy 4.06 Exigent Circumstances for Interviewing Alleged Child Victims for guidance and follow all procedures contained in the policy if exigent circumstances exist;
2. Determine who must give consent to interview if exigent circumstances do not exist;

   Note: In certain circumstances, DCS will seek consent from individuals other than the child's parent, guardian, or custodian prior to the interview.

3. Make a reasonable number of attempts to contact the person who must give consent;
4. Complete the following if unable to make contact with the required parties after a reasonable number of attempts:
   a. Document all attempts in the case management system,
   b. Proceed with the child interview without consent, and
   c. Complete procedural step #9 below.

5. Ask for consent to interview, if contact is made with the required parties, after explaining the following:
   a. The interview is part of a DCS CA/N assessment,
   b. The interview must take place to ensure the child's safety,
   c. The CA/N allegations per the CA/N intake,
   d. The information gained during the interview is confidential. It will not be released to outside parties unless it is required during a court proceeding. See policy 2.06 Sharing Confidential Information for additional guidance.

   Note: The parent, guardian, or custodian has the right to know the information gained during the interview.

6. Ask that the required parties sign the Consent of Parent, Guardian or Custodian to Interview Child(ren) and proceed with the child interview if consent is given. Verbal consent should be used as a last resort. For verbal consent, the FCM should:
   a. Put the parent, guardian, or custodian on speakerphone,
   b. Have an individual (e.g., DCS employee, law enforcement agency [LEA], or a school/mental health/medical professional) serve as a witness, and
   c. Follow-up by obtaining the parent, guardian, or custodian's signature on the Consent of Parent, Guardian, or Custodian to Interview Child(ren) form as soon as possible.

7. Follow all procedural steps in policy 4.08 Entry Into Home or Facility;
8. Coordinate with the DCS Staff Attorney to petition a court for the child to be interviewed, either with or without the custodial parent, guardian, or custodian being present, if consent is not obtained and/or the parent, guardian, or custodian places constraints upon the interview process (e.g., "saying the child may only be interviewed in the parent's presence) in which the FCM finds unacceptable, and no exigent circumstances exist;
9. Provide the Notice of Parent, Guardian, or Custodian to Interview the Child form to the parent, guardian, or custodian or the Facility Administrator, if applicable, as soon as possible, but no later than the same day of the interview, in any case where consent was not requested and the child interview proceeded due to exigent circumstances;
10. Notify the appropriate Licensed Child Placing Agency (LCPA), permanency FCM, and/or Probation Officer of the interview, if applicable; and
11. Ensure all actions taken and documents are entered in the case management system. This includes the parent's consent and any constraints the parent, guardian, or custodian places on the interview and whether the constraints were accommodated.

The FCM Supervisor will assist the FCM as needed and ensure information is documented in the case management system.

The DCS Staff Attorney will file a petition with the court to interview a child if consent is not given and/or the parent, guardian, or custodian places constraints upon the interview process.

LEGAL REFERENCES

- [IC 5-26.5-1-3: Domestic violence](#)
- [IC 31-33-8-7 (d): Scope of assessment by department of child services; order for access to home, school, or other place, or for mental or physical examinations; petition to interview child; order; requirements](#)
- IC 31-9-2-44.1: Exigent circumstances

FORMS AND TOOLS

- [Consent of Parent, Guardian, or Custodian to Interview Children (SF 52013)](#) (English version)
- [Consent of Parent, Guardian, or Custodian to Interview Children (SF 54252)](#) (Spanish version)
- [Notice to Parent, Guardian or Custodian of Interview with Child (SF 53130)](#)

RELEVANT INFORMATION

Definitions

Contact

A contact may be any communication or an in-person observation. A contact is not always considered an interview. A contact includes, but is not limited to, the following modes of communication:

1. Face-to-Face in the home, office, or other location;
2. Telephone;
3. Fax;
4. Email;
5. Voicemail; or
6. Correspondence.

Exigent Circumstances

Exigent circumstances exist when:

1. DCS has definite and explainable evidence giving rise to a reasonable suspicion that the child or any child residing in the home with the child has been or is in imminent danger of being physically abused, sexually abused, or is being neglected such that the child's physical safety is seriously endangered;
2. There is no less intrusive alternative to the department's action that would reasonably and sufficiently protect the child's imminent health or safety; and
3. One (1) or more of the following applies:
   a. The parent, guardian, or custodian of the child is the alleged perpetrator of the abuse or neglect of the child; or is allegedly aware of the abuse or neglect of the child and has allegedly not ensured the child's safety.
   b. There is reason to believe that the safety of the child might be jeopardized; or essential evidence regarding signs or symptoms of abuse or neglect on or in the child's body might not be available; if the department's action is delayed or the child's parent, guardian, or custodian is notified before the department's action.
   c. The child is a homeless unaccompanied minor and is voluntarily receiving services at an emergency shelter or shelter care facility without the presence or consent of the child's parent, guardian, or custodian.

Note: An allegation of educational neglect, with no additional allegations, does not qualify as an exigent circumstance.

Interview

For the purposes of a DCS assessment, an interview occurs when a person is individually questioned about the allegations of a CA/N report.

Related Policies
- [2.06 Sharing Confidential Information](#)
- [4.06 Exigent Circumstances for Interviewing Alleged Child Victims](#)
- [4.08 Entry Into Home or Facility](#)
- [4.20 Good Faith Efforts](#)