POLICY [REVISED]

The Indiana Department of Child Services (DCS) will use the following criteria when evaluating a Preliminary Report of Alleged Child Abuse or Neglect (SF 114/CW0310) to determine if the allegations meet the statutory definition for CA/N:

1. The alleged victim is under the age of 18;  
2. The alleged perpetrator’s relationship to the alleged victim is that of parent, guardian or custodian (See Related Information); and

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

3. The allegations would cause a reasonable person to believe that CA/N has occurred (See “Allegations” below).

**Allegations**

Indiana Law includes the following Child in Need of Services (CHINS) definitions as the basis for child CA/N.

**[REVISED] Note:** There are additional CHINS statutes in Indiana Code that are not included in the definition of CA/N (e.g. CHINS 6: The child substantially endangers his/her own health or the health of another individual).

This list is intended to be used by an intake worker/Supervisor as a parameter to determine whether a reporter’s allegations would seem to 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 parent, guardian, or custodian being unable, refusing, or neglecting to supply the child with necessary food, clothing, shelter, medical care, education, or supervision.

**CHINS 2:** The child’s physical or mental condition is seriously impaired or seriously endangered due to an injury as a result of the parent, guardian, or custodian’s act or omission, or there is evidence that illegal manufacture of a drug or controlled substance is occurring on property where a child resides.

**CHINS 3:** The child is a victim of certain sex offenses or is living in a household with a victim of certain sex offenses or an adult who has been charged with a sex offense.

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1 If the alleged victim is over the age of 18 and is currently a ward, the reported information is forwarded to the DCS worker as an Information and Referral (I&R).
offense listed in IC 31-34-1-3(b)(1) and is awaiting trial or resulted in a conviction or judgment under IC 31-34-11-2.

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 Tool Sexual Offense Child Abuse and/or Neglect (CA/N) Matrix).

[REVISED] Code References
1. IC 31-9-2-14: Child abuse or neglect
2. IC 31-9-2-31: Custodian
3. IC 31-34-1: (Sections 1-15) Circumstances under which a child is a Child in Need of Services
4. 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
5. IC 35-45-4: (Sections 1 and 2) Public indecency and prostitution
6. IC 35-46-1-3: Incest
7. IC 31-33-8-1: Investigations by the department of child services; time of initiation; investigations of child care ministries
8. IC 31-9-2-133: Victim of child abuse or neglect

PROCEDURE [REVISED]

The Hotline Intake Specialist will:
1. [REVISED] Complete the Preliminary Report of Alleged Child Abuse or Neglect (SF 114/CW0310) in Management Gateway for Indiana’s Kids (MaGIK);
2. Screen thoroughly each individual named in the report in MaGIK prior to sending to the Hotline Intake Supervisor;
3. Determine if the allegations meet the statutory definition of CA/N. See separate policy, 3.8 Statutory Definition of Child Abuse and/or Neglect (CA/N);
4. [REVISED] Complete the following if the statutory definition of CA/N has been met:
   a. Recommend that the report be routed to the DCS local office for assessment,
   b. Recommend how quickly the assessment must be initiated and determine if response time is to be expedited.

[REVISED] Note: When using MaGIK, review the timeframe assigned by the system and make any appropriate overrides.

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

[REVISED] Note: A Hotline Intake Specialist may not bypass supervisory review on any reports.

PRACTICE GUIDANCE [REVISED]
**Statutory Definition of CA/N**
The determination as to whether or not 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.

**[REVISED] Emotional Abuse**
Emotional abuse of a child is commonly defined as a pattern of behavior by parents or caregivers that can seriously interfere with a child’s cognitive, emotional, psychological or social development. Emotional abuse can be categorized as the following: Ignoring, Rejecting, Isolating, Exploiting or Corrupting, Verbally Assaulting, and Terrorizing (American Humane Association, 2012)\(^2\). Emotional Abuse can also be in the form of a parent or caregiver making frequent reports to the Hotline alleging CA/N when the same or similar allegations have been the basis of past assessments that were subsequently unsubstantiated.

Emotional abuse occurs when a parent, guardian, or custodian inflicts, creates, or puts a child at risk for emotional abuse. DCS defines emotional abuse as an injury to the mental or psychological capacity or emotional stability of a child as evidenced by a substantial impairment in the child’s ability to function within a normal range of performance and behavior with due regard to his or her age, development, culture, and environment as testified to by a Qualified Mental Health Professional (QMHP).

**FORMS AND TOOLS**

1. Sexual Offense Child Abuse and/or Neglect (CA/N) Matrix

**RELATED INFORMATION [REVISED]**

**Relationships**
Parent: The child’s biological or adoptive mother or father.

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

**[REVISED] Custodian:** Any person with whom a child resides or any of the following:

1. A license applicant or licensee of:
   a. A foster home or residential child care facility that is required to be licensed or is licensed under IC-31-27,
   b. A child care center that is required to be licensed or is licensed under IC 12-17.2-4, or
   c. A child care home that is required to be licensed or is licensed under IC 12-17.2-5.

2. A person who is responsible for care, supervision, or welfare of children while providing services as an owner, director, manager, supervisor, employee, or volunteer at:
   a. A home, center, or facility described in one (1) above,

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b. A child care ministry 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,
c. A home, center, or facility of a child care provider, as defined in IC 12-7-2-149.1(4), or
d. A home, center, or facility that 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 that 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.

3. A school;
4. A child caregiver;
5. A member of the household of the child's noncustodial parent; or
6. 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.

**Child Caregiver**

IC 31-9-2-16.4 defines a child caregiver as a person who provides, or is responsible for providing, care and supervision of a child (other than a child of whom the person is a parent, stepparent, grandparent, aunt, uncle, sibling, legal guardian, or custodian with whom the person resides) at a residential property that is not the child's place of residence, if the person:

1. Is not required to be licensed as the operator of:
   a. A child care home under IC 12-17.2-5, or
   b. A foster family home under IC 31-27-4
2. Provides care and supervision of a child while unattended by the child's:
   a. Parent,
   b. Guardian, or
   c. Custodian with whom the child resides, and
3. Receives more than two thousand dollars ($2,000) in annual compensation for providing care and supervision of a child or children.

All of these requirements must be met in order for DCS to assess a child caregiver.

**Child Care Home**

DCS assesses all child care homes whether licensed, unlicensed, or operating illegally without a license. See separate policy, 4.30 Institutional Assessments.

A child care home is defined as a residential structure in which at least six (6) children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative or any child who is at least 14 years of age and does not require child care) at any time receive child care from a provider:

1. While unattended by a parent, legal guardian, or custodian;
2. For regular compensation; and
3. For more than four (4) hours but less than 24 hours in each of 10 consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.