

	<b>INDIANA DEPARTMENT OF CHILD SERVICES</b> <b>CHILD WELFARE POLICY</b>	
	<b>Chapter 4:</b> Assessment	<b>Effective Date:</b> January 1, 2022
	<b>Section 22:</b> Making an Assessment Finding	<b>Version:</b> 13

## POLICY OVERVIEW

A timely, thorough, and thoughtful response to child safety concerns is critical to effectively protecting children. IC 31-33-8-1 requires the Indiana Department of Child Services (DCS) to complete an assessment for reports of known or suspected Child Abuse and/or Neglect (CA/N) received. Upon the completion of the assessment, a finding of “substantiated” or “unsubstantiated” must be made to determine next steps for the child and family.

## PROCEDURE

DCS will make an assessment finding no later than **40 days** from the date the Preliminary Report of Alleged Child Abuse or Neglect (310) was received.

DCS will make a finding of “**unsubstantiated**” when facts obtained during an assessment provide credible evidence that CA/N has **not** occurred. A finding of “unsubstantiated” is also appropriate when the evidence of CA/N does not rise to the level of a preponderance of the evidence.

DCS will make a finding of “**substantiated**” when facts obtained during the assessment arise to a preponderance of evidence sufficient to lead a reasonable person to believe that CA/N has occurred or when the alleged perpetrator admits to having abused and/or neglected the alleged child victim.

For **each allegation**, the Family Case Manager (FCM) will:

1. Carefully review and weigh all evidence collected during the assessment;

**Note:** When domestic violence (DV) is the only risk factor in a family, DCS will utilize a holistic assessment to determine whether a decision to substantiate is justified. This decision will be based on the actions of the alleged domestic violence offender combined with the ability and/or willingness of other adults in the household to take sufficient actions to ensure the safety of the child. If a parent is not willing or able to keep the child safe, a substantiation for neglect may be appropriate.

2. Consider the credibility of evidence collected and place greater weight on those pieces of evidence that have greater credibility or impacts the safety of the child;

**Note:** Consultation with a Qualified Mental Health Professional (QMHP) is appropriate when considering emotional injury to the child.

3. Call the regional Safe Assessment Closure Team (SafeACT) number as soon as possible to staff the assessment with a SafeACT Supervisor, upon reaching a decision

that all children involved in the assessment are clearly safe and the assessment outcome is clearly unsubstantiated;

**Note:** Completing the assessment independently through SafeACT may only be utilized by an FCM who has completed their working test. An FCM who has not completed their working test may complete the assessment through SafeACT with a mentor or FCM Supervisor present to provide support.

4. Complete the next steps outlined in the Needs More Information (NMI) section of the Assessment Staffing Guide upon determination by the SafeACT Supervisor. Once the next steps are completed and the assessment remains clearly safe with a recommendation to unsubstantiate, the FCM may call back the regional SafeACT number to staff with a SafeACT Supervisor;
5. Consult with the local office FCM Supervisor to arrive at an assessment finding when the assessment will not go through SafeACT;
6. Document the finding and rationale for the finding (specific to assessments that are not closed via SafeACT), and:
  - a. Complete the following for allegations determined to be “**unsubstantiated**”:
    - i. Include in the assessment finding a description of the credible evidence supporting the conclusion that the allegation is **untrue**. Also, include a statement that there is a “lack of a preponderance of evidence to support that the allegation is true”, and
    - ii. Recommend that the assessment be closed.
  - b. Complete the following for allegations determined to be “**substantiated**”:
    - i. Include in the assessment finding a description of the credible evidence supporting the conclusion that the allegation is **true**, how the credible evidence constitutes CA/N, and that this evidence outweighs any contrary evidence,
    - ii. Complete an Initial Risk Assessment and a Child and Adolescent Needs and Strengths (CANS) Assessment to assist in determining the level of intervention and services appropriate for the family (see policies 4.23 Initial Family Risk Assessment, 4.26 Determining Service Levels and Transitioning to Permanency Services, and 5.19 Child and Adolescent Needs and Strengths [CANS] Assessment), and
    - iii. Discuss the First Steps program and referral process with the family if the child is under the age of three (3) years, and ensure the caregiver understands that First Steps will contact them regarding an assessment for the child.
7. Follow all procedures to submit the Assessment of Alleged Abuse or Neglect Report (311) for approval within **30 days** from the date the 310 was received (see policy 4.25 Completing the Assessment Report). If the assessment is approved through SafeACT, the FCM is not responsible for completing the Safe Assessment of Alleged Abuse or Neglect (311S).

**Note:** If the 311 is originally submitted more than 30 days from the date the 310 was received, an additional face-to-face contact may need to be made with each child victim prior to submission of the 311 for approval to ensure no more than 30 days passes between contacts with the child.

The FCM Supervisor will:

1. Provide input, as needed, to assist the FCM in arriving at a finding for each allegation;

2. Convene a team staffing to discuss the evidence and arrive at a finding for each allegation, as appropriate;
3. Ensure the assessment is complete and approved in the case management system within 40 days from the date the 310 was received; and
4. Follow all procedures contained in policy 4.25 Completing the Assessment Report.

The SafeACT Supervisor will staff the assessment with the FCM by completing the Assessment Staffing Guide and uploading to the case management system, and:

1. Complete the 311S and close the assessment, if all information is provided to determine all children are clearly safe and the assessment should be unsubstantiated;
2. Request the FCM complete the next steps outlined in the the NMI section of the Assessment Staffing Guide; or
3. Refer the assessment back to the DCS local office if:
  - a. The SafeACT Supervisor does not have sufficient information and/or evidence to support a safety decision of clearly safe with a recommendation to unsubstantiate, or
  - b. The assessment includes allegations or factors that are complex in nature and the FCM may benefit from additional guidance and support by the local office FCM Supervisor.

## LEGAL REFERENCES

- [IC 31-9-2-123: "Substantiated"](#)
- [IC 31-9-2-132: "Unsubstantiated"](#)
- [IC 31-9-2-14: "Child abuse or neglect"](#)
- [IC 31-33-8-1: Investigations by the department of child services; time of initiation, investigations of child care ministries](#)
- [IC 31-33-8-12: Classifying reports as substantiated or unsubstantiated](#)
- [IC 34-6-2-34.5: Domestic or family violence](#)

## RELEVANT INFORMATION

### Definitions

#### Emotional Injury

Emotional injury occurs when a child has an observable, identifiable, and substantial impairment of the child's 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 DCS Screening and Response Time Assessment [SDM Tool] for additional information on emotional injury). These acts may include, but are not limited to the following:

1. Implied or overt threats of death or serious injury of the child or others;
2. Implied or overt threats in the form of pet or animal torture; and/or
3. Constant denigration.

#### First Steps

Indiana's First Steps is a family-centered, locally-based, coordinated system that provides early intervention services to infants and young children with disabilities or who are developmentally vulnerable.

### Preponderance of the Evidence

An evidentiary standard used in a burden of proof analysis. Under the preponderance of the evidence standard, the burden of proof is met when the fact finder is convinced that a fact is more likely true, than not true.

### SafeACT

SafeACT is a process for closing out specific assessments of CA/N when it is determined all children are clearly safe and the assessment finding is “unsubstantiated”. FCMs who have completed their working test are eligible to independently call SafeACT upon completion of an assessment. Specially trained SafeACT Supervisors are available from 8:00 AM to 4:00 PM (local time), Monday through Friday (excluding holidays) to staff the assessment and assist with documentation to close the assessment.

### **Forms and Tools**

- Assessment of Alleged Child Abuse or Neglect (SF 113) (311) – Available in the case management system
- Assessment Staffing Guide – Available in the case management system
- Child and Adolescent Strengths and Needs (CANS) Assessment – Available in the case management system
- [DCS Screening and Response Time Assessment \(SDM Tool\)](#)
- Initial Risk Assessment – Available the case management system
- Preliminary Report of Alleged Child Abuse or Neglect (SF 114) (310) – Available in the case management system
- [Safe Assessment of Alleged Child Abuse or Neglect \(SF 57056\) \(311S\)](#)

### **Related Policies**

- [4.23 Initial Family Risk Assessment](#)
- [4.25 Completing the Assessment Report](#)
- [4.26 Determining Service Levels and Transitioning to Permanency Services](#)
- [5.19 Child and Adolescent Strengths and Needs \(CANS\) Assessment](#)