

**D.**

**CHILD PROTECTION PLAN**

I. Region 10

A. Name and code of local offices of the Department of Child Services located within the region: Marion County - 49

II. Type of Child Protection Plan: Regional Child Protection Plan

III. Planning and Community Involvement: (Please attach a copy of the notice(s) of the hearings on the county child protection plan. Also attach a copy of the publisher's statement if one is required.)

A. Was the notice of the public hearing posted or published at least 48 hours in advance of the hearing (excluding weekends and holidays)?

1. Yes X No      (Please explain)

B. Was the procedure for notice of hearing according to IC 5-14-1.5-5 (attached) followed in detail? (Please check all that apply.)

1. X Public Notice was given by the Local Office Director and Regional Manager

2. X Notice was posted at the building where the hearing occurred and/or at the local offices of the Department of Child Services. (Required procedural element)

3. X The following news media were notified that a public hearing was to be held: The Indianapolis Star – local newspaper

C. Give the date(s) and location(s) of the public hearings and attach a copy of the notice posted as well as a copy of the newspaper notice including publisher's statement. 9/28/09 – DCS, Marion County Local Office, 4150 N. Keystone Ave., Indianapolis, IN 46205

D. Sign-in sheet(s) for the public hearing(s) and a copy of any written testimony presented can be found in the public testimony section of this plan.

**IV. The Staffing and Organization of the Local Child Protection Service**

**Describe the number of staff and the organization of the local child protection service including any specialized unit or use of back-up personnel. NOTE: The term CPS refers only to the reporting and investigation of child abuse and neglect**

1.   97   Number of Family Case Managers investigating abuse/neglect reports full time.
2.   0   Number of Family Case Manager IIs with dual responsibilities; e.g., 50% CPS investigations and 50% ongoing services or 20% CPS and 80% ongoing services.
3.  14   Number of Family Case Manager Supervisor IVs supervising CPS work only.
4.   0   Number of Family Case Manager Supervisor IVs supervising both CPS work and ongoing services; e.g., 50% CPS and 50% CHINS work.
5.   2   Number of clerical staff with only CPS support responsibilities.
6.   5   Number of clerical staff with other responsibilities in addition to CPS support.
7. **Does the Local Director serve as line supervisor for CPS?**  
Yes        No   x   \*Caveat – there are two Division Managers for CPS in Marion County

**Describe the manner in which suspected child abuse or neglect reports are received.**

The Indiana Department of Child Services (DCS) Child Abuse Hotline will be available to receive reports of child abuse and/or neglect (CA/N) 24 hours per day, seven (7) days per week, through a toll-free child abuse hotline (800-800-5556).

DCS will receive oral and written (hard copy and electronic) reports and requests.

DCS will record the date, time, and purpose of every hotline call received.

Calls received by a law enforcement agency (LEA) requiring an immediate response, will be routed to the front of the queue.

The Hotline Intake Specialist will complete the following steps for all calls received:

1. Record the date and time of the call;
2. Engage with the caller in a courteous and professional manner;
3. Actively listen to the reporter and take detailed notes;
4. Make an initial determination about the nature of the call to be one of the following, record the purpose of the call, and take appropriate actions:

a. **CA/N allegations**

Proceed with creating a [Preliminary Report of Alleged Child Abuse or Neglect \(SF 114/CW0310\)](#) (Child Abuse and/or Neglect (CA/N) intake report).

b. **Service Requests**

Proceed with creating a [Service Request Intake Report \(SF 49548/CW0310SR\)](#).

**Other calls**

- 1) **Out of State CA/N allegations:** Reports where the alleged CA/N occurred in another state will be referred to the appropriate child welfare agency in that state. No further action required unless courtesy interviews are requested by the agency,
  - 2) **Information only** (i.e., requesting the phone number of a local childcare provider): Provide the caller with the requested information. No further action required,
  - 3) **Collateral information** for an open assessment or case: Transfer the caller to the DCS local office who is assigned to the assessment or case and after business hours to the DCS Local Office on-call designee,
  - 4) **Inquiries** about the status of CA/N report, assessment or case,
  - 5) **Homeless Unaccompanied Minor:** Proceed with completing a CA/N intake report regardless of whether abuse and/or neglect is alleged,
  - 6) **Complaints:** Refer the caller to the appropriate person by following the chain of command at the DCS Child Abuse Hotline, escalating only if previous complaints went unresolved (FCM, Supervisor, DCS Local Office Director, Regional Manager),
  - 7) **Resource parenting inquiries:** Refer the caller to the person who handles licensing at the DCS local office or the [Indiana Foster Care and Adoption Association \(IFCAA\)](#), phone: 800-468-4228,
  - 8) **Adoptive parenting inquiries:** Refer the caller to the [Indiana Foster Care and Adoption Association \(IFCAA\)](#), phone: 800-468-4228, and
- Wrong numbers:** No further action required

### **In Person Reports at DCS Local Office**

The DCS local office will assist any individual from the community who wishes to make a report in person at the DCS local office. The DCS local office will ensure that the individual has access to a telephone to make their report.

1. Is the 24-hour Child Abuse Hotline (**1-800-800-5556**) listed in your local directory(ies) with the emergency numbers as required by law?

Yes   x                        No       

2. List the **local** 24-hour CPS telephone number(s) for receipt of child abuse or neglect reports during:

1-800-800-5556

3. What agency personnel will be answering the after-hours child abuse hotlines?

The Indiana Department of Child Services 24 hour Abuse and Neglect Hotline Intake Specialists will be answering after hour's abuse and neglect calls.

4. Non-DCS personnel will no longer receive after hour's calls. All calls during and after hours will be received by the 24 hour Indiana Child Abuse hotline.

**Describe your current system of screening calls reporting allegations of child abuse and neglect. Refer to Child Welfare Manual subsection 204.3.**

The Hotline Intake Specialist will:

1. Recommend a CA/N intake report for screen-out if:
  - a. The statutory definition of CA/N **has not** been met, and/or
  - b. There is not enough information in the CA/N intake report to either identify or locate the child and/or family to initiate an assessment.

**Note:** DCS will consider potential current and future risk to the child(ren) prior to recommending a CA/N intake report that involves domestic violence for screen-out.

2. Document the specific reason for the screen-out in the notes section of the CA/N intake report (i.e., "The allegations don't meet the statutory definition of CA/N because the person who allegedly abused the child was not the child's parent, guardian or custodian");

3. Recommend the report be referred to a Law Enforcement Agency (LEA) if the allegations are of a criminal nature;
4. Forward the CA/N intake report and records search information to a Hotline Intake Supervisor for review and approval of the recommendation to screen it out. This may be done electronically; and
5. The Hotline Intake Specialist will either make direct contact with the Supervisor to confirm receipt or will assure receipt through a standardized delivery process such as a high-priority in-box, an incoming CA/N intake report log, etc.

The Hotline Intake Supervisor will approve or deny the decision to screen out the report.

A centralized Screen-Out Committee will exist to review a sample of all CA/N intake reports that have been recommended for screen-out. The Screen-Out Committee will act as an advisory committee and will make recommendations about screen-outs.

The Screen-Out Committee members will consist of the following four (4) people:

1. DCS Child Abuse Hotline Director or designee;
2. DCS Hotline Intake Supervisor or Hotline Intake Specialist;
3. Member of a local Child Protection Team<sup>2</sup>; and
4. DCS Central Office Attorney.

After a Hotline Intake Supervisor approves a CA/N intake report for screen-out, the following will occur:

1. Another Hotline Intake Supervisor will complete the following within 24 hours of the conclusion of the initial call from the reporter:
  - a. Review the CA/N intake report and records search information,
  - b. Agree with or disagree with the Hotline Intake Supervisor's recommendation, and
  - c. Contact Hotline Intake Supervisor who received the initial report to communicate his or her decision.
2. If the Hotline Intake Supervisors agree, the Hotline Intake **Supervisor** who received the initial report will document the decision in the notes section of the CA/N intake report in the Indiana Child Welfare Information System (ICWIS) and leave the report open in ICWIS so the other Hotline Intake Supervisor can enter their decision at a later date. Assure that a hard copy of the report and search information is properly filed for the Screen-Out Committee review;
3. If the Hotline Intake Supervisors do not agree, the Hotline Intake Supervisor who received the initial report will submit the report to the Child Abuse Hotline Director for a final decision;
4. The **Screen-Out Committee** will review a random sampling of all CA/N intake reports that have been recommended for screen-out within seven (7) days of the initial call made by the reporter:
  - a. The members of the Screen-Out Committee may meet in person or conduct the review via teleconference or e-mail,

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<sup>2</sup> This representative may not be a DCS employee.

- b. Information from the records search will also be reviewed, and
  - c. The committee's discussion about each report will be documented, along with any recommendations. A hard copy of the documentation will be attached to a copy of the intake report and filed.
5. The **DCS Child Abuse Hotline Director** will consider the committee's recommendations before making a final decision and communicating the decision to the Hotline Intake Supervisor who received the initial report. Any decisions to disallow a screen-out must be communicated to the Hotline Intake Supervisor who received the initial report no later than two (2) hours after the committee adjourns;
  6. The Hotline Intake **Supervisor** will document the date and final decision, with rationale, in the notes section of the CA/N intake report in ICWIS;
  7. The Hotline Intake **Supervisor** will either:
    - a. Route the intake report for assessment. This must be done within two (2) hours of receiving the DCS Child Abuse Hotline Director's decision to disallow the screen-out, or
    - b. "Approve" the screen-out decision in ICWIS, thus closing the report. Consider referring the family for services. .
  8. A Hotline Intake **Supervisor** will give feedback to the Hotline Intake Specialist who recommended the report for screen-out if the final decision was to disallow the screen-out;

The Hotline Intake Supervisor will contact professional report sources (i.e., medical professionals, schools, therapist, etc.) to inform them that a report was screened.

**D. Describe the procedure for assessing suspected child abuse or neglect reports:**

**1. Please indicate when abuse assessments will be initiated.**

- a. **Within 24 hours of complaint receipt. 3.9 Initiation Times for Assessment**

Yes  No

- b. **Immediately, if the child is in imminent danger of serious bodily harm.**

Yes  No

**2. Please indicate who will assess abuse complaints received during working hours. (Check all that apply)**

- a.  CPS

- b.  CPS and Law Enforcement Agency (LEA)
- c.  LEA only

3. Please indicate who will assess abuse complaints received after working hours. (Check all that apply)

- a.  CPS only
- b.  CPS and LEA
- c.  LEA only

4. Please indicate when neglect assessments will be initiated. . 3.9  
Initiation Times for Assessment

- a. Immediately, if the safety or well-being of the child appears to be endangered.

Yes  No

- b. Within a reasonably prompt time (5 calendar days).

Yes  No

5. Please indicate who will assess neglect complaints received during working hours. (Check all that apply)

- a.  CPS only
- b.  CPS and LEA
- c.  LEA only

6. Please indicate who will assess neglect complaints received after working hours. (Check all that apply)

- a.  CPS only
- b.  CPS and LEA

c.       \_\_ LEA only

**E.       Describe the manner in which unsubstantiated child abuse or neglect reports are expunged. Refer to Indiana Child Welfare Manual Chapter 2 Section 13.**

Information on unsubstantiated allegations is automatically purged by ICWIS 180 days from the date the completed Assessment of Child Abuse or Neglect (SF113/CW0311) is approved.

**Please indicate if you have received and are following the "Record Retention Guidelines."**

Yes \_\_

No \_\_\_

**F.       Describe the policy and procedure you follow when receiving complaints of institutional child abuse/neglect regarding: (It should be noted items F1 and F2 reflect current DCS policy relating to reports of institutional abuse and neglect. These policies will need to be amended in 2010 to reflect the creation of a specialized Institutional Unit within the Indiana Department of Child Services. The Institutional Unit will pilot in March 2010 with the scope of service to include to assessments in residential settings. The purview of the Unit will be expanded to include foster care as well as other institutional settings by May 2010. Corresponding policies and protocols are being drafted and will be available to be amended into the Child Protection Plan by March 2010. )**

**1.       County assessments: Please describe procedures for assessments and reporting foster family homes, child care homes, and schools. Refer to Indiana Child Welfare Manual subsection Chapter 12 Section 23**

The Indiana Department of Child Services (DCS) will investigate any Child Abuse and/or Neglect (CA/N) allegation regarding licensees of Licensed Child Placing Agency (LCPA) or DCS local office licensed homes.

The DCS local office or LCPA responsible for licensing compliance will investigate allegations of licensing rule violations that do not meet the statutory definition of CA/N.

DCS or an LCPA licensing worker may use the results of the investigation as the basis for revocation of a license if CA/N is substantiated or a rule violation is established.

The results of the licensing allegation may be used as the basis for probationary status.

The option to use DCS investigative personnel to conduct an investigation will depend upon the nature of the allegations and the staff available (Child Protection Service (CPS), licensing, etc.). See separate policies, [3.4 Initial Evaluation of Child Abuse and/or Neglect \(CA/N\) Intake Reports](#) and [4.1 Reviewing the Child Abuse and/or Neglect Intake Report and Other Records](#).

In accordance with Indiana Code, when a complainant alleges CA/N the identity of the complainant is confidential. The identity of the complainant is not to be a part of the public record, is not available to the licensee, and shall not be revealed to any person during the investigation. Disclosure of this information by design or by neglect shall be considered grounds for disciplinary action.

2. **State assessments: Please describe procedures for reporting allegations in state institutions and facilities. Refer to Indiana Child Welfare Manual subsection chapter 4 Section 30 Institutional Assessments**

The Indiana Department of Child Services (DCS) local office will conduct an assessment of a report of possible Child Abuse and/or Neglect (CA/N) that occurred in an institution located within the county.

Institutions include:

1. Resource family homes,
2. Licensed childcare homes and centers,
3. Public and private schools,
4. Hospitals,
5. Group homes,
6. Residential treatment centers,
7. Emergency shelter care centers,
8. Correctional facilities, and
9. Unlicensed registered child care ministries.

3. **Abandoned infants (IC 31-9-2-0.5, plus amendments): Please describe procedures for taking custody of an “abandoned infant,” for purposes of IC 31-34-21-5.6, as added by P.L.35-1998, Sec. 2, and amended by P.L.133-2000, Sec. 1. (Abandoned infant Protocols should be renewed at this time and can be incorporated here to satisfy this item.)**

### **Emergency Placement of Abandoned Infants**

The DCS Local Office FCM who needs to place an abandoned infant in substitute care will initially place the child in emergency shelter care when the team cannot convene prior to the child’s need for substitute care.

**Note:** This placement should be emergency shelter care only and should not be considered a long-term placement for the child.

In order to determine the final recommendation of placement for the child, the DCS Local Office FCM will convene a multi-disciplinary team comprised of the following team members:

1. CASA or GAL;
2. DCS Local Office Director or designee;
3. Regional Manager;
4. Supervisor;
5. SNAP worker (if appropriate); and
6. Licensing FCM.

The team will make a recommendation for placement, documenting the best interests of the child and the reasoning used in determining the most appropriate placement for the child. This recommendation and report on the interests served with this decision shall first be submitted to the DCS Director, then to the juvenile court for review.

**G. DCS, Marion County Local Office is co-located at 4150 N. Keystone Ave., Indianapolis, IN 46205 with the Marion County Child Advocacy Center, which houses staff from both the Marion County Prosecutor's Office (CAC Director/prosecutor, support staff, and forensic child interviewers) and the Indianapolis Metropolitan Police Department (child abuse detectives). The co-location facilitates communication and cooperation among the agencies. Pursuant to IC 31-33-7, DCS makes all 310s/311s available to LEA and the Prosecutor. LEA is sent hard copies of 310 reports to LEA and hard copies of 311 to the Prosecutor. Many cases are worked contemporaneously by LEA, DCS, and Prosecutor from the co-located office. In addition, LEA makes batches of reports (DHCs) available to DCS for intake purposes. Also, local LEA and DCS share information regarding addresses of families involved in open IA or CHINS cases in which the children are placed in the home. DCS alerts LEA to the addresses with a notice form and in turn, LEA notifies DCS of police runs to the address during the life of the case.**

**H. Describe the procedures that you follow upon receiving and referring child abuse or neglect reports to another county or state where family resides or where abuse or neglect occurs. (Refer to Indiana Child Welfare Manual subsections 3.11)**

When an Indiana Department of Child Services (DCS) local office receives allegations of Child Abuse and/or Neglect (CA/N) that took place in another Indiana county, the office will:

1. Notify the DCS local office that has jurisdiction in the county where the allegations occurred; and
2. Transfer the report to that DCS local office for evaluation.

**I. Describe special circumstances warranting an inter-county investigation (Refer to Indiana child welfare manual 3.11)**

**When a DCS local office receives allegations of CA/N that may pose a conflict of interest due to relationships between subjects of the report and local office staff, the office may transfer the report to another county for assessment.**

**J. Describe the manner in which the confidentiality of records is preserved. (Refer to Indiana Child Welfare Manual subsection 2.6)**

The Indiana Department of Child Services (DCS) will hold confidential all information gained during reports of Child Abuse and/or Neglect (CA/N), CA/N assessments, and ongoing case management.

DCS will abide by Indiana law and share confidential information with only those persons entitled to receive it.

DCS shall comply with any request to conduct CA/N history checks received from another state's child welfare agency, as long as the records have not been expunged, when:

1. The check is being conducted for the purpose of placing a child in a foster or adoptive home;
2. The check is being conducted in conjunction with a C/AN assessment; and
3. The requesting state agency has care, custody and control of the child and the request is to check Child Protection Services (CPS) history of an individual who has a prior relationship with the child.

DCS will advise individuals who make calls reporting CA/N, parents, guardian, or custodian and perpetrators of their rights regarding access to confidential CA/N information.

DCS will make available for public review and inspection all statewide assessments, reports of findings, and program improvement plans developed as a result of a full or partial Child and Family Services Review (CFSR) after approval of Chief Legal Counsel.

DCS will provide unidentifiable CA/N information of a general nature to persons engaged in research. The DCS Central Office shall provide such information upon written request.

DCS Central Office will submit all public records requests for substantiated fatality or near fatality records to the juvenile court in the county where the child died or the near fatality occurred for redaction and release to the requestor.

All records sent from DCS shall be labeled or stamped "CONFIDENTIAL" at the top of each record. Any envelope containing records shall also be labeled "CONFIDENTIAL".

DCS will protect the confidentiality of all information gained from non-offending parents in families experiencing domestic violence. Prior to releasing any information (i.e. during court proceedings where disclosure of certain information is mandatory), the non-offending parent will be notified so they may plan for their safety and the safety of the child(ren).

Does your county have written policies regarding confidentiality of reports in addition to those in IC-31-33-18?

Yes  No  (If yes, please attach a copy.)

**K. Describe the follow-up provided relative to specific investigations:**

**Are 30-/90-day follow-up reports specified in IC 31-33-7-8, (to hospital administrators, referring physicians, licensed psychologists, dentists, and school principals, community mental health centers, managed care providers, hospitals, or schools) sent within required time frame?**

Yes  No  (If no, please attach policy in use at this time.)

The Indiana Department of Child Services (DCS) will provide a summary of the information contained in the Assessment Report to the administrator of the following facilities if such a facility reported the Child Abuse and/or Neglect (CA/N) allegations:

1. Hospitals;
2. Community mental health centers;
3. Managed care providers;
4. Referring physicians, dentists;
5. Licensed psychologists; and
6. Schools

DCS will provide this summary 30 days after receipt of the [Preliminary Report of Alleged Child Abuse or Neglect \(SF 114/CW0310\)](#) (CA/N intake report).

**L. Describe GAL/CASA appointments in your region.**

**GAL is appointed by the Court on all CHINS cases pursuant to IC 31-33-15. Child Advocates, Inc. serves as the GAL agency in Marion County.**

**What percentage of CHINS are able to have advocates assigned?  
\_\_100\_\_% Child Advocates has increased their staff in order to remove  
children from a long standing wait-list.**

**M. Describe the procedure in place in your county with the CAPTA appeals process.**

The Administrative Review is a process by which the alleged perpetrator has the opportunity to have a review of the assessment done by an Indiana Department of Child Services (DCS) employee not previously connected to the case. The alleged perpetrator can present information at the Administrative Review to see if the substantiation should be upheld.

DCS requires that the Administrative Review be conducted by one of the following:

1. The DCS Local Office Director in the county responsible for the assessment;
2. The DCS Local Office Deputy Director in the county responsible for the assessment;
3. The Regional Manager in the region responsible for the assessment; or
4. The DCS Local Office Division Manager in the county responsible for the assessment.

If the DCS Local Office Director, Deputy Director, or Division Manager was the person who approved the initial [Assessment of Child Abuse or Neglect \(SF113/CW0311\)](#) determination, or was otherwise involved in the assessment or preparation of the report, or if there is a conflict of interest, the request will be referred to the Regional Manager for this review and decision.

The individual identified by DCS to conduct the Administrative Review may at his/her discretion and subject to the time limits stated herein, refer the request to the community Child Protection Team (CPT) to review and make a recommendation.

The objectives of an Administrative Review are to:

1. Determine if the assessment presented provides sufficient evidence and supports the conclusion to substantiate the allegation(s);
2. Provide an opportunity for the alleged perpetrator to submit documentation (not testimony) relating to the allegation(s) substantiated that the alleged perpetrator believes may make the substantiation inappropriate;
3. Provide an internal review of the assessment by DCS at the request of the perpetrator;  
and
4. Comply with due process mandates that DCS gives a perpetrator the opportunity to challenge substantiations. An Administrative Review is one step in due process prior to an Administrative Appeal.

DCS will require that the decision as to the outcome of the Administrative Review be made by the appropriate DCS Local Office Director or Regional Manager. Local Office Deputy Directors and community CPTs are prohibited from making the decision.

DCS will complete the Administrative Review and will notify the alleged perpetrator in writing of the outcome within thirty (30) calendar days of the receipt of the request.

If the DCS Local Office Director or Regional Manager, determines that further assessment and reconsideration of the [Assessment of Child Abuse and Neglect \(SF113/CW0311\)](#) is necessary, the DCS Local Office Director will:

1. Notify the alleged perpetrator by sending the [Notice of Administrative Review Decision and Right to Administrative Appeal \(CAPTA080802RDA\)](#) informing them that the assessment has been referred back to Child Protection Services (CPS) for further assessment and preparation of a revised [Assessment of Child Abuse and Neglect \(SF113/CW0311\)](#) report. DCS will not send the [Assessment of Child Abuse and Neglect \(SF113/CW0311\)](#) to the alleged perpetrator until the reassessment is complete;
2. Notify the Supervisor that the [Assessment of Child Abuse and Neglect \(SF113/CW0311\)](#) has been reopened for further evaluation; and
3. Following the reassessment, if substantiated, refer to separate policy, [2.1 Requests for Administrative Review](#) outlining procedures.

The DCS Local Office Director or designee will maintain a record of:

1. The date of the Administrative Review;
2. The person who conducted the Administrative Review; and
3. The Administrative Review decision.

This policy does not apply to child abuse and/or neglect (CA/N) substantiated cases involving child care workers. See separate policy, [2.4 Child Care Worker Investigation Review Process](#).

This policy does not apply to CA/N substantiated cases involving DCS employees. See separate policy, [2.5 Investigation and Review of DCS Staff Alleged Perpetrator](#)

Please explain your current process once a Request for Administrative Review has been made and how your county will comply with the timelines required?

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 **ten (10) 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 \(CAPTA080802AOR\)](#) and a copy of the redacted [Assessment of Child Abuse and Neglect \(SF113/CW0311\)](#) to the alleged perpetrator.

If the substantiation is against a minor, the [Notice of Child Abuse and/or Neglect Assessment Outcome and Right to Administrative Review \(CAPTA080802AOR\)](#) must be sent via mail to 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 request for an Administrative Review be made in writing using the [How to Request for an Administrative Review for Child Abuse or Neglect Substantiation \(CAPTA080802ADR\)](#).

DCS will require that the request for Administrative Review is **received** by the DCS local office within **thirty-three (33) calendar days** of the date that the [Notice of Child Abuse and/or Neglect Assessment Outcome and Right to Administrative Review \(CAPTA080802AOR\)](#) was mailed.

**Note:** If the request for an Administrative Review is received on a day that the DCS local office is closed, the **thirty-three (33) days** is extended to the next business day.

DCS **will not conduct** an Administrative Review if:

1. A Child in Need of Services(CHINS) petition has been filed based on the facts and circumstances of the substantiated determination, until the court has ruled on the petition:
  - a. Any request received for an Administrative Review will be stayed during the stay, the substantiation will remain on the Child Protection Index (CPI); and
  - b. DCS will send the perpetrator the [Stay of Administrative Review or Appeal of DCS Substantiation of Child Abuse and/or Neglect \(CAPTA080801SRA\)](#).

**Note:** In the event the CHINS petition results in adjudication of CA/N by the person who requested the review, the request for Administrative Review will be dismissed.

2. Criminal charges or Juvenile Delinquency/Juvenile Status (JD/JS) have been filed on the same facts and circumstances on which the report of CA/N was substantiated, until the court has ruled on the charges:
  - a. Any request received for an Administrative Review will be stayed due to a pending criminal or JD/JS matter;
  - b. During the stay, The substantiation will remain on the CPI; and
  - c. DCS will send the perpetrator the [Stay of Administrative Review or Appeal of DCS Substantiation of Child Abuse and/or Neglect \(CAPTA080801SRA\)](#).

**Note:** In the event that the perpetrator is convicted of any charges based on the substantiated CA/N, the request for an Administrative Review will be dismissed.

3. An Informal Adjustment (IA) has been filed and the court has not ruled on the IA. During the stay:
  - a. Any request received for an Administrative Review will be stayed due to a pending IA; and
  - b. During the stay, the substantiation will remain on the CPI; and
  - c. DCS will send the perpetrator the [Stay of Administrative Review or Appeal of DCS Substantiation of Child Abuse and/or Neglect \(CAPTA080801SRA\)](#) if the perpetrator requests an Administrative Review prior to completion of the IA .

**Note:** Following the completion of the IA, the DCS local office will reactivate the review process without a request from the alleged perpetrator, if the request was made timely upon original [Notice of Child Abuse and/or Neglect Assessment Outcome and Right to Administrative Review \(CAPTA080802AOR\)](#).

DCS will reactivate each alleged perpetrator's Administrative Review process when:

1. The alleged perpetrator notifies the DCS local office within **30 days** of the court's action, of their desire to continue with the Administrative Review; and
2. The alleged perpetrator provides an official court document reflecting that issues relating to the same facts and circumstances have been resolved or will not be determined by the court.

The DCS local office will determine whether to set the Administrative Review or dismiss it based on the official court document provided by the alleged perpetrator. The DCS local office will notify the alleged perpetrator whether or not an Administrative Review will occur based on the official court document.

The DCS Local Office Director or designee will maintain a record of all requests for Administrative Reviews and Appeals.

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

1. Administrative Appeals of license denials or revocations that are currently heard and decided by the FSSA Office of Hearings and Appeals; or
2. A court proceeding requesting expungement of reports entered into the CPI that are governed by the procedures specified in the law, [IC 31-39-8](#) and [IC 31-33-7-6.5](#).

If the substantiation is against a minor, the request for an Administrative Review must be made by one of the child's:

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

This policy does not apply to CA/N substantiated assessments involving child care workers. .

This policy does not apply to CA/N substantiated assessments involving DCS employees.

Are you automatically filing the Administrative Review on all Child Care Workers and DCS employee's substantiated abuse and neglect charges?

Yes  No

The CCWAR will occur regardless of the attendance of the alleged child care worker or resource parent perpetrator. DCS will require that the CCWAR occurs prior to supervisory approval of the assessment finding.

Do you feel that your county allows reasonable notice in scheduling the administrative reviews, allows the client ample time to attend the hearing and to reschedule them if there is good cause for their not attending?

Yes  \_\_\_\_\_ No \_\_\_\_\_

**V. Community Child Protection Team**

**A. Have confidentiality forms been signed by all team members?**

Yes  \_\_\_\_\_ No \_\_\_\_\_

**B. How often are CPT meetings scheduled at the present time? Include the date of the last meeting.**

1. \_\_\_\_\_ weekly 3. \_\_\_\_\_ by telephone

2.  \_\_\_\_\_ monthly 4. \_\_\_\_\_ as necessary, but at least

\_\_\_\_\_

Date of last meeting:  12/15/09 \_\_\_\_\_

**C. How many meetings were held in:**

1. SFY 2008  12 \_\_\_\_\_

2. SFY 2009  12 \_\_\_\_\_

**D. Are emergency CPT meetings held?**

Yes \_\_\_\_\_ No  \_\_\_\_\_

If yes, how many: Not regularly, but could be scheduled if needed

a. in SFY 2008? \_\_\_\_\_

b. in SFY 2009? \_\_\_\_\_

**E. What was the average attendance for the CPT meetings?**

1. in SFY 2008?   10
2. in SFY 2009?   10

**F. What was the number of reports reviewed by the CPT: The Child Protection team has not kept this data on a fiscal year, but rather a calendar year, so the information below reflects calendar years**

1. in SFY 2008?   23
2. in SFY 2009?   40

**G. What was the number of complaints reviewed by the CPT:**

1. in SFY 2008?   0
2. in SFY 2009?   0

**H. Please list names, addresses, and telephone numbers of CPT members (Refer to I.C. 31-33-3) and note the name of the coordinator by adding \*\* next to their name:**

1. Director of local CPS or director's designee – Jennifer Hubartt/Peggy Surbey; 4150 N. Keystone Ave., Indianapolis, IN; 968-4600/968-4348
- 2-3 Two (2) designees of juvenile court judge - Brant Ping/Michael Commons; 2451 N. Keystone Ave., Indianapolis, IN; 327-8396
4. County prosecutor or prosecutor's designee – Judi Johnson; 4134 N. Keystone Ave.; 327-6919
5. County sheriff or sheriff's designee – Lt. Randy Taylor; IMPD; 4134 N. Keystone Ave., Indianapolis, IN; 327-8118
6. **Either** president of county executive or president's designee **or** executive of consolidated city or executive's designee – Douglas Hairston; Office of the Mayor, City of Indianapolis, 200 E. Washington St., Rm 2501, Indianapolis, IN; 327-4336

- 7. Director of CASA or GAL program or director’s designee (\*See note after #11.) Gregg Ellis; Child Advocates, Inc., 8200 Haverstick Rd., Ste. 240, Indianapolis, IN; 493-2214

**The following members are to be appointed by the county director:**

- 8. **Either** public school superintendent or superintendent’s designee **or** director of local special education cooperative or director’s designee – Ginger Arvin; Indianapolis Public Schools; 120 E. Walnut St., Rm. 602B; Indianapolis, IN 46204; 226-3870
- 9. Two (2) persons, each of whom is a physician or nurse experienced in pediatrics or family Practice – Dr. Roberta Hibbard; Professor of Pediatrics, IU School of Medicine; 1001 W. 10<sup>th</sup> St., Bryce Bldg., Rm. B2109, Indianapolis, IN; 630-2617/Kim Siegfried, R.N., St. Francis Hospital, 5255 Stop 11 Rd., Indianapolis, IN ; 865-5265
- 11. One (1) citizen of the community – Julia M. Davis; SOFAC, Inc., PO Box 26802, Indianapolis, IN; 796-3978
- 12. Other (Crises Center) – Capt. Greg Biebrich; IMPD Sex Crimes, 4134 N. Keystone, Indianapolis, IN; 327-6513/Dana-Lynn Hiller; IU Medical Group, 3840 N. Sherman Dr., Indianapolis, IN; 784-1691/John Kennedy; Choices, Inc., 4144 N. Keystone Ave., Indianapolis, IN; 205-8335/Carol Robinson; Pike MSD, 6901 Zionsville Rd., Indianapolis, IN; 387-2211

**\*Note:** If #7 was left blank because your county does not yet have a CASA or GAL program, add another citizen of the community to make your number of team members total 11 as specified by I.C. 31-33-3-1 Director of local CPS or director’s designee

**VI. County Child Protection Service Data Sheet**

		<u>2008</u>	<u>2009</u>
1.	List items purchased for the Child Protection Team and costs	N/A	N/A
a.	_____		
b.	_____		
c.	_____		
2.	Child Advocacy Center/Other Interviewing costs	\$415,676.52	\$414,099

**B. Please provide the annual salary for the following positions and total the salaries for each of the classifications listed below: (Please include all staff with dual responsibilities and estimate and indicate percentage of salary for CPS time only. For example, if a Family Case Manager works 40% CPS and 60% ongoing child welfare services, use 40% of the salary, the CPS portion. Also, if the Local Director acts as line supervisor for CPS, include the proper percentage of salary on the line for Family Case Manager Supervisors. Attach a separate sheet showing your computations.)**

Average salaries to be used in calculations:

	<u>Average Salary</u>	<u>Fringe</u>
FCM	\$34,987.32	\$16,629.52
FCM Supervisor	\$42,392.64	\$18,076.52
Local Office Director	\$51,390.09	\$19,834.62
Clerical	\$25,211.30	\$14,719.29

	<u>2008</u>	<u>2009</u>
1. Family Case Manager IIs	\$5,006,833	\$5,006,833
2. FCM Supervisors	\$725,629.92	\$846,568.24
	(12)	(14)
(or Local Director) (Division Managers)	\$142,449.42	\$149,449.42
3. Clerical Support Staff	\$179,687.65	\$179,687.65
<b>Total Cost of Salaries</b>	<b>\$6,054,599.90</b>	<b>\$6,175,538.20</b>
<b>C. Grand Total of VI (Total Cost of Services in A, <u>plus</u> Total Cost of Salaries)</b>	<b>\$6,470,276.40</b>	<b>\$6,589,637.20</b>


a) **CERTIFICATION**

I certify and attest that the local Child Protection Service Plan of Region \_10\_ is in compliance with IC 31-33-4-1; and copies of the plan have been distributed in conformity with same.

\_\_\_\_\_  
Signature of Regional Manager

\_\_\_\_\_  
Regional Manager's Name

\_\_\_\_\_  
Date

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL</b>	
	<b>Chapter 2:</b> Administration of Child Welfare Services	<b>Effective Date:</b> May 1, 2009
	<b>Section 6:</b> Sharing Confidential Information	<b>Version:</b> 3

<b>POLICY</b>
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The Indiana Department of Child Services (DCS) will hold confidential all information gained during reports of Child Abuse and/or Neglect (CA/N), CA/N assessments, and ongoing case management.

DCS will abide by Indiana law and share confidential information with only those persons entitled to receive it.

DCS shall comply with any request to conduct CA/N history checks received from another state's child welfare agency, as long as the records have not been expunged, when:

4. The check is being conducted for the purpose of placing a child in a foster or adoptive home;
5. The check is being conducted in conjunction with a C/AN assessment; and
6. The requesting state agency has care, custody and control of the child and the request is to check Child Protection Services (CPS) history of an individual who has a prior relationship with the child.

DCS will advise individuals who make calls reporting CA/N, parents, guardian, or custodian and perpetrators of their rights regarding access to confidential CA/N information.

DCS will make available for public review and inspection all statewide assessments, reports of findings, and program improvement plans developed as a result of a full or partial Child and Family Services Review (CFSR) after approval of Chief Legal Counsel.

DCS will provide unidentifiable CA/N information of a general nature to persons engaged in research. The DCS Central Office shall provide such information upon written request.

DCS Central Office will submit all public records requests for substantiated fatality or near fatality records to the juvenile court in the county where the child died or the near fatality occurred for redaction and release to the requestor.

All records sent from DCS shall be labeled or stamped "CONFIDENTIAL" at the top of each record. Any envelope containing records shall also be labeled "CONFIDENTIAL".

DCS will protect the confidentiality of all information gained from non-offending parents in families experiencing domestic violence. Prior to releasing any information (i.e. during court

proceedings where disclosure of certain information is mandatory), the non-offending parent will be notified so they may plan for their safety and the safety of the child(ren).

#### Code References

1. [IC 5-14-3 Confidentiality of and Public Access Records](#)
2. [IC 31-33-22-2 Obtaining child abuse information under false pretenses; knowingly falsifying records or interfering with an assessment](#)
3. [IC 31-33-7-8 Reports to health care providers and schools; contents; confidentiality](#)
4. [31-33-18 Disclosure of Reports; Confidentiality Requirements](#)
5. [31-33-18-2 Release of CPS Records Disclosure of unredacted material to certain persons](#)
6. [31-33-18-3 Disclosure to qualified researchers](#)
7. [IC 31-33-18-4 Notice to parent, guardian, or custodian of availability of reports, information, and juvenile court records; release form; copying costs](#)
8. [465 IAC 2-5-1](#)

<b>PROCEDURE</b>
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#### **DCS (Intake and Assessment) Records**

All CA/N reports and assessment information, including written reports and photographs are confidential. It is a Class B misdemeanor for a person to knowingly obtain or to falsify CA/N information or records. In addition, it is a Class A misdemeanor for a public employee knowingly and intentionally to disclose information classified as confidential by state statute.

Upon receipt of a written request, the Family Case Manager (FCM) may disclose intake or assessment information to the following after approval from the DCS Local Office Attorney:

1. A legally mandated child protection agency investigating a report or treating a child or family who are subjects of a report;
2. A law enforcement agency, prosecutor or coroner investigating a report;
3. A physician treating a child whom the physician suspects may be abused or neglected;
4. Anyone legally authorized to take protective custody of an abused or neglected child when the information is needed to determine whether to remove the child and make an out-of-home placement;
5. An agency with legal responsibility or authorization to provide care, treatment, or supervision for the subject child, or the child's parent, guardian, or custodian, or other person responsible for the child's welfare;
6. The alleged victim (if requested as an adult) the Guardian ad Litem (GAL) or Court Appointed Special Advocate (CASA), or both, of the alleged victim;
7. The parent, including non-custodial parent, guardian, custodian, or other person responsible for the welfare of a child named in a report and an attorney of any of those persons, provided that the identity of the reporting source and other persons is protected;

**Note:** Each parent, guardian, or custodian must be given verbal and written notice of the availability of the investigative report and must be provided with a copy upon written request. See separate policy, [4.10 Interviewing the Parent/Guardian/Custodian](#).

8. A court that requires the information to decide an issue before it;
9. A grand jury;
10. Any state or local official responsible for CPS or legislation who has a need for the information to carry out that person's official functions; a consent form must be signed by the subject of the report prior to release of information to a legislator who has been approached to intercede on their behalf;
11. The Child Protection Team (CPT), upon request, in order to carry out its purpose;
12. A person, about whom a report has been made, provided that the identity of the reporting source and other appropriate persons is protected.
13. An employee of DCS, a FCM, or a Juvenile Probation Officer conducting a criminal history check to assess the appropriateness of a family for placement and to make a placement recommendation to the court for a child in out-of-home care;
14. A local child fatality review team established under [IC 31-33-24-6](#);
15. The statewide child fatality review committee established;
16. The Division of Family Resources (DFR), in relation to a license applicant, licensee, employee or volunteer of a child care center, child care home, or child care ministry;
17. An employee of DCS, in relation to a license applicant, licensee, employee or volunteer of a child caring institution, group home, a child placing agency, or foster home in relation to a household member of a foster home;
18. Any authorized employee of DCS for an appropriate purpose, as determined by the Director or Deputy Director of Field Operations; and
19. A citizen's review panel, established under [IC 31-25-2-20.4](#).

### **Providing Information to Another CPS Agency**

Within one (1) business day of receiving the request the FCM will:

1. Determine whether the requesting agency is a legally mandated public or private CPS agency;

**Note:** The requesting agency must send a written request for information on agency letterhead with complete job and unit titles of the requesting person (e.g., Jane Doe, Family Case Manager, CPS Unit, Marion County DCS Local Office).

2. Determine the basis for the agency's request (i.e., whether the requesting agency is assessing a report of child abuse or neglect or assessing a family for the purpose of placement of a child for whom the agency has care or placement responsibility;
  - a. The written request shall contain a listing of the specific information needed and any information that would assist the FCM in identifying the appropriate CPS case file. For example, if a child's name is Charles Smith, a date of birth or social security number may be requested to ensure the release of accurate information,

**Note:** If the CPS agency requests the immediate release of records based on an emergency, the FCM shall acquire the approval of the Unit Supervisor or DCS Local Office Attorney prior to the release of records.

- b. The FCM will orally collect the information needed to make the determinations outlined above from the requesting CPS agency and document this information within the case file,
  - c. The FCM will Request a follow-up written request for the records which complies with the procedures outlined above,
  - d. The DCS Local Office Attorney will determine if the records are accessible to the CPS agency based upon the information provided and shall orally advise the FCM of the appropriate response to the requesting CPS agency.
3. Redact the name of the report source and information concerning any children or adults that are not the subject of the request prior to sending to the requesting agency.

### **Providing Information to Parent, Guardian, or Custodian or Perpetrator**

Upon written request from the parent, guardian, or custodian, subject child (if an adult at the time of request), appointed CASA/GAL, representative, or perpetrator, the FCM will provide the requested information regarding the assessment, after deleting the identities of the person making the report and other appropriate individuals. The FCM will carefully review to determine what information should be redacted to protect the safety of a non-offending parent and children of families with identified domestic violence. See separate policy [2.1 Request for Administrative Review](#), Practice Guidance and Related Information.

**Note:** "Other appropriate individuals" refers to individuals, other than law enforcement officers, mentioned in the report if disclosure, in the judgment of the FCM, could endanger the person's life or safety. Protection also must be given for the identity of any other person or agency providing information, if that other person or agency advises that disclosure of the person's identity would be likely to endanger that person's life or safety.

**Note:** No prerequisites for obtaining information beyond a written request may be imposed upon the parent/guardian/custodian other than reasonable copying costs.

### **Release of Information for Research Purposes**

All requests to release CA/N information for research purposes must be approved by the Central Office Deputy Director of Field Operations or his/her designee and the Chief Legal Counsel.

1. All requests for CA/N information must be submitted on the [Application for Child Abuse Research \(SF116/CW 0321\)](#);
2. The Deputy Director or his/her designee will evaluate the request. If approved, the request will be forwarded to the appropriate staff member for the release of the requested information;
3. Information released may include:
  - a. Statistical data,
  - b. Social data used for studies, reports, surveys, or
  - c. Information concerning the functions and activities of the DCS or CPT.

**Note:** No name-specific or other identifying information may be included in the data. No information, general or case-specific, can be released that tends to identify

involved parties. Further, no case information can be released if it is the subject of pending litigation.

### **Release of Child Fatality and Near Fatality Records**

All fatality and near fatality records for which DCS has substantiated CA/N are subject to release.

Upon receipt of a public records request (phone, written, e-mail, fax or by walk-in), the DCS local office will within one (1) business day of receiving the request, e-mail the Central Office Fatality Consultant the following information:

1. Name, address and phone number of the requestor;
2. Relationship, if any, of the requestor to the identified child; and
3. Organizational affiliation of the requestor (e.g. Indianapolis Star, Indianapolis Channel 6 News).

The DCS Central Office Fatality Consultant will:

1. Send a notice to the requestor regarding DCS' ability to process the request; and
2. If the record(s) requested are a substantiated fatality or near fatality locate the records and submit the file to the juvenile court judge in the county where the child died or the near fatality occurred.

**Note:** Only the juvenile court judge has the authority to release fatality or near fatality records.

### **Case Records for Children in Foster Care or Residential Placement**

DCS will keep all records regarding children and information gathered about the child, the parent, guardian, or custodian, or their relatives confidential [IC 31-27-4-21](#). Information about children involved in ongoing services cases may be released to the following:

1. A state agency involved in the licensing of the substitute care home or facility where the child is placed;
2. A legally mandated child protection agency. Refer to procedure outlined above in CPS Intake and Assessment Records; Providing information to another state agency;
3. A Law Enforcement Agency (LEA).
4. An agency having legal responsibility to care for a child placed in a substitute care home or facility;
5. The parent, guardian, or custodian of the child in a substitute care home or facility; and
6. Citizens Review Panel.

### **Licensing Records**

Information contained in licensing files is considered public information with the **exception** of the following:

1. CA/N information;
2. Information concerning children in substitute care, day care children or the parent, guardian, or custodian of these children;
3. Medical or psychological information;
4. Federal Bureau of Investigation (FBI) transcript reports;

5. Financial information; and
6. Inter-agency and intra-agency decision making communications.

### **Adoption Records**

Adoption records are confidential and may not be released. Some information may be accessible under the Indiana Adoption History Program or the Indiana Medical History Program (See separate policies in [Chapter 10 Adoption](#)).

<b>PRACTICE GUIDANCE</b>
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N/A

<b>FORMS AND TOOLS</b>
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[Application for Child Abuse Research \(SF116/CW 0321\)](#)

<b>RELATED INFORMATION</b>
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### **Copying Cost**

No fee may be charged for inspection of public records. However, a copying fee may be charged which is not to exceed the average cost of copying or 10 cents per page, whichever is greater.