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**TITLE 465 DEPARTMENT OF CHILD SERVICES**

**Notice of Intent to Adopt a Rule**

LSA Document #09-166

Under [IC 4-22-2-23](#), the Department of Child Services intends to adopt a rule concerning the following:

**OVERVIEW:** Adds [465 IAC 3-1](#) to establish procedures for administrative review by the department of proposed or approved substantiated determinations of reports of child abuse or neglect under [IC 31-33-8-12](#), before an administrative hearing may be requested or conducted. Applies to determinations made after October 15, 2006, the effective date of the department's temporary policy establishing the review and hearing procedure. Establishes a predetermination administrative review procedure for proposed determinations involving child-care workers and foster parents. Provides an automatic administrative review for any department employee identified in a substantiated report as a perpetrator of child abuse or neglect. Provides exceptions and stays of the administrative review procedure if certain court proceedings relating to the subject of the report are pending. Establishes an administrative review procedure for certain determinations of the department under the Indiana adoption program, in accordance with [465 IAC 4-1](#) (see LSA Document #09-163, posted at [20090304-IR-465090163NIA](#)). Adds [465 IAC 3-2](#) to establish procedures for initiation and conduct of an administrative hearing, after completion of the department administrative review, if requested by an individual identified as a perpetrator of substantiated child abuse or neglect, or by a person aggrieved by a specified decision of the department under the Indiana adoption program under [465 IAC 4-1](#) (see LSA Document #09-163, posted at [20090304-IR-465090163NIA](#)). Provides for expedited scheduling of a hearing requested by a child-care worker or department employee. Specifies matters for inclusion in the final administrative decision following completion of the hearing. Defines parties to an administrative hearing and availability of the hearing record and decision for purposes of judicial review. Provides for stay of administrative hearings in cases of pending juvenile or criminal court proceedings involving the same facts and circumstances as the department's child abuse or neglect determination. Comments and questions concerning this notice should be submitted in writing and directed to the Small Business Regulatory Coordinator for this rule. Statutory authority: [IC 31-19-26.5-12](#); [IC 31-25-2-18](#); [IC 31-33-26-13](#).

For purposes of [IC 4-22-2-28.1](#), the Small Business Regulatory Coordinator for this rule is:

John Wood  
Deputy General Counsel  
Indiana Department of Child Services  
Indiana Government Center South  
302 West Washington Street, Room E306  
Indianapolis, IN 46204-2739  
(317) 233-6547  
LJohn.Wood@dcs.in.gov

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