

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY	
Chapter 8: Out-of-Home Services Section 31: Testing and Treatment of Communicable Disease		
	Effective Date: January 1, 2026	Version: 6

POLICY OVERVIEW

Under IC 16-41-6, the medical need for testing or treatment of communicable diseases must be decided by a physician or the physician's authorized representative.

POLICY STATEMENT

The Indiana Department of Child Services (DCS) will make sure any child in out-of-home care who meets **high risk** criteria is scheduled for an appointment with a physician or authorized representative to decide if testing or treatment is needed. High risk criteria may include:

1. Known exposure to a communicable disease;
2. Living with someone who has a communicable disease;
3. History of high-risk behavior;
4. Living in or coming from a high-risk area; and
5. Requesting testing (if age and developmentally appropriate).

DCS employees will use Universal Precautions when working with children and families.

Child Consents for Care or Treatment

Under IC 16-36-1-3(d), a child who may consent to their own care or treatment if they:

1. Have been diagnosed with,
2. Thinks they have, or
3. Have been exposed to the human immunodeficiency virus (HIV) or a sexually transmitted infection (STI).

If a child chooses to use their right to consent:

1. Written consent is required to release any related information; and

Note: The child **must** give written consent before DCS or any other person can discuss the testing, results, or treatment with anyone else, including the court and the parent, guardian, or custodian.

2. All medical information related to a communicable disease must be clearly marked as confidential when submitted to the court for private review.

Requesting a Hearing or Court Order

If needed, DCS will:

1. Request a hearing and court order to release or share of medical information related to a communicable disease testing or results;
2. Ask the court to review the confidential medical information privately; and

3. Recommend that the court order for medical information disclosure include:
 - a. Only necessary medical information,
 - b. Limited access to those who need the medical information or are authorized through written consent of the parent or child,
 - c. Privacy protections to limit further sharing of the confidential information, and
 - d. Confidential handling of all court documents and transcripts.

LEGAL REFERENCES

- [IC 16-36-1-3: Consent for own health care; minor's blood donation](#)
- [IC 16-36-1-4: Incapacity to consent; invalid consent](#)
- [IC 16-36-1-5: Persons authorized to consent for incapable parties; minors](#)
- [IC 16-36-1-6: Delegated authority to consent on behalf of incapable party](#)
- [IC 16-36-1-9: Disqualification of person to consent for patient or health care recipient](#)
- [IC 16-41-6-1: HIV screening and testing](#)
- [IC 16-41-6-2: Informed consent; court ordered examinations](#)
- [IC 16-41-8-1\(b\): "Potentially disease transmitting offense"](#)
- [IC 31-32-12-1: Mental or physical examination or treatment](#)
- [IC 31-34-1-14: Exception for failure of parent, guardian, or custodian to provide medical treatment because of religious beliefs; rebuttable presumption; effect of presumption](#)
- [IC 34-18-12-2: Informed consent; rebuttal presumption](#)
- [IC 34-18-12-3: Informed written consent; explanation of proposed treatment, outcome, and risks](#)
- [IC 16-36-1-3\(d\): Consent for own health care](#)
- [410 IAC 1-2.5-14 "Communicable disease" defined](#)
- [410 IAC 1-2.5-66 "Sexually transmitted disease" defined](#)
- [410 IAC 1-2.5-75\(d\) and \(g\): Reporting requirements for physicians and hospital administrators](#)