

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 2: Administration of Child Welfare	Effective Date: October 1, 2010
	Section 1: Requests for Administrative Review	Version: 4

POLICY [REVISED]

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 **fifteen (15) 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 \(State Form 54317\)](#) and a copy of the redacted [Assessment of Child Abuse and Neglect \(SF113/CW0311\)](#) to the alleged perpetrator by mail or hand delivery.

If the substantiation is against a minor, the [Notice of Child Abuse and/or Neglect Assessment Outcome and Right to Administrative Review \(State Form 54317\)](#) must be mailed or hand delivered to at least one (1) of 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 alleged perpetrator's request for Administrative Review be made in writing by submitting the following form, [Request for Administrative Review for Child Abuse or Neglect Substantiation \(CAPTA081003ADR\)](#).

If the substantiation is against a minor, the request for an Administrative Review must be completed and submitted by one (1) of the child's:

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

DCS will require that the request for Administrative Review by an alleged perpetrator must be **received** by the DCS local office within **fifteen (15) calendar days** from the date that the [Notice of Child Abuse and/or Neglect Assessment Outcome and Right to Administrative Review \(State Form 54317\)](#) was mailed or hand delivered to the alleged perpetrator.

Note: If the deadline for the request for an Administrative Review is on a day that the DCS local office is closed, the deadline is extended to the next business day.

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

1. Request for Administrative Review in licensed foster home denials or revocations; or
2. A court proceeding requesting expungement of reports entered into the Child Protection Index (CPI) that are governed by the procedures specified in the law, [IC 31-39-8](#) and [IC 31-33-7-6.5](#).

This policy does not apply to CA/N substantiated assessments involving child care workers or licensed resource parents. See separate policy, [2.3 Child Care Worker Assessment Review Process](#).

This policy does not apply to CA/N substantiated assessments involving DCS employees. See separate policy, [2.4 Assessment and Review of DCS Staff Alleged Perpetrator](#).

Code References:

1. [42 USC 5106a \(b\) \(2\) \(A\) \(XV\) \(II\): Grants to States for child abuse and neglect prevention and treatment programs](#)
2. [IC 31-33-26-8 Notification after index entry; notice to perpetrators; request for administrative hearing](#)
3. [IC 31-33-26-9 Administrative hearings; evidentiary standards consideration of hearsay; amendment or expungement of reports; confidentiality](#)
4. [IC 31-33-26-10 Administration of index](#)
5. [IC 31-33-26-11 Binding court determinations; stay of administrative hearings; perpetrator entitlement to administrative hearings](#)
6. [IC 31-33-26-12 Criminal charges against a perpetrator; entitlement to administrative hearings](#)
7. [IC 31-33-26-13 Adoption of rules](#)
8. [IC 31-33-26-14 Amendment or expungement from index of inaccurate report](#)
9. [IC 31-33-26-15 Expungement and amendment of record procedures](#)
10. [IC 31-39-8-4 Expungement of child abuse or neglect information](#)

PROCEDURE

The Family Case Manager (FCM) responsible for completing the assessment will:

1. Assure timely completion of the Assessment. Refer to separate policy, [4.25 Completing the Assessment Report](#); and
2. Send the [Assessment of Child Abuse and Neglect \(SF113/CW0311\)](#) to the Supervisor for approval.

The Supervisor will:

1. Review the [Assessment of Alleged Child Abuse and Neglect \(SF113/CW 0311\)](#) for accuracy and completeness;
2. Consult with the FCM regarding recommendations for redaction to the [Assessment of Child Abuse and Neglect \(SF113/CW0311\)](#), if applicable;
3. If substantiated, type a contact note in ICWIS to track redaction;
4. "Approve" the [Assessment of Alleged Child Abuse and Neglect \(SF113/CW 0311\)](#) if he or she deems it accurate and complete; and

5. Forward the report electronically to the designated DCS staff instructing consultation with DCS Local Office Attorney for redaction, if substantiated, within the **next business day** of approval.

[REVISED] **Note:** Redaction is only necessary if confidential information above and beyond the report source needs to be redacted. ([IC 31-33-18 - Disclosure of Reports; Confidentiality Requirements](#))

[REVISED] The DCS Local Office Director or designee will:

1. Consult with DCS Local Office Attorney as to proper redaction, if applicable;
2. Properly redact the [Assessment of Child Abuse and Neglect \(SF113/CW0311\)](#); and
3. Return the report to the Supervisor within **five (5) calendar days** of approval of the [Assessment of Child Abuse and Neglect \(SF113/CW0311\)](#).

[REVISED] The Supervisor or DCS local office designee will mail or hand deliver the following to each person identified as a perpetrator of substantiated child abuse and/or neglect:

1. The [Notice of Child Abuse and/or Neglect Assessment Outcome and Right to Administrative Review \(State Form 54317\)](#); and
2. Redacted [Assessment of Child Abuse and Neglect \(SF113/CW0311\)](#) to each person identified as a perpetrator of substantiated abuse and/or neglect within **fifteen (15) calendar days** of the assessment approval date.
3. [Request for Administrative Review for Child Abuse or Neglect Substantiation \(CAPTA081003ADR\)](#). If all allegations against the individual are classified as unsubstantiated, do not send the alleged perpetrator the request for review form.

[REVISED] If the form [Request for Administrative Review for Child Abuse or Neglect Substantiation \(CAPTA081003ADR\)](#) is submitted by the alleged perpetrator to the DCS local office, proceed to next steps in separate policy, [Chapter 2.2 Administrative Review Process](#).

PRACTICE GUIDANCE

[NEW] **Hand Delivery**

Hand delivery requires successful face-to-face contact with the alleged perpetrator and a documented contact in ICWIS.

[NEW] **Time computation for sending out the [Notice of Child Abuse and/or Neglect Assessment Outcome and Right to Administrative Review \(State Form 54317\)](#) within 15 days**

The following guidelines should be utilized in computing timeframes for 15 day Notices:

1. Do not count the date the assessment was approved. Begin with the following day as day one (1);
2. The Notice must be mailed or hand-delivered by the close of business on the 15th day in your computation, unless it is a day the office is closed. If the office is closed for business on the 15th day, the time frame is extended until the close of business on the next day that the office is open for business.

Note: For example, if the allegation(s) is/are approved as substantiated on the 1st of a month, the local office must mail or hand deliver the [Notice of Child Abuse and/or Neglect Assessment Outcome and Right to Administrative Review \(State Form](#)

[54317](#)) on or before the close of business on the 16th. If the 16th is a day the office is closed, such as a weekend or a State holiday, the Notice must be mailed or hand delivered to the person identified as the perpetrator before the close of business on the next day that the office is open.

Redaction

Redaction is a process where a document is reviewed thoroughly to omit part of the text prior to release, in order to protect confidential information. All redactions should be done with input from the DCS Local Office Attorney.

All [Assessment of Alleged Child Abuse and Neglect \(SF113/CW0311\)](#) are not to have report sources listed as they are protected under [IC 31-33-18](#). Indiana law also supports redaction of other information such as addresses, telephone numbers, or information that may harm or endanger another person. Any information that pertains to a confidential address of a non-offending parent and families experiencing domestic violence (e.g., shelter, relocation, new housing) should be redacted. Any disclosures made by the non-offending parent or child(ren) that could affect safety should also be redacted.

The following guidelines should be utilized when redacting documents:

1. Text should not be permanently removed from the document;
2. Redaction should be done on copies, not on original documents;
3. Only distribute photocopies of the redacted version of the document; and
4. Consult with the DCS Local Office Attorney to determine what information needs to be redacted.

Methods of redaction:

1. The easiest way to redact information is to photocopy the original document and use a thick black marker to block out the information to be redacted. This process can also be used with correction fluid (white out). It is imperative that after the information has been hidden with either the marker or white out, a photocopy is made to ensure that the information did not bleed through or can be distinguished when held up to the light; or
2. Cover up tape can also be used to redact information from a document. The cover-up tape can be placed over the areas to be redacted and then photocopied. The copy can then be distributed.

FORMS AND TOOLS

1. [Notice of Child Abuse and/or Neglect Assessment Outcome and Right to Administrative Review \(State Form 54317\)](#)
2. [Assessment of Alleged Child Abuse and Neglect \(SF113/CW 0311\)](#) – Available in ICWIS
3. [Request for Administrative Review for Child Abuse or Neglect Substantiation \(CAPTA081003ADR\)](#)

RELATED INFORMATION

N/A

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 2: Administration of Child Welfare	Effective Date: October 1, 2010
	Section 2: Administrative Review Process	Version: 4

POLICY

The Administrative Review is a process by which the alleged perpetrator, who has had allegations substantiated on or after October 15, 2006, 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 for the Administrative Review with his or her request to unsubstantiate the allegations.

[NEW] A request for Administrative Review must be submitted by the alleged perpetrator and **received** by the DCS local office within **fifteen (15) calendar days** from the date that the [Notice of Child Abuse and/or Neglect Assessment Outcome and Right to Administrative Review \(State Form 54317\)](#) was mailed or hand delivered to the alleged perpetrator.

Note: If the request for an Administrative Review deadline is on a day that the DCS local office is closed, the deadline is extended to the next business day.

[NEW] If the substantiation is against a minor, the request for Administrative Review must be submitted by at least one (1) of the child's:

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

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 DCS Local Office Division Manager in the county responsible for the assessment; or
4. The Regional Manager in the region responsible for the assessment.

[REVISED] If the DCS Local Office Director, Deputy Director, Division Manager or Regional Manager was the person who approved the initial [Assessment of Child Abuse or Neglect \(SF113/CW0311\)](#) determination, or was otherwise involved in the assessment, preparation of the report, or has a conflict of interest, he or she will not conduct the Administrative Review. The Administrative Review will be conducted by someone who does not have a conflict.

The individual identified by DCS to conduct the Administrative Review may at his or 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.

[REVISED] DCS will require that the Administrative Review decision is made by the appropriate DCS Local Office Director, Regional Manager, Local Office Deputy Director or Division Manager. Community CPTs are prohibited from making the decision.

[REVISED] The objectives of an Administrative Review are to:

1. Provide an internal review of the assessment by DCS at the request of the perpetrator; to determine whether or not the assessment provides a preponderance of evidence to support the conclusion to substantiate the allegation(s);
2. Provide an opportunity for the alleged perpetrator to submit documentation (not testimony) regarding the allegation(s) substantiated to challenge the substantiation;
3. Comply with due process requirements that mandate DCS to offer a person identified as a perpetrator the opportunity to challenge allegations classified as substantiated. An Administrative Review is one step in the DCS administrative process.

[NEW] If a Court's finding(s) support the substantiation, DCS **will not conduct** an Administrative Review, the person will remain on the Child Protection Index (CPI) and any request for Administrative Review will be denied. Findings of this type can be found in a Child in Need of Services (CHINS) or criminal/juvenile delinquency case orders.

1. A court in a Child in Need of Services (CHINS) case may determine that the report of child abuse and/or neglect is properly substantiated, child abuse and/or neglect occurred or a person was a perpetrator of child abuse and/or neglect. The determinations made by the court are binding.

2. A criminal (or juvenile delinquency) case may result in a conviction of the person identified as an alleged perpetrator in the report (or a true finding in a juvenile delinquency case). If the facts or substantially similar facts that provided a necessary element for the conviction also provided the basis for the substantiation, the conviction supports the substantiation and is binding.

[NEW] If a CHINS Court orders a finding that the alleged child abuse or neglect identified in the report did not occur; or the person named as a perpetrator in a report of suspected child abuse or neglect was not a perpetrator of the alleged child abuse or neglect, DCS **will not conduct** an Administrative Review. The finding of the court is binding and the report will be unsubstantiated consistent with the court's finding. The DCS local office will notify the alleged perpetrator of the assessment conclusion, whether or not an Administrative Review occurs based on the court's finding.

[NEW] The individual identified by DCS to conduct the Administrative Review may deny the Administrative Review, uphold the classification of the allegation(s) as substantiated, reverse the allegations classified as substantiated or reopen the assessment so that additional information can be obtained. The individual identified by DCS to conduct the Administrative Review may not stay the administrative review process.

Note: For those Administrative Reviews that were stayed before the effective date of this policy, the administrative review process must be reactivated in accordance with the stay letter provided to the alleged perpetrator.

[REVISED] DCS will complete the Administrative Review and will notify the DCS local office of the decision so that appropriate action can be taken consistent with the decision. The individual identified by DCS to conduct the Administrative Review will also notify the alleged perpetrator in writing of the outcome within **fifteen (15) calendar days** from the DCS local office receipt of the alleged perpetrator's request.

[REVISED] If the DCS Local Office Director, Regional Manager, Local Office Deputy Director, or Division Manager, determines that further assessment and reconsideration of the [Assessment](#)

of Child Abuse and Neglect (SF113/CW0311) is necessary, the above named person that made the determination, will notify the DCS Local Office Director or designee of the decision and will:

1. Notify the alleged perpetrator by sending the [Notice of Administrative Review Decision and Right to Administrative Appeal \(State Form 54319\)](#) informing the alleged perpetrator 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 \(SF113/CW0311\)](#) is to be 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.

[REVISED] This policy does not apply to child abuse and/or neglect (CA/N) substantiated cases involving child care workers and licensed resource parents. See separate policy, [2.3 Child Care Worker Assessment Review Process](#).

This policy does not apply to CA/N substantiated cases involving DCS employees. See separate policy, [2.4 Assessment and Review of DCS Staff Alleged Perpetrator](#).

Code References

1. [42 USC 5106a \(b\) \(2\) \(A\) \(XV\) \(II\): Grants to States for child abuse and neglect prevention and treatment programs](#)
2. [IC 31-33-26-13 Adoption of rules](#)

PROCEDURE

[REVISED] The DCS Local Office Director, Regional Manager, DCS Local Office Deputy Director or Division Manager, in the county responsible for the assessment but not involved in the original assessment decision will:

1. Refer the request for a Administrative Review to the community CPT for input and a recommendation, if desired;
2. Review the complete CPS assessment file, including all information submitted by the alleged perpetrator with the request for review and/or recommendation of the community CPT, consult with the DCS Local Office Attorney; and
3. Decide to do one of the following:
 - a. Deny the request for Administrative Review on the following basis:
 - 1) Request for review was not received timely, or
 - 2) A Child in Need of Services (CHINS) adjudication finding based on the facts of the substantiated determination, or
 - 3) Criminal conviction on charges related to same facts and circumstances on which the report of CA/N was substantiated.
 - b. Conduct the Administrative Review and
 - 1) Affirm the substantiated determination, or
 - 2) Set aside the determination and reclassify it as unsubstantiated, or
 - 3) Reopen the assessment.

Note: The allegations against any person identified as a perpetrator must be unsubstantiated if a court, in a Child in Need of Services (CHINS) case, finds that the child abuse and/or neglect did not occur or that the person was not the perpetrator of the alleged abuse or neglect.

4. Notify the DCS Local Office Director or Supervisor of the Administrative Review decision, with instructions for further action, if appropriate.
5. Notify the alleged perpetrator of the decision using the [Notice of Administrative Review Decision and Right to Administrative Appeal \(State Form 54319\)](#). If substantiation is upheld, also send [Request an Administrative Appeal Hearing for Child Abuse and/or Neglect Substantiation \(CAPTA081003ADR\)](#) along with a redacted copy of the [Assessment of Child Abuse or Neglect \(SF113/CW0311\)](#). Refer to separate policy, [2.1 Requests for Administrative Review](#) for procedure for redaction.

[REVISED] The Supervisor will:

1. Upon request from the DCS Local Office Director or other person authorized to conduct an Administrative Review, set aside the determination, reclassify it as unsubstantiated and complete the following:
 - a. Print a revised 30 day report, if applicable,
 - b. Print a revised [Assessment of Abuse or Neglect \(SF113/CW0311\)](#) to send to the Prosecutor's Office, if applicable, and
 - c. Notify the parent, guardian or custodian of the alleged victim of the revision.
2. Upon request from the DCS Local Office Director or other person authorized to conduct an Administrative Review, unapprove the [Assessment of Child Abuse or Neglect \(SF113/CW0311\)](#);
 - a. If the review decision is to reopen the assessment, instruct the Family Case Manager (FCM) to gather additional information or conduct additional interviews as requested by the DCS Local Office Director or other person authorized to conduct the Administrative Review, and
 - b. Review the FCMs new recommendation and refer to separate policy, [2.1 Requests for Administrative Review](#).

[REVISED] The FCM will:

1. If the assessment is reopened, have thirty (30) days to gather additional information or conduct additional interviews necessary to complete the [Assessment of Child Abuse or Neglect \(SF113/CW0311\)](#); and
2. Send the [Assessment of Child Abuse or Neglect \(SF113/CW0311\)](#) to the Supervisor for approval.

[NEW] If the substantiation is upheld at Administrative Review and the alleged perpetrator chooses to request an Administrative Appeal of the Administrative Review decision, see separate policy, [2.5 Administrative Appeal Hearings](#).

PRACTICE GUIDANCE [NEW]

Hand Delivery

Hand delivery requires successful face-to-face contact with the alleged perpetrator and a documented contact in ICWIS.

Time computation for the alleged perpetrator to request an Administrative Review,

The following guidelines should be utilized in computing timeframes for the alleged perpetrator to request administrative review:

1. Note the date the DCS local office mails or hand delivers the [Notice of Child Abuse and/or Neglect Assessment Outcome and Right to Administrative Review \(State Form 54317\)](#) do not count the day that the Notice is mailed or hand delivered;
2. Begin with the day following that day as day one (1); and
3. End at the close of business on the 15th day in your computation, unless it is a day the office is closed for business. If the office is closed for business on the 15th day, the time frame is extended until the close of business on the next day the office is open for business.

Note: For example, if the Notice is mailed on the 1st of a month, the local office must receive the request for review from the alleged perpetrator before the close of business on the 16th. If the 16th is a day the office is closed, such as a weekend or a State holiday, the request for Administrative Review must be received before the close of business on the next day that the office is open.

FORMS AND TOOLS

1. [Notice of Administrative Review Decision and Right to Administrative Appeal \(State Form 54319\)](#)
2. [Request an Administrative Appeal Hearing for Child Abuse and/or Neglect Substantiation \(CAPTA 081003ADR\)](#)
3. [Assessment of Alleged Child Abuse or Neglect \(SF113/CW0311\)](#) – Available in ICWIS
4. [Notice of Child Abuse and/or Neglect Assessment Outcome and Right to Administrative Review \(State Form 54317\)](#)

RELATED INFORMATION

N/A

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 2: Administration of Child Welfare	Effective Date: October 1, 2010
	Section 3: Child Care Workers Assessment Review Process	Version: 4

POLICY

[NEW] A Child Care Worker or Licensed Resource Parent is given the opportunity for Administrative Review prior to approval of an assessment that identifies the person as a perpetrator of child abuse and/or neglect. This policy applies to child care workers and licensed resource parents.

[REVISED] The Indiana Department of Child Services (DCS) defines “child care worker” as a person who has or will have direct contact with children, as an employee, but not an owner and/or operator of:

1. Any agency that provides services to or for the benefit of children who are victims of child abuse and/or neglect (CA/N);
2. Any of the following types of facilities:
 - a. Child care center,
 - b. Child care home (whether or not required to be licensed),
 - c. Child care ministry (whether or not licensed),
 - d. Residential group home,
 - e. Child caring institution,
 - f. School,
 - g. Juvenile detention center, or
 - h. Licensed child placing agency (LCPA).
3. Any other facility that provides residential care for children; or
4. Any other agency that is a contracted service provider for DCS.

The process described herein applies regardless of whether the allegation includes actions taken within the scope of employment or licensed as a resource parent.

It is the responsibility of the alleged perpetrator to notify the assessing Family Case Manager (FCM) that he or she is a child care worker in the event that the allegations are related to the individual's personal life.

DCS will allow the alleged child care worker or licensed resource parent alleged perpetrator to participate in a Child Care Worker Assessment Review (CCWAR), as an opportunity to present any information he or she feels could assist DCS in making an accurate decision. The CCWAR is an informational meeting only and no official recording (i.e., audio recording) will be made of the meeting.

The child care worker or licensed resource parent alleged perpetrator has the right to have an attorney or other representative present at the CCWAR. The attorney or representative may assist the alleged perpetrator in presenting information at the meeting. However, witness testimony is prohibited.

[REVISED] DCS will require that the CCWAR be conducted by one (1) of the following persons, who was not involved in the assessment or the preparation of the assessment report and does not have a conflict of interest:

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 DCS Local Office Division Manager in the county responsible for the assessment;
or
4. The Regional Manager in the region responsible for the assessment, (or a different region if the Regional Manager in the region in the county was involved in the assessment or has a conflict of interest).

[REVISED] The CCWAR will occur within **fifteen (15) calendar days** from the date that the Supervisor notified the individual identified by DCS to conduct the CCWAR of the need for the review, regardless of the attendance of the child care worker or licensed resource parent alleged perpetrator. DCS will proceed with the CCWAR, including the approval process, if the alleged perpetrator does not attend the CCWAR.

[NEW] DCS will require that the CCWAR occur prior to the Supervisor's approval of the assessment finding.

[REVISED] DCS will allow the child care worker or licensed resource parent alleged perpetrator the opportunity to continue the CCWAR under limited circumstances. Those limited circumstances include:

1. Before the scheduled date for the CCWAR, if the DCS Local Office Director, or other person authorized to hold the CCWAR receives a written request for a continuance from the child care worker or licensed resource parent alleged perpetrator;
2. If the Supervisor has determined that the requested continuance will not endanger the health or safety of a child, the DCS Local Office Director, or other person authorized to hold the CCWAR can grant the request in writing, with a phone call documented in ICWIS contacts, to the child care worker or licensed resource parent alleged perpetrator (due to the short time frame):
 - a. The continuance must be contingent on the agreement of a child care worker or licensed resource parent alleged perpetrator to allow DCS to notify the employer or licensing agency of the pending assessment, if warranted,
 - b. The phone call must be followed by written notice to the child care worker or licensed resource parent alleged perpetrator of the rescheduled date, time, and location of the continued CCWAR, and
 - c. Copies must be sent to the child care worker or licensed resource parent alleged perpetrator's attorney.
3. The rescheduled CCWAR must be held within **fifteen (15) calendar days** from the originally scheduled CCWAR; and
4. The CCWAR may not be continued more than once.

DCS recognizes the right of the child care worker or licensed resource parent alleged perpetrator to request an Administrative Appeal Hearing, if he or she disagrees with the assessment finding. See separate policy, [2.5 Administrative Appeal Hearings](#). DCS will notify the child care worker or licensed resource parent alleged perpetrator in writing of the assessment finding and his or her appeal rights regardless of whether he or she participates in the CCWAR.

DCS will notify the child care worker's employer or prospective employer and/or the appropriate licensing unit or agency within two (2) business days of the date the substantiation was approved by sending the [Notice of Substantiation of Child Abuse and/or Neglect by Child Care Worker/Resource Parent \(CAPTA080802SCW\)](#).

DCS reserves the right to contact the appropriate licensing unit and/or agency regarding an emergency closure at any time during the assessment process, if the immediate safety and/or well-being of the alleged victim or another child at the facility or home is in question.

[NEW] For Individuals who have substantiated allegations of child abuse and/or neglect approved prior to October 15, 2006, the person identified as a perpetrator will be given an agency review of the decision to substantiate prior to a denial or revocation of a Foster Home license based on a substantiated assessment. In addition, a child care worker, upon request, will receive agency review of the determination to substantiate allegations(s) against them, with the opportunity for a face to face meeting. The meeting will occur whether or not the alleged perpetrator attends. The agency review must be completed by a Regional Manager, Local Office Director, Deputy Director or Division Manager who was not previously connected to the case.

[NEW] Following the agency review, the person who conducted the agency review will decide whether to uphold or unsubstantiated each allegation classified as substantiated. If the decision is to unsubstantiated any allegation, the DCS employee conducting the review will instruct the DCS local office to unsubstantiate the allegations and include the review conclusion in the narrative of the assessment summary. The decision to substantiate will be upheld in the following situations:

1. If the review reveals that the decision to substantiate is supported by a court finding(s) that resulted in a criminal conviction or a Child in Need of Services (CHINS) adjudication based on the same facts and circumstances as the substantiation, then no reversal of the substantiation is appropriate.
2. If the review reveals that the alleged perpetrator was provided notice and opportunity for administrative hearing by an Administrative Law Judge (ALJ), then no reversal of the substantiation is appropriate.
3. If there has been a previous review conducted under this section, including the opportunity to request a DCS Local Office Director review.
4. The facts of the assessment should be sufficient to uphold a substantiation.

[NEW] The person who conducted the review will also notify the person identified as a perpetrator of the results of the review by mail. In the notice, the person will be notified that he or she may request a review of the decision by the DCS Director, or designee within fifteen (15) calendar days of the date of the notice. If DCS Director review is requested in a timely manner, the DCS Director or designee, will review the documentation utilized by the DCS local office in reaching the review conclusion. No new information will be considered. If the decision to substantiate is upheld, the decision will be the final agency decision, subject to judicial review as found in IC 4-21.5-3.

Code References

N/A

PROCEDURE

The Family Case Manager (FCM) will:

1. Complete the assessment in accordance with the DCS assessment policies found in [Chapter 4: Assessment](#);
2. Notify his or her Supervisor that the assessment involves a child care worker or licensed resource parent as defined in this policy; and
3. Complete a draft copy of the [Assessment of Alleged Child Abuse or Neglect \(SF113/CW0311\)](#). Ensure that the words "DRAFT" are stamped on every page or watermarked on the [Assessment of Alleged Child Abuse or Neglect \(SF113/CW0311\)](#).

[REVISED] The Supervisor will:

1. If the FCM's recommendation is to substantiate and the Supervisor agrees, notify the DCS Local Office Director, Regional Manager, DCS Local Office Deputy Director, or Division Manager, as appropriate of the need for a CCWAR within one (1) business day of receiving the recommendation from the FCM; and
2. Wait to approve the [Assessment of Alleged Child Abuse or Neglect \(SF113/CW0311\)](#) until the CCWAR is conducted and the CCWAR decision is received.

[REVISED] The DCS Local Office Director or other person authorized to hold the CCWAR will:

1. Notify the child care worker or licensed resource parent alleged perpetrator of the intent to substantiate and the time, date, and place for the CCWAR within three (3) business days of being notified by the Supervisor, by sending the [Notice of Intent to Substantiate Allegations of Child Abuse and/or Neglect on a Child Care Worker/Resource Parent \(CAPTA080802ICW\)](#). Include a draft redacted copy of the [Assessment of Child Abuse or Neglect \(SF113/CW0311\)](#) with the notice. Refer to separate policy, [2.2 Administrative Review Process](#) for redaction procedure;
2. Hold a CCWAR within fifteen (15) business days from the date of the [Notice of Intent to Substantiate Allegations of Child Abuse and/or Neglect on a Child Care Worker/Resource Parent \(CAPTA080802ICW\)](#);
3. Review the case file with input from the DCS Local Office Attorney, including child care worker or licensed resource parent's statement and any documentation presented by the individual; and
4. Decide, which of the following actions will be taken:
 - a. Substantiate one (1) or more allegations,
 - b. Unsubstantiate one (1) or more of the allegation(s), or
 - c. Return the assessment to Child Protection Services (CPS) for further assessment and reconsideration of the report.
5. Notify the Supervisor of the review decision.
6. Within five (5) business days of holding the CCWAR, notify the child care worker or licensed resource parent alleged perpetrator, using the [Notice of Child Care Worker/Resource Parent Assessment Review \(CCWAR\) Decision and Right to Administrative Appeal \(State Form 54316\)](#). Include a copy of the [Request for an Administrative Appeal Hearing \(CAPTA080802ADR\)](#) with the notice, as well as an approved redacted copy of the [Assessment of Child Abuse or Neglect \(SF113/CW0311\)](#), if the substantiation is approved,
7. Assure that all remaining assessment tasks are completed in a timely manner as set out in [Chapter 4: Assessment](#);

[REVISED] The Supervisor will, upon receipt of the decision from the DCS Local Office Director or other person authorized to hold the CCWAR:

1. Approve the [Assessment of Child Abuse or Neglect \(SF113/CW0311\)](#) consistent with the decision by the person who conducted the review; or
2. Instruct the FCM to gather additional information or conduct additional interviews as requested by the DCS Local Office Director or other person authorized to conduct the CCWAR and review the FCMs recommendation following further assessment; and
3. Assure that the child care worker's employer and/or the appropriate licensing unit or agency are notified within two (2) business days of substantiation using [Notice of Intent to Substantiate Allegations of Child Abuse and/or Neglect on a Child Care Worker/Resource Parent \(CAPTA080802ICW\)](#), if applicable.

PRACTICE GUIDANCE

N/A

FORMS AND TOOLS

1. [Notice of Intent to Substantiate Allegations of Child Abuse and/or Neglect on a Child Care Worker/Resource Parent \(CAPTA081003ICW\)](#)
2. [Assessment of Alleged Child Abuse or Neglect \(SF113/CW0311\)](#) – Available in ICWIS
3. [Notice of Child Care Worker/Resource Parent Assessment Review \(CCWAR\) Decision and Right to Administrative Appeal \(State Form 54316\)](#)
4. [Request an Administrative Appeal Hearing for Child Abuse and/or Neglect Substantiation\(CAPTA081003AAH\)](#)
5. [Notice of Substantiation of Child Abuse and/or Neglect by Child Care Worker/Resource Parent \(CAPTA081003SCW\)](#)

RELATED INFORMATION

N/A

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 2: Administration of Child Welfare	Effective Date: October 1, 2010
	Section 4: Assessment and Review of DCS Staff Alleged Perpetrators	Version: 4

POLICY

[REVISED] The Indiana Department of Child Services (DCS) requires that any DCS employee being assessed as an alleged perpetrator of Child Abuse and/or Neglect (CA/N)¹ notify, within **one (1) business day** of learning of the assessment:

1. His or her DCS Local Office Director if the employee works in a local office; or
2. His or her work unit manager if the employee works in Central Office or Child Support Bureau.

Note: Failure to notify the appropriate person in a timely manner may result in disciplinary action up to and including termination.

[NEW] During the course of an assessment, if a Family Case Manager (FCM) learns that an alleged perpetrator is a DCS employee, the assessment FCM will notify the following and document that notification was given immediately but no later than **one (1) business day** for:

1. Field employees the following individuals must be notified:
 - a. Regional Manager;
 - b. DCS Local Office Director; and
 - c. Human Resource Director.
2. Central Office and Child Support Bureau employees the following individuals must be notified:
 - a. Division Deputy Director;
 - b. Work unit manager; and
 - c. Human Resource Director.

Assessments involving DCS employees as an alleged perpetrator must be conducted by a DCS local office other than the DCS local office in which the employee is employed.

[REVISED] DCS Regional Manager or Division Deputy Director will submit a request, within **twelve (12) hours**, of notification to restrict access to Indiana Child Welfare Information System (ICWIS) records pertaining to DCS employees. Any records pertaining to the alleged DCS employee perpetrator will be held confidential. See separate policy, [2.8 Accessing Records in ICWIS](#).

[REVISED] DCS will not allow the alleged employee perpetrator to have direct contact with the children and families (including resource families) that DCS serves, until the Administrative Review process has been completed. The alleged employee perpetrator will be notified by the employee's Regional Manager, the DCS Local Office Director, or Division Deputy Director within **one (1) business day**, if the decision is to place the alleged employee perpetrator on desk duty. The alleged employee perpetrator may be reassigned or may be placed on emergency suspension during the assessment and review process.

¹ Herein referred to as the 'alleged employee perpetrator'.

[REVISED] DCS will have **fifteen (15) calendar days** from approval of the [Assessment of Child Abuse and Neglect \(SF 113/CW0311\)](#) to provide the [Notice of Child Abuse and/or Neglect Assessment Outcome and Administrative Review for DCS Employee \(State Form 54318\)](#) and a copy of the redacted [Assessment of Child Abuse and Neglect \(SF113/CW0311\)](#), if substantiated, to the alleged employee perpetrator via certified mail.

[REVISED] DCS will require that an Administrative Review be conducted for all substantiated assessments that identify a DCS employee as an alleged perpetrator. This Administrative Review must be completed within **fifteen (15) business days** from approval of the substantiation. The Administrative Review Team or designee will notify the alleged employee perpetrator in writing of the Administrative Review decision. [Notice of Administrative Review Decision and Right to Administrative Appeal \(State Form 54319\)](#) will be mailed or hand delivered to the DCS employee the same day as the decision.

[REVISED] DCS will require that an Administrative Review of a DCS staff case be conducted by:

1. A Regional Manager;
2. A Deputy Director or Designee²; and
3. The DCS Human Resource Director or Designee.

[NEW] Note: The Administrative Review Team members conducting the review should not be in the alleged employee perpetrator's chain of command.

DCS recognizes that the alleged DCS employee perpetrator has the right to an Administrative Appeal of the Administrative Review Team decision if the substantiation is upheld. See separate policy, [2.5 Administrative Appeal Hearings](#).

DCS reserves the right to take disciplinary action up to and including termination upon completion of the Administrative Review, if the substantiation is affirmed, regardless of whether the allegations involve actions taken in the scope of DCS employment. See separate DCS Administrative Policy, [HR-2-4 Disciplinary Action](#).

Code References

N/A

PROCEDURE

The alleged employee perpetrator will notify his or her DCS Local Office Director or work unit manager within **one (1) business day** of learning of the assessment.

[REVISED] The assessment FCM will:

1. Notify the alleged employee perpetrator's Regional Manager and DCS Local Office Director by email, within **one (1) business day** of learning of the assessment if the alleged employee perpetrator works in a DCS local office, and document that notification was given;
2. Notify the alleged employee perpetrator's Division Deputy Director and work unit manager by email immediately but no later than **one (1) business day** of learning of the assessment if the alleged employee perpetrator works in Central Office or Child Support Bureau, and document that notification was given;

² The designee must be at least one supervisory level above the alleged employee perpetrator.

3. Notify the DCS Human Resources Director, by email, within **one (1) business day** of learning of the assessment;
4. Assure timely completion of the assessment. Refer to separate policy, [4.25 Completing the Assessment Report](#);
5. Send the [Assessment of Child Abuse and Neglect \(SF113/CW0311\)](#) to the Supervisor for approval; and
6. Notify the DCS Human Resource Director, by email, the results of the assessment if additional time or information is needed.

[REVISED] The FCM Supervisor will:

1. Review the [Assessment of Alleged Child Abuse and Neglect \(SF113/CW0311\)](#) for accuracy and completeness and approve the FCM recommendations, if appropriate. Refer to separate policy, [2.1 Requests for Administrative Review](#) for procedures to follow specific to the approval and redaction process;
2. Notify the DCS Regional Manager and Local Office Director (for Field Operation) or Division Deputy Director and work unit manager (for Central Office or Child Support Bureau) the results of the assessment.
3. Notify the DCS Human Resource Director the results of the assessment.
4. Upon request from the DCS Local Office Director or other person authorized to conduct an Administrative Review :
 - a. Unapprove [the Assessment of Child Abuse or Neglect \(SF113/CW0311\)](#) if the file is returned to CPS for further assessment and reconsideration of the report. See separate policy, [2.2 Administrative Review Process](#) for procedures to follow specific to the reconsideration process, if applicable; or
 - b. Unsubstantiate the allegations.

[REVISED] The DCS Regional Manager or Division Deputy Director of the alleged employee perpetrator will:

1. Ensure that the alleged employee perpetrator's assessment is restricted in ICWIS;
2. Coordinate with appropriate staff to place the employee on desk duty or reassign the employee;
3. Contact the DCS Human Resource Director, in the event that emergency suspension is considered; and
4. Notify the alleged employee perpetrator of the outcome of the assessment and pending Administrative Review, if substantiated. Attach a copy of the redacted [Assessment of Alleged Child Abuse or Neglect \(SF113/CW0311\)](#).
5. Notify the DCS Local Office Director and Supervisor (for Field Operation) or work unit manager (for Central Office or Child Support Bureau) of the Administrative Review Team's decision.

[REVISED] The Administrative Review Team will:

1. Review the complete CPS assessment file;
2. Decide to do one of the following:
 - a. Uphold the substantiated determination,
 - b. Overturn the determination and reclassify it as unsubstantiated, or
 - c. Return the file to CPS for further assessment of the report.
 - d. Notify the alleged employee perpetrator of the Administrative Review Team's decision:
 - 1) If the substantiation is upheld, notify the alleged employee perpetrator of the decision using the [Notice of Administrative Review Decision and Right to Administrative Appeal \(State Form 54319\)](#) form and the [Request an Administrative Appeal Hearing for Child Abuse and/or Neglect Substantiation \(CAPTA081003AAH\)](#) form; or

- 2) If the allegations are unsubstantiated, notify the alleged employee perpetrator the decision using the [Notice of Administrative Review Decision and Right to Administrative Appeal \(State Form 54319\)](#) form.

[REVISED] The DCS Field Operations Executive Manager or designee will:

1. Ensure that the assessment is assigned to a DCS local office other than the DCS local office in which the employee is employed;
2. Coordinate the Administrative Review process by convening the Administrative Review Team members; and
3. Notify the employee perpetrator's DCS Regional Manager or Division Deputy Director of the Administrative Review Team's findings and whether any additional actions should be taken.

PRACTICE GUIDANCE

N/A

FORMS AND TOOLS

1. [Assessment of Alleged Child Abuse or Neglect \(SF113/CW0311\)](#) – available in ICWIS
2. [Notice of Child Abuse and/or Neglect Assessment Outcome and Administrative Review for DCS Employee \(State Form 54318\)](#)
3. [Notice of Administrative Review Decision and Right to Administrative Appeal \(State Form 54319\)](#)
4. [Request an Administrative Appeal Hearing for Child Abuse and/or Neglect Substantiation \(CAPTA081003AAH\)](#)

RELATED INFORMATION

[NEW] Hand Delivery

Hand delivery requires successful face-to-face contact with the alleged perpetrator and a documented contact in ICWIS.

Consulting with Human Resources

Staff assessments are very delicate situations. The Central Office Human Resource Office is always available to assist management staff with any decisions that must be made surrounding reassigning an employee or when to consider emergency suspension. Please contact the HR Director if you have any questions.

Restricting Reports and Assessments

Maintaining confidentiality of employee assessments is of utmost importance. There is a checkbox on the decision window in ICWIS in the Intake module that allows for the report to be restricted. If the report is restricted, the assessment will automatically be restricted upon its creation. The system will only allow the assigned worker, the assigned worker's supervisor, and a director for that county, and the ICWIS Program Manager access to the report or assessment.

[NEW] Desk Duty for Alleged Employee Perpetrators

In the event an alleged employee perpetrator is assigned to desk duty, employees will not be allowed to have direct contact with the children and families DCS serves. Depending on the position, employees may not see a change in their job duties.

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 2: Administration of Child Welfare	Effective Date: October 1, 2010
	Section 5: Administrative Appeal Hearings	Version: 3

POLICY

The Indiana Department of Child Services (DCS) recognizes the right of the alleged perpetrator to request an Administrative Appeal Hearing if substantiated allegations of Child Abuse and/or Neglect (CA/N) are upheld in the DCS Administrative Review. The process outlined herein will apply to all substantiated CA/N determinations made on or after October 15, 2006.

If the substantiated assessment is against a minor perpetrator, the request for an Administrative Appeal Hearing must be made by the child's parent, guardian, custodian, attorney, Guardian ad Litem (GAL), or Court Appointed Special Advocate (CASA).

[REVISED] DCS requires that all requests for Administrative Appeal Hearing by an alleged perpetrator utilize the [Request an Administrative Appeal Hearing for Child Abuse and/or Neglect Substantiation \(CAPTA081003AAH\)](#) and that the request be received by DCS Hearings and Appeals within **thirty (30) calendar days** (if request hand delivered) or **thirty-three (33) calendar days** (if request mailed) from the date identified on the [Notice of Administrative Review Decision and Right to Administrative Appeal \(State Form 54319\)](#).

Note: If the request for an Administrative Appeal is received on a day that the DCS Hearings and Appeals is closed, the next business day is considered the receipt date. If the request deadline is on a day that the DCS local office is closed, the deadline is extended to the next business day.

[REVISED] If the substantiated assessment is against a DCS Employee or a child care worker as defined in DCS policies [2.3 Child Care Worker Assessment Review Process](#) and [2.4 Assessment and Review of DCS Staff Alleged Perpetrators](#), the Administrative Appeal Hearing will be held within **twenty (20) calendar days** of the date the request is received by Hearings and Appeals, unless the alleged perpetrator (appellant) requests an extension of time for hearing preparation or other good cause as outlined in [470 IAC 1-4](#).

Note: If the alleged perpetrator is a DCS employee or a child care worker, DCS cannot ask for a continuance. For other alleged perpetrators, DCS can request a continuance but must follow the same requirements as the alleged perpetrator.

DCS will hold all other hearings within **ninety (90) calendar days** from the date the request is received by Hearings and Appeals.

[REVISED] The DCS Hearings and Appeals unit will notify the appellant and the DCS local office in writing of the hearing date, via mail or email, at least **ten (10) calendar days** in advance.

Note: An appellant is the person identified as a substantiated perpetrator of child abuse and/or neglect who has completed an administrative review by DCS and requested an administrative appeal hearing.

[REVISED] DCS acknowledges that the appellant has the right to bring witnesses and/or legal counsel to the hearing to present relevant evidence and cross examine DCS' witnesses.

Note: For those administrative appeals that were stayed before the effective date of this policy, the administrative appeal process must be reactivated in accordance with the stay letter or order of stay provided to the appellant.

[REVISED] DCS will not conduct an Administrative Appeal Hearing and will order a Stay of the Administrative Appeal process if a motion is filed by either the appellant or the DCS local office and documentation is filed with Hearings and Appeals to show that one of the following applies:

1. A Child in Need of Services (CHINS) petition has been filed based on the facts of the substantiated assessment, until the court has ruled on the petition:
 - a. Any request received for an Administrative Appeal will be stayed due to a pending CHINS matter by submitting the Preliminary Inquiry and CHINS Petition and/or other appropriate supporting documentation, and
 - b. During the Stay, the substantiation will remain on the Child Protection Index (CPI).
2. Criminal charges or a Juvenile Delinquency Petition (JD) have been filed based on the same facts and circumstances that the report of CA/N was substantiated, until the case is resolved:
 - a. Any request received for an Administrative Appeal will be stayed due to a pending criminal or JD matter by submitting a Probable Cause Affidavit, charging information and/or other supporting documentation, and
 - b. During the Stay, the substantiation will remain on the CPI.
3. An Informal Adjustment (IA) has been filed and is pending. A copy of the filed IA will suffice as supporting documentation. During the Stay, the substantiation will remain on the CPI.
4. DCS has received notification from the County Prosecutor's Office that criminal charges are under review based on the same facts and circumstances which resulted in the classification of allegations as substantiated against the alleged perpetrator who has requested an Appeal Hearing.

[NEW] Note: The DCS local office or appellant must notify Hearings and Appeals by notice or motion to request that the Administrative Appeal process be stayed.

When appropriate, either the DCS local office or appellant may request that the administrative appeal process be reactivated or dismissed, in accordance with the stay order of the Administrative Law Judge (ALJ).

[NEW] Note: The case will remain open on the Hearings and Appeals docket until it is concluded by a final DCS order by an ALJ.

The DCS Administrative Appeal Hearing will be conducted and decisions issued in accordance with the procedures outlined in [470 IAC 1-4-1](#) through 5.

[REVISED] The presiding ALJ will issue a written decision:

1. Within fifteen (15) calendar days after completion of the hearing for child care workers and DCS Employees or
2. Within thirty (30) calendar days after completion of the hearing for all other alleged perpetrators.

The ALJ's decision will be the **final** decision of DCS regarding the classification of the CPS assessment and report, subject to the right to judicial review as provided in IC 4-21.5-5.

[REVISED] Note: This policy does not apply to any Administrative Appeal other than the substantiation of allegations of CA/N by DCS.

Code References

1. [IC 31-33-26 Child Protection Index](#)
2. [470 IAC 1-4-1 Administrative Appeals](#)
3. [IC 4-21.5-3-2 Adjudicative Proceedings](#)
4. IC 4-21.5-5 Judicial Review

PROCEDURE

[REVISED] The alleged perpetrator will request an Administrative Appeal Hearing by submitting a [Request an Administrative Appeal Hearing for Child Abuse and/or Neglect Substantiation \(CAPTA081003AAH\)](#) to DCS Hearings and Appeals, within **thirty (30) calendar days** of the date on the [Notice of Administrative Review Decision and Right to Administrative Appeal \(State Form 54319\)](#). An additional **three (3) days** will be allowed for mail time.

Note: If the request is received on a Saturday, Sunday, or legal holiday under state statute the next business day is to be considered the receipt date.

[NEW] When a request for a hearing is received, the DCS Hearings and Appeals Coordinator will:

1. Record the case in the DCS hearing tracking system;
2. Assign the case to a DCS Administrative Law Judge (ALJ);
3. Schedule a hearing; and
4. Notify the alleged perpetrator (appellant), the appellant's representative (if applicable), the ALJ, the DCS Local Office Director, DCS Local Office Attorney, and Regional Manager of the date, time and specific location of the hearing.

[NEW] Note: If concerns for the security of any witness or employee comes to the attention of a DCS Employee, the employee is to notify the Hearings and Appeals Coordinator, ALJ and/or DCS Local Office Director at which the hearing is being conducted.

[REVISED] At the hearing, the DCS local office representative will:

1. Review assessment documentation prior to the hearing; and

2. Bring supporting documentation to be entered as evidence and witnesses to the hearing. Exhibits should be appropriately redacted to eliminate all Social Security numbers, identification of the report source, and any other information necessary for redaction.

The ALJ will:

1. Conduct a hearing in accordance with the procedures specified in [470 IAC 1-4](#) through [1-4-5](#); and
2. Issue a written decision:
 - a. Within fifteen (15) calendar days after completion of the hearing for child care workers, and DCS employee's, or
 - b. Within thirty (30) calendar days after completion of the hearing for all other hearings of substantiated assessments of CA/N.

After the hearing, the DCS Hearings and Appeals Coordinator will ensure that all of the following persons are notified of the decision:

1. The appellant (alleged perpetrator);
2. The appellant's (alleged perpetrator's) representative or legal counsel, if applicable;
3. The DCS Local Office Director of the county who assessed the case;
4. The Regional Manager; and
5. DCS Local Office Attorney.

[NEW] Note: All distribution of notices and orders to the DCS Local Office Director, DCS Local Office Attorney, and Regional Manager will be emailed in PDF format.

[REVISED] The Regional Manager and/or DCS Local Office Director will notify the Supervisor and instruct him or her to comply with the final decision issued by the ALJ. The Supervisor will unapprove any allegations that may have been overturned in the Administrative Appeal decision.

PRACTICE GUIDANCE

[NEW] Hand Delivery

Hand delivery requires successful face-to-face contact with the alleged perpetrator and a documented contact in ICWIS.

[REVISED] Preparation for a Scheduled Administrative Appeal Hearing

The DCS local office should prepare exhibits and witnesses for an Administrative Appeal Hearing in the same manner as if it were preparing for a CHINS Juvenile Court Fact Finding Hearing. Thorough records and documentation should be compiled and presented at the Administrative Appeal Hearing as DCS local office exhibits. DCS must prove by a preponderance of credible evidence that child abuse and/or neglect occurred and that the appellant is responsible for the child's abuse and/or neglect.

[REVISED] Presenting the DCS Case at the Hearing

At the Administrative Appeal Hearing, the DCS case may be presented by a Family Case Manager (FCM), Supervisor, and/or DCS Local Office Attorney. The DCS Local Office Director may decide who is best able to represent the Agency. The appellant may present his or her case personally or through counsel or other representative. Each party has the right to bring

witnesses to the hearing, present relevant evidence and cross examine the other parties' witnesses.

[REVISED] Provide copies of interviews or video recordings at the Hearing

The use of audio or video recordings, including forensic interviews, can be extremely helpful in proving a DCS case. If submitted as an exhibit, it must be in a format that can be played at the hearing (laptop computer, recorder, etc.).

[NEW] Note: All exhibits must be provided to the ALJ with a copy to the opposing party.

Final Decision of DCS

The ALJ's decision will be the final decision of DCS regarding the classification of the CPS assessment and report, subject to judicial review as provided in [470 IAC 1-4-7](#).

FORMS AND TOOLS

1. [Request an Administrative Appeal Hearing for Child Abuse and/or Neglect Substantiation \(CAPTA081003AAH\)](#)
2. [Notice of Administrative Review Decision and Right to Administrative Appeal \(State Form 54319\)](#)
3. [Assessment of Child Abuse or Neglect \(SF113/CW0311\)](#) – Available in ICWIS

RELATED INFORMATION

[REVISED] Location of Hearings

All hearings for child care workers and DCS employees will be held in Indianapolis, unless the alleged perpetrator/appellant, in writing, both:

1. Requests that the hearing be held in another location; and
2. Requests an extension of the hearing time limits and waives an expedited hearing.

All other hearings will be held in a pre-determined centralized location near the county of residence of the appellant. The ALJ may order a hearing site other than those identified in the event of natural disaster or other reason as determined by the ALJ. The locations are as follows:

Appellant resides in:	Hearing will be held in:
Region 1, Region 2	Gary, Indiana
Region 3,4, 6 (Miami, Fulton and Wabash County), 7 (Blackford, Grant, Jay and Randolph County)	Fort Wayne, Indiana
Regions 5, 6 (Cass and Howard County), 7 (Delaware County), 8, 9, 10, 11, 12, 14 (Johnson County and Shelby County)	Indianapolis, Indiana
Regions 13, 14 (Bartholomew, Jackson, Jennings County), 15, 18 (Clark, Floyd, and Scott County)	Seymour, Indiana
Regions 16, 17, 18 (Harrison, and Washington County)	Jasper, Indiana

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 2: Administration of Child Welfare Services	Effective Date: October 1, 2012
	Section 6: Sharing Confidential Information	Version: 4

POLICY **[REVISED]**

[REVISED] 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 the provision of ongoing case management services. The identity of the reporting source, children, and others protected by law must be held confidential.

[NEW] Note: This includes any and all audio recordings of CA/N reports called into the DCS Hotline.

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

[NEW] DCS will maintain the confidentiality of information and records that it receives from other sources, such as a medical or health records, law enforcement agency records, or court records, in accordance with the laws applicable to the creator of the records.

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; or
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 parents, guardians, custodians and perpetrators of their rights regarding access to confidential CA/N information.

[REVISED] 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). Release of these documents will occur after approval of DCS General Counsel.

[REVISED] DCS can provide unidentifiable CA/N information of a general nature to persons engaged in research. The DCS Central Office may provide such information upon written request and approval of the specified application form submitted with the request.

[REVISED] Upon a records request received by DCS, Central Office will submit all records created or received by DCS Central Office or a DCS local office in connection with fatality or near fatality assessments, including any prior history records concerning the child to the juvenile

court in the county where the child died or the near fatality occurred for the court's redaction and release of such records to the requestor.

All records that are confidential under this policy, sent from DCS shall be labeled or stamped "CONFIDENTIAL" at the top of each record. Any envelope containing records shall also be labeled "CONFIDENTIAL".

[REVISED] DCS will protect the confidentiality of all information gained from victims of domestic violence. Prior to releasing any information (i.e. during court proceedings where disclosure of certain information is mandatory), DCS will notify the victim so he/she may plan for his or her safety and the safety of the child.

[REVISED] Code References

1. [IC 5-14-3 Access to Public Records Act \(APRA\); confidentiality requirements and Authorization](#)
2. [IC 31-25-2-20.4 Citizen review panels; membership; appointment; duties; response to report; prohibited acts](#)
3. [IC 31-27-3-18 Disclosure of Reports: Confidentiality Requirements](#)
4. [IC 31-27-4-21 Records regarding children \(in foster family homes\)](#)
5. [IC 31-27-5-18 Records \(regarding children in group homes\)](#)
6. [IC 31-27-6-15 Records regarding children \(placed through licensed child placing agencies\)](#)
7. [IC 31-33-7-8 Reports to health care providers and schools; contents; confidentiality](#)
8. [IC 31-33-18-1 Confidentiality; exceptions](#)
9. [IC 31-33-18-1.5 Written findings; copies to the department of child services; certain records held by governmental entities not confidential if redacted; procedure for redacting records](#)
10. [IC 31-33-18-2 Disclosure of unredacted material to certain persons](#)
11. [IC 31-33-18-3 Disclosure to qualified researchers](#)
12. [IC 31-33-18-4 Notice to parent, guardian, or custodian of availability of reports, information, and juvenile court records; release form; copying costs](#)
13. [IC 31-33-22-2 Obtaining child abuse or neglect information under false pretenses; falsifying records or interfering with an investigation](#)
14. [IC 31-33-24-6 Establishment of child fatality review teams; record review; purpose](#)
15. [42 U.S.C. 671\(a\)\(8\) Restriction on disclosure of information concerning individuals assisted under Title IV-E](#)
16. [465 IAC 2-5-1 Procedure for disclosure of information to qualified researchers](#)

PROCEDURE [REVISED]

[REVISED] DCS (Intake and Assessment) Records

All CA/N reports and assessment information, including written reports, audio/video recordings 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 and approval from the DCS Local Office Attorney, the Family Case Manager (FCM) may disclose intake or assessment information to the following:

1. A legally mandated child protection agency investigating a report of CA/N or a child or family who are subjects of a report;
2. A law enforcement agency, prosecutor or coroner investigating a report of CA/N;
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, custodian, or other person responsible for the child's welfare;
6. The alleged victim (if requested as an adult);
7. The Guardian ad Litem (GAL) or Court Appointed Special Advocate (CASA) of the alleged victim;
8. **[REVISED]** The parent (including non-custodial parent), guardian, custodian or other person responsible for the child named in a report and his or her attorney with the identity of the report source, child and others protected by law redacted;

[REVISED] Note: Each parent, guardian, or custodian must be given verbal and written notice of the availability of the assessment report and must be provided with a copy of the 311 or Notice of Availability (NOA) upon written request. See separate policy, [4.10 Interviewing the Parent/Guardian/Custodian](#).

9. A court that requires the information to decide an issue before it;
10. A grand jury;
11. **[REVISED]** An appropriate state or local official responsible for legislation in carrying out official functions¹;
12. **[REVISED]** A foster care review board established under [IC 31-34-2-9](#);
13. A community Child Protection Team (CPT), upon request, in order to carry out its purpose;
14. A person about whom a report has been made, provided that the identity of the reporting source and other appropriate persons protected by law.
15. 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;
16. A local child fatality review team established under [IC 31-33-24-6](#);
17. The statewide child fatality review committee established by [IC 31-33-24-6](#);
18. 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;
19. Any authorized employee of DCS for an appropriate purpose, as determined by the Director or Deputy Director of Field Operations;
20. A citizen's review panel, established under [IC 31-25-2-20.4](#);
21. **[NEW]** The DCS Ombudsman; and
22. **[NEW]** The state superintendent of public instruction with protection for the identity of:
 - a. Any person reporting known or suspected child abuse or neglect; and
 - b. Any other person if the person or agency making the information available finds that disclosure of the information would be likely to endanger the life or safety of the person.

[REVISED] Providing Information to Another CPS Agency

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

¹ Release of unredacted material under this provision must be approved by the DCS General Counsel

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 due to 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 collect the information needed to make the determinations outlined above from the requesting CPS agency and document this information within the case file, and
 - c. 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. **[NEW]** Redact the name of the report source and any information concerning any children or adults that are not the subject of the request prior to sending to the requesting agency.

[REVISED] Providing Information to Parent, Guardian, Custodian or Perpetrator

Upon request from the parent, guardian, custodian, subject child (if an adult at the time of request), appointed CASA/GAL, representative, or perpetrator, the FCM will:

1. Provide information regarding the assessment, after deleting the identities of the person making the report and other appropriate individuals;

[REVISED] Note: Carefully review to determine what information should be redacted to protect the safety of an adult victim of and children of families with identified domestic violence and any other person named in a report whose health or safety could be at risk, as determined by the DCS local office.

2. Provide a copy of the psychological evaluation to the person who is the subject of the evaluation **only** (unless the subject is a child);

Note: If anyone other than the subject of the psychological evaluation requests a copy, that request must be submitted to the doctor or psychologist who provided the service.

3. Consult with the DCS Local Office Attorney prior to releasing school records;

4. Consult with the DCS Local Office Attorney prior to releasing audio and video recordings.

No prerequisites for obtaining information beyond a written request may be imposed upon any person or agency entitled to obtain a copy of the information, other than reasonable copying costs. See Related Information for copying cost.

[REVISED] Release of Child Fatality and Near Fatality Records

All fatality and near fatality records and other records relating to a child victim for whom DCS has substantiated CA/N are subject to court approved release. The records may be subject to court approved release released upon the completion of the fatality assessment or earlier if a prosecutor has filed criminal charges against an alleged perpetrator of CA/N that resulted in a fatality or near fatality.

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).

Upon receipt of the public records request, the DCS Central Office Fatality Consultant will notify the DCS General Counsel, or his/her designee of the request:

1. Send a notice to the requestor regarding DCS' ability to process the request; and
2. Submit the file retrieved by the DCS Central Office Fatality Consultant to the juvenile court of the county in which the child died or the near fatality occurred, if the record(s) requested are a substantiated fatality or near fatality locate the records.

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

[REVISED] 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, custodian, or their relatives confidential [IC 31-27-4-21](#). Information about children involved in ongoing services cases and placed in a licensed home or facility 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;
6. A citizens review panel; and
7. **[NEW]** The DCS Ombudsman.

DCS will also restrict the use or disclosure of information concerning a child or their family who is receiving services through a placement for which assistance is provided under Title IV-E of

the Social Security Act. The information may be released only for one of the following purposes:

1. Administration of the state plan under Title IV-B, Title IV-D, or Title IV-E of the Social Security Act;
2. Any related investigation, civil or criminal proceeding;
3. Administration of any other federally assisted program based on need of the persons Assisted;
4. Any governmental agency audit of administration of any referenced plan or program funded under the plan; or
5. Reporting to appropriate authorities any information concerning known or suspected CA/N.

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.

PRACTICE GUIDANCE

N/A

FORMS AND TOOLS

N/A

RELATED INFORMATION

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.

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 2: Administration of Child Welfare	Effective date: September 1, 2008
	Section 7: Confidentiality of Social Security Numbers	Version: 2

POLICY

The Indiana Department of Child Services (DCS) will comply with state legislation with regard to the release of Social Security numbers. DCS staff may not disclose an individual's Social Security number unless written consent is received or such disclosure falls under the established exceptions.

EXCEPTION: Unless prohibited by state law, federal law, or court order, the following apply:

1. DCS staff may disclose the Social Security number of an individual to a state, local, or federal agency;
2. DCS staff may disclose the Social Security number of an individual to the judicial or legislative branches of government; and
3. A state law enforcement agency may, for purposes of furthering an investigation, disclose the Social Security number of an individual to any individual, state, local, or federal agency, or other legal entity.

A DCS worker may disclose the Social Security number of an individual if any of the following apply:

1. A resource family requests the Social Security number for purposes of claiming the child as an exemption for tax purposes;
2. The disclosure of the Social Security number is expressly required by state law, federal law, or a court order;
3. The individual expressly consents in writing for the disclosure of the individual's or his/her minor child(ren)'s Social Security number. The signed release may be valid for up to two (2) years from the date it was signed;
4. The disclosure of the Social Security number is made to comply with:
 - a. The USA Patriot Act, and
 - b. Presidential Executive Order.
5. The Social Security number may be disclosed to a commercial entity for the permissible uses set forth in the:
 - a. Drivers Privacy Protection Act,
 - b. Fair Credit Reporting Act, and
 - c. Financial Modernization Act.
6. The Social Security number may be disclosed for the purpose of administration of the health benefits for state agency employees or their dependents.

DCS staff must remove or permanently obscure an individual's Social Security number on a public record prior to disclosing the record. Disclosure of the last four (4) digits of a person's

Social Security number is not considered a disclosure of the Social Security number under this statute.

Code References

1. [IC 4-1-10-2: Definition of state agency](#)
2. [IC 4-1-10-3: Non-disclosure of social security number](#)
3. [IC 4-1-10-4: Exceptions to nondisclosures of social security numbers](#)
4. [IC 4-1-10-5: Permitted disclosures](#)

PROCEDURE

If DCS is going to provide/broker services for the family or there is a specific need to release Social Security numbers, the Family Case Manager (FCM) must obtain a signed [Consent to Release Social Security Number \(SF53254/CW 3230\)](#) form from the parent or legal guardian for the purpose of authorizing the release of the Social Security number for the individual or any minor children of the individual. In cases in which parental rights have been terminated, the FCM will complete the consent form. If a parent or legal guardian refuses to sign the consent form for the minor children, the FCM must obtain court authorization to release the Social Security number or the court must order the parent or legal guardian to sign the consent.

Social Security Administration (SSA) Data Access Audit

DCS established an agreement to establish terms, conditions, and safeguards under which the SSA agrees to disclose information relating to the verification of income and eligibility factors for state-administered programs authorized by sections 453 and 1137 of the Social Security Act (the Act); verifying Social Security numbers of applicants for, and recipients of, benefits under which programs ; and defining safeguards against unauthorized use and redisclosure of such information by DCS. This computer matching agreement is executed under the Privacy Act of 1974, 5 U.S.C. § 552a, as amended by the Computer Matching and Privacy Protection Act of 1988 (CMPPA), and related regulations. Below is the procedure for the SSA Data Access Audit.

Family and Social Services Administration (FSSA) will initiate a monthly random pull of 20 Indiana Client Eligibility System (ICES) records accessed by DCS employees.

DCS Central Office will:

1. Verify the proper usage of SSA data by DCS employees;
2. Send an electronic letter to the DCS Local Office Director and Regional Manager of the DCS employee, if DCS Central Office is unable to determine proper usage of SSA data; and
3. Forward the request to the Deputy Director of Field Operations and the Executive Staff, if a response is not received from the Director and/or Regional Manager of the DCS employee.

The DCS Local Office Director and/or Regional Manager will respond to the letter from DCS Central Office within ten (10) business days.

The Deputy Director of Field Operations and the Executive Staff will inquire if there is a delay from the Director and Regional Manager.

PRACTICE GUIDANCE

N/A

FORMS AND TOOLS

[Consent to Release Social Security Number \(SF53254/CW 3230\)](#)

RELATED INFORMATION

Penalty levels for violation of this legislation are established as follows:

1. Any state employee who knowingly, intentionally, or recklessly discloses a Social Security number commits a Class D felony which is punishable by up to one (1) year in jail;
2. Any person who knowingly, intentionally, or recklessly makes a false presentation to a state agency to obtain a Social Security number from the agency commits a Class D felony which is punishable by up to one (1) year in jail; and
3. Any employee of a state agency who negligently discloses a Social Security number commits a Class A infraction which is punishable by the levying of a fine.

If a questionable disclosure occurs, Indiana Administrative Code (IAC) controls what steps must be taken. Report the questionable disclosure to the Supervisor, DCS Local Office Director, and Regional Manager. Central Office must be advised.

Note: Disclosure includes handing a person a copy of information as well as allowing the person to view and verbally releasing the information.

Release of Child's Social Security Number to Resource Parent for Tax Purposes

If a request is received from a resource parent requesting a child's social security number to claim the child as an exemption for tax purposes, the FCM will require that the resource parent make this request in writing. The request from the resource parent should state why the resource parent is requesting the child's social security number (i.e. – for income tax purposes).

Release of Child's Social Security Number to Contractors

DCS will disclose a child's social security number to a Contractor if it relates to the child and the child's care and treatment while placed in Contractor's facility. Such information shall be released but not limited to, the following situations:

1. For children age sixteen and older if the case plan requires Contractor to assist the child in finding employment;
2. For children enrolled in the Medicaid program as needed for program enrollment and for on-going confirmation of enrollment status; or
3. For children for whom the rights of the parents have been terminated, the state may consent to release of the child's social security number pursuant to an exception set forth in [IC 4-1-10 Release of Social Security Number](#).

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 2: Administration of Child Welfare	Effective Date: January 1, 2009
	Section 9: Verifying Identity	Version: 2

POLICY

The Indiana Department of Child Services (DCS) will verify the identity of an adult or child prior to conducting a background check on the individual.

Prior to placing a child in the home of a relative, DCS will verify the relationship between the child and said relative.

Code References

N/A

PROCEDURE

To verify the identity of an adult or child who is a United States (U.S.) Citizen, the Family Case Manager (FCM) will ask to see a valid, government-issued photo ID. See Related Information for details.

To verify the identity of an adult or child who is a documented immigrant, the FCM will ask to see any available government-issued documentation, such as a Visa, driver's license or Permanent Residence Card ("Green Card"), etc.

To verify the identity of an adult or child who is an undocumented immigrant, the FCM will:

1. Ask to see any available documentation, such as the Matricula Consular and other Consulate-issued identification, etc; and
2. Ask to see a recent statement from a utility company (water, electric, gas, phone, cable TV, etc.) addressed to the individual at his/her present address.

To verify the relationship between a child and relative prior to placing the child with said relative, the FCM will:

1. Provide said relative with a copy of the [Statement of Attestation by Relative Regarding Relationship \(SF52727/CW2118\)](#) form;
2. Obtain a signature from said relative and sign the form as a witness;
3. Place a copy of the signed form in the child's case file; and
4. **[NEW]** The FCM will enter the relationship of the child and relative on the Placement Detail screen when entering the relative home as the child's placement in the Indiana Child Welfare Information System (ICWIS).

[See related policy 8.42 Verifying Citizenship and Immigration Status](#)

PRACTICE GUIDANCE

If unable to verify the identity for the child and further involvement is warranted, request the child's birth certificate/social security card. Otherwise, notify the supervisor that you were unable to verify, and document your request to the family to produce valid identification.

FORMS AND TOOLS

[Statement of Attestation by Relative Regarding Relationship \(SF52727/CW2118\)](#)

RELATED INFORMATION

Government-Issued Identification for Children

For children who are of legal driving age (16 in Indiana), ask to see a valid driver's license or learner's permit. For children who are younger than legal driving age, ask to see a school-issued identification card.

Child Doesn't Have Government-Issued Photo ID

In this situation, ask to see any available photo ID (i.e., community pool pass photo ID, etc.) and a copy of the child's social security card or birth certificate.

Child Doesn't Have a Photo ID

Ask to see two forms of government-issued identification, such as a social security card AND a birth certificate.

Government-Issued Identification for Non-Drivers

For persons of legal driving age who do not drive, ask to see a state government-issued identification card.

Illegal alien (undocumented immigrant)

For an individual who is an illegal alien (undocumented immigrant) and does not have any form of identification, assess whether the individual can adequately care for the child (i.e. – provide proof of employment in writing).

[NEW] Child Placed with Relative

Identifying the relationship between the child and the placement provider and documenting it on the Placement Detail screen in ICWIS will maximize funding to DCS. When this relative relationship is documented in ICWIS, this information is used to determine eligibility for federal funding which covers the costs of substitute care and administrative expenditures.

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 2: Administration of Child Welfare	Effective Date: July 1, 2011
	Section 10: Conducting Background Checks for DCS Contractors	Version: 3

POLICY [REVISED]

The Indiana Department of Child Services (DCS) requires background checks for the purpose of contracts on all employees, volunteers, interns, and subcontractors, (Covered Personnel) who have or will have:

1. Electronic or physical access to children's records; or
2. Direct contact with children on a regular and continuing basis or any contact when a child(ren) is/are alone or only with the contractor's staff in connection with performance of any services or activities pursuant to a contract with DCS.

Note: All required checks must be completed prior to the contractor submitting the contract for State signature.

DCS will conduct the following background checks for DCS Contractors which include the:

1. Fingerprint-Based National and State Criminal History Check (Fingerprint-Based Check)
2. Child Protection Services History Check (CPS History Check)
3. Sex Offender Registry Check
4. Local Law Enforcement Agency (LEA) Records Check

The type of background check conducted will vary based on the age of the subject of the check and the subject's performance of services or activities pursuant to the contract.

DCS will maintain confidentiality of all information gained during the background check process, following all applicable state and federal laws. See separate policy [2.6 Sharing Confidential Information](#).

Fingerprint-Based Checks conducted for a specific contractor and purpose may not be used for the same purpose with a different contractor. If a Covered Personnel takes on a new position, new background checks will only be required if the position requires additional checks than already completed.

Initial Contract Award

For those with direct contact with children on a regular and continuing basis or any contact when a child (ren) is/are alone or only with the contractor's staff in connection with

performance of any services or activities pursuant to a contract with DCS, a background check will consist of the following for initial award of a DCS contract:

1. For all persons age 18 and older:
 - a. Fingerprint-Based Check,
 - b. CPS History Check in every state the subject of the check has lived in the last five (5) years,
 - c. Sex Offender Registry Check in every state the subject of the check has lived in the last five (5) years, and
 - d. LEA Records Check in every state the subject of the check has lived in the last five (5) years.
2. For all persons 17 years of age and under:
 - a. CPS History Check in every state the subject of the check has lived in the last five (5) years, and
 - b. Sex Offender Registry Check in every state the subject of the check has lived in the last five (5) years.

For those with only electronic or physical access to children's records, a background check will consist of the following for initial award of a DCS contract:

1. CPS History Check in every state the subject of the check has lived in the last five (5) years, and
2. Sex Offender Registry Check in every state the subject of the check has lived in the last five (5) years.

Once a contractor has an effective DCS contract, all background checks must be completed and passed prior to Covered Personnel performing any activities related to the DCS contract. Any Covered Personnel who might serve as a substitute for a covered position, even in emergency circumstances, should undergo the checks required for that covered position.

Exceptions to Fingerprinting

The only exception to fingerprinting a subject of the check is if he or she has a physical disability that makes it impossible to obtain the subject of the check's fingerprint. The exception does not apply to those subjects of the check who can be printed but the quality of the fingerprints is poor. The exception can only be granted by the DCS Central Office Background Check Unit (COBCU) and is for limited and case-specific situations, such as the following:

1. When the individual does not have fingers;
2. When a person trained to take fingerprints has documented that the subject of the check's disabling condition prevents fingerprinting; or
3. When a qualified medical practitioner has documented the subject of the check's disabling condition prevents fingerprinting.

To receive an exception, the following must be sent to the DCS COBCU:

1. A letter requesting the exception and explaining the disabling condition; and

2. The required documentation from the person trained to take fingerprints, or qualified medical practitioner or evidence that the individual does not have fingers.

If the exception is granted, a non-fingerprint based check is required in every state the subject of the check has lived in the last five (5) years. For Indiana, the required Name-Based Check is the Indiana Limited Criminal History (LCH) Check. A new fingerprint exception must be requested and granted each time fingerprinting is required. See Practice Guidance.

Annual Certification

DCS requires contractors to collect from each Covered Personnel an annual attestation regarding whether that individual has any history of a CPS substantiation, arrest or conviction. The contractor shall report this information to DCS annually.

Four (4) Year Requirement

The required background checks must be performed every four (4) years based on the anniversary of the individual Covered Personnel's initial checks.

Code References

[IC 10-13-3-38.5 Conducting Fingerprint Criminal History Checks for Contractors](#)

[IC 10-13-3-27 Disclosure of State Limited Criminal History Information](#)

PROCEDURE

DCS will check for compliance with the following steps:

The DCS Contractor will complete the following background checks for all Covered Personnel by:

1. Verifying the identity of each subject of the check, regardless of age. See separate policy, [2.9 Verifying Identity](#).
2. Having the subject of the check complete the [Application for Criminal History Background Check \(SF53259/CW3610\)](#):
 - a. The subject of the check must sign and date the form, and
 - b. Place the original in the subject's personnel file.
3. Registering the person age 18 and older for the Fingerprint-Based Check, unless requesting an Exception to Fingerprinting, which consists of:
 - a. Registering the subject of the check for electronic fingerprinting by the DCS approved fingerprint vendor and provide the subject of the check with a copy of the registration confirmation number given at the end of the registration process,
 - b. Providing the subject of the check with the customized step by step instructions for registering for fingerprints if the contractor is unable to complete the registration themselves
<http://intranet.dcs.in.gov/Pages/Resources.aspx>.

- c. Informing the subject of the check to use the same government issued identification used during registration for fingerprints; and
 - d. Ensuring the subject of the check is successfully fingerprinted.
- 4. Obtaining and following up on the Fingerprint Status letter and informing the subject of the check of their status.
 - a. If fingerprints are rejected, follow the instructions on the Reprint Notice. A 'reprint' appointment must be scheduled. Provide subject of the check a copy of the notice if they will be scheduling their 'reprint' appointments themselves.
 - b. For all other results see separate policy, [2.11 Evaluation of Background Checks for DCS Contractors](#)
- 5. Conducting a Sex Offender Registry Check for all persons age 14 years and older and printing the results via the Dru Sjodin National Sex Offender Public website at <http://www.nsopw.gov/Core/Portal.aspx>.

Note: If you are searching a common name and results show multiple matches, narrow the search by state. If this occurs, search every state the subject of the check has lived in the last five (5) years.

- 6. Conducting a CPS History Check for all persons:
 - a. For Indiana:
 - 1. The DCS Contractor will complete Section A of the Indiana [Request for Child Protection Service \(CPS\) History Check \(SF 52802/CW 2128\)](#);
 - 2. The subject of the check, or representative if a minor, will complete Section B of the Indiana [Request for Child Protection Service \(CPS\) History Check \(SF 52802/CW 2128\)](#);
 - 3. Submit the form to DCS COBCU, who will complete Section C with the results and return to the contractor.
 - b. For all other states, conduct a CPS History Check search for every other state the individual has lived for the past five (5) years, if applicable; locate information for a CPS administrator to process your search request at; <http://www.cclid.ca.gov/AdamWalsh/2609.htm>
 Click on "[List of Contacts For Other State's Child Abuse and Neglect Registries](#)"
 - c. If the person has CPS history in any state, refer to separate policy, [2.11 Evaluation of Background Checks for DCS Contractors](#) for further required action.
- 7. Conducting LEA Records Checks by:
 - a. Requesting a records check to be completed by the LEA that would respond to the subject of the check's current home address, utilizing the [Application for Criminal History Background Check \(SF53259/CW3610\)](#), Section titled "For Law Enforcement Use Only.
 - b. Requesting searches from the appropriate LEA corresponding to ALL other residential addresses of the subject of the check during the past five (5) years.

- c. Upon receiving the results of each check, see separate policy, [2.11 Evaluation of Background Checks for DCS Contractors](#).

PRACTICE GUIDANCE

Notifying DCS of Substantiation of child abuse or neglect or arrest or convictions

The contractor shall immediately notify DCS within 24 hours of any substantiation of child abuse or neglect, arrest or conviction of Covered Personnel. The DCS Division responsible for the contract will evaluate the severity and seriousness of the offense on a case-by-case basis and contact COBCU if additional guidance is needed.

FORMS AND TOOLS

1. [Application for Criminal History Background Check \(SF53259/CW3610\)](#)
2. [Request for a Child Protection Services \(CPS\) History Check SF52802/CW2128\)](#)

RELATED INFORMATION

Unreadable Prints and Reprint Notice

Fingerprints may be rejected by the Indiana State Police (ISP) or the Federal Bureau of Investigations (FBI) for a number of reasons. Each rejection is evaluated individually. For each Reprint Notice issued the subject of the check must schedule a reprint appointment. Once the necessary number of rejections within the appropriate timeframe has been obtained, COBCU will request that a non-emergency Name-Based Check be processed. Once the name based check has been requested the processing timeframe is longer than a fingerprint check.

Registering for Fingerprints

If the contractor is unable to complete the registration process for the subject of the check, the subject of the check is to be provided a copy of the step by step instructions for registering for fingerprinting through the DCS approved vendor that has been customized to the correct contract provider name, contact person for that contract provider, that person's phone number and the correct reason for printing, and will also include the contractor's billing code for those providers having an escrow account and who choose to pay the expense of printing for the subject.

Exception to Fingerprinting

If an Exception to Fingerprinting request is granted, COBCU will run an Indiana LCH. The contractor will provide the non-fingerprint based checks for all other states the subject of the check has resided in the past five years to the COBCU. The COBCU will provide a letter via email to the contractor and inform them of the clearance status resulting from the search.

For purposes of the exception for a physical disability, a "qualified medical practitioner" means the following:

1. A physician licensed under IC 25-22.5.
2. A physician assistant licensed under IC 25-27.5.
3. A physical therapist licensed under IC 25-27.
4. An advanced practice nurse licensed under IC 25-23.
5. A chiropractor licensed under IC 25-10.
6. A psychologist licensed under IC 25-33.

Inaccurate Criminal Records

If any of the checks conducted by DCS reveal an inaccurate record, the record may be formally challenged. A Review Challenge of inaccurate information must be made to the arresting agency. For Indiana convictions, this would be made to the ISP.

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 2: Administration of Child Welfare	Effective Date: July 1, 2012
	Section 11: Evaluation of Background Checks for DCS Contractors	Version: 3

POLICY [REVISED]

The Indiana Department of Child Services (DCS) will evaluate all Fingerprint-Based National Criminal History Checks (Fingerprint-Based Checks) on all DCS Contractors. The DCS Contractor will evaluate the remaining background checks. See separate policy [2.10 Conducting Background Checks for DCS Contractors](#).

Fingerprint-Based Checks

The DCS Central Office Background Check Unit (COBCU) will evaluate the results and notify the contractor by e-mailing the Fingerprint-Based Check Status Letter.

The COBCU will conditionally disqualify all persons whose criminal history is incomplete and requires further verification.

Note: The subject of the check will remain in a conditionally disqualified status until the subject provides the COBCU with a copy of required verification of charges, including but not limited to court orders showing disposition and level of conviction, court order showing dismissal and/or arrest reports. Upon receipt of all necessary verifications, COBCU will reevaluate the status and issue an amended Fingerprint-Based Check Status Letter to the assigned contractor's contact person by e-mail.

The COBCU will disqualify all persons whose criminal history report includes the following, although some may be eligible to file for a waiver (see section on Waivers):

1. Any misdemeanor related to the health and/or safety of a child;
2. Any felony;
3. Four (4) or more misdemeanor convictions; and/or
4. **[REVISED]** A juvenile adjudication for an act that if committed by an adult would be one of the 21 felonies listed in the Waivers section below.

The COBCU will qualify all persons whose Fingerprint-Based Check Report has no criminal history or reflects arrests and/or convictions that do not result in a conditionally disqualified or disqualified status.

Child Protection Services (CPS) History Checks

The contractor will review the completed CPS History Check results from Indiana, and if applicable, all other states of residency within the past five (5) years and determine if there are reports of any substantiations of child abuse and/or neglect for the subject of

the check. If there is substantiated CPS history in Indiana or the equivalent in another state, a Waiver is required. See section on Waivers.

Sex Offender Registry Checks

The contractor will evaluate the Sex Offender Registry Checks to determine if there are any matches. If there is a match, the subject of the check cannot be employed or volunteer for the contractor; notify the COBCU immediately. The COBCU will re-evaluate the Fingerprint-Based Check criminal history report.

Local Law Enforcement Agency (LEA) History Checks

When completed, the contractor will evaluate the results of the LEA Records Checks. If there is a felony, four (4) or more misdemeanors, or a misdemeanor that relates to the health and safety of a child, the contractor or designee will contact the COBCU immediately. The COBCU will cross-reference the LEA Records Check with the Fingerprint-Based Check History Report to assure the LEA Records Check results do not alter the Fingerprint-Based Check Status. If the contractor believes the LEA Records Check report may alter the status of the Fingerprint-Based Check Report, the contractor will contact the consultant that is listed on the Fingerprint-Based Check Status Letter for further action.

Waivers

COBCU will accept a request for a waiver of disqualified juvenile history or of substantiated CPS history. COBCU will also accept a waiver request for disqualifying criminal history if the subject of the check has not been convicted of a misdemeanor related to the health and safety of a child or has not been convicted of any of the felonies listed below:

1. [Murder \(IC 35-42-1-1\)](#);
2. [Causing suicide \(IC 35-42-1-2\)](#);
3. [Assisting suicide \(IC 35-42-1-2.5\)](#);
4. [Voluntary manslaughter \(IC 35-42-1-3\)](#);
5. [Reckless homicide \(IC 35-42-1-5\)](#);
6. [Battery \(IC 35-42-2-1\)](#) within the last five (5) years;
7. [Domestic battery \(IC 31-27-4-13\)](#);
8. [Aggravated battery \(IC 35-42-2-1.5\)](#);
9. [Kidnapping \(IC 35-42-3-2\)](#);
10. [Criminal confinement \(IC 35-42-3-3\)](#) within the last five (5) years;
11. [A felony sex offense under \(IC 35-42-4\)](#);
12. [Carjacking \(IC 35-42-5-2\)](#) within the last five (5) years;
13. [Arson Class \(IC 35-43-1-1\)](#) within the last five (5) years;
14. [Incest \(IC 35-46-1-3\)](#);
15. Neglect of a dependent ([IC 35-46-1-4\(a\)\(1\)](#)) and ([IC 35-46-1-4\(a\)\(2\)](#));
16. Child selling ([IC 35-46-1-4\(d\)](#));
17. **[NEW]** Operating a vehicle while intoxicated ([IC 9-30-5](#)) within the last five (5) years;
18. A felony involving a weapon within the last five (5) years under ([IC 35-47](#)) or ([IC 35-47.5](#));

19. A felony relating to controlled substances within the last five (5) years under ([IC 35-48-4](#));
20. An offense relating to material or a performance that is harmful to minors or obscene under ([IC 35-49-3](#)); and/or
21. A felony that is equivalent to a felony listed in subdivisions one (1) through (19) for which the conviction was entered in another state.

The contractor will immediately remove the subject of the check from the schedule to work if the background check subsequently reveals:

1. Disqualified history or substantiated CPS history that is not waived by DCS; or
2. Disqualified history or substantiated CPS history where a waiver is not being actively pursued.

Code References

1. [IC 10-13-3-38.5 Conducting Fingerprint Criminal History Checks for Contractors](#)
2. [IC 10-13-3-27 Disclosure of State Limited Criminal History Information](#)
3. [IC 9-30-5: Operating a Vehicle While Intoxicated](#)

PROCEDURE

DCS Division responsible for the contract will ensure that the contractor completes the following steps.

1. For a Fingerprint-Based Check, review the results letter received from COBCU. Where the status of the Fingerprint-Based Check results are either conditionally disqualified or disqualified;
 - a. Provide a copy of the Fingerprint-Based Check Status Letter to the subject of the check,
 - b. If disqualified, instruct the subject of the check to contact the COBCU Consultant listed on the Fingerprint-Based Check Status Letter to determine if the subject of the check is eligible to apply for a Waiver. If eligible and the DCS Contractor supports the Waiver, instruct the subject of the check that a request for a Waiver must be submitted to the COBCU within 10 days of the date of the Fingerprint-Based Check Status Letter, (See # 5 below regarding applying for a Waiver), or
 - c. If conditionally disqualified, instruct the subject of the check to contact the COBCU Consultant listed on the Fingerprint-Based Check Status Letter within 10 days of the date of the results letter. Provide the requested documentation to the COBCU consultant. Upon reevaluation, if the status is disqualified refer to “b” above.
2. Review the results of the CPS History Check;
 - a. If a substantiated CPS history is discovered, the DCS Contractor will give the subject of the check a copy of the completed [Indiana Request for a Child Protection Services \(CPS\) History Check](#)

[\(SF52802/CW2128\)](#) form showing substantiated history or any comparable results from another state. See separate policy, [2.6 Sharing of Confidential Information](#), and

- b. A request for a Waiver should be filed within 10 days of receiving the CPS history. (See Waiver section below.) The request for the waiver must be granted for the employee or volunteer to be employed or volunteer as part of the DCS contractor. If already hired or volunteering, remove from the work schedule immediately.
3. Review the results of the Sex Offender Registry Check for a match to the subject of the check. If there a match for the subject of the check, do not hire or allow the subject to volunteer. If already employed or volunteering, then remove the subject of the check from the schedule immediately;
4. Review the results of the LEA Record Checks and contact COBCU within five (5) days of the check for further evaluation if there is a felony, four (4) or more misdemeanors, or a misdemeanor that relates to the health and safety of a child. At any time the DCS Contractor believes the LEA Record Check report may alter the status of the Fingerprint-Based Check, the DCS Contractor will contact the COBCU Consultant that is listed on the Fingerprint-Based Check Status Letter for further action;
5. To request a Waiver of disqualified criminal history and/or substantiated CPS history submit to the COBCU by fax at 317-234-4633 or scan/e-mail at background.checkunit@dcscs.in.gov:
 - a. A signed letter from the subject of the check explaining in detail the situation involving the substantiation or criminal act and addressing:
 1. The length of time since the person committed the offense, delinquent act, or act that resulted in the substantiated report of abuse or neglect;
 2. The severity of the offense or abuse or neglect, including jail or prison time served and whether they are currently on probation or parole; and
 3. Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable.
 - b. A signed letter on the DCS Contractor's letterhead or email from the Executive Director, or Human Resource Director explaining:
 1. His or her observation of the subject of the check;
 2. The reasons he or she supports or does not support the waiver request;
 3. If the subject is currently employed, volunteering or being considered for future work; and
 4. If a waiver has been applied for and granted in the past.
 - c. The [Indiana Request for a Child Protection Service History \(CPS\) History Check \(SF52802\)](#). If substantiation of abuse and/or neglect is found, there must be a print out the 311. Also if the subject has

resided outside the state of Indiana in the past five (5) years, the other state's CPS search results must also be submitted.

- d. A screen print of the completed Sex Offender Registry Check from the required National Sex Offender website,
 - e. A copy of the written results for all LEA checks, if applicable, and
 - f. A copy of the fingerprint based status letter which was e-mailed to the contractor, if requesting a CPS waiver only. This is required for checks completed for the purpose of contractor employment or contractor volunteer showing the fingerprint based status of qualified.
6. Place a copy of the results for all background checks and any waiver letters in the employee or volunteer's personnel file;

Note: A criminal history or CPS waiver granted for the purpose of employment or volunteering with a DCS contractor may not be used for any additional purpose. A new waiver request must be submitted and granted for each additional purpose.

The DCS COBCU will:

1. Evaluate the fingerprint-based check report within five (5) business days of receipt and notify by e-mail the assigned contractor's contact person regarding the clearance status;
2. If conditionally disqualified or disqualified, provide guidance, reevaluate history based on the received documentation, and issue a new Fingerprint-Based Check Status Letter, when applicable.
3. For waivers of disqualified criminal history and substantiated CPS history;
 - a. Upon receipt of the complete waiver request packet, the COBCU will summarize, make a recommendation, and submit the request to the Deputy Director of Placement Support and Compliance or designee;
 - b. Deputy Director of Placement Support and Compliance or designee will submit the recommendation to the Background Check Team for a joint decision;

Note: The Background Check Review Team is made up of the DCS Local Office Director (LOD) and Regional Manager located in the county/region in which the contractor is/will be located, the Deputy Director of Services and Outcomes or designee, and the Deputy Director of Placement Support and Compliance or designee. The team decision may be made via phone or email.

- c. Notify by email the assigned contractor's contact person of the waiver decision. A decision will be returned in approximately 10 business days and the status will be either "waiver granted" or "waiver not granted".

4. For Exception to Fingerprint request, when the exception is granted, generate the LCH and notify by e-mail the assigned contractor's contact person regarding the granted status.

PRACTICE GUIDANCE

N/A

FORMS AND TOOLS

N/A

RELATED INFORMATION

Factors for the Contractor and Background Check Review Team to Consider when Recommending and/or Approving the Background Check Waivers

Information yielded on all background checks should be considered, including but not limited to the following:

1. The length of time that has passed since the conviction, juvenile adjudication, or child abuse and/or neglect substantiation;
2. The severity of the offense; and
3. Evidence of the person's rehabilitation.

Disclosing National Criminal History Check Information

Neither the contractor nor the subject of the check shall receive a copy of the official criminal history transcript that contains criminal history reported by the Federal Bureau of Investigation (FBI) and the Indiana State Police (ISP). DCS may verbally disclose the specific crimes to the subject of the check. If any of the checks conducted by DCS reveal an inaccurate record, the subject of the check may formally challenge the record. A Review Challenge of inaccurate information must be made to the law enforcement agency that posted the record. To refute inaccurate Indiana criminal history records or information, please request a Review Challenge from Indiana State Police (ISP).

Disqualified Fingerprint Status

Disqualified status means that the subject of the check is ineligible unless a waiver is granted, to be an employee, volunteer and/or intern, including a subcontractor, who have or will have electronic or physical access to children's records, or direct contact with children on a regular and continuing basis or any contact when a child(ren) is/are alone or only with the contractor's staff in connection with performance of any services or activities pursuant to a contract with DCS ("Covered Personnel").

Conditionally Disqualified Fingerprint Status

Conditionally Disqualified status means that the subject of the check is ineligible until the conditionally disqualifying arrest or conviction is resolved and the status is changed

to Qualified (or the status is changed to Disqualified and a Waiver is subsequently granted) to be Covered Personnel.

Examples of reported information on a Fingerprint-Based Check Report that will lead to a conditional disqualification include but are not limited to an arrest without a disposition, a conviction without the level of the conviction being a misdemeanor or a felony, or a conviction where additional information on the circumstances of the arrest and conviction are required.

Qualified Fingerprint Status

Qualified fingerprint status means that the subject of the check is eligible to be Covered Personnel, as long as the subject of the check passes all other background checks.

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 2: Administration of Child Welfare	Effective Date: October 1, 2010
	Section 12: Indian Child Welfare Act (ICWA)	Version: 2

POLICY [REVISED]

The Indiana Department of Child Services (DCS) will ensure that any child who is a member of a federally recognized Indian tribe is afforded all rights under the Indian Child Welfare Act (ICWA) in order to promote the stability and security of Indian tribes and their families.

DCS will make diligent efforts beginning at Intake, to determine if a child is a member of an Indian tribe or eligible for membership in an Indian tribe. These efforts will continue throughout DCS involvement with the child(ren) and family. DCS will comply with all rules, regulations and laws governing ICWA and make a diligent effort to identify those children and families subject to the Act.

DCS will notify the Indian child's parents or Indian custodian and the Tribe whenever there is an action pending regarding placement or termination of parental rights involving a child who is or is believed to be a member, or eligible for membership in an Indian tribe. DCS will also send a copy of the notice to the appropriate Area Director of the Bureau of Indian Affairs and to the United States (U.S.) Secretary of Interior. If DCS is unable to identify or locate the parent, Indian custodian, or the Indian tribe, DCS will notify the appropriate Area Director of the Bureau of Indian Affairs and the United States (U.S.) Secretary of Interior.

All notices will be sent by certified mail, return receipt requested, and DCS will not make a foster care placement or hold a termination of parental rights proceeding until at least **ten (10) days** after receipt of notice by the parent or Indian custodian and the tribe or the United States (U.S.) Secretary of Interior. The parent, Indian custodian, or the tribe can, upon request, will be granted up to **twenty (20) additional days** to prepare for the proceeding. If there is imminent risk of physical harm, DCS may detain an Indian child in order to prevent imminent physical damage or harm to the child but must provide the notifications addressed above.

Preference for placement of an Indian child must be given in the following order to:

1. A member of the child's extended family;
2. A foster homes licensed, approved, or specified by the Indian child's tribe;
3. An Indian foster home licensed, approved by an authorized non-Indian licensing authority; or
4. An institution for children approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the Indian child's needs.

Applicability of the ICWA depends upon whether the proceedings in question (Child in Need of Services, Detention, Termination of Parental Rights, etc.) involve an “Indian child” within the definition utilized in 25 U.S.C. §1903(4). Whether or not a child is an Indian child for purposes of ICWA is determined by federal law and is not an arbitrary label assigned at the discretion of the parent.

Code References

- [25 U.S.C. §1903\(4\): Indian Child Welfare Definitions](#)
- [25 U.S.C. §1911: Indian tribe jurisdiction over Indian child proceedings](#)
- 25 U.S.C. §1913: Parental rights; voluntary termination
- 25 U.S.C. §1915: Placement of Indian children
- 25 U.S.C. §1916: Return of custody
- [25 U.S.C. §1922: Emergency removal or placement of child; termination; appropriate action](#)
- 25 C.F.R. §23.1: Definitions
- 25 C.F.R. §2311: Notice

PROCEDURE

[REVISED] The Family Case Manager (FCM) will:

1. Engage the child (if age appropriate) and family, during the initial contact, to assist in determining if the child and/or family are of Indian heritage or if the child is eligible for membership in an Indian tribe; and
2. If the parent or Indian custodian states that they are a member of an Indian tribe or that the child eligible for membership, engage the family to obtain information regarding the tribe and if the child is involved in any current legal actions.
3. If the parent or child states that they are of Indian heritage, contact the Hispanic Initiative Program Manager to proceed with the steps below.

The Supervisor will:

1. Ensure that the FCM is asking each child and/or family which DCS is involved if they are a member of an Indian tribe or eligible for membership; and
2. Assist the FCM to ensure adherence to ICWA.

[NEW] If it is determined that the parent, guardian or Indian custodian is a member of an Indian tribe or that the child is eligible, the FCM will contact the Hispanic Initiative Program Manager.

The Hispanic Initiative Program Manager will:

1. Obtain the telephone number for the tribe or look for the tribe in the Federal Register, Volume 75, No. 96 - Indian Child Welfare Act: Designated Tribal Agents for Service of Notice (May 19, 2010): If you cannot locate this document, ask the DCS Local Office Attorney to locate it on SharePoint.
2. Immediately notify by telephone, the Indian tribe that there is a pending proceeding in Indiana involving the placement of an Indian child and notify them that the Indian child has been or is being detained.
3. Complete the ICWA Notification Form and mail it certified with return receipt requested to the child's parents, guardian (or Indian custodian) and the tribe with copies (also certified mail, return receipt) to the Minneapolis Area Director of the Bureau of Indian Affairs and the United States (U.S.) Secretary of Interior. Any hearings regarding

placement (including pre-adoptive placement) may not be held until ten (10) days after the latest receipt by the parent, tribe, Minneapolis Area Director, Eastern Region Area Director, and Secretary of Interior.

4. Notify the Minneapolis Area Director and the U.S. Secretary of Interior if the identity or location of the parent or Indian custodian and the tribe cannot be determined.

PRACTICE GUIDANCE **[NEW]**

The FCM should engage every child (if age appropriate) and/or family in a discussion to determine if the child and/or family are of Indian heritage or the child is eligible for membership in an Indian tribe.

Indiana is in the Eastern Region. If any questions arise, contact the Regional Social Worker:

Department of Interior
Bureau of Indian Affairs
Eastern Regional Office
545 Marriott Dr., Ste 700
Nashville, TN 37214
Gloria York
Regional Social Worker
Phone No: (615) 564–6740;
Fax: (615) 564–6547

Although Indiana is in the Eastern Region, the Code of Federal Regulations require that DCS send the ICWA notice to the Minneapolis Area Director. DCS should also send a copy of the notice to the United States (U.S.) Secretary of Interior.

Department of Interior
Minneapolis Area Director
Bureau of Indian Affairs
One Federal Drive, Room 550
Ft. Snelling, MN 55111

Secretary of Interior
Office of Indian Services
1849 C St., N.W., MS-4513-MIB
Washington, DC 20240

The U.S. Secretary of Interior has fifteen (15) days after receipt to provide the required notice to the parent or Indian custodian and the tribe.

FORMS

[ICWA Notification Form](#)- Available in ICWIS

RELATED INFORMATION

[REVISED] Indian Child Welfare Act (ICWA)

The Indian Child Welfare Act of 1978 was enacted by Congress to assure that agencies meet the cultural needs of Indian children requiring out-of-home placement and to protect the

continue existence and integrity of Indian tribes. It gives the Indian child's parents or Indian custodian and their tribe the right to intervene or request transfer to their tribal court of any proceedings involving out-of-home placement of or termination of parental rights to an Indian child.

There is one(1) federally-recognized tribe in Indiana, the Pokagon Band of Potawatomi. If a case involving an Indian child comes to the attention of DCS, contact the address below to verify the child's eligibility for tribal membership:

Pokagon Band of the Potawatomi Indian
Social Services Director
58620 Sink Road
Dowagiac, MI 49047
(269) 782-6323
Mark.Pompey@pokagon.com

[REVISED] Indian tribe membership and eligibility

If the child is a member of a tribe or eligible for membership in a tribe, the family, the Indian custodian and the tribe have rights under the ICWA. These rights apply to any child protection case, adoption, guardianship, termination of parental rights action, runaway, or truancy matter involving the placement of an Indian child (foster care placements, termination of parental rights, pre-adoptive placements, adoptive placements, both voluntary and involuntary placements, transfers of placement and placements due to failed adoptions)

1. "Foster care placement" means any action removing an Indian child from the parent or Indian custodian for temporary placement in a foster home or institution or in the home of a guardian or conservator where the parent or Indian custodian cannot have the child returned upon demand, but where parental rights have not been terminated;
2. "Termination of parental rights" means any action resulting in the termination of the parent-child relationship;
3. "Preadoptive placement" means the temporary placement of an Indian child in a foster home or institution after the termination of parental rights, but prior to or in lieu of adoptive placement; and
4. "Adoptive placement" means the permanent placement of an Indian child for adoption, including any action resulting in a final decree of adoption.

Indian Child

Any unmarried person who is under age eighteen and is determined by the tribe, Bureau of Indian Affairs, or Department of the Interior, and is either:

1. A member or eligible for membership of an Indian tribe as determined by the Tribe and/or Nation, the Bureau of Indian Affairs, or the Department of the Interior; or
2. Eligible for membership in an Indian tribe and the biological child of a member of an Indian tribe.

Indian Tribe

The Indian tribe in which an Indian child is a member or eligible for membership or in the case of an Indian child who is a member or eligible for membership in more than one tribe, the Indian tribe with which the Indian child has the more significant contacts.

[NEW] ICWA protection for parents and Indian custodians

ICWA also provides several protections for parents or Indian custodians of an Indian child. These protections include the right to revoke voluntary consents to placements and to adoptions at any time prior to a decree of termination or adoption. If a consent is withdrawn, the Indian child shall be immediately returned to the parent or Indian custodian. After a Decree of Adoption is entered based on a voluntary consent, the parent may petition court to vacate the adoption decree based on fraud or duress. Upon a finding that consent was obtained through fraud or duress, the court shall vacate the adoption decree and return the child to the parent. However, no adoption in effect for at least two years may be challenged on this basis.

If a decree of adoption is ever vacated or set aside or the adoptive parents voluntarily consent to termination of their parental rights, the Indian child shall be returned to the biological parent or prior Indian custodian absent a showing that return is not in the best interests of the child.

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 2: Administration of Child Welfare	Effective Date: October 1, 2012
	Section 13: Expungement of Records	Version: 4

POLICY **[REVISED]**

The Indiana Department of Child Services (DCS) will ensure records are maintained in accordance with the rules and regulations set forth in [IC 31-33-26-15](#), [IC 31-33-27](#) and the [DCS Records Retention Schedule](#).

DCS will maintain Child Abuse and Neglect (CA/N) files of **substantiated** cases, unless expungement of the record is ordered by a court or Administrative Law Judge. These substantiated cases include both hard copy files and electronic files located in the Management Gateway for Indiana's Kids (MaGIK). DCS will maintain hard copy files of substantiated cases in the DCS local office for 10 years after the assessment has been approved by the supervisor. At that time, the hard copy file will be transferred to the records center.

DCS will maintain hard copy files of **unsubstantiated** cases in the DCS local office for six (6) months after the assessment has been approved by the supervisor. At that time, the hard copy file will be transferred to the records center. MaGIK files of **unsubstantiated** cases will be maintained until 24 years after the birth of the youngest child named in the DCS assessment report as an alleged victim of CA/N. Cases are included in this category if:

1. DCS approved the assessment as **unsubstantiated**; or
2. The court in a Child In Need of Services (CHINS) case entered a final judgment based on a finding that CA/N did not occur.

[NEW] Audio recordings of CA/N calls to the Indiana Department of Child Services (DCS) Child Abuse Hotline (Hotline) will be retained for 24 years from the date of the call.

Code References

1. [IC 31-33-8-12: Classification of reports](#)
2. [IC 31-33-27 Expungement of Child Abuse or Neglect Reports](#)
3. [470 IAC 1-4-1 Administrative Appeals](#)
4. [IC 31-33-26-15 Expungement within the Child Protection Index](#)

PROCEDURE

When an assessment is unsubstantiated, the FCM will scan all documentation in the case file into MaGIK.

When an assessment is substantiated, the FCM Supervisor will ensure the hard copy of the case is maintained in the DCS local office for 10 years, then transferred to the records center.

When an assessment is unsubstantiated, the FCM Supervisor will ensure the hard copy of the case is maintained in the DCS local office for 6 months, then transferred to the records center.

When the DCS local office receives a court order to expunge substantiated CA/N records, the Family Case Manager (FCM) will:

1. Determine the location of all records specified in the court order;
2. Provide the records for a review by the FCM Supervisor and the DCS Local Office Attorney;
3. Destroy any written record, hardcopy or electronic copy, as specified in the court order for expungement following the review by the FCM Supervisor and DCS Local Office Attorney; and
4. Contact the MaGIK Manager to request the specified electronic records in MaGIK be Expunged.

The FCM Supervisor will:

1. Review the court order;
2. Consult with the FCM regarding the identification and location of all documentation to be expunged; and
3. Provide this documentation to the DCS Local Office Attorney prior to destruction/expungement of records.

The DCS Local Office Attorney will:

1. Review the documentation that is to be expunged; and
2. Provide input to the FCM Supervisor prior to destruction/expungement of records.

PRACTICE GUIDANCE

N/A

FORMS AND TOOLS

1. [Assessment of Child Abuse or Neglect \(SF113/CW0311\)](#) – Available in MaGIK
2. [Records Retention Schedule](#)

RELATED INFORMATION

Definition of “Documentation”

For purposes of expungement, “documentation” includes all files and records created or maintained by DCS. The term includes the original and copies of documents, correspondence, messages, photographs, videotapes, audio recordings, audiovisual recordings, and any other material contained in electronic, paper, or digital form or in other media.

Access to Unsubstantiated CA/N Records

DCS may retain documentation relating to an unsubstantiated assessment of child abuse or neglect in paper or electronic form or in other media that is accessible only by management personnel. When completing an assessment that has limited-access history, the FCM can obtain temporary access to the documentation through their supervisor. Unsubstantiated case documentation will not be available when it has been expunged to comply with a court order.

Petition to Expunge Substantiated Report and Related Documentation

An individual identified as a perpetrator of child abuse or neglect in a substantiated report may file a petition with a court exercising juvenile jurisdiction in the county in which the individual resides, requesting the court order DCS to expunge the substantiated report and related documentation. The procedure for filing the petition is addressed in IC 31-33-27.

Request to Expunge Unsubstantiated CA/N Documentation

DCS may, upon the request of an interested person, expunge documentation relating to an unsubstantiated assessment of child abuse or neglect at any time, if DCS determines that the probative value of the documentation does not justify its retention in the records of DCS.

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 2: Administration of Child Welfare Services	Effective Date: September 1, 2008
	Section 14: Intentional False Reports	Version: 1

POLICY

OLD POLICY: 203.4

The Indiana Department of Child Services (DCS) has a duty to notify the prosecutor when there is a reason to believe a false Child Abuse and/or Neglect (CA/N) report was intentionally made.

The DCS local office will collaborate with local prosecuting Attorneys to facilitate the prosecution of individuals who intentionally makes false CA/N reports.

Code References

[IC 31-33-22-3 False Reports: Criminal and Civil Liability](#)

PROCEDURE

The intake worker/Family Case Manager (FCM) will immediately notify a Supervisor in writing (email is acceptable) if he or she suspects that a reporter has intentionally made a false CA/N report.

The Supervisor will review the information, and if he or she concurs with the suspicions, forward the matter to the attention of the DCS Local Office Director.

The DCS Local Office Director will:

1. Consult with the DCS Local Office Attorney, if they concur with the Supervisor's suspicions; and
2. Make a determination about whether or not to forward the information to the local prosecuting attorney for possible prosecution in accordance with local procedures.

PRACTICE GUIDANCE

N/A

FORMS AND TOOLS

N/A

RELATED INFORMATION

N/A

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 2: Administration of Child Welfare	Effective Date: September 1, 2008
	Section 15: Hospitalized Victim of Child Abuse/Neglect (CA/N)	Version: 1

POLICY

The Indiana Department of Child Services (DCS) must authorize the release of a child from the hospital when:

1. He or she is the subject of a Child Abuse and/or Neglect (CA/N) assessment;
2. Is the patient in a hospital; and
3. The hospital either was the reporter or has been notified of the CA/N assessment.

DCS will provide the hospital with a written release or a copy of a court order indicating that the child may be released to the child's parent, guardian, custodian, resource parent(s), or court approved placement.

Note: If DCS provides a verbal release, the DCS local office conducting the assessment will provide a written release or court order to the hospital on the next business day, confirming that DCS has granted authorization for the child's release.

Code References

1. [IC 31-33-11-1: Conditions for release of child under investigation for abuse or neglect](#)
2. [45 CFR 164.512\(b\)\(1\)\(ii\): Privacy of Individually Identifiable Health Information](#)

PROCEDURE

The Family Case Manager (FCM) will:

1. Assess if a hospitalized child alleged to be the victim of CA/N can safely be released to the parent, guardian, custodian, resource parent(s), or a court approved placement;
2. Staff assessment with their Supervisor; and
3. Provide written notice, signed by their Supervisor or a court order to the hospital to advise when the child may be released and to whom the child may be released.

The Supervisor will:

1. Provide verbal and written authorization to the FCM, after it has been determined that the hospitalized child alleged to be a victim of CA/N can safely be released to the parent, guardian, custodian, resource parent(s) or a court approved placement; and
2. Sign [Hospital Release Authorization \(HVACAN120801HRA\)](#).

Note: DCS will ensure that a release is provided on screen out reports.

PRACTICE GUIDANCE

Entering Placement Information for Hospitalized Victim of CA/N in the Indiana Child Welfare Information System (ICWIS)

If the child is brought to the hospital by the parent, guardian, or custodian and DCS determines that removal is necessary to ensure the safety of the child, the first placement entered is to be where the child is to be placed once the child leaves the hospital. If the child's medical condition warrants continued stay in the hospital, the hospital becomes the placement when DCS takes detention of the child. See separate policy, [6.1 Detention Hearing](#).

FORMS AND TOOLS

[Hospital Release Authorization \(HVCAN120801HRA\)](#)

RELATED INFORMATION

Overview of Hospitalized Victim of CA/N

Whenever a child who is a patient in the hospital is a subject of a DCS assessment for reported CA/N, and the hospital reported, or has been informed of the report and assessment:

1. The hospital should immediately contact the DCS local office to make them aware of the current medical situation of the child;
2. The DCS local office will request access to any written or verbal medical records or reports from the designated hospital staff (e.g., social worker, etc.) in order to assist in making a determination regarding continued detention to ensure the safety of the child;
3. The DCS local office will immediately follow their policy for detention and for obtaining appropriate court intervention or agency services for the continued safety of the child;
4. The hospital is to cooperate fully with whomever the DCS local office deems appropriate to have visitation or any other contact with the child. Approval must be given by DCS for interaction to take place; and
5. The hospital will continue to cooperate with the DCS local office in furnishing all records and information necessary to complete the ongoing assessment even after the child is hospitalized or released to the designated caregiver as determined by DCS.

Access to medical records for a hospitalized victim of CA/N

DCS can access the medical records pertaining to CA/N of a hospitalized victim if:

1. The hospital reported the alleged CA/N to DCS; or
2. The hospital has been notified of the CA/N assessment.

HIPAA

[45 CFR 164.512\(b\)\(1\)\(ii\)](#) makes exceptions to HIPAA for CPS investigations. "A covered entity may disclose protected health information for the public health activities and purposes described in this paragraph to ...A public health authority or other appropriate government authority authorized by law to receive reports of child abuse and neglect."

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 2: Administration of Child Welfare	Effective Date: 11/1/10
	Section 16: Quality Service Review (QSR)	Version: 2

POLICY

The Indiana Department of Child Services (DCS) Quality Service Review (QSR) protocol will use a thorough case review method and practice appraisal process to assess:

1. How children and their families are benefiting from services received; and
2. How well locally coordinated services are working for children and families.

Note: The central purpose of the QSR process is to encourage and support a successful change process leading to adequate, sustained daily functioning, safety, permanency, and well-being. The practice should be strength based, outcome-focused, and results-driven.

DCS will use an evidenced-based method (see Related Information for further details) to evaluate results in a specific service area at a given point in time, for the:

1. Status of the child receiving services;
2. Status of the parent/caregiver; and
3. Status of system performance based on evaluation of key practice indicator skills. See table (1) for further details.

The QSR will measure 22 specific Status Indicators

Child Status indicators	System Performance indicators
1. Safety 2. Behavioral Risk to Self/Others 3. Stability 4. Permanency 5. Appropriate Living Arrangements 6. Physical Health 7. Emotional Status 8. Learning & Development 9. Pathway to Independence	1. Role & Voice of Family Members ² 2. Team Formation & Functioning ¹ 3. Cultural Recognition ³ 4. Assessing & Understanding ³ 5. Long-term View ⁴ 6. Child and Family Planning Process ⁴ 7. Planning Transitions & Life Adjustments ⁴ 8. Intervention Adequacy ⁵ 9. Resource Availability ⁵ 10. Maintaining Quality Family Relationships ⁵ 11. Tracking & Adjusting ⁵
Parent/Caregiver Status indicators	Note: As related to the Indiana Practice Model "TEAPI" - teaming ¹ , engaging ² , assessing ³ , planning ⁴ , and intervening ⁵ .
1. Parenting/Caregiving Capacities 2. Informal Supports	

Table (1)

Note: The review of each child and family served is a unique test of the service system. A random sample of cases of children are reviewed to determine child and parent/caregiver status, recent progress, related system practice, and performance results.

[REVISED] The initiation of the QSR process will occur every 30 months for every local office, and will include the participation of all DCS local offices. All QSRs initiated will be scheduled with:

1. The Director of DCS;
2. The Regional Manager;
3. The Regional Quality Assurance (QA) Lead;
4. The Deputy Director of:
 - a. Field Operations, and
 - b. Practice Support.
5. Performance and Quality Improvement (PQI) State Director; and
6. The DCS Local Office Director.

PROCEDURE

Prior to the QSR:

1. A maximum random sample of 24 cases and assessments will be selected per region. Each random sample will be reflective of the region's population¹ of cases. The sample selection should be distributed to reflect the population in the following areas:
 - a. Age of child,
 - b. Type of placement (e.g., congregate care, licensed foster care, etc.),
 - c. Case type (i.e., Informal Adjustment (IA) or Child in Need of Services (CHINS)),
 - d. Assessments, and
 - e. Length of time in care.

Exception: Marion and Lake Counties will each have a maximum random sample of 72 cases and assessments, due to the size of the regions. Region four (4) will have a maximum random sample of 36 cases and assessments, due to the size of Allen County within this region.

The sample pull will consist of one (1) case type (i.e., IA or CHINS) or assessment per worker. If insufficient staffing ratios causes more than one (1) case pull from the same worker, a second case type or assessment will be selected.

2. The Family Case Manager (FCM) will:
 - a. Complete two (2) duplicate information case files containing information specifically requested, as indicated in the following checklist about the child and family:
 - 1) Interview Schedule,
 - 2) Directions to Interviews,
 - 3) Release of Information,
 - 4) General Information,
 - 5) Brief Case Summary,
 - 6) 310 & 311 (include history),
 - 7) Preliminary Inquiry (PI),
 - 8) Genogram,
 - 9) Safety/Risks/Needs Assessment,
 - 10) Case Plan/Child and Family Team Meeting Notes,
 - 11) Contact Logs,
 - 12) Court Reports,
 - 13) Assessments (e.g., Parent, Medical, IEP, Psychological, etc.), and
 - 14) Confirmation Letters.

¹ The term population denotes a statistical population (i.e., a set of entities concerning which statistical inferences are to be drawn, often based on a random sample taken from the population).

- b. Schedule and confirm interviews for the case, with the focus child and parent(s), along with the most significant people involved in the case (generally four (4) to eight (8) individuals). Individuals that reviewers may meet with include, but are not limited to the following:
 - 1) Relatives,
 - 2) Resource parents,
 - 3) Teachers,
 - 4) Mentors,
 - 5) Therapist,
 - 6) School Counselor,
 - 7) Court Appointed Special Advocate (CASA) or Guardian Ad Litem (GAL),
 - 8) Child and Family Team (CFT) Members,
 - 9) FCM, and
 - 10) Service Providers.
3. Three (3) to four (4) weeks prior to the review, the PQI Staff will contact each FCM to:
 - a. Review case preparation progress,
 - b. Address questions, and
 - c. Ensure that the reviewer's schedule is within allowable timeframes. See Related Information for further details.

[REVISED] During the QSR week, the following tasks will occur:

1. The PQI Staff will assign a team of two (2) reviewers to a child's case and this team will consist of:
 - a. A reviewer-in-training (i.e., Shadow or Lead), and
 - b. The Mentor Reviewer.

Note: The Mentor Reviewer will negotiate a working agreement with the reviewer-in-training as to who will conduct the interviews while the other reviewer serves as a scribe (i.e., documents the information obtained through the interviews).

2. Prior to any interviews, the Mentor Reviewer and the reviewer-in-training will review the file and meet with the assigned FCM. The status of the case will be checked in comparison to the information initially provided. The reviewers may request at any time that additional interviews be scheduled during the review process;
3. One (1) case will be assigned to each review team during the review. The case will be reviewed on Tuesday and Wednesday, unless the DCS local office is closed in observance of a holiday. Each review team will provide feedback (i.e., debrief) Wednesday afternoon with the assigned FCM and/or Supervisor. After this debriefing, review teams will present to other review team members the reviewed cases, and determine common trends across case findings in what is known as the "mini-round";

Note: After conducting all of the interviews, the reviewers are asked to rate each of the Child and Parent/Caregiver Status and System Performance Indicators. Ratings in the QSR protocol for Indiana are made on a scale from (1 to 6 with N/A as a possible choice):

One	–	Adverse Performance
Two	–	Poor Performance
Three	–	Marginal Performance
Four	–	Fair Performance
Five	–	Good Performance

Six	–	Optimal Performance
N/A	–	Not Applicable

4. The “grand round” meeting will be open to the regional staff under review and the regional stakeholders. At the “grand round” meeting, there will be a presentation and analysis of the preliminary data collected during the regional review. Those in attendance will be asked to participate in several small group discussions, focused on how to improve overall system performance in areas where the regional scores reflected concerted action needed. The small groups will then gather and report to other participants their suggestions for system reform; and
5. The PQI State Director will issue a finalized regional report of findings, within 30 days of the review, to the following:
 - a. The Director of DCS,
 - b. The Deputy Director of Practice Support,
 - c. The Deputy Director of Field Operations,
 - d. Executive Manager, and
 - e. The Regional Manager.

PRACTICE GUIDANCE

N/A

FORMS AND TOOLS **[REVISED]**

1. Electronic Copy of Protocol Listing
2. Roll Up Sheet
3. QSR Reviewer Workbook
4. General Information Document

RELATED INFORMATION

Team Composition

Nine (9) skilled professionals will staff the PQI team. The team assesses the quality of service to families and children, front line workers’ practice skills, and adherence to the practice model.

Regional Managers are responsible for the selection of additional reviewers from his/her region to be trained and to assist in year round reviews.

QSR Results

The QSR examines recent results for a focus child and his/her parents/caregivers and the contributions made by local service providers in producing those results. Case reviews and other findings are used internally in an effort to improve practice skills. The QSR strives to stimulate and support skills needed to improve services for children and families who are recipients of the local community’s service providers. The service providers include, but are not limited to the following:

1. Child Welfare;
2. Health;

3. Mental Health;
4. Education; and
5. Juvenile Justice.

What is learned through the QSR

The QSR process involves case reviews, data pattern reviews², and interviews with key stakeholders. Triangulated results provide a rich array of well-focused lessons for skill refinements, next step actions and improvements, so that child/family independence from system involvement is achieved.

Note: The effectiveness of the key practice skills of Teaming, Engaging, Assessing, Planning and Intervening (TEAPI) can only be understood within the context of the status of the child and family progress being made. Thus, child/family status, recent progress, and performance of key practice functions together create a QSR case review.

[REVISED] Allowable Timeframes

Time management issues should be considered by the reviewer before a case review begins. These issues include but are not limited to:

1. No interviews after 6:00 pm (i.e., if appropriate);
2. Travel time;
3. Scoring time;
4. Interviewing and debriefing with FCMs and/or Supervisors; and
5. Scheduled mini-round meeting.

[REVISED] Qualified Regional Reviewer

To become a qualified regional reviewer workers will need to:

1. Complete a 2 day New Reviewer (protocol) training;
2. Shadow a Lead/Mentor Reviewer for one (1) case in a QSR;
3. Participate in two (2) QSRs as a Lead Reviewer in Training;
4. Complete one (1) day New Mentor training; and
5. Participate as a Lead/Mentor Reviewer.

Rating Scales

The QSR protocol uses a six (6) point rating scale as a “yard stick” for measuring the situation observed for each indicator. Overall, scores are divided in to two (2) major action steps:

1. Refine/Maintain (4-6); and
2. Concerted Action Needed (1-3).

Evidence-based Practice

Involves identifying, assessing, and implementing strategies that are supported by scientific research as being effective in improving outcomes for children and families. In child welfare practice, evidence-based practices are those that have strong research design, evidence of significant positive effects, sustained effects, and capacity for replication.

² Data analysis review is an analysis of data that provides information on regional trends.

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 2: Administration of Child Welfare	Effective Date: 11/1/10
	Section 17: Quality Assurance Review (QAR)	Version: 1

POLICY **[NEW]**

The Department of Child Services (DCS) Quality Assurance Review (QAR) provides an objective analysis of the Indiana Child Welfare System. The QAR evaluates systemic factors in each DCS local office by identifying strengths and needs to ensure compliance with:

1. Federal and state laws (i.e., statutes),
2. Regulations,
3. Policies, and
4. Social Work best practice.

The DCS local office will conduct the QAR on a quarterly basis in conjunction with the Reflective Practice Survey (RPS). Cases pulled for QAR will be randomly selected by the Office of Data Management (ODM) and include Assessments, IAs, and CHINS cases.

Note: The QAR pull consists of any assessment or case with an open case status within the previous 6 months from the pull date. The period under review begins with the pull date and reflects back one year. Each case will be reviewed for quality and best practice.

Regional Managers (RMs) will conduct a quarterly regional review of a small, random sample of cases that were reviewed by the DCS local office during the previous quarter. Cases pulled for this review will be randomly selected by the ODM and include Assessments, IAs, and CHINS cases.

Note: The RM review pull consists of any assessment or case with an open case status within the previous six (6) months from the pull date. The period under review begins with the pull date and reflects back one (1) year. Each case will be reviewed for quality and best practice.

The RM reviews will be conducted by the RM and upper management staff within the region. The Review Team will consist of:

1. Regional Manager
2. Local Office Director (LOD)
3. Supervisors.

Code References

N/A

PROCEDURE

The Supervisor will have one (1) case pulled for each Family Case Manager (FCM) assigned to their unit.

The Supervisor will:

1. Review the hard copy case file;
2. Review the case in the Indiana Child Welfare Information System (ICWIS);
3. Score each case using the appropriate form on the QAR SharePoint website; and
4. Submit the form electronically through the QAR SharePoint website by the last day of the quarter.

Note: Cases pulled for the QAR will not be available for review after the last day of the quarter.

The RM will:

1. Coordinate the RMs review process by convening the RM review team members;
2. Notify the DCS LOD if a child is in an unsafe situation and/or a non-compliance with policy or law exists.

Note: This notice will be sent via e-mail and followed up with a direct phone call to the DCS LOD.

3. RMs will utilize the QAR results to identify opportunities for improvement in the Strategic Action Report (STAR). The STAR reports will be discussed with the RMs at the RM team meetings.

Review Team will:

1. Review the hard copy case file;
2. Review the case in ICWIS;
3. Score each case using the appropriate form on the QAR SharePoint website; and
4. Submit the form electronically through the QAR SharePoint website by the last day of the quarter.

Note: Cases pulled for the QAR will not be available for review after the last day of the quarter.

DCS LOD will, upon receipt of the notification:

1. Initiate immediate action to bring a non-compliant or unsafe situation into compliance;
2. Notify the RM, via email, within 48 hours (excluding weekends and holidays) of how the unsafe situation was resolved; and
3. Notify the RM, via email, of a plan to resolve non-compliance with policy.

PRACTICE GUIDANCE

QAR result reports will be available for review on the QAR SharePoint within 15 calendar days from the end of each quarter. QAR result reports are generated for each QAR tool (Adoption, Assessment, CHINS and IAs) and additional reports are generated for 'All Survey Summary' and 'Exception' data. Each report provides a breakdown and comparison of Statewide, Regional and County data collected from the QAR. The Adoption, Assessment, CHINS and IA reports

provide additional breakdown of worker data. The Exception report provides county data on pulled cases that were not reviewed during the quarter and/or not completed incorrectly.

FORMS AND TOOLS

1. Quality Assurance Tools – available on the QAR SharePoint.
2. QAR Guidelines- available on the QAR SharePoint.

RELATED INFORMATION

Quality Assurance Tools and Guidelines

The Quality Assurance Tools and Guidelines Standardized instruments of basic questions applied to the cases to be reviewed. The Guidelines provide policy and procedural guidance for scoring the questions in the QAR tools.

RM case pull

The number of cases pulled will be determined by the total number of regional administrative staff assigned to that region and divided in half.

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 2: Administration of Child Welfare	Effective Date: August 1, 2011
	Section 18: Reflective Practice Survey (RPS)	Version: 1

POLICY **[NEW]**

The Indiana Department of Child Service (DCS) Reflective Practice Survey (RPS) provides an analysis of case management services by identifying the strengths and needs of the family, as well as, those of the Family Case Manager (FCM). The RPS tool uses field observation and a FCM interview to review cases in order to evaluate the FCM's practice skills.

Cases pulled for the RPS will be randomly selected by the Office of Data Management (ODM). The RPS will be completed quarterly in conjunction with the Quality Assurance Review (QAR). See separate policy, [2.17 Quality Assurance Review \(QAR\)](#). Only one (1) case will be selected per FCM for the QAR and RPS for an overall comprehensive assessment. The selected case, RPS tool and a link to the QAR Sharepoint can be accessed through the Indiana Child Welfare Information System (ICWIS) by clicking the 'Review' icon.

Note: The RPS pull consists of any assessment or case with an open case status within the previous 6 months from the pull date. The period under review begins with the pull date and reflects back one year. Each case will be reviewed for quality and best practice.

DCS will use the information obtained from the RPS to identify regional trends.

Code References

N/A

PROCEDURE

The Supervisor will:

1. Shadow the FCM on a home visit for the selected case;
2. Interview the FCM after the home visit using the RPS Indicator questions;
3. Score the case using information obtained from the field observation and FCM interview; and
4. Provide feedback to the FCM.

Note: The Supervisor will use case summary questions three (3) and four (4), at the end of the RPS, to identify trends and generate the trends report.

5. Develop and submit a trends report summary to the DCS Local Office Director (LOD).

The DCS Local Office Director (LOD) will submit a list of county trends to the Regional Manager (RM).

PRACTICE GUIDANCE

N/A

FORMS AND TOOLS

1. RPS Tool- available in ICWIS
2. Quality Assurance Tools – available on the QAR SharePoint.

RELATED INFORMATION

N/A

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 2: Administration of Child Welfare	Effective Date: October 1, 2012
	Section 19: Local Child Fatality Review Teams	Version: 1

POLICY [NEW]

The Indiana Department of Child Services (DCS) will form Local Child Fatality Review Teams¹ in each region. These teams will conduct child fatality reviews and examine factors contributing to fatalities. They will also make recommendations for strategies to prevent future deaths.

The Local Child Fatality Review Team will review the death of a child that occurred in the region and is:

1. Sudden;
2. Unexpected;
3. Unexplained;
4. Assessed by DCS for alleged abuse or neglect that resulted in the fatality; or
5. Determined by a coroner in the region served by the Local Child Fatality Review Team to be the result of a homicide, suicide, or accident.

At a minimum, each Local Child Fatality Review Team will meet in executive session² quarterly. Any review that involves confidential records or identifying information regarding the death of a child will take place in executive session. Executive sessions will include Local Child Fatality Review Team members and anyone invited to attend by the team Chairperson. Anyone that attends an executive session at the invitation of the team Chairperson and is not a member of the Local Child Fatality Review Team will be required to sign a confidentiality agreement in accordance with IC 31-33-24-12.

Local Child Fatality Review Teams will document data from each review on the National Center for Child Death Review Case Report Form available online through [The National Center for the Review and Prevention of Child Deaths](#). Teams will submit an annual report to the DCS Director and the Statewide Child Fatality Review Committee. The report will include non-identifying information regarding cases reviewed and aggregate data collected, information regarding the circumstances surrounding deaths, factors contributing to the deaths, and suggested prevention strategies.

Each Local Child Fatality Review Team will hold at least one (1) public meeting per year. During this meeting, non-identifying aggregate data, trends, and prevention activities will be discussed.

A Local Child Fatality Review Team will consist of the following members from the area served by that team:

¹ For purposes of this policy Local Child Fatality Review Team refers to the Child Fatality Review Team conducted in each region.

² Executive Session refers to a meeting from which the public is excluded. However, the governing body may admit non members necessary or desired to conduct business.

1. A coroner or deputy coroner;
2. A representative from:
 - a. A local health department, or
 - b. A multiple county health department.
3. A pediatrician or family practice physician;
4. A representative of a law enforcement agency;
5. A representative from an emergency medical services provider;
6. A DCS Regional Manager (RM);
7. A representative of the prosecuting attorney;
8. A pathologist with forensic experience who is licensed to practice medicine in Indiana, and who, if feasible, is certified by the American Board of Pathology in forensic pathology;
9. A representative from a fire department or volunteer fire department;
10. A DCS attorney;
11. A mental health provider;
12. A representative from a school district; and
13. The prosecuting attorney or designee from the county where the child fatality occurred, as a non-voting member.

Optional team members from the area served by the Local Child Fatality Review Team may include professionals with experience relevant to a specific death or pattern of deaths, including:

1. A representative from a hospital;
2. A representative from a juvenile or probate court;
3. A representative from the Department of Natural Resources;
4. A representative from Prevent Child Abuse Indiana;
5. A Court Appointed Special Advocate (CASA) or Guardian Ad Litem (GAL); or
6. Other representatives requested to serve by the members of the Local Child Fatality Review Team may include, but are not limited to Toxicologist, Crash Reconstruction Specialist, and Injury Prevention Specialist.

Code References:

1. [IC 31-33-24 Child Fatality Review Teams](#)
2. [IC 5-14-1.5 Public Meetings \(Open Door Law\)](#)
3. [IC 5-14-1.5-3.6 Electronic Meetings of State Agencies](#)
4. [IC 5-14-3 Access to Public Records](#)

PROCEDURE

For Recruiting and Appointing members to the Local Child Fatality Review Team

Central Office Fatality Unit staff will:

1. Recruit individuals to serve as appointees to the team;
2. Reach out to groups that represent the necessary membership; and
3. Determine deadlines for applications and final appointments.

RMs will:

1. Assist Central Office with recruitment activities;
2. Serve as the designee for the Director of DCS to make the final decision on who to appoint for their Local Child Fatality Review Team; and
3. Notify appointees by letter and copy Central Office.

Local Office Directors (LODs) will submit one (1) name of an individual for each position on the Local Child Fatality Review Team to their RM for consideration.

Training Local Child Fatality Team Members

Training for team members will be provided through DCS.

Referring a Case to the Local Child Fatality Review Team

Central Office Fatality Unit staff will:

1. Obtain monthly information on the deaths of children from the Indiana State Department of Health; and
2. Provide information on child deaths to team Chairpersons. The Local Child Fatality Review Teams will determine which cases meet the criteria for review.

FCM/FCM Supervisors will notify the LOD upon receipt of a fatality assessment.

LODs will notify the RM upon receipt and completion of a fatality assessment.

RMs will ensure each fatality assessment from their region is reviewed by the Local Child Fatality Review Team.

Conducting a Local Child Fatality Review Team Meeting and Reviewing a Fatality

The RMs will:

1. Chair the Local Child Fatality Review Team, and attend all meetings, but may delegate facilitation to another team member;
2. Ensure team members are notified of meeting dates, locations and times;
3. Ensure a staff member familiar with the case being reviewed (FCM, FCM Supervisor, or LOD) attends the Local Child Fatality Review Team meeting;
4. Ensure DCS information on the cases being reviewed is disseminated to team members electronically or by mail at least one week prior to the Local Child Fatality Review Team Meeting;
5. Ensure team members receive identifying information (name, address, date of birth, date of death, location of incident leading to death, if applicable, and city/county of death) on cases that have no DCS history so they can check their agency records for history;
6. Determine the agenda for the meeting and ensure the agenda and notices for both public and executive session meetings are posted on the door of each local office in the region and at the meeting location 48 hours prior to a meeting;
7. Ensure minutes are kept for each meeting;
8. Ensure confidentiality agreements are signed and kept;
9. Ensure the National Center for Child Death Review Case Report Form available online through [The National Center for the Review and Prevention of Child Deaths](#) is completed correctly for each case and is entered into the National Center for Child Death Review Case Reporting System; and
10. Ensure an annual report is completed and submitted timely to the DCS Director and Central Office Fatality Unit.

The Local Child Fatality Review Team members will:

1. Review all records concerning the deceased child that are held by DCS regarding a death that the team is reviewing. The team may also review records obtained from a:

- a. Hospital,
 - b. Physician,
 - c. Coroner,
 - d. Law enforcement officer, or
 - e. Mental health professional.
2. Discuss information obtained from the perspective of each team member; and
3. Participate in the completion of an annual report.

PRACTICE GUIDANCE

Confidentiality

All identifying information in a fatality review is confidential. Local Child Fatality Review Team members must sign a confidentiality agreement that will last during their two-year term. Anyone who is invited by the Chairperson to attend an executive session, but is not a member of the Local Child Fatality Review Team will be required to sign a confidentiality agreement.

Local Child Fatality Team Membership

In some regions, a representative from each required discipline may not be available to serve on the Local Child Fatality Review Team. In these cases, a substitution may be made that will substantially fill that position. For example, a forensic pathologist may not be available in some areas. A pathologist could fill this position on the team. If a team member is unable to attend a meeting of the Local Child Fatality Review Team, the team Chairperson should be notified. Team members may not send a proxy to meetings they are unable to attend.

Statewide Child Fatality Review Committee Assistance

The Statewide Child Fatality Review Committee may review a fatality upon request of a Local Child Fatality Review Team. This request is made by completing the Statewide Child Fatality Committee Review Request (available on the Field Ops Report SharePoint under Fatalities).

FORMS AND TOOLS

Child Fatality Review Team Public Documents are set out below:

1. [Local Child Fatality Review Team Applicant Cover Sheet](#);
2. [Local Child Fatality Review Team Confidentiality Agreement for Team Member](#);
3. [Local Child Fatality Review Team Confidentiality Agreement for Invitee](#);
4. [Local Child Fatality Review Team Vision, Mission, and Goals](#);
5. Mandatory Team Member Roles:
 - a. [Role of the Coroner](#),
 - b. [Role of the DCS Representative](#),
 - c. [Role of the School District Representative](#),
 - d. [Role of the Emergency Medical Services \(EMS\) Representative](#),
 - e. [Role of the Fire Department Representative](#),
 - f. [Role of the Health Department Representative](#) ,
 - g. [Role of the Law Enforcement Representative](#),
 - h. [Role of the Mental Health Provider](#),
 - i. [Role of the Pathologist](#),
 - j. [Role of the Pediatrician-Family Practice Physician](#), and
 - k. [Role of the Prosecuting Attorney Representative](#).

6. Optional Team Member Roles:
- a. Role of the Court Appointed Special Advocate (CASA)/Guardian Ad Litem (GAL) Representative,
 - b. [Role of the Natural Resources \(DNR\) Representative](#),
 - c. [Role of the Hospital Representative](#),
 - d. [Role of the Juvenile-Probate Court Representative](#), and
 - e. [Role of the Prevent Child Abuse Indiana Representative](#).

Additional forms for internal use or use by the Local Fatality Review Teams are available on the Field Ops Report SharePoint under Fatalities

RELATED INFORMATION

N/A