

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY	
	Chapter 4: Assessment Section 17: Accessing Child's Medical, Mental Health, and Substance Use Records	
	Effective Date: January 1, 2026	Version: 4

POLICY OVERVIEW

Reviewing an alleged child victim's medical, mental health, and/or substance use records is important during a Child Abuse and/or Neglect (CA/N) assessment. The Indiana Department of Child Services (DCS) gets consent, as required, before accessing these records.

POLICY STATEMENT

DCS is required to obtain written consent from the alleged child victim's parent, guardian, or custodian prior to accessing any:

1. Mental health assessments or treatment records;

Exception: Under IC 16-39-2-6(b)(10)(F), DCS may access a mental health record without consent if the record was the basis for the CA/N report.

2. Medical records for the alleged child victim who was not involved in a CA/N assessment; and
3. Alcohol use and/or substance use assessment or treatment records.

Exception: If a child received treatment and gave voluntary consent, they may release the records without parent, guardian, or custodian consent.

DCS is **not** required to get consent from the alleged child victim's parent, guardian, or custodian or the child **before** accessing medical (**physical health**) records that relate to;

1. An examination or treatment that occurred during a CA/N assessment; or
2. A medical professional's report that led to a CA/N referral.

LEGAL REFERENCES

- [42 USC 290dd-2: Confidentiality of records](#)
- [45 CFR 164.512\(b\)\(1\)\(ii\): Standard: Uses and disclosures for public health activities](#)
- [IC 12-23-12-1: Notification or consent of parents or guardians; treatment in absence of notification](#)
- [IC 16-39-2: Chapter 2. Release of Mental Health Records to Patient and Authorized Persons](#)
- [IC 16-39-2-6\(b\)\(10\)\(F\): Disclosure without patient's consent; interpretation of records; immunities](#)
- [IC 31-32-11-1: Admissibility of privileged communications](#)
- [IC 35-37-6: Chapter 6. Privileged Communications and Victim Counseling](#)