

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY	
	Chapter 4: Assessment Section 06: Exigent Circumstances	
	Effective Date: January 1, 2026	Version: 5

POLICY OVERVIEW

Exigent circumstances may happen when asking a parent, guardian, or custodian for permission to interview a child could put the child in danger. DCS must decide if these circumstances exist before interviewing the child to help protect everyone's safety and rights.

POLICY STATEMENT

The Indiana Department of Child Services (DCS) reviews each Preliminary Report of Alleged Child Abuse or Neglect (310) to decide if exigent circumstances exist. This requires using critical thinking skills to understand the current safety factors and the potential risk of future harm to the child.

Exigent circumstances are urgent situations where DCS must act quickly to protect a child. These situations apply when:

1. DCS has clear evidence and reasonable suspicion that:
 - a. The alleged victim, or another child living in the home, has been or is about to be physically or sexually abused, or
 - b. The child has been or is about to be neglected in a way that puts their physical safety in serious danger.
2. There is no safer or less disruptive way to protect the child's immediate health or safety; and
3. At least one (1) of the following applies:
 - a. The parent, guardian, or custodian is the alleged perpetrator of the child abuse and/or neglect (CA/N), or they allegedly knew about the CA/N and did not keep the child safe,
 - b. There is reason to believe the child's safety could be at risk, or there is evidence or signs of CA/N to the child's body, which might be lost if DCS waits to take action before notifying the parent, guardian, or custodian, and/or
 - c. The child is a homeless unaccompanied minor receiving services at an emergency shelter (or shelter care facility) without parental consent.

Note: When the only concern is educational neglect, it does not qualify as an exigent circumstance.

Interviewing a Child at School

1. When going to the child's school to do an interview, state law allows DCS to talk to the child alone. When arriving at the school, DCS must show:
 - Proof they are a DCS employee (i.e., DCS badge), and

- A written statement (email or a handwritten) that says: “**DCS has parental consent or a court order, or exigent circumstances exist as defined by IC 31-9-2-44.1 to interview (insert child’s name).**”

Note: The statement must not include any details about the alleged CA/N and must protect the confidentiality of the child and their family.

LEGAL REFERENCES

- [IC 31-9-2-44.1: “Exigent circumstances”](#)
- [IC 31-33-8-7: Scope of assessment by department of child services; order for access to home, school, or other place, or for mental or physical examinations; petition to interview child; order; requirements](#)
- [IC 31-36-3: Chapter 3. Homeless Children](#)
- [IC 31-36-3-3: Notification to department; investigation of a child; notification to parents](#)