



INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY

Chapter 2: Administration of Child Welfare

Section 15: Hospitalized Victim of Child Abuse and/or Neglect (CA/N)

Effective Date: October 1, 2022

Version: 2

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POLICY OVERVIEW

To ensure the safety of a child who has been hospitalized and is an alleged victim of Child Abuse and/or Neglect (CA/N), the Indiana Department of Child Services (DCS) provides the hospital with a written release or a copy of a court order indicating the child may be released to the child's parent, guardian, or custodian; resource parent; or court-approved placement.

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PROCEDURE

DCS must authorize the release of a child from the hospital when:

1. The child is the subject of a CA/N assessment;
2. The child is the patient in a hospital; and
3. The hospital either was the reporter or has been notified of the CA/N assessment.

Note: DCS will ensure a release is provided to the hospital for screen-out reports.

The Family Case Manager (FCM) will:

1. Request access to any written medical records or reports from the designated hospital staff (e.g., social worker) in order to assist in assessing if a hospitalized child alleged to be the victim of CA/N can safely be released to the child's parent, guardian, or custodian; resource parent; or a court-approved placement;
2. Staff the assessment with the FCM Supervisor, and review the information obtained from the hospital to determine the most appropriate placement for the child; and

Note: If DCS determines that removal is necessary to ensure the safety of the child, the first placement entered in the case management system is the location where the child is to be placed once the child leaves the hospital. If the child's medical condition warrants a continued stay in the hospital, the hospital becomes the placement when DCS takes detention of the child. See policy 6.01 Detention/Initial Hearing for additional information.

3. Provide the Indiana Department of Child Services (DCS) Hospital Release Authorization form that has been signed by the FCM Supervisor or a court order to the hospital to advise when and to whom the child may be released.

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 DCS has granted authorization for the child's release.

The FCM 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, or custodian; resource parent; or a court-approved placement; and
2. Sign the Indiana Department of Child Services (DCS) Hospital Release Authorization form and provide the signed form to the FCM.

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RELEVANT INFORMATION

Definitions

N/A

Forms and Tools

- [Indiana Department of Child Services \(DCS\) Hospital Release Authorization \(SF 54337\)](#)

Related Policies

- [6.01 Detention/Initial Hearing](#)

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LEGAL REFERENCES

- [IC 31-33-11-1: Conditions for release of child under investigation for abuse or neglect; expenses of extended hospital stay](#)
- [45 CFR 164.512\(b\)\(1\)\(ii\): Uses and disclosures for which an authorization or opportunity to agree or object is not required](#)

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PRACTICE GUIDANCE- DCS POLICY 2.15

Practice Guidance is designed to assist DCS staff with thoughtful and practical direction on how to effectively integrate tools and social work practice into daily case management in an effort to achieve positive family and child outcomes. Practice Guidance is separate from Policy.

Access to Medical Records for a Hospitalized Victim of CA/N

DCS may 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.

Health Insurance Portability and Accountability Act (HIPAA) Exceptions for Child Protective Services (CPS)

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."

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, DCS should expect the hospital to:

1. Immediately contact the DCS local office to make them aware of the current medical situation of the child;
2. 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
3. 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.

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