



INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY

Chapter 2: Administration of Child Welfare

Section 31: Responding to Suspected Child Pornography

Effective Date: July 1, 2022

Version: 1

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POLICY OVERVIEW

The Indiana Department of Child Services (DCS) has developed a standardized process for documenting evidence of child pornography that DCS employees encounter in the course of their job duties in order to ensure the evidence is appropriately and thoroughly documented.

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PROCEDURE

Indiana and federal law make it illegal to possess child pornography. During the course of an assessment of Child Abuse and/or Neglect (CA/N), the Administrative Review Process, the Administrative Appeals Process, and/ or Child in Need of Services (CHINS) and Termination of Parental Rights (TPR) court proceedings, DCS employees may encounter suspected child pornography. DCS employees should not attempt to duplicate, copy, or in any way possess the material. If the pornographic material is electronic or received electronically, the DCS employee should not forward the material to others.

Upon encountering suspected child pornography, a DCS employee will:

1. Contact their immediate supervisor and law enforcement agency (LEA) immediately and request LEA take possession of the material;

Note: If LEA is unavailable and/or declines to take possession of the material, the Local Staff Attorney and Chief Counsel must be contacted as soon as possible to determine next steps.

2. Document the following in the case management system and the Preliminary Inquiry (PI), if applicable:
 - a. Communication with LEA (or a summary of the communication if it was verbal) and LEA's response to the request to take possession of the material, and
 - b. A detailed description of what the image depicts, which should include the following:
 - i. A full description of each individual appearing in the pornographic material including the individual's:
 - a. Race,
 - b. Sex,
 - c. Approximate age,
 - d. Hair color,
 - e. Identifying marks, and
 - f. Other observable characteristics or physical descriptors.

- ii. A full description of each animal appearing in the material, if applicable;
- iii. A full description of any other information discernable in the material including, but not limited to:
 - a. The room and any furniture or items in the room,
 - b. Approximate time of year and/or time of day, if discernable.
- iv. A full description of any audio that may be heard including:
 - a. Music,
 - b. Television sounds,
 - c. Voices, and
 - d. Other noises.
- v. Any other information that the DCS employee finds as relevant or unusual.

Note: The material that may be child pornography should not be uploaded to the case management system.

3. Seek supervisory guidance, as needed, to ensure the appropriate process is followed.

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RELEVANT INFORMATION

Definitions

Child Pornography

Child pornography is an obscene image or performance that depicts or portrays a child under 18 years of age engaged in sexual conduct or an image or performance depicting or portraying a child under 18 years of age created or possessed with the intent to arouse. An image or performance as described above may still be determined to be child pornography if the image is digitized and/or if the child depicted in the image or performance does not actually exist (e.g., a hand drawn cartoon).

Forms and Tools

N/A

Related Policies

N/A

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LEGAL REFERENCES

- [IC 35-31.5-2-164.2: "Image"](#)
- [IC 35-42-4-4: Child exploitation; possession of child pornography; exemptions; defenses](#)
- [IC 35-49-1: Definitions](#)
- [IC 35-49-2: General Provisions](#)

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PRACTICE GUIDANCE- DCS POLICY 2.31

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.

N/A

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