



INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY

Chapter 2: Administration of Child Welfare

Section 31: Handling and Documenting Suspected Child Sexual Abuse Material

Effective Date: November 1, 2023

Version: 2

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POLICY OVERVIEW

Indiana Department of Child Services' (DCS) employees may encounter suspected child sexual abuse material during their job duties which shall be handled and documented in a manner that does not retraumatize the child or breach relevant laws.

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PROCEDURE

IC 35-42-4-4 allows DCS employees to possess child sexual abuse material while acting within the scope of their job duties. DCS employees will not upload suspected child sexual abuse material into the case management system. DCS employees shall not attempt to duplicate or copy child sexual abuse material. If the child sexual abuse material is electronic or received electronically, the DCS employee shall not forward the material to others.

Upon encountering suspected child sexual abuse material, a DCS employee will:

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

Note: If LEA is unavailable and/or declines to take possession of the child sexual abuse material, the Local Staff Attorney and Chief Counsel will work with the DCS employee and their supervisor 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 child sexual abuse material, and
 - b. A detailed description of what the image depicts, which should include:
 - i. A full description of each individual appearing in the child sexual abuse 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 child sexual abuse material, if applicable;

- iii. A full description of any other information discernable in the child sexual abuse 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 in the child sexual abuse material including:
 - a. Music,
 - b. Television sounds,
 - c. Voices, and
 - d. Other noises.
- v. Any other factual information that the DCS employee finds relevant or unusual.

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

Child Sexual Abuse Material in the Case Management System

If DCS staff encounter suspected child sexual abuse material already in the case management system, the DCS employee will:

1. Report the issue to their direct supervisor;
2. Contact LEA to verify that the child sexual abuse material has been previously provided to LEA;
3. Work with LEA to provide the child sexual abuse material, if it is determined that the child sexual abuse material has not previously been provided to LEA; and
4. Submit a help desk ticket in the Management Gateway for Indiana's Kids (MaGIK) system for the child sexual abuse material to be expunged from the case management system.

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RELEVANT INFORMATION

Definitions

Child Sexual Abuse Material

Child sexual abuse material 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 sexual abuse material 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

- Critical Response Team (CIRT) email – DCS.CIRT@dcs.in.gov
- [CIRT Request](#)
- [Optum EAP website](#)

Related Policies

- [GA-17 Critical Incident Response](#)

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LEGAL REFERENCES

- [IC 35-31.5-2-164.2: "Image"](#)
- [IC 35-42-4-4: Child exploitation; possession of child sexual abuse material; exemptions; defenses](#)
- [IC 35-49-1: Chapter 1. Definitions](#)

- [IC 35-49-2: Chapter 2. General Provisions](#)
- [IC 35-36-10-2 "Child sexual abuse material"](#)

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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.

Support Services for DCS Employees

Services are available to assist DCS employees. Any employee may request an individual or group Critical Incident Stress Management (CISM) Response by completing a [Critical Incident Response Team \(CIRT\) Request](#) or by contacting the CIRT Liaisons via DCS.CIRT@dcs.in.gov or calling 317-407-6237 (see policy GA-17 Critical Incident Response). The Employee Assistance Program (EAP) is also available to employees by calling 800-886-9747 or visiting the Optum EAP website (use “State of Indiana” to log in).

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