



## INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY

**Chapter 2:** Administration of Child Welfare

**Section 31:** Handling and Documenting Suspected Child Pornography

**Effective Date:** November 1, 2023

**Version:** 2

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### POLICY OVERVIEW

Indiana Department of Child Services' (DCS) employees may encounter suspected child pornography 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 pornography while acting within the scope of their job duties. DCS employees will not upload suspected child pornography into the case management system.** DCS employees shall not attempt to duplicate or copy child pornography. If the child pornography is electronic or received electronically, the DCS employee shall not forward the material to others.

Upon encountering suspected child pornography, a DCS employee will:

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

**Note:** If LEA is unavailable and/or declines to take possession of the child pornography, 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 pornography, and
  - b. A detailed description of what the image depicts, which should include:
    - 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 child pornography, if applicable;
    - iii. A full description of any other information discernable in the child pornography,

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 pornography 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 Pornography in the Case Management System**

If DCS staff encounter suspected child pornography 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 pornography has been previously provided to LEA;
3. Work with LEA to provide the child pornography, if it is determined that the child pornography 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 pornography to be expunged from the case management system.

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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**

- Critical Response Team (CIRT) email – [DCS.CIRT@dcs.in.gov](mailto: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 pornography; exemptions; defenses](#)
- [IC 35-49-1: Chapter 1. Definitions](#)
- [IC 35-49-2: Chapter 2. General Provisions](#)
- [IC 35-36-10-2 "Child pornography"](#)

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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](mailto: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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