

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY	
	Chapter 4: Assessment	Effective Date: July 1, 2021
	Section 06: Exigent Circumstances for Interviewing Alleged Child Victims	Version: 3

POLICY OVERVIEW

Determining if exigent circumstances exist prior to interviewing an alleged child victim is an essential step in the assessment process to ensure the safety, well-being, and due process of the child. If seeking parent, guardian, or custodian permission prior to interviewing the child would further endanger the child, exigent circumstances may exist.

PROCEDURE

The Indiana Department of Child Services (DCS) should evaluate every Preliminary Report of Alleged Child Abuse or Neglect (310) on its own merit to determine if exigent circumstances exist. This requires the application of critical thinking skills to assess the current safety factors and the potential risk of future harm to the child.

Exigent circumstances exist when:

1. The department has definite and explainable evidence giving rise to a reasonable suspicion that the child or any child residing in the home with the child has been or is in imminent danger of being physically abused, sexually abused, or is being neglected such that the child's physical safety is seriously endangered.
2. There is no less intrusive alternative to the department's action that would reasonably and sufficiently protect the child's imminent health or safety; and
3. One (1) or more of the following applies:
 - a. The parent, guardian, or custodian of the child is the alleged perpetrator of the abuse or neglect of the child; or is allegedly aware of the abuse or neglect of the child and has allegedly not ensured the child's safety.
 - b. There is reason to believe that the safety of the child might be jeopardized; or essential evidence regarding signs or symptoms of abuse or neglect on or in the child's body might not be available; if the department's action is delayed or the child's parent, guardian, or custodian is notified before the department's action.
 - c. The child is a homeless unaccompanied minor and is voluntarily receiving services at an emergency shelter or shelter care facility without the presence or consent of the child's parent, guardian, or custodian.

Note: An allegation of educational neglect, with no additional allegations, does not qualify as an exigent circumstance.

The Family Case Manager (FCM) will:

1. Determine if exigent circumstances exist based on the FCM's best judgment and assessment of all information available at the time;

Note: Supervisory approval is not required to validate the decision made by the FCM regarding whether exigent circumstances are present. However, the FCM should

discuss the assessment with an FCM Supervisor if the FCM is unclear whether the safety and well-being of the child may be compromised by seeking consent prior to interviewing the child.

2. Proceed with interviewing the child without consent from the parent, guardian, or custodian if the FCM has determined exigent circumstance exist;

Note: In order to interview the child at the child's school, the FCM must present the following, upon arrival at the school (per Indiana code, this also allows for the FCM to interview the child alone):

- a. The FCM's credentials as a DCS employee (i.e., DCS badge), and
- b. A written statement (this could be an email or a handwritten statement which the FCM sends or writes while in the school) that states **"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 written statement shall not disclose any allegations or evidence and must protect the confidentiality of the child and the child's family.

3. Notify the parent, guardian, or custodian as soon as possible after the interview, but no later than the same day on which the interview occurred;
4. Follow all procedures in policy 4.05 Consent to Interview Child if the FCM has determined exigent circumstances do not exist; and
5. Document in the case management system if exigent circumstances exist, including the written statement provided to the child's school (if the interview occurs at the child's school), and the rationale for the decision.

The FCM Supervisor will:

1. Discuss the assessment details with the FCM if the FCM is unsure if exigent circumstances exist; and
2. Ensure all actions taken, including any deviation from best practice, are documented in the case management system.

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 31-36-3-3: Homeless children](#)

RELEVANT INFORMATION

Definitions

Exigent Circumstances

Exigent circumstances exist when:

1. DCS has definite and explainable evidence giving rise to a reasonable suspicion that the child or any child residing in the home with the child has been or is in imminent danger of being physically abused, sexually abused, or is being neglected such that the child's physical safety is seriously endangered;

2. There is no less intrusive alternative to the department's action that would reasonably and sufficiently protect the child's imminent health or safety; and
3. One (1) or more of the following applies:
 - a. The parent, guardian, or custodian of the child is the alleged perpetrator of the abuse or neglect of the child; or is allegedly aware of the abuse or neglect of the child and has allegedly not ensured the child's safety.
 - b. There is reason to believe that the safety of the child might be jeopardized; or essential evidence regarding signs or symptoms of abuse or neglect on or in the child's body might not be available; if the department's action is delayed or the child's parent, guardian, or custodian is notified before the department's action.
 - c. The child is a homeless unaccompanied minor and is voluntarily receiving services at an emergency shelter or shelter care facility without the presence or consent of the child's parent, guardian, or custodian.

Note: An allegation of educational neglect, with no additional allegations, does not qualify as an exigent circumstance.

Forms and Tools

- [Preliminary Report of Alleged Child Abuse or Neglect \(SF 114\) \(310\)](#)

Related Policies

- [4.05 Consent to Interview Child](#)