

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL</b>	
	<b>Chapter 4:</b> Assessment	<b>Effective Date:</b> June 1, 2011
	<b>Section 11:</b> Interviewing the Alleged Perpetrator	<b>Version:</b> 3

<b>POLICY</b>
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The Indiana Department of Child Services (DCS) will conduct a face-to-face interview with the alleged perpetrator of Child Abuse and/or Neglect (CA/N) unless:

1. An attorney representing the alleged perpetrator informs DCS that his or her client will not participate in an interview;
2. The alleged perpetrator's identity is unknown or he or she cannot be located;
3. The alleged perpetrator is a **child and** the parent, guardian, or custodian does not give consent to an interview **and** a court order can't be obtained; or
4. The alleged perpetrator has already been interviewed by Law Enforcement Agency (LEA) regarding the same allegations and DCS is able to obtain a copy of the interview.

If the alleged domestic violence offender is not the alleged perpetrator of CA/N, he or she must still be interviewed. The purpose of this interview is to thoroughly assess the safety of the child(ren).

DCS will immediately discontinue an interview if an alleged perpetrator requests an attorney.

If the alleged perpetrator is a child, DCS will seek a joint interview with LEA. DCS will not interview an alleged child perpetrator without LEA present unless LEA declines or is unavailable for participation.

DCS will coordinate with LEA when conducting interviews with alleged perpetrators who are in police custody and/or if a joint investigation is being conducted.

Code References

N/A

<b>PROCEDURE</b>
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In domestic violence assessments, prior to making face-to-face contact with the alleged perpetrator the Family Case Manager (FCM) will:

1. Inform the non-offending parent of the time and location of the interview with the alleged domestic violence offender, if possible; and
2. Plan for the FCMs own safety prior to and during the interview. Consider conducting the interview in a place where others are present (DCS local office, alleged domestic violence offender's place of employment, consult with Supervisor for additional suggestions).

**Note:** If the FCM has assessed that the alleged domestic violence offender appears too dangerous to interview alone, consider completing a joint assessment with LEA.

In all assessments, prior to starting the interview the Family Case Manager (FCM) will:

1. Secure identifying information and request the individual's Social Security number (SSN);
2. State the reason for the interview;
3. Explain that it is in the best interest of the alleged child victim's safety and well-being that the alleged perpetrator cooperates and completes an interview;
4. Inform the alleged perpetrator that any information he or she shares during the interview may be released to LEA, the Prosecutor, and/or other sources. If the alleged perpetrator is a child and the FCM is not reasonably assured that the child understands this statement, the FCM will make every effort to have the child's parent, guardian, or custodian present before starting the interview; and
5. Assure that the alleged perpetrator understands that he or she is free to end the interview at any time.

If the alleged perpetrator refuses the interview, the FCM will:

1. If the alleged perpetrator is a parent, guardian, or custodian, explain that if the FCM cannot verify that the child is safe by completing the interview, the child may have to be removed;
2. Explain that the CA/N assessment will move forward regardless of the alleged perpetrator's participation in an interview; and
3. Follow-up at a later time<sup>1</sup> with the parent, guardian, or custodian to see if he or she will agree to be interviewed.

During the interview the FCM will:

1. Stop the interview if the alleged perpetrator requests the presence of his or her attorney or if LEA indicates that the interview should be halted;
2. Engage the alleged domestic violence offender in an assessment that is respectful and structured;
3. Ask questions to establish the type of relationship the alleged perpetrator has with the alleged victim;
4. Not disclose any information provided by the non-offending parent or child(ren) during the interview. Refer only to information provided from 3<sup>rd</sup> party reports (e.g., LEA, court documents, etc.);
5. Take detailed notes or assure that detailed notes are taken by LEA or another FCM, if possible;
6. Allow the alleged perpetrator to respond to each allegation;
7. Allow the alleged perpetrator to tell his or her "side of the story";
8. Focus the interview on the safety of the child(ren);
9. Observe and ask questions about indications of CA/N;
10. Identify any children of the alleged perpetrator who do not reside with the alleged perpetrator and determine the reason he or she does not have custody;
11. Ask questions to determine the amount and type of access the alleged perpetrator has to the alleged child victim;
12. Review with the alleged perpetrator what has been discussed to confirm comprehension;
13. Explain that the assessment is not completed, what will happen next, and how he or she will be informed of results of the assessment;

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<sup>1</sup> Within the timeframe required to complete a timely investigation.

14. **[NEW]** Provide the alleged perpetrator(s) with a copy of the form, [Notice of Availability of Completed Reports and Information \(SF 48201/CW0024\)](#) and document in the [Assessment of Alleged Child Abuse or Neglect Report \(SF 113/0311\)](#). If the alleged perpetrator is a child, provide a copy to his or her parent, guardian or custodian.
15. If the alleged perpetrator is a child care worker, inform the child care worker that he or she will be notified in writing of the right to a review of the facts of the assessment prior to an assessment finding. See separate policy, [2.3 Child Care Workers Assessment Review Process](#);
16. Inform the alleged perpetrator that if the report is substantiated, he or she will receive a copy<sup>2</sup> of the completed assessment report, or if the alleged perpetrator is a child, his or her parent, guardian, or custodian will receive a copy. See separate policy, [4.22 Making an Assessment Finding](#); and
17. Inform an alleged perpetrator (or the parents if the alleged perpetrator is a child) that if an allegation of CA/N is substantiated, he or she will also receive instructions for requesting an Administrative Review of the decision by the DCS Local Office Director, and following that a hearing for further review, if requested. See separate policy, [2.1 Requests for Administrative Review](#).

After the interview, the FCM will:

1. Translate any hand-written interview notes by entering them electronically into the Indiana Child Welfare Information System (ICWIS); and
2. If a face-to-face interview with an alleged perpetrator did not occur or ended prematurely, document thoroughly the reasons why in ICWIS.

If the alleged perpetrator is a DCS employee the FCM will in addition:

1. Conduct the assessment following all policy as for any other alleged perpetrator;
2. Inform the alleged employee perpetrator that he or she must notify his or her DCS Local Office Director or work Unit Manager within one (1) business day of learning of the assessment;
3. Notify the alleged employee perpetrator's Regional Manager within one (1) business day of learning of the assessment if the alleged employee perpetrator works in a DCS Local Office;
4. Notify the DCS Human Resources Office within one (1) business day of learning of the assessment if the alleged employee perpetrator works in Central Office; and
5. Inform the alleged employee perpetrator that an Administrative Review of the assessment will be required if the assessment is substantiated.

See separate policy, [2.4 Assessment and Review of DCS Staff Alleged Perpetrators](#).

## **PRACTICE GUIDANCE**

### **Successful Interviews with the Alleged Perpetrator**

When engaging the alleged perpetrator, it is important to attempt to engage around a "mutual concern" for the safety and well being of the child. Do not assume that there is a lack of concern on the part of the alleged perpetrator. Establishing a non-adversarial tone will be most effective in gathering accurate information in a timely fashion.

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<sup>2</sup> Certain confidential information will be removed from the report copy, such as the identity of the reporting source.

**Note:** In assessments where domestic violence is alleged, the purpose of interviews with the alleged domestic violence offender is to discuss how to ensure the safety of the child(ren) not to get them to admit to the domestic violence.

Anticipate denial, minimizing, rationalization, and blaming someone or something else. Challenge the denial with observations and facts, do not “challenge” the individual. Point out statements and/or observations that are inconsistent with the explanation. Ask the alleged perpetrator to describe his or her perspective and the identified inconsistency. The FCM's tone should remain neutral and fact-oriented throughout the interview.

Assess the quality of the alleged perpetrator's relationship with the child and other family members to determine the level of risk to the child. It is important to remember that some allegations are wrong. A child may be injured due to an accident. The perpetrator may be someone else. The alleged perpetrator may be responsible but did not intend the result. While lack of intent to harm does not mean that maltreatment did not occur, it may have a positive implication for safety and risk. The FCM's questions will elicit information that is useful both in determining whether maltreatment occurred and in assessing safety and risk.

## FORMS AND TOOLS

1. **[REVISED]** [Notice of Availability of Completed Reports and Information \(SF 48201/CW0024\).](#)—Available in Hardcopy

## RELATED INFORMATION

### **Social Security Numbers (SSNs)**

An FCM should request the SSN of the alleged perpetrator, but he or she cannot legally demand and/or require the disclosure of this information.

### **Joint Interviews with LEA**

Whether DCS or LEA will take the lead during a joint interview should be decided on a case-by-case basis and will depend upon factors that include, but are not limited to: the nature of the allegations; the probability of criminal charges; who has more experience and training; who has better rapport with the alleged perpetrator; etc.

### **Alleged Perpetrator in Police Custody**

If the alleged perpetrator is in the custody of LEA, the FCM must work with LEA to ensure that the individual's rights under criminal law are not violated.

### **LEA Present for Alleged Child Perpetrator Interviews**

Anything an alleged perpetrator states during an interview with DCS, regardless of his or her age, can be used in a court of law. A child may not fully understand this, even if the FCM explains it, unless LEA is present during the interview. Most children of a certain age or developmental status will understand the seriousness of the situation more clearly when LEA is present.

### **Alleged Perpetrator is the Parent, Guardian, or Custodian**

The greater the degree of relatedness between the victim and the perpetrator, the greater the risk to the child, especially for emotional abuse. It is critical that the FCM remember the alleged perpetrator, in most cases, does care about the safety and well being of the child. The alleged perpetrator does, however, have a substantial vested interest in convincing professionals and others, including family members, that the child is either lying, mistaken, fantasizing, or emotionally disturbed. This is because potential consequences for the alleged perpetrator are dire, including loss of his or her child, family, and possibly job.

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