



<b>INDIANA DEPARTMENT OF CHILD SERVICES</b>	
<b>CHILD WELFARE POLICY</b>	
<b>Chapter 4: Assessment</b>	
<b>Section 30: Conducting Institutional Investigations by the Institutional Child Protection Services (ICPS) Unit</b>	
<b>Effective Date:</b> July 1, 2024	<b>Version:</b> 8

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**POLICY OVERVIEW**

*The ICPS Unit does not assess Child Abuse or Neglect (CA/N) reports on resource homes or on fatalities/near fatalities that occur in an institutional setting. For assessments regarding resource homes, see policy 12.23 Evaluation of CA/N Allegations or Complaints Involving Foster Family Homes. For assessments regarding fatalities or near fatalities, see policy 4.31 Child Fatality and Near Fatality Assessments.*

The Institutional Child Protection Services (ICPS) Unit conducts assessments of reports of Child Abuse and/or Neglect (CA/N) if the allegations state the incident of CA/N occurred while the child was in the care of an institution (see Definitions).

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**PROCEDURE**

The DCS ICPS Unit shall request joint assessments with Law Enforcement Agency (LEA) for licensed child care homes, residential childcare centers, or schools (or employees or volunteers of those persons or entities). The DCS ICPS Unit will not conduct an assessment on an unlicensed registered child care ministry without LEA involvement unless the child care ministry receives Child Care Development Fund (CCDF) vouchers (see policy 4.29 Joint Assessments with LEA).

The ICPS Unit will also conduct an assessment of a report of CA/N if the alleged victim is at least 18 years of age but less than 21 years of age and resides or has previously resided at a DCS-licensed residential facility and is harmed or threatened with harm by a member of the staff at the DCS-licensed residential facility as a result of:

1. A battery offense, or
2. Sexual activity.

**When Assigned an Assessment/Prior to Assessment Initiation**

When assigned an assessment and/or prior to assessment initiation, the ICPS Family Case Manager (FCM) will:

1. Review the Preliminary Report of Alleged Institutional Child Abuse or Neglect (310) and prepare for the assessment (see policy 4.02 Preparing for the Assessment);
2. Make verbal contact or e-mail LEA to request a joint assessment, and send a copy of the 310 to LEA;

**Note:** The conversation with LEA and the email to LEA providing a copy of the 310 should be documented in the case management system.

3. Locate the subjects named on the 310 (e.g., alleged victim; victim's parent, guardian, or custodian; and alleged perpetrator) (see policy 5.23 Diligent Search for Relatives/Kin and Case Participants); and
4. Notify the parent, guardian, or custodian (including incarcerated parents) of the allegation, and request consent to interview the child unless exigent circumstances exist (see policies 4.05 Consent to Interview Child and 4.06 Exigent Circumstances for Interviewing Alleged Child Victims).

**Note:** If the child victim is placed in a residential facility by DCS, the Department of Corrections (DOC), or Probation and the alleged perpetrator is an employee or another resident at the facility, exigent circumstances exist.

### **During the Assessment:**

During the assessment, the ICPS FCM will:

1. Notify the following if the child victim and/or the child perpetrator are Child in Need of Services (CHINS) or probation wards:
  - a. The FCM or Probation Officer assigned to provide permanency services for the child; and
  - b. The Guardian ad Litem (GAL) or Court Appointed Special Advocate (CASA) appointed for the child.
2. Follow appropriate procedures for gaining entry into the home or facility (see policy 4.08 Entry into Home or Facility);
3. Conduct the following interviews (in the order shown below, to the extent possible and practical):
  - a. An **in-person** interview with the **alleged child victim** (see policy 4.09 Interviewing Children);
  - b. An in-person or phone interview with the **reporting source** (unless the reporting source is anonymous);
  - c. An in-person or phone interview with every person (child or staff) who is known to have **witnessed** the incident (see policy 4.05 Consent to Interview Child). The ICPS FCM will document in the case management system if no witnesses exist or if a child witness's parent does not consent to the interview;
  - d. An in-person or phone interview with **professionals** who did not make the report but are believed to have first-hand knowledge that relates to the allegation(s), results of the incident, injury to the child victim, or circumstances of the family being assessed, if such professionals are accessible. The FCM will document in the case management system if no such professionals exist.
  - e. Any additional interviews necessary to gain adequate information from which to draw conclusions about the validity of the allegation(s). Examples may include, but are not limited to, DCS local office staff, DCS central office licensing staff, parents, family friends, Bureau of Child Care licensing staff, facility staff or management staff; and
  - f. An **in-person** interview with the **alleged perpetrator** (see policy 4.11 Interviewing the Alleged Perpetrator).
4. Visually examine the alleged child victim, as necessary, to confirm alleged or suspected bodily injuries. Photograph visible trauma found on the child or secure photographs or copies of said photographs that have been taken by a medical professional or LEA. Scan and upload any photographs taken or obtained into the case management system (see policy 4.14 Examining and Photographing a Child and/or Trauma);

5. Ensure the necessary medical and/or psychological examinations are arranged (see policy 4.16 Medical Examinations, Psychological Testing, Drug Screens, and Substance Abuse Evaluations);

**Note:** Ensure a Pediatric Evaluation and Diagnostic Services (PEDS) referral is completed for all reports involving a child less than six (6) years of age with an allegation of suspected abuse or neglect involving the head or neck (e.g., facial bruising, scratches, and red “ marks” on the face/neck; mouth or eye injuries; head bleeds; skull fractures; and fractures or burns involving the head/neck) or a child less than three (3) years of age with allegations of suspected abuse or neglect resulting in fractures or burns or suspected fractures or burns anywhere on the body. See Practice Guidance for additional information.

6. Obtain and review, when possible, the alleged child victim's records kept by the facility (e.g., daily log sheets, medical reports, incident reports, and surveillance);
7. Examine and photograph pertinent areas of the institution (e.g., classrooms, hallways, and items related to the allegations) and upload into the case management system;
8. Obtain and review information on the alleged perpetrator and their custodial relationship over the alleged child victim and any other information relevant to assessment completion;
9. Complete a Safety Plan, if applicable, and seek the FCM Supervisor's approval of the Safety Plan. Document any identified safety measures in the case management system (see policy 4.18 Establishing Initial Child Safety);
10. Gather additional demographic information that is not already included on the 310;
11. Discontinue the interview, and leave the premises if at any point concerns for the FCM's safety arise (e.g., the individual becomes hostile or threatening or there are other dangerous conditions in the home or facility). Seek supervisory input to make alternate arrangements to complete the assessment;
12. Provide each parent, guardian, or custodian (including an alleged father or any known noncustodial parent) and alleged perpetrator the Notice of Availability of Completed Reports and Information (NOA) form and document in the Assessment of Alleged Child Abuse or Neglect Report (311);
13. Provide the NOA form to the alleged minor perpetrator and the alleged minor perpetrator's parent, guardian, or custodian and document in the 311, if the alleged perpetrator is a minor;
14. Notify any state agency that has responsibility over licensing/certification within one (1) business day; and
15. Determine with the ICPS Supervisor if a review of the licensing file would further the progress of the assessment if the institution holds a license by an agency other than DCS.

**Note:** In situations when an institution will not release information without a subpoena or formal request from DCS, the ICPS FCM and their Supervisor and/or Program Manager will take necessary steps to obtain information or evidence that would further the progress of the assessment.

### **Assessments regarding DCS Staff or Child Care Workers (CCW)**

During assessments regarding DCS Staff, the ICPS FCM will:

1. Notify the employee's management team, which includes the FCM Supervisor, Local Office Director (LOD), Regional Manager (RM), and the DCS Human Resources (HR)

- Office within one (1) business day if the alleged perpetrator is a DCS staff member (see policy 2.04 DCS Employee Administrative Review Process);
2. Notify the DCS employee of the right to receive a formal administrative review prior to a substantiation being approved in the case management system (see policy 2.04 DCS Employee Administrative Review Process); and
  3. Notify the CCW of the right to participate in an informational review prior to arriving at a finding of substantiation (see policy 2.03 Child Care Worker Assessment Review Process).

### **Assessments Involving Institutions Licensed, Certified, or Monitored by Another State Agency**

If a listed state agency licenses, certifies, or otherwise monitors an institution in which the CA/N assessment is taking place, DCS will share intake/assessment information with that state agency:

1. Indiana Department of Correction (DOC);
2. Family and Social Services Administration (FSSA): Bureau of Disabilities (BDS);
3. FSSA: Division of Mental Health; or
4. FSSA: Division of Family Resources.

If another executive branch state agency is involved with the child or family, DCS will collaborate with the designated liaison from the agency.

### **Concluding the Assessment**

While concluding the assessment, the ICPS FCM will:

1. Document all information gathered during the assessment in the case management system;
2. Seek supervisory input as needed throughout the assessment during case staffing;
3. Document good faith efforts if unable to complete any element of the assessment, and seek supervisory input for additional instructions (see policy 5.23 Diligent Search for Relatives/Kin and Case Participants);
4. Send the Forty-five (45) Day Report of Assessment to the administrator of the facility that made the CA/N report, if applicable (see policy 4.21 Forty-five [45] Day Report of Assessment);
5. Arrive at a finding of substantiated or unsubstantiated for each allegation (see policy 4.22 Making an Assessment Finding);
6. Complete the 311 (see policy 4.25 Completing the Assessment Report and 4.B Tool: Assessment Narrative); and
7. Provide a copy, upon request, of the approved 311 to the director of a residential facility when a CA/N assessment is completed if the allegations involved a facility employee or volunteer when the child was placed at the facility.

**Note:** The 311 can be released to the facility even if the child is removed from the facility prior to the completion of the assessment (see policy 2.06 Sharing Confidential Information).

The ICPS Supervisor will:

1. Discuss the details of the assessment with the ICPS FCM during regular case staffing;
2. Approve the Safety Plan;
3. Send a copy of all 310s recommended for screen out to LEA;

4. Email a copy of each substantiated 311 to the Prosecuting Attorney in the county in which the residential facility is located and/or where the CA/N allegations are alleged to have occurred and to the Coordinator of the Child Protection Team (CPT);

**Exception:** A copy of each substantiated 311 will be sent to the Coordinator of the CPT unless, due to the high number of these reports monthly, an agreement has been reached and is in writing between DCS and the CPT that an alternative selection method will be used.

5. Send a copy of the approved 311 to the Secretary of Education if the assessment involved allegations regarding a licensed teacher (including substitutes) or to the Family and Social Services Administration (FSSA) Office of Early Childhood and Out-of-School Learning if the assessment involved allegations regarding a licensed child care provider that occurred in the course of their employment as a teacher or child care provider if the assessment involved allegations that took place on school or child care grounds. Prior to sending notice, the ICPS Supervisor must redact the report source from the report, as well as other identifying information on other persons if disclosure of the information would be likely to endanger the life or safety of the person; and
6. Send notice to the perpetrator regarding their rights to a review and an appeal of the decision if any allegations are substantiated. See policies 2.01 Notice of Assessment Outcome, 2.02 Administrative Review Process, 2.03 Child Care Worker Assessment Review Process, 2.04 DCS Employee Administrative Review Process, and 2.05 Administrative Appeal Hearings for additional information.

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## RELEVANT INFORMATION

### Definitions

#### Case Staffing

Case Staffing is a systemic, frequent, clinical review of all case information with safety and risk, permanency, and well-being as driving forces for case activities.

#### Child Care Worker (CCW)

DCS defines "Child Care Worker", per IC 31-9-2-16.6, as a person who:

1. Is employed or actively seeking employment (other than self-employment as an owner/operator) at any of the following types of facilities:
  - a. Child care center,
  - b. Child care home (licensed or required to be licensed),
  - c. Child care ministry (registered or required to be registered),
  - d. Residential group home,
  - e. Child Caring Institution (CCI),
  - f. School,
  - g. Juvenile detention center; **or**
2. Is a child caregiver who:
  - a. Provides or is responsible for providing care and supervision of a child to whom they are not a parent, stepparent, grandparent, aunt, uncle, sibling, or legal guardian or custodian with whom the person resides,
  - b. Provides the care described in (a) at a residence that is not where the child lives and outside of the presence of the child's parent, guardian, or custodian with whom the child resides,

- c. Is not required to be licensed as a childcare home or foster family home, and
  - d. Receives more than \$2,000 a year for providing care and supervision for a child or children; **or**
3. Has or will have direct contact with children on a regular and continuing basis through employment (or through employment being actively sought) with any agency, facility, or home that provides the following to a child or children to whom the person is not related:
- a. A service that provides for the care, health, safety, and supervision of a child's social, emotional, and educational growth, or
  - b. Services to, or for the benefit of, children who are victims of child abuse or neglect (this includes but is not limited to agencies, facilities, and homes that have contracts with DCS to provide services).

### Institution

An institution is defined as one (1) of the following:

1. Residential Facility (e.g., Indiana Department of Child Services (DCS) licensed Child Care Institution, Group Home, or Private Secure Facility );
2. School;
3. Hospital;
4. Juvenile Correctional Facility;
5. Adult Correctional Facility that houses juvenile offenders;
6. Bureau of Disabilities (BDS) Certified Group Home;
7. Licensed Child Care Home or Center;
8. Unlicensed Registered Child Care Ministry; or
9. Unlicensed Child Care Home or Center that cares for more than five (5) unrelated children.

### Victim of Child Abuse or Neglect

For purposes of IC 31-33, a "victim of child abuse or neglect" includes an individual who:

1. Is under the age of 18; or
2. Is 18 years of age and less than 21 years of age and resides, or has previously resided, at a residential facility licensed by DCS and is harmed or threatened with harm due to a battery offense or sexual activity committed by a member of staff at the residential facility.

### **Forms and Tools**

- [4.B Tool: Assessment Narrative](#)
- Assessment of Alleged Child Abuse or Neglect Report (SF 113) (311) - available in the case management system
- [Consent of Parent, Guardian, or Custodian to Interview Child\(ren\) \(SF 52013\)](#)
- [Forty-five \(45\) Day Report of Assessment \(SF 54854\)](#)
- Preliminary Report of Alleged Institutional Child Abuse or Neglect (310A) - available in the case management system
- [Request for Release of Assessment Information \(SF 55671\)](#)
- [Safety Plan \(SF 53243\)](#)
- [Notice of Availability of Completed Reports and Information \(SF 48201\)](#)
- [Notice to Parent, Guardian, or Custodian of Interview with Child \(SF 53130\)](#)

### **Related Policies**

- [2.01 Notice of Assessment Outcome](#)

- [2.02 Administrative Review Process](#)
- [2.03 Child Care Worker Assessment Review Process](#)
- [2.04 DCS Employee Administrative Review Process](#)
- [2.05 Administrative Appeal Hearings](#)
- [2.06 Sharing Confidential Information](#)
- [4.02 Preparing for the Assessment](#)
- [4.04 Required Interviews](#)
- [4.05 Consent to Interview Child](#)
- [4.06 Exigent Circumstances for Interviewing Alleged Child Victims](#)
- [4.08 Entry into Home or Facility](#)
- [4.09 Interviewing Children](#)
- [4.11 Interviewing the Alleged Perpetrator](#)
- [4.14 Examining and Photographing a Child and/or Trauma](#)
- [4.16 Medical Examinations, Psychological Testing, Drug Screens, & Substance Use Evaluations](#)
- [4.18 Establishing Initial Child Safety](#)
- [4.21 Forty-Five \(45\) Day Report of Assessment](#)
- [4.22 Making an Assessment Finding](#)
- [4.25 Completing the Assessment Report](#)
- [4.31 Child Fatality and Near Fatality Assessments](#)
- [5.23 Diligent Search for Relatives/Kin and Case Participants](#)
- [12.23 Evaluation of Child Abuse or Neglect \(CA/N\) Allegations or Complaints Involving Foster Family Homes](#)

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## LEGAL REFERENCES

- [IC 31-9-2-133: "Victim of child abuse or neglect"](#)
- [IC 31-33: ARTICLE 33. JUVENILE LAW: REPORTING AND INVESTIGATION OF CHILD ABUSE AND NEGLECT](#)
- [IC 31-33-7-8: Reports after initiation of assessment or investigation; contents; confidentiality](#)
- [IC 31-33-8-1: Investigations by the department of child services; time of initiation; investigations of child care ministries](#)
- [IC 31-33-18-2: Disclosure of unredacted material to certain persons](#)

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## PRACTICE GUIDANCE- DCS POLICY 4.30

*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.*

### **Access to Information**

The Indiana Department of Child Services (DCS) has the authority to request and secure any information from a facility that is necessary to conduct an Institutional Child Protection Services (ICPS) Child Abuse/Neglect (CA/N) assessment. This includes, but is not limited to, files kept on facility staff and children who attend the facility, and the facility's licensing file.

### **Assigning ICPS Assessments**

When assigning an assessment, the ICPS Supervisor will consider the experience and skill sets, caseloads, and schedules of available ICPS FCMs to determine the best match for the assessment. When a report is assigned, the person assigning the report will ensure the ICPS FCM receiving the report is notified.

### **ICPS Sexual Abuse Allegations**

When sexual acts occur involving child(ren) within an institutional setting, ICPS will assess only when the allegations are against a child or adult who is employed by or volunteers at that institution. See chart below for assignment examples:

<b>Alleged Perpetrator</b>	<b>Allegation Type</b>	<b>Assignment</b>
Institutional staff	Neglect/Sexual Abuse	ICPS
Child at the Institution	Sexual Abuse	ICPS
Unknown perpetrator (within the institution)	Sexual Abuse	ICPS
Unknown perpetrator (outside of institution)	Sexual Abuse	Local Office

**Example:** Two (2) children aged five (5) are acting out sexually in the bathroom at school. One (1) of the children displays sexual behaviors well outside typical development and there is suspicion that the child is a victim of sexual abuse. While the incident occurred within an institutional setting there is no allegation of neglect on the school, therefore the DCS local office assesses the allegations of sexual abuse on an unknown perpetrator in regard to the child displaying the sexual behaviors.

### **Pediatric Evaluation and Diagnostic Services (PEDS) Referrals**

All intake reports with allegations of suspected abuse or neglect involving the head or neck of a child, as well as, allegations of suspected abuse or neglect resulting in fractures and burns regardless of age will be identified in the case management system with a denotation of "PEDS allegation is included in this Report". Evaluations of all reports identified as having PEDS allegations should include any information obtained from the child and/or family. FCMs should utilize critical thinking skills to evaluate and staff the situation with an FCM Supervisor to determine if a need exists to complete a non-mandatory PEDS referral for children of any age with injury or suspected injury to the head or neck, fractures or burns, or suspected fractures or burns. A referral should also be considered if a child, regardless of age, is unable to provide an



explanation for the injury or the explanation for the injury is not convincing and there is reason to believe there is a pattern of repeated abuse.

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