



Michael R. Pence, Governor
Mary Beth Bonaventura, Director

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Child Support Hotline: 800-840-8757
Child Abuse and Neglect Hotline: 800-800-5556

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To: MaGIK Users

From: Mary Beth Bonaventura, Director
Jane A. Bisbee, Deputy Director Field Operations
Wade J. Hornbacher, General Counsel
Reba James, Deputy Director Permanency & Practice Support
Department of Child Services (DCS)

Subject: Interviewing Alleged Child/Youth Perpetrators
DCS-15-01

DCS may interview a child/youth for various different reasons throughout the life of an assessment including as an alleged child/youth perpetrator. DCS staff will obtain consent to interview all alleged child/youth perpetrators by completing [SF 52013 Consent of Parent, Guardian, or Custodian](#). If information obtained during an interview with a child/youth indicates that the child/youth may be a perpetrator of a criminal offense or delinquent act, DCS staff will contact the appropriate Law Enforcement Agency (LEA) and request LEA conduct any questioning of the child/youth relating to the child/youth's possible commission of a criminal offense or delinquent act. Any additional questioning of the child/youth without the participation of LEA will be limited to the concerns that do not implicate the child/youth as a possible perpetrator.

DCS staff (including the Local Office Attorney) is not authorized to waive any rights of an alleged perpetrator child/youth (including a child/youth adjudicated a Child In Need of Services (CHINS)) who is subject to a DCS assessment of allegations regarding Child Abuse and/or Neglect (CA/N) or criminal investigation. Specifically, DCS staff is not permitted to waive a ward's right to an attorney or provide consent for the ward to be interviewed if he or she is identified as an alleged perpetrator. In the event there is no legal parent, guardian or custodian for the ward identified as an alleged perpetrator in a criminal offense or Termination of Parental Rights (TPR) has occurred, DCS will not provide consent thereby not allowing LEA to interview the child without the child/youth (including children/youth having wardship status) having an opportunity to consult an attorney.



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Note: A DCS Local Office Attorney is not permitted to be the consulting attorney.

Practice Guidance

FCMs should staff with his or her FCM Supervisor if a situation arises and he or she is not sure how to proceed with interviewing an alleged child/youth perpetrator or questions arise regarding LEA involvement and consenting for the child/youth to be interviewed.

If you have any questions regarding these changes, please address them to the DCS policy mailbox at DCS.Policy@dcs.in.gov.

Sincerely,

Mary Beth Bonaventura, Director



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