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SECTION 1 - INTRODUCTION

101 Overview and Purpose

This Child Welfare Manual has been developed and produced according to the need expressed by Department of Child Services staff for a specific, factual, and procedural guide to delivering services to families and children within the context of recently enacted state and federal laws.

101.1 Use of the Manual

This manual is designed to be used as a reference guide relative to those policies, procedures and rules required by law and administered or supervised by the Central Office Department of Child Services (DCS).

A decimal numbering system format has been adopted to facilitate the location of information. That is, each topic and subtopic has been assigned a corresponding number. This system conforms to other DCS manuals. A subject index and comprehensive glossary of terms used in connection with family protection/preservation services can be found in the back of the manual. Informational references to the Indiana Child Welfare Information System (ICWIS) have been incorporated where applicable.

Note: Legal cites referenced in this manual reflect Public Law (P. L.) 1-1997 which recodified family and juvenile law. Users may cross-reference pre-codification cites to the new cites using the Title 31 Dispositional Table (Appendix C, Section 1).

101.2 Definition of Child Welfare Services

Child welfare services is a field of practice within social work whereby workers carry out the legal charge to prevent, ameliorate, and remedy social problems within a family unit. Only when such social problems result in a dysfunction between parents and children, or when the law authorizes other reasons for intervention, should service intervention occur.

The Indiana Juvenile Code, which became effective October 1, 1979, reflects this definition in its "General Policy and Provisions" section (IC 31-10-2-1). This section affirms that it is the policy of this state "to ensure that children within the juvenile justice system are treated as persons in need of care, protection, treatment, and rehabilitation." Further, the Code states that it is Indiana's policy to "strengthen family life by assisting parents to fulfill their parental obligations;" and "to remove children from their families only when it is in the child's best interest or in the best interest of public safety."

The Federal Social Security Act, Title IV, Part B, Section 425 [42 U.S.C. 625(a)(1)] offers this further definition:

For purposes of this title, the term "child welfare services" means public social services which are directed toward the accomplishment of the following purposes: (A) protecting and promoting the welfare of all children, including handicapped, homeless, dependent, or neglected children; (B) preventing or remedying, or assisting in the solution of problems which may result in, the neglect, abuse, exploitation, or delinquency of children; (C) preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing breakup of the family where the

prevention of child removal is desirable and possible; (D) restoring to their families children who have been removed, by the provision of services to the child and the families; (E) placing children in suitable adoptive homes, in cases where restoration to the biological family is not possible or appropriate; and (F) assuring adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption.

102 Legal Base

The direct delivery of child welfare services by the county offices of the Department of Child Services (county offices) under the administration or supervision of the Central Office of the Department of Child Services (DCS) is based upon federal and state laws and regulations. The foundation for public welfare is the 1935 federal Social Security Act, as amended.

The Welfare Act of 1936 (IC 12-1), as amended and supplemented by Public Law (P. L.) 16-1986 currently codified as IC 12-7 and IC 12-13-12-19, is the enabling legislation whereby Indiana qualifies for those provisions of the Social Security Act which have a bearing on public welfare programs. This Act defines the basic child welfare responsibilities of the DFC and charges the DFC with the administration or supervision of all of the public welfare program activities of the state. The Indiana Administrative Code (IAC), a compilation of promulgated rules, provides specific direction for the enforcement of the laws.

In response to federal legislation requiring all states to maintain a state automated child welfare information system (SACWIS), Indiana passed legislation (IC 31-33-20-1) requiring an automated child protection system. As a result, the Indiana Child Welfare Information System (ICWIS) was created. References to this system appear throughout this manual.

Information regarding other federal and state laws which impact upon public child welfare services can be found in the related sections of the manual.

103 Non-Discrimination in Service Delivery to Clients

The DFC is bound by Title VI of the Federal Civil Rights Act of 1964 [42 US Code (USC) 2000d], Section 504 of the Rehabilitation Act of 1973 (29 USC 794), Section 202 of the Americans With Disabilities Act of 1990 (42 USC 12132), and all rules related to these Acts, which deal with non-discrimination in service delivery to clients. All COFCs must be in compliance with the mandate that no one, on the basis of race, color, sex, national origin, or handicap, shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity for which the federal government provides funding.

The DFC is also bound by Indiana Code (IC) 22-9-1 of the Indiana Civil Rights Act, to prevent exclusion of a person from equal opportunity because of race, religion, color, sex, disability, national origin or ancestry. Child welfare services is a program covered by this requirement. Further and more specifically, the Small Business and Job Protection Act of 1996 (P.L. 104-188, Section 1808), known as the Interethnic Adoption Provisions (IEAP), which replaced the Multiethnic Placement Act (MEPA) of 1994, amended Section 471(a) of the Social Security Act [42 USC 671(a)] by adding the following state plan requirement:

“...(18) not later than January 1, 1997, provides that neither the State nor any entity in the State that receives funds from the Federal Government and is involved in adoption or foster care placements may -- (A) deny to any person the opportunity to become an adoptive or a foster parent, on the basis of the race, color, or national origin of the person, or of the child, involved; or (B) delay or deny the placement of a child for adoption or into foster care, on the basis of the race, color, or national origin of the adoptive or foster parent, or the child, involved.”

Based on the above federal and state statutes, Indiana's Five Year Comprehensive Child & Family Services Plan for delivery of services through federally funded Title IV-B programs states that child welfare services will be available on the basis of need for those services and shall not be denied on the basis of financial need, legal residence, social status, race, religion, color, sex, disability, national origin, or ancestry.

Persons who believe they have been deprived of their rights on any basis noted above have recourse to established grievance procedures. Corrective action on the part of the county office or Central Office, when warranted, will be applied to complaints in accordance with Indiana law.

104 Confidentiality of and Public Access to Records

Indiana law on access to public records, IC 5-14-3, authorizes any person to inspect and copy the public records of any public agency during normal working hours. This law does stipulate, however, that some records may remain closed. Included are records declared confidential by rule adopted by a public agency under specific authority granted to it and records required to be kept confidential by federal or state law.

Therefore, certain Bureau of Family Protection and Preservation (BFP/P) records such as those pertaining to adoption and to child abuse and neglect reports and investigations are to remain confidential and may be released only to those individuals or agencies specified by statute. If a record contains both discloseable and non-discloseable material, the agency must remove the non-discloseable material before making the record available to a person who is not specifically authorized by statute to have access to the confidential information. For complete guidelines regarding access to child welfare records, please refer to subsection 1106.5 of this manual.

No fee may be charged for inspection of public records. However, a copying fee may be charged which is not to exceed the average cost of copying or 10 cents per page, whichever is greater.

105 Funding

There are two types of funding for child welfare services that will be addressed in this manual. They are:

- . funding for services for children, both individually and as a group; and
- . funding for administrative expenditures.

Each type has specific funding sources that are, for the most part, established by law. These sources will also be briefly outlined.

Funding information regarding services for children is included within the sections to which the information relates. Please refer to the Table of Contents or the Index for specific subsection numbers. Detailed information on funding and fiscal procedures is available in other manuals and publications issued by the State of Indiana through the Department of Administration (DOA) or Department of Child Services (DCS). These materials should be available in all county offices. If they are not, contact the appropriate office to request them.

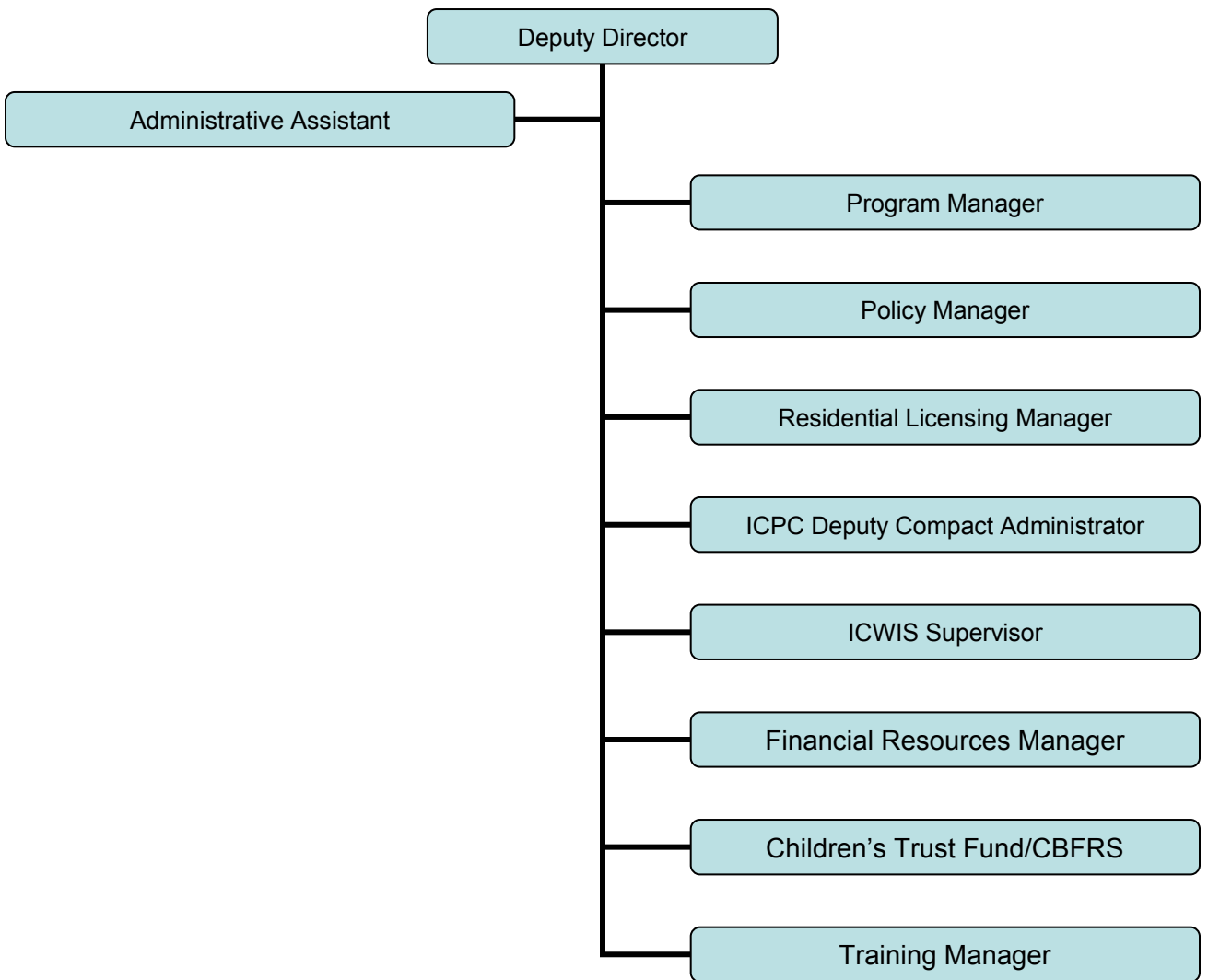
106 Department of Child Services and Bureau of Family Protection and Preservation Organizational Structure

It is helpful to have basic knowledge of the organizational structure of the Department of Child Services (DCS) and the Bureau of Family Protection and Preservation (BFP/P) when referring to this manual. The manner in which the DCS and BFP/P are arranged reflects certain legally mandated

requirements as well as informal administrative policy determinations. The organizational chart for DCS can be found in Exchange under All Public Folders/FSSA/DFC/Central Office Directory/DFC Executive Office Organization. For organizational charts of the BFP/P and the units within that bureau, see below.

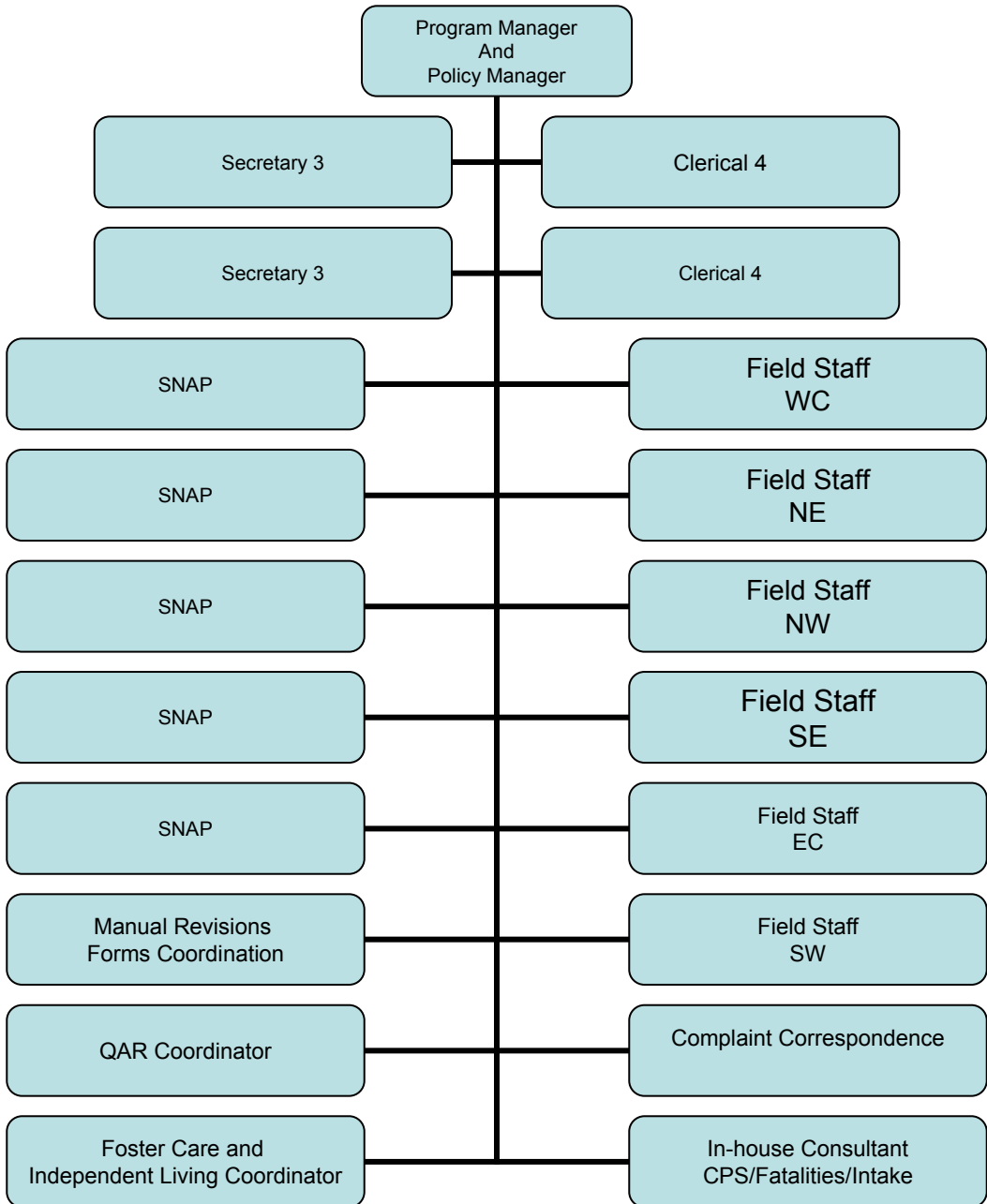
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Bureau of Family Protection and Preservation

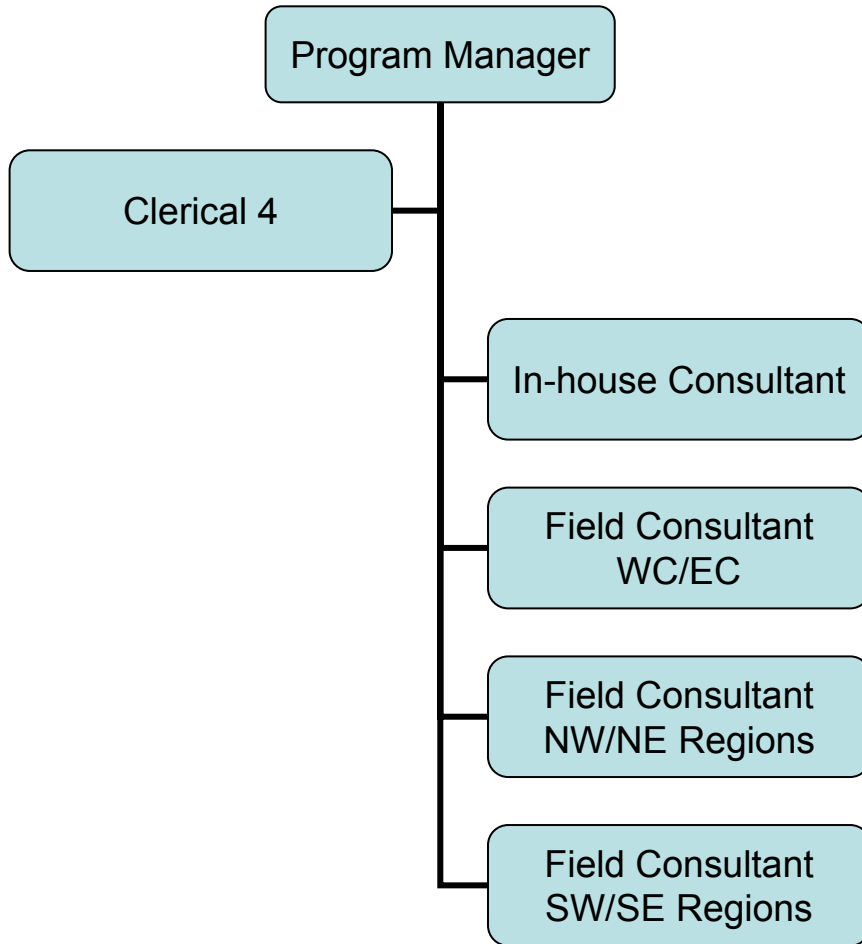


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Program and Policy Units

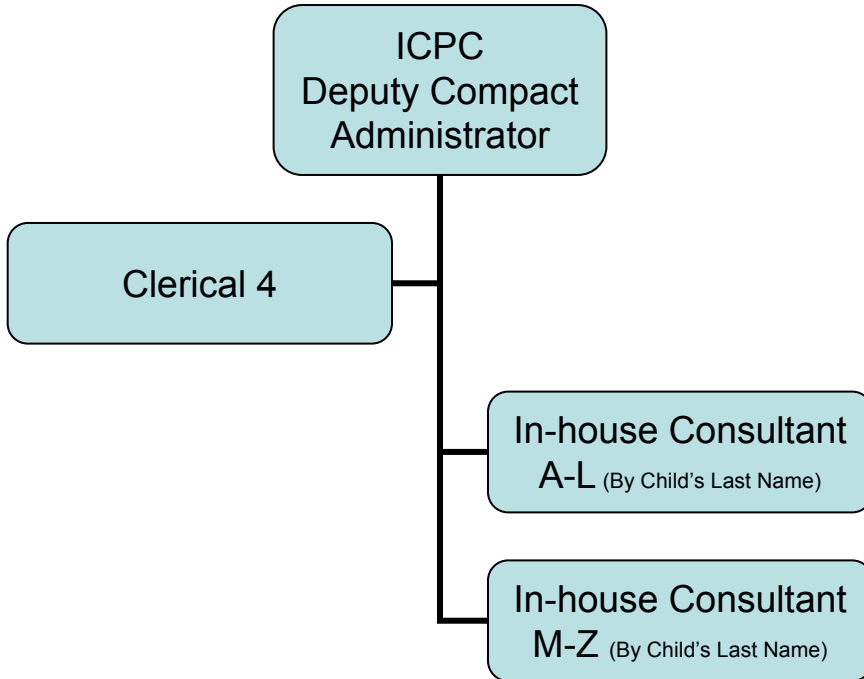


Residential Licensing

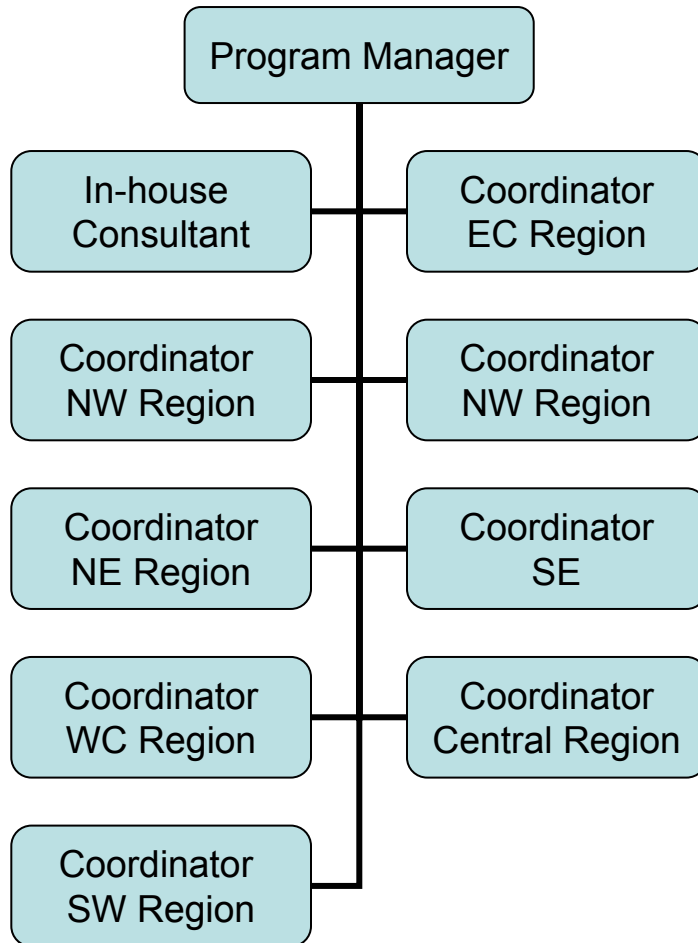


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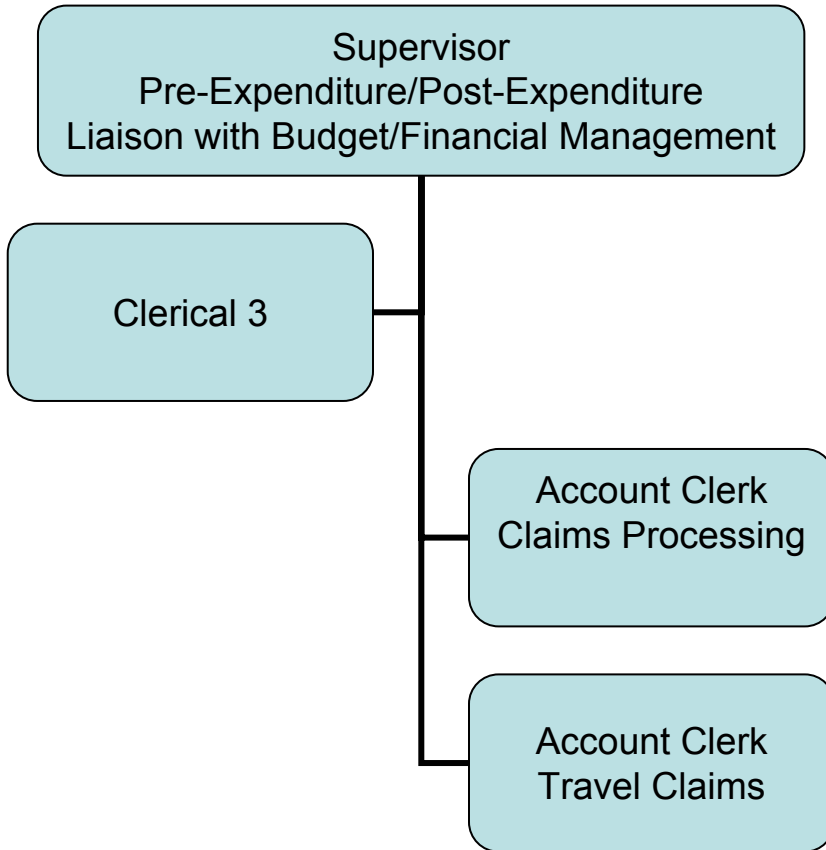
Interstate Compact On The Placement Of Children (ICPC) Unit



Indiana Child Welfare Information System (ICWIS) Project

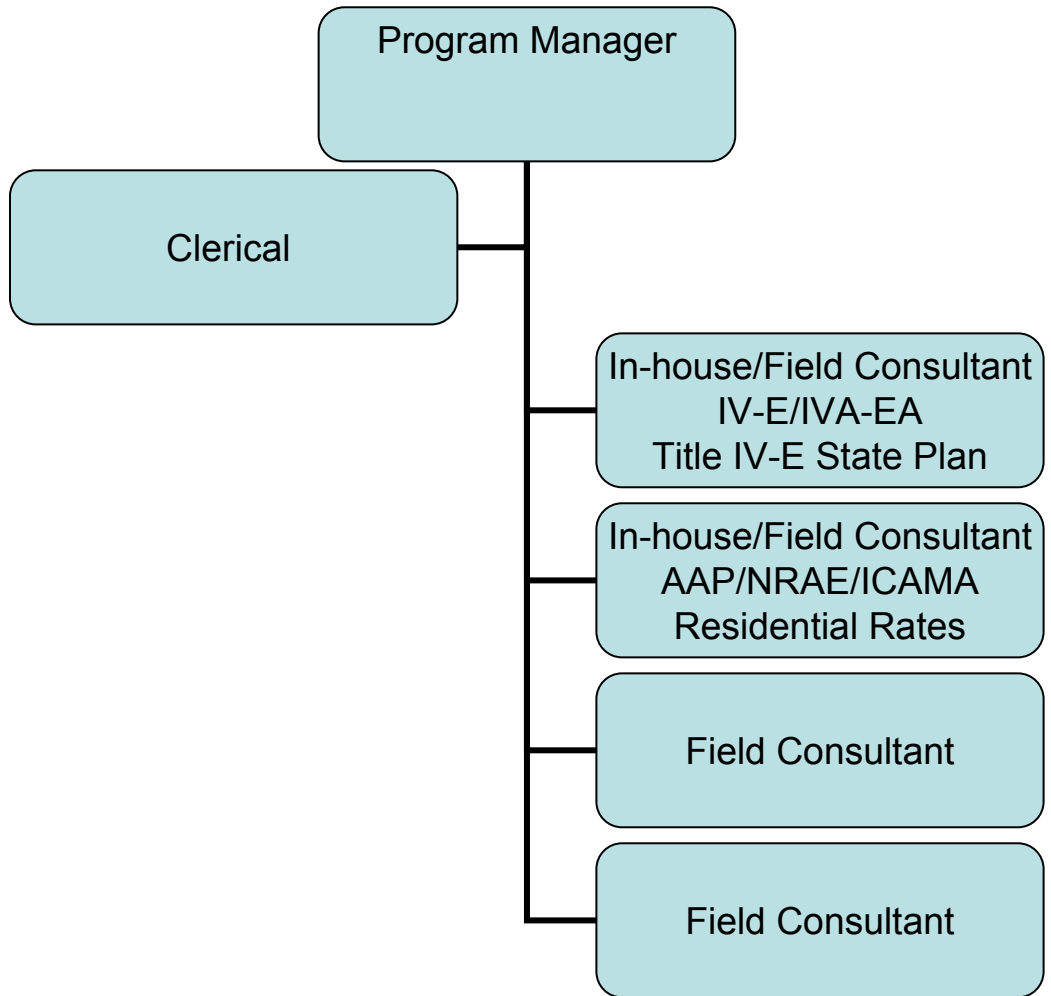


Financial Resources Unit



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Central Eligibility Unit



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Training Unit

