



## INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY

**Chapter 2:** Administration of Child Welfare

**Effective Date:** July 1, 2014

**Section 1:** Notice of Assessment Outcome

**Version:** 6

### STATEMENTS OF PURPOSE

The Indiana Department of Child Services (DCS) recognizes the right of each alleged perpetrator to request an Administrative Review of the related Child Abuse and/or Neglect (CA/N) substantiation. The process outlined herein will apply to all substantiated CA/N determinations made on or after October 15, 2006.

This policy does not apply to the following situations:

1. Request for Administrative Review in licensed foster home denials or revocations; or
2. A court proceeding requesting expungement of reports entered into the Child Protection Index (CPI) that are governed by the procedures specified in the law ([IC 31-39-8-4](#));
3. CA/N substantiated assessments involving Child Care Workers (CCW) or licensed resource parents. See policy [2.03 Child Care Worker Assessment Review Process](#); or
4. CA/N substantiated assessments involving DCS employees. See policy [4.45 Assessment of DCS Staff Alleged Perpetrators](#) for additional information.

DCS will have 15 calendar days from approval of the Assessment of Alleged Child Abuse and Neglect (SF 113) (311) to provide [Notification of Assessment Outcome and Right to Request an Administrative Review \(SF 53068\)](#) and a copy of the redacted 311 to the perpetrator by mail or hand delivery.

**Note:** If an administrative review decision is to remand for further assessment, a new notice must be sent to the perpetrator. DCS will have 15 calendar days after the DCS decision is complete to provide [Notice of Administrative Decision after Further Assessment \(2.C Tool-Appendix D\)](#) and a copy of the redacted 311 to the perpetrator by mail or hand delivery.

If the substantiation is against a minor, the [Notification of Assessment Outcome and Right to Request an Administrative Review \(SF 53068\)](#) must be mailed or hand delivered to at least one (1) of the following:

1. Parent;
2. Guardian;
3. Child's attorney (if represented for specific substantiation);
4. Guardian Ad Litem (GAL); or
5. Court Appointed Special Advocate (CASA), if applicable.

The perpetrator's request for Administrative Review must be made in writing by submitting a [Request for Administrative Review of Child Abuse and/or Neglect Substantiation \(SF 54775\)](#).

If the substantiation is against a minor, the request for Administrative Review must be completed and submitted by the child's:

1. Parent;
2. Guardian;
3. Child's attorney;
4. GAL; or
5. CASA, if applicable.

The request for Administrative Review by a perpetrator must be received by the DCS local office within fifteen (15) calendar days after the date that the [Notification of Assessment Outcome and Right to Request an Administrative Review \(SF 53068\)](#) was hand delivered to the perpetrator.

The DCS local office will add an additional three (3) days if the notice letter is sent via mail.

**Note:** If the deadline for the request for an Administrative Review is on a day that the local DCS office is closed, the deadline is extended to the next business day.

#### Code References

1. [IC 31-38-18: Disclosure of Reports; Confidentiality Requirements](#)
2. [IC 31-33-26: Child Protection Index \(CPI\)](#)
3. [IC 31-39-8-4: Expungement of child abuse or neglect information](#)
4. [465 IAC 3: Administrative Reviews and Hearings](#)
5. [42 USC 5106a: Grants to states for child abuse or neglect prevention and treatment programs](#)

### **PROCEDURE**

The Family Case Manager (FCM) responsible for completing the assessment will:

1. Ensure timely completion of the 311. Refer to policy [4.25 Completing the Assessment Report](#);
2. Send the 311 to the FCM Supervisor for review and approval; and
3. Consult with the FCM Supervisor regarding recommendations for redaction to the 311, if applicable.

The FCM Supervisor will:

1. Review the 311 for accuracy and completeness;
2. Type a contact note in the case management system to track redaction;
3. "Approve" the 311 if accurate and complete; and
4. Forward the report electronically to the designated DCS staff instructing consultation with DCS Staff Attorney for redaction within the next business day of approval.

**Note:** If the 311 is printed without the report source being revealed, redactions are only necessary to protect confidential information above and beyond the report source as stated in IC 31-33-18.

The DCS Local Office Director (LOD) or designee will:

1. Consult with the DCS Staff Attorney as to proper redaction, if applicable;
2. Ensure proper redaction of the 311; and
3. Return the report to the FCM Supervisor within five (5) calendar days of approval of the 311.

The FCM Supervisor or DCS local office designee will mail or hand deliver the following to each person identified as a perpetrator of substantiated CA/N within 14 calendar days of approval of the 311:

1. The [Notification of Assessment Outcome and Right to Request an Administrative Review \(SF 53068\)](#);
2. Redacted 311 to each person identified as a perpetrator of substantiated CA/N; and
3. [Request for Administrative Review of Child Abuse or Neglect Substantiation \(SF 54775\)](#).  
If all allegations against the individual are classified as unsubstantiated, do not send the alleged perpetrator the request for review form.

If the [Request for Administrative Review of Child Abuse or Neglect Substantiation \(SF 54775\)](#) is submitted by the perpetrator to the DCS local office. See policy [2.02 Administrative Review Process](#) for additional guidance.

## PRACTICE GUIDANCE

### **Notification for Administrative Reviews and Appeals**

The [2.C Tool: Notifications for Administrative Reviews and Appeals](#) will be used to send the following notices:

1. [Notification of Assessment Outcome and Right to Request an Administrative Review \(SF 53068\)](#);
2. [Notification of Administrative Review Decision to Unsubstantiate Allegations of Child Abuse and/or Neglect \(CA/N\) \(SF 53071\)](#);
3. [Notification of Administrative Review Decision Report Returned for Further Assessment \(SF 53094\)](#);
4. Notification of Administrative Decision after Further Assessment (Appendix D);
5. [Notification of Denial of Administrative Review \(SF 53072\)](#);
6. [Notice of Intent to Substantiate Allegations of CA/N by a Child Care Worker or Licensed Resource Parent \(SF 53028\)](#);
7. [Notice of Administrative Review Decision to Further Assess Allegations Against a Child Care Worker \(CCW\) or Licensed Resource Parent \(SF 53029\)](#);
8. [Notice of DCS Decision to Unsubstantiate Allegations of Child Abuse/Neglect \(CA/N\) \(SF 53030\)](#);
9. [Notice to Employer of a Report of Child Abuse/Neglect \(CA/N\) \(SF 53031\)](#);
10. [Notification of a Child Care Worker \(CCW\) Assessment Review Decision for an Assessment Closed Prior to 10-15-06 \(SF 53032\)](#);
11. [Notice of an Administrative Review Decision for an Assessment Closed Prior to 10-15-06 \(SF 53033\)](#);
12. [Notice of Assessment Outcome for a Department of Child Services Employee \(SF 54318\)](#);
13. [Notification of Deadline to Reactivate Administrative Review Appeal Request \(Appendix M\)](#); and
14. [Notice of Administrative Review Outcome for a Department of Child Services Employee \(SF 54317\)](#).

### **Instructions for developing a Notice using 2.C Tool-Notifications**

The [2.C Tool-Notifications](#) should be used by DCS employees authorized to notify a perpetrator, an employer in a case involving a DCS employee, or a CCW regarding an assessment conclusion by DCS. The DCS employee should insert language from the appropriate appendix and place it on DCS local office letterhead. The Notice should be signed by the DCS employee and sent by mail or hand delivered with proper attachments and within the allotted timeframe.

### **Hand Delivery**

Hand delivery requires successful face-to-face contact with the perpetrator and a documented contact in the case management system.

### **Time Computation**

Time computation for sending out the [Notification of Assessment Outcome and Right to Request an Administrative Review \(SF 53068\)](#) within 15 days:

1. Do not count the date the assessment was approved. Begin with the following day as day one (1);
2. The Notice must be mailed or hand delivered by the close of business on the 15<sup>th</sup> day, unless it is a day the office is closed. If the office is closed for business on the 15<sup>th</sup> day, the time frame is extended until the close of business on the next day that the office is open for business; and
3. Add an additional three (3) days if the notice is mailed by DCS to any deadline to request administrative review.

**Example:** If the allegation is approved as substantiated on the 1<sup>st</sup> of the month, the local office must mail or hand deliver the Notice on or before the close of business on the 16<sup>th</sup>. If the 16<sup>th</sup> is a day the office is closed, such as a weekend or a state holiday, the Notice must be mailed or hand delivered to the person identified as the perpetrator before the close of business on the next day that the office is open.

### **Placing Notices and Letters in the Case Record**

A copy of the Notice should be placed in the DCS assessment file in the DCS local office where the assessment was completed. Any letters or Notices received from the perpetrator regarding the assessment should also be placed in the assessment file. DCS will keep a record of the time, date, and circumstances for Notices sent.

### **Redaction**

Redaction is the process of reviewing a document thoroughly to omit part of the text prior to release, in order to protect confidential information. All redactions should be done with input for the DCS Staff Attorney.

The 311 should not have the report source listed because his or her identity is protected under IC 31-33-18. Indiana law also supports redaction of other information such as addresses, telephone numbers, or information that may harm or endanger another person. Any information that pertains to a confidential address (e.g., shelter, relocation, new housing) of a non-offending parent or family experiencing domestic violence (DV) should be redacted. Any disclosures made by the non-offending parent or child that could affect safety should also be redacted.

The following guidelines should be utilized when redacting documents:

1. Text should not be permanently removed from the document;
2. Redaction should be done on copies, not on the original documents;
3. Only distribute photocopies of the redacted version of the document; and
4. Consult with the DCS Staff Attorney to determine what information needs to be redacted.

Methods of redaction:

1. The easiest way to redact information is to photocopy the original document and use a thick black marker to block out the information to be redacted. This process may also be used with correction fluid (white out). It is imperative for the information that has been hidden with either marker or white out that a photocopy is made to ensure the

information did not bleed through and cannot be distinguished when held up to the light; or

2. Cover-up tape may also be used to redact information from a document. The cover-up tape may be placed over the areas to be redacted and then photocopied. The copy may then be distributed.

## FORMS AND TOOLS

1. Assessment of Child Abuse and Neglect (SF 113) (311)- Available in the case management system
2. [Notification of Assessment Outcome and Right to Request an Administrative Review \(SF 53068\)](#)
3. [Request for Administrative Review of Child Abuse or Neglect Substantiation \(SF 54775\)](#)- Available in the case management system
4. [2.C Tool: Notifications](#)

## RELATED INFORMATION

N/A