

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 2: Administration of Child Welfare	Effective Date: December 1, 2009
	Section 2: Administrative Review Process	Version: 3

POLICY

The Administrative Review is a process by which the alleged perpetrator has the opportunity to have a review of the assessment done by an Indiana Department of Child Services (DCS) employee not previously connected to the case. The alleged perpetrator can present information at the Administrative Review to see if the substantiation should be upheld.

DCS requires that the Administrative Review be conducted by one of the following:

1. The DCS Local Office Director in the county responsible for the assessment;
2. The DCS Local Office Deputy Director in the county responsible for the assessment;
3. The Regional Manager in the region responsible for the assessment; or
4. The DCS Local Office Division Manager in the county responsible for the assessment.

If the DCS Local Office Director, Deputy Director, or Division Manager was the person who approved the initial [Assessment of Child Abuse or Neglect \(SF113/CW0311\)](#) determination, or was otherwise involved in the assessment or preparation of the report, or if there is a conflict of interest, the request will be referred to the Regional Manager for this review and decision.

The individual identified by DCS to conduct the Administrative Review may at his/her discretion and subject to the time limits stated herein, refer the request to the community Child Protection Team (CPT) to review and make a recommendation.

The objectives of an Administrative Review are to:

1. Determine if the assessment presented provides sufficient evidence and supports the conclusion to substantiate the allegation(s);
2. Provide an opportunity for the alleged perpetrator to submit documentation (not testimony) relating to the allegation(s) substantiated that the alleged perpetrator believes may make the substantiation inappropriate;
3. Provide an internal review of the assessment by DCS at the request of the perpetrator; and
4. Comply with due process mandates that DCS gives a perpetrator the opportunity to challenge substantiations. An Administrative Review is one step in due process prior to an Administrative Appeal.

DCS will require that the decision as to the outcome of the Administrative Review be made by the appropriate DCS Local Office Director or Regional Manager. Local Office Deputy Directors and community CPTs are prohibited from making the decision.

DCS will complete the Administrative Review and will notify the alleged perpetrator in writing of the outcome within thirty (30) calendar days of the receipt of the request.

If the DCS Local Office Director or Regional Manager, determines that further assessment and reconsideration of the [Assessment of Child Abuse and Neglect \(SF113/CW0311\)](#) is necessary, the DCS Local Office Director will:

1. Notify the alleged perpetrator by sending the [Notice of Administrative Review Decision and Right to Administrative Appeal \(CAPTA080802RDA\)](#) informing them that the assessment has been referred back to Child Protection Services (CPS) for further assessment and preparation of a revised [Assessment of Child Abuse and Neglect \(SF113/CW0311\)](#) report. DCS will not send the [Assessment of Child Abuse and Neglect \(SF113/CW0311\)](#) to the alleged perpetrator until the reassessment is complete;
2. Notify the Supervisor that the [Assessment of Child Abuse and Neglect \(SF113/CW0311\)](#) has been reopened for further evaluation; and
3. Following the reassessment, if substantiated, refer to separate policy, [2.1 Requests for Administrative Review](#) outlining procedures.

The DCS Local Office Director or designee will maintain a record of:

1. The date of the Administrative Review;
2. The person who conducted the Administrative Review; and
3. The Administrative Review decision.

This policy does not apply to child abuse and/or neglect (CA/N) substantiated cases involving child care workers. See separate policy, [2.4 Child Care Worker Investigation Review Process](#).

This policy does not apply to CA/N substantiated cases involving DCS employees. See separate policy, [2.5 Investigation and Review of DCS Staff Alleged Perpetrator](#).

Code References

1. [42 USC 5106a \(b\) \(2\) \(A\) \(XV\) \(II\): Grants to States for child abuse and neglect prevention and treatment programs](#)
2. [IC 31-33-26-13 Adoption of rules](#)

PROCEDURE

The DCS Local Office Director in the county responsible for the assessment will:

1. Refer the request for a Administrative Review to the community CPT for input and a recommendation, if desired;
2. Review the complete CPS assessment file and/or recommendation of the community CPT; and
3. Decide to do one of the following:
 - a. Affirm the substantiated determination,
 - b. Set aside the determination and reclassify it as unsubstantiated,
 - c. Request that the Supervisor unapprove the [Assessment of Child Abuse or Neglect \(SF113/CW0311\)](#),
 - d. Return the file to CPS for further assessment and reconsideration of the report,
 - 1) Request that the Supervisor unapprove the [Assessment of Child Abuse or Neglect \(SF113/CW0311\)](#),
 - 2) If necessary, the Administrative Review process will begin over. Refer to separate policy, [2.1 Requests for Administrative Review](#),
 - e. Deny the request for an Administrative Review based on:
 - 1) Request was not timely received,
 - 2) A Child in Need of Services (CHINS) adjudication based on the facts of the substantiated determination, or
 - 3) Criminal conviction on charges related to same facts and circumstances on which the report of CA/N was substantiated.

4. Notify the alleged perpetrator of the decision using the [Notice of Administrative Review Decision and Right to Administrative Appeal \(CAPTA080802RDA\)](#). If substantiated, send [How to Request for Administrative Appeal Hearing \(CAPTA080802RDA\)](#) along with a redacted copy of the [Assessment of Child Abuse or Neglect \(SF113/CW0311\)](#). Refer to separate policy, [2.1 Requests for Administrative Review](#) for procedure for redaction.

The Supervisor will:

1. Upon request from the DCS Local Office Director or other person authorized to conduct an Administrative Review, unapprove the [Assessment of Child Abuse or Neglect \(SF113/CW0311\)](#) if the file is returned to CPS for further assessment and reconsideration of the report;
2. Upon request from the DCS Local Office Director or other person authorized to conduct an Administrative Review, unapprove the [Assessment of Child Abuse or Neglect \(SF113/CW0311\)](#) if the decision is to set aside the determination and reclassify it as unsubstantiated:
 - a. Print a revised 30 day report, if applicable, and
 - b. Print a revised [Assessment of Abuse or Neglect \(SF113/CW0311\)](#) to send to the Prosecutor's Office, if applicable.
3. If necessary, request that the Family Case Manager (FCM) gather additional information or conduct additional interviews as requested by the DCS Local Office Director or other person authorized to conduct an Administrative Review.

The FCM will:

1. If necessary, gather additional information or conduct additional interviews necessary to complete the [Assessment of Child Abuse or Neglect \(SF113/CW0311\)](#); and
2. Send the [Assessment of Child Abuse or Neglect \(SF113/CW0311\)](#) to the Supervisor for approval.

If the alleged perpetrator chooses to appeal the decision, see separate policy, [2.5 Administrative Appeal Hearings](#).

PRACTICE GUIDANCE

N/A

FORMS AND TOOLS

1. [Notice of Administrative Review Decision and Right to Administrative Appeal \(CAPTA080802RDA\)](#)
2. [How to Request for Administrative Appeal Hearing \(CAPTA080802RDA\)](#)
3. [Assessment of Alleged Child Abuse or Neglect \(SF113/CW0311\)](#) – Available in ICWIS

RELATED INFORMATION

N/A