

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 2: Administration of Child Welfare	Effective Date: April 1, 2013
	Section 4: Assessment and Review of DCS Staff Alleged Perpetrators	Version: 5

POLICY [REVISED]

The Indiana Department of Child Services (DCS) requires that any DCS employee being assessed as an alleged perpetrator of Child Abuse and/or Neglect (CA/N) notify, within **one (1) business day** of learning of the assessment:

1. His or her DCS Local Office Director if the employee works in a local office; or
2. His or her work unit manager if the employee works in Central Office or Child Support Bureau.

Note: Failure to notify the appropriate person in a timely manner may result in disciplinary action up to and including dismissal.

During the course of an assessment, if a Family Case Manager (FCM) learns that an alleged perpetrator is a DCS employee, the assessing FCM will notify the following and document that notification was given immediately but no later than **one (1) business day** for:

1. Field employees the following individuals must be notified:
 - a. Regional Manager (RM);
 - b. DCS Local Office Director (LOD); and
 - c. Human Resource Director.
2. Central Office and Child Support Bureau employees the following individuals must be notified:
 - a. Division Deputy Director;
 - b. Work Unit Manager; and
 - c. Human Resource Director.

Assessments involving DCS employees as an alleged perpetrator must be conducted by a DCS local office other than the DCS local office in which the employee is based.

[REVISED] Upon notification of an assessment identifying a DCS employee as an alleged perpetrator, DCS RM or Division Deputy Director will submit a request of notification to restrict access to Management Gateway for Indiana's Kids (MaGIK) records pertaining to DCS employees. Any records pertaining to the DCS employee who is an alleged perpetrator will be restricted except to appropriate personnel.

[REVISED] DCS will not allow an employee who is an alleged perpetrator to have direct contact, in the course of DCS employment with the children and families (including resource families) that DCS serves, until the Administrative Review process has been completed. The employee will be notified by the employee's RM, LOD, or Division Deputy Director within **one (1) business day**, if the decision is to place the employee on desk duty. The employee may be reassigned or may be placed on emergency suspension during the assessment and review process.

DCS will have **15 calendar days** from approval of the [Assessment of Child Abuse and Neglect \(SF 113/CW0311\)](#) to provide the [Notice of Assessment Outcome- DCS Employee \(Chapter 2 Notification Tool\)](#) and a copy of the redacted [Assessment of Child Abuse and Neglect \(SF113/CW0311\)](#), if substantiated, to the employee via certified mail. See Practice Guidance or Forms and Tools for [Chapter 2 Notification Tool](#) link.

DCS will require that an Administrative Review be conducted for all substantiated assessments that identify a DCS employee as an alleged perpetrator. This Administrative Review must be completed within **15 calendar days** from approval of the substantiation. The Administrative Review Team or designee will notify the employee perpetrator in writing of the Administrative Review decision. The [Notice of Right to Administrative Appeal of a Child Abuse or Neglect Determination \(SF55148\)](#) will be mailed or hand delivered to the DCS employee the same day as the decision.

[REVISED] DCS will require that an Administrative Review of a DCS decision to substantiate on a DCS employee be conducted by the Administrative Review Team which is comprised of:

1. A Regional Manager (RM);
2. A Deputy Director or Designee¹; and
3. The DCS Human Resource Director or Designee.

Note: The Administrative Review Team members conducting the review should not be in the alleged employee perpetrator's chain of command.

[REVISED] DCS recognizes that a DCS employee who is a perpetrator has the right to request an Administrative Appeal of the Administrative Review Team decision if the substantiation is upheld. See separate policy, [2.5 Administrative Appeal Hearings](#).

DCS reserves the right to take disciplinary action up to and including dismissal upon completion of the Administrative Review, if the substantiation is affirmed, regardless of whether the allegations involve actions taken in the scope of DCS employment. See separate SPD Standard Policy on, [Discipline – Responsibilities and Procedures](#).

Code References

[465 IAC 3: Administrative Reviews and Hearings](#)

PROCEDURE [REVISED]

[REVISED] The employee who is an alleged perpetrator will notify his/her DCS LOD or work unit manager within **one (1) business day** of learning of the assessment.

The assessment FCM will:

1. Notify the employee's RM and DCS LOD by email, within **one (1) business day** of learning of the assessment if that employee works in a DCS local office, and document that notification was given;
2. **[REVISED]** Notify the employee's Division Deputy Director and work unit manager by email immediately but no later than **one (1) business day** of learning of the assessment if that employee works in Central Office or Child Support Bureau, and document that notification was given;
3. Notify the DCS Human Resources Director, by email, within **one (1) business day** of

¹ The designee must be at least one supervisory level above the alleged employee perpetrator.

- learning of the assessment;
- 4. Assure timely completion of the assessment. Refer to separate policy, [4.25 Completing the Assessment Report](#);
- 5. Send the [Assessment of Child Abuse and Neglect \(SF113/CW0311\)](#) to the Supervisor for approval; and
- 6. Notify the DCS Human Resource Director, by email, the results of the assessment if additional time or information is needed to determine the outcome of the assessment.

The FCM Supervisor will:

- 1. Review the [Assessment of Alleged Child Abuse and Neglect \(SF113/CW0311\)](#) for accuracy and completeness and approve the FCM recommendations, if appropriate. Refer to separate policy, [2.1 Requests for Administrative Review](#) for procedures to follow specific to the approval and redaction process;
- 2. Notify the DCS RM and LOD (for Field Operation) or Division Deputy Director and work unit manager (for Central Office or Child Support Bureau) the results of the assessment.
- 3. Notify the DCS Human Resource Director the results of the assessment.
- 4. Upon request from the DCS LOD or other person authorized to conduct an Administrative Review:
 - a. Conduct further assessment and reconsideration of the report. See separate policy, [2.2 Administrative Review Process](#); or
 - b. Unsubstantiate the allegations.
- 5. **[REVISED]** Notify the employee of the outcome of the assessment and pending Administrative Review, if substantiated. Attach a copy of the redacted [Assessment of Alleged Child Abuse or Neglect \(SF113/CW0311\)](#).

The DCS RM or Division Deputy Director of the alleged employee perpetrator will:

- 1. **[REVISED]** Ensure that the employee's assessment is restricted in MaGIK;
- 2. Coordinate with appropriate staff to place the employee on desk duty or reassign the employee;
- 3. Contact the DCS Human Resource Director, in the event that emergency suspension is considered; and
- 4. Notify the DCS LOD and FCM Supervisor (for Field Operation) or work unit manager (for Central Office or Child Support Bureau) of the Administrative Review Team's decision.

The Administrative Review Team will:

- 1. Review the complete DCS assessment file;
- 2. Decide to do one of the following:
 - a. Uphold the substantiated determination,
 - b. Overturn the determination and reclassify it as unsubstantiated, or
 - c. Return the file to DCS for further assessment of the report.
- 3. Notify the employee of the Administrative Review Team's decision:
 - a. If the substantiation is upheld, notify the employee perpetrator of the decision using the [Notice of Right to Administrative Appeal of a Child Abuse or Neglect Determination \(SF55148\)](#) form. Also send the [Request for an Administrative Appeal Hearing for Child Abuse or Neglect Substantiation](#) (SF54776) form; or
 - b. **[REVISED]** If the allegations are unsubstantiated or returned for further assessment, notify the alleged employee perpetrator of the decision using the [Notice of Assessment Outcome- DCS Employee \(Chapter 2 Notification Tool\)](#) form.

The DCS Field Operations Executive Manager or designee will:

1. Ensure that the assessment is assigned to a DCS local office other than the DCS local office in which the employee is employed;
2. Coordinate the Administrative Review process by convening the Administrative Review Team members; and
3. Notify the employee's DCS RM or Division Deputy Director of the Administrative Review Team's findings and whether any additional actions should be taken.

PRACTICE GUIDANCE [REVISED]

[NEW] The Chapter 2 Notification Tool will be used to send the following Notice:

1. Notice of Assessment Outcome and Right to Request Administrative Review (Section A);
2. Notice of Administrative Review Decision to Unsubstantiate Allegations of Child Abuse or Neglect (Section B);
3. Notice of Administrative Review Decision Report Returned for Further Assessment (Section C);
4. Notice of Administrative Decision after Further Assessment (Section D);
5. Notice of Denial of Administrative Review (Section E);
6. Notice of Intent to Substantiate Allegations of Child Abuse or Neglect by a Child Care Worker or Licensed Resource Parent (Section F);
7. Notice of Administrative Review Decision to Further Assess Allegations against a Child Care Worker or Licensed Resource Parent (Section G);
8. Notice of DCS Decision to Unsubstantiate Allegation of Child Abuse or Neglect (Section H);
9. Notice to Employer of a Report of Child Abuse or Neglect Assessment Decision (Section I);
10. Notice of Child Care Worker (CCW) Assessment Review Decision for an Assessment Closed Prior to October 15, 2006 (Section J);
11. Notice of an Administrative Review Decision for an Assessment Closed Prior to October 15, 2006 (Section K);
12. Notice of Assessment Outcome for a DCS Employee (Section L); and
13. Notice of Deadline to Reactive Administrative Review or Appeal Request (Section M)

[NEW] Instructions for developing a Notice using the Chapter 2 Notification Tool

The Chapter 2 Notification Tool should be used by DCS employees authorized to notify a perpetrator or an employer regarding an assessment conclusion by DCS. The DCS employee should insert language from the appropriate section 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 within the allotted timeframe.

[REVISED] Hand Delivery

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

[NEW] Notices and Letters

Any Notices or Letters sent to or received from the perpetrator regarding the assessment should be placed in the assessment file.

[REVISED] Restricting Reports and Assessments

Maintaining confidentiality of employee assessments is of utmost importance. There is a DCS CW Manual/Chapter 2 Section 4: Assessment and Review of DCS Staff Alleged Perpetrators

checkbox on the General Information screen in MaGIK that allows for the assessment to be restricted. The system will only allow the assigned worker and administrative workers have access to the report or assessment.

FORMS AND TOOLS [REVISED]

1. [Assessment of Alleged Child Abuse or Neglect \(SF113/CW0311\)](#) – Available in MaGIK
2. [Notice of Assessment Outcome- DCS Employee-](#) Available in ([Chapter 2 Notification Tool](#))
3. [Notice of Right to Administrative Appeal of an Child Abuse or Neglect Determination \(SF55148\)](#)
4. [Request for an Administrative Appeal Hearing for Child Abuse and/or Neglect Substantiation \(SF54776\)](#)

RELATED INFORMATION [REVISED]

[REVISED] Desk Duty for Employees Who are Alleged Perpetrators

In the event that an employee who is an alleged perpetrator is assigned to desk duty, that employee will not be allowed to have direct contact, in the course of DCS employment with the children and families DCS serves. Depending on the position, employees may or may not see a change in their job duties.

Consulting with Human Resources

Staff assessments are very delicate situations. The Central Office Human Resource Office is always available to assist management staff with any decisions that must be made surrounding reassigning an employee or when to consider emergency suspension. Please contact the HR Director if you have any questions.