

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL</b>	
	<b>Chapter 3:</b> Hotline	<b>Effective Date:</b> January 1, 2014
	<b>Section 8:</b> Statutory Definition of Child Abuse and/or Neglect	<b>Version:</b> 3

**POLICY [REVISED]**

The Indiana Department of Child Services (DCS) will use the following criteria when evaluating a [Preliminary Report of Alleged Child Abuse or Neglect \(SF 114/CW0310\)](#) to determine if the allegations meet the statutory definition for CA/N:

1. The alleged victim is under the age of 18<sup>1</sup>;
2. The alleged perpetrator's relationship to the alleged victim is that of parent, guardian or custodian (See Related Information); and

**Exception:** For allegations involving sexual abuse, the perpetrator can have **any** or **no** relationship to the child.

3. The allegations would cause a reasonable person to believe that CA/N has occurred (See "Allegations" below).

Allegations

Indiana Law includes the following Child in Need of Services (CHINS) definitions as the basis for child CA/N.

**[REVISED] Note:** There are additional CHINS statutes in Indiana Code that are not included in the definition of CA/N (e.g. CHINS 6: The child substantially endangers his/her own health or the health of another individual).

This list is intended to be used by an intake worker/Supervisor as a parameter to determine whether a reporter's allegations would seem to indicate that CA/N has occurred:

CHINS 1: The child's physical or mental condition is seriously impaired or seriously endangered as a result of the parent, guardian, or custodian being unable, refusing, or neglecting to supply the child with necessary food, clothing, shelter, medical care, education, or supervision.

CHINS 2: The child's physical or mental condition is seriously impaired or seriously endangered due to an injury as a result of the parent, guardian, or custodian's act or omission, or there is evidence that illegal manufacture of a drug or controlled substance is occurring on property where a child resides.

CHINS 3: The child is a victim of certain sex offenses or is living in a household with a victim of certain sex offenses or an adult who has been charged with a sex

<sup>1</sup> If the alleged victim is over the age of 18 and is currently a ward, the reported information is forwarded to the DCS worker as an Information and Referral (I&R).

offense listed in IC 31-34-1-3(b)(1) and is awaiting trial or resulted in a conviction or judgment under IC 31-34-11-2.

CHINS 4: The child's parent, guardian, or custodian allows the child to participate in an obscene performance.

CHINS 5: The child's parent, guardian, or custodian allows the child to commit a prohibited sex offense (See Tool [Sexual Offense Child Abuse and/or Neglect \(CA/N\) Matrix](#)).

#### **[REVISED]** Code References

1. [IC 31-9-2-14: Child abuse or neglect](#)
2. [IC 31-9-2-31: Custodian](#)
3. [IC 31-34-1: \(Sections 1-15\) Circumstances under which a child is a Child in Need of Services](#)
4. [IC 35-42-4: \(Sections 1-4, 7, 9\) Rape; criminal deviant conduct; child molesting; child exploitation and pornography; child seduction; sexual misconduct with a minor](#)
5. [IC 35-45-4: \(Sections 1 and 2\) Public indecency and prostitution](#)
6. [IC 35-46-1-3: Incest](#)
7. [IC 31-33-8-1: Investigations by the department of child services; time of initiation; investigations of child care ministries](#)
8. [IC 31-9-2-133: Victim of child abuse or neglect](#)

#### **PROCEDURE [REVISED]**

The Hotline Intake Specialist will:

1. **[REVISED]** Complete the [Preliminary Report of Alleged Child Abuse or Neglect \(SF 114/CW0310\)](#) in Management Gateway for Indiana's Kids (MaGIK);
2. Screen thoroughly each individual named in the report in MaGIK prior to sending to the Hotline Intake Supervisor;
3. Determine if the allegations meet the statutory definition of CA/N. See separate policy, [3.8 Statutory Definition of Child Abuse and/or Neglect \(CA/N\)](#);
4. **[REVISED]** Complete the following if the statutory definition of CA/N has been met:
  - a. Recommend that the report be routed to the DCS local office for assessment,
  - b. Recommend how quickly the assessment must be initiated and determine if response time is to be expedited.

**[REVISED] Note:** When using MaGIK, review the timeframe assigned by the system and make any appropriate overrides.

5. **[REVISED]** Forward the CA/N intake report to the Hotline Intake Supervisor to be routed to the DCS local office. This may be done electronically.

**[REVISED] Note:** A Hotline Intake Specialist may not bypass supervisory review on any reports.

#### **PRACTICE GUIDANCE [REVISED]**

### **Statutory Definition of CA/N**

The determination as to whether or not allegations meet the statutory definition of CA/N requires a careful, balanced assessment of both objective and subjective information with the paramount consideration being the safety of the alleged victim.

### **[REVISED] Emotional Abuse**

Emotional abuse of a child is commonly defined as a pattern of behavior by parents or caregivers that can seriously interfere with a child's cognitive, emotional, psychological or social development. Emotional abuse can be categorized as the following: Ignoring, Rejecting, Isolating, Exploiting or Corrupting, Verbally Assaulting, and Terrorizing (American Humane Association, 2012)<sup>2</sup>. Emotional Abuse can also be in the form of a parent or caregiver making frequent reports to the Hotline alleging CA/N when the same or similar allegations have been the basis of past assessments that were subsequently unsubstantiated.

Emotional abuse occurs when a parent, guardian, or custodian inflicts, creates, or puts a child at risk for emotional abuse. DCS defines emotional abuse as an injury to the mental or psychological capacity or emotional stability of a child as evidenced by a substantial impairment in the child's ability to function within a normal range of performance and behavior with due regard to his or her age, development, culture, and environment, as testified to by a Qualified Mental Health Professional (QMHP).

### **FORMS AND TOOLS**

1. [Sexual Offense Child Abuse and/or Neglect \(CA/N\) Matrix](#)

### **RELATED INFORMATION [REVISED]**

#### **Relationships**

Parent: The child's biological or adoptive mother or father.

Guardian: A person appointed by a court to have the care and custody of a child and/or the child's estate.

**[REVISED]** Custodian: Any person with whom a child resides or any of the following:

1. A license applicant or licensee of:
  - a. A foster home or residential child care facility that is required to be licensed or is licensed under IC-31-27,
  - b. A child care center that is required to be licensed or is licensed under IC 12-17.2-4, or
  - c. A child care home that is required to be licensed or is licensed under IC 12-17.2-5.
2. A person who is responsible for care, supervision, or welfare of children while providing services as an owner, director, manager, supervisor, employee, or volunteer at:
  - a. A home, center, or facility described in one (1) above,

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<sup>2</sup> American Humane Association (2012). Retrieved from <http://www.americanhumane.org/children/stop-child-abuse/fact-sheets/emotional-abuse.html>

- b. A child care ministry defined in IC 12-7-2-28.8 that is exempt from licensing requirements and is registered or required to be registered under IC 12-17.2-6,
  - c. A home, center, or facility of a child care provider, as defined in IC 12-7-2-149.1(4), or
  - d. A home, center, or facility that is the location of a program that provides child care, as defined in section 16.3 of this Indiana Code, to serve migrant children and that is exempt from licensing under IC 12-17.2-2-8(6), whether or not the program is certified as described in IC 12-17.2-2-9.
- 3. A school;
  - 4. A child caregiver;
  - 5. A member of the household of the child's noncustodial parent; or
  - 6. An individual who has or intends to have direct contact, on a regular and continuing basis, with a child for whom the individual provides care and supervision.

**Child Caregiver**

[IC 31-9-2-16.4](#) defines a child caregiver as a person who provides, or is responsible for providing, care and supervision of a child (other than a child of whom the person is a parent, stepparent, grandparent, aunt, uncle, sibling, legal guardian, or custodian with whom the person resides) at a residential property that is not the child's place of residence, if the person:

- 1. Is not required to be licensed as the operator of:
  - a. A child care home under IC 12-17.2-5, or
  - b. A foster family home under [IC 31-27-4](#), and
- 2. Provides care and supervision of a child while unattended by the child's:
  - a. Parent,
  - b. Guardian, or
  - c. Custodian with whom the child resides, and
- 3. Receives more than two thousand dollars (\$2,000) in annual compensation for providing care and supervision of a child or children.

All of these requirements must be met in order for DCS to assess a child caregiver.

**Child Care Home**

DCS assesses all child care homes whether licensed, unlicensed, or operating illegally without a license. See separate policy, [4.30 Institutional Assessments](#).

A child care home is defined as a residential structure in which at least six (6) children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative or any child who is at least 14 years of age and does not require child care) at any time receive child care from a provider:

- 1. While unattended by a parent, legal guardian, or custodian;
- 2. For regular compensation; and
- 3. For more than four (4) hours but less than 24 hours in each of 10 consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.