



## INDIANA DEPARTMENT OF CHILD SERVICES

### CHILD WELFARE POLICY

#### Chapter 4: Assessment

#### Section 06: Exigent Circumstances for Interviewing Alleged Child Victims

**Effective Date:** September 1, 2022

**Version:** 4

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#### POLICY OVERVIEW

Exigent circumstances may exist if a child would be endangered by seeking permission from the parent, guardian, or custodian prior to interviewing the child. It is essential to determine if exigent circumstances exist prior to interviewing the child to ensure the safety, well-being, and due process of the child, parents, and guardians.

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#### PROCEDURE

The Indiana Department of Child Services (DCS) evaluates every Preliminary Report of Alleged Child Abuse or Neglect (310) on its own merit to determine if exigent circumstances exist. The evaluation process requires the application of critical thinking skills to assess the current safety factors and the potential risk of future harm to the child.

Exigent circumstances exist when:

1. DCS has definite and explainable evidence that gives rise to a reasonable suspicion that the child or any child residing in the home with the child has been or is in imminent danger of being physically abused, sexually abused, or is being neglected such that the child's physical safety is seriously endangered;
2. There is no less intrusive alternative to DCS' action that would reasonably and sufficiently protect the child's imminent health or safety; and
3. One (1) or more of the following applies:
  - a. The parent, guardian, or custodian of the child is the alleged perpetrator of the abuse or neglect of the child, or the parent, guardian, or custodian is allegedly aware of the abuse or neglect of the child and has allegedly not ensured the child's safety,
  - b. There is reason to believe the safety of the child might be jeopardized, or there is essential evidence regarding signs or symptoms of abuse or neglect on or in the child's body, which might not be available if the department's action is delayed or the child's parent, guardian, or custodian is notified before the department's action, and/or
  - c. The child is a homeless unaccompanied minor and is voluntarily receiving services at an emergency shelter or shelter care facility without the presence or consent of the child's parent, guardian, or custodian.

**Note:** An allegation of educational neglect, with no additional allegations, does not qualify as an exigent circumstance.

The Family Case Manager (FCM) will:

1. Determine if exigent circumstances exist based on the FCM's best judgment and assessment of all information available at the time;

**Note:** Supervisory approval is not required to validate the decision made by the FCM regarding whether exigent circumstances are present. However, the FCM should discuss the assessment with an FCM Supervisor if the FCM is unclear whether the safety and well-being of the child may be compromised by seeking consent prior to interviewing the child.

2. Proceed with interviewing the child without consent from the parent, guardian, or custodian if the FCM has determined exigent circumstances exist;

**Note:** To interview the child at the child's school, the FCM must present the following, upon arrival at the school (per Indiana code, this also allows for the FCM to interview the child alone):

- a. The FCM's credentials as a DCS employee (i.e., DCS badge), and
- b. A written statement (this could be an email or a handwritten statement which the FCM sends or writes while in the school) that states "**DCS has parental consent or a court order, or exigent circumstances exist as defined by IC 31-9-2-44.1 to interview (insert child's name).**"

**Note:** The written statement shall not disclose any allegations or evidence and must protect the confidentiality of the child and the child's family (see School Letter Interview).

3. Notify the parent, guardian, or custodian as soon as possible after the interview, but no later than the same day on which the interview occurred;
4. Follow all procedures in policy 4.05 Consent to Interview Child if the FCM has determined exigent circumstances do not exist; and
5. Document in the case management system if the FCM has determined exigent circumstances exist, including the written statement provided to the child's school (if the interview occurs at the child's school), and the rationale for the decision.

The FCM Supervisor will:

1. Discuss the assessment details with the FCM if the FCM is unsure if exigent circumstances exist; and
2. Ensure all actions taken, including any deviation from best practice, are documented in the case management system.

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## RELEVANT INFORMATION

### Definitions

#### Homeless Unaccompanied Minor

A homeless unaccompanied minor is an individual who is under 18 years of age and is receiving shelter without a parent, guardian, or custodian present.

### Forms and Tools

- Preliminary Report of Alleged Child Abuse or Neglect (SF 114) (310) - available in the case management system

- School Letter Interview – available on the Field Information SharePoint

**Related Policies**

- [4.05 Consent to Interview Child](#)

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**LEGAL REFERENCES**

- [IC 31-9-2-44.1: "Exigent circumstances"](#)
- [IC 31-33-8-7: Scope of assessment by department of child services; order for access to home, school, or other place, or for mental or physical examinations; petition to interview child; order; requirements](#)
- [IC 31-36-3: Chapter 3. Homeless Children](#)
- [IC 31-36-3-3: Notification to department; investigation of a child; notification to parents](#)

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## PRACTICE GUIDANCE- DCS POLICY 4.06

*Practice Guidance is designed to assist DCS staff with thoughtful and practical direction on how to effectively integrate tools and social work practice into daily case management in an effort to achieve positive family and child outcomes. Practice Guidance is separate from Policy.*

### **Decision Support Regarding Exigent Circumstances**

DCS Central Office will support a Family Case Manager's (FCM) decision on exigent circumstances, provided the FCM:

1. Made the decision based on the best interests of the safety and well-being of the child;
2. Sought supervisory validation if the FCM was unclear about whether the safety and well-being of the child may have been compromised by seeking consent prior to interviewing; and
3. Clearly documented the rationale for the decision in the assessment records.

In the following examples, seeking parent, guardian, or custodian permission prior to interviewing the child would further endanger the child:

1. The child self-reports Child Abuse and/or Neglect (CA/N) allegations to DCS or a professional (e.g., teacher, medical professional) and the child requests an interview with DCS without parent, guardian, or custodian consent;
2. The parent is the alleged perpetrator and there are immediate concerns for the child's safety. In this example, it would be in the best interest of the child to conduct the interview immediately at a location other than the child's home; and
3. The child's uncle is the alleged perpetrator of sexual abuse. There was a previous assessment of alleged sexual abuse of the child by this uncle. The assessment documents that the parent did not believe the allegations. In this situation, the FCM has reason to believe the parent will not provide for the safety of the child.

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