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|  | INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY | |
| | Chapter 4: Assessment Section 11: Interviewing the Alleged Perpetrator | |
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POLICY OVERVIEW

A timely, thorough, and thoughtful response to child safety concerns is critical in effectively protecting children. Interviewing the alleged perpetrator is an essential part of completing an assessment of all assigned reports of alleged Child Abuse and/or Neglect (CA/N). Information gained from this interview may assist in reaching an appropriate assessment finding.

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PROCEDURE

The Indiana Department of Child Services (DCS) will conduct a face-to-face interview with the alleged perpetrator of CA/N unless:

1. An attorney representing the alleged perpetrator informs DCS that the attorney's client will not participate in an interview;
2. The alleged perpetrator's identity is unknown or the alleged perpetrator cannot be located;
3. The alleged perpetrator is a child and the parent, guardian, or custodian does not give consent to an interview; or
4. The alleged perpetrator has already been interviewed by a law enforcement agency (LEA) regarding the same allegations, and DCS is able to obtain a copy of the written report, transcript, and/or recording of the interview.

Worker Safety

To maintain worker safety during an interview with the alleged perpetrator, the Family Case Manager (FCM) will follow steps outlined in policy HR-3-8 Worker Safety and Tool HR-3-A Worker Safety Protocol.

Alleged Perpetrator Refuses Interview

If the alleged perpetrator refuses to participate in the interview, the FCM will:

1. Explain to the alleged perpetrator, if they are the parent, guardian, or custodian of the alleged victim, that if child safety cannot be verified by completing the interview, the child may be removed from the parent, guardian, or custodian's care;
2. Explain that the DCS assessment will move forward regardless of the alleged perpetrator's participation in an interview;
3. Follow-up with the alleged perpetrator at a later time to attempt to schedule an interview (within the timeframe to complete a timely investigation); and
4. Seek supervisory input, as needed, throughout the interview process.

When LEA is Involved

When LEA is involved, the FCM will:

1. Attempt to coordinate and conduct a joint interview with the alleged perpetrator within a timeframe that ensures completion of the assessment within the required 40-day timeframe;

Note: DCS will make a good faith effort to conduct the interview with LEA. However, if LEA does not respond to repeated contacts to set up the interview with the alleged perpetrator, DCS will conduct the interview without LEA.

2. Coordinate with LEA when conducting interviews with alleged perpetrators who are in police custody or under investigation (see Practice Guidance);
3. Request that LEA conduct the interview, upon consent to interview the child, when the interview is related to the child's possible involvement in a criminal offense or delinquent act. DCS will not interview an alleged child perpetrator without LEA present unless LEA declines or is unavailable for participation;

Note: Any additional questioning of the child without the participation of LEA will be limited to the concerns that do not implicate the child as a possible perpetrator.

4. Seek supervisory input, as needed, throughout the joint interview process.

Prior to the Interview

Prior to starting the interview, the FCM will:

1. Determine if there are any barriers to communication with the parent, guardian, or custodian and take necessary action to make appropriate, reasonable accommodations;
2. Consider conducting the interview in a place where others are present (e.g., DCS local office or other neutral location), asking LEA to be present during the interview, or consult with an FCM Supervisor for additional suggestions;
3. Obtain consent to interview all alleged child perpetrators by completing the Consent of Parent, Guardian, or Custodian to Interview Child(ren). In Institutional Child Protection Services Unit (ICPS) assessments, written electronic consent (i.e., text, fax, scan, or email) is acceptable;

Note: In the event a ward is identified as an alleged perpetrator in a criminal case, and there is no legal parent, guardian, or custodian; the parent, guardian, or custodian is unable to be located by utilizing a diligent search; or Termination of Parental Rights (TPR) has occurred, DCS will not provide consent to allow LEA to interview the child without allowing the child an opportunity to consult with an attorney.

4. Request the court to appoint a Guardian Ad Litem (GAL)/Court Appointed Special Advocate (CASA), if a GAL/CASA is not currently appointed or serving, for a child alleged to be a perpetrator if TPR has been finalized or the child's parent, guardian, or custodian is unable to be located by utilizing a diligent search (see policy 5.23 Diligent Search for Relatives/Kin and Case Participants);
5. Secure the alleged perpetrator's government-issued photo identification (ID) and request the individual's Social Security number (SSN);

Note: An FCM cannot legally demand or require disclosure of an individual's SSN.

6. Inform the alleged perpetrator of the reason for the interview;

7. Explain it is in the best interest of the alleged child victim's safety and well-being that the alleged perpetrator cooperates and completes an interview;
8. Inform the alleged perpetrator that any information shared during the interview may be released to LEA, the prosecutor, and/or other sources (e.g., court, GAL/CASA, Department of Homeland Security [DHS]);

Note: If the alleged perpetrator is a child, and the FCM is not reasonably assured the child understands this statement, the FCM must have the child's parent or guardian; GAL/CASA; and/or legal counsel present before starting the interview.

9. Ensure the alleged perpetrator understands the interview may be ended at any time; and
10. Seek supervisory input, as needed, throughout the interview process.

During the Interview

During the interview, the FCM will:

1. Stop the interview if the alleged perpetrator requests to end the interview, requests an attorney, or if LEA indicates the interview should be halted. DCS staff, including the DCS Staff Attorney, is not authorized to waive any rights of an alleged perpetrator (including a child adjudicated a CHINS) who is subject to a DCS assessment of allegations regarding CA/N or criminal investigation;

Note: Contact the DCS Staff Attorney if ending the interview impedes the completion of the assessment.

2. Engage the alleged perpetrator in a manner that is respectful and structured;
3. Ask questions to establish the type of relationship the alleged perpetrator has with the alleged victim;
4. Refrain from disclosing exact quotes or the source of any information provided by the non-offending parent or alleged child victim during the interview. Refer only to information provided from 3rd party reports (e.g., LEA and court documents);
5. Take detailed notes or ensure detailed notes are taken;
6. Allow the alleged perpetrator to respond to each allegation and tell their "side of the story";
7. Focus the interview on the safety of the child;
8. Observe and ask questions about indications of CA/N;
9. Identify any child of the alleged perpetrator and determine where and with whom the child resides;
10. Determine the level and type of access the alleged perpetrator has to the alleged child victim or any other child;
11. Review with the alleged perpetrator what has been discussed to confirm comprehension by both the FCM and the alleged perpetrator;
12. Explain next steps and how the alleged perpetrator will be informed of results of the assessment;
13. Verbally inform and provide the alleged perpetrator with a copy of the Notice of Availability of Completed Reports and Information and document in the Assessment of Alleged Child Abuse or Neglect (311) report;

Note: If the alleged perpetrator is a child, provide a copy of the Notice of Availability of Completed Reports and Information to the child's parent or guardian; GAL/CASA; and the child's legal counsel if the child is represented.

14. Inform the alleged perpetrator that notification will be provided in writing of the right to a review of the facts of the assessment prior to an assessment finding of substantiated if the alleged perpetrator asserts to be employed as a child care worker (CCW) or a licensed resource parent. The assessment should go through the Child Care Worker Assessment Review (CCWAR) process, regardless of whether the substantiated incident occurred during the individual's employment (see policy 2.03 Child Care Worker Assessment Review Process);
15. Inform the alleged perpetrator that if the report is substantiated, the alleged perpetrator will receive a copy of the Notice of Availability of Completed Reports and Information, or if the alleged perpetrator is a child, the child's parent or guardian; GAL/CASA; and the child's legal counsel, if the child is represented will receive a copy (see policy 4.22 Making an Assessment Finding);

Note: Certain confidential information will be removed from the report copy, such as the identity of the reporting source.

16. Inform the alleged perpetrator that if an allegation of CA/N is substantiated, the alleged perpetrator will also receive instructions for requesting an Administrative Review of the decision by the DCS Local Office Director (LOD). See policies 2.01 Notice of Assessment Outcome and 2.02 Administrative Review Process; and

Note: If the alleged perpetrator is a child, the FCM will inform the child's parent or guardian; GAL/CASA; and the child's legal counsel, if the child is represented, that the parties will also receive instructions for requesting an Administrative Review if the allegation of CA/N is substantiated.

17. Seek supervisory input, as needed, throughout the interview process.

After the Interview

After the interview, the FCM will:

1. Enter interview notes in the case management system within three (3) business days; and

Note: If the face-to-face interview did not occur or if it ended prematurely, the FCM should document in the case management system why the interview did not occur or ended early.

2. If consent to interview the child is received electronically, the Consent of Parent, Guardian, or Custodian to Interview Child(ren) should be mailed to the parent, guardian, or custodian for signature and the signed copy should be uploaded to the case management system; and
3. Seek supervisory input, as needed, throughout the interview process.

Alleged Perpetrator is a DCS Employee

If the alleged perpetrator is a DCS employee, see policy 4.45 Assessment of DCS Staff Alleged Perpetrators.

The DCS Staff Attorney will provide legal consultation for the FCM conducting the assessment and/or FCM Supervisor as needed during the assessment.

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RELEVANT INFORMATION

Definitions

Child Care Worker

DCS defines "Child Care Worker", per IC 31-9-2-16.6, as a person who:

1. Is employed or actively seeking employment (other than self-employment as an owner/operator) at any of the following types of facilities:
 - a. Child care center,
 - b. Child care home (licensed or required to be licensed),
 - c. Child care ministry (registered or required to be registered),
 - d. Residential group home,
 - e. Child Caring Institution (CCI),
 - f. School,
 - g. Juvenile detention center; **or**
2. Is a child caregiver who:
 - a. Provides or is responsible for providing care and supervision of a child to whom they are not a parent, stepparent, grandparent, aunt, uncle, sibling, or legal guardian or custodian with whom the person resides,
 - b. Provides the care described in (a) at a residence that is not where the child lives and outside of the presence of the child's parent, guardian, or a custodian with whom the child resides,
 - c. Is not required to be licensed as a childcare home or foster family home, and
 - d. Receives more than \$2,000 a year for providing care and supervision for a child or children; **or**
3. Has or will have direct contact with children on a regular and continuing basis through employment (or through employment being actively sought) with any agency, facility, or home that provides the following to a child or children to whom the person is not related:
 - a. A service that provides for the care, health, safety, and supervision of a child's social, emotional, and educational growth; or
 - b. Services to, or for the benefit of, children who are victims of child abuse or neglect (this includes but is not limited to agencies, facilities, and homes that have contracts with DCS to provide services).

Diligent Search

Efforts made to locate or identify the parents, relatives, non-relative kin, and case participants of a child, initiated at the outset of a case, with updates provided in court reports until the permanency goal is achieved or the court excuses further search.

Forms and Tools

- Assessment of Alleged Child Abuse or Neglect (SF 113) (311) - available in the case management system
- [Consent of Parent, Guardian, or Custodian to Interview Child\(ren\) \(SF 52013\) \(English version\)](#)
- [Consent of Parent, Guardian, or Custodian to Interview Child\(ren\) \(SF 54252\) \(Spanish version\)](#)
- [Notice of Availability of Completed Reports and Information \(SF 48201\) \(English version\)](#)
- [Notice of Availability of Completed Reports and Information \(SF 51886\) \(Spanish version\)](#)

- [version\)](#)
- [Notice of Availability of Completed Reports and Information \(SF 54536\) \(Burmese version\)](#)
- [Notice of Availability of Completed Reports and Information \(SF 53113\) \(Amharic version\)](#)
- [Tool HR-3-A Worker Safety Protocol](#)

Related Policies

- [HR- 3-8 Worker Safety](#)
- [2.01 Notice of Assessment Outcome](#)
- [2.02 Administrative Review Process](#)
- [2.03 Child Care Worker Assessment Review Process](#)
- [4.10 Interviewing the Parent, Guardian, or Custodian](#)
- [4.22 Making an Assessment Finding](#)
- [4.45 Assessment of DCS Staff Alleged Perpetrators](#)
- [5.23 Diligent Search for Relatives/Kin and Case Participants](#)

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LEGAL REFERENCES

- [IC 31-9-2-16.6: "Child care worker"](#)

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PRACTICE GUIDANCE- DCS POLICY 4.11

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.

Joint Interviews with LEA

When LEA is present, the alleged perpetrator's rights may be explained by LEA. Determining whether DCS or LEA will take the lead during a joint interview should be decided on a case-by-case basis and will depend upon factors that include, but are not limited to, the following:

1. Nature of the allegations;
2. Probability of criminal charges;
3. Who has more experience and training; and
4. Who has better rapport with the alleged perpetrator.

Successful Interviews with the Alleged Perpetrator

When engaging the alleged perpetrator, it is important to attempt to engage around a "mutual concern" for the safety and well-being of the child. Do not assume that there is a lack of concern on the part of the alleged perpetrator. Establishing a non-adversarial tone will be most effective in gathering accurate information in a timely fashion.

Note: In assessments where domestic violence is alleged, the purpose of interviews with the alleged domestic violence offender is to discuss how to ensure the safety of the child, not to get them to admit to the domestic violence.

Anticipate denial, minimizing, rationalization, and blaming someone or something else. Challenge the denial with observations and facts, do not "challenge" the individual. Point out statements and/or observations that are inconsistent with the explanation. Ask the alleged perpetrator to describe their perspective and the identified inconsistencies. The FCM's tone should remain neutral and fact-oriented throughout the interview.

Assess the alleged perpetrator's relationship with the child and other family members to determine the level of risk to the child. It is important to remember that some allegations are wrong. A child may be injured due to an accident. The perpetrator may be someone else. The alleged perpetrator may be responsible but did not intend the result. While lack of intent to harm does not mean that maltreatment did not occur, it may have a positive implication for safety and risk. The FCM's questions will elicit information that is useful both in determining whether maltreatment occurred and in assessing safety and risk.

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