

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL</b>	
	<b>Chapter 4: Assessment</b>	<b>Effective Date: February 1, 2014</b>
	<b>Section 30: Institutional Child Protection Services (ICPS) Unit Assessments</b>	<b>Version: 3</b>

**POLICY**

**[NEW]** The Institutional Child Protection Service (ICPS) Unit will conduct an assessment of a report of Child Abuse and/or Neglect (CA/N) if the allegations state the incident of CA/N occurred while the child was in the care of one of the following:

1. Residential Facility (i.e. DCS licensed Child Caring Institutions, Group Homes and Private Secure Facilities);
2. School;
3. Hospital;
4. Juvenile Correctional Facility;
5. Adult Correctional Facility that houses juvenile offenders;
6. Bureau of Developmental Disabilities (BDDS) Certified Group Home;
7. Licensed Child Care Home or Center;
8. Unlicensed Registered Child Care Ministry; or
9. Unlicensed Child Care Home or Center (see Related Information).

**Note:** DCS will not conduct an assessment on an unlicensed registered child care ministry without Law Enforcement Agency (LEA) involvement unless the child care ministry receives Child Care Development Fund (CCDF) vouchers.

The ICPS Unit will not assess CA/N reports on foster homes or fatalities/near fatalities. The DCS local offices will assess these reports.

**Note:** The DCS local office shall coordinate with ICPS on any assessment that involves a fatality/near fatality that occurs in an institutional setting.

Code References

- IC 31-33-8-1 Investigations by the department of child services; time of initiation; investigations of child care ministries
- IC 31-33-7-8 Reports after an initiation of assessment or investigation; contents; confidentiality
- IC 31-33-18-2 Disclosure of un-redacted material to certain persons

**PROCEDURE [REVISED]**

To investigate an institutional report, the ICPS Family Case Manager (FCM) will:

1. **[REVISED]** Review the Preliminary Report of Alleged Child Abuse or Neglect (SF 114 CW 310) and determine the appropriate response time based on the nature of the allegations. See separate policies, 3.9 Initiation Times for Assessments, 4.1 Reviewing the Child Abuse and/or Neglect (CA/N) Intake Report and Other Records, and 4.29 Joint Assessments;

2. **[REVISED]** Address initial and future safety concerns of the alleged victim through a safety plan, when appropriate. The ICPS FCM will document whether any safety measures were taken or why no action was needed in the Management Gateway for Indiana's Kids (MaGIK);
3. Notify the parent, guardian, or custodian of the allegation(s) and request consent to interview the child unless an exception in DCS Policy exists. See separate policies, 4.5 Consent to Interview Child and 4.6 Exigent Circumstances;

**Note:** If the child victim is placed in a residential facility by DCS, the Department of Corrections (DOC), or Probation and the alleged perpetrator is an employee or another resident at the facility, exigent circumstances exist.

4. Notify the following if the child victim and/or the child perpetrator are Child in Need of Services (CHINS) or probation wards:
  - a. The FCM or Probation Officer assigned to provide ongoing services for the child; and
  - b. The Guardian ad Litem (GAL) or Court Appointed Special Advocate (CASA) appointed for the child.
5. Locate the subjects of the CA/N intake report (e.g. - the alleged victim, victim's parent(s), guardian(s), or custodian, and alleged perpetrator). See separate policy, 4.7 Locating the Subjects;
6. Identify himself or herself and show proper identification at the onset of each interview.
7. Follow appropriate procedures for gaining entry into the home or facility. See separate policy, 4.8 Entry into Home or Facility;
8. Conduct the following interviews (in the order shown below, to the extent possible and practical):
  - a. An **in-person** interview with the **alleged child victim**. See separate policy, 4.9 Interviewing Children;
  - b. An in-person or phone interview with the **reporting source** (unless the reporting source is anonymous);
  - c. An in-person or phone interview with every person (child or staff) who is known to have **witnessed** the incident. See separate 4.5 Consent to Interview Child. The ICPS FCM will document in MaGIK if no witnesses exist or if a child witness's parent does not consent to the interview;
  - d. An in-person or phone interview with **professionals** who did not make the report, but are believed to have first-hand knowledge that relates to the allegation(s), results of the incident, injury to the child victim, or circumstances of the family being assessed, if such professionals are accessible. The FCM will document in MaGIK if no such professionals exist.
  - e. Any additional interviews necessary to gain adequate information from which to draw conclusions about the validity of the allegation(s). Examples may include, but are not limited to, DCS local office staff, DCS central office licensing staff, parents, family friends, Bureau of Child Care licensing staff, facility staff or management staff, etc.; and
  - f. An **in-person** interview with the **alleged perpetrator**. See separate policy, 4.11 Interviewing the Alleged Perpetrator.
9. **[REVISED]** Visually examine an alleged child victim as necessary to confirm alleged or suspected bodily injuries. See separate policy, 4.14 Examining a Child. Photograph visible trauma found on a child or secure photographs that have been taken by a

- medical professional or LEA. Upload and scan any photographs taken or obtained into MaGIK. See separate policy, [4.15 Photographing Trauma](#).
10. Ensure the necessary medical and/or psychological examinations are arranged. See separate policy, [4.16 Medical and Psychological Examinations Drug Screens and Substance Abuse Evaluations](#);
  11. Review and obtain, when possible, the alleged child victim's records kept by the facility, such as daily log sheets, medical reports, incident reports, surveillance, etc.;
  12. **[NEW]** Review and obtain information on the alleged perpetrator and his or her custodial relationship over the alleged child victim and any other information relevant to the assessment completion;
  13. **[REVISED]** Examine and photograph pertinent areas of the institution and upload into MaGIK whenever possible (e.g. classroom, hallways, items related to the allegations, etc);
  14. Gather additional demographic information that is not already included on the CA/N intake report during the interviews;
  15. Provide each parent, guardian, or custodian, including an alleged father or any known non-custodial parent and alleged perpetrator, [Notice of Availability of Completed Reports and Information \(SF 48201\)](#) and document in the [Assessment of Alleged Child Abuse or Neglect Report \(SF 113/CW311\)](#). If the alleged perpetrator is a child, provide the notice to his or her parent, guardian or custodian;
  16. Discontinue the interview if at any point the ICPS FGM becomes concerned for his or her safety (e.g. - the individual becomes hostile or threatening or there are other dangerous conditions in the home). Seek supervisory input to make alternate arrangements to complete the assessment;
  17. Notify the accused employee's Regional Manager or the DCS Human Resources Office within one (1) business day if the alleged perpetrator is a DCS staff member. See separate policy, [2.4 Assessment and Review of DCS Staff Alleged Perpetrators](#);
  18. **[NEW]** Notify any state agency that has responsibility over licensing/certification within one (1) business day;
  19. Gather additional information necessary to make a determination about the validity of the allegations;
  20. Document all information gathered during the assessment in MaGIK;
  21. Seek supervisory input as needed throughout the assessment;
  22. Document good faith attempts if unable to complete any element of the assessment and seek supervisory input. See separate policy, [4.20 Good Faith Efforts](#);
  23. Send the 30 Day Report to the administrator of the facility that made the CA/N report, if applicable. See separate policy, [4.21 30 Day Report of Assessment](#);
  24. Arrive at a finding of substantiated or unsubstantiated for each allegation. See separate policy, [4.22 Making an Assessment Finding](#); and
  25. Complete the Assessment Report. See separate policy, [4.25 Completing the Assessment \(Investigation\) Report](#).
  26. Ensure that the alleged perpetrator is notified of his or her right to administrative review, including the right to participate in an informational review prior to arriving at a finding if the alleged perpetrator is a child care worker or resource parent. See separate policies, [2.1 Request for Administrative Review](#), [2.2 Administrative Review Process](#), [2.3 Child Care Worker Assessment Review Process](#) , and [2.4 Assessment and Review of DCS Staff Alleged Perpetrators](#);

**[NEW]** The ICPS Supervisor or his or her designee will:

1. Send a copy of the **approved Assessment of Alleged Child Abuse or Neglect Report (SF 113/CW311)** to the State Superintendent of Public Instruction if the assessment involved allegations regarding a licensed teacher (including substitutes) that occurred in the course of his or her employment as a teacher or if the assessment involved allegations that took place on school grounds. Prior to sending notice, the ICPS Supervisor or his or her designee must redact the report source from the report, as well as other identifying information on other persons if disclosure of the information would be likely to endanger the life or safety of the person; and
2. Send notice to the perpetrator regarding his or her rights to a review and an appeal of the decision if any allegations are substantiated. See separate policies, 2.1 Request for Administrative Review, 2.2 Administrative Review Process, 2.3 Child Care Worker Assessment Review Process, 2.4 Assessment and Review of DCS Staff Alleged Perpetrators, and 2.5 Administrative Appeal Hearings .

**PRACTICE GUIDANCE**

**[NEW] ICPS Sexual Abuse Allegations**

When sexual acts occur involving child(ren) within an institutional setting, ICPS will assess only when the allegations are against a child or adult who is employed by or volunteers at that institution. See chart below for assignment examples:

<b>Alleged Perpetrator</b>	<b>Allegation Type</b>	<b>Assignment</b>
Institutional staff	Neglect/Sexual Abuse	ICPS
Child at the Institution	Sexual Abuse	ICPS
Unknown perpetrator (within the institution)	Sexual Abuse	ICPS
Unknown perpetrator (outside of institution)	Sexual Abuse	Local Office

**Example:** Two (2) children aged five (5) are acting out sexually in the bathroom at school. One of the children displays sexual behaviors well outside typical development and there is suspicion that the child is a victim of sexual abuse. While the incident occurred within an institutional setting there is no allegation of neglect on the school, therefore the DCS local office assesses the allegations of sexual abuse on an unknown perpetrator in regard to the child displaying the sexual behaviors.

In the event that a DCS local office or the ICPS unit receives a Preliminary Report of Alleged Child Abuse or Neglect (SF 114/CW 310) on a caregiver that is operating a day care home without a license or registration, the ICPS Supervisor and/or Program Manager will determine whether or not it is more appropriate for ICPS to complete the assessment.

**FORMS AND TOOLS**

1. Notice of Availability of Completed Reports and Information (SF 48201)
2. Consent of Parent, Guardian or Custodian to Interview Child(ren) (SF 52013)
3. Notice to Parent, Guardian or Custodian of Interview with Child (SF 53130)
4. 30 Day Report (SF 54854)

## RELATED INFORMATION

### **[NEW] Assigning ICPS Assessments**

When assigning an assessment, the ICPS Supervisor will consider the experience and skill sets, case loads, and schedules of available ICPS FCMs to determine the best match for the assessment. When a report is assigned, the person assigning will ensure the ICPS FCM receiving the report is notified.

### **Access to Information**

DCS has the authority to request and secure any information from a facility that is necessary to conduct a ICPS CA/N assessment. This includes, but is not limited to: files kept on facility staff and children who attend the facility, and the facility's licensing file.

**[NEW]** If the institution holds a license by an agency other than DCS, the ICPS FCM can discuss with his or her supervisor and/or Program Manager if a review of the actual licensing file would further the progress of the assessment. The ICPS FCM will request to review the licensing file if it is decided that information in the file will further the progress of the assessment. In situations when an institution will not release information without a subpoena or formal request from DCS, the ICPS FCM and his or her supervisor and/or Program Manager will take necessary steps to obtain information or evidence that would further the progress of the assessment.

### **Child Care Worker Assessment Review (CCWAR)**

If the alleged perpetrator is a child care worker, defined as a person who has direct contact with children through the course of employment or volunteer work in an institution, he or she is entitled to have a Child Care Worker Assessment Review (CCWAR) prior to a decision to substantiate the assessment. This review is a meeting with one (1) of the following: the DCS Local Office Director (LOD), the DCS Local Office Deputy Director, DCS Local Office Division Manager (DM), or the Regional Manager (RM), at which time the child care worker may present any additional information that he or she feels could assist DCS in making an accurate decision. See separate policy, 2.3 Child Care Worker Assessment Review Process.

### **[REVISED] Executive Branch State Agencies that Administer and/or Monitor Institutions**

If another executive branch state agency is involved with the child or family, DCS will collaborate with the designated liaison from the agency.

If a listed state agency licenses, certifies or otherwise monitors an institution in which the CA/N assessment is taking place, DCS will share intake/assessment information with that state agency:

1. Indiana Department of Correction;
2. Family and Social Services Administration: Bureau of Developmental Disabilities;
3. Family and Social Services Administration: Division of Mental Health;
4. Family and Social Services Administration: Division of Family Resources.

In all fatalities/near fatalities, the ICPS unit will have the responsibility to notify the state agency of the assessment even though the local office will take the lead on the assessment.

**Department of Education**

DCS will share completed assessment information (substantiations and unsubstantiations) with the Department of Education when the allegations:

1. Involve a teacher in their capacity as a teacher; and/or
2. The allegation occurred on school property.

**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 \$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 ICPS to assess a child caregiver.

**[NEW] Unlicensed Child Care Home or Center**

ICPS will investigate when an incident of alleged CA/N occurs in an unlicensed Child Care Home or Center that cares for more than five (5) unrelated children.