



State of Indiana
Indiana Department of Correction

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03/01/2026

13

00-01-105

POLICY AND ADMINISTRATIVE PROCEDURE

Manual of Policies and Procedures

Title

THE REPORTING, INVESTIGATION, AND DISPOSITION OF CHILD ABUSE AND NEGLECT IN YOUTH FACILITIES

Legal References (includes but is not limited to)	Related Policies/Procedures (includes but is not limited to)	Replaces:
IC 31-9-2-13 IC 31-9-2-14 IC 31-33-2-1 <i>et seq.</i> IC 31-33-5 IC 31-33-22-1 <i>et seq.</i> IC 31-34-1 <i>et seq.</i>	00-01-103 02-03-116 01-02-101 03-02-101 01-08-101 03-02-109 02-01-109 04-03-103 02-01-115	00-01-105 (Eff. 10-01-2024 / ED # 24-32)

I. PURPOSE:

The purpose of this policy and administrative procedure is to establish guidelines for the effective reporting, investigation and disposition of all suspected or known incidents of abuse or neglect of children under the Department's supervision.

II. POLICY STATEMENT:

The Indiana Department of Correction is committed to providing a safe and secure environment within its facilities. The Department shall develop uniform procedures to be used by all staff to report suspected cases of child abuse or neglect. This policy and administrative procedure shall be used by all staff, volunteers and contractors in the Department of Correction's Division of Youth Services facilities to ensure that information is reported accurately and in a timely manner, that an investigation is conducted, and that appropriate disposition occurs. Any staff member who has reason to believe that a child in the Department's care is a victim of child abuse or neglect shall make a report as required under Indiana Code 31-33- 5.

All Department staff, volunteers, and contractors are required to immediately report any known or suspected incidents of child abuse or neglect of a youth under the care, custody, or supervision of the Department. Upon receiving such a report, the individual shall make a report to the Indiana Department of Child Services via the Indiana Child Abuse and Neglect Hotline (1-800-800-5556). The Warden/designee shall notify the Executive Director, Division of Youth Services. In cases involving sexual activity of youth, the Department's PREA Director shall be notified as well. Staff or contractors who provide Community Supervision/Parole Services to youth, whom in the course of their duties, have reason to believe that the youth may be a

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victim of child abuse or neglect shall immediately make a report to the Indiana Department of Child Services via the Indiana Child Abuse and Neglect Hotline and notify the Deputy Director of Parole Services. The Deputy Director of Parole Services shall notify the Executive Director, Division of Youth Services.

Department staff shall cooperate to the fullest extent with any internal investigations or external investigations conducted by either the Indiana Department of Child Services or a law enforcement agency. Any internal investigation by the Department shall compliment and not interfere with any external investigation. The Department shall protect from retaliation, any youth, staff, volunteer, or contractor who reports child abuse and neglect or those who cooperate with such investigations.

A youth who is a suspected victim of child abuse or neglect shall be given immediate and appropriate medical and mental health care.

Any report of suspected child abuse or neglect shall be held confidential and released only in accordance with applicable statutes and promulgated rules.

III. DEFINITIONS:

For the purpose of this policy and administrative procedure, the following definitions are presented:

- A. **ABUSIVE SEXUAL CONTACT:** Non-penetrative contact of a sexual nature by a youth against another youth without their consent, or of a youth who is unable to consent or refuse which includes intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or buttocks of any youth. (Does not include kicking, punching, or grabbing the genitals when the intent is to harm or debilitate rather than to sexually exploit or contact is incidental to an altercation.)
- B. **ACCIDENTAL INJURY:** An injury to the youth of the type that is common to the nature of the activity in which the youth was involved.
- C. **AGE APPROPRIATE:** A way of communicating, explaining, interviewing, or providing services to a youth that is suitable for the youth's age and level of emotional and cognitive development.
- D. **ALLEGATION:** An oral, written, or electronic statement that sexual abuse has occurred or might occur that is provided to a staff member or outside agency.

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E. CHILD ABUSE OR NEGLECT:

1. The youth's physical or mental condition is seriously impaired or seriously endangered as a result of the inability, refusal or neglect of the child's parent, guardian or custodian to supply the youth with necessary food, clothing, shelter, medical care, education, or supervision.
2. The youth's physical or mental health is seriously endangered due to injury by the act or omission of the youth's parent, guardian or custodian.
3. The youth is a victim of:
 - a. Rape (IC 35-42-4-1);
 - b. Criminal Deviate Conduct (IC 35-42-4-2);
 - c. Child Molesting that involves the fondling or touching of the buttocks, genitals, or female breasts of a child [IC 35-42-4-3, see also IC 31-9-2-14(b)];
 - d. Child Exploitation (IC 35-42-4-4);
 - e. Child Seduction (IC 35-42-4-7);
 - f. Sexual Misconduct with a Minor (IC 35-42-4-9);
 - g. Public Indecency/Indecent Exposure (IC 35-45-4-1);
 - h. Prostitution (IC 35-45-4-2);
 - i. Incest (IC 35-46-1-3); or,
 - j. Any other offense as delineated in IC 31-9-2-14.
4. The youth's parent, guardian or custodian allows the youth to participate in an obscene or harmful performance as defined in IC 35-49-2-2 and IC 35-49-3-2
5. The youth's parent, guardian, or custodian allows the youth to commit a sex offense relating to prostitution, public indecency, or voyeurism as described in IC 35-45-4.

F. COMMISSIONER: the Chief Executive Officer of the Department.

G. CONTRACTOR: A person who provides services to youth or to the Department on an established basis according to a contractual agreement, referred to in this policy as, "Staff."

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- H. **CRITICAL INCIDENT:** Any event that seriously disrupts the routine operation of the facility such as those situations involving battery on staff or other youth, sexual contacts, staff sexual harassment, etc. Also, those situations which are defined as serious, significant or highly sensitive or are considered critical incidents.
- I. **DEPARTMENT:** The Indiana Department of Correction.
- J. **PREA DIRECTOR:** The staff person appointed by the Commissioner to oversee facility sexual abuse prevention programs, sexual assault reporting and Department compliance with national standards.
- K. **FACILITY PREA COMPLIANCE MANAGER:** The staff person designated by the Warden to oversee the sexual abuse prevention program at the facility, sexual assault reporting and facility compliance with national standards and Department policy.
- L. **JUVENILE:** Any individual under the age of eighteen (18). See also YOUTH.
- M. **NEED TO KNOW:** A criterion for limiting access of certain sensitive information to individuals who require the information to make decisions or to take action with regard to a youth's safety or treatment or to the investigative process.
- N. **NONCONSENSUAL SEXUAL ACT:** Contact of a sexual nature by a youth against another youth without their consent, or a youth unable to consent or refuse including: contact between the penis and the vulva or the penis and the anus including penetration, however slight; contact between the mouth and the penis, vulva or anus; or, penetration of the anal or genital opening of another youth by a hand, finger or other object. (Does not include kicking, punching, or grabbing the genitals when the intent is to harm or debilitate rather than to sexually exploit.)
- O. **OFFICIAL VISITOR:** Any visitor who is visiting a youth or providing an approved official service for the benefit of the youth or the community, such as attorneys, law enforcement, parole / probation officers, representatives of government agencies, elected officials, etc.
- P. **PHYSICAL INJURY:** Any non-accidental injury that causes or creates a substantial risk of disfigurement (including bruises, welts, and cuts),

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protracted loss or impairment of the function of the body or an organ of the body, or death.

- Q. **SEXUAL ABUSE:** Sexual abuse of a youth by another youth or staff member includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse: Abusive Sexual Contact, Non-Consensual Sexual Act and Staff Sexual Misconduct.
- R. **SEXUAL CONTACT:** Contact between persons that includes any of the following:
1. Touching of the intimate parts of one person to any part of another person whether clothed or unclothed; or,
 2. Any touching by any part of one person or with any object or device of the intimate parts of another person or any parts of the body, which may result in sexual arousal or gratification for either party.
- S. **STAFF MEMBER/EMPLOYEE:** Any and all persons employed by the Department's Division of Youth Services, including contractors and volunteers.
- T. **STAFF / VOLUNTEER / CONTRACTOR SEXUAL MISCONDUCT:** Sexual abuse of a youth by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the youth:
1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 2. Contact between the mouth and the penis, vulva, or anus;
 3. Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 4. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 5. Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

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- 6. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1)-(5) of this definition;
 - 7. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of youth; and,
 - 8. Voyeurism by a staff member, contractor, or volunteer of a sexual nature unrelated to official duties.
- U. **SUBSTANTIATED:** An allegation that was investigated and determined to have occurred based on a preponderance of the evidence.
- V. **UNFOUNDED:** An allegation that was investigated and determined not to have occurred.
- W. **UNSUBSTANTIATED:** An allegation, which was investigated, but the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.
- X. **VICTIM ADVOCATE:** An individual, who may or may not be affiliated with the Department, who provides victims with a range of services during the forensic exam and investigatory process. These services may include emotional support, crisis intervention, information and referrals, and advocacy to ensure that victims; interests are represented, their wishes respected, and their rights upheld.
- Y. **VISITOR:** An individual visiting a Department facility, who is not a staff, contractor, or volunteer.
- Z. **VOLUNTEER:** An individual who donates their time and effort on a recurring basis to enhance the activities and programs of the agency, referred to in this policy as, "Staff."
- AA. **YOUTH:** A juvenile person committed to the Department of Correction and housed or supervised in a facility either operated by the Department of Correction or with which the Department of Correction has a contract.

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IV. PREVENTION OF CHILD ABUSE AND NEGLECT:

Department staff members have a duty to provide youth with the level of supervision necessary to protect them from harm. In the event that a staff member becomes aware of or suspects that child abuse or neglect has occurred, that staff member is responsible for immediately reporting the act(s) or suspected act(s) to the Indiana Child Abuse and Neglect Hotline (1-800-800-5556).

V. DUTY TO REPORT CHILD ABUSE OR NEGLECT:

All staff persons are required to immediately report, according to Department procedures and relevant State child abuse reporting laws, any knowledge, suspicion, or information received regarding an incident of child abuse or neglect that occurs in an institutional setting; retaliation against youth or staff who report incidents of abuse; and, any staff neglect or violation of responsibilities that may have contributed to an incident of abuse or retaliation.

VI. REPORTS OF ABUSE OR NEGLECT BY YOUTH OR A THIRD PARTY:

Facilities shall provide multiple internal ways for youth to easily, privately, and securely report incidents of abuse or neglect, retaliation by other youth or staff, for reporting incidents of abuse or neglect and staff neglect or violation of responsibilities that may have contributed to an incident of abuse or neglect.

Youth may also report incidents of abuse or neglect to external agencies or individuals, such as the State Ombudsman, a friend, or family member.

Staff shall accept reports of child abuse or neglect made by a youth or a third-party report verbally, in writing, or anonymously. Upon receiving such a report, the staff person shall immediately contact the Indiana Child Abuse and Neglect Hotline (1-800-800-5556), notify their supervisor and complete the State Form 23870, "Report of Alleged Child Abuse and Neglect."

All reports of child abuse and neglect shall be investigated.

VII. REPORTING ALLEGATIONS OF CHILD ABUSE OR NEGLECT:

A staff person who knows or has reason to believe that a youth is a victim of child abuse or neglect, shall contact the Indiana Child Abuse and Neglect Hotline (1-800-800-5556), make a verbal report to his/her supervisor, complete a written State Form 7212, "Incident Report Form, (Adult facilities)" or State Form 56248, DYS

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Incident Report” detailing the allegations, and complete State Form 23870, “Report of Alleged Child Abuse and Neglect.”

Child abuse and neglect, as defined above and as listed in Indiana Code, include any of the following instances:

- Whenever the nature of a physical injury to a youth is inconsistent with the explanation given for the injury;
- Whenever a youth is injured by another youth or staff person and there is reason to believe that the responsible staff person was not properly supervising;
- Whenever a youth dies, and the cause of death is unknown or believed to be caused by abuse or neglect;
- Whenever any type of sexual contact or sexual abuse occurs between staff and a youth;
- Whenever any type of sexual contact or sexual abuse occurs involving youth; whether with another youth or adult; and,
- Whenever the youth is a victim of a sex crime.

It is not necessary to report purely accidental injuries incurred by a youth. For example, no report of child abuse or neglect should be filed if a youth was accidentally hit by a baseball during a baseball game or twisted an ankle during a basketball game. However, if the accidental nature of the injury is in question and there is evidence of child abuse or neglect, then staff shall report the incident in accordance with this policy and administrative procedure.

- A. The staff person receiving the report of child abuse or neglect shall immediately call the Indiana Child Abuse and Neglect Hotline (1-800-800-5556).
- B. The staff person shall make a verbal report to his/her supervisor.
- C. Following the verbal notification, each staff person with knowledge of the allegations shall complete and submit a written incident report (SF 7212 or SF 56248) detailing the alleged incident, and complete State Form 23870, “Report of Alleged Child Abuse and Neglect,” by the end of his/her shift.

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- D. The Warden/designee receiving information regarding alleged child abuse or neglect shall immediately report or cause a report to be made to the Executive Director, Division of Youth Services, or the Deputy Commissioner of Operations.
- E. The Warden/designee shall be responsible to ensure that the following reports are completed:
 - 1. State Form 56248, "DYS Incident Report;"
 - 2. State Form 23870, "Report of Alleged Child Abuse and Neglect;"
 - 2. Critical Incident Report; and,
 - 3. Sexual Incident Report, if applicable.
- F. The Warden/designee shall be responsible to ensure that copies of the reports listed above are distributed to the Executive Director, Division of Youth Services and to the Deputy Commissioner of Operations.
- G. The PREA Director shall be informed utilizing the PREA reporting application and forwarded any needed documents in accordance with Policy and Administrative Procedure 02-01-115, "Sexual Abuse Prevention."
- H. The Warden/designee shall also be responsible to ensure that notification of the alleged abuse or neglect is made to:
 - 1. The juvenile court that committed the youth, if applicable; and,
 - 2. The parent or legal guardian or the youth.
- I. If a staff person providing community supervision/Parole Services has reason to believe that child abuse or neglect has occurred, he/she shall immediately report the allegations to the Indiana Child Abuse and Neglect Hotline (1-800-800-5556). A report shall also be made to the staff person's immediate supervisor and to the Executive Director, Division of Youth Services, or the Deputy Commissioner of Operations, as appropriate, with a written report to be completed and submitted within twenty-four (24) hours of the initial Department of Child Services notification.

VIII. DUTY TO REPORT CHILD ABUSE OR NEGLECT OCCURRING IN THE COMMUNITY:

A youth may have been the victim of abuse or neglect prior to arriving at the Department, or while on Temporary Leave from the facility. A staff person who has reason to believe that abuse or neglect has occurred shall report the incident to

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the Indiana Child Abuse and Neglect Hotline (1-800-800-5556). The staff person shall also complete the appropriate State Form 7212, "Report of Incident," or State Form 56248, "DYS Incident Report," and State Form 23870, "Report of Alleged Child Abuse and Neglect," and forward to his/her supervisor by the end of the shift.

A copy of the appropriate State Form 7212, "Report of Incident," or State Form 56248, "DYS Incident Report," and State Form 23870, "Report of Alleged Child Abuse and Neglect," regarding the alleged child abuse or neglect shall be forwarded to the Executive Director, Division of Youth Services, by the Warden/designee.

IX. CONFIDENTIALITY:

Staff having knowledge of known or suspected incidents of child abuse or neglect shall maintain strict confidentiality, revealing information regarding the incident(s) only those individuals identified as, "needing to know," such as those staff who will make decisions regarding the youth's treatment, the investigation, and other security or management decisions.

All reports, medical findings, investigative summary or diagnostic reports compiled during an investigation pursuant to this policy and administrative procedure shall be confidential with access to those reports governed by applicable statute, promulgated rule and Department policy.

X. RESPONSE TO ALLEGATIONS OF CHILD ABUSE OR NEGLECT:

All actions taken in response to an allegation of child abuse or neglect shall be coordinated among staff first responders, medical and mental health professionals, investigators, and facility management staff. The facility's coordinated response shall ensure that the victim receives all necessary immediate and ongoing medical, mental health, and support services and that the investigators are able to obtain available evidence to thoroughly investigate the allegations and to assist management with appropriate disposition.

Upon learning that (physical or sexual) abuse or neglect has occurred or has been alleged, staff first responding shall:

- A. Separate the alleged victim and the alleged abuser;
- B. Provide access to timely medical evaluation and treatment;
- C. Instruct the victim, when possible, to not take actions that could destroy physical evidence, such as washing, changing clothes, urinating, brushing teeth, etc.;
- D. Provide access to timely mental health evaluation and treatment; and,

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E. Preserve any crime scene area and related materials.

XI. MEDICAL CARE:

All youth who have been alleged to be the victim of child abuse or neglect shall be provided immediate medical evaluation and treatment for injuries received, follow-up treatment as needed, and a referral to the facility mental health professional. The medical evaluation and treatment shall not be guided by the investigative process; however all relevant findings, diagnosis, treatment or data shall be incorporated into any subsequent investigative report.

XIV. DUTY TO INVESTIGATE:

The facility shall investigate all allegations of child abuse or neglect, including third-party and anonymous reports. All investigations shall be carried through to completion, regardless of whether the alleged victim or alleged abuser remains at the facility and regardless of whether the source of the allegation recants their report.

XV. INTERNAL INVESTIGATION:

Any internal investigations into allegations of child abuse or neglect shall be prompt, thorough, objective, and conducted by trained investigators. The Warden/designee shall confer with the Executive Director, Division of Youth Services, regarding the investigation and compliance with policy 00-01-103 "Investigations and Intelligence". The internal investigation may be completed without resolution from an external agency's investigation.

XVII. IMMUNITY FROM CIVIL OR CRIMINAL LIABILITY OR ADVERSE ADMINISTRATIVE ACTION:

Any staff person, other than the person accused of child abuse or neglect, who files a report of suspected child abuse or neglect, participates in a medical or

investigative process for child abuse or neglect or participates in any judicial proceedings or other proceedings resulting from a report of child abuse or neglect, is immune from civil or criminal liability. A staff person making a report of child abuse or neglect is presumed to have acted in good faith. No disciplinary action or reprisal shall be taken against a staff person who has acted in good faith in reporting a suspected child abuse or neglect incident. Immunity does not extend to any staff person who has acted maliciously or in bad faith.

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XVIII. DISPOSITION:

Staff is subject to disciplinary sanctions up to and including termination of employment when staff has violated Department policies or State laws, related to child abuse or neglect. All terminations related to violations regarding policies related to child abuse or neglect shall be reported to Indiana State Police.

A staff person who knowingly fails to make a report of suspected child abuse or neglect as required by law; who requests, obtains, or seeks to obtain child abuse or neglect information under false pretenses; or, who knowingly falsifies child abuse or neglect information, or records shall be subject to disciplinary action up to and including termination of employment and may be reported to Indiana State Police.

Youth who engage in youth-on-youth abuse shall receive appropriate interventions. Decisions regarding the types of interventions needed, will include treatment, counseling, education programs, and disciplinary responses (refer to Policy and Administrative Procedure 03-02-101, “Code of Conduct for Youths”), made with the goal of promoting improved behavior by the youth and ensuring the safety of other youth and staff. Depending on the incident, a response may include referral to the Indiana State Police.

XIX. TRAINING:

The Department shall provide training to all Division of Youth Services staff regarding their responsibilities regarding child abuse and neglect reporting and sexual assault prevention and reporting. Additionally, the Department shall train staff to communicate effectively and professionally with all youth. The Department shall train all staff on the youth’s right to be free from abuse and from retaliation for reporting abuse.

The Department shall ensure that all volunteers and contractors who have contact with youth have been trained on their responsibilities regarding child abuse and neglect reporting and sexual assault prevention and reporting.

XX. CHILD ABUSE OR NEGLECT INCIDENT REVIEW:

All reports of Child Abuse or Neglect shall be considered Critical Incidents and, as such, shall be reviewed by a team of facility management staff. This Critical Incident review shall include the following:

- A. An analysis of any security failures that may have contributed to the incident;

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- B. An examination of the timeliness and quality of the response;
- C. The various interventions provided to the victim, including medical and mental health care; and,
- D. The quality of the administrative and/or criminal investigations.

Having identified any underlying issues, the facility shall make the necessary changes to facility procedures or practices to ensure the safety of staff and youth.

XXI. RETENTION OF CHILD ABUSE OR NEGLECT RECORDS:

Retention of reports filed in the confidential section of a youth’s packet shall be governed by the Department procedures and retention schedules established by the Indiana Archives and Records Administration. Copies of reports shall be maintained for at least ten (10) years, after which they may be destroyed in a manner sufficient to ensure lasting confidentiality and in accordance with Policy and Administrative Procedure 00-04-102, “The Establishment, Distribution, Maintenance, Review and Disposition of Administrative Records.”

XXII. APPLICABILITY:

This policy and administrative procedure are applicable to all youth committed to the Department of Correction/Division of Youth Services, and to all staff and facilities housing youth.

 (signature on file)
 Lloyd Arnold,
 Commissioner

 02/03/2026
 Date