



# INVESTIGATIVE REPORT

David Cook, Inspector General

OFFICE: INDIANA DEPARTMENT OF CHILD SERVICES (DCS)  
TITLE: FORMER DCS EMPLOYEE FAILURE TO REPORT  
CASE ID: 2023-03-0101  
DATE: April 16, 2024

*Indiana Office of Inspector General Staff Attorney Doreen Clark, after an investigation by Inspector General Special Agent Mike Lepper, reports as follows:*

The Indiana General Assembly charged the Indiana Office of Inspector General (OIG) with addressing fraud, waste, abuse and wrongdoing in the executive branch agencies of state government. Ind. Code §4-2-7-2(b). The OIG also investigates allegations of criminal activity and Code of Ethics<sup>1</sup> violations within state government. Ind. Code §4-2-7-3. The OIG may recommend policies and carry out other activities designed to deter, detect and eradicate fraud, waste, abuse, mismanagement and misconduct in state government. Ind. Code §4-2-7-3(2).

## **I. COMPLAINT AND BACKGROUND**

On March 14, 2023, the OIG received a complaint regarding a former Family Case Manager (FCM) of the Indiana Department of Child Services (DCS). The complaint alleged that on November 19, 2022, the FCM removed a child from a foster home (Foster Home 1) and placed him in a second foster home (Foster Home 2). DCS removed the child from the home because the foster parents of Foster Home 1 (Foster Parents 1) were encountering a variety of challenges in attending to his behavioral issues and special needs. When DCS removed the child and placed him in the care of Foster Home 2, Foster Parents 1 still had other children in their home. Upon physical examination of the child, the parents of Foster Home 2 (Foster Parents 2) noticed that the child

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<sup>1</sup> The Code is found at Ind. Code 4-2-6 and 42 IAC 1.

had several bruises on his body, including a bruise to his eye. The child also smelled of marijuana. Foster Parents 2 suspected that the bruises came from the child's treatment in Foster Home 1. Foster Parents 2 reported their observations and provided pictures to the FCM assigned to the case by email on November 19, 2022. The FCM reported this information to her supervisor on November 21, 2022. The FCM's supervisor subsequently informed the FCM to make a report to the DCS child abuse hotline of the findings.

Pursuant to DCS policy, a FCM who suspects or is notified of a potential child abuse allegation is required to report the allegation to the DCS hotline.<sup>2</sup> Once a FCM reports the allegation, then the office reviewing the report will determine whether to open the case for an investigation.

The complaint alleged that the FCM failed to file a report regarding the child's bruises. On November 24, 2022, another child, who was still in Foster Home 1, died. The FCM had a meeting with the Local Office Director and Division Manager of DCS regarding her failure to report. During the meeting, it was confirmed that the FCM never filed a report with the DCS child abuse hotline and did not inquire further about the child's bruises. Additionally, the FCM failed to file a Pediatric Evaluation and Diagnostic Service (PEDS)<sup>3</sup> referral. The FCM explained in the meeting that she had forgotten to file a report. DCS subsequently terminated the FCM from her DCS employment in March of 2023.

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<sup>2</sup> Chapter 8 (Out-of-Home Services), Page 2 of DCS Child Welfare Policy, notes that "Any new allegations of Child Abuse and/or Neglect (CA/N) must be reported to the DCS Child Abuse Hotline (Hotline) per State reporting statutes and may not be handled as part of the case." The Policy's effective date was November 1, 2017.

<sup>3</sup> A Pediatric Evaluation and Diagnostic Service (PEDS) referral is mandatory for all children less than six years of age with allegations of suspected abuse or neglect involving the head or neck and all children less than three years of age with allegations of suspected abuse or neglect resulting in fractures or burns or suspected fractures or burns. <https://www.in.gov/dcs/files/3.04-Initial-Evaluation-of-CAN-Reports.pdf>

## **II. OIG INVESTIGATION**

OIG Special Agent Mike Lepper investigated the complaint. During the investigation, Special Agent Lepper interviewed several DCS employees, including the FCM's direct supervisor and the FCM's former supervisor of four years. He also interviewed Foster Parents 2. Special Agent Lepper also contacted the Instructional Design Team Lead for IUPUI, the Assistant Director of Staff Development with DCS and the Human Resources Consultant for the Indiana State Personnel Department (SPD). Special Agent Lepper obtained copies of the FCM's personnel files, including her learning and training history and termination letter, and various documents from DCS, including the Management Gateway for Indiana's Kids (MaGIK) entries pertaining to the child that was removed from Foster Home 1 and DCS Child Welfare Policies. He also obtained information from Foster Parents 2, including the email that Foster Parents 2 sent to the FCM pertaining to the child's bruises, the foster parents call log and an email that Foster Parents 2 sent to DCS concerning a separate incident concerning the child.

Special Agent Lepper learned that DCS hired the FCM in November of 2007. The FCM worked as a Permanency FCM, which entails specialization in child protection, family and adolescent crisis response, delinquency and parent/child conflict, emancipation planning and facilitating adoptions. Permanency FCMs are required to produce extensive court documentation, including preparing court reports and social histories, coordinating resources and collaborating with service providers, courts, community schools and assessment centers. Permanency FCMs also must have the ability to engage with families in mitigating risk and enhancing safety that will be used in both the office, client homes and in the communities. The FCM had fifteen years of experience as a Permanency FCM, and according to her supervisor, she enjoyed working with families. As a result, she was often assigned DCS' most difficult cases.

Special Agent Lepper learned that in November of 2022, Foster Parents 2 received a notice from their foster care agency that a four-year-old child from Foster Home 1 would be placed in their care. Foster Parents 2 informed Special Agent Lepper that DCS was removing the child from Foster Home 1 because Foster Parents 1 could not make time to attend to his behavioral and special needs. Foster Parents 1 instead decided to return the child to DCS. When Foster Parents 2 received the child and the child was settled in the home, they noticed a variety of issues. First, they noticed that even though the child had behavioral issues, the child was never taken to any services, such as play or speech therapy, for his special needs. The child also was reevaluated using the Child and Adolescent Needs and Strengths (CANS) metric<sup>4</sup> and received a CANS score of 3, indicating that he needed a high level of resources for therapy.

Additionally, Foster Parents 2 noticed that the child was dehydrated, and his clothes smelled of marijuana. Foster Parents 2 also noticed that the child had bruises on his eye line and on various areas throughout his body. Upon this observation, Foster Parents 2 notified the FCM about the bruises, dehydration and clothing by phone. Foster Parents 2 later emailed the FCM about their observations and included pictures of the bruises that they had found on the child.

The FCM presented the pictures to her supervisor, and the FCM and her supervisor had a conversation about the next steps of reporting a potential child abuse allegation. As the child began adjusting to living with Foster Parents 2, he also began speaking more about the abuse he endured while in Foster Home 1 and named one particular foster parent that frequently abused him. In one

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<sup>4</sup> Child and Adolescent Needs and Strengths (CANS) is a multipurpose evaluation tool that is used to determine the level of care or services that the child being evaluated needs. After evaluation, the child will receive a score from 0-3. A score of 0, suggests that a child likely does not need any special services or resources. A child receiving a score of 1, suggests that the child possesses a mild level or history of behavior. A score of 2-3 indicates that the child would need various resources or services to satisfy the child's needs.  
<https://www.courts.oregon.gov/programs/crb/volunteer/Documents/CANS%20Informational%20Guide.pdf>

incident, Foster Parents 2 informed Special Agent Lepper that the sight of a ratchet strap that they owned triggered the child's memories of being tied up when living with Foster Parents 1. The child again named the particular foster parent as the one who had tied him with the ratchet strap. Upon hearing about this incident, Foster Parents 2 called child protective services and reported the incident to the DCS child abuse hotline.

The FCM's supervisor informed the FCM to report the abuse to the DCS hotline as part of the standard procedure, but the FCM failed to make the report. When the child was placed in Foster Home 2, two children remained in Foster Home 1. One of the children remaining at Foster Home 1 died four days later. In February of 2023, the FCM's supervisor heard about the child's death through another case manager, which later required a meeting. This led the FCM's supervisor to believe that the FCM had not reported the incident regarding the child's bruises from Foster Home 1 in November.

The FCM subsequently participated in a pre-deprivation meeting with the Local Office Director and Division Manager of DCS to address her conduct. After the pre-deprivation meeting, DCS terminated the FCM from DCS employment, for violating both DCS' Code of Conduct and Child Welfare Policy. The FCM maintained that she had forgotten to file the report before she was removed from her position at DCS.

### **III. CONCLUSION**

The OIG certified the case to the Marion County Prosecutor's Office on September 21, 2023, for the following criminal charges: Ind. Code §31-33-2-1(a) Failure to Make a Report; and Ind. Code §35-44.1-1-1 (1) Official Misconduct. Ind. Code §31-33-5-1 states that "an individual who has a reason to believe that a child is a victim of a child abuse or neglect shall make a report as required by this article," and Ind. Code §31-33-22-1(a) provides that a person who fails to make such a report commits a Class B misdemeanor. The Official Misconduct statute makes it a Level

6 felony for a public servant to commit a criminal offense knowingly or intentionally in the performance of his or her official duties. The Marion County Prosecutor's Office declined to file criminal charges against the FCM. As such, the OIG is closing this case.

Although the OIG is closing the case, the OIG is making several recommendations to DCS as a result of this investigation. The OIG recognizes that DCS employees work hard to protect vulnerable children every day. Furthermore, the OIG recognizes that DCS FCMs juggle multiple cases and demands on their time. This failure to report appears to be an isolated incident, and the OIG has no reason to believe it represents a systemic problem with employees failing to report such matters. Nonetheless, the OIG wants to make every effort to remind DCS FCMs of their reporting requirements. To that end, the OIG makes the following recommendations to DCS. Furthermore, the OIG finds that it is in the public interest to publish this Report to remind DCS employees, other state employees and members of the public of the critical importance of reporting evidence of possible child abuse or neglect to the DCS hotline.

Recommendation 1:

The OIG recommends that DCS remind all staff of both DCS' policy and the statutory requirement to immediately report all complaints pertaining to suspected child abuse and neglect to the designated DCS hotline and that failure to do so may result in criminal charges. Immediately reporting suspected child abuse helps expedite the investigation and could help prevent possible injury and even death of a child in danger. Furthermore, reporting is required by law.

Recommendation 2:

The OIG recommends that once an FCM has reported or discussed a child abuse or neglect incident with his or her supervisor, the FCM's supervisor should take measures to follow-up with the FCM to ensure that the FCM made the proper reports. If the FCM failed to make the report in a timely manner, the supervisor should do so himself/herself. The supervisor should follow up

with the FCM regarding the status of the case and communicate regularly with the FCM regarding the case.

Dated: April 16, 2024

APPROVED BY:

  
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David Cook, Inspector General