

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 2: Administration of Child Welfare	Effective Date: December 1, 2009
	Section 3: Child Care Workers Assessment Review Process	Version: 3

POLICY

This policy applies to child care workers and licensed resource parents. The Indiana Department of Child Services (DCS) defines “child care worker” as a person who has or will have direct contact with children, through the course of employment with any of the following:

1. Any agency that provides services to or for the benefit of children who are victims of child abuse and/or neglect (CA/N);
2. Any of the following types of facilities:
 - a. Child care center,
 - b. Child care home (whether or not required to be licensed),
 - c. Child care ministry (whether or not licensed),
 - d. Residential group home,
 - e. Child caring institution,
 - f. School¹,
 - g. Juvenile detention center, or
 - h. Licensed child placing agency (LCPA).
3. Any other facility that provides residential care for children; or
4. Any other agency that is a contracted service provider for DCS.

The process described herein applies regardless of whether the allegation includes actions taken within the scope of employment or licensed as a resource parent.

It is the responsibility of the alleged perpetrator to notify the assessing Family Case Manager (FCM) that he/she is a child care worker in the event that the allegations are related to the individual’s personal life.

DCS will allow the alleged child care worker or resource parent perpetrator to participate in a Child Care Worker Assessment Review (CCWAR), as an opportunity to present any information he/she feels could assist DCS in making an accurate decision. The CCWAR is an informational meeting only and no official recording (i.e., audio recording) will be made of the meeting.

The alleged child care worker or resource parent perpetrator has the right to have an attorney or other representative present at the CCWAR. The attorney or representative may assist the alleged perpetrator in presenting information at the meeting. However, witness testimony is prohibited.

¹ Does not include tenured public school teachers or administrators who have other processes available to them.

DCS will require that the CCWAR be conducted by one of the following persons, who was not involved in the assessment or the preparation of the assessment report:

1. The DCS Local Office Director in the county responsible for the assessment;
2. The DCS Local Office Deputy Director in the county responsible for the assessment;
or
3. The Regional Manager in the region responsible for the assessment.

The CCWAR will occur regardless of the attendance of the alleged child care worker or resource parent perpetrator. DCS will require that the CCWAR occurs prior to supervisory approval of the assessment finding.

DCS will allow the Supervisor to proceed with the review, including the approval process, if the perpetrator does not attend the CCWAR.

DCS will allow the alleged child care worker or resource parent perpetrator the opportunity to continue the CCWAR under limited circumstances. Those limited circumstances include:

1. Before the scheduled date for the CCWAR, if the DCS Local Office Director, or other person authorized to hold the CCWAR receives a written request for a continuance from the alleged child care worker or resource parent perpetrator;
2. If the Supervisor has determined that the requested continuance will not endanger the health or safety of a child, the Supervisor can grant the request in writing, with a documented phone call to the alleged child care worker or resource parent perpetrator (due to the short time frame):
 - a. The continuance must be contingent on the agreement of a alleged child care worker or resource parent perpetrator to allow DCS to notify the employer or licensing agency of the pending assessment, if warranted,
 - b. The notice to the alleged child care worker or resource parent perpetrator must include the rescheduled date, time, and location of the continued CCWAR, and
 - c. Copies must be sent to the alleged child care worker or resource parent perpetrator's attorney, if applicable, Regional Manager, and Appeals Unit.
3. The rescheduled CCWAR must be held within **ten (10) calendar days** from the originally scheduled CCWAR; and
4. The CCWAR may not be continued more than once.

DCS will notify the alleged child care worker or resource parent perpetrator in writing of the assessment finding and his/her appeal rights regardless of whether he/she participates in the CCWAR.

DCS will notify the child care worker's employer or prospective employer and/or the appropriate licensing unit or agency within two (2) business days of substantiation by sending the [Notice of Substantiation of Child Abuse and/or Neglect by Child Care Worker/Resource Parent \(CAPTA080802SCW\)](#).

DCS reserves the right to contact the appropriate licensing unit and/or agency regarding an emergency closure at any time during the assessment process, if the immediate safety and/or well-being of the alleged victim or another child at the facility or home is in question.

DCS recognizes the right of the alleged child care worker or resource parent perpetrator to request an Administrative Appeal Hearing, if he/she disagrees with the assessment finding. See separate policy, [2.5 Administrative Appeal Hearings](#).

The [Stay of Administrative Review or Appeal of DCS Substantiation of Child Abuse or Neglect \(CAPTA080801SRA\)](#) must be sent by DCS, if appropriate. Any stay due to pending court action becomes effective once the substantiation is approved.

Code References

N/A

PROCEDURE

The Family Case Manager (FCM) will:

1. Complete the assessment in accordance with the DCS assessment policies found in [Chapter 4: Assessment](#);
2. Notify his/her Supervisor that the assessment involves a child care worker or resource parent as defined in this policy; and
3. Complete a draft copy of the [Assessment of Alleged Child Abuse or Neglect \(SF113/CW0311\)](#). Ensure that the words "DRAFT" are stamped on every page or watermarked on the [Assessment of Alleged Child Abuse or Neglect \(SF113/CW0311\)](#).

The Supervisor will:

1. Notify the DCS Local Office Director of the need for a CCWAR within one (1) business day of receiving the recommendation from the FCM; and
2. Wait to approve the [Assessment of Alleged Child Abuse or Neglect \(SF113/CW0311\)](#) until the CCWAR is conducted and the CCWAR decision is received.

The DCS Local Office Director or other person authorized to hold the CCWAR will:

1. Notify the alleged child care worker or resource parent perpetrator of the intent to substantiate and schedule the CCWAR within three (3) business days of being notified by the Supervisor, by sending the [Notice of Intent to Substantiate Allegations of Child Abuse and/or Neglect on a Child Care Worker/Resource Parent \(CAPTA080802ICW\)](#). Include a draft redacted copy of the [Assessment of Child Abuse or Neglect \(SF113/CW0311\)](#) with the notice. Refer to separate policy, [2.2 Administrative Review Process](#) for redaction procedure;
2. Hold a CCWAR within five (5) business days of the date of the [Notice of Intent to Substantiate Allegations of Child Abuse and/or Neglect on a Child Care Worker/Resource Parent \(CAPTA080802ICW\)](#);
3. Review the case file, the child care worker's statement, and any documentation presented;
4. Determine if the substantiation should be approved;
5. If the substantiation is not approved, decide which of the following actions will be taken:
 - a. The allegation(s) will be unsubstantiated, or
 - b. The assessment will be returned to Child Protection Services (CPS) for further assessment and reconsideration of the report.
6. Within five (5) business days of holding the CCWAR, assure that the following persons are notified of the decision:
 - a. The alleged child care worker or resource parent perpetrator, using the [Notice of Child Care Worker/Resource Parent Assessment Review \(CCWAR\) Decision and Right to Administrative Appeal \(CAPTA080802CCD\)](#). Include a copy of the [How to Request for an Administrative Appeal Hearing \(CAPTA080802ADR\)](#) with the notice,

- as well as an approved redacted copy of the [Assessment of Child Abuse or Neglect \(SF113/CW0311\)](#), if the substantiation is approved,
- b. The assessing FCM, and
 - c. The FCM's Supervisor.
7. Assure that the child care worker's employer and the appropriate licensing unit or agency are notified within 48 hours of substantiation using [Notice of Substantiation of Child Abuse and/or Neglect by Child Care Worker/Resource Parent \(CAPTA080802SCW\)](#), if applicable;
 8. Assure that all remaining assessment tasks are complete in a timely manner as set out in [Chapter 4: Assessment](#); and
 9. If the alleged child care worker or resource parent perpetrator chooses to appeal the decision, proceed to next step. See separate policy, [2.5 Administrative Appeal Hearings](#).

The Supervisor will:

1. Upon receipt of the decision from the DCS Local Office Director or other person authorized to hold the CCWAR, approve the [Assessment of Child Abuse or Neglect \(SF113/CW0311\)](#);
2. Provide instruction to the FCM for further assessment, if [Assessment of Child Abuse or Neglect \(SF113/CW0311\)](#) is returned to CPS for further assessment and reconsideration; or
3. Provide instruction to the FCM to unsubstantiate the report if necessary.

PRACTICE GUIDANCE

N/A

FORMS AND TOOLS

1. [Notice of Intent to Substantiate Allegations of Child Abuse and/or Neglect on a Child Care Worker/Resource Parent \(CAPTA080802ICW\)](#)
2. [Assessment of Alleged Child Abuse or Neglect \(SF113/CW0311\)](#) – Available in ICWIS
3. [Notice of Child Care Worker/Resource Parent Assessment Review \(CCWAR\) Decision and Right to Administrative Appeal \(CAPTA080802CCD\)Request for an Administrative Appeal Hearing](#)
4. [Notice of Substantiation of Child Abuse and/or Neglect by Child Care Worker/Resource Parent \(CAPTA080802SCW\)](#)
5. [Stay of Administrative Review or Appeal of DCS Substantiation of Child Abuse or Neglect \(CAPTA080801SRA\)](#)
6. [How to Request for an Administrative Appeal Hearing \(CAPTA080802ADR\)](#)

RELATED INFORMATION

N/A