

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY</b>	
	<b>Chapter 2 :</b> Administration of Child Welfare	<b>Effective Date:</b> September 1, 2008
	<b>Section 15:</b> Hospitalized Victim of Child Abuse/Neglect (CA/N)	<b>Version:</b> 1

## STATEMENTS OF PURPOSE

The Indiana Department of Child Services (DCS) must authorize the release of a child from the hospital when:

1. He or she is the subject of a Child Abuse and/or Neglect (CA/N) assessment;
2. Is the patient in a hospital; and
3. The hospital either was the reporter or has been notified of the CA/N assessment.

DCS will provide the hospital with a written release or a copy of a court order indicating that the child may be released to the child's parent, guardian, custodian, resource parent, or court approved placement.

**Note:** If DCS provides a verbal release, the DCS local office conducting the assessment will provide a written release or court order to the hospital on the next business day, confirming DCS has granted authorization for the child's release.

## Code References

1. [IC 31-33-11-1 Conditions for release of child under investigation for abuse or neglect](#)
2. [45 CFR 164.512\(b\)\(1\)\(ii\) Privacy of Individually Identifiable Health Information](#)

## PROCEDURE

The Family Case Manager (FCM) will:

1. Assess if a hospitalized child alleged to be the victim of CA/N can safely be released to the parent, guardian, custodian, resource parent, or a court approved placement;
2. Staff assessment with their supervisor; and
3. Provide written notice, signed by their supervisor or a court order to the hospital to advise when the child may be released and to whom the child may be released.

The FCM Supervisor will:

1. Provide verbal and written authorization to the FCM, after it has been determined that the hospitalized child alleged to be a victim of CA/N can safely be released to the parent, guardian, custodian, resource parent or a court approved placement; and
2. Sign [Indiana Department of Child Services \(DCS\) Hospital Release Authorization \(SF 54337\)](#).

**Note:** DCS will ensure that a release is provided on screen out reports.

## PRACTICE GUIDANCE

### **Entering Placement Information for Hospitalized Victim of CA/N in the Case Management System**

If the child is brought to the hospital by the parent, guardian, or custodian and DCS determines that removal is necessary to ensure the safety of the child, the first placement entered is to be where the child is to be placed once the child leaves the hospital. If the child's medical condition

warrants continued stay in the hospital, the hospital becomes the placement when DCS takes detention of the child. See policy [6.1 Detention/Initial Hearing](#) for additional information.

## FORMS AND TOOLS

[Indiana Department of Child Services \(DCS\) Hospital Release Authorization \(SF 54337\)](#)

## RELATED INFORMATION

### **Overview of Hospitalized Victim of CA/N**

Whenever a child who is a patient in the hospital is a subject of a DCS assessment for reported CA/N, and the hospital reported, or has been informed of the report and assessment:

1. The hospital should immediately contact the DCS local office to make them aware of the current medical situation of the child;
2. The DCS local office will request access to any written or verbal medical records or reports from the designated hospital staff (e.g., social worker, etc.) in order to assist in making a determination regarding continued detention to ensure the safety of the child;
3. The DCS local office will immediately follow their policy for detention and for obtaining appropriate court intervention or agency services for the continued safety of the child;
4. The hospital is to cooperate fully with whomever the DCS local office deems appropriate to have visitation or any other contact with the child. Approval must be given by DCS for interaction to take place; and
5. The hospital will continue to cooperate with the DCS local office in furnishing all records and information necessary to complete the ongoing assessment even after the child is hospitalized or released to the designated caregiver as determined by DCS.

### **Access to medical records for a hospitalized victim of CA/N**

DCS can access the medical records pertaining to CA/N of a hospitalized victim if:

1. The hospital reported the alleged CA/N to DCS; or
2. The hospital has been notified of the CA/N assessment.

### **HIPAA**

[45 CFR 164.512\(b\)\(1\)\(ii\)](#) makes exceptions to HIPAA for CPS investigations. "A covered entity may disclose protected health information for the public health activities and purposes described in this paragraph to ...A public health authority or other appropriate government authority authorized by law to receive reports of child abuse and neglect."