

	<b>INDIANA DEPARTMENT OF CHILD SERVICES</b> <b>CHILD WELFARE POLICY</b>	
	<b>Chapter 4:</b> Administration of Child Welfare <b>Section 45:</b> Assessment of DCS Staff Alleged Perpetrators	
	<b>Effective Date:</b> July 27, 2022	<b>Version:</b> 10

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## POLICY OVERVIEW

When the alleged perpetrator of Child Abuse and/or Neglect (CA/N) is a Department of Child Services (DCS) employee, due process is ensured through the completion of a timely assessment.

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## PROCEDURE

Assessments involving a DCS employee as an alleged perpetrator must be conducted by DCS local office staff from a different DCS local office than which the employee is based. Assessments involving Central Office, Child Abuse Hotline (Hotline), and Child Support Bureau (CSB) employees as an alleged perpetrator will be conducted in the county in which the complaint was filed unless there is a conflict of interest. DCS will restrict any records pertaining to the DCS employee except to appropriate personnel. See policy 4.39 Restricting Assessments in Management Gateway for Indiana's Kids (MaGIK) for additional information. DCS will also not allow an employee, who is an alleged perpetrator of CA/N, to have direct contact with children and families (including resource parents) that DCS serves until the Administrative Review process has been completed.

DCS reserves the right to take disciplinary action, up to and including dismissal, upon completion of the Administrative Review if the substantiation is affirmed, regardless of whether the allegations involve actions taken in the scope of DCS employment. See Code of Conduct for the Indiana Department of Child Services and State Personnel Department (SPD) Standard Policies on Discipline Policy Statement and Responsibilities and Procedures for more information.

Any DCS employee being assessed as an alleged perpetrator of CA/N will notify the following within **one (1) business day** of learning of the assessment:

1. The employee's Local Office Director (LOD) for field employees who work in a local office; or
2. The employee's Work Unit Manager if the employee works in Central Office, the Hotline, other employees who work in a local office, or CSB.

**Note:** Failure to notify the appropriate person in a timely manner may result in disciplinary action, up to and including dismissal.

When an FCM is assigned a report for assessment in which a DCS employee is the alleged perpetrator of abuse or neglect, or upon becoming aware of evidence indicating that a DCS employee may be a perpetrator, the FCM will:

1. Notify the following individuals and document that notification was given to the following individuals immediately or **no later than one (1) business day** after receipt of the assessment:
  - a. Employee alleged perpetrator's direct supervisor,
  - b. All individuals in the direct chain of command above the employee's direct supervisor up to and including the RM, Division Deputy Director, or Deputy General Counsel over field attorneys, and
  - c. Human Resources (HR) Deputy Director.
2. Ensure timely completion of the assessment. Refer to policy 4.25 Completing the Assessment Report for additional guidance; and
3. Send the 311 to the FCM Supervisor for approval.

The FCM Supervisor will:

1. Review the 311 for accuracy and completeness and approve the FCM recommendations, if appropriate;

**Note:** If a DCS employee who is an alleged perpetrator is also a Child Care Worker (CCW), a Child Care Worker Administrative Review (CCWAR) should be conducted prior to any 311 approval. Per 465 IAC 3-2-2 and IAC 3-2-3 any DCS employee who is also a CCW is entitled to both a CCWAR and a DCS Employee Administrative Review (if the outcome of the CCWAR is a decision to substantiate CA/N against the employee). See policies 2.03 Child Care Worker Assessment Review Process and 2.04 DCS Employee Administrative Review Process.

2. Prior to the Administrative Review provide the Notice of Assessment Outcome for a Department of Child Services Employee form and a copy of the redacted 311 to the employee via certified mail **within two (2) business days** following approval of the substantiated 311; and

**Note:** DCS will provide the date of the Administrative Review on the notice. The Notice of Assessment Outcome for a Department of Child Services Employee form must arrive to the employee at **least 10 calendar days** prior to the scheduled review. Therefore, the date of the Administrative Review must be known before the notice may be properly completed and delivered to the alleged perpetrator. See policy 2.04 DCS Employee Administrative Review Process.

3. Notify the following individuals regarding the conclusion of the assessment and document in the case management system that notification was given to the following individuals immediately or **no later than one (1) business day**:
  - a. Employee alleged perpetrator's direct supervisor,
  - b. All individuals in the direct chain of command above the employee's direct supervisor up to and including the RM, Division Deputy Director, or Deputy General Counsel over field attorneys, and
  - c. HR Deputy Director.

If a DCS employee is an alleged perpetrator and a CCW, the individual authorized to conduct the CCWAR will notify the DCS employee if the allegations are unsubstantiated

following the CCWAR. If allegations are substantiated, the 311 will be approved and forwarded to the Administrative Review Team for an additional Administrative Review, specifically a DCS employee administrative review. The Notice of Substantiation will be completed by the Administrative Review Team, not the CCWAR reviewer. See policies 2.03 Child Care Worker Assessment Review Process and 2.04 DCS Employee Administrative Review Process.

The DCS RM or Division Deputy Director of the DCS employee who is an alleged perpetrator will:

1. Submit a request of notification to restrict access to the case management system records pertaining to the DCS employee upon notification of an assessment identifying a DCS employee as an alleged perpetrator. Any records pertaining to the DCS employee who is an alleged perpetrator will be restricted except to appropriate personnel. See policy 4.39 Restricting Assessments in Management Gateway for Indiana's Kids (MaGIK) for additional information;
2. Coordinate with appropriate staff to place the employee on desk duty or reassign the employee during the assessment and CCWAR, if applicable;
3. Contact the DCS HR Deputy Director in the event that emergency suspension is considered;
4. Ensure the assessment is assigned to a DCS local office other than the DCS local office in which the employee is employed;
5. Notify the DCS LOD and FCM Supervisor (for Field Operations) or Work Unit Manager (for Central Office, Hotline, or CSB) of the Administrative Review Team's decision; and
6. Ensure the DCS employee is notified within **one (1) business day** of the decision.

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## RELEVANT INFORMATION

### Definitions

#### Child Care Worker

DCS defines "Child Care Worker" per 465 IAC 3-1-5 as a person who:

1. Is employed or actively seeking employment (other than self-employment as an owner/operator) at any of the following types of facilities:
  - a. Childcare center,
  - b. Childcare home (licensed or unlicensed),
  - c. Childcare ministry (licensed or unlicensed),
  - d. Residential group home,
  - e. Child Caring Institution (CCI),
  - f. School,
  - g. Licensed Child Placing Agency (LCPA),
  - h. Juvenile detention center; **or**
2. Is a child caregiver who:
  - a. Provides or is responsible for providing care and supervision of a child to whom they are both not living with or related to, or a legal guardian, or custodian,
  - b. Provides the care described in (a) at a residence that is not where the child lives and outside of the presence of the child's parent, guardian, or a custodian with whom the child resides,
  - c. Is not required to be licensed as a childcare home or foster family home, and

- d. Receives more than \$2,000 a year for providing care and supervision for a child or children. **or**
3. Has or will have direct contact with children on a regular and continuing basis through employment (or through employment being actively sought) with any agency, facility, or home that provides the following to a child or children to whom the person is not related:
  - a. A service that provides for the care, health, safety, and supervision of a child's social, emotional, and educational growth; or
  - b. Services to, or for the benefit of, children who are victims of child abuse or neglect (this includes agencies, facilities, and homes that have contracts with DCS to provide services).

#### Perpetrator

Per 465 IAC 3-1-11, "Perpetrator" means a person who, by an act or an omission, has been identified in a report concluding a child abuse and neglect assessment to have committed child abuse or neglect.

#### Substantiated

Per IC 31-9-2-123, "Substantiated", when used in reference to a child abuse or neglect report made under IC 31-33, means a determination regarding the status of the report whenever facts obtained during an assessment of the report provide a preponderance of evidence that child abuse and neglect has occurred.

#### **Forms and Tools**

- [2.C Tool: Notifications](#)
- [Assessment of Alleged Child Abuse and/or Neglect \(SF 113\) \(311\)](#)
- [Notice of Right to Administrative Appeal of a Child Abuse or Neglect Determination \(SF 55148\)](#)
- [Notice of Administrative Review Outcome for a Department of Child Services Employee \(SF 54317\)](#)
- [Notice of Assessment Outcome for a Department of Child Services Employee \(SF 54318\)](#)
- [Request for an Administrative Appeal Hearing for Child Abuse or Neglect Substantiation \(SF 54776\)](#)

#### **Related Policies**

- [HR 2-2 Background Checks](#)
- [2.03 Child Care Worker Assessment Review Process](#)
- [2.04 DCS Employee Administrative Review Process](#)
- [2.05 Administrative Appeal Hearings](#)
- [4.25 Completing the Assessment Report](#)
- [4.39 Restricting Assessments in Management Gateway for Indiana's Kids \(MaGIK\)](#)
- [Code of Conduct for the Indiana Department of Child Services](#)
- [State Personnel Department \(SPD\) Standard Policies on Discipline](#)
- [State Personnel Department \(SPD\) Standard Policy- Responsibilities and Procedures](#)

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## LEGAL REFERENCES

- [465 IAC 3-1-5 "Child care worker" defined](#)
- [465 IAC 3-1-11 "Perpetrator" defined](#)
- [465 IAC 3-2-2 Administrative review procedure for childcare workers and licensed foster parents](#)
- [IC 31-9-2-123 "Substantiated"](#)
- [IC 31-33-26-8 Notification after index entry; Notice to perpetrators; request for administrative hearing](#)
- [IC 31-33-26-13 Adoption of rules](#)

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## **PRACTICE GUIDANCE- DCS POLICY 4.45**

*Practice Guidance is designed to assist DCS staff with thoughtful and practical direction on how to effectively integrate tools and social work practice into daily case management in an effort to achieve positive family and child outcomes. Practice Guidance is separate from Policy.*

N/A

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