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Child Abuse and Neglect Hotline: 800-800-5556

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To: Regional Managers  
Directors, Local Offices, Department of Child Services

From: James W. Payne, Director  
Angela Green, Deputy Director Practice Support  
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Department of Child Services

Subject: 2009 Legislative Changes  
DCS-09-11

The Indiana Department of Child Services (DCS) would like to thank you for your continued commitment to ensuring the safety of Indiana's children. In keeping with the value that "We believe every person has value, worth and dignity," recent legislative changes have been enacted to strengthen our achievement of this value. This Administrative letter outlines various legislative changes that are effective July 1, 2009.

**IC 31-22-8-1 (Investigation of Reports of Suspected Child Abuse or Neglect)**

According to IC 31-33-8-1, "if DCS receives a report that a parent, guardian, or custodian who is married to or lives with a person who has been convicted of neglect of a dependent or battery (offense under IC 35-42-4, Sex Crimes), or lives with a person who is required to register as a sex or violent offender, DCS will initiate an assessment within five (5) days. The primary consideration in the assessment is to be the well-being of the child who is the subject of the report." These reports do not need to allege separate abuse or neglect in order to be assessed and should not be screened out.



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**IC 31-33-18-1.5(h) (Certain records held by governmental entities not confidential if redacted; procedure for redacting records)**

This legislation adds additional data to the information that must be disclosed by the court in fatalities and near fatality cases. DCS must now include a summary of the abuse; birth date and gender of child; cause of fatality if known; whether DCS or FSSA had contact with the child or member of the child's family household prior to the child's death, including frequency of contact or communication and date of last communication prior to fatality or near fatality; summary of status of that case; a statement of whether the case was closed prior to fatality or near fatality, and information explaining why the case was closed if it was closed prior to fatality or near fatality.

**IC 35-42-4-7 (Child seduction) and 35-50-2-14 (Repeat sexual offender)**

Both statutes have been amended to expand the range of possible offenders for the crime of child seduction by adding persons employed by a charter school or special education cooperative and persons otherwise affiliated with a school corporation, charter school, nonpublic school, or special education cooperative if the person affiliated with the school or cooperative: (1) has a position of trust with respect to a child who attends the school or cooperative; (2) is engaged in the provision of care to or supervision of a child who attends the school or cooperative; and (3) is at least four years older than the child. The law provides that a military recruiter whose primary job is recruiting individuals to enlist with the armed forces commits child seduction if the military recruiter is attempting to enlist a child at least 16 years of age but less than 18 years of age and: (1) engages in sexual intercourse with the child; (2) engages in deviate sexual conduct with the child; or (3) fondles the child. The law provides that an attempted sex offense may be used to establish that a person is a repeat sex offender.

**IC 36-2-14-6.3 (Coroner notification of child deaths; coroner consultation with child pathologist; suspicious child deaths; autopsy)**

This statute requires County Coroners to immediately notify the local office via the statewide hotline and to notify the Local or Statewide Fatality Review Team of any child fatality that happened in a "suspicious, unexpected or unexplained" manner.

**IC 31-34-15-4 (Educational Stability on Case Plan)**

CHINS case plans must now include a plan for educational stability. FCMs must document efforts to allow the child to remain at the school that he or she attended at the time of removal. It must also be document in the case plan if it is in the child's best interest to transfer schools and the distance of the school the child will be attending from the child's current placement. If the child must transfer schools, immediate enrollment must be completed including arranging transfer of school records and assurance that the child has been placed in a resource home or facility within close distance to his or her current school.

This information must documented in ICWIS via the 'Placement' screen and in the Case Plan under 'Placement Information'. Any additional information will be documented in the





'Comments' section of the Case Plan. Please contact the ICWIS Help Desk at HelpDeskICWIS@fssa.in.gov or 1-800-225-9173 if you need further assistance.

### **IC-31-19-8 (Private Home Studies)**

IC-31-19-8 eliminates DCS from the business of private home studies, and removes the obligation of DCS to give copies of the list of vendors who do home studies to clerks of courts. Additionally, IC31-19-9-6 was amended to state that petitions for adoption no longer need to indicate if a child is hard to place.

### **IC 31-35-2-4.5 (15 out of 22)**

The 15 out of 22 start date begins with the day a child is removed. This applies to both CHINS and JD/JS children.

### **IC 21-12-6.5 (21<sup>st</sup> Century Scholars)**

Eligibility for the 21<sup>st</sup> Century Scholars program has been expanded to include foster children in grades 9-12. FCMs should assist all wards in grades 9-12 who are in out-of-home placement in completing an application for the program if they have not done so in grades 7 or 8. Please visit [www.scholars.in.gov](http://www.scholars.in.gov) for more information about the program and an online application.

### **IC 21-12-6-14**

Effective July 1, 2009, each FCM will be required to provide wards with information about the following programs:

1. Pell grants,
2. Chafee grants,
3. Federal supplemental grants
4. Free Application for Federal Student Aid (FAFSA), and
5. The state student assistance commission.

Youth and their caregivers should be provided this information beginning at age 17. Youth who enter the foster care system after age 17 should be given the information as soon as possible. Youth and their caregivers must sign a written acknowledgement of receipt of this information which is placed in the child's case file.

### **Changes to common terms**

#### **IC 31-9-2-9.6 Assessment**

An initial and ongoing investigation or evaluation that includes:

(1) a review and determination of the safety issues that effect a child (also family and other individuals in child's household) and: (2) an identification of the underlying causes of the safety issues; (3) a determination whether child abuse, neglect, or maltreatment occurred; and (4) a determination of the needs of a child's family in order for the child to remain in the home safely, be returned to the home safely; or be placed in an alternative living arrangement.





IC 31-9-2-0.4 Abandoned child

A child who is, or who appears to be, not more than forty-five (45) days of age and whose parent has knowingly or intentionally left the child with an emergency medical services provider, and did not express intent to return for the child.

IC 31-19-27-1.5 Hard to place

States that DCS shall consider a child that is two (2) years of age or older as a hard to place child for purposes of determining eligibility for state adoption subsidies

If you have any questions regarding the information presented in this administrative letter, please address them to the DCS policy mailbox at [DCS.Policy@dcs.in.gov](mailto:DCS.Policy@dcs.in.gov).

Sincerely,

James W. Payne, Director  
Department of Child Services



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