

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 3: Hotline	Effective Date: July 1, 2016
	Section 8: Statutory Definition of Child Abuse and/or Neglect	Version: 4

[REVISED] POLICY

The Indiana Department of Child Services (DCS) will use the following criteria when evaluating a [Preliminary Report of Alleged Child Abuse or Neglect \(SF114\)](#) to determine if the allegations meet the statutory definition for CA/N:

1. The alleged victim is under the age of 18¹;
2. The alleged perpetrator's relationship to the alleged victim is that of parent, guardian or custodian (See Related Information); and

Exception: For allegations involving sexual abuse, the perpetrator can have **any** or **no** relationship to the child.

3. The allegations would cause a reasonable person to believe that CA/N has occurred (See "Allegations" below).

Allegations

Indiana Law includes the following Child in Need of Services (CHINS) definitions as the basis for child CA/N.

Note: There are additional CHINS statutes in Indiana Code that are not included in the definition of CA/N (e.g. CHINS 6: The child substantially endangers his/her own health or the health of another individual).

This list is intended to be used by an Intake Specialist/Supervisor as a parameter to determine whether a reporter's allegations would seem to indicate that CA/N has occurred:

CHINS 1: The child's physical or mental condition is seriously impaired or seriously endangered as a result of the parent, guardian, or custodian being unable, refusing, or neglecting to supply the child with necessary food, clothing, shelter, medical care, education, or supervision.

CHINS 2: The child's physical or mental condition is seriously impaired or seriously endangered due to an injury as a result of the parent, guardian, or custodian's act or omission, or there is evidence that illegal manufacture of a drug or controlled substance is occurring on property where a child resides.

[Revised] CHINS 3: The child is a victim of an offense listed in [IC 31-34-1-3](#) or is living in a household with an adult who has been charged with an offense listed in [IC](#)

¹ If the alleged victim is over the age of 18 and is currently a ward, the reported information is forwarded to the DCS worker as an Information and Referral (I&R).

[31-34-1-3](#) or [IC 35-42-3.5-1](#) and is awaiting trial or resulted in a conviction or judgement under [IC 31-34-11-2](#) or [IC 35-42-3.5-1](#).

[NEW] CHINS 3.5: The child is a victim of a human or sexual trafficking offense as defined in [IC 31-9-2-133.1](#). A child is considered a victim of human or sexual trafficking regardless of whether the child consented to the conduct as defined.

CHINS 4: The child's parent, guardian, or custodian allows the child to participate in an obscene performance.

CHINS 5: The child's parent, guardian, or custodian allows the child to commit a prohibited sex offense (See Tool [Sexual Offense Child Abuse and/or Neglect \(CA/N\) Matrix](#)).

Code References

1. [IC 12-7-2-28.8 Child care ministry](#)
2. [IC 12-7-2-149.1\(4\) Provider](#)
3. [IC 12-17.2-2-8\(6\) Licensure exemptions](#)
4. [IC 12-17.2-2-9 Migrant children's programs](#)
5. [IC 12-17.2-5 Chapter 5 Regulation of Child Care Homes](#)
6. [IC 12-17.2-6 Chapter 6 Regulation of Childcare Ministries](#)
7. [IC 31-9-2-14: Child abuse or neglect](#)
8. [IC 31-9-2-31: Custodian](#)
9. [IC 31-27 ARTICLE 27. CHILD SERVICES: REGULATION OF RESIDENTIAL CHILD CARE](#)
10. [IC 31-34-1: \(Sections 1-15\) Circumstances under which a child is a Child in Need of Services](#)
11. [IC 35-42-3.5-1 Promotion of human trafficking; sexual trafficking of a minor; human trafficking](#)
12. [IC 35-42-4: \(Sections 1-4, 7, 9\) Rape; criminal deviant conduct; child molesting; child exploitation and pornography; child seduction; sexual misconduct with a minor](#)
13. [IC 35-45-4: \(Sections 1 and 2\) Public indecency and prostitution](#)
14. [IC 35-46-1-3: Incest](#)
15. [IC 31-33-8-1: Investigations by the department of child services; time of initiation; investigations of child care ministries](#)
16. [IC 31-9-2-133: Victim of child abuse or neglect](#)

PROCEDURE

The Hotline Intake Specialist will:

1. Complete the [Preliminary Report of Alleged Child Abuse or Neglect \(SF114\)](#) in Management Gateway for Indiana's Kids (MaGIK);
2. Screen thoroughly each individual named in the report in MaGIK prior to sending to the Hotline Intake Supervisor;
3. Determine if the allegations meet the statutory definition of CA/N. See [Practice Guidance](#);
4. Complete the following if the statutory definition of CA/N has been met:
 - a. Recommend that the report be routed to the DCS local office for assessment,
 - b. Recommend how quickly the assessment must be initiated and determine if response time is to be expedited.

Note: When using MaGIK, review the timeframe assigned by the system and make any appropriate overrides.

5. Forward the CA/N intake report to the Hotline Intake Supervisor to be routed to the DCS local office. This may be done electronically.

Note: A Hotline Intake Specialist may not bypass supervisory review on any reports.

PRACTICE GUIDANCE

Statutory Definition of CA/N

The determination as to whether or not allegations meet the statutory definition of CA/N requires a careful, balanced assessment of both objective and subjective information with the paramount consideration being the safety of the alleged victim.

Emotional Abuse

Emotional abuse of a child is commonly defined as a pattern of behavior by parents or caregivers that can seriously interfere with a child's cognitive, emotional, psychological or social development. Emotional abuse may be categorized as the following: Ignoring, Rejecting, Isolating, Exploiting or Corrupting, Verbally Assaulting, and Terrorizing (American Humane Association, 2012)². Emotional Abuse may also be in the form of a parent or caregiver making frequent reports to the Hotline alleging CA/N when the same or similar allegations have been the basis of past assessments that were subsequently unsubstantiated.

Emotional abuse occurs when a parent, guardian, or custodian inflicts, creates, or puts a child at risk for emotional abuse. DCS defines emotional abuse as an injury to the mental or psychological capacity or emotional stability of a child as evidenced by a substantial impairment in the child's ability to function within a normal range of performance and behavior with due regard to his or her age, development, culture, and environment as testified to by a Qualified Mental Health Professional (QMHP).

FORMS AND TOOLS

1. [Sexual Offense Child Abuse and/or Neglect \(CA/N\) Matrix](#)
2. [Preliminary Report of Alleged Child Abuse or Neglect \(SF114\)](#)

RELATED INFORMATION

Relationships

Parent: The child's biological or adoptive mother or father.

Guardian: A person appointed by a court to have the care and custody of a child and/or the child's estate.

² American Humane Association (2012). Retrieved from <http://www.americanhumane.org/children/stop-child-abuse/fact-sheets/emotional-abuse.html>

Custodian: Any person with whom a child resides or any of the following:

1. A license applicant or licensee of:
 - a. A foster home or residential child care facility that is required to be licensed or is licensed under [IC-31-27](#),
 - b. A child care center that is required to be licensed or is licensed under IC 12-17.2-4, or
 - c. A child care home that is required to be licensed or is licensed under IC 12-17.2-5.
2. A person who is responsible for care, supervision, or welfare of children while providing services as an owner, director, manager, supervisor, employee, or volunteer at:
 - a. A home, center, or facility described in one (1) above,
 - b. A child care ministry defined in [IC 12-7-2-28.8](#) that is exempt from licensing requirements and is registered or required to be registered under [IC 12-17.2-6](#),
 - c. A home, center, or facility of a child care provider, as defined in [IC 12-7-2-149.1\(4\)](#), or
 - d. A home, center, or facility that is the location of a program that provides child care, as defined in section 16.3 of this Indiana Code, to serve migrant children and that is exempt from licensing under [IC 12-17.2-2-8\(6\)](#), whether or not the program is certified as described in [IC 12-17.2-2-9](#).
3. A school;
4. A child caregiver;
5. A member of the household of the child's noncustodial parent; or
6. An individual who has or intends to have direct contact, on a regular and continuing basis, with a child for whom the individual provides care and supervision.

Child Caregiver

[IC 31-9-2-16.4](#) defines a child caregiver as a person who provides, or is responsible for providing, care and supervision of a child (other than a child of whom the person is a parent, stepparent, grandparent, aunt, uncle, sibling, legal guardian, or custodian with whom the person resides) at a residential property that is not the child's place of residence, if the person:

1. Is not required to be licensed as the operator of:
 - a. A child care home under [IC 12-17.2-5](#), or
 - b. A foster family home under [IC 31-27-4](#), and
2. Provides care and supervision of a child while unattended by the child's:
 - a. Parent,
 - b. Guardian, or
 - c. Custodian with whom the child resides, and
3. Receives more than two thousand dollars (\$2,000) in annual compensation for providing care and supervision of a child or children.

All of these requirements must be met in order for DCS to assess a child caregiver.

Child Care Home

DCS assesses all child care homes whether licensed, unlicensed, or operating illegally without a license. See separate policy, [4.30 Institutional Child Protection Services \(ICPS\) Unit Assessments](#).

A child care home is defined in [IC 12-7-2-28.6](#) as a residential structure in which at least six (6) children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative or any child who is at least 14 years of age and does not require child care) at any time receive child care from a provider:

1. While unattended by a parent, legal guardian, or custodian;
2. For regular compensation; and
3. For more than four (4) hours but less than 24 hours in each of 10 consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.

Archived 6/30/17 Legislative Changes