

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 4: Assessment (Investigation)	Effective Date: July 1, 2007
	Section 11: Interviewing the Alleged Perpetrator	Version: 1

POLICY [NEW]	OLD POLICY: N/A
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- The Indiana Department of Child Services (DCS) will conduct a face-to-face interview with the alleged perpetrator of CA/N unless:
 - An attorney representing the alleged perpetrator informs DCS that his/her client will not participate in an interview; or
 - The alleged perpetrator's identity is unknown or he/she cannot be located; or
 - The alleged perpetrator is a **child and** the parent/guardian/custodian does not give consent to an interview **and** a Court Order can't be obtained; or
 - The alleged perpetrator has already been interviewed by law enforcement authority (LEA) regarding the same allegations and DCS is able to obtain a copy of the interview.
- DCS will immediately discontinue an interview if an alleged perpetrator requests an attorney.
- If the alleged perpetrator is a child, DCS will seek a joint interview with LEA. DCS will not interview an alleged child perpetrator without LEA present unless LEA declines or is unavailable for participation.
- DCS will coordinate with LEA when conducting interviews with alleged perpetrators who are in police custody and/or if a joint investigation is being conducted.

Code References

- N/A

PROCEDURE [NEW]

Prior to starting the interview the FCM will:

1. Secure identifying information and request the individual's social security number.
2. State the reason for the interview.
3. Explain that it is in the best interest of the alleged child victim's safety and well-being that the alleged perpetrator cooperates and completes an interview.
4. Inform the alleged perpetrator that any information he/she shares during the interview may be released to LEA, the Prosecutor, and/or other sources. If the alleged perpetrator is a child and the FCM is not reasonably assured that the child understands this statement, the FCM will make every effort to have the child's parent/guardian/custodian present before starting the interview.
5. Assure that the alleged perpetrator understands that he/she is free to end the interview at any time.

If the alleged perpetrator refuses the interview, the FCM will:

1. If the alleged perpetrator is a parent/guardian/custodian, explain that if the FCM cannot verify that the child is safe by completing the interview, the child may have to be removed.
2. Explain that the CA/N assessment (investigation) will move forward regardless of the alleged perpetrator's participation in an interview.
3. Follow-up at a later time¹ with the parent/guardian/custodian to see if he/she will agree to be interviewed.

During the interview the FCM will:

1. Stop the interview if the alleged perpetrator requests the presence of his/her attorney or if LEA indicates that the interview should be halted.
2. Ask questions to establish the type of relationship the alleged perpetrator has with the alleged victim.
3. Take detailed notes or assure that detailed notes are taken by LEA or another FCM, if possible.
4. Allow the alleged perpetrator to respond to each allegation.
5. Allow the alleged perpetrator to tell his/her "side of the story."
6. Focus the interview on the safety of the child/children.
7. Observe and ask questions about indications of CA/N.
8. Identify any children of the alleged perpetrator who do not reside with the alleged perpetrator and determine the reason he/she does not have custody.
9. Ask questions to determine the amount and type of access the alleged perpetrator has to the alleged child victim.
10. Review with the alleged perpetrator what has been discussed to confirm comprehension.
11. Explain that the assessment (investigation) is not completed, what will happen next, and how he/she will be informed of results of the assessment (investigation).
12. If the alleged perpetrator is a child care worker, inform the child care worker that he/she will be notified in writing of the right to a review of the facts of the investigation prior to an investigation finding. See separate policy [2.4 Child Care Workers Investigation Review Process](#).
13. Inform the alleged perpetrator that if the report is substantiated, he/she will receive a copy² of the completed assessment (investigation) report, or if the alleged perpetrator is a child, his/her parent/guardian/custodian will receive a copy. See [Making an Assessment \(Investigation\) Finding](#)
14. Inform an alleged perpetrator (or the parents if the alleged perpetrator is a child) that if an allegation of CA/N is substantiated, he/she will also receive instructions for requesting an administrative review of the decision by the director of the local DCS, and following that a hearing for further review, if requested. See separate policy, [2.2 Requests for Administrative Review](#).

After the interview, the FCM will:

- Translate any hand-written interview notes by entering them electronically into ICWIS.
- If a face-to-face interview with an alleged perpetrator did not occur or ended prematurely, document thoroughly the reasons why in ICWIS.

If the alleged perpetrator is a DCS employee the FCM will in addition:

¹ Within the timeframe required to complete a timely investigation.

² Certain confidential information will be removed from the report copy, such as the identity of the reporting source.

- Conduct the assessment (investigation) following all policy as for any other alleged perpetrator.
- Inform the alleged employee perpetrator that he/she must notify his/her DCS Office Director or work Unit Manager within one (1) business day of learning of the assessment (investigation).
- Notify the alleged employee perpetrator's Regional Manager within one (1) business day of learning of the assessment (investigation) if the alleged employee perpetrator works in a Local Office;
- Notify the DCS Human Resources Office within one (1) business day of learning of the assessment (investigation) if the alleged employee perpetrator works in Central Office.
- Inform the alleged employee perpetrator that an administrative review of the assessment (investigation) will be required if the assessment (investigation) is substantiated.

See separate policy, [2.5 Investigation and Review of DCS Staff Alleged Perpetrators](#)

RELATED INFORMATION

Social Security Numbers

An FCM should request the social security number of the alleged perpetrator, but he/she cannot legally demand/require the disclosure of this information.

Joint Interviews with LEA

Whether DCS or LEA will take the lead during a joint interview should be decided on a case-by-case basis and will depend upon factors that include, but are not limited to: the nature of the allegations; the probability of criminal charges; who has more experience and training; who has better rapport with the alleged perpetrator; etc.

Alleged Perpetrator in Police Custody

If the alleged perpetrator is in the custody of law enforcement, the FCM must work with LEA to ensure that the individual's rights under criminal law are not violated.

LEA Present for Alleged Child Perpetrator Interviews

Anything an alleged perpetrator states during an interview with DCS, regardless of his/her age, can be used in a court of law. A child may not fully understand this, even if the FCM explains it, unless LEA is present during the interview. Most children of a certain age or developmental status will understand the seriousness of the situation more clearly when LEA is present.

Successful Interviews with the Alleged Perpetrator

When engaging the alleged perpetrator, it is important to attempt to engage around a "mutual concern" for the safety and well being of the child. Do not assume that there is a lack of concern on the part of the alleged perpetrator. Establishing a non-adversarial tone will be most effective in gathering accurate information in a timely fashion.

Anticipate denial, minimizing, rationalization, and blaming someone or something else. Challenge the denial with observations and facts, do not "challenge" the individual. Point out statements and/or observations that are inconsistent with the explanation. Ask the alleged perpetrator to describe his/her perspective and the identified inconsistency. The FCM's tone should remain neutral and fact-oriented throughout the interview.

Assess the quality of the alleged perpetrator's relationship with the child and other family members to determine the level of risk to the child.

It is important to remember that some allegations are wrong. A child may be injured due to an accident. The perpetrator may be someone else. The alleged perpetrator may be responsible but did not intend the result. While lack of intent to harm does not mean that maltreatment did not occur, it may have a positive implication for safety and risk. The FCM's questions will elicit information that is useful both in determining whether maltreatment occurred and in assessing safety and risk.

Alleged Perpetrator is the Parent/Guardian/Custodian

The greater the degree of relatedness between the victim and the perpetrator, the greater the risk to the child, especially for emotional abuse. It is critical that the FCM remember the alleged perpetrator, in most cases, does care about the safety and well being of the child. The alleged perpetrator does, however, have a substantial vested interest in convincing professionals and others, including family members, that the child is either lying, mistaken, fantasizing, or emotionally disturbed. This is because potential consequences for the alleged perpetrator are dire, including loss of his/her child, family, and possibly job.

FORMS AND TOOLS

- N/A

ARCHIVING