MODEL SCHOOL PROTOCOL FOR REPORTING ALLEGATIONS OF CHILD ABUSE IN INDIANA
Updated 2018
PREFACE

In 1992, representatives from Marion County school corporations came together with those from other agencies involved in child abuse and neglect cases (Department of Child Services (DCS), law enforcement, prosecutor's office, Indiana University Child Abuse Projects) to form the School Liaison Child Abuse Forum (SLCAF). The Forum provides a vehicle for enhancement of the communicative process and cooperative efforts between all parties involved in reporting, investigation and servicing of complaints of suspected child abuse and neglect.

This document represents an update to the revised Marion County School Protocol, originally developed in 1994 and revised in 2012 in response to P.L. 46-2012, which required the Department of Education (DOE) in collaboration with the Department of Child Services (DCS) and organizations with an expertise in child abuse to identify or develop: 1) research and evidence-based model educational materials on child abuse and child sexual abuse; and 2) a model for child abuse and child sexual abuse response policies and reporting procedures…” While the original version was developed specifically for Marion County, the revised 2012 version reflected a state-wide model reporting protocol as required by P.L. 46-2012. Other changes within this document included updated resources, relevant legislation, and clarification of the sections on confidentiality, and of the duties of the DCS. The 2012 version of this document was revised using input from organizations noted below. Additional updates were made in 2018, reflective of requirements set forth by SEA 355 (2017) / I.C. 20-19-3-11.

2012 Contributing Organizations:
Department of Child Services
Indiana Department of Education
IU Child Protection Programs
Law Enforcement
Metropolitan School Districts of Indianapolis
Prosecutor’s Office
School Liaison Child Abuse Forum
Wishard Hospital
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FORWARD

The reporting and investigating of suspected child abuse and neglect are not discretionary matters. They have been required by law (IC 31-33-5-1) since 1979. School employees and staff members are in a position to observe signs of abuse and neglect and are obligated by law to report the situation.

The purpose of this document is to provide information to aid in recognizing abuse and neglect, to explain the responsibilities of school personnel under the law, and to establish a reporting procedure and methods of cooperation among agencies involved. The procedural guidelines and information cited in this document were reviewed by the DCS and DOE.
INTRODUCTION

The statutes covering child abuse and neglect govern the responsibilities for reporting and can be found in Appendix I, page 16 of this booklet.

Who Shall Report
Under Indiana law any individual who has a reason to believe (IC 31-33-5-1) a child is a victim of abuse or neglect has the duty to make a report; therefore, each citizen of Indiana is considered a “mandated reporter.” While reporting child abuse is everyone’s responsibility, Indiana law requires a more stringent standard of reporting in some professions. These professional reporters are staff members in a medical or other public or private institution, school, facility, or agency. These reporters are legally obligated by their profession to report alleged child abuse or neglect.

School professionals are required to immediately make a report to the Department of Child Services (DCS) or the local law enforcement agency. After making the report, the individual shall notify the individual in charge of the institution, school, facility, or agency or the designated agent of the individual in charge of the institution, school, facility, or agency that the report was made per IC 31-33-5-2(b). If a school professional depends on a designee to make an immediate report and that report is not made in a timely manner, the school professional can be held liable under Indiana law. Indiana law specifically states that notification of the administrator or school corporation designee does not relieve the first individual of the responsibility of seeing that the matter is reported. Both parties are responsible for seeing that a report is made to DCS.

State law requires DCS to protect the identity of those reporting abuse or neglect allegations. DCS keeps the name and contact information of all report sources confidential. While DCS accepts child abuse and neglect allegations from persons who wish to remain anonymous, DCS encourages individuals to provide contact information to Intake Specialists. Providing contact information is helpful because it allows the Family Case Manager who is assigned the report to follow up with additional questions or to seek clarification when more information is needed.

Reason to Believe
"Reason to Believe" has been defined by statute as "evidence that, if presented to individuals of similar background and training, would cause the individuals to believe that a child was abused or neglected." (IC 31-9-2-101) (NOTE: This standard should be given a liberal interpretation. When in doubt as to whether you have "reason to believe," make a report.)

Prior to Reporting
When making a report to the hotline, refer to the following documents:

- Child Abuse/Neglect Checklist (Appendix II)
- Indiana Department of Child Services Intake Guidance Tool
- Your school corporation child abuse and neglect reporting policy
- Complete the Preliminary Report of Alleged Child Abuse or Neglect

Reporting
Reports of child abuse and neglect are to be made to the Indiana Child Abuse and Neglect Hotline at 1-800-800-5556. DCS receives and initiates investigations of child maltreatment on a 24 hour basis. The child's safety is the paramount concern for child protective staff conducting investigations. The Intake Specialist utilizes the Intake Guidance Tool in determining whether it meets the definition of child abuse or neglect found in IC 31-34-1 et. seq. or is otherwise a report required to be assessed. The Intake Specialist will document the information you provide during the
call and will review the allegations with you prior to ending the call. DCS is required to evaluate every report of child abuse and neglect that it receives and determine:

1. If the allegations meet the statutory definition of child abuse or neglect, or is otherwise a mandatory assessment, and should therefore be assigned for assessment; and
2. If the report contains enough information to identify or locate the child and initiate an assessment; and
3. How quickly the assessment must be initiated (1 hour, 24 hours, or 5 days per IC 31-33-8-1(b), (c), & (d)).

The Intake Specialist sends the typed report to a Hotline Supervisor for review with a recommendation to either assign or screen out the report. The terms “child abuse” and “child neglect” are defined by Indiana statute (IC 31-9-2-14). DCS will not assign a report for assessment if the allegations do not meet the statutory definition of child abuse or neglect. Child abuse and neglect intake reports that are not assigned by a local office for assessment are referred to as “screen-outs.” Hotline Supervisors must review and approve all reports. If the Hotline Supervisor agrees with the Intake Specialist’s recommendation, the report is transmitted electronically to the DCS local county office where the allegation is claimed to occur. The local county office has the final decision as to whether a report is screened out or assigned. If the final decision is to assign, the report will be given to a Family Case Manager in the local office. The Family Case Manager is then responsible for initiating and conducting an assessment of the allegation(s). Finally, screen outs may also be reviewed by the Child Protection Team covering the area where the alleged act/omission occurred.

It is important to note that if the report meets criteria to assess but alleges that the perpetrator of the abuse was a school professional, the report is sent to the DCS Institutional Unit. The Institutional Unit Supervisor has an opportunity to reverse a hotline decision if he/she deems it appropriate. If, however, the Institutional Unit Supervisor agrees with the determination, the report will be forwarded to the local institutional unit case manager for assessment.

*Contact your local law enforcement without delay if the child's immediate safety is a concern. Follow up with a report to DCS noting that you have contacted law enforcement.

**Failure to Report**

Failure to report suspected abuse or neglect is a Class B misdemeanor (IC 31-33-22-1; IC 35-50-3-3). Indiana law (IC 31-33-5-3) states that nothing relieves an individual from his/her own responsibility to report, unless a report has already been made to the best of the individual's belief. School corporations and their employees individually also risk a civil action for damages by the victim of abuse or neglect if they fail to report suspected child abuse or neglect.

It is important to know that a person, who, in good faith, makes a report of suspected abuse and neglect, is immune from any civil or criminal liability. Furthermore, the law presumes that the person who makes the report is acting in good faith (IC 31-33-6-3). Immunity does not extend to anyone who has acted maliciously or in bad faith (IC 31-33-6-2).

**Confidentiality**

All reports made to the Department of Child Services are confidential and are made available only to authorized personnel (IC 31-33-18-2) and others as described below: The law provides for several organizations, persons representing those organizations and governmental entities to have access to reports and information gathered as a result of investigation. Among others named in the law, Section 2 (8) provides for:

“The reports and other material described in section 1 of this chapter shall be made available only to
the following: (8) Each parent, guardian, custodian, or other person responsible for the welfare of a child named in a report or record and an attorney of the person described under this subdivision, with protection for the identity of reporters and other appropriate individuals.”

The identity of the reporter is confidential by statute; the identity of those interviewed by the investigator may be contained within the report which summarizes the investigation. The parent/guardian/custodian (as above) is entitled to request a copy of the final report (form 311). Parents/guardians/custodians are given written and verbal notice that all reports are available to them upon written request.

Privileged Communication
The statute requiring that child abuse or neglect be reported (IC 31-33-5-1) supersedes any right of privileged communication (IC 25-23.6-6-1). You must report all suspected child abuse even if told in confidence by the child. Privileged communication is not grounds for excluding evidence in any judicial hearing resulting from a report of a child who may be a victim of child abuse or neglect (IC 31-32-11-1).

Photographs
School personnel may take photographs of injuries that are visible (i.e. visible without removal of clothing items). Please be aware personnel are not required to do so and that it may be more appropriate for DCS or law enforcement to fully document injuries. If photos are taken, they may be shared with law enforcement and the Department of Child Services. The photograph should include: 1) name of child; 2) date the picture was taken; 3) name of person who took the photograph. A full length shot of the child, as well as close-ups of the injury (ies) should be photographed, if school personnel decide to take photos. The person taking the photo may be asked to testify as to its veracity.
*If photographs are taken, it should be done so in accordance with your school corporation policy.
DUTIES OF DEPARTMENT OF CHILD SERVICES (DCS)

The DCS receives and acts upon all reports of child abuse and neglect. DCS is responsible for all functions delegated to DCS by the Child Abuse Chapter of the Juvenile Code (IC 31-33-1-1 through IC 31-33-22-3).

Under IC 31-33-8-1, the DCS is required to initiate an appropriately thorough child protection investigation of every report of known or suspected child abuse or neglect which meets statutory sufficiency. The criterion which is used to make this decision is the definition of child abuse or neglect (the definition of Child in Need of Services (CHINS) is found in IC 31-34-1). There may be reports that do not meet the requirements of the statutes and therefore will not be assigned for investigation.

For the reports that are made to the Hotline and assigned for assessment, the Hotline worker will inform the report source if the report will be sent for further assessment. If this decision changes, a follow up call will be made to the report source. Within thirty (30) days after the date the DCS assigns a report for assessment, a report shall be sent to the school principal (IC 31-33-7-8). The Juvenile Code, IC 31-33-8-1, designates time frames (face to face) for initiation of investigations of various types of reports, as follows:

1. immediate investigation if the report alleges that the safety or well being of a child appears to be endangered or the death of a child has occurred;
2. immediate investigation within 24 hours, if the report alleges a child may be a victim of child abuse (other than the above);
3. or within a reasonable prompt time, but not later than five (5) working calendar days, if the report concerns neglect (other than the above).

Examples of allegations that would cause a reasonable person to believe the child is in imminent danger of serious bodily harm, where a DCS assessment will be initiated within one hour:

1. child fatality and near fatality;
2. a child who has suffered from serious physical injury to any part of the body due to a suspected child abuse/neglect such as fractures, broken bones, head injuries, extensive and serious bruising, or internal injuries;
3. a child is intentionally burned or scalded;
4. a child too young or disabled to ensure his or her own safety is actively unsupervised;
5. a child who has been abandoned or deserted;
6. a child has failure to thrive resulting in immediate need for medical attention;
7. a child is sexually abused and the alleged perpetrator has access to the child;
8. a child or parent, guardian, or custodian is actively attempting suicide;
9. an active domestic violence situation in the home or a child has been injured as a result of domestic violence;
10. presence of an active methamphetamine lab/ and/or
11. specific allegations that a parent, guardian or custodian is actively using illicit drugs or abusing prescription medications.

Examples of a 24 hour investigation may include:

1. reported bruising, scratches, welts;
2. suspected inflicted injury to child;
3. serious injury is threatened; and/or

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1 Other laws may require a mandatory assessment (see IC 31-33-8-1 and IC 31-36-1, et. seq.).
4. a child or parent, guardian, or custodian has previously attempted suicide.

Additional information can be found [here](#).

The law specifies the relationships between child and alleged perpetrator that must exist in order for a report to be accepted for investigation. The following paragraphs provide some examples that DCS guidelines include for accepting a report for investigation. The reader should be aware this information is provided herein as further clarification and should not be interpreted as a comprehensive list or as legal advice.

For physical abuse and neglect, the perpetrator must be a parent, guardian, or custodian (any person responsible for the child's welfare, including the person with whom the child resides, such as a foster parent). Alleged sexual abuse must be investigated regardless of whether the alleged perpetrator is in a caregiver role in relation to the victim. Physical abuse among siblings may warrant a DCS investigation if an older sibling who is the alleged perpetrator is left in charge of a younger sibling and abuse or neglect takes place, or if there is a lack of parental supervision which allows abuse to take place. A runaway situation being reported may not result in a DCS investigation unless there is an allegation of abuse or neglect on the part of the parent, guardian or custodian, however such allegations should prompt a report to local law enforcement.

Truancy/excessive absenteeism does not constitute educational neglect unless the parents have been negligent in sending the child to school. Allegations of poor hygiene alone do not warrant a DCS assessment unless poor hygiene poses a health hazard.

When making a report of child abuse or neglect, it is important to remember to provide the most detailed information available. Reports have to allege actual abuse or neglect to be assigned for assessment. The reporter should provide information in a manner which illustrates the harm to the child resulting from the alleged child abuse or neglect. The Department of Child Services will utilize the [Structured Decision Making System](#) and/or the DCS [Intake Guidance Tool](#) to determine whether reports allege abuse or neglect.

The Hotline should give the reporter an indication of whether the report will be screened in for assessment or screened out at the conclusion of the call. In the event a report from a school is screened out following a Hotline recommendation to screen the call for assessment, the DCS supervisor will make every attempt to notify the school report source of that decision. If the school is not receiving the information back in a timely manner, the school personnel involved are encouraged to contact DCS through its designated Education Liaison.
1. The school should make no attempt to investigate suspected child abuse, nor should the school inform parents of suspicions, or that a report has been made. At the point it is determined that DCS should be called, further questioning from school personnel must cease unless instructed otherwise by DCS. If school personnel suspects child abuse, no further information is needed. DCS and law enforcement are responsible for the investigation, not the school. See page 11 of this protocol for handling suspected child abuse by school staff within the schools. Interviews will be conducted at school ONLY when necessary and when possible will be pre-arranged with the school. These interviews will include those cases where the abuse is reported by the school, or if the alleged abuse involves a family member and the child is at school at the time the report is received.

2. Parental consent must be obtained and documented by DCS prior to the interview of a child who is a victim or the alleged perpetrator (per IC 31-33-8-7) unless DCS determines that there are exigent circumstances. If DCS determines that exigent circumstances exist, notice must be given by DCS to the parents as soon as possible after the interviews. If parents refuse to allow the interview and exigent circumstances do not exist, a court order must be obtained to do an interview (IC 31-33-8-7) (DCS interview policies 4.9 and 4.11).

3. The school should not notify parents of the child to be interviewed at this time. The responsibility of notification of parents/guardian belongs with DCS (IC 31-33-8-7) or law enforcement. After the interview, the school may notify the parent to provide the names and telephone numbers of the law enforcement officer and DCS case manager for the family to contact. If the child is removed, the form (Protective Custody Receipt Sample Form, appendix III) may be given to the family. The school's only responsibilities are to make a report to DCS and to provide law enforcement/DCS with emergency telephone numbers, if available, of parents/caretakers of the child. If the school does not provide this information, law enforcement and DCS must ask for that information in order to be able to contact the parents/caretakers regarding the protective custody.

4. When at all possible, the DCS/law enforcement team investigating a reported abuse will notify the principal or school district designee they intend to visit on a particular date. Because of the irregularity of abuse reports, which are required by law to be received 24 hours a day, it is not always possible for workers and officers in the field to know from the outset what the scope of their day's investigation will be. Similarly, because investigators never know how long any investigative interview may last, it is usually impossible to inform a school administrator of the exact time investigators will be at the school. Working within these limitations, the DCS/law enforcement team will do its best to give school officials advance warning of their visit, and at that time will identify the child who is to be interviewed.

5. Upon entering the school building, the investigative team will immediately report to the office for an in depth discussion regarding disclosure and information on how the investigation should proceed. Both DCS case managers and law enforcement personnel will present proper identification documents (ID cards or their equivalents) to the school representative.

6. The school district designee will arrange to have the child brought from the classroom to a designated area which ensures maximum privacy. It is recommended that the interview be conducted in a private room where the child is comfortable. The room should have a "do not disturb" sign on the door to avoid interruptions. It is helpful to have the telephone unplugged or have calls forwarded to another phone while the interview is being conducted.
7. The detective or DCS case manager will conduct the interview. Current research of child interviewing techniques suggests that the optimal conditions for a successful interview of a child exist when the child is placed in a one-on-one situation with the interviewer. Experts in the field indicate that when more than one adult (authority figure) is present at the initial interview, there is an unavoidable element of coercion and a natural tendency on the part of the child to want to please and tell the adults what the child thinks the adults want to hear. The investigation to be conducted at the school should not include an in-depth inquiry into the details of the abuse. Questioning at the school should be aimed simply at determining basic information (whether the child was abused, identity of the perpetrator, safety of the child, whether the child may be at risk of imminent danger if returned to his/her home environment, etc.) A detailed, in-depth interview may be conducted at a child advocacy center, where special interview rooms for children and the necessary equipment are available. Due to the fact that any questioning of the child who was allegedly abused by another individual is part of a criminal investigation, it is the investigator (detective or DCS family case manager) who must be responsible for determining the manner in which an interview is to be conducted. The investigator will call upon school personnel for assistance when needed and where it is appropriate.

8. At the conclusion of the interview, the investigative team may decide that protection of the child requires the immediate placement of the child into protective custody. This decision will be promptly and clearly communicated to the principal or school district designee. At this point, this decision also needs to be explained to the child before removal from the school. Please see page 13 for more information on a child being taken into protective custody.

9. If school personnel have any concerns about how an investigation is handled, that individual is strongly encouraged to contact DCS, the law enforcement involved, or the supervisors.

Child Abuse within the School

If a child reports that he/she is being sexually, physically, or emotionally abused by school personnel, the educator should remember that it takes courage for an abused child to talk to someone. Any verbal disclosure of abuse must be taken seriously and must be reported immediately to DCS or the local law enforcement agency. Only DCS and law enforcement have the responsibility to determine the truthfulness of the allegation. School personnel should not attempt to determine truthfulness of allegations and should follow the steps outlined in the next section. Certainly, the school administration must be notified in case appropriate personnel action is deemed necessary, but the situation should not be discussed among the other staff. The school administration should determine what action must be taken with regard to any school employee suspected of abusing a student, both in the short term and long term, to protect the student population and to enforce the district's internal employment rules.

Never ask students to tell their stories in front of the accused. There is a significant difference in power and resources between teachers and students. If a student has been abused by an adult in the system, it is important to ensure that the system does not intimidate, minimize or victimize the child again when abuse by a staff member is reported. School personnel are mandated reporters whether the alleged abuser is a school employee or not. Under state child abuse and neglect reporting statutes, educators have the same liabilities for failure to report suspected incidents perpetrated by colleagues as they would in incidents resulting from interfamilial abuse or neglect. Always remember, if there is reason to believe that abuse has occurred, DCS or local law enforcement should be called immediately. Close, sufficient communication between law enforcement, the prosecutor's office and schools is important to aid the school in taking appropriate action as quickly as possible and to
ensure the safety of the child.

Reporting Child Abuse and Molestation Possibly Involving School Personnel

When any staff member becomes aware of alleged abuse or molestation of a student by a school employee, that staff member shall immediately notify DCS or local law enforcement. The information to be provided to DCS or local law enforcement should include:

1) the name of the alleged perpetrator; 2) the name(s) of the alleged victim(s); 3) the approximate time and duration of the alleged abuse; and 4) the general nature of the abuse. The matter should not be discussed with the alleged perpetrator until the following steps are taken, which should be done immediately:

1. Call the Indiana Child Abuse and Neglect hotline at 1-800-800-5556 (emphasize to the intake specialist that this report alleges that the perpetrator is a school professional).
   *Note that if the principal or designee calls DCS, this does not relieve an individual of the obligation to report on the individual's own behalf, unless a report has already been made to the best of the individual's belief per IC 31-33-5-3.
2. If the child is believed to be at risk, contact law enforcement or 911 in case of emergency.
3. Make a report to the individual in charge of the school per IC 31-33-5-2 *Note: if the individual in charge of your school is alleged to be involved in the incident, report to your superintendent or designee(s) identified by the superintendent.

The Department of Child Services or the local Police Department will attempt to respond immediately to all reports in which the alleged perpetrator has continued access to the alleged victim. While the Prosecutor's Office works cooperatively with the DCS and the Police Department in its investigation, it may become necessary for an administrator to take some appropriate personnel action.

Due to the sensitive nature of such allegations, these matters must be treated with the utmost confidentiality. Great care must be taken to protect the reputations of students, their families, and staff members.

What to do if a Child is taken into Protective Custody

A child may be taken into protective custody by a law enforcement officer, a probation officer, or a case manager acting with probable cause to believe the child is a child in need of services.

If a child is taken into protective custody, the local DCS office shall notify the child's custodial parent, guardian, or custodian not more than two (2) hours after the fact that the child has been taken into protective custody as a result of alleged child abuse or neglect. If, after making a reasonable effort, the custodial parent, guardian or custodian cannot be located, DCS shall make a good faith effort, not more than two (2) hours after the child has been taken into protective custody, to leave written notice of that fact at the last known address of the child’s custodial parent, guardian or custodian. If the child is removed from the school, nothing in the controlling statutes prohibits the school from calling the parent, guardian, or custodian of the child and notifying that individual that the child has been taken into protective custody and providing the name and telephone number of the removing party. All questions raised by the parent, guardian, or custodian of the child should be directed to the removing party.
THE CRIMINAL JUSTICE SYSTEM

The criminal justice system is composed of separate entities that have different duties and responsibilities. Suspected child abuse or neglect will be investigated by a law enforcement agency, the Indiana State Police, a County Sheriff, or a Municipal Police Department. The investigation of child abuse and neglect by the law enforcement agency is in cooperation with the Department of Child Services.

Any law enforcement agency which receives a report of child abuse or neglect that indicates an immediate danger to the child’s health or welfare is required to initiate an immediate investigation of the report.

The County Prosecuting Attorney is the agency that will decide if there is sufficient evidence to proceed with the filing of criminal charges. There must be sufficient evidence for a Court to make a finding of probable cause to file the criminal charge and request the issuance of an arrest warrant. Not all reports of abuse or neglect result in the filing of a criminal charge.

If a criminal charge is not filed there may still be sufficient evidence for the Indiana Department of Child Services to proceed with a child in need of services case, enter into an Informal Adjustment with, or otherwise provide services to the family.

If a criminal charge is filed, the school employee(s) may be called to be a witness in a hearing or trial of the criminal case. A criminal case may end as a result of a trial, plea agreement, or dismissal.

Court Preparation

Many cases involving child abuse and neglect never go to court. The following information is provided in the event school personnel are called to participate in court.

1. Any information that might be helpful to a case when charges have been filed should be reported to the appropriate prosecutor’s office, the DCS, or the investigating law enforcement agency.

2. School Personnel may receive a subpoena to appear in court. The subpoena will provide the date, time and location of the hearing as well as the name and telephone number of the attorney who issued the subpoena. The individual who receives the subpoena should contact that person before the scheduled date to find out what is needed and details regarding exact time. School Personnel should not appear in court without knowing what is needed².

3. Call to confirm the scheduled date one week before with the prosecuting attorney’s office. Cases are often continued, pled or otherwise disposed of prior to the scheduled date. Usually a notification will be sent prior to trial if a case is continued, but to avoid any problems, contact the attorney to verify the court date.

² If you have received a subpoena from the Department of Child Services it is expected that you will be given the opportunity by DCS to thoroughly prepare for your testimony and you should feel free to call the DCS attorney listed on the subpoena to arrange a time for you to do so.
4. If school personnel has received a subpoena and the date has been verified, attendance on that date is required. It is helpful to confirm with the prosecuting attorney’s office again the day of the trial. Failure to appear could result in contempt of court.

**Guidelines for Court Appearance**

1. Be prompt. If a late arrival is anticipated, call the court to inform the attorney.
2. Court decorum requires that the judge be addressed as "Your Honor."
3. Dress in professional business attire.
4. Do not bring any food or drink into the courtroom. Do not chew gum, eat mints, etc. while testifying.
5. When testifying, address the jury or judge, if no jury has been empanelled. They are the finders of fact and the persons to whom to speak. Speak clearly and loudly.
6. Be natural but serious in responding to questions.
7. Be honest. Listen carefully to the questions asked. If a question is unclear, ask for clarification. If the answer is not known, say so. Only testify about known facts. Never speculate or guess.
8. Answer questions directly. Do not say "I guess" or "I think."
9. Take your time in answering questions. Do your best to give a complete and accurate response without rushing.
10. Answer questions briefly and clearly. Don’t offer more information than is requested.
11. Be calm and respond truthfully.
12. Do not argue with the opposing attorney. She or he may try to bait you with their question or misstate what has been said. Do not be afraid to restate, politely, what they have misstated but do not argue with them. It is their job to question and challenge you.
13. Be confident.
14. If an attorney objects to a question, do not answer that question until the judge instructs you to do so.
15. If tired or need a break, just say so.

These are general guidelines for any involvement with the criminal justice system. The exact procedure may vary from county to county. School administrative officials are encouraged to meet with local law enforcement, the DCS and the County Prosecutor and establish a cooperative relationship to address child abuse and neglect.

If a criminal charge is filed that will result in involvement by school employees, a contact number and person should be identified for use by the school in that particular case for local law enforcement, the DCS and the County Prosecutor.
Appendix I.
RELEVANT STATUTES

IC 5-2-10.1-12  Safe school committees; school plans

IC 20-19-3-11  Development and implementation of child abuse and child sexual abuse education program

IC 20-26-5-35.5  Prohibition on policy that delays an individual’s duty to report child abuse or neglect

A school corporation, including a charter school and a nonpublic school, may not establish any policy that restricts or delays the duty of an employee or individual to report suspected child abuse or neglect as required under IC 31-33-5.

IC 20-28-3-4.5  Training on child abuse and neglect

IC 20-28-10-17  School Counselors; privileged or confidential information

IC 20-30-5-5.7  Instruction on child abuse and child sexual abuse

IC 20-33-2-25  Habitual absence from school; report to juvenile intake officer or department of child services

IC 25-23.6-6  Privileged Communications

IC 25-23.6-7-2  School Counselors; application of chapter

IC 31-9-2-14  “Child abuse or neglect”

IC 31-9-2-101  “Reason to believe”

IC 31-32-11-1  Admissibility of privileged communications

IC 31-32-12  Mental or physical examinations

IC 31-33  Juvenile Law: reporting and investigation of child abuse and neglect

IC 31-33-5-1  Duty to make report

IC 31-33-5-2  Report; notification of individual in charge of institution, school, facility, or agency

IC 31-33-5-3  Effect of compliance on individual's own duty to report

IC 31-33-5-4  Immediate oral report to department of child services or law enforcement agency

IC 31-33-6  Immunity for persons who report child abuse or neglect
IC 31-33-7-8 Reports after initiation of assessment or investigation; contents; confidentiality

IC 31-33-8-1 Investigations by the department of child services; time of initiation; investigations of child care ministries

IC 31-33-8-2 Investigations by law enforcement agencies

IC 31-33-18 Disclosure of reports; confidentiality requirements

IC 31-33-18-2 Disclosure of unredacted material to certain persons

IC 31-33-8-7 Scope of assessment by department of child services; order for access to home, school, or other place, or for mental or physical examinations; petition to interview child; order; requirements

IC 31-33-22-1 Failure to make report

IC 31-33-22-3 False reports; criminal and civil liability; notification of prosecuting attorney

IC 31-34-1 Circumstances under which a child is a child in need of services

IC 31-34-1-1 Inability, refusal, or neglect of parent, guardian, or custodian to supply child with necessary food, clothing, shelter, medical care, education or supervision

IC 31-34-1-2 Act or omission of parent, guardian, or custodian seriously endangering child’s physical or mental health

IC 35-42-4-3 Child molesting

IC 35-50-3-2, 3, 4 Class A, B, and C misdemeanors

Federal Legislation
Child Abuse Prevention and Treatment Act (CAPTA)
Appendix II.
CHILD ABUSE/NEGLECT: CHECKLIST

It is your responsibility to report any suspected abuse immediately to the department of child services (DCS) or law enforcement. It is important to know that if a report is not made in a timely manner, you can personally be held liable under Indiana law (Indiana Code Sections 31-33-5-1, 31-33-5-2, 31-33-5-3, 31-33-5-4, 31-33-22-1).

1. Child abuse or neglect suspected.

2. Do not investigate the child or call the parent.

4. Report to the Indiana Child Abuse Hotline (1-800-800-5556).
   (It is recommended that you identify yourself as a school professional).

5. Report to your school administrator.

6. Have administrator sign the Preliminary Report of Alleged Child Abuse or Neglect prior to maintaining a copy per school corporation policy.
Appendix III.
Protective Custody Receipt (Sample Form)

If DCS decides to take the child into custody, this form must be completed and signed by the person taking the child.

To the parents of ____________________________________________ __________________
(child’s name) (date)

It has been reported to the Department of Child Services that ____________________________ may be a victim of child abuse or neglect. (child’s name)

Indiana Law REQUIRES that every report of suspected abuse or neglect be thoroughly and promptly investigated. As part of this investigation, an interview with ____________________________ was conducted today at ____________________________
(child’s name)

by ____________________________ and/or ____________________________.
(DCS worker/agency) (law enforcement rep/agency)

It was determined at the close of the interview that protection of the child required the immediate placement of the child into protective custody. Therefore, at ____________________________ ,
(date & time)

________________________ was taken into protective custody by ____________________________.
(child’s name) (law enforcement rep/agency)

Please contact: ____________________________________________ Phone:__________________
Name: ____________________________________________ Title: _____________________
(Person taking child into custody)

Signature: ____________________________________________

(A copy of this form can be provided by the school to the parent/guardian upon request).
Indiana Resources

Indiana Department of Child Services
Indiana Child Abuse and Neglect Hotline 1-800-800-5556
Hotline Fax: 317-234-7596
Email: DCSHotlineReports@dcs.in.gov

Local DCS Offices and Contacts

Indiana Department of Child Services Intake Guidance Tool

Preliminary Report of Alleged Child Abuse or Neglect

Structured Decision Making System for Child Protective Services

State-wide Organizations:

Prevent Child Abuse Indiana

Connect2Help (Facilitate connections between people who need human services and those who provide them).
Appendix V.
Definitions

Definitions IC 31-9-2

Child Abuse or Neglect
IC 31-9-2-14
Sec. 14. (a) "Child abuse or neglect", for purposes of IC 31-32-11-1, IC 31-33, IC 31-34-7-4, and IC 31-39-8-4, refers to a child described in IC 31-34-1-1 through IC 31-34-1-5 and IC 31-34-1-8 through IC 31-34-1-11, regardless of whether the child needs care, treatment, rehabilitation, or the coercive intervention of a court.

(b) For purposes of subsection (a), the term under subsection (a) does not refer to a child who is alleged to be a victim of a sexual offense under IC 35-42-4-3 unless the alleged offense under IC 35-42-4-3 involves the fondling or touching of the buttocks, genitals, or female breasts, regardless of whether the child needs care, treatment, rehabilitation, or the coercive intervention of a court.

(c) "Child abuse or neglect", for purposes of IC 31-34-2.3, refers to acts or omissions by a person against a child as described in IC 31-34-1-1 through IC 31-34-1-11, regardless of whether the child needs care, treatment, rehabilitation, or the coercive intervention of a court.

[Pre-1997 Recodification Citation: 31-6-11-2.1(2).]


Statutory Definition of Child Abuse and/or Neglect (CA/N)

Child molesting
IC 35-42-4-3
Sec. 3. (a) A person who, with a child under fourteen (14) years of age, knowingly or intentionally performs or submits to sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) commits child molesting, a Level 3 felony. However, the offense is a Level 1 felony if:

(1) it is committed by a person at least twenty-one (21) years of age;
(2) it is committed by using or threatening the use of deadly force or while armed with a deadly weapon;
(3) it results in serious bodily injury;
(4) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge; or
(5) it results in the transmission of a dangerous sexually transmitted disease and the person knew that the person was infected with the disease.

(b) A person who, with a child under fourteen (14) years of age, performs or submits to any fondling or touching, of either the child or the older person, with intent to arouse or to satisfy the sexual desires of either the child or the older person, commits child molesting, a Level 4 felony. However, the offense is a Level 2 felony if:

(1) it is committed by using or threatening the use of deadly force;
(2) it is committed while armed with a deadly weapon; or
(3) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

c) A person may be convicted of attempted child molesting of an individual at least fourteen (14) years of age if the person believed the individual to be a child under fourteen (14) years of age at the time the person attempted to commit the offense.

d) It is a defense to a prosecution under this section that the accused person reasonably believed that the child was sixteen (16) years of age or older at the time of the conduct, unless:

   (1) the offense is committed by using or threatening the use of deadly force or while armed with a deadly weapon;
   (2) the offense results in serious bodily injury; or
   (3) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.


Child in Need of Services (CHINS) IC 31-34-1
Reason to believe IC 31-9-2-101 "Reason to believe", for purposes of IC 31-33, means evidence that, if presented to individuals of similar background and training, would cause the individuals to believe that a child was abused or neglected.

Sexual Abuse (Sec. 111 (42 U.S.C 5106g))
Includes the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or assist any other person to engage in, any sexually explicit conduct or simulation of such conduct for the purpose of producing a visual depiction of such conduct; or the rape, and in cases of caretaker or inter-familial relationships, statutory rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children.

Sex Crimes IC 35-42-4

Unsubstantiated IC 31-9-2-132 "Unsubstantiated", for purposes of IC 31-33 and IC 31-39-8-4, means a determination regarding the status of a report made under IC 31-33 whenever facts obtained during an assessment of the report provide credible evidence that child abuse or neglect has not occurred.

Victim of child abuse or neglect IC 31-9-2-133
(a) “Victim of child abuse or neglect”, for purposes of IC 31-32-11-1 and IC 31-33, refers to a child as described in:

   (1) IC 31-34-1-1 through IC 31-34-1-5;
(2) IC 31-34-1-10(a); or
(3) IC 31-34-1-11;

regardless of whether the child needs care, treatment, rehabilitation, or the coercive intervention of a court.

(b) The term does not include a child who is alleged to be a victim of a sexual offense under IC 35-42-4-3 unless the alleged offense under IC 35-42-4-3 involves the fondling or touching of the buttocks, genitals, or female breasts.