

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL</b>	
	<b>Chapter 2:</b> Administration of Child Welfare	<b>Effective Date:</b> July 1, 2012
	<b>Section 13:</b> Expungement of Records	<b>Version:</b> 3

**POLICY [REVISED]**

The Indiana Department of Child Services (DCS) will ensure records are maintained in accordance with the rules and regulations set forth in [IC 31-33-26-15](#), [IC 31-33-27](#) and the [DCS Records Retention Schedule](#).

DCS will maintain Child Abuse and Neglect (CA/N) files of **substantiated** cases, unless expungement of the record is ordered by a court or Administrative Law Judge. These substantiated cases include both hard copy files and electronic files located in the Management Gateway for Indiana's Kids (MaGIK). DCS will maintain hard copy files of substantiated cases in the DCS local office for 10 years after the assessment has been approved by the supervisor. At that time, the hard copy file will be transferred to the records center.

DCS will maintain hard copy files of **unsubstantiated** cases in the DCS local office for six (6) months after the assessment has been approved by the supervisor. At that time, the hard copy file will be transferred to the records center. MaGIK files of **unsubstantiated** cases will be maintained until 24 years after the birth of the youngest child named in the DCS assessment report as an alleged victim of CA/N. Cases are included in this category if:

1. DCS approved the assessment as **unsubstantiated**; or
2. The court in a Child In Need of Services (CHINS) case entered a final judgment based on a finding that CA/N did not occur.

**Code References**

1. [IC 31-33-8-12: Classification of reports](#)
2. [IC 31-33-27 Expungement of Child Abuse or Neglect Reports](#)
3. [470 IAC 1-4-1 Administrative Appeals](#)
4. [IC 31-33-26-15 Expungement within the Child Protection Index](#)

**PROCEDURE**

**[REVISED]** When an assessment is unsubstantiated, the FCM will scan all documentation in the case file into MaGIK.

**[REVISED]** When an assessment is substantiated, the FCM Supervisor will ensure the hard copy of the case is maintained in the DCS local office for 10 years, then transferred to the records center.

**[REVISED]** When an assessment is unsubstantiated, the FCM Supervisor will ensure the hard copy of the case is maintained in the DCS local office for 6 months, then transferred to the records center.

When the DCS local office receives a court order to expunge substantiated CA/N records, the Family Case Manager (FCM) will:

1. Determine the location of all records specified in the court order;
2. Provide the records for a review by the FCM Supervisor and the DCS Local Office Attorney;
3. Destroy any written record, hardcopy or electronic copy, as specified in the court order for expungement following the review by the FCM Supervisor and DCS Local Office Attorney; and
4. Contact the MaGIK Manager to request the specified electronic records in MaGIK be Expunged.

The FCM Supervisor will:

1. Review the court order;
2. Consult with the FCM regarding the identification and location of all documentation to be expunged; and
3. Provide this documentation to the DCS Local Office Attorney prior to destruction/expungement of records.

The DCS Local Office Attorney will:

1. Review the documentation that is to be expunged; and
2. Provide input to the FCM Supervisor prior to destruction/expungement of records.

#### **PRACTICE GUIDANCE**

N/A

#### **FORMS AND TOOLS**

1. [Assessment of Child Abuse or Neglect \(SF113/CW0311\)](#) – Available in MaGIK
2. [Records Retention Schedule](#)

#### **RELATED INFORMATION**

##### **[REVISED] Definition of “Documentation”**

For purposes of expungement, “documentation” includes all files and records created or maintained by DCS. The term includes the original and copies of documents, correspondence, messages, photographs, videotapes, audio recordings, audiovisual recordings, and any other material contained in electronic, paper, or digital form or in other media.

##### **[REVISED] Access to Unsubstantiated CA/N Records**

DCS may retain documentation relating to an unsubstantiated assessment of child abuse or neglect in paper or electronic form or in other media that is accessible only by management personnel. When completing an assessment that has limited-access history, the FCM can obtain temporary access to the documentation through their supervisor. Unsubstantiated case documentation will not be available when it has been expunged to comply with a court order.

**[REVISED] Petition to Expunge Substantiated Report and Related Documentation**

An individual identified as a perpetrator of child abuse or neglect in a substantiated report may file a petition with a court exercising juvenile jurisdiction in the county in which the individual resides, requesting the court order DCS to expunge the substantiated report and related documentation. The procedure for filing the petition is addressed in IC 31-33-27.

**[REVISED] Request to Expunge Unsubstantiated CA/N Documentation**

DCS may, upon the request of an interested person, expunge documentation relating to an unsubstantiated assessment of child abuse or neglect at any time, if DCS determines that the probative value of the documentation does not justify its retention in the records of DCS.

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