

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY</b>	
	<b>Chapter 2:</b> Administration of Child Welfare	<b>Effective Date:</b> November 1, 2017
	<b>Section 13:</b> Expungement of Records	<b>Version:</b> 7

**STATEMENTS OF PURPOSE**

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](#), [IC 31-39-8](#), 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 case management system. 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. Case management system 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.

Audio recordings of CA/N calls to the Indiana Department of Child Services (DCS) Child Abuse Hotline (Hotline) will be retained for 24 years from the date of the call.

Code References

1. [IC 31-33-8-12 Classifying Reports as Substantiated or Unsubstantiated](#)
2. [IC 31-33-27 Expungement of Child Abuse or Neglect Reports](#)
3. [IC 31-33-26-15 Expungement and amendment of record procedures](#)
4. [IC 31-39-8 Expungement of Records Concerning Delinquent Child or Child in Need of Services](#)
5. [470 IAC 1-4-1 Administrative Appeals](#)

**PROCEDURE**

When an assessment is unsubstantiated, the Family Case Manager (FCM) will scan all documentation in the case file into the case management system. The FCM Supervisor will ensure the hard copy of the case is maintained in the DCS local office for six (6) months, then transferred to the records center.

When an assessment is substantiated, the FCM will scan all documentation in the case file into the case management system. 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.

When the DCS local office receives a court order to expunge substantiated CA/N records, the 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 Staff Attorney;
3. Following the review by the FCM Supervisor and DCS Staff Attorney destroy any written record, hard copy, or electronic copy as specified in the court order for expungement; and
4. Contact the case management system Manager to request the specified electronic records in the case management system 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. Review and provide this documentation to the DCS Staff Attorney prior to destruction/expungement of records.

The DCS Staff Attorney will:

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

#### **PRACTICE GUIDANCE**

N/A

#### **FORMS AND TOOLS**

[DCS Records Retention Schedule](#)

#### **[REVISED] RELATED INFORMATION**

##### **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 format, or in other media.

##### **Access to Unsubstantiated CA/N Records**

Documentation in electronic form will be maintained until 24 years after the birth of the youngest child named as an alleged victim of CA/N in the unsubstantiated DCS assessment report. This documentation may be used in the assessment of a subsequent report concerning the same child or family; however, DCS may not rely solely on the unsubstantiated history to support substantiation. Unsubstantiated case documentation will not be available when it has been expunged.

##### **Petition to Expunge Substantiated Report and Related Documentation**

An individual identified as a perpetrator of CA/N may file a petition to expunge the related report and documentation. The petition must be filed with the court exercising juvenile jurisdiction in the county in which the individual resides. The procedure for filing the petition is addressed in [IC 31-33-27](#).

##### **Request to Expunge Unsubstantiated CA/N Documentation**

DCS may, upon the request of an interested person, expunge documentation relating to an

unsubstantiated assessment of CA/N at any time if DCS determines the probative value of the documentation does not justify its retention in the records of DCS. Expungement of unsubstantiated CA/N documentation must be approved by the Deputy Director of Field Operations.

**Automated Expungement of Electronic Unsubstantiated CA/N Records**

Automated expungement of an unsubstantiated DCS assessment report in the case management system will occur 24 years after the birth of the youngest child named as an alleged victim of CA/N. The electronic case management system record will be removed from the case management system and put into a secure database for deletion.

ARCHIVED- Effective 11/1/17- 6/30/21- Legislative Changes