

QUESTIONING OF STUDENTS ADMINISTRATIVE GUIDELINES

The following guidelines implement Board Policy H175 when a student is being questioned by Indiana Department of Child Services (the “Department”) without consent from the student’s parent, guardian, or custodian pursuant to the exigent circumstances exception as defined by Indiana Code.

Pursuant to Indiana Code, “exigent circumstances,” as applied to an action by the Department with regard to a child, means that:

1. The Department has definite and articulable evidence giving rise to a reasonable suspicion that the child or a child residing in the home with the child:
 - a. has been or is in imminent danger of being physically or sexually abused; or
 - b. has been or is in imminent danger of being neglected in a manner that would lead a reasonable person to believe the child’s physical safety is seriously endangered;
2. There is no less intrusive alternative to the Department’s action that would reasonably and sufficiently protect the child’s imminent health or safety; **and**
3. One (1) or more of the following applies:
 - a. The parent, guardian, or custodian of the child:
 - i. is the alleged perpetrator of the abuse or neglect of the child; or
 - ii. is allegedly aware of the abuse or neglect of the child and has allegedly not ensured the child’s safety.
 - b. There is reason to believe that:
 - i. the safety of the child might be jeopardized; or
 - ii. essential evidence regarding signs or symptoms of abuse or neglect on or in the child’s body might not be available if the Department’s action is delayed or the child’s parent, guardian, or custodian is notified before the Department’s action.
 - c. The child is a homeless unaccompanied minor and is voluntarily receiving services at an emergency shelter or shelter care facility without the presence or consent of the child’s parent, guardian, or custodian.

An allegation of educational neglect does not qualify as an exigent circumstance.

Ind. Code 31-9-2-44.1

Bluffton-Harrison Metropolitan School District

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