

13-14 - What to do with Children when the Parent(s) is Arrested

Los Angeles County Sheriff's Department

NEWSLETTER

Field Operations Support Services, (323) 890-5411



WHAT TO DO WITH CHILDREN WHEN THE PARENT(S) IS ARRESTED

You pull over a vehicle and notice that there is an adult male, adult female, and two minor children ages 2 and 10 in the vehicle. You arrest both the adults for drug possession and/or under the influence. What do you do with the children?

You arrive at a house for a 415F call. In the house there is an adult male, two adult females, and three kids ages 1, 5, and 7. You arrest the male and one of the females for drug and weapons possession. What do you do with the children?

In the above scenarios, deputies must ensure that the children are safe and protected.

If deputies arrest both parents or arrest one parent when that parent is the only one available, deputies may not "place" a child. Only the Department of Children and Family Services (DCFS) may "place" a child. Deputies may only release a child to:

- a parent where a legal relationship exists between the child and the parent (and no custody order exists),
- a custodial parent (custody order exists),
- or any person or entity having legal custody (including DCFS).

Parents do have a right to arrange care for their child during the parents' absence. Welfare and Institution Code §307 states in part that "In determining which disposition of the minor shall be made, the officer shall give preference to the alternative which least interferes with the parents' or guardians' custody of the minor if this alternative is compatible with the safety of the minor." In other words, if a parent or guardian tells a deputy that they want their child left with the next door neighbor, the neighbor agrees to take the child, and the deputy believes that the next door neighbor does not pose a danger to the child, the parent may leave the child with

the next door neighbor. Deputies should document the parents' decision to leave their child on the incident report and completed the Arrested Person's Children form (SH-R-625). A copy of the Arrested Person's Children form should be attached to the incident report.

If the parent does not have a plan for the child or if the deputy feels the person with whom the parent wants to leave the child with is not suitable or could pose a danger to the child, the deputy should take the child into protective custody (detention) and contact DCFS to "place" the child. When protective custody of the children is necessary because of the arrest of the parents or any other reason, deputies should telephone DCFS' hotline at 1-800-540-4000. The DCFS worker will take the information regarding the need for detention and will either designate where to take the children or will refer the call to a DCFS area office for a worker to contact the detaining deputy within 20 minutes. If the detaining deputy is not contacted within 20 minutes, the deputy should contact the Child Abuse Hotline coordinator again so that he/she may alert the area office. The worker from the area office will find a foster or good-neighbor home for the children (MPP §5-02/100.30 Nondelinquent (Dependency) Cases).

There are cases such as a domestic violence incident wherein one parent is killed or incapacitated and the other parent is arrested and the arrested parent wants the child released to the arrested parent's family member. The child could be a potential witness in this case, and it should be investigated as to whether or not the arrested parent's family member could possibly influence the child in a negative manner. In all such incidents, the deputy should contact DCFS for advice and notify the investigating detective.

With the growing number of children who are under the observation and/or custody of DCFS, deputies may contact DCFS' hotline to check if the child has an "open case." If the child has an "open case," deputies may leave a message advising the social worker that the parent was arrested. This would also verify if the child is a ward of the court, and DCFS will need to "place" the child.

In all cases of child abuse, endangerment and/or neglect, DCFS shall be notified. If a child is the victim of child abuse, endangerment or neglect, special consideration should be given to the release/placement of the child. If the parent has abused the child or failed to protect the child, that parent's "plan" may not be appropriate for the child. Placement by DCFS may be a better option for the child's safety and well-being.

The safety and protection of these children should be the top priority for deputy personnel. When in doubt, contact DCFS for further assistance.

Information regarding the content of this newsletter may be directed to Field Operations Support Services.

