20-13 - Civil Protective Custody Warrants and Warrants of Arrest for Parent/Guardian (WIC 339 & 340)

Los Angeles County Sheriff's Department

NEWSLETTER

Field Operations Support Services

CIVIL PROTECTIVE CUSTODY WARRANTS AND

WARRANTS OF ARREST FOR PARENT/GUARDIAN

(WIC 339 & 340)

The purpose of this newsletter is to inform personnel of the changes to procedures involving dependency warrants.

Department of Child and Family Services (DCFS) can request a warrant for several things, including but not limited to:

- Entering a home for a welfare check or inspection;
- Taking a child into protective custody;
- Obtaining investigative medical exams; and
- Conducting interviews of juveniles in the absence of parental consent or exigency.

Welfare and Institutions Code (WIC) 339 authorizes the court to issue an arrest warrant for the person having custody of a minor (parent, guardian, or person with whom the minor is living) when that person absconds with a child that has been placed into protective custody, fails to appear in court, or who refuses to relinquish custody of the minor.

WIC 340 applies to protective custody warrants issued for minors under WIC 300. WIC 340 gives the court authority to issue protective custody warrants when the court believes the circumstances of the child's home environment may endanger their health, person, or welfare. This applies to children whose parents have absconded with them, failed to appear with them, or refused to relinquish custody of them. This also applies to children who have run away from a court-ordered placement.

Deputies encountering a call involving a case of absconding with a minor, or a person refusing to relinquish a minor into protective custody, or a runaway shall handle them as indicated in MPP sections 4-14/005.00,

Kidnapping and 4-16/020.00, Missing or Found Persons. Per Penal Code 14211, any law enforcement agency must immediately assist any person attempting to make a missing person report. The event does not need to have taken place in our jurisdiction. Per Penal Code 14211(e), a missing person must be entered into the Missing Person System within two (2) hours if the missing is under 21 years of age or if there is evidence the person is at risk.

Historically, dependency arrest warrants for parents (WIC 339) and protective custody warrants for children (WIC 340) were entered into law enforcement databases. Since these warrants are not criminal, this was an incorrect identification. California Department of Justice (DOJ) requested a change in the appearance of these warrants. Records and Information Bureau (RIB) worked closely with the DOJ, Los Angeles County Superior Court, and the Department of Children and Family Services to facilitate an appropriate, permanent fix. These warrants are now entered into the Wanted Person System (WPS), viewed statewide and must adhere to the California Justice Information System (CJIS) guidelines, Section 2, Policy and Procedures.

Effective January 6, 2020, these dependency warrants will now be viewed by all law enforcement agencies in a concise and uniform manner on a statewide basis. In order to adhere to Hit Confirmation and Validation criteria, these civil warrants are now entered using the Originating Agency Identifier (ORI) of a missing person report. **By combining these warrants and the missing person report, law enforcement has information immediately accessible to reunite a minor to a social worker or guardian and arrest a suspect/parent on the parent warrant.**

Department personnel should review the laws referenced in this newsletter and applicable Manual of Policy and Procedures sections before taking law enforcement action.

If you require further information, contact Field Operations Support Services Unit at [REDACTED TEXT]