

## **Topic 4: Procedures for Emergency Placements**

Link to [Procedure](#)

See also [Indian Child Welfare Acts](#)

Assessment workers do not have the legal authority to remove children from their home. Only a peace officer or a physician treating a child may remove a child without a court order. You may recommend that the juvenile court order the removal of a child from the parental home when you believe that the removal is necessary to avoid immediate threat to the child's life or emotional well-being.

Circumstances or conditions that may indicate the presence of imminent danger include but are not limited to:

- ◆ The refusal or failure of the person responsible for the care of the child to comply with the request of a peace officer, juvenile court officer, or child protection worker to obtain and provide to the requester the results of a physical or mental examination of the child. The request for a physical examination of the child may specify the performance of a medically relevant test.
- ◆ The refusal or failure of the person responsible for the care of the child or a person present in the person's home to comply with the request of a peace officer, juvenile court officer, or child protection worker to submit to a medically relevant test and provide the results to the requester.

Removing a child from the home is traumatic for parents and the child, even when all agree it is the best course of action. Removals create a new crisis for everyone involved. If the parents are available, try to involve them in the decision to leave the home or to place the children in placement.

### **Reasonable Efforts to Prevent Placement**

Before determining a child to be unsafe and initiating emergency removal of a child, consider reasonable efforts to prevent placement, including:

- ◆ Bringing protective relatives to the child's home while the parents leave.
- ◆ Initiating community services such as public health visitor or visiting nurse services.
- ◆ Initiating homemaker services or family-centered services, dependent on abuse finding or court order.
- ◆ Implementing safety plan services, dependent on safety assessment or court order.

- ◆ Placing the child voluntarily with relatives or friends (make a diligent search for relatives).
- ◆ Placing the child in voluntary foster or shelter care.
- ◆ Obtaining a court order requiring that the person responsible for the abuse leave the home, when other family members are willing and able to protect the child adequately.
- ◆ Have the nonabusing caretaker move to a safe environment with the child.

### **Locating an Emergency Placement With Family or Friends**

When there is an emergency need for the child to be moved from the child's home:

1. First, attempt to identify a relative who would be willing to take the child on a temporary basis pending the removal hearing. The noncustodial parent (if any) should be the first consideration, unless known concerns exist.
2. If the noncustodial parent is not an option, follow the procedures in Relative Placements. Document in the case narrative:
  - ◆ The consideration of each of the identified relatives.
  - ◆ Why the relative was not selected as a placement resource, if applicable.
3. For relatives who do appear to have placement potential, ask the parent or caretaker to sign form [470-2115, Authorization for the Department to Release Information](#), giving you permission to contact these relatives. (If the parents have joint legal custody, you must get the permission of both parents to release the information.)
4. Contact the identified relative to see if the person will care for the child on a temporary basis. If so, facilitate the relative placement instead of requesting a court-ordered removal of the child. (See [Record Checks for Emergency Placements](#).) Follow local policy regarding consulting with a supervisor before making the placement decision.
5. When no relative placement is found, attempt to identify a non-relative adult, such as a friend or neighbor, who has a significant relationship with the child and can provide good care on a temporary basis. Go through the same evaluation process for these people. (However, it is not necessary to list and justify rejected candidates in the case record.)

**Note:** The time limit for a nonrelative placement is only 20 days, unless the home becomes licensed as a foster home.

6. If no **relative or nonrelative** placement is identified, proceed with court-ordered removal and placement of the child in an appropriate level of foster care. Document the efforts to place with a relative in the child's [Family Case Plan, form 470-3453](#).

### **Record Checks for Emergency Placements**

When the child will be moving to a relative's home or to an appropriate nonrelative's home instead of entering foster care:

1. Obtain the person's date of birth and social security number.
2. Ask the person to disclose any child abuse or criminal record that the person may have. Inform the person that you will be checking child abuse registry and DCI records, and obtain the person's signature on form [595-1489, Non-Law Enforcement Record Check Request Form A](#).
3. Since the child will be moving before the record checks are completed, have the person sign a statement confirming that the person has no prior criminal or child abuse record. Example:

No one in my household has been convicted of a crime or has a record of founded child abuse.
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4. Advise the person that at any point during the placement process you will request the court to place the child elsewhere if:
  - ◆ There are any safety issues, or
  - ◆ The needs of the child are not being met, or
  - ◆ There is a lack of follow through on the permanency goal.
5. Submit the record checks within 24 hours whenever possible (or the next working day).
  - ◆ Check ACAN and STAR, as well as any open or closed service files concerning the relatives.
  - ◆ Check the sexual offender registry at [www.iowasexoffender.com](http://www.iowasexoffender.com) and document the results in the child's file. (For more information, see 12-B, [Sex Offender Registry](#).)

- ◆ For the criminal records check, submit both form 595-1489, Non-Law Enforcement Record Check Request Form A, and form [595-1494, Non-Law Enforcement Record Check Billing Form](#). (See form samples and instructions.)
  - Write "Relative Placement" on each form.
  - Indicate on both forms the name and number of the county where the child resides (or was removed from parental care), so the Division of Fiscal Management and can charge the cost to decategorization funds correctly.
  - Note on the billing form that this form is to be submitted to DHS Bureau of Purchasing, Payments, and Receipts.
  - Enter the codes: 0001 413 Pay Region # (01=Sioux City, 02=Waterloo, 03=Des Moines, 04=Council Bluffs, 05=Cedar Rapids).

### **Removal of a Child**

1. Consider requesting an ex-parte order to separate the child from the person responsible for the abuse when you determine that:
  - ◆ The child is in imminent danger unless the child is separated from the person responsible for the abuse AND
  - ◆ Reasonable efforts to prevent emergency removal have been considered AND
  - ◆ Those efforts will not adequately safeguard the child.
2. If child removal is necessary, notify the supervisor and document the action in the *Child Protective Services Assessment Summary*, form 470-3240.
3. At the time of any removal:
  - ◆ Inform the parents that they may have parental liability obligations when their child is placed in foster care.
  - ◆ Provide the parents with the brochure, "What You Need to Know About Paying Child Support While Your Child is in Foster Care" (Comm. 136).
  - ◆ Inform the parents that the consequences of a permanent removal may include termination of the parent's right with respect to the child.
  - ◆ Provide the parents with the brochure, "The State Has My Child! What Can I Do?" (Comm. 146).

4. Document these actions in the *Child Protective Services Assessment Summary*.

If the child is removed from a FIP household, also notify the income maintenance worker assigned to the case of the removal.

5. If the child is not returned to the care of the parent or guardian, follow locally established procedures to file a petition with the juvenile court within 72 hours after the child's removal.

#### **Removal by Ex Parte Order**

1. Follow local procedures for requesting the juvenile court to issue an ex parte order for the removal of a child.
2. Regardless of local procedures, gather information to support all of the following:
  - ◆ The child's immediate removal is necessary to avoid imminent danger to the child's life or health;
  - ◆ There is not enough time to file a petition and hold a hearing concerning temporary removal under Iowa Code section 232.95;
  - ◆ The child cannot either be returned to the place where the child was residing or be placed with the parent who does not have physical care of the child; AND
  - ◆ One of the following applies:
    - The person responsible for the care of the child is absent, or though present, was asked and refused to consent to the removal of the child and was informed of the intent to apply for an order to remove the child; OR
    - There is reasonable cause to believe that a request for consent would further endanger the child; OR
    - There is reasonable cause to believe that a request for consent will cause the parent, guardian, or legal custodian to take flight with the child.

3. Unless the juvenile court has designated this responsibility to another:
  - ◆ Make every reasonable effort to inform the parent or other person legally responsible for the child's care.
  - ◆ Follow up with any inquiries that may aid the court in disposing of the application.
4. Prepare and file a written report within five working days that includes documentation of:
  - ◆ Conferences you held.
  - ◆ Efforts to inform the parents or other person legally responsible for the child's care of the application.
  - ◆ Any inquiries made to aid the court in disposing of the application.
  - ◆ All information communicated to the court.

#### **Removal by Peace Officer**

1. During the course of an assessment, immediately contact a peace officer and request assistance if you believe that the child is in a circumstance or condition that presents an imminent danger to the child's life or health unless removed from the parental home.
2. If you request that the peace officer conduct an emergency removal of the child, and the peace officer refuses, follow locally established procedures to contact juvenile court authorities to request an ex parte order to remove the child. Document these steps in the *Child Protective Services Assessment Summary*, form 470-3240.
3. If a law enforcement officer is at a parental home where there is no parent or other caretaker, and requests the assistance of the Department, comply with the request. This includes a request from law enforcement for:
  - ◆ Making a report of child abuse,
  - ◆ Assisting in caring for or placing children, or
  - ◆ Entering the home.

### **Removal by Physician**

1. If a child receiving medical care is imminently likely to suffer significant injury or death if returned to the parental home, immediately request that the treating physician keep a child in custody, usually within the hospital setting.
2. If the physician keeps the child in custody in the hospital, inform the physician of the provisions of Iowa Code 232.79:
  - ◆ The physician must immediately orally inform the juvenile court of the emergency removal and the circumstances surrounding the removal.
  - ◆ Within 24 hours of orally informing the court of the removal, the physician shall inform the juvenile court in writing of the emergency removal and the circumstances surrounding the removal.
3. If the physician refuses to keep the child in protective custody, follow locally established procedures to contact juvenile court authorities to request an ex parte order to place the child in custody. Document these steps in the *Child Protective Services Assessment Summary*, form 470-3240.