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<b>Effective Date: July 1997</b>	<b>Revision Date: November 2011</b>
<b>Amends/Supercedes: 1700.10/ July 2007</b>	<b>Approved by: Chief Kevin Higdon</b>
<b>Meets Accreditation Standard:</b>	<b>30.8</b>

## **Section 1400.10 Dependency Arrest**

### Dependency, Neglect, and Abuse

KRS 620.00 requires that any person who knows or has reason to believe that a child is dependent, neglected or abused shall report such information to the authorities. This same statute requires a peace officer (along with several other professionals) to file a written report within (48) hours of obtaining information of a dependent, neglected or abuses child. The responding officer will be responsible for completing the Domestic Abuse Report and contacting the Child Abuse Hotline.

If during the course of an investigation, an officer has reasonable cause to believe that a child is in imminent danger, the officer may take the child into protective custody. This power is granted in KRS 620.040.

**\* \* \* Not in the Original Statue\*** This is the correct procedure based on Juvenile Court policy.

When a child is taken into custody by authority of KRS 620.040 the following procedure will apply:

A. if possible, notify the parent, or guardian of the child that the child has been taken into custody and where the child is to be taken. In any case leave "notice of emergency removal", (dependency action), either give to parent or guardian or leave it where it can reasonably be expected to be found.

White copy- parents/guardian  
Canary copy-family court  
Pink copy- Law enforcement agency

- B. Take child to home of the innocents, or if medical treatment is necessary arrange for transport to Kosairs Children Hospital.
- C. Complete a domestic abuse report.
- D. Obtain E. C. 0. from family court judge, see instructions on attached form.
- E. Notify child abuse hotline.

NOTE: If H.O.I. will not accept the child, transport to juvenile detention center.

Examples: Child abuse, abandoned children, parent under arrest, and child unable to be released to a competent adult.

### **Emergency Custody Order**

WEEKDAYS Contact the office of the court administrator and tell them an Emergency Custody Order is needed. They will locate a judge to issue the order.

AFTER HOURS The night duty judge may be contacted. Explain the reason for taking the child into custody. Please note on the report filed at the Home of the Innocents the time the judge was called and the name of the judge issuing the order.

#### **A. STATUS OFFENSES**

A status offense is any action brought in the interest of a child who is accused of committing acts, which if committed by an adult would not be a crime. The new Juvenile Code was written to minimize the contact between Juveniles and the Criminal Justice System. Under the new Juvenile Code, the only charges a juvenile may be arrested for are Habitual Runaway and a Court Order (warrant).

Habitual A child who has been away from home more than three days in one year without his parent's permission is a habitual runaway. The probable cause for this arrest is based on the parent's statement of the time away from home. This information must be included in the probable cause section of the arrest card.

#### **IF A JUVENILE DOES NOT MEET THIS CRITERIA HE HAS NOT COMMITTED AN ARREST ABLE OFFENSE.**

The situation may arise where a parent refuses to allow the child to return home due to problems with the child. In this situation the officer should attempt to mediate the problem between the parties involved. If the parents will not accept the child after this, an attempt should be made to place the child with an adult relative or friend of the family. If this is unsuccessful, a Court Designated Worker (CDW) should be contacted and asked for placement alternatives. The parents should also be referred to the office of the CDW, which will refer them to the appropriate agency. The phone number is 625-5820 during normal business hours.

COURT ORDER KRS 630.030 (1) states "a child may be taken into custody by any peace officer: Pursuant to an order of the court for failure to appear before the court for a previous status offense"... (in District Court this would be a bench warrant.)

ARREST PROCEDURE If it is necessary to arrest for a status offense, a citation should be completed. The reasons for detention should be detailed in the probable cause section of the arrest. Medical attention should be provided if needed. Contact a CDW for determination of where to transport. A CDW will be available, either working or on call at the Juvenile Detention Center.

CDW-The office of the Court Designated Worker was created by the new Juvenile Code. KRS 605.00 covers their responsibilities. A CDW will be available either working on call at all times. Their office is located at 810 Barrett Avenue, 3rd Floor. If an officer needs assistance, they may be reached by phone.

B. MENTAL HEALTH ACTIONS

KRS 645 covers the procedures for handling juveniles with mental health problems. From a police standpoint the law is similar to KRS which covers adults with mental health problems. If an officer has contact with a mentally ill child during normal office hours, the officer should go to the Juvenile Court Clerk's Office on the second floor of the Hall of Justice. At any other time, the officer would have to make contact with a judge through the Warrant Clerk's Office, which is open twenty-four (24) hours a day. A child sixteen (16) years of age or older may sign himself into a mental health facility. A parent may sign a child less than sixteen years of age into a mental health facility.