

## CHILDREN OF ARRESTED PARENTS

### I. POLICY

- A. The goal of responding officers and Family and Children's Services (FCS) workers is to minimize the disruption to the children of an arrested parent by providing the most supportive environment possible after an arrest, minimizing unnecessary trauma to the children of an arrestee, and determining the best alternative care for the children that is safe. The purpose of this policy is to establish the best methods for working with FCS and first responding officers.
- B. Nothing in this policy negates parental rights to choose *appropriate* placement for their children consistent with the procedures outlined below. Unless there is compelling evidence to the contrary (obvious drug use, weapons or other indicators of an unsafe environment) parental discretion shall be respected. However, FCS maintains the ultimate responsibility for determining placement in the event the parent does not designate placement.

### II. DEFINITION

CHILD. Any person under the age of 18.

### III. PROCEDURES

Responding officers shall assist FCS by adhering to the following procedures:

- A. When making an arrest, officers shall inquire about the presence of children for whom the arrested adult has responsibility. If the arrest is made in a home environment, officers should be aware of items which suggest the presence of children such as toys, clothing, formula, bunk bed, diapers, etc.
- B. If it is safe to do so, officers should attempt to make the arrest away from the children or at a time when the children are not present.
- C. If it is safe to do so, officers should allow the arrested parent to assure the children that they will be safe and provided for. If it is not safe or if the demeanor of the in-custody parent suggests this conversation would be non-productive, an officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurances to the children that both parent and children will be cared for.
- D. When planning an arrest or search warrant, officers shall consider the ages and likely location of the children when determining the time, place and logistics of executing the arrest and/or search warrant.

- E. If children are present, officers shall determine whether the non-arrested parent, an adult relative, or other responsible adult (i.e. godparent, adult neighbor) is willing to take responsibility for the children. Members shall conduct a preliminary criminal background check and contact FCS to determine if the person willing to take responsibility for the children has a history of child abuse. Any history of sexual crimes, 290 PC registration status or violence against children makes the adult ineligible to assume responsibility for the children. However, this does not apply to the non-arrested parent unless there is a court order limiting contact with the children. In any event, officers shall notify the FCS worker of the intended placement. *(Refer to DGO 7.01 III A. 1 through 6 for 300 W&I criteria)*
- F. To contact FCS, officers shall call 558-2650, identify themselves and the nature of their call, and ask for an expedited response or call back from FCS. FCS workers have been advised to expedite these calls to officers and/or supervisors in the field.
- G. If the arrested parent's children are at school at the time of the parent's arrest, in addition to contacting FCS, the responding officer shall contact the School Resource Officer (SRO) of that school. If the SRO is not available, the responding officer shall advise the school principal or the principal's designee of the parent's arrest and provide placement information if it is available.
- H. The reporting officer shall include the following in the incident report:
- the name and contact information of the adult with whom the children were left,
  - any contact information of other family members the officers identified to assist FCS in case future placement is necessary, and
  - the name and contact information of the FCS worker and school personnel contacted.

**Reference:**

DGO 7.01, Policies and Procedures for Juvenile Detention, Arrest and Custody