

Child and Dependent Adult Safety

380.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by employees of this department (Penal Code § 833.2(a)).

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Senior and Disability Victimization policies.

380.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Elk Grove Police Department will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

380.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken (Penal Code § 13517.7(b)(1)):

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

Elk Grove Police Department

Elk Grove PD Policy Manual

Child and Dependent Adult Safety

380.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
 - (a) Officers should consider allowing the person to use their own cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.
 - (b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that they know and trust because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
 - 1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.
- (c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (d) Notify Child Protective Services or the Division of Aging and Adult Services, if appropriate.
- (e) Notify the field supervisor or Watch Commander of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

[See attachment: EGPD Child Release Authorization Form](#)

380.3.2 DURING THE BOOKING PROCESS

During the booking process the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law (Penal Code § 851.5(c)).

Elk Grove Police Department

Elk Grove PD Policy Manual

Child and Dependent Adult Safety

If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

380.3.3 REPORTING

- (a) For all arrests where children are present or living in the household, the reporting employee will document the following information:
 - 1. Name
 - 2. Sex
 - 3. Age
 - 4. Special needs (e.g., medical, mental health)
 - 5. How, where and with whom or which agency the child was placed
 - 6. Identities and contact information for other potential caregivers
 - 7. Notifications made to other adults (e.g., schools, relatives)
- (b) For all arrests where dependent adults are present or living in the household, the reporting employee will document the following information:
 - 1. Name
 - 2. Sex
 - 3. Age
 - 4. Whether they reasonably appear able to care for themselves
 - 5. Disposition or placement information if they are unable to care for themselves

380.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

380.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate (Welfare and Institutions Code § 305).

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked patrol car, or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

Elk Grove Police Department

Elk Grove PD Policy Manual

Child and Dependent Adult Safety

380.5 TRAINING

The Training Sergeant is responsible to ensure that all personnel of this department who may be involved in arrests affecting children or dependent adults receive approved POST-approved training on effective safety measures when a parent, guardian or caregiver is arrested (Penal Code § 13517.7).

Attachments

EGPD Child Release Authorization Form (330 and 380).pdf



Report # _____

ELK GROVE POLICE DEPARTMENT**CHILD AND DEPENDENT ADULT RELEASE AUTHORIZATION**

I, _____ [NAME OF PARENT OR LEGAL GUARDIAN] (_____) [D.O.B.], authorize _____ [OFFICER NAME] _____ [BADGE NUMBER] to release my child(ren)/dependent adult(s) ("Dependent(s)") to _____ [FULL NAME OF CUSTODIAN] ("Custodian"), who is their _____ [RELATIONSHIP TO DEPENDENT(S)].

I represent and warrant that the named Custodian is the legal and/or authorized parent, guardian and/or caregiver of my Dependent(s), or that there is no other legal and/or authorized parent, guardian and/or caregiver available to take custody of my Dependent(s). I represent and warrant that no court order exists limiting the named Custodian's contact with my Dependent(s) and that the Custodian is fully equipped to care for them. I release the City of Elk Grove, including, but not limited to, the Elk Grove Police Department and involved officer(s), from any further responsibility for the welfare and safety of my Dependent(s).

Dependent(s) being released to Custodian [attach additional sheets if needed]:

NAME	D.O.B.	SEX	DAYCARE / SCHOOL

Signature of Parent / Guardian _____ Date _____

Address: _____ Phone Number: _____

CUSTODY ACCEPTANCE

I _____ [PRINT NAME OF CUSTODIAN], _____ [D.O.B.], accept custody of and responsibility for the care, safety, and welfare of the above-named Dependent(s). I will retain custody of the Dependent(s) until their parent(s), legal guardian, or a court order relieves me of my responsibility, or I otherwise make arrangements with the Elk Grove Police Department.

SIGNATURE OF CUSTODIAN_____
DATE_____
DL NUMBER AND STATE_____
RESIDENTIAL ADDRESS WHERE DEPENDENT(S) WILL STAY_____
PHONE NUMBER

Officer _____ confirmed with CPS/APS Social Worker _____ [WORKER CODE] there are no concerns releasing the Dependent(s) to the Custodian. Field Supervisor or Watch Commander _____ was notified.

[OFFICER'S SIGNATURE] _____ [DATE]