

Child Protective Services: Juvenile Court Placement Issues

2102.12 Verbal Orders

Requirement

Accept a verbal order only when emergency removal or treatment of a child is required and no other alternative is available for obtaining a signed order from a judge. If it becomes necessary to proceed with protecting a child by use of a verbal order, procure a written order with the judge's signature the first business/working day following issuance of the verbal order.

Procedures/Practice Issues

The issuance of a verbal order usually occurs because a judge/court is unavailable after regular office hours, on holidays and weekends. When issuing a verbal order is the practice of a county's judge, and there is not another acceptable alternative for getting a signed order for a child needing protection, the county DFCS office must have clearly written procedures that specify the immediate steps staff will follow in obtaining a signed order.

The county DFCS office establishes a written procedure for obtaining a signed order and shares this with its Special Assistant Attorney General (SAAG). The procedure addresses:

Situations that demand the immediate protection of a child and for which the county will proceed with a verbal order;

Designated county staff who are authorized to request a verbal order from the judge;

SAAG involvement in preparing an order for the judge's signature on the first business/working day after issuance of the verbal order; and,

Case record documentation, which clearly details the date and time of all actions taken, and who was involved at each step of the process (see Documentation Chapter 80.2).

Incorporate this procedure into the written procedures developed by the local child abuse protocol committee.

In some counties an Authorization to Place or a Shelter Care Order is issued by a court official delegated this authority by the judge. This document is signed by the person delegated this duty. It can be given directly to the SAAG, the case manager or other designated DFCS representative, or it may be faxed to the DFCS office. This document is the agency's legal authority to hold a child, and it becomes part of the case record. It must be followed within 72 hours by an order signed by the judge.