

# Child Protective Services: Juvenile Court - Placement Issues

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## 2102.5 Authority to Remove a Child from the Parent/Legal Guardian

### Discussion

While promotion of family maintenance and stability is encouraged, there must be continuing assurance of safety and protection for children. The seriousness of a substantiated or suspected incident of maltreatment may preclude working with the family.

The county department derives placement authority for a child from one or a combination of the following:

- Juvenile Court order transferring temporary custody to the Department of Human Resources acting through the county DFCS departments;
- Juvenile Court order terminating parental rights;
- Voluntary agreement to place a child in foster care;
- Voluntary relinquishment of parental rights;
- Superior Court order; or,
- Request for short-term emergency care, as a result of an emergency or illness of the person having physical and legal custody, by this person or from a law enforcement officer, emergency personnel employed by a licensed ambulance provider, fire rescue personnel, or a hospital administrator/ administrator's designee.

Once a petition is filed, following a preliminary hearing, a child in the physical custody of the department **cannot** be returned to the home without the court's approval. However, it is always good practice to have the court's approval for a plan to return a child **prior** to the filing of a petition.

The department has, when it accepts a child for short-term emergency care, a maximum of seven days to transfer the child to a designated relative or other designee of the parent/legal guardian or to return the child to the parent/legal guardian (See [2104.5](#)).