

Child Protective Services: Juvenile Court - Placement Issues

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2104.4a Child Taken into Custody by Physician

Requirement

When (1) a physician has taken physical custody of a child, (2) the child is ready for release, **and** (3) the court has transferred custody of the child to the Department of Human Resources:

- Take physical possession of a child who remains in the physical care of the physician within **six hours** of notification that the child is ready for release.
- Take immediate physical possession of a child who has been brought before the juvenile court by a law enforcement officer.

Obtain a copy of court documents that give the department the authority to accept the physical custody of the child.

Procedures/Practice Issues

A physician who retains a child in temporary custody:

- Makes reasonable and diligent efforts to inform the parents, guardian or custodian of the child's whereabouts;
- Reports, as soon as possible, the suspected abuse or neglect to the department;
- Contacts, within 24 hours, (1) a juvenile court intake officer and informs the officer that the child's life or health is in imminent danger as a result of suspected abuse or neglect or (2) a law enforcement officer who shall take the child into custody and promptly bring the child before a juvenile court intake officer; and,
- Files the petition, after the 72-hour hearing, if the child has not been released, and the physician continues to believe that the child's health or life is in danger as a result of suspected abuse or neglect.

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When a juvenile court intake officer determines that a child should not be detained, the physician or law enforcement officer releases the child to the parents, guardian or custodian.

When a juvenile court intake officer determines that a child should be detained, and the court orders the child detained in the legal custody of the department:

- Take physical possession of the child **within six hours**, unless the child meets the criteria for admission to a hospital or other medical institution or facility where detained by the physician; **or**,
- Take physical possession of the child admitted to a hospital or other medical institution **within six hours** of being notified that the child is ready for discharge; **or**,
- Take prompt physical possession of a child brought before the court by a law enforcement officer.

The court notifies the parents, guardian or other custodian of the 72-hour hearing.

DFCS responsibility for reimbursement of medical expenses a child incurs begins only at that time the department receives custody of the child. As with any other situation where the department receives custody, take immediate steps to determine the child's Medicaid status and insurance coverage.