

**REPORT OF THE COMMITTEE DEVELOPING
TRAINING STANDARDS FOR LAW ENFORCEMENT
OFFICERS COORDINATED BY THE DEPARTMENT
OF CRIMINAL JUSTICE SERVICES ON**

Addressing Issues Relating to Children of Incarcerated Parents

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



SENATE DOCUMENT NO. 10

**COMMONWEALTH OF VIRGINIA
RICHMOND
1994**

Preface

Senate Joint Resolution 216, adopted by the 1993 Session of the General Assembly, requested The Department of Criminal Justice Services (DCJS) to develop "training standards" that would address law enforcement officers' involvement and contact with children of incarcerated parents. In order to ensure that the issues were properly identified and addressed, DCJS convened a committee composed of representatives from the law enforcement community, Juvenile and Domestic Relations Court Service Units and the Department of Social Services to assist in the development of training standards and address other concerns mentioned in the resolution.

The objective of the committee was to develop training standards for law enforcement officers that would address issues regarding: (1) an officer's ability to identify minor children when arresting a suspect and taking that individual into custody; and (2) an officer's role in facilitating emergency placement for minor children who are left without a caretaker due to arrest of their parent.

The committee was coordinated and staffed by members of the Department of Criminal Justice Services, Division of Training and Standards. The lead staff member for implementation of the resolution was Ronald Bessent, Chief, Training and Development Section. The following individuals served as primary committee members:

Lieutenant John C. Austin
Chesterfield County Police Department

Ms. Clarice Booker, Director
Richmond Juvenile and Domestic Relations Court

Mr. Vernon Simmons
Department of Social Services

Mr. Forrest A. Mercer
Department of Social Services

In addition to the committee members, several other individuals provided technical advice and expertise in the development of this report. The following individuals are recognized for providing invaluable assistance toward completion of this study:

Ms. Anna Laszlo, Director
Technical and Analytic Resources Group
The Circle, Inc.

Ms. Barbara Smith
The American Bar Association
Center on Children and the Law

Mr. James McDonough
Department of Criminal Justice Services
Research Center

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L EXECUTIVE SUMMARY

Law enforcement officers in the commonwealth make hundreds of arrests every day. Many of these arrests involve the sole caretaker of minor children and while most are two-parent families, there are a growing number of single parents involved in arrest situations. With the dramatic increase in drug-related arrests, we have seen more situations where sole caretakers of minor children are arrested and incarcerated.

As the number of arrests of sole caretakers of minor children increase, particularly among women involved with illegal drug activity, the number of children left without a caretaker likewise increases. Officers are often faced with not only dealing with an arrestee, but also increasingly having to identify and locate care for the children of these arrested parents or guardians. Lacking any universal procedures or training for handling these types of situations, officers are often left to handle the problems on their own or involve other local agency resources. The results of escalating arrest of sole caretakers create not only trauma for the children, but emergency care for these children becomes a critical issue.

It is just as critical that law enforcement officers receive accurate and regular training on dealing with children of incarcerated parents/guardian. Reacting to this growing concern, the 1993 General Assembly passed Senate Joint Resolution 216 which directs the Department of Criminal Justice Services (DCJS) to develop training standards to address these issues. In order to ensure all concerns regarding this topic were considered, the study committee researched local procedures as well as utilizing data from a national study conducted by the American Bar Association, Center on Children and The Law and The Circle, Inc. Based on the committee's findings, several recommendations were made as follows:

Recommendation 1 (Training Directed to General Arrest Situations):

Training should be directed to general arrest situations that occur 95% of the time. The other 5% for special situations such as drug raids, serving search warrants, etc. should be addressed through specialized training programs.

Recommendation 2 (Level of Training Delivery):

Training should be directed at the entry-level for new officers and in-service to cover experienced incumbent officers.

Recommendation 3 (Curricula and Lesson Plan Development):

Model curricula and lesson plans should be developed to effect implementation of any training standards and objectives developed.

Recommendation 4 (Establishment of Interagency Agreements):

Affected local agencies should establish and enter into an interagency agreement spelling out responsibilities and procedures that each agency will follow in these circumstances. All impacted agencies should establish response procedures to minimize any additional paperwork and response time. A model has been developed and will be disseminated upon implementation of these recommendations.

Recommendation 5 (Follow-up Procedures):

Upon voluntary placement of dependent children with an alternate caretaker, follow-up procedures should be initiated to ensure that children receive appropriate and safe care and custody.

Recommendation 6 (Study of Emergency Care of Children):

The General Assembly should initiate a study to identify potential resources for the emergency care of children.

Recommendation 7 (Tracking System Development):

As there is a need to track the number of families impacted by these circumstances, a method of reporting number of children involved when parents are arrested should be initiated. This could be incorporated into the magistrates report or at the jail intake process. However, this process should not result in any additional paperwork or form development, rather it should be incorporated into existing procedures.

Recommendation 8 (Law Enforcement Liability):

The General Assembly should affect legislation that would expressly relieve law enforcement officers of any liability associated with efforts to assist in locating and placing children of arrested and/or incarcerated parents/guardian in temporary emergency care.

II. INTRODUCTION

Recently, there has been growing concern over the care and safety of children whose parents or guardian are arrested and incarcerated. Situations have been reported where children of incarcerated parents/guardian have returned from school or other locations, unaware that their parent/guardian was arrested, to find themselves without a parent or other caretaker. This becomes a critical concern for their welfare and safety which is often compounded by either the young age or special needs of these children.

The complexity of this dilemma is exacerbated by the lack of universally established procedures for dealing with these children and their parents/guardian by law enforcement and other social service related agencies. According to research conducted by Lt. J. C. Austin of the Chesterfield County Police Department (see appendix C), there appears to be no statewide process for law enforcement agencies in dealing with children of parents/guardian who are arrested/incarcerated. Response to this problem seems to be based on each local agency's requirements, needs and/or knowledge for involvement in these types of situations. According to Lt. Austin's report, an agency's method of response is often based on the frequency that they have to deal with these types of circumstances. Likewise in a national study on children of incarcerated parents conducted by The Circle, Inc. and The American Bar Association, Center on Children and The Law for the Administration on Children and Families, U.S. Department of Health and Human Service (see appendix B), the problem seems universal. According to research conducted nationally, few, if any, states have an established process or procedure for dealing with these types of children. The study also indicated that when an officer arrests a sole caretaker of a child, it begins a series of events which mobilizes agencies which normally may not have much interaction. This points to the need for local agencies to establish interagency agreements to help facilitate understanding of working relationships and service delivery.

Recognizing that in order for officers to effectively deal with situations where the sole caretaker of minor children are arrested and incarcerated they must be adequately trained, the 1993 Session of the General Assembly passed Senate Joint Resolution 216. This resolution directed DCJS to establish training standards for law enforcement officers to address issues of the identification of minor children when arresting a suspect and taking that individual into custody and the facilitation of emergency placement for minor children who are left without a caretaker due to the arrest. The resolution stated several critical points for consideration: (1) over 20,000 arrests annually involve primary custodial parents for minor children; (2) arresting officers are not required and do not routinely ascertain the presence of minor children; (3) temporary care of these children often depends on the primary custodial parent stating the need for care to the arresting officer who is then frequently involved in helping arrange for temporary care; and (4) there are no uniform procedures for handling these situations. The aforementioned issues become an integral part of establishing training directives.

As a result of this resolution, DCJS assembled a committee composed of representatives of law enforcement, social services and juvenile and domestic relations court service units. As previously mentioned, additional assistance and expertise were provided by The American Bar Association and The Circle, Inc. Together this committee explored the issues, formulated recommendations and developed procedures and training guidelines.

Realizing the significant impact that law enforcement officers can have on the well-being of children in this unfortunate situation, the committee attempted to not only "do

things right" on this project, but also to "do the right things." The following training proposal, procedure guidelines and recommendations are intended to represent not only the interest of impacted agencies and service providers, but most of all the interest of the children affected by the incarceration of their sole caretaker.

III. TRAINING PROPOSAL AND PROCEDURE GUIDELINES

Training Proposal:

In addressing the mandates of SJR 216, the committee considered several approaches to establishing training standards. However, the scope was narrowed to address the general arrest situations that may be encountered by the law enforcement officer during the normal course of performing his/her duties. It was determined that this approach would encompass 95 percent of the arrest situations. The other 5 percent of special arrest situations such as narcotics raids, issuance of search warrants, etc., could best be served through separate and specialized training programs.

The committee recommends that law enforcement training in this area should be conducted on both the entry-level to orient new officers and the in-service level to provide an expanded more sophisticated knowledge base to incumbent officers. This would guarantee that all levels of officers are exposed to the training. Entry-level training should be incorporated into Performance Objectives 8.0 of the current DCJS Entry-Level Training Standards for Law Enforcement Officers. This training would be a general orientation into determining whether minor children are involved, basic course of interventions available, basic procedures and how to access local resources (see curricula outline appendix E). As this recommended addition to the entry-level training program would only increase the amount of training by one to two hours, there should be no significant increase of costs to localities or training academies.

The in-service training program should be expanded to cover not only procedure guidelines and local agency resources, but also awareness of interventions available; needs of children in these situations and how an officer can make a difference in lessening the trauma they experience; how to solicit alternate care resources from the parent/guardian and identifying contraindicators to these types of placements; and local resources available to help and how to access them (see curricula outline appendix E). This in-service program is not intended to be added to current training schedules, but rather as an alternative in-service option. Given that DCJS will provide a complete lesson plan to all academies, there should be little additional costs associated with this training. Academies will also be encouraged to utilize local mental health and social services resources to assist in training delivery.

Much of the training recommended would hinge on the various local agencies developing clear working guidelines through an interagency agreement. Such an agreement at a minimum should include local protocols for provision of services to children in need and a method of follow-up by agencies involved. A model agreement is included in appendix D and should be distributed to localities for consideration, guidance and implementation. If the General Assembly is in agreement with these proposals, some time frame for adoption of a form of interagency agreement should be delineated.

Procedure Guidelines:

Given that different localities will have different levels of resources available to them, the committee has determined that certain procedures should be provided to law enforcement agencies as general guidelines. These procedures were divided into two categories: Temporary Custody of a Sole Caretaker (1 hour or less); and Custody of a Sole Caretaker (2 hours or more). The following lists the recommended procedures in each category after the officer has inquired and determined if the arrestee is the sole caretaker of minor children.

Procedures When Arresting Sole Caretaker of Minor Children

Temporary Custody of a Sole Caretaker (less than 1 hour)/release on the scene:

1. Children Present:

- Actions:
- Child remains with parent/guardian.
 - Child stays with relative, neighbor or other designated adult while summons processed.

2. Children at home alone, arrest affected away from home:

- Actions:
- Determine if minor child is expecting parent/guardian or has special needs and if delay will cause problems.
 - Depending on age and ability of child to care for him/herself short term, allow parent/guardian to call child or neighbor/relative as necessary.

3. Children with friends/relatives, etc. - expecting parent/guardian:

- Actions:
- Determine if delay will cause concern or problems.
 - Allow parent/guardian to call child, friend, relative etc.

4. Children at school returning before release of parent/guardian:

- Actions:
- Depending on age and ability of child to care for him/herself, allow parent/guardian to call child, school, preschool or day care provider to inform of delay.
 - Parent/guardian allowed to call other neighbor, friend, relative for temporary care.
 - Officer calls school for assistance (keep child at school until parent/guardian arrives).
 - Police officer sent to home to assist child until parent/guardian returns.
 - If child has special medical needs, may contact public health nurse to assist officer.

Procedures When Arresting Sole Caretaker of Minor Children

Custody of a Sole Caretaker: Transported to Magistrate for release or incarceration (more than 2 hours up to 72 hours).

1. Children present:

- Actions:
- Officer determines children's ages, ability to care for him/herself (short term) and if there are any special needs.
 - Parent/guardian authorizes care of children to alternate adult caretaker (neighbor, friend, relative, etc.).
 - Parent/guardian contacts alternate caretaker to pick up children at home or police station.
 - Parent/guardian completes and signs temporary caretaker agreement release form; officer forwards copy to social services or designated community agency for follow-up.
 - Officer remains on scene or calls for backup officer to stay with children until caretaker arrives.
 - Officer evaluates appropriateness of designated caretaker.

- Options: Leave children with designated caretaker.
Alternate caretaker not appropriate, other placement options sought. Officer notifies lead agency as stated in interagency agreement.
- Parent/guardian unable or unwilling to contact responsible caretaker; social services or designated community agency contacted.

Note: Officer may opt to take arrestee before magistrate to determine if sole caretaker will be released or incarcerated before contacting social services.

2. Children at home, sole caretaker arrested away from home:

- Actions:
- Officer determines children's ages, ability to care for him/herself (short term) and if there are any special needs.
 - Parent/guardian allowed to contact children.
 - Parent/guardian allowed to contact another adult caretaker for temporary care.
 - Parent/guardian completes and signs temporary caretaker agreement release form; officer forwards copy to social services or designated community agency for follow-up.
 - If children are of an appropriate age where a caretaker is imperative, officer should conduct some type of follow-up to ensure caretaker has arrived and children are safe.
 - If there will be a delay until alternative caretaker arrives, a police or juvenile officer should be sent to the home to assist children temporarily.
 - Parent/guardian unable/unwilling to locate alternative caretaker; social services or designated community agency contacted and officer sent to home to assist children until CPS arrives.

NOTE: Officer may opt to take arrestee before magistrate prior to contacting CPS.

3. Children not at home (at school, preschool, day care or other location):

- Actions:
- Officer determines if arrestee has minor children if information is not volunteered:
 - Ask suspect if they have children they are responsible for care and custody.
 - Look for obvious signs that children live with them; toys, clothes, baby supplies, etc. in home or car.
 - When securing home, check other rooms of house for signs of children.
 - Determine ages of children, time due to return home, current location, any special needs, etc.
 - If location of children is unknown, have backup officer or juvenile officer try and locate children. Notify social services and J&DR Court immediately.
 - If children are at school, preschool or day care, call school and ask their assistance in keeping children until an alternative caretaker, CPS worker or police officer can arrive.
 - Proceed as stated in number 2 above.

IV. RECOMMENDATIONS

In their discussions regarding the development of training standards for law enforcement officers on children of incarcerated parents, the Committee recognized that several additional issues were interrelated. As these concerns were raised, it was determined that they should be addressed in the form of recommendations to the General Assembly.

The following are the Committee's recommendations and rationale for training procedures and related issues:

Recommendation 1 (Training Directed to General Arrest Situations):

Training should be directed to general arrest situations that occur 95% of the time. The other 5% for special situations such as drug raids, serving search warrants, etc. should be addressed through specialized training programs.

Discussion

In identifying areas for which training may be needed, two situations were considered. The first encompasses those general arrest situations that are encountered everyday by law enforcement during their normal course of duties. These situations comprise approximately 95% of all arrest situations. The second category of arrests involve special situations for which there may be a greater degree of planning. These situations such as narcotics investigations, drug raids, serving search warrants, etc. comprise the other 5% of arrest situations. The committee felt that any training standards or programs should focus on the general arrest situations since this will ultimately impact the most officers. Additionally, while the illegal use and abuse of drugs are creating the primary reason for an increase in the numbers of children whose sole caretaker is arrested/incarcerated, the actual arrests are a result of other actions by the parent/guardians which may relate back to some form of drug problem. These situations are more likely to be handled by patrol officers. Training for the special arrest situations should be incorporated into programs designed to target the special procedures and actions required for those specific areas.

Recommendation 2 (Level of Training):

Training should be directed both at the entry-level for new officers and in-service to cover experienced incumbent officers.

Discussion

In order to ensure that all levels of officers are exposed to the issues identified in SJR 216 and by the committee, training should be conducted on both an entry-level for new recruits and the in-service level for more experienced incumbent officers. The Committee felt that entry-level training should be limited to an orientation of the problem and basic procedures to follow in order to identify children of arrested parents/guardians and the ability to facilitate the arrangements for their care and well-being. In-service training would be more extensive and address issues such as: identification of situations where children are involved; the trauma these children may experience and how an officer can lessen it; options for intervention; procedure guidelines; and local resource options and how to access these agencies. Neither of these two training programs would add any significant increase in training costs as they can be incorporated into existing training curricula.

Recommendation 3 (Curricula and Lesson Plan Development):

Model curricula and lesson plans should be developed to effect implementation of any training standards and objectives developed.

Discussion

Although the charge from the General Assembly was only to develop "training standards," the Committee felt that in order to implement any training recommendations, model curricula and accompanying lesson plans should be developed. To this end, The American Bar Association, Center on Children and the Law has expanded a grant to The Circle, Inc. to assist Virginia in the development and implementation of training curricula and lesson plans. Pending any further comment from the General Assembly on the recommendations contained herein, lesson plans will be developed and submitted to all certified criminal justice training academies and other interested agencies at no charge.

Recommendation 4 (Establishment of Interagency Agreements):

Affected local agencies should establish and enter into an interagency agreement spelling out responsibilities and procedures that each agency will follow in these circumstances. All impacted agencies should establish response procedures to minimize any additional paperwork and response time. A model has been developed and will be disseminated upon implementation of these recommendations.

Discussion

According to a 1993 national study "Children on Hold" conducted by the American Bar Association, Center on Children and the Law and The Circle, Inc., one of the most frequently mentioned problems from law enforcement is the difficulty in getting local social service agencies to respond in a timely manner. Other problems were identified as no follow-up to ensure children are in an appropriate environment when there is a change of custody, excessive paperwork and social services not having enough resources to respond appropriately. In order to begin addressing these concerns, the Committee felt that it would be imperative that local agencies establish and enter into an interagency agreement. This would set forth and delineate each agency's responsibility and formulate procedures that should be followed. Such an agreement would facilitate service delivery, reduce response time and create a positive working relationship among affected agencies. The Committee further agreed to develop a model agreement to assist local agencies in implementation efforts (see appendix D). In addition, a training program to assist agencies in this process will be developed by The Circle, Inc. The objective will be to bring the affected agencies together so that their policy makers can fully participate in setting up interagency guidelines.

Recommendation 5 (Follow-up Procedures):

Upon voluntary placement of dependent children with an alternate caretaker, follow-up procedures should be initiated to ensure that children receive appropriate and safe care and custody.

Discussion

According to research conducted by Lt. J. C. Austin and a national study conducted by The American Bar Association and The Circle, Inc. study, children of arrested/incarcerated parents/guardians may never be referred to a social service agency. Rather these children are voluntarily placed with a friend, neighbor or relative and there is no further follow-up or notification of the change in custody submitted to social services. As a police officer from the West Coast stated in the national study interview, "Once we leave, who knows what happens to those kids..." The Committee strongly felt that both the officer and social services should conduct some form of follow-up. The officer should conduct some initial check to make sure the designated alternate caretaker: A. arrives at the designated location; and B. is capable of providing temporary care. Social Services then would later conduct a more comprehensive follow-up not only to make sure the placement is appropriate, but also to determine if any

additional services are needed by the children (disability, medical, emotional, etc.). This latter follow-up would be initiated as a result of the arresting officer forwarding a temporary caretaker agreement parent release form (see appendix F) to social services.

Recommendation 6 (Study of Emergency Care of Children):

The General Assembly should initiate a study to identify potential resources for the emergency care of children.

Discussion

On both a state and national level, the lack of resources for emergency care for children of incarcerated parents/guardians is becoming increasingly more of a problem. Social service agencies indicate that this problem is growing at an enormous rate and resources are not available to respond appropriately. The Committee recommends that the General Assembly undertake a study initiative to identify if the problem exists in Virginia, to what extent and what possible solutions are available from both public and private sectors.

Recommendation 7 (Tracking System Development):

As there is a need to track the number of families impacted by these circumstances, a method of reporting number of children involved when sole caretakers are arrested should be initiated. This could be incorporated into the magistrates report or at the jail intake process.

Discussion

This recommendation is made to support other study directives to determine a method of determining the extent of this problem and further devise a way of tracking these children. In consulting with law enforcement officers and administrators throughout the Commonwealth, the feeling was that this should be considered as long as the reporting process **did not** create any additional forms or paperwork. Rather any tracking system should be incorporated into existing procedures. This Committee concurs with this recommendation.

Recommendation 8 (Law Enforcement Liability):

The General Assembly should affect legislation that would expressly relieve law enforcement officers of any liability associated with efforts to assist in locating and placing children of arrested and/or incarcerated parents/guardians in temporary emergency care (see appendix G for proposed legislation).

Discussion

As procedure guidelines and training issues were discussed, the issues of liability were raised. Often in arrest situations, there is a certain amount of tension that exists which may result in volatile actions. In these less than calm cooperative situations, officers' attention may be more directed toward controlling the suspect as opposed to ascertaining the appropriateness of alternative caretakers. Even in optimal situations, the officers do not have any assurance that designated alternative caretakers are truly what they are represented as being at the time arrangements are made.

In an attempt to address the issue of liability that may result from a child being placed with an inappropriate caretaker, even if voluntarily placed by the parent/guardian being arrested, the Committee has developed a temporary caretaker agreement parent release form. This form would be completed by the parent/guardian indicating with whom the child is to be placed, their address and telephone number and certain criteria for care. This form would be signed by the parent and a copy forwarded to the lead social service agency in the community for follow-up (see appendix F).

In addition to this form, the Committee recommends that the General Assembly enact legislation to protect arresting officers from liability resulting from any voluntary emergency placement. This naturally would presume that "good faith" effort was made and the officer was not negligent.

APPENDICES

- (A) SJR 216
- (B) CHILDREN ON HOLD:
RESULTS OF A NATIONAL SURVEY
- (C) MEMO/REPORT FROM
LT. J. C. AUSTIN
CHESTERFIELD COUNTY POLICE DEPARTMENT
- (D) PROPOSED MODEL INTERAGENCY AGREEMENT
- (E) PROPOSED TRAINING OUTLINE
- (F) TEMPORARY CARETAKER AGREEMENT PARENT RELEASE FORM
- (G) PROPOSED LEGISLATION

APPENDIX A

1993 SESSION

LD5544836

SENATE JOINT RESOLUTION NO. 216

Offered January 19, 1993

Requesting the Department of Criminal Justice Services to develop law-enforcement training standards addressing procedures for the identification and emergency placement of minor children when their parents are arrested.

Referred to the Committee on Rules

WHEREAS, law-enforcement officers perform arrests on a daily basis throughout the Commonwealth; and

WHEREAS, annually, over 20,000 of these arrests involve an individual who is the primary custodial parent for minor children; and

WHEREAS, the presence of minor children is not routinely ascertained by law-enforcement officers when making an arrest; and

WHEREAS, law-enforcement officers are not currently required to ask about the presence of minor children when making an arrest; and

WHEREAS, temporary care arrangements for children at the time of the parent's arrest often depends upon the parent's identifying that need; and

WHEREAS, the majority of law-enforcement officers help make temporary care arrangements for minor children when requested to do so; and

WHEREAS, there are no uniform procedures for handling minor children at the time of arrest and/or taking the parent into custody; and

WHEREAS, children with parents who are arrested need plans to assure appropriate temporary as well as long-term care; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Department of Criminal Justice Services develop training standards for law-enforcement officers to address the following issues: the identification of minor children when arresting a suspect and taking the individual into custody and the facilitation of emergency placement for minor children who are left without a caretaker in the home due to the arrest.

The Department is requested to report the status of this project to the Commission on Youth prior to the 1994 Session of the General Assembly.

Official Use By Clerks

Agreed to By The Senate

without amendment with amendment substitute substitute w/amdt

Agreed to By

The House of Delegates

without amendment with amendment substitute substitute w/amdt

Date: _____

Date: _____

Clerk of the Senate

Clerk of the House of Delegates

APPENDIX B

**CHILDREN ON HOLD:
RESULTS OF THE NATIONAL SURVEY**

Submitted to

The American Bar Association
Center on Children and the Law

Submitted by
The Circle, Inc.

Judith B. Smith, Project Director
Marilyn B. Ayres, Associate Project Director
Miki Akimoto, Senior Research Analyst

CHILDREN ON HOLD: RESULTS OF THE NATIONAL SURVEY

I. INTRODUCTION

In recent years, the nation's "war on drugs" has produced dramatic increases in drug-related arrests and incarcerations--often involving the mothers and fathers of young children. In two-parent households the arrest of one parent, while traumatic for the child, still leaves a parent to care for the child. But when a single parent is arrested and sentenced to jail, the care of the child becomes critical.

The dilemmas resulting from the apprehension and/or incarceration of parents of minor children are not new. However, soaring drug-related arrests, particularly among single mothers in poor, urban neighborhoods, have produced a crisis situation for thousands of the nation's children who are left without a caretaker. The epidemic of crack cocaine use among women has compounded the problem. The addictive nature of the drug creates a continuing and escalating demand which compels many women to commit crimes to support their habits, thus increasing their chances of arrest. The tragedy of what happens to the youngest victims of these circumstances--the children left behind--is the topic of this project, **"Children on Hold: What Happens When their Primary Caretaker is Arrested?"**¹

This project focuses on what is being done nationwide to meet the needs of children of incarcerated mothers from the point of the mother's arrest and emergency placement of the children, through the mother's incarceration and foster care placement of the children, and ultimately to the release of the mother and reunification of the family. This three-year effort is examining: 1) what statutes, policies, and protocols exist for determining these children's needs; 2) the current state of emergency and long-term placement of these children; 3) the types

¹Although the intent of this project is to focus on all sole caretakers of minor children, it became apparent, early in the data collection, that the vast majority of sole caretakers are female. Therefore, the results of the surveys will be mainly concerned with situations in which a single mother is involved. In every case, we also asked about sole caretaker fathers; there simply were very few of these cases.

of visitation arrangements that exist for these children and their incarcerated mothers; and 4) what support programs are available for incarcerated mothers to help improve the interactions with and ability to care for their children.

II. RESEARCH METHODS

To determine what happens at these various stages, project staff from The American Bar Association (ABA) and The Circle conducted a national telephone survey of 420 law enforcement officers, child protective services and foster care workers, and corrections officials in 100 counties across the nation. A stratified random sample of one large-sized county (500,000+ population) and one mid-sized county (200,000-499,999 population) was selected within each state.² Interviews with law enforcement and child protective services focused on temporary emergency placement of children. In contrast, the interviews with corrections and foster care officials focused on the more long-term placement of children, visitation issues, and parent-child interaction during incarceration.

The interviews focused on situations involving children who were under eighteen at the time of their sole caretaker's arrest. Further, the sole caretaker had to have been arrested for a crime **other than child abuse**. Finally, the sample was narrowed to children whose sole caretaker was incarcerated in a local correctional facility (as opposed to a State prison).

Five different survey instruments were developed for each agency based on input from an Advisory Board made up of representatives from law enforcement, social services, the judiciary, corrections, the ABA, and The Circle. The Advisory Board met during the early stages of the project to discuss the direction of the project and to draw up issues to be addressed in the survey questionnaire.

²For states in which there were not counties meeting these size criteria, counties were selected at random from all counties.

Law Enforcement. Two separate survey instruments were designed for gathering information on the law enforcement response to children of arrestees. One survey focused on patrol officers, the other on narcotics enforcement teams. The patrol and narcotics surveys contained a number of overlapping/identical elements. These elements included:

- How many of these children the officer had encountered in the last six months?
- What types of follow-up procedures exist for these children?
- What is the departmental policy for these children?
- What is the relationship between the law enforcement agency and the local social services agencies?

Since patrol officers generally conduct non-warrant arrests, they may arrest a mother of minor children for a wide variety of offenses, such as theft, prostitution, or robbery. The children may or may not be present at the time of the arrest. The patrol officer, therefore, will need to make decisions about children in a variety of situations, and without foreknowledge about these children. The patrol interview included items focussed on what systems could be accessed by a patrol officer who has to find care for children of an arrestee.

Narcotics divisions, on the other hand, have the responsibility in most counties for drug arrests in which search warrants are required. In many cases, this means that with prior surveillance and intelligence, it is known before the warrant is served that children will be present at the arrest. Further, when narcotics officers enter a home to make an arrest, there are often children present, since warrants are frequently served during non-school hours. The narcotics survey focused on arrests made with either search or arrest warrants. The narcotics interview included items which asked how frequently the narcotics team knew that children would be present when a warrant is to be served, and how that knowledge affected the way the warrant is executed.

Social Services. In designing the surveys for the social service response to "children on hold,"

a decision was made to design two separate surveys. A child protective services (CPS)³ survey was designed to capture information about the initial response to these children at the time of the parent's arrest. For the CPS interviews we asked to speak with an intake supervisor to ensure familiarity not only with the law and policies, but also with actual operating procedures and practices. The interviews addressed such issues as:

- How do the children enter the system;
- How are initial or emergency placements handled;
- What is the level of cooperation with the police in addressing the needs of these children;
- Are relatives or neighbors assessed to their suitability to care for the children; and
- How much input does the mother have in determining the placement of her children.

A foster care agency survey was developed to learn what happens after the arrest of the parent and initial emergency placement of the children. For these interviews we asked to speak with a foster care placement supervisor. Questions included:

- How are long-term care arrangements made, when necessary;
- What are the visitation requirements and how are visitation arrangements made;
- How are children and parents prepared for reunification; and
- What follow-up is done on children who are returned to the arrested parent;

Local Corrections. The project chose to focus on local correctional facilities (jails) as opposed to State or federal prisons for several reasons:

- Little is known about programs in local corrections, as most research, to date, has focused on prisons. Further, the literature review conducted earlier for this project indicated that few parenting programs exist in jails. It was hoped that the survey might identify model programs.

³Throughout this document, the term "CPS" is used to describe all agencies which would have primary responsibility for intake and initial placement of these children of arrested parents. In some jurisdictions, the relevant agency may be the State's Department of Human Services.

- Most arrestees will serve time in local correctional facilities, at least initially after arrest and for pre-trial holding.
- Caretakers serving time in local facilities are generally serving sentences of less than 18 months. This shorter time means that there is an increased chance that mother and child(ren) will be reunited after her release.

The local corrections survey was designed primarily to determine the scope of: (1) visitation arrangements that exist for incarcerated mothers and their minor children; and (2) parenting and ancillary support/educational programs that are offered and/or mandated to improve mothers' skills in relating to and caring for their children during and following incarceration.

III. FINDINGS⁴

To estimate the scope of the problem, respondents were asked the number of children referred to their agency due to parental arrest or incarceration or the number of mothers of minor children incarcerated in their facility. Since very few agencies track this particular statistic, we asked for an estimate or "best guess." The majority of respondents in each agency reported an increase over the last few years in numbers of arrests of mothers of minor children. One social worker who works in a small agency on a major cross-country interstate said, "This (children of arrested parents) problem is growing at an enormous rate."

Most social workers and law enforcement officers interviewed cited an increase in drug abuse as the primary reason for an increase in the numbers of children referred to their agencies as "children in need of services" due to parental arrest. As one intake supervisor put it, "Drugs are just blowing us away. We are a catch-all for everything and we do not have the resources to respond appropriately." In some communities, increasing reporting requirements and better cooperation between law enforcement and CPS is also resulting in an increasing number of children of arrested parents coming to the attention of the social service agencies.

When a law enforcement officer arrests a single mother, the act sets in motion a series of events

⁴This report will present the major qualitative findings from the national telephone survey. The quantitative, statistical findings will be presented in another report.

for the child and the parent and mobilizes agencies which normally may not have much interaction. This project sought to discover what these events are, how they impact the children, what needs the children have, and what agencies are doing to respond. The findings of the interviews follow in the order in which an agency comes in contact with the child and caretaker: Law enforcement--at the point of arrest; child protective services--at the point of emergency placement of the child; corrections--during incarceration; and foster care--throughout long-term placement and reunification.

Law Enforcement Findings

Law enforcement officials nationwide who were interviewed during this project consistently expressed concerns about their role in responding to the urgent needs of children when their parents are arrested. One police official from a West Coast crack task force asked: "Once we leave, who knows what happens to those kids...we can't take them with us, but what can we do?" A clear finding from the patrol and narcotics surveys is that many children of arrested mothers will never be referred to social service agencies as a result of their mother's arrest. Rather, they are generally placed with the nearest available friend or relative, and social services is never notified of the change in custody. There may be several reasons for this:

- Several law enforcement agencies spoke of the difficulty of getting the local social services agencies to respond. One officer said that, on average, it took 4-6 hours for social services to respond to the scene of an arrest, and then another 3-4 hours for the paperwork to be completed once the social service workers arrived. Clearly situations such as this are likely to discourage law enforcement agencies from involving social services unless absolutely necessary.
- The officers whom we interviewed (who would be the officers conducting the physical arrest of the mother) may have no direct contact with social services. In many jurisdictions, juvenile or youth officers are called to the scene to handle the placement of the children. This was particularly true in narcotics units where the majority of officers are undercover agents. In order to preserve their "covers," narcotics agents have to leave the scene of an arrest as quickly as possible.
- Social services are more likely to be involved or contacted by law enforcement when

there is an "easy" system. Drop-off shelters which are open 24 hours a day/7 days a week seem particularly conducive to law enforcement use.

A "typical" arrest by a patrol officer of a sole caretaker of minor child is likely to take place as follows:

- The sole caretaker is apprehended/arrested. At this point, the arrestee is likely to raise the issue of her child(ren) herself, if the child is not physically present (several officers remarked that arrestees will often use their children as a reason why they shouldn't be arrested).
- If the arrestee is charged with a relatively minor crime, most jurisdictions allow officer discretion, which may include releasing the mother on her own recognizance--to make child care arrangements before reporting to her arraignment.
- If the charge is serious enough to require immediate custody, child care arrangements will probably be made in one of the following ways:
 - The mother will be asked to nominate a caretaker, and the children will be released to that caretaker after some kind of check, most likely an informal interview.
 - If the nominated caretaker is obviously unfit (e.g. visibly intoxicated), CPS may be called, or the mother may be asked to name another caretaker.
 - In some jurisdictions, a Youth/Juvenile Officer will be called, and that officer will make all child care arrangements, relieving the arresting officer of responsibility for the child(ren).
 - In other jurisdictions, CPS will be notified immediately, and the children will either be transported directly to a shelter, or CPS will respond to the scene of the arrest and take over custody of the children (this is less common).

Unlike patrol officers, narcotics teams will frequently know from surveillance whether or not there will be children present when a warrant is to be executed. This knowledge is utilized in three general ways:

- CPS is sometimes contacted prior to the raid, and social workers are either at the scene

of the raid, or on stand-by for the warrant execution, so that the transfer of custody of the children from police to social services is immediate;

- Special law enforcement officers (either female or Juvenile/Youth officers) are brought along to the scene of the warrant execution, and they take responsibility for the children;
- Special precautions may be taken on executing the warrant such as: 1) not using "flash-bang grenades" (grenades which produce distracting noise and light sufficient to stun a suspect for up to ten seconds); 2) executing the warrant when children are in school; or 3) waiting for the suspect to leave the residence rather than risk raiding the house with children inside.

Both patrol officers and narcotics officers expressed similar concerns on some points. There was widespread anger expressed at social services for policies of returning children to parents who are repeatedly arrested. A number of narcotics officers related vignettes of busting the same operation (e.g. a crack house) several times in the course of a year, and always finding the same children there. One Maryland narcotics lieutenant told of being part of a SWAT team which executed forcible entries, and as they were running through the house with full riot gear and automatic weapons drawn, the children of the house never looked up from their TV show *because the kids had seen this so many times before.*

CPS Findings

When law enforcement notifies CPS of the need for placement of a child due to parental arrest, it is generally by phone, either directly to the on-call social worker or to a 24-hour hotline.

The officer may then do the following:

- Hold the child at the scene until the social worker arrives to take custody or make arrangements with relatives;
- Take the child to CPS offices;
- Take the child to the police station where the CPS worker takes custody of the child;
- Take the child to a hospital for examination or observation; or
- Take the child to the foster placement or shelter as directed by the social worker over the telephone.

The CPS worker generally tries to get access to the mother as soon as possible at the police station or jail to get the mother involved in placement decisions. Whenever possible, CPS will track down relatives or friends whom the mother recommends as a caretaker while she is incarcerated. During this time the child may be in a shelter or temporary foster home.

CPS workers **encourage** law enforcement officers to find relatives or neighbors at the site of an arrest to take the children, keeping the children out of the social service system altogether. They see social services as a "last resort" if the officers cannot make arrangements at the scene. However, anecdotal evidence points out that there are risks involved in this approach. One social worker related an incident in her community in which a police officer placed a child in the custody of a relative. The relative left the child in the care of a babysitter who raped the child. To prevent this type of risk to the child, one metropolitan community has recently established a coordinated approach between the police and CPS which enables law enforcement to call a hotline from the scene of the arrest, get a foster care referral, and take the children directly to the placement.

Although social services respondents reported increasing numbers of children of arrested parents, these children were almost never viewed as a "problem population." Social workers expressed concern over the lack of quality foster homes to serve even the most serious child abuse cases. Because of the emphasis on children who were removed from their parents for reasons **other than abuse**, social workers tended to see these children as being at far less risk than physically or sexually abused or neglected children, and exhibiting fewer behavioral or emotional problems. However, some social workers believe that parental arrest is, in itself, a form of neglect. This is particularly true for parents arrested on drug-related charges because the children often display signs of neglect such as being dirty and malnourished.

Most agencies reported having comprehensive policies relating to the placement of children in need of services, as mandated by Federal and State laws. However, only 12 (13%) agencies had any policies specific to the situation of children brought into the social services system

because of parental arrest or incarceration.

Placement issues. Due in large part to the family preservation movement, the overwhelming majority of respondents go to great lengths to locate a relative to care for children when a mother is incarcerated. In cases of relative placement, there is often no assessment done of the suitability of the caretaker. When an assessment is done, it is most likely cursory, consisting of an interview with the person to see if they are willing to take child. In cases of placement with a friend of the mother, an assessment is more likely, and may consist of a records check and a check of CPS records for a "perpetrator" report. Court-ordered placements generally require a more thorough evaluation of the prospective caretaker. In the most comprehensive of assessments, (generally required for financial assistance), agencies check the CPS and law enforcement computer (perpetrator) records to ensure that the person has no history of arrest for child abuse; they interview the prospective caregiver and the child; and they do a home visit to see that the home meets the building codes of the community and provides a safe environment for the child.

According to CPS interviews there is a severe shortage of quality foster homes, particularly for teenagers, minority children, and for sibling groups. In this context some social workers felt that group homes are often preferable to foster care. They considered group homes to be less intimidating than going to live in a strange home with a strange family. In one community, adolescents placed in group homes learn survival skills such as money management, cooking, job hunting, etc. to prepare them for independent living.

A number of communities have established emergency shelters (both publicly and privately funded) for children and teenagers and crisis nurseries for babies, which have been well received as an answer to the foster care shortage. They are particularly helpful for situations in which the parent is incarcerated for a short time and family reunification is anticipated. Some states can hold children for twenty-four hours in an emergency shelter without court involvement, allowing time to locate relatives who can take custody.

Visitation. Although visitation is mandated prior to family reunification, many supervisors told us that visits by children are not allowed or are not appropriate in jails. In one state, some women choose to serve time in prison rather than the local jail because the jail does not allow visits with their children.

In some cases, jail staff discourage visitation by not allowing the child in if he/she is not on the list. When visitation is allowed, factors such as the worker's caseload, parents availability, and foster parents or relatives willingness to take the child to the jail determine whether and how often a child may visit. Generally the longer the mother is in jail, the less frequent will be the visits. When release is imminent, there are more visits. Seeing the importance of parent/child interaction, one community has initiated a visitation "contract" between the mother and the foster parent which ensures regular contact.

Age is very often an important factor in visitation decisions. Some social workers told us that infants would have **more** frequent visits because of the importance of fostering bonding; others said infants would have **less** frequent visits because their jail does not allow contact visits and seeing the mother behind a glass would have little benefit. Some older children express fear about going and are upset and even traumatized by the visits. Others may be so motivated to visit that they make their own arrangements to get to the jail. Therefore, how the child handles the visits also influences the frequency and type of visitation arrangements.

Reunification. Consistent with the family preservation philosophy, in most cases in which there is no indication of abuse, children would be reunited with the mother immediately upon her release from jail, and the CPS case would be closed. In some counties a drug arrest would be a factor in reunification decisions. Judges may require drug treatment and other support services such as job training or counseling as a prerequisite for reunification.

Corrections Findings

The original intent in executing the corrections interviews was to interview the chief administrator/policymaker of the facility; however, in many larger jurisdictions, we were referred to an inmate counselor, program coordinator, or other person directly involved with inmate program planning and implementation.

Overall corrections' responses ranged from allowing *no children's visitation* and providing *no parenting programs*, to routinely providing: (1) regular contact visits for all inmates *as well as* special, earned, mother-child contact visits in designated play areas; and (2) comprehensive parenting programs. The following sections detail the corrections professionals' responses.

Mother/Child Visitation Policies

All except two of the facilities surveyed reported that they do routinely allow children to visit their incarcerated mothers. (The two exceptions both reported that their policies prohibiting visits by children under 18 are State-mandated.)

Contact v. Non-Contact Visits. Of the facilities that allow children to visit, a significant minority reported that they do *not* routinely allow contact visits. The primary reasons given for such policies centered around insufficient security, staffing and/or space. In many of these facilities, mother-child contact visits *are* allowed under special circumstances; e.g., as a result of a court order, a request by a relative traveling a long distance with a child, a request by CPS or foster care because of problems the child may be experiencing, or a request of an inmate/mother who may be transferring from local facility to State prison in another city. In general, non-contact visits between mothers and children take place in the same area as all other non-contact visits; a few facilities reported designating specific times for children's visits. For special contact visits granted in response to court orders or other requests, rooms are frequently designated away from the regular visitation area.

Routine mother-child contact visits are reportedly allowed in a majority of the facilities surveyed. These visits generally take place in a designated area (frequently out of sight of bars,

or armed guards, to minimize trauma to children, etc.) with, in some instances, toys and books for use by mothers and their children.

Special Children's Visitation Programs. In addition to routinely providing contact visits for all inmates, including mothers and their children, some of the facilities reported providing special mother-child contact visits in designated play areas on Saturdays or other specific days, complete with toys, games, crafts, snacks, lunch, and--on special occasions--cookouts and other outdoor activities. Since participation in these special visits is generally earned through good behavior, most facilities reported that the visits serve as incentives for mothers who might not otherwise be cooperative.

Several program coordinators/counselors commented that many children who visit their mothers during incarceration are seeing the mothers sober for the first time. According to these professionals, this experience can be stressful for both mother and child; i.e., the mother needs to learn how to talk to her child and to play with him or her for the first time. Therefore, some facilities arrange for special visits to be supervised by professional counselors and social workers, who facilitate mother/child interaction by teaching the mothers how to play with their children, what kinds of activities are enjoyable/beneficial for sharing with their children, and how to stay in touch with the children during incarceration.

A few facilities with such supervised visitation reported that they routinely conduct one-on-one counseling sessions with each mother following each visit to discuss both positive and negative aspects of the visit; e.g., what went well, or what she might say or do differently during the next visit. A few facilities also reported that they conduct followup interviews with each child to identify any specific problems that may need to be addressed.

Mother-Infant Visitation. Assessing efforts to facilitate mother-child interaction included identifying responses to the special needs of incarcerated mothers and their newborns and infants. These responses ranged from providing no special arrangements for mother-infant interaction to providing one or more of the following: (1) special rooms for mothers to breast

feed infants who are brought to the facility several times each day by caretakers; (2) arrangements for mothers to pump breast milk for delivery to infants at home; and (3) "rooming-in" arrangements for mothers and infants up to 1 and 2 years old.

One facility reported operating an ongoing "Infancy Program," for pregnant and newly delivered women, in which all-day visits with infants are supervised by a social worker, who teaches the women child care. The local hospital also staffs this program, since it has a grant to work with substance-abusing mothers and their infants.

Parenting/Ancillary Programs

Programs designed to improve mothers' skills in caring for and responding to their children both during and after incarceration were found in about one-third of the facilities surveyed. Of these, several provided holistic approaches to the problems of young, single, drug-abusing mothers. These encompassed, in addition to parenting classes, substance abuse education/treatment, HIV education, life or job skills, stress management, anger control, problem solving, literacy/GED, and efforts to link these programs with outside community services providers.

Many parenting program coordinators expressed the belief that incarceration provides the first opportunity many mothers have ever had not only for getting drug treatment and education, but also for obtaining the information they desperately need to help them rear their children alone when they are released. According to these professionals, for many mothers, jail parenting classes provide the *only hope of breaking the cycle of abuse and neglect*.

Program Linkages

A number of facilities reported special linkages between parenting classes and special children's visitation programs or between parenting and ancillary programs and outside services providers.

For example, some facilities provide classes before and/or following each visitation period, and also supervise these visits to provide guidance for mothers in interacting with their children. One facility reported that participation in its special children's visitation program is dependent

on the mother's parenting class attendance as well as her behavior both in and out of the classroom.

Strong linkages between parenting and ancillary support programs and outside, community-based services were reported to be effective for increasing mothers' awareness of what is available to them and their children on the outside. A number of facilities arrange for community services providers to come and provide programs on a range of relevant topics, in some instances also providing counseling. Through this networking, mothers often meet the community-based agency professionals personally and learn to trust them and to understand what they can offer to them and their children. Program coordinators reported that mothers who have become familiar with what is available to them and their children in the community are much more likely to feel comfortable seeking these services upon their release.

Sites Selected for Further Study

Completed surveys were reviewed to identify communities with the most interesting and/or innovative/creative responses to the problems of incarcerated mothers and their children. Eight sites were selected for further on-site study. While no single site was found which had a comprehensive, (arrest to child placement through incarceration of mother), coordinated approach, each site of the following sites contain elements which illustrate innovative and useful approaches to specific phases of the continuum:

- Bexar County, Texas; Albany County, New York; San Francisco County, California; and Washtenaw County, Michigan illustrate programs in local correctional facilities with effective tie-ins to local community groups and social services.
- Mobile County, Alabama; St. Louis County, Missouri; Tulsa County, Oklahoma; and Maricopa County, Arizona will provide information on law enforcement-child protective services cooperation.

On-site interviews and data collection activities will take place over the course of the next year for a fuller report on services to children of arrested/incarcerated parents and for the creation of a model or models which communities may replicate to better serve this growing population of children.

APPENDIX C



CHESTERFIELD
POLICE
DEPARTMENT

MEMO

TO: Nancy Ross

FROM: Sgt. J.C. Austin *J.C.*

DATE: April 27, 1992

RE: HJR 218

The following would be the process that would occur when a parent would be arrested.

ARREST: Parent- no children present

1. There would normally not be an inquiry about children unless the arrested subject brought the issue to the officer's attention. If the issue was brought up, then the officer would most likely follow the same procedure as an adult with children present, who had been arrested.

ARREST: Parent- children present

1. If children were present with the adult at the time of arrest, the officer would normally consult with the parent in making arrangements for placing the children with another parent, family member, or other responsible adult who would be willing to care for the children.
2. This could result in the officer and arrested parent waiting at their current location until one of the above parties could respond or another officer transporting the children to the location of the caretaker or the children being transported to the police station until the caretaker could arrive or the children remaining at their present location with another officer until the caretaker arrived.

The decision makers would be ranked as follows:

At time of arrest: Parent
Family Member, Etc.
Police Officer
Social Worker

During incarceration period: Parent
Family Member
Social Worker
Court/Judge

At time of release: Parent
Family Member/ Caretaker of Children
Social Worker
Court/Judge

The order and rank of the decision makers would vary based on the cooperation of the parent and children, availability of non-court ordered placement, involvement of court ordered custody, length of placement of children, welfare and special needs of children.

ARREST

Parent-children not present
If unknown- no action
If known- same action as
children present

Parent-children present
^
Non-arrested Parent
^
Family Member
^
Other Adult
^
Temporary Custody by State
^
Family Member, Foster Care,
Etc.

INCARCERATION

SAME

Voluntary Placement
with Family Member, Etc.
^
Court Ordered Custody to
Family Member, State
^
Group Home, Etc.

RELEASE

SAME

Child Returned to Parent
from Voluntary Placement
^
Court Ordered Custody
Back to Parent

There is no state wide process for police that I am aware of in dealing with children of parents who are arrested/incarcerated. The process appears to be based on each individual locality's agency response to this situation and their requirement, need and knowledge for involvement in these types of situations. It would appear that an agency's response to this type of situation is based on the frequency that they have to deal with these types of situations.

APPENDIX D

**Elements of an Interagency Agreement
Concerning Services
to
Children of Arrested Parents**

GOAL:

The goal of this agreement is to coordinate and mobilize the resources needed to address the problems of children who's parent(s) have been arrested.

CONSIDERATIONS FOR THE PRINCIPLES

LAW ENFORCEMENT:

In that they are the first on the scene, LE must be prepared to make immediate assessment of children's needs and have access to resources as needed.

LE officers will be aware that the arrest of individuals may mean that a minor child is left without adult supervision and care and an alternate caretaker will need to be obtained.

Parents, even those being arrested, should be the first resource in planning alternative care for children. It will be up to the LE officer to:

1. Assess to the degree possible, the legal custody of the child;
2. Assess with the parent the children's needs and what alternate caretakers are available. This would include making reasonable assurances that the alternate caretaker is adequate to provide for the children's minimal needs, and ;
3. Access a human service agency to arrange alternate care when the parents cannot provide it.

HUMAN SERVICE AGENCY (Social Services/Court Services)

The role of the human service agency will be to respond on a 24 hour a day basis to calls for assistance from LE officers who have knowledge of children in need of alternate care which the parents cannot provide. This may mean that the human services staff will make additional efforts to place the children with a relative or friend or when necessary, place the children in agency procured care, (foster home, emergency shelter, etc.).

ADJUNCT ACTIVITIES

The principles involved in this agreement affirm the need and intent to develop a collaborative working relationship by:

1. Educating each other as to perceived roles/responsibilities in the community and available resources to fulfill them.
2. Combined training on initial assessment as to the age and development dependent needs of children in crisis and how this agreement is to be played out in the "real world".
3. Meeting on a regular basis to evaluate the effectiveness of this agreement and make changes in procedures as needed.

APPENDIX E

TRAINING CURRICULUM OUTLINE

ENTRY-LEVEL: ARREST OF SOLE CARETAKER OF MINOR CHILDREN

I. General Description of Issue:

- A. Scope of Problem; # of children impacted
- B. Impact on children

II. Procedures:

- A. Temporary custody of parent (short term)
- B. Custody of parent (extended)

III. Local Agency Resources Available:

- A. Types of agencies
- B. Interagency agreement
- C. How to access services

TRAINING CURRICULUM OUTLINE

IN-SERVICE: ARREST OF SOLE CARETAKER OF MINOR CHILDREN

I. General Description of Issue:

- A. Scope of problem; statistics on parents/children impacted
- B. Impact on children
 - 1. Lessening the trauma
 - 2. Identifying the needs of children
 - 3. Making a difference: breaking the cycle of family involvement with the criminal justice system

II. Procedure Guidelines:

- A. Interventions available
- B. Temporary custody of parent (short term)
- C. Custody of parent (extended)
- D. Planned arrest or narcotics raids

III. Local Agency Resources:

- A. Types of agencies and services available
 - 1. Role of agencies
- B. Interagency agreement
- C. Accessing services

IV. Emergency Custody of Children:

- A. Legal requirements
- B. Procedures for taking custody
- C. Emergency placement alternatives

APPENDIX F

PARENTAL AGREEMENT FOR ALTERNATIVE CARE

IN THE MATTER OF:

Child(ren)

Sex/Race

Date of Birth

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____

PARENT'S RELEASE

I authorize temporary care and control of my above-named child(ren) to the caretaker identified below to provide food, shelter, supervision, care and protection to my child(ren) during my absence. I release the law enforcement officer and agency from any civil or criminal liability for releasing the child(ren) to the designated caretaker.

NAME OF PARENT: _____ WITNESS: _____

SIGNATURE OF PARENT: _____ DATE: _____

A.M.

TIME: _____ P.M.

CARETAKER: I agree to provide food, shelter, supervision, care, and protection to the child(ren) named above.

NAME: _____ WITNESS: _____

ADDRESS: _____ DATE: _____

A.M.

SIGNATURE: _____ TIME: _____ P.M.

APPENDIX G

Senate Bill No. ...

House Bill No. ...

A Bill to amend the Code of Virginia by enacting a new section numbered 19.2-83.2, relating to immunity for law enforcement officers during certain arrest situations which require the voluntary emergency placement of minor children.

Be it enacted by the General Assembly of Virginia:

That the Code of Virginia is amended by adding section numbered 19.2-83.2 as follows:

- Any deputy sheriff, police officer, or other law enforcement officer as defined in § 9-169 of the Code of Virginia, who during the normal course of their duties, arrests a person who is known or discovered by the arresting officers to be the sole caretaker of a minor child(ren), shall assist the arrested parent, guardian or legal custodian in locating and securing voluntary temporary emergency placement for said minor child(ren) who are left without a caretaker in the home due to the arrest. Any law enforcement officer who assists the arrested parent, guardian or legal custodian in locating and securing voluntary temporary emergency placement for their minor child(ren), shall not be held liable for any subsequent abuse, injury or death to the child(re) resulting from such voluntary emergency placement. This section shall not preclude liability for civil damages as a result of gross negligence, recklessness or willful misconduct.

22/cdw

SJR-leg