

Obtaining Warrants and/or Removal Orders

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Overview

This policy addresses how to obtain warrants and/or removal orders to investigate child abuse referrals, remove children, and seek forensic medical/sexual abuse examinations.

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Version Summary

This policy was updated from the 07/09/13 version, as part of the Policy Redesign, in accordance with the DCFS Strategic Plan.

POLICY

Warrants

Social workers' investigations of child abuse and the removal of children at risk of abuse and neglect are subject to the warrant requirement of the U.S. Constitution. Warrants protect individual family member's Fourth Amendment right to be free from unreasonable searches and seizures, as well as parents' and children's Fourteenth Amendment right to live together without government interference, and thus not to be separated by the government without due process of law.

As a result, a Children's Social Worker (CSW) must obtain a search warrant to:

- Enter private residences to conduct child abuse or neglect investigations unless he or she has:
 - The consent of a person who has apparent authority over the premises, or
 - Reliable evidence that a child present in the home is at immediate risk of physical harm.

The CSW can also take a child into temporary custody when:

- The CSW determines that a child is at risk of serious physical harm, sexual abuse, physical abuse, need for medical care for serious medical condition, or the physical environment poses a risk to health or safety of child per [Welfare and Institutions Code \(WIC\) 300\(a\), \(b\), \(d\), \(e\), \(f\), or \(g\)](#) and
- The CSW determines there are exigent circumstances that justify the immediate warrantless removal of the child (e.g.: the child is in immediate danger of suffering serious physical injury, per WIC 306 and there is no less intrusive means of protecting the child.

Warrants can be obtained 24 hours a day, 7 days a week – after hours, weekends and holidays by contacting command post warrant liaisons at (213) 639-4500.

Warrants in Existing Dependency Cases

Constitutional protections apply to cases in which the Juvenile Court has already assumed jurisdiction of a child who has been placed with his or her parent. The legal requirements [Back to Top](#)

this Policy Guide also apply to cases in which a CSW investigates a referral regarding a dependent child placed with a parent or guardian or decides to remove a child from his or her parent pursuant to WIC 342 (subsequent petition) or 387 (supplemental petition). If a CSW would like to remove a child from the parent's home and files a WIC 342 or 387 petition, absent consent or exigent circumstances, a removal order is required.

The Warrant Tracking System

The Warrant Tracking System is a web-based system that tracks the status of warrant applications from the time of the warrant application's initial submission through warrant application closure. The Warrant Tracking System will:

- Accept the receipt of the electronic transmission of the Warrant Consultation Request that is found in CWS/CMS.
- Email notifications to the currently assigned CSW, SCSW, ARA and the individual that generated the Warrant Consultation Template.

The assigned CSW, SCSW and ARA may log into the Warrant Tracking System at any time to check the status of a Warrant Consultation. The Warrant Tracking System is available on LA Kids under Web Systems Listing.

Requestors are to ensure that a thorough investigation has been completed and all case information is accurate in CWS/CMS prior to submitting the Warrant Consultation Request. Inaccurate case information may result in a delay in processing the Warrant Consultation. The Warrant Consultation Request can be found in CWS/CMS, in the Referral/Case Management Section. The Warrant Consultation Request will be automatically transmitted to the Warrant Tracking System once the "Submit Warrant" button is clicked.

Upon Warrant Consultation Request submission, the requestor will be given a confirmation that indicates the Warrant Consultation Request was submitted to the Warrant Tracking System, and a Warrant Tracking Number will be generated. A Warrant Liaison will contact the Warrant Consultation Request requestor within one hour to begin the warrant consultation.

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Investigating a Child Abuse Referral

To enter a home to investigate allegations of abuse or neglect, a CSW must have one of the following:

- Consent
- Exigent Circumstances
- Investigative Search Warrant

Consent

A CSW may enter the home to conduct an investigation if the CSW has obtained consent from a person with apparent authority to provide it. Consent means permission. In most cases, the person providing consent must live or appear to reside at the residence.

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The CSW should obtain consent after stating the request to enter the home and explaining the purpose of the entry.

- For example: "I am a Social Worker. I am investigating a report of suspected child abuse. May I come in to discuss this matter with you?"

CSWs must never coerce, threaten or force consent to enter a home. The person with authority to consent must do so freely and voluntarily.

The person granting consent controls the scope of the consent, and is free to limit or withdraw consent at any time. If consent is restricted to certain areas of the property (i.e. the CSW is not allowed access to certain rooms), or to a specific type of search (i.e. the parent does not want to allow the CSW to talk to the child or examine the unclothed body of a child, etc.), the CSW must limit the search as requested. If consent is completely withdrawn, the CSW must leave the residence immediately, unless exigent circumstances exist to support the continued search.

Who Can Give Consent	Description
Parents	<ul style="list-style-type: none"> • If both parents reside in the home, one parent can give consent even if the other parent is absent. • A spouse may consent to entry even if the other spouse objects to the entry in the home. • Parent consent must be obtained before a CSW interviews a child.
Co-occupants	<ul style="list-style-type: none"> • If the residence is shared with an adult co-occupant, the co-occupant may consent to entry and search of "common areas," such as a dining area or kitchen, but not private areas that belong to others (bedrooms, private bathrooms, etc.)
Babysitter	<ul style="list-style-type: none"> • A babysitter/caregiver who provides care for the child in the family home may authorize entry into common areas and the child's room. • The babysitter/caregiver does not need to be an adult.
Minors	<ul style="list-style-type: none"> • Generally, a minor cannot consent to entry and search of his or her parents' home. • A CSW may reasonably rely on consent from a teenager depending on the circumstances • A young child left home alone may rise to the level of exigent circumstances.

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Exigent Circumstances

A CSW may enter a home to investigate without consent or a search warrant where exigent circumstances are present. Exigent circumstances exist where there is reasonable cause to believe that the child is in imminent danger of serious bodily injury (which includes sexual abuse).

The seriousness of the potential harm to the child does not create exigent circumstances if the risk of harm is not immediate. If there is time to get a warrant before the child will likely suffer serious physical harm, the risk of the harm is not imminent and a court order/warrant should be sought.

To determine whether exigency exists, the CSW should evaluate all of the relevant factors. A CSW should also be mindful of any delay between report and response (or response and detention). Any delay in responding to the referral or in detaining a child believed to be at immediate risk of harm may negate a finding that exigent circumstances existed unless additional information discovered at the scene independently establishes exigent circumstances. An imminent risk of harm requires an immediate response.

Investigative Search Warrant

An investigative search warrant is an order from a court allowing a CSW (accompanied by law enforcement) to enter a home despite objection of the person residing in the home to conduct a child abuse investigation.

The investigative search warrant:

- Must be served by law enforcement and can only be used one time
- May be used to separate people to conduct interviews (however it cannot force someone to talk who does not want to talk)
- May be used to search for evidence of abuse or neglect
- To obtain forensic medical and sexual abuse examinations
- Does not permit the detention of a child without exigent circumstances

A social worker may detain a child following the execution of an investigative search warrant only if the circumstances at the scene are exigent, per WIC Section 306.

To obtain an investigative search warrant, a CSW must establish that probable cause exists to justify the search.

- That a child who is at the subject location has suffered from, or is at risk of suffering from, abuse or neglect or
- That evidence of such abuse is likely to be found at the subject location

When there is no evidence of abuse or neglect and the CSW does not believe the child is at any risk of abuse or neglect, it is not appropriate to seek a search warrant. Search warrants are not a tool to be used to close a referral.

Investigative Medical/Sexual Abuse Examinations

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A CSW may obtain a court order for an investigative/evidentiary medical examination and investigative/evidentiary sexual abuse examination in situations where parental consent and exigent circumstances do not exist.

Generally, California law authorizes a medical examination of any child who has been placed into protective custody under the following circumstances:

- The child has been detained due to allegations of physical or sexual abuse
- Prior to the examination the CSW consulted with the medical provider trained in child abuse
- The decision to perform the examination was determined by the medical provider
- The examination occurred within 72 hours of the detention
- A child age 12 or older consents to the examination; if sufficiently mature, per Family Code Section 6920.

However, federal appellate court cases prohibit investigative/evidentiary medical examinations unless one or more of the following conditions exist:

- Parental consent
- A court order
- Exigent circumstances which demonstrate that either:
 - A medical emergency (urgent problem requiring immediate medical attention)
 - The examination is necessary to preserve evidence (e.g. sexual assault occurring within the previous 72 hours).

All requests for investigative/evidentiary medical examinations where exigent circumstances do not exist (as described above), should be made at a court hearing or in a warrant application.

CSWs cannot exclude parents from the location of their child's physical examination unless consent has been given to do so, there is a legitimate basis for exclusion, or it is an emergency requiring immediate medical attention. A family's right to be present during potentially traumatic medical examinations may be limited in certain circumstances to presence nearby the examinations (in the waiting room or another nearby area) if there is a valid reason to exclude the family members from the exam room during a medical procedure. If a CSW wishes to exclude a parent or guardian from a medical examination – even if that [medical examination](#) was ordered by a court – the CSW should contact their SCSW for guidance. The SCSW will consult with the Warrant Liaison or County Counsel, as necessary.

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Taking a Child into Temporary Custody

Before taking a child into temporary custody, the CSW must consider whether the child can remain safely in his or her residence. The consideration of whether a child can remain safely at home shall include, but not be limited to, the following factors:

- Whether there are any reasonable services available to the CSW which, if provided to the child's parent, guardian, caregiver, or to the child, would eliminate the need to remove the child from the custody of his or her parent, guardian, or caregiver.

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- Whether a referral to public assistance would eliminate the need to take temporary custody of a child. If those services are available, they should be utilized.
- Whether a non-offending caregiver can provide for and protect the child from abuse and neglect or when the alleged perpetrator voluntarily agrees to withdraw from the residence, withdraws from the residence, and is likely to remain withdrawn from the residence.
- If the perpetrator is a parent, it might be considered a detention if the perpetrator/parent no longer agrees to stay out of the residence or the CSW seeks a long term removal without a court order.

To take a child into temporary custody, a CSW must have one of the following:

- Consent
- Exigent Circumstances
- Court Order

Consent

In some instances, a parent/guardian may agree to a temporary situation in which he or she voluntarily agrees to give up custody of his or her child for a short period of time. For instance, a [Voluntary Family Reunification Plan \(VFR\)](#) may constitute the removal of a child if the plan requires that a parent/guardian relinquish custody or control of his or her child for any period of time.

For a valid parental consent to take a child into temporary custody, the parent must understand that he/she is consenting to all of the following:

- Their child will be placed out of their custody
- Limitations will be placed on their care, custody and control of the child, including limitations on their visitation
- There will be ongoing DCFS intervention
- There will be court intervention (if not a VFR)

It must be clearly documented in the Contact Notebook how the consent was given including words used by CSW, responses from the parent/legal guardian, a description of the parent/legal guardian's conduct during the conversation, and whether any other people were present at the time. When possible, include verbatim statements.

Exigent Circumstances

A CSW may only detain without a court order if the information he or she possesses at the time of the detention provides reasonable cause to believe that the child is in imminent danger of serious bodily injury and the intrusion is reasonably necessary to avert the injury.

When determining whether to detain without a court order, a high risk of abuse or the seriousness of the potential harm does not always equate to immediate risk, if that high risk of harm is not imminent. If there is time to get a court order before the child will likely suffer serious physical harm, the risk of the harm is not imminent.

To determine whether exigency exists, the CSW should evaluate all of the relevant factors, including, but not be limited to, the following:

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- The nature of the allegations
- The risk of injury
- The age of child

A determination of exigent circumstances is fact specific and should be made based on the entirety of the circumstances. In homes where more than one child resides:

- A separate evaluation must be done for each child to determine if exigency exists to detain a child without a warrant/removal order.
- CSWs should not make a blanket determination that, because exigency exists for one child, exigency exists for all of the children.

If it is determined that a child is at an immediate risk of serious bodily harm, the child should be taken into temporary custody immediately. A delay may negate a finding that exigent circumstances existed, should the removal be challenged later.

Court Order

If the risk of harm is high but not immediate, a court order will be required before the CSW may take the child into temporary custody. There are two different types of court orders which allow a CSW to take a child into temporary custody without consent or exigent circumstances.

- A removal order
- A detention order pursuant to WIC 319

Removal Orders	
Purpose	<ul style="list-style-type: none"> • To take a child* into temporary custody suspected to be the victim of abuse/neglect from his/her parent/guardian prior to a court hearing
Required Documentation	<ul style="list-style-type: none"> • Statement of Cause • Facts supporting taking the child into temporary custody
Execution of Order	<ul style="list-style-type: none"> • May be served by CSW without law enforcement** • A child may be taken into temporary custody from any location where the child can be found, including public places, schools, and any home • Can be used multiple times to take a child into temporary custody • Effective for 10 calendar days from the date the original signature of a bench officer • Law enforcement may use force to enter a home to take the child into temporary custody.***
<p>*When there is more than one child residing in the home, a separate evaluation must be done for each child to determine whether or not a court order should be used to take each child into temporary custody.</p>	
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**If there are safety concerns, contact law enforcement for assistance.

***Only if the "Entry into the Home Where the Child(ren) is Located" and "Orders Authorizing Entry into Child(ren) Location is marked on the removal order and the address matches the location of the child(ren).

A removal order must be supported by probable cause. A CSW must possess reasonably trustworthy information that the child's continued residence in the parent/guardian's home is contrary to the child's welfare, and any of the following circumstances exist:

- There are no reasonable means by which the child's physical or emotional health may be protected without removing the child from the parent's or guardian's physical custody and there is a substantial danger to the physical health or safety of the child or the child is suffering severe emotional damage.
- There is substantial evidence that a parent, guardian, or custodian of the child is likely to flee the jurisdiction of the court.
- The child has left a placement in which he or she was placed by the juvenile court.
- The child indicates an unwillingness to return home, if the child has been physically or sexually abused by a person residing in the home or by a person with access to the home.
- The child is at high risk of abuse or neglect but the risk is not considered immediate because there is time to get a removal order. (For example, dirty homes with no immediate health hazards, drug abuse cases where the parent or person having custody of the child is not under the influence at the time, physical or sexual abuse cases where the perpetrator will not have access to the child before a CSW can obtain a court order for removal, medical care for a non-serious medical condition, or instances of emotional abuse).
- Circumstances, described under WIC 306, exist which put the child at high risk of abuse or neglect but temporary measures can be put in place which will keep the child safe for enough time to get a court order for removal.

Detention Order Pursuant to WIC 319	
Purpose	<ul style="list-style-type: none"> • To take a child into temporary custody at the initial hearing*, meanwhile the child remains safely in his/her home.
Required Documentation	<ul style="list-style-type: none"> • Non-Detained Report at IDC
Examples of When it May be Used (This is not an exhaustive list)	<ul style="list-style-type: none"> • An older child refuses to leave with a CSW. • An older child is not a victim of abuse or neglect. • Drug abuse cases where the children are older teens • Dirty home cases that are not health and safety hazards. • When a prior request for a removal order is denied.
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*When there is more than one child residing in the home, a separate evaluation must be done for each child to determine whether or not a court order should be used to take each child into temporary custody.

**If the child is not present at the detention hearing and cannot be located or picked up by the CSW after the detention findings are made, the court will issue a protective custody warrant for the child to be taken into temporary custody when located.

Court Order requirements differ when a child is on a Hospital Hold or in school:

Location	Court Order Not Required	Court Order* Required
Hospital Hold	Exigent Circumstances Exist	Exigent Circumstances Do Not Exist
School	Exigent Circumstances Exist	Exigent Circumstances Do Not Exist
*Removal Order or WIC 319 Petition		

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PROCEDURE

Requesting an Investigative Search Warrant

CSW Responsibilities

1. If there were no exigent circumstances that permit an emergency entry or consent was not granted, after consulting with the SCSW, request an investigative search warrant.
 - a. Create a Warrant Consultation Request on CWS/CMS.
 - b. If you are unable to create a Warrant Consultation Request in CWS/CMS contact the Warrant Desk at (323) 881-1303.
2. When requested by a Warrant Liaison, provide the following information:
 - Relevant case information available
 - Details of current investigation.
 - Compliance with prior services.
 - Special Requests
 - Night service request (Permission to serve a warrant between 10 p.m. and 7 a.m.)
 - An investigative forensic medical/sexual abuse examination.
3. If there is a disagreement with the Warrant Liaison regarding the way to proceed, contact the Regional Administrator (RA) for final resolution.
4. If deemed appropriate, prepare a Warrant Package:

Forms/Documentation	Description
CWS/CMS Case Notes	<ul style="list-style-type: none"> • Contacts should be completed/ updated <p style="text-align: right;">Back to Top ^</p>

DCFS 4381, Warrant Fact Sheet	<ul style="list-style-type: none"> • Will be used to complete the DCFS 4382-C, Statement of Cause.
DCFS 4382-A, Investigative Search Warrant	<ul style="list-style-type: none"> • Description of the CSW's education and experience • Summary of the case history • Section "B" must be completed to indicate the warrant review time frame <ul style="list-style-type: none"> • Regular Warrant • Expedited Warrant • After-hours Warrant
DCFS 4382-B, Forensic Medical/ Sexual Abuse Examination	<ul style="list-style-type: none"> • Warrant application template which is submitted to court.
DCFS 4382-C, Statement of Cause	<ul style="list-style-type: none"> • This is a Statement under penalty of perjury, it must be completed accurately. • Must be completed in chronological order. • Must include a thorough explanation of everything done on the referral, include all interviews with family and collateral contacts. • Will be attached to the Warrant Application and Submitted to Court. • For a forensic medical/sexual abuse examination, schedule the exam and include the date of the exam on the DCFS 4382-C. • For VFM or VFR cases, include <ul style="list-style-type: none"> • The reason for DCFS involvement (why the voluntary case was opened) • Must show how the children(ren) are at risk of abuse or neglect. • Details of the initial investigation/referral • For current or prior dependency cases include: <ul style="list-style-type: none"> • The children involved • The prior sustained allegations <p style="text-align: right;">Back to Top ^</p>

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| | <ul style="list-style-type: none"> • The disposition orders and compliance with those orders • The outcome of the prior dependency court involvement |
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5. Upon completion, submit the Warrant Package to the Warrant Liaison.
 - Be available to conduct a conference call with the on-call County Counsel and to make any necessary changes to the Warrant Package.
6. Appear in court before the judge to present the request for an investigative search warrant. If the request is made after-hours, appearance before the judge is not required however you must be available via telephone.
 - a. Coordinate with the Warrant Liaison the time to arrive at the Juvenile Court in Monterey Park.
 - b. Report to the County Counsel's office, located on the ground floor, Suite 1.
 - c. Be prepared to meet with the judge and answer any questions.
7. If the judge denies the warrant request, document the refusal and consult with County Counsel and your SCSW for further instructions concerning the filing of a WIC 319 detention petition with a request for an in court detention, a non-detained petition or other course of action.
8. Document all contacts made with County Counsel and a Warrant Liaison in CWS/CMS.

SCSW Responsibilities

1. Review the Warrant Package.
 - a. Ensure the appropriate time frame for filing a warrant was selected on the [DCFS 4381](#).
 - b. Ensure all material required is included and the information is accurate.

Warrant Liaison Responsibilities

1. Consult with CSW and County Counsel regarding the warrant request.
 - Advise the CSW of any additional recommendations provided by County Counsel to strengthen the Warrant Application.
2. Review the Warrant Package for completeness.
 - Send the [DCFS 4381](#) and 4382-C to the on-call County Counsel for review and preparation of the Warrant Application.
3. Forward the Statement of Cause and Removal Order Application to the CSW to review for accuracy and signatures. Prepare the warrant packet for Court submission.
4. If applicable, inform the CSW of the time CSW is expected at court for the judge's review.

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Serving the Investigative Search Warrant

CSW Responsibilities

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1. If the judge grants the investigative search warrant, make at least six copies of the signed warrant.
 - a. Retain one copy in the DCFS file.
 - b. Provide a copy to County Counsel.
2. Immediately upon learning that the investigative search warrant application has been granted, contact the watch commander of the law enforcement agency responsible for serving the warrant.
 - a. Notify the commander that a search warrant has been obtained.
 - b. Proceed to the law enforcement agency and provide the original and four copies of the search warrant to the watch commander.
 - c. Follow directions given by law enforcement regarding the plan for serving the warrant.
 - i. If the search warrant includes a request for a forensic medical or sexual abuse examination, the warrant must be served on the same day as the scheduled examination.
 - ii. The search warrant must be served within 10 calendar days of the warrant being granted. Only one attempt can be made with the search warrant.
3. If the attempt to serve the investigative warrant is unsuccessful, contact the Warrant Liaison and request a new investigative search warrant.
4. Once inside the home, conduct your investigation in accordance with the court's order.

Warrant Liaison Responsibilities

1. If the attempt to serve the warrant was unsuccessful, advise the CSW on obtaining a new investigative search warrant.

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Investigative Search Warrant Has Been Served

CSW Responsibilities

1. Complete the [DCFS 4384](#), Return to Warrant declaration under penalty of perjury the day after the investigative search warrant was served.
 - a. Include a written account of what the warrant produced, such as:
 - i. Contacts with specific children and adults
 - ii. Whether any items were seized
 - iii. Whether any children were taken into custody
 - iv. If anyone was arrested
2. File the DCFS 4384 with the judge within 10 days of the investigative search warrant being served.
3. Submit the DCFS 4384, Return to Warrant declaration to the Warrant Liaison Desk via fax to (323) 881-0198, for County Counsel's records and filing with the Court.

Warrant Liaison Responsibilities

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1. Review the [DCFS 4384](#), Return to Warrant.
 - Advise on any changes if needed.
2. Send to on-call County Counsel for review.

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Seeking a Removal Order

CSW Responsibilities

1. When it has been determined that taking the child into [temporary custody](#) is necessary to ensure the safety of the child and you do not have consent or exigent circumstances, after consulting with SCSW, request a removal order.
 - a. Create a Warrant Consultation Request.
 - Identify the type of warrant you are requesting.
 - b. If you are unable to create a Warrant Consultation Request in CWS/CMS, contact the Warrant Desk at (323) 881-1303.
2. When requested by a Warrant Liaison, provide the following information:
 - a. Relevant case information available
 - i. Details of current investigation.
 - ii. Compliance with prior services.
 - b. Special Requests
 - i. Night service request (Permission to serve a warrant between 10 p.m. and 7 a.m.)
3. If there is a disagreement with the Warrant Liaison regarding the way to proceed, contact the Regional Administrator (RA) for final resolution.
4. If deemed appropriate, prepare a Warrant Package:

Forms/Documentation	Description
CWS/CMS Case Notes	<ul style="list-style-type: none"> • Contacts should be completed/updated • Will be used to complete the DCFS 4383-A, Statement of Cause for Removal Order.
DCFS 4381 , Warrant Fact Sheet	<ul style="list-style-type: none"> • Description of the CSW's education and experience • Summary of the case history • Section "B" must be completed to indicate the warrant review time frame <ul style="list-style-type: none"> • Regular Warrant • Expedited Warrant • After-hours Warrant
DCFS 4383-A , Statement of Cause for Removal Order	<ul style="list-style-type: none"> • This is a Statement under penalty of perjury, it must be completed accurately.

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	<ul style="list-style-type: none"> • Must be completed in chronological order.
DCFS 4385-F, After Hours Removal Order Review Request	<ul style="list-style-type: none"> • Only when requesting a removal order after hours
Attachments	<ul style="list-style-type: none"> • Police reports • Medical reports • Criminal Clearances • Drug test results • Any other pertinent attachments

5. If the removal order is for a child who has an open court case, notify all the parties and attorneys of DCFS' intentions to seek a removal order via phone, email, text, voicemail, in person, or by fax 24 hours before the removal order request is submitted to the judge.
 - Notice is not required if it is believed notice may put the child in harm's way (i.e.: CSW is concerned a parent will conceal or flee with the child, the child will be harmed, or another person will be harmed).
6. Submit via email/fax the completed DCFS 4381, DCFS 4383-A, and all attachments to the Warrant Liaison for County Counsel's review.
 - Remain available to the Warrant Liaison for further questions and clarification.
7. Sign and fax all warrant paperwork finalized by County Counsel and/or the Warrant Liaison to (323) 881-0148.
 - The documents must be signed by the CSW writing the DCFS 4383-A.
 - If the CSW becomes unavailable due to an emergency, contact the Warrant Liaison immediately to come up with an alternative plan to submit the removal order request.

SCSW Responsibilities

1. Review the Warrant Package.
 - a. Ensure the appropriate time frame for filing a warrant was selected on the DCFS 4381.
 - b. Ensure all material required is included and the information is accurate.

Warrant Liaison Responsibilities

1. Consult with CSW and County Counsel regarding the warrant request.
 - Advise the CSW of any additional recommendations provided by County Counsel to strengthen the Warrant Application.
2. Review the Warrant Package for completeness.
 - Send the DCFS 4381 and 4383-A to the on-call County Counsel for review and preparation of the Warrant Application.

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After The Court Signs the Removal Order

CSW Responsibilities

1. Once email notification is received that the removal order has been granted or denied, file the following in the court folder:
 - a. Removal order signed by the judicial officer
 - b. [DCFS 4383-A](#) signed by the CSW
 - c. All attachments
2. Serve the removal order as soon as possible to ensure child safety.
 - Delaying the execution of the removal order should be the exception and only to be done in consultation and approval of SCW.
 - If there is a safety concern, contact law enforcement for assistance.
 - If the child is taken into temporary custody at school, provide a copy of the Findings and Orders to the school.
3. If the removal order is granted, the child may be detained anywhere he/she is located.
 - For example, if the CSW is unable to find the child at home, the CSW should go to the child's school, daycare, or any other place the child is likely to be found in an attempt to serve the removal order and detain the child.
 - The CSW has 10 calendar days of the removal order being signed to make several attempts to detain the child.
4. If the removal order permits a "forced entry" into a home in order to detain the child and the CSW believes a "forced entry" is the only way to remove the child from the home, seek assistance from law enforcement.
5. If the child is not taken into temporary custody within the 10 calendar days of the removal order being signed:
 - a. Another removal order must be obtained from the court
 - b. The court that issued the removal order must be notified of the fact that the child was not removed (the CSW must state the reasons why the removal order was not served – i.e. the family/child could not be located, etc.).
6. If it is determined that the child named in the removal order should not be detained from one or both parents, inform the court that issued the removal order.
 - a. Contact the Warrant Liaison at IDC to receive instructions on informing the court.

Warrant Liaison Responsibilities

1. Notify the CSW, SCSW and ARA whether the Removal Order was granted or denied.
2. Send the signed Removal Order via email to the CSW, SCSW and ARA.

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After Executing the Removal Order

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CSW Responsibilities

1. Within two hours of taking a child into temporary custody with a removal order, call IDC and report the execution of the removal order.
2. Create the Detention report and include the information from the DCFS 4383-A, Statement of Cause for Removal Order in the Detention report.
3. In the Reason for Hearing section, the first sentence should read:
 - A removal order was authorized on _____ by Judge/Commissioner _____. On (date) DCFS located and detained the child/ren (list all children taken into temporary custody as a result of the removal order.)
4. Include any new information/facts in the Detention report.
5. Attach the signed removal order and the Statement of Cause to the Detention report. Include the removal order for each child if separate removal orders were submitted.
6. No later than 5 p.m. two judicial days prior to the detention hearing, submit the Detention report by fax to IDC at (323) 881-0194, or 0195, or 0196.

SCSW Responsibilities

1. Review the Detention report and ensure the report is complete and accurate.
 - If appropriate, sign the report.

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APPROVALS

County Counsel & Warrant Liaison

- Warrant Package
- DCFS 4384, Return to Warrant

SCSW Approval

- Detention Report

HELPFUL LINKS

Forms

CWS/CMS

Warrant Consultation Request

LA Kids & CWS/CMS

[DCFS 4381](#), Warrant Fact Sheet

[DCFS 4382-A](#), Application for Investigative Search Warrant

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[DCFS 4382-B](#), Application for Investigative Search Warrant with Request for Medical or Sexual Abuse Examination
[DCFS 4382-C](#), Statement of Cause for Investigative Search Warrant
[DCFS 4383-A](#), Statement of Cause for Removal Order
[DCFS 4384](#), Return to Warrant
[DCFS 4385-A](#), School Interview Order Application
[DCFS 4385-B](#), School Interview Order Instruction Sheet
[DCFS 4385-C](#), Superior Court Removal Order Request - Single Child
[DCFS 4385-D](#), Superior Court Removal Order Request – [Sibling Set](#)
[DCFS 4385-E](#), Request to Expedite
[DCFS 4385-F](#), After Hours Removal Order Review Request

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Referenced Policy Guides

[0070-506.11](#), Interviewing the Alleged Victim at School for the Purpose of Investigating a [Child Abuse](#) Referral
[0070-548.20](#), Taking Children into [Temporary Custody](#)
[0100-510.21](#), Voluntary Placement
[0300-301.05](#), Filing Petitions
[0300-303.06](#), Hospital Holds
[0300-303.15](#), Writing the Detention Report
[0600-500.00](#), Medical Hubs

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Statutes

Calabretta v. Floyd, (9th Cir, 1999) 189 F.3d 808
Wallis v. Spencer, (9th Cir. 2000) 202 F.3d 1126
Mabe v. San Bernardino County (9th Cir. 2001) 237 F.3d 1101
Rogers v. County of San Joaquin (9th Cir,. 2007) 487 F.3d 1288
In re Dawn O. (1976) 58 Cal.App.3d 160, 163
Greene v. Camreta, (9th Cir. 2009) 588 F.3d 1011

[Family Code Section 6920](#)-Subject to the limitations provided in this chapter, notwithstanding any other provision of law, a minor may consent to the matters provided in this chapter, and the consent of the minor's parent or guardian is not necessary.

[Welfare and Institutions Code \(WIC\) Section 306](#) - States when a social worker can take a child into temporary custody from law enforcement and without a warrant. Further states that reasonable services should be provide to prevent taking the child into temporary custody.

[Welfare and Institutions Code Section 309\(a\)](#)-States upon delivery to the social worker of a child who has been taken into temporary custody under this article, the social worker shall immediately investigate the circumstances of the child and the facts surrounding the child's being taken into custody and attempt to maintain the child with the child's family through the provision of services.

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The social worker shall immediately release the child to the custody of the child's parent, guardian, or responsible relative under certain conditions.

[Welfare and Institutions Code Section 340](#)-States in part that a protective custody warrant may be issued immediately for the child who is or allegedly falls within section 300, appears to the court that the circumstances of the child's home environment may endanger the health, person or welfare of the child, and/or whenever a dependent child has run away from his or her court ordered placement.

Penal Code Section 11174.3-Allows CSWs to interview children at school and provides parameters to do so.

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