

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

IN RE: PROCEDURES
GOVERNING EMERGENCY
AUTHORIZATIONS AND
RESTRAINING ORDERS

FAMILY DIVISION

JUVENILE SECTION

NO. M 26 OF 1987

ADMINISTRATIVE ORDER OF COURT

HON. R. STANTON WETTICK, JR.

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
FAMILY DIVISION - JUVENILE SECTION

IN RE: PROCEDURES]
GOVERNING EMERGENCY]
AUTHORIZATIONS AND] NO. M 26 of 1987
RESTRAINING ORDERS]

ADMINISTRATIVE ORDER OF COURT

On this 18 day of February, 1987, it is hereby ORDERED that the following procedures for securing emergency custody authorizations, authorizations directing attendance at shelter hearings and restraining orders are adopted by the Juvenile Section of the Family Division of the Common Pleas Court of Allegheny County.

(1) Children and Youth Services caseworkers are authorized to request Juvenile Court Intake Probation Officers to issue emergency custody authorizations, authorizations directing attendance at shelter hearings, and restraining orders pursuant to the procedures which are attached to this Administrative Order of Court as Appendix A.

(2) Juvenile Court Intake Probation Officers are authorized to issue emergency custody authorizations,

authorizations directing attendance at shelter hearings, and restraining orders pursuant to these same procedures.

(3) Children and Youth Services caseworkers, duly authorized law enforcement officers, and other persons described in an authorization or restraining order issued pursuant to paragraph 2 of this order of court are authorized to take any action that is authorized in the emergency custody authorization, authorization directing attendance at shelter hearings, or restraining order.

(4) Prior to issuing any emergency custody authorization, authorization directing attendance at shelter hearing, or restraining order, the Juvenile Court Intake Probation Officer shall complete an intake record which shall briefly describe the information that served as the basis for the issuance of the authorization or order, and the source of this information. This intake record, together with a copy of the authorization or restraining order, shall be filed with the Prothonotary forthwith.

(5) This Administrative Order of Court shall take effect April 1, 1987 and shall remain in effect until further order of court.

BY THE COURT:



WETTICK, A.J.

PROCEDURE FOR SECURING EMERGENCY CUSTODY
AUTHORIZATION, AUTHORIZATION DIRECTING ATTENDANCE
AT SHELTER HEARING, OR RESTRAINING ORDER

1. CYS caseworker who believes a child is in immediate physical or mental danger presents reason(s) for this belief to CYS casework supervisor.
2. Supervisor assesses/reviews situation. If supervisor approves need for authorization or order, caseworker contacts Juvenile Court Intake Probation Officer at Shuman Center, 7150 Highland Drive, Pittsburgh, Pennsylvania 15206, 661-6806. Caseworker presents to Intake Officer the facts which necessitate the authorization or order.
3. Intake Officer evaluates request pursuant to criteria set forth in Standards I, II, and III.
4. If Intake Officer agrees that an authorization or order is necessary, (s)he prepares an authorization or order as set forth in Exhibits 1, 2, or 3.
5. When the Intake Officer states that he or she has issued an emergency custody authorization, the caseworker may, without receipt of the authorization, proceed to investigate further the child's circumstances and to take the child into custody if necessary to protect the health and safety of the child from imminent danger.

6. If necessary, caseworker will contact the local police for assistance in executing an emergency custody authorization. If local police refuse to provide assistance, caseworker will contact the Allegheny County Police who will either assist the caseworker or arrange for the local police to do so.

7. A Juvenile Court Judge will be contacted by CYS casework supervisor only if the Intake Officer denies the request for an authorization or order.

STANDARD I

EMERGENCY CUSTODY AUTHORIZATION

A.

An emergency custody authorization shall be issued by a Juvenile Court Probation Officer if:

(i) any of the grounds for believing that the health and safety of the child are in imminent danger or that the child may abscond or be removed from the jurisdiction of this court described in Subparagraphs (1) through (6) of Standard I (B) are met; and

(ii) there is reasonable cause to believe that a court authorization compelling attendance of the child at a shelter hearing issued under Standard II will not adequately protect the child.

B.

1. There are reasonable grounds to believe the child is in imminent danger of serious physical abuse or sexual abuse based on one or more of the following criteria:
 1. Serious physical or emotional harm or other jeopardy to the child
 2. The child's inability to protect himself/herself
 3. The location and nature of injury

4. Explanation inconsistent with injury and/or jeopardy
 5. The present location of the child
 6. The alleged perpetrator's access to the child
 7. The rationality of the perpetrator's behavior
 8. The caretaker's physical and mental ability to control the situation
 9. The caretaker's lack of cooperation with agency investigation and/or involvement
 10. Any prior history of referrals or agency involvement
 11. Current level of stress in the caretaker's life situation
 12. The availability and quality of support systems
 13. The physical condition of the home
 14. The reliability of the reporter
2. There are reasonable grounds to believe the child is in imminent danger of serious emotional mistreatment based on one or more of the following criteria:
1. Serious developmental delays in physical, mental or emotional development
 2. Conduct or habit disorders
and/or
 3. Attempted suicide
3. There are reasonable grounds to believe the child is in imminent danger of serious neglect based on one or more of the following criteria:
1. Failure to thrive
 2. Inadequate shelter
 3. Filthy living conditions
 4. Consistently inadequate or insufficient food
 5. Insufficient or improper clothing
 6. Poor hygiene
 7. Unattended physical problems or medical needs
 8. Consistent lack of supervision, especially in dangerous activities or for extended periods
 9. Alcohol or drug abuse by caretaker which interferes with appropriate child care
 10. Alcohol or drug abuse by child
 11. Abandonment by caretaker
 12. Child's statement that (s)he has no caretaker
and/or
 13. Parental failure to enroll child in school

4. There are reasonable grounds to believe the child is without a parent, guardian or other adult available, willing and able to provide adequate supervision and care based on one or more of the following criteria:

1. Caretaker is physically or mentally unable to care for child
2. Child has been abandoned
3. Child's statement that (s)he has no caretaker

5. There are reasonable grounds to believe the child has been removed or is in imminent danger of removal from the jurisdiction of the Court and/or the agency.

1. parent, guardian, caretaker or other person has removed child from the jurisdiction under circumstances which warrant reasonable belief that child is in imminent danger of serious abuse, neglect or abandonment as described in paragraphs A through D above.

or

2. parent, guardian, caretaker or other person has made a realistic threat to immediately remove child from jurisdiction and there are grounds for reasonable belief that such removal would place child in imminent danger of serious abuse, neglect or abandonment as described in paragraphs A through D above.

6. There are reasonable grounds to believe the child has or may abscond from home, placement, etc.

1. Child has left home or placement without caretaker's authorization and there are grounds for reasonable belief that such action places the child in imminent danger to his(her) physical and/or mental well being

or

2. Child has made a realistic threat to leave home or placement without the caretaker's authorization and there are grounds for reasonable belief that such action would place the child in imminent danger to his(her) physical and/or mental well being.

STANDARD II

AUTHORIZATION DIRECTING ATTENDANCE AT SHELTER HEARING

An authorization directing a parent, guardian, caretaker, or other person to appear with the child at a shelter hearing shall be issued by a Juvenile Court Probation Officer if:

(i) any of the grounds for believing that the health and safety of the child are in imminent danger or that the child may abscond or be removed from the jurisdiction of this court described in Subparagraphs (1) through (6) of Standard I (B) are met; and

(ii) there is reasonable cause to believe that a court order scheduling a prompt hearing on a dependency petition will not adequately protect the child.

STANDARD III

RESTRAINING ORDER

A restraining order shall be issued by a Juvenile Court Probation Officer if:

(i) Children and Youth Services has obtained an emergency, temporary, or final order of court which governs the placement of a child and there is reasonable cause to believe that a parent, guardian, or other person may take physical custody of the child in violation of this court order; or

(ii) there is a reasonable cause to believe that a parent, guardian, or other person with whom the child is not residing may remove the child from the child's current residence and any of the grounds for believing that the health and safety of the child are in imminent danger or that the child may abscond or be removed from the jurisdiction of the court described in Subparagraphs (1) through (6) of Standard I (B) are met.

EXHIBIT 1

IN THE INTEREST OF _____

JC HISTORY NO. _____

DOCKET NO. _____

CASEWORKER _____

EMERGENCY CUSTODY AUTHORIZATION

After review by _____, Juvenile Court Probation Officer of the Allegheny County Court of Common Pleas, Family Division, _____ and/or any duly authorized law enforcement C&YS Caseworker officer is authorized to investigate further the surroundings of the above-named child and to take the child into custody if the child is in imminent danger from his/her surroundings or has run away from his or her custodian. If the child is taken into custody, a shelter hearing must be held on the next day that the court is available to hear shelter hearings.

This authorization is issued pursuant to the February 18, 1987 Administrative Order No. M 26 of 1987 of the Honorable R. Stanton Wettick, Jr., Administrative Judge of the Family Division of the Court of Common Pleas, which is attached to this authorization.

This authorization shall expire within _____ hours unless the child has been taken into custody in the meantime.

DATED

JUVENILE COURT PROBATION OFFICER

IDENTIFYING INFORMATION:

Birthdate _____
Sex _____
Race _____
Height _____

Weight _____
Eyes _____
Hair _____
Complexion _____

Home Address _____

EXHIBIT 2

IN THE INTEREST OF

JC HISTORY NO.

DOCKET NO.

CASEWORKER _____

AUTHORIZATION DIRECTING ATTENDANCE AT SHELTER HEARING

After review by _____, of
Juvenile Court Probation Officer
the Allegheny County Court of Common Pleas, Family Division,

_____ is authorized to direct the parents, legal
C&YS Caseworker
guardians, or any other adults having custody of _____

to appear with the child in the Juvenile Court of Allegheny
County at 3333 Forbes Avenue, Pittsburgh, Pennsylvania 15213,
for a shelter hearing on _____ or as soon
thereafter as the parents, legal guardians, or other adults
can be notified.

DATED

JUVENILE COURT PROBATION OFFICER

EXHIBIT 3

IN THE INTEREST OF

JC HISTORY NO.

DOCKET NO.

CASEWORKER _____

RESTRAINING ORDER

After review by _____, of
the Allegheny County Court of Common Pleas, Family Division,
_____ is to remain in the custody or care
of _____ and shall not be removed from said
custody or care unless authorized by Children and Youth
Services. A shelter hearing must be held within seventy-two
(72) hours of this date.

This order is issued pursuant to the February 18,
1987 Administrative Order No. M 26 of 1987 of the Honorable
R. Stanton Wettick, Jr., Administrative Judge of the Family
Division of the Court of Common Pleas, which is attached to
this restraining order.

DATED

JUVENILE COURT PROBATION OFFICER