

# DSS Policy and Procedure Guide

Division 3: Child Welfare

Chapter 8: Adoptions

## Item 7: Emergency Removals

Suggested changes send to:

[DSS PSOA Mailbox](#)

References:

Welfare and Institutions Code 366.26(n)

California Rules of Court 5.726, 5.727, & 5.728

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### Preamble

Child Welfare Policy and Procedure Guides are meant to be used as tools to relay best practice and staff expectations. It is understood that specific case scenarios may not always align themselves with the stated practices and that at all times what is of paramount importance is the Safety and Well-being of the children we are charged to protect.

### Policy

Department of Social Services Adoption social work staff shall follow the policies and procedures set forth in this policy and procedure guide whenever an emergency situation necessitates the removal of a foster child from the home of a care provider who has been designated as a Prospective Adoptive Parent (PAP) or who may meet the threshold criteria of a PAP. The case managing social worker (CM SW) shall be responsible to ensure that the care provider, the court and all other required parties receive notice of the emergency removal the child from the care provider's home.

### Purpose

To advise DSS Adoption staff of the policies and procedures regarding the removal of foster Children from the home of a care provider who has been designated as a Prospective Adoptive Parent (PAP) or who may meet the threshold criteria of a PAP.

### Definition:

Prospective Adoptive Parent (PAP):

The Juvenile Court may designate a current caretaker as a Prospective Adoptive Parent if the child has lived with the caretaker for at least six months, the caretaker currently expresses a commitment to adopt the child, and the caretaker has taken at least one step to facilitate the adoption process. If the court grants the care provider PAP status, the foster child cannot be removed from the care provider's home without a Juvenile Court hearing.

- Steps to facilitate the adoption process, include, but are not limited to:
  - Applying for an adoption home study;
  - Cooperating with an adoption home study;

- Being designated by the court or the licensed adoption agency as the adoptive parent;
- Requesting de facto parent status;
- Signing an adoptive placement agreement
- Engaging in discussions regarding a post adoption contact agreement;
- Working to overcome any impediments that have been identified by the State Department of Social Services and the licensed adoption agency;
- Attending classes required of prospective adoptive parents; and
- Being identified by the Indian child's tribe as the prospective adoptive parent in a case in which tribal customary adoption is the permanent plan.

## **Procedure**

- If the Department of Social Services (DSS) determines that a minor must be removed from the home of a care provider who is or may be a designated prospective adoptive parent immediately, due to a risk of physical or emotional harm, DSS may remove the minor from that home and is not required to provide notice prior to the removal.
- Social worker will schedule a team meeting to review the reasons for removal and explore placement options, discuss options to resolve the concerns and remove the risk factors for the child/children, to develop a support plan to help the child/children's adjustment to the placement change which will include counseling services as needed and development of appropriate visitation that will best to meet the child/children's needs.

## **Notice**

### **Parties Requiring Notice**

After removing a minor from the home of a Prospective Adoptive Parent (PAP) or from the home of a caregiver who may meet the criteria of a Prospective Adoptive Parent, because of immediate risk of physical or emotional harm, DSS must notify the following parties of the emergency removal:

- The court;
- The current care provider, if that care provider is either a designated prospective adoptive parent or, on the date of service of the notice, meets the criteria for designation of a PAP;
- The minor's attorney;
- The minor if the child is 10 years of age or older;
- The minor's identified Indian tribe if any;
- The minor's Indian custodian if any; and
- The minor's CASA, if any.

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## Notice of Emergency Removal

- The CM SW shall provide notice to the care provider and the minor (if the minor is 10 years of age or older) using form [JV- 324, Notice of Emergency Removal](#) as soon as possible but no later than two court days after the removal.
  - Notice must be by personal service of the JV-324.
  - If notice by personal service is not possible, notice by telephone may be made. Telephone notice must include the reasons for removal as indicated on the form, and notice of the right to object to the removal.
  - Notice to the court must be by filing the JV-324 with the court. The proof of notice included on the form must be completed when the form is filed with the court.
- Whenever possible, at the time of the removal, the care provider should be given a blank copy of the [JV-321, Request for Prospective Adoptive Parent Designation](#), a blank copy of form [JV-325, Objection to Removal](#), instructions handout ([CWS 0032 PAP Objection Attachment](#)), and , a copy of the [JV-322, Confidential Information - Prospective Adoptive Parent](#).
  - If these documents are not provided at time of removal, the Adoptions SW must provide them to the care provider within 48 hours of the minor being removed from the home.
- Whenever possible, at the time of the removal, the minor (if the minor is 10 years or older) should be given a blank copy of the [JV-325, Objection to Removal](#), and instructions handout ([CWS 0032 PAP Objection Attachment](#)).
  - If these documents are not provided at time of removal, the Adoptions SW must provide them to the care provider within 48 hours of the minor being removed from the home.

## Filing JV Forms

- The CM SW is responsible for ensuring that the JV-324, *Notice of Emergency Removal* and Proof of service form, [JV-326](#), are filed with the court.
- The CM SW shall request four (4) copies of the filed JV-324 and provide one copy to the following parties:
  - The minor's attorney;
  - The designated prospective adoptive parent or the current caretaker, if that caretaker would have met the threshold criteria to be designated as a prospective adoptive parent on the date of service of the notice;
  - County Counsel;
  - DSS (to be filed in the minor's case)

### **Objection to the Emergency Removal**

- Each participant who receives notice may object to the removal of the minor and may request a hearing by filing the JV-325, *Objection to Removal* with the Juvenile Court clerk.

### **Notice of Emergency Removal Hearing**

The DSS is **not** responsible for providing notice for the Emergency Removal Hearing

- The court clerk must provide notice of the hearing to the DSS and the participants listed above, if the court, the caregiver, or the minor requested the hearing.
- The minor's attorney must provide notice of the hearing to the DSS and the participants listed above if the minor's attorney requested the hearing.