

**Hannahville Department of Health and Human Services**  
**Social Services Policies and Procedures**  
**INVOLUNTARY CPS INTERVENTION**

**Policy:**

It is the policy of Child and Adult Protective Services to provide intervention services in substantiated cases of child abuse and neglect where there is probable cause to believe that a child is a “Child in Need of Care” and a Child Protection Petition is filed in Tribal Court.

**Procedure:**

The PS worker, in consultation with the Social Services Manager, will substantiate whether there is probable cause to believe that the child is a child-in-need-of-care. Intervention services ordered as a result of a Child Protection Petition is considered, involuntary court ordered services.

A child may be taken into protective custody without a court order under an emergency removal (HLC, Chapter 2.11, Section 2.1102) by the PS worker or law enforcement officer if there is probable cause to believe the child is a child-in-need-of-care and:

- a. Failure to remove the child may result in a substantial risk of death, serious injury, or serious emotional harm, or;
- b. The parent or guardian is absent and it appears, from the circumstances, that the child is unable to provide for his own basic necessities of life, and, no satisfactory arrangements have been made by the parent or guardian to provide for such necessities and no alternative arrangements except removal are available to protect the child.

The PS worker will staff substantiated cases with the Child Welfare Committee and request a written recommendation from the Child Welfare Committee on the placement of a child. The placement priorities for a child who is considered a child-in-need-of-care are in order of preference (Childs Code- 2.1302 Placement Priorities):

1. Members of the child’s extended family,
2. An Indian family of the same tribe as the child which is licensed as a foster home or an Indian family otherwise authorized by law to provide care for the child,
3. A facility operated by a licensed child welfare service agency, or
4. Any other suitable placement, which meets the standards for shelter care facilities established by the tribal government.

After a child is removed from his home, a Child Protection Petition must be filed by the PS worker, and will include all required information documented in HIC, Children’s

Code, Chapter 2.15. The original petition must be signed and dated by the Tribal Judge on the date of removal per the Title IV-E funding determination requirements through the Department of Human Services (DHS). The original petition is to be filed with the Tribal Court, with copies provided to the Tribal Prosecutor and Defense Attorney, when applicable. If the child has been removed from the home, the petition shall be filed no later than 12:00 (noon) of the second court working day following the removal.

The allegations contained in the petition must be based on fact, with evidence and/or witnesses to attest to their truthfulness.

A preliminary hearing will be scheduled to allow the defendant to admit or deny the petition. The Court may require testimony from the CPS Worker as to the allegations stated in the petition. In the case of an admission, the Court will make appropriate disposition, including referral to the appropriate agencies, such as, Tribal Social Services or the Department of Human Services, etc. In the case of a denial, the Court will set a full hearing on the petition. When the Court rules that temporary jurisdiction pending full hearing is necessary for the safety of the child, the case will be referred to the appropriate agencies for case management pending the hearing. In some cases, it may not be practical or effective for the Protective Service Worker to provide these interim services, and will be assigned to another caseworker. The case may remain with Child Protective Services if the defendant is amendable to working with the petitioner.

Involuntary case activities will be documented in the client's PS case file. Depending on the level of cooperation from the client(s), documents held in the file may or may not contain signatures. In cases where signatures cannot be obtained, the worker should make the notation: "client refused to sign", or "signature could not be obtained", as appropriate, on the signature line of the document. If client is not cooperating with the PS worker, a signed case plan is not required, but the noncompliance should be documented in case notes/narratives.

After the full hearing, PS worker will document the outcome in the PS case file and close the PS case. A Child Abuse/Neglect Reporting Form must be completed, and signed by the PS worker on all PS referrals received; this includes the "Findings" portion of the form. This form must be filed in the clients PS case file (CPS-004a).