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I. OVERVIEW

Parents and children have a constitutional right to live together without governmental interference except in emergencies. When child protection intervention is not determined to be an emergency, and parental consent is not given, warrants protect individual family member's Fourth and Fourteenth Amendment rights against unreasonable searches/seizures and the right to live together without government interference or to be separated by the state without due process of law.

Warrants are required in order to enter a home, interview a child, bring a child into protective custody, or obtain an investigative medical exam for a child, when neither parental consent nor exigent circumstances exist. Warrants are obtained from the Contra Costa County Juvenile Court (Court) by the procedures described herein.

II. STATEMENT OF POLICY

It is the policy of the department to protect a family's constitutional rights when making a decision to investigate or remove a child. Therefore, a Social Worker (SW) cannot enter a home, interview a child, conduct a visual assessment, obtain an investigative medical exam, or place a child into protective custody, unless:

- Parental consent has been affirmatively granted
- Exigent circumstances exist, or
- The court has issued a Warrant/Court Order

III. DEFINITIONS

- A. Actual Consent** – Verbal or written consent by the parent or other person with apparent authority over the child. For example, a parent who expressly states the SW may enter the home, inspect, and/or remove the child (“yes, you may come in,” or “yes, you may inspect my child”).
- B. After-Hours Service (of Warrant)** – Warrant issued for immediate action (i.e., removal of a minor or search of a residence) occurring between 10:00 p.m. and 7:00 a.m.. The warrant application for a night service Warrant must state the circumstances that require night service.



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Note: Although exigent circumstances may authorize a warrantless search if the child faces an immediate risk of serious physical or sexual abuse, first consider whether a, after-hours warrant can be obtained before removing the minor.

- C. Apparent Authority** – Implied or direct authority given by the legal custodian of a child to a third person to act on behalf of child’s best interests and welfare in the custodian’s absence.
- D. Consent** – Affirmative permission given by an authorized party. Consent must be specifically requested, and can be either implied or actual.
- E. Exigent Circumstances** – Requires immediate intervention or action to prevent harm to child. For a situation to be considered exigent, it must require immediate action on behalf of the social worker to prevent the child from suffering any serious bodily injury or death, thus allowing for the waiver of the warrant or court order requirement. This includes:
- the immediate need for medical care;
 - immediate danger of physical or sexual abuse;
 - a physical environment that poses an immediate and serious threat to the child’s health and safety, or
 - a child abandoned by his/her parent or guardian and left without access to provisions for basic needs or an available caretaker.

Case law interprets exigent circumstances as requiring action in less time than would be required to obtain a search warrant. If the SW can leave the scene and later decide to return and remove the child, the conditions are not exigent.

- F. Informed consent** – Involves the worker identifying him/herself and representing the purpose for the visit so the person can make a knowledgeable decision about whether to consent to entry or a search. The worker should not present him/herself in such a way as to lead people to believe that they must let the worker in.
- G. Initial contact** – Means either the first face-to-face contact or the first phone contact (whichever is first) with the subject of the investigation for purposes of gathering information as part of the investigative process.

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- H. Imminent** – An immediate, real threat to a child's life or health.

- I. Implied Consent** – The behavior of the parent or other person with apparent authority over the child who demonstrates consent to enter by her or his behavior (i.e. a parent who waves SW into the home after SW asks to enter, steps aside and motions SW in, leaves the door open and steps back, etc.). However, the SW should always attempt verbally to confirm the non-verbal gesture of consent.

Note- A parent's failure to object to home entry and search is not sufficient for implied consent. In other words, a SW should not interpret silence as a sign of consent. Instead, the SW should request a verbal response indicating that the SW may enter.

- J. Investigative Medical Exam Warrant** – a written order by a judge, which authorizes a SW to obtain a medical examination of a child by a licensed medical practitioner who specializes in diagnosing and treating child abuse and neglect, in order to verify maltreatment.

- K. Probable Cause** – “Reasonable cause” or “a reasonable ground for belief in certain alleged facts.” A SW must have reasonably trustworthy information within his or her knowledge that would cause a person of reasonable caution to believe that a child has suffered from, or is at risk of suffering from, abuse or neglect.

- L. Search or Home Entry Warrant** – A court order authorizing law enforcement and/or social work staff to enter and search a residence in order to locate a child, visually inspect and interview a child, interview a child at school, and conduct an investigation.

- M. Seizure or Protective Custody Warrant** – An order by a judge, directing a law enforcement officer or a social worker to place a child into protective custody due to suspected child abuse or neglect.

- N. Serve** – To provide a copy of a court-issued and signed warrant to the individual(s) who have apparent authority over the child(ren) being investigated.



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IV. CONSENT

A. Types of Consent

A person with apparent authority to consent to a search of the home may consent in two different ways:

1. **Actual Consent:** Actual consent is normally given verbally by responding, "Yes, you may enter my home," "Yes, you may speak to my child," or "Yes, you may inspect my child for injuries." Document all specific words used by the person giving consent in the case notes.
2. **Implied Consent:** Consent may be implied through conduct or by a demonstrative gesture that indicates consent to enter. (i.e. waiving hands to come into the home or stepping aside to allow the SW to enter the home). However, the SW should always attempt *verbally* to confirm the non-verbal gesture of consent.
Note- A parent's failure to object to home entry and search is not sufficient for implied consent. In other words, a SW should not interpret silence as a sign of consent. Instead, the SW should request a verbal response indicating that the SW may enter.

B. Apparent Authority to Consent

The Social Worker must have a *good faith* belief that the person giving consent has the authority to do so. Generally, the person who can consent to entry must live, or appear to reside, at the residence and must appear to possess the competent mental ability and language skills to fully understand that he/she is giving consent to enter the home (i.e., a 5-year old child does not have the authority to consent to entry). The SW should document all facts indicating that the person has the capability and authority to consent.

Examples of persons whom can give consent to enter the home include:

- **Parents:** Where one parent is absent, the other can consent to entry and may consent to a search of personal property in the home. A SW cannot, however, enter the home over the *expressed objections* of the other parent unless exigent circumstances exist.

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- **Third Party Co-Occupants:** There must be some evidence that a third party has joint control or access to the places or items to be viewed that would indicate that the person authorizing the entry has the authority to do so.
Co-occupants 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).

The SW may not enter over the expressed objections of co-occupants unless exigent circumstances exist or the SW obtained a search warrant.

- **Caregivers** (i.e., relative, family friend): A caregiver, such as a babysitter, who provides care for the child in the family home may authorize entry into common areas or the child’s room if the caretaker has apparent authority to consent.

Note- Motel managers, Landlords, Custodial Staff cannot consent to entry into rented rooms or apartments.

C. Voluntary Consent

Consent must be *freely* and *voluntarily* given. Therefore, social workers must ensure never to *coerce*, or force, consent. Coercion may take a number of forms. Examples of coercions include:

- The SW stating the child will be removed from the home if the parent refuses to let him or her enter.
- The SW claiming he or she will return with a search warrant, implying that court approval of a search warrant was a foregone conclusion.
- The SW telling an individual that as a social worker, he or she *must* be allowed entry.

D. Scope of Consent



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A consensual search cannot exceed the scope of the consent given. “Scope” refers to the degree of latitude the person authorized to give consent has given to the SW to conduct the search (i.e., permission to search only a specific room, or only parts of a room, or only certain containers within the room).

A person who gives consent is free to limit or withdraw consent at any time. A person can withdraw consent either *expressly* (by saying words such as “Stop it,” or “Get out of my house!”) or by *implied* communication (by blocking your way into a room). If consent is withdrawn, the SW must limit the search to those areas of the property or kinds of searches still permitted, but should immediately leave the residence if so requested.

Best Practice

Although the law does not require a SW to obtain separate consent to search each room or container, or to speak to a child, it is best practice to do so.

V. EXIGENT CIRCUMSTANCES

Exigent circumstances exist when there is “reasonable cause to believe that the child is in **imminent danger** of serious bodily injury and that the scope of intrusion is reasonably necessary to avert that specific injury.” A SW does not need to obtain consent when he or she identifies exigent circumstances.

The SW must determine whether the risk of serious bodily injury to the child rises to the level of *imminent* risk. The seriousness of the potential harm to the child does not create exigent circumstances if the risk is not *imminent*.

The primary factor for determining whether the danger to the child is *imminent* is whether the SW has time to get the warrant before the child is harmed. If there is time to get warrant, then the danger is not imminent, and there are not exigent circumstances justifying warrantless entry into the home.

Examples of Exigent Circumstances:



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1. Imminent, substantial threat to child's life or health: SW must have reasonable cause to believe that there is an imminent and substantial threat to the child's life or health such that the child is likely to experience serious bodily harm in the time that it would require to obtain a warrant. *If SW waits several hours or days, that implies the circumstances were not exigent.*
2. Physical abuse: Child has been seriously injured and the perpetrator is currently present in the home or will return before the SW has an opportunity to apply for a warrant, and the perpetrator still poses an immediate risk of serious physical harm.
3. Sexual abuse: There is an immediate threat of the child being sexual abused in the time it takes to get a warrant.

For example, the perpetrator is alone in the home with the child or will return before the SW has an opportunity to get a warrant, and the SW has reasonable cause to believe the perpetrator will sexually abuse the child.
4. Physical environment: The physical environment of the house or area where the child is residing places the child in *immediate risk* of serious physical harm, such that the SW cannot leave the home to obtain a search warrant.
5. Child left unattended: The child is left unattended and without provisions for support. For example, both parents have been arrested and neither can make appropriate arrangements for the child's care.

VI. COLLABORATION WITH LAW ENFORCEMENT

Whenever possible, CFS coordinates investigations with law enforcement. However, CFS does make a determination of parental consent and exigent circumstances independently from law enforcement.

Authority from law enforcement alone is insufficient when entering a home, taking a child into custody, initiating an investigatory medical examination, or conducting an investigatory interview. The SW must conduct his or her own assessment of whether there is valid consent, whether the child faces an immediate risk of serious physical or sexual abuse, or whether there is time to obtain a warrant.



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In the unlikely event that a law enforcement officer decides to enter the home and conduct a search without consent, exigent circumstances (as determined by CFS), or a court order, the SW should not participate in the search and not enter the home with the officer. The SW should also notify his or her supervisor immediately.

VII. WARRANTS & COURT ORDERS

When consent is not obtained, and exigency does not exist, the social worker must obtain a warrant before searching a home, interviewing a child, conducting a medical exam, or taking custody (seizing) a child. The Contra Costa County Superior Court can issue four types of court orders/warrants that can be applied to both non-dependents and dependents. AWOL warrants may only be issued for dependents.

Generally, the court will only issue search (home entry), investigative interview, investigative medical exam, or seizure (protective custody) warrants when there is reasonable cause to believe a child is described by WIC, § 300, subd. (a-j).

A. SEARCH WARRANTS

If there is reason to believe that a child is a person described by WIC, § 300, subd. (a-j), where the child is in immediate danger of serious physical harm and the scope of intrusion is necessary to avert harm to child, (PC, § 1523, et seq.; WIC, § 15755), then an investigation is conducted to determine if child welfare services should be offered to a family. Investigation may include searching a home, interviewing family members and the child at home, and making visual inspections of the child at the home.

1) Home Entry/Search

In order to enter a home to observe living conditions, interview family members, and /or make visual inspection of children, the social worker needs consent, a search warrant, or exigent conditions. A search warrant is a written order by a judge which authorizes a SW to enter and search a residence in order to locate, interview, and visually assess the home and child(ren).

Note-For visual assessment criteria and guidelines refer to the [Practice Guide: Visual Assessment of Children for Abuse](#).



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The SW investigating the referral must establish authority for entry into the home, either by consent, a warrant, or exigency. Normally, a parent in IFS or FM will consent as their case plan will require home visits. However, if a parent does not consent, the social worker must obtain a warrant.

When neither parental consent nor exigent circumstances exist, the SW, in consultation with their immediate supervisor or a designee, must determine whether entry to the home is necessary in order to conduct an assessment of safety utilizing Structured Decision Making (SDM).

If entry is deemed necessary and there is no exigency or parental consent, the SW must obtain a warrant. In either case, the SW must document the need for entry, or the reasons why an assessment cannot be conducted unless he or she has entry into the home.

Note: In the event that a parent does not allow the SW to see and speak with a child, the SW shall inform the parent that CFS is authorized to ask the Contra Costa County Superior Court Judge to issue a home entry order to see and speak with the child. The SW should not imply, however, that a warrant is guaranteed.

Dependents

The above guidelines do not apply when entering the residences of Juvenile Court dependent children who are in out-of-home placements (e.g., resource homes, FFA homes or STRTP homes)

2) Investigative Interview

A warrant is also required to interview and visually assess a child who is the subject of possible child abuse or neglect, unless there is parental consent or exigent circumstances. (Greene v. Camreta (2009) 588 F.3d 1011)

Interviews at any location are subject to the warrant requirements unless consent or exigency exists.

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During a child abuse investigation, the SW and the responding law enforcement officer must conduct their own assessments of exigency. When law enforcement requests CFS assistance with an interview, the SW should first confer with law enforcement about the allegations of abuse or neglect.

The SW should not interview the minor, or participate in law enforcement's interview of the minor, in the absence of parental consent, a warrant, or the SW's independent finding of exigent circumstances.

Note: When neither parental consent nor exigent circumstances exist, the SW, in consult with their immediate supervisor/designee, will determine whether an interview is necessary in order to conduct an assessment of safety utilizing Structured Decision Making (SDM) tools. If it is determined that the interview is necessary, a warrant must be obtained.

Non-Dependents (and/or IFS and Family Maintenance cases)

The SW is required to obtain a warrant to interview a child regardless of the child's physical location (i.e. home, school) when exigency or parental consent does not apply.

Dependents

The above guidelines do not apply to interviews and investigations of a child who is a Juvenile Court dependent living in an out-of-home placements (see also: Department Manual Section 31-112, Out-of-Home Placement Investigations).

3) Interviews at School

Social Workers may interview a child at school when investigating child abuse & neglect referrals if the Social Worker has determined exigency exists, obtained parental consent, or obtained a warrant/court order for a school interview.



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In order to determine exigency, the Social Worker may conduct a **brief, consensual interview** at school if the referral is an immediate or there is reasonable suspicion that a child is a victim of abuse/neglect and/or there is a sibling at risk of abuse. Law Enforcement cannot be present at this brief interview, and the child must be notified at the outset that he/she does not need to answer any questions and is free to leave at any time.

Special procedures must be closely followed for brief interviews, and law enforcement may not be present.

Please reference, [Practice Guide: Interviewing Children at School](#), for special procedures on interviewing children at school.

Law enforcement may only be present for a joint interview at school if there is exigency, a warrant, or parental consent.

A Social Worker may interview a child at school without exigency or a court order if the SW obtains consent from a parent or legal guardian who has legal custody of the child. Consent may only be given by a parent or legal guardian who has legal custody of the child.

Law enforcement may be present only if the parent/legal guardian specifically consents to law enforcement's participation.

When neither exigency nor consent exists, the SW **must** obtain a warrant.

Note: School interviews conducted for the purpose of investigating a referral on an open case should not be used to fulfill monthly contacts with a child. (Refer to policy [DM31-501 Quality Contacts](#) for information on monthly contact requirements.)

B. SEIZURE/REMOVAL OF CHILD

Before taking a child into temporary custody, the SW 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:



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- Whether there are any reasonable services available to the SW, which, if provided to the child's parent, guardian, caregiver, or to the child, would eliminate the need to remove the child.
- Whether a referral to public assistance would eliminate the need to take temporary custody of a child. If services are available, they should be utilized, and removal considered only as a last resort.
- 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.

In order to obtain a warrant, the SW must be able to show that:

1. Reasonable efforts have been made to prevent the removal of the child(ren). Reasonable efforts include, but are not limited to the following;
 - Referral to in-patient substance treatment services
 - Referral to mental health treatment services
 - Referral to parenting education or counseling
 - Referral to legal services and/or domestic violence services
 - Referral to public assistance; MediCal, CalFresh, GA, etc...
2. The circumstances of the child's home environment pose a danger to the health, person, or welfare of the child, or
3. The conduct and behavior of the child pose a danger to the health, person, welfare or property of the child or others, or
4. The parents have absconded with a dependent or a dependent child has run away from his or her court ordered placement.

Non-Dependents (and/or IFS and Family Maintenance cases)

When neither parental consent nor exigent circumstances exist to place a child into protective custody, the SW, in consultation with their immediate supervisor or a designee, will conduct an assessment using Structured Decision Making



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(SDM) to determine the presence of risk and safety factors and the need to remove the child.

If it is determined that the child needs to be removed from the home, staff will obtain consent of the parent or legal guardian prior to detaining the child. If consent is refused, a warrant should be obtained. The child may only be removed without consent or a warrant if there is exigent circumstances, an imminent risk of serious physical or sexual harm.

Dependents

The above guidelines do not apply when a Juvenile Court dependent living in an out-of-home placement must to be brought into protective custody.

C. USE OF THE DC 23, TEMPORARY CUSTODY FORM

The DC 23, Certification of Temporary Custody, form is used to claim exigency when investigating child abuse and/or neglect allegation(s) **AND** law enforcement is involved.

The form is an acknowledgement between law enforcement and CFS that an independent exigency assessment has been completed by both CFS and law enforcement and that both agree that the matter is exigent and cannot wait for a warrant when consent is not given. The form is located in the CFS Staff Portal as, [Certification of Temporary Custody DC 23](#), as well as in the Adobe Sign Platform library where it can be sent to LE for an electronic signature.

If the Social Worker determines the removal is not exigent they do not complete the DC 23. Instead, they can either seek consent from a custodial parent, apply for a warrant or return the child to the care and custody of the parent(s)/legal guardian(s).

Note: A DC 23 is only used to claim exigency for protective custody removals.

D. HOSPITAL HOLDS



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A request for a hospital to detain a child constitutes a seizure, and may therefore only be effectuated if consent, a warrant, or exigent circumstances exist. There are no exigent circumstances if there is time to obtain a warrant while the child remains in the hospital, or if the release of the minor from the hospital does not pose an immediate risk of serious physical/sexual abuse.

Hospital Holds are sometimes referred to as Police Holds or CPS Holds. A SW may initiate a Hospital Hold after completing an in-person exigency assessment, and upon finding there is reason to believe the child is at imminent risk of abuse or neglect if the child is released from the hospital to the parent or caretaker.

If a hospital requests that a SW enforce a hold on a child before a SW can respond in-person, the SW should direct them to contact the police to pursue a hold, per WIC 305, for the child until CFS can complete the assessment.

Examples of when CFS may initiate a hospital hold based on exigency:

- 1) When there is imminent risk that a parent will attempt to remove a hospitalized child or infant from the hospital, and the removal presents an unmitigated safety threat to the child
- 2) When the medical condition of the child or infant is due to the conduct of the parent(s) or legal caretaker(s)
- 3) When the parent refuses to authorize treatment of an emergency medical condition that requires immediate treatment, and if not immediately treated it would lead to serious disability or death

Note: A history of involvement with CFS or a positive toxicology for the mother and/or child alone does not demonstrate imminent risk, unless a connection with current risk is established and documented.

[Please refer to DM31-904 Substance Exposed Infant Referrals Protocol](#)

Hospital Holds are only in effect until the Detention Hearing or the time the child or infant is released from the hospital, either into parent or official custody. The date and time that a Hospital Hold is enforced is considered the date and time that a child or infant is detained and taken into protective custody. A petition must then be filed within 48 hours.



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Law Enforcement may also initiate a hold on a child in the hospital, which is enforced independently from a CFS-issued Hospital Hold. CFS must make its own assessment of safety and risk to initiate a hold.

E. Investigative Medical Exam

An investigative medical exam warrant is a written order by a judge, that authorizes a SW to obtain a medical examination of a child by a licensed medical practitioner who specializes in diagnosing and treating child abuse and neglect, in order to verify maltreatment. An investigative medical exam can only be done if the child has been removed from parental custody pursuant to consent, exigency, or a warrant/court order.

WIC, § 324.5 authorizes an evidentiary medical examination of a child who has been placed into CFS custody pursuant to allegations of physical or sexual abuse, if recommended by a physician, without a court order.

However, federal law prohibits investigatory medical exams unless one of the following conditions exist:

- Parental consent; or
- Warrant authorizing an investigative medical examination and parental notification;

Non-Dependents (and/or IFS and Family Maintenance cases)

The SW is required to obtain a warrant in order to obtain a medical examination of a child when parental or child consent or exigent circumstances do not exist. Parents must be notified and judicial approval must be granted before a child is subjected to an investigatory medical examination.

Note: Authority from law enforcement alone is insufficient to order an investigative medical exam.

Dependents

The above guidelines do not apply to medical examinations of Juvenile Court dependent children who are in out-of-home placements.

VIII. PROCEDURES TO OBTAIN WARRANTS

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If any type of **warrant** is needed, prepare the request for the warrant by logging into the online secured Adobe Sign Platform via any web-enabled device (eg. laptop, desktop, tablet, or smart phone).

For detailed instructions, please reference the [Practice Guide: Warrant Procedures](#).

The **Social Worker** will:

- 1) Login to Adobe Sign Platform using your windows login credentials at; <https://ehsdccc.na1.echosign.com/public/login>
- 2) Select the 'Start from library' button;
- 3) Select 'Workflows' from the Start from library window overlay;
- 4) Select 'Juvenile Warrant Application and Return Workflow;'
- 5) Proceed to complete the necessary workflow by entering the required email address of investigating Social Worker's Supervisor. Ensure County Counsel, Courtroom Clerk, and Judge email is already populated;

Note: Once supervisor's email is entered it will auto-populate on future applications.
- 6) Once the workflow has been completed select 'Send;'
- 7) The application will populate in a new browser window. Please complete the application in its entirety by following the prompts and instructions provided (examples are provided by selecting the desired example).
- 8) Once the application is completed please enter your signature either by drawing if on a smart device, typing, or enter work cell number to sign using your smart device. Once a signature is completed select 'Sign' blue button on bottom.
- 9) The warrant application will now go to the next person in the workflow and proceed from there until it has reached the clerk and then the judge.



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Note: If needed, sign back into Adobe Sign platform to see the status of the warrant application using 'Manage' button.

If the warrant is approved by the Judge it will be sent back to the SW with an email notification. If the judge has questions or needs amendments to the application they will contact the SW or respond within the Adobe Sign in System via email. If the judge rejects the application, the application will need to be completed again from the first step with the required changes requested by the judge.

- 12) After receiving the warrant orders back from the Judge via an email link, please print a copy only of the 'Warrant Findings & Orders' (pages 7-8). SW's may use the mobile printer available at each district's admin. desk where you check out the county vehicle (for instructions on the printer's use please refer to the [Practice Guide: Warrant Procedures](#). The mobile printer can be used in the field to provide copies to the person being served.
- 13) Once a copy of the warrant is printed please consult with your supervisor on serving the warrant. It may be necessary due to circumstances of the referral/ investigation to have law enforcement help serve the warrant. For further details and the process to serve a warrant see section VIII B of this policy.
- 14) After serving the warrant and completing the necessary investigation per the warrant request please complete the Warrant Return, which is a part of the Warrant Request process located in the Adobe Sign Platform. SW has 10 calendar days from date of the warrant being issued to complete the Warrant Return.

Once you have completed the Warrant Return and sent it via the Adobe Sign Platform to the Judge, the Judge will review and sign it. An email notification will be sent to the SW indicating it has been signed and is attached. Upon return of the signed Warrant Return a copy should be printed and filed with the warrant in the case file;

- 14) Lastly, document all activities in CWS/CMS.



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The **Social Work Supervisor** will:

- 1) Consult and provide guidance to the Social Worker at any time during the warrant application process;
- 2) Review and provide signature on all approved warrant requests made by social worker;
- 3) Consult with Division Manager as needed, as well as the CFS Director.

VIII. EXPIRATION, SERVICE AND RETURN OF WARRANTS

A. Expiration

All warrants are to be served within 10 business days from issuance. After 10 business days, the warrant becomes invalid.

Note: Once a warrant is served and the Social Worker has completed the intent listed on the warrant (ie. interviewed the child, visually assessed the child, and removed the child) the Social Worker cannot return under the auspice of the original warrant to conduct a search, assessment or removal. The Social Worker must have exigency, consent or another warrant to pursue any further investigation.

B. Service

All warrants are to be served by the Social Worker with the support of Law Enforcement as needed. It is at the discretion of the SW to determine if LE is needed. The SW is encouraged to seek the assistance of LE when serving a Protective Custody Warrant or when investigation circumstances dictate needed support from LE (i.e., domestic violence history/indications, substance abuse history/indications, etc.).

Process for serving;

1. The Social Worker provides a copy of the warrant to the individual(s) with apparent authority over the child at the time of serving the warrant:



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- Investigatory Interview Warrant (including visual inspection of child)- Dependent on where the child is located;
 - SCHOOL/DAY CARE-School personnel/administrator of facility
 - RESIDENCE/HOME-Person(s) with apparent authority over the child at the time SW arrives at the residence (e.g., caregiver, relative, babysitter, parent, legal guardian)
 - OTHER (park, restaurant, neighbor's home, etc.)-Person(s) with apparent authority over the child at the time SW arrives at the location of the child (e.g. caregiver, relative, babysitter, parent, legal guardian)
 - Home Entry Warrant (including visual inspection of child and interview of child)- Person(s) who is/are present and who has/have apparent authority over the child at the time of serving the warrant (e.g. caregiver, neighbor, relative, babysitter, parent, legal guardian);

Note- for minors who are home without adult supervision or for minor babysitters please consult your direct supervisor on whom and how to serve the warrant.
 - Protective Custody Warrant – Dependent on where the child is located at the time of the needed removal and who has apparent authority over the child at that time (e.g., caregiver, neighbor, relative, babysitter, parent, legal guardian).
 - Investigative Medical Exam- Dependent on where the child is located at the time of the needed exam and who has apparent authority over the child at that time (e.g., caregiver, neighbor, relative, babysitter, parent, legal guardian).
2. Within 24hrs of serving the warrant, distribute copies to LE (if assisting) and parent(s)/legal guardian(s).



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Note-When distributing copies to parent(s)/guardian(s) send via certified mail. If parent/guardian prefers a copy emailed to them, the SW can send via email, but a hard copy should also be mailed to their residence. The SW can use email to distribute to Law Enforcement if preferred by LE Officer.

C. Return

Any warrant application that is granted must have a return completed and sent to the court within ten calendar days of issuance. The return needs to be completed in its entirety before submission to the court. Please see the [Practice Guide: Warrant Procedures](#), for the completion details for the Warrant Return.

VIII. DOCUMENTATION

Accurate and detailed documentation of the reasonable efforts prior to removal, the investigation assessment (including if exigency was determined), and the warrant application are all vital components of completing the task of investigating an allegation of abuse and/or neglect. Therefore, documentation of exigency, consent, and the warrant application is required in the following;

- 1) CWS Case Notes (Delivered Service Log)
- 2) Investigation Narrative
- 3) Petition (If applicable)
- 4) Detention Report (If applicable)
- 5) Warrant Application & Affidavit
- 6) Warrant Return

Regarding the content and structure of the documentation, state the facts of the investigation, assessment determinations, and provide any statements by the individuals who were interviewed.

VIII. REFERENCES

Fourth and Fourteenth Amendments of the Constitution of the United States.
CDSS MPP Division 31-084, 31-100
Welfare & Institutions Code Sections 300, 305, 306, 324.5, 328, 340

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Penal Code Sections 1523, 1524, 1527, 1528, 1530
California Rules of Court 5.526 (c)(1)
Greene v. Camreta, (9th Cir.) 2009 U.S. App. LEXIS 26891
Penal Code Section 11174.3

VI. RESOURCES

[Practice Guide: Warrant Procedures](#)
[Practice Guide: Interviewing Children at School](#)
[Practice Guide: Visual Assessment of Children for Abuse](#)
[Practice Guide: Accessing the CIC](#)
[Practice Guide: Transporting Children and Clients](#)
[Practice Guide: Certification of Temporary Custody, DC 23](#)
[CFS Warrant Application and Affidavit](#)
[CFS Warrant Findings and Orders](#)
[CFS Warrant Return](#)