



REPLACES:

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DUTY TO NOTIFY PARENTS OF
DETAINED MINOR'S WHEREABOUTS
(WIC §308)

SECTION: 31-135.1
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I. GENERAL

The purpose of this Administrative Bulletin is to clarify the Social Worker's responsibility to notify parents, guardians or responsible relatives of a detained child's whereabouts. This bulletin is based on County Counsel's interpretation of WIC §308.

It is the goal of the Department to preserve family relationships and maximally involve parents both in the care of the planning for their children. This goal remains important even when children must be removed from their family to ensure their immediate safety. The Department also support's the client's right to due process and judicial review.

II. POLICY

A. WIC §308 REQUIREMENTS

1. Affirmative Duty to Notify Parents

WIC §308 requires that when a Social Worker (or police officer) detains a minor, the Social Worker must immediately take steps to notify the minor's parents, guardians or responsible relatives that the minor is in custody and the place where the minor is being held.

The clear language of the statute implies that the Social Worker has a affirmative duty to notify the designated adult and should not wait for a request from the adult.

If the Social Worker has no address for the parents, guardian or responsible relatives, the Social Worker should take reasonable steps to locate the adult.

2. Time Frame

Although a time factor is s not specified in n the 1 law County Counsel has interpreted "immediate steps" to mean that the Social Worker should expedite efforts to notify the designated adults. In most cases, the notification should be made within hours of the detention, and in no case, later than the next day.

3. Documentation

If notification is not possible within 24 hours of detaining the child, the Social Worker must document on the S-3 why notification was not made and what efforts they are making to contact the parents, guardians or responsible relatives.



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B. EXCEPTIONS TO WIC §308 NOTIFICATION REQUIREMENT

The Social Worker shall not keep a minor's location confidential from the parent without an appropriate court order.

1. Nondisclosure Order

If the Social Worker has a reasonable belief that the parent, guardian or responsible relative would be likely to flee with the child or to endanger the child, the Social Worker may seek a court order allowing nondisclosure of the child's whereabouts.

The request for the nondisclosure order should be obtained prior to the detention hearing.

2. Child Moved Subsequent to Detention

If a detained child is moved to a new placement and the Social Worker wants to keep the new location of the minor confidential, the Social Worker must obtain a new nondisclosure order as soon as possible.

3. Level of Approval

All requests for non-disclosure orders require Child Welfare Division Manager approval.

4. Notice to Parents, Guardian or Responsible Relative

When we are seeking a court order for nondisclosure we must notify the parents, guardian, or responsible relative of our request to seek a nondisclosure order. They have a right to argue against the nondisclosure order.

CONTACT PERSON: Supervisors and above may contact the ER Program Analyst with questions concerning this Administrative Bulletin