

# **Germantown Police Department**

## **Policies and Procedures**

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**Number:** 7-5  
**Effective Date:** January 1, 2003  
**Subject:** Juveniles in Custody of Tennessee Department of Human Services  
**Previous Revisions:**

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### **I. PURPOSE**

The purpose of this policy is to make officers familiar with the role of the Tennessee Department of Human Services, as it relates to juveniles in its custody.

### **II. POLICY**

It is the policy of the Germantown Police Department that all officers will follow the established procedures for dealing with juveniles who are in the custody of the Tennessee Department of Human Services.

### **III. PROCEDURE**

Children may be placed in one of two groups for whom the Tennessee Department of Human Services acts as the parent. The first group involves children who are in the guardianship of the Department of Human Services. Here, parental rights have been terminated with natural parents no longer having any claim on the children or having any contact with them or any part in the care or welfare of the child. The Department of Human Services acts in a total and final parental role.

The second group involves children who are in the custody of the Department of Human Services and have been made wards of the court and wards of the state through court action. It is important to remember that in both groups the Department of Human Services acts as the parent.

While a child is in the custody of the Department of Human Services, the natural parents have no rights whatsoever regarding the welfare of the child. They have no right to remove the child from the foster home or from the premises of the Department of Human Services without specific authority and approval of the caseworker.

The Department of Human Services may have occasion to contact the Germantown Police Department in cases involving missing children, delinquent children, juveniles involved in criminal offenses, and juveniles who have been removed illegally by the natural parents either from the Department of Public Welfare or from a foster home.

Following is the proper procedure for dealing with the Department of Human Services in these areas:

1. Missing Children:

When investigating missing children complaints, the primary source of the information should be the caseworker. While they are the primary source of

information, additional information may be obtained from the foster parent who may have more current information concerning the child's location. Investigating officers should remember that the caseworker is the one primarily responsible for the welfare of the child, and he/she should be treated accordingly.

2. Delinquent Children:

The caseworker as well as the foster parents should be notified whenever a child is picked up on a delinquency matter.

A child may be released to the caseworker as well as the foster parent, and it is not necessary that the foster parent sign the appearance bond for the child.

3. Interrogation of Juveniles:

Where possible, the case worker should be given an opportunity to be present during the interrogation of any child in their custody who is being questioned as a suspect in a criminal matter or in any matter involving delinquency.

4. Removal of Children from Custody by the Natural Parents:

Where a child is placed in the custody of the Department of Human Services, the natural parents have no further rights in the child. As a result, their taking of the child either from the foster parents or from the Department of Human Services is unlawful. It is not necessary that an attachment pro corpus be issued in order to return the child to the custody of the Department of Human Services or to the foster parents. Custody has already been given the Department of Human Services.

5. Child Protective Services:

The Tennessee Department of Human Services, Shelby County office, provides 24-hour service for Child Protection Services. During regular work hours, Tennessee Department of Human Services social workers follow the procedure of obtaining a protective custody order from Juvenile Court whenever it is necessary to remove a child from his/her home. If police assistance is needed during regular work hours, the Tennessee Department of Human Services social worker will contact the Investigative Division. After regular work hours and

on weekends, if police assistance is needed, the Tennessee Department of Human Services social worker makes this request through the police Communications Center.

Police assistance is requested primarily for two reasons:

- a. As a safety precaution, when the complaint indicates the parent or custodian of the child is dangerous or threatening, i.e., the parent is in possession of a dangerous weapon or the neighborhood is potentially dangerous.
- b. Assistance in removal when the Tennessee Department of Human Services social worker has determined that the child is in immediate danger of death or serious harm and an emergency order cannot be obtained due to the unavailability of the judge. The social worker must follow Tennessee Department of Human Services' procedures for emergency removal prior to requesting assistance.

When, after regular work hours and on weekends, a social worker determines that a child needs to be removed, the social worker will call the police dispatcher who will dispatch the appropriate officer to respond to the call. On the scene, the officer is to remove the child and transport the child to either Juvenile Court or LeBonheur Hospital Emergency Room when medical treatment is necessary. The officer will need to determine that the conditions of the statute have been met, based on his/her observations and judgment.

#### **IV. REVIEW PROCESS**

An annual review of this policy shall be conducted to determine if it should be revised, cancelled or continued in its present form.

This order shall remain in effect until revoked or superseded by competent authority.