
**ORANGE COUNTY SOCIAL SERVICES AGENCY
CFS OPERATIONS MANUAL**

Effective Date: August 10, 1993
Revised: November 30, 2006

Number: A-0501

Protective Custody Evaluations—Psychiatric Hospitals

Purpose	To provide guidelines when assessing the need for protective custody for children hospitalized in psychiatric facilities.
Approved	This policy was approved on August 10, 1993, and this revision was approved by Michael Riley, Ph.D., Director of CFS, on November 30, 2006. <i>Signature on file.</i>
Background	<p>Children and Family Services (CFS) investigates Child Abuse Registry (CAR) reports regarding children who are already hospitalized in a psychiatric facility; are hospitalized but have been cleared for discharge with parents refusing to assume custody; or would be placed at risk of abuse or neglect by being released to the parent.</p> <p>CFS may place a Hospital Hold on a child in a psychiatric facility when necessary to ensure the child’s safety, protection, and physical and emotional well being. The assigned Senior Social Worker (SSW) will consult with a Senior Social Services Supervisor (SSSS) to determine if and when a Hospital Hold is required.</p> <p>Refer to the following CFS Policies and Procedures (P&Ps) for further information regarding case management issues related to protective custody evaluations for children hospitalized in psychiatric facilities:</p> <ul style="list-style-type: none">• Abuse Investigations-Practice Guidelines (A-0412)• Dependency Intake (A-0502)

Legal Mandates [Welfare and Institutions Code \(WIC\) 300](#) describes the conditions under which a child may be adjudicated a dependent of the Juvenile Court.

[Welfare and Institutions Code Section 309\(b\)](#) provides the legal mandate for placing a child into protective custody through means of a Hospital Hold when the child is, "...under the care of a physician or surgeon or a hospital, clinic, or other medical facility and cannot be immediately moved"

[Penal Code Sections 270 and 270.5](#) make it a misdemeanor for a parent to fail to provide, or make alternative arrangements for his child to have food, clothing, shelter, medical attention, or who refuses to accept the child into his home without lawful excuse. Further, "If a parent of a minor child willfully omits, without lawful excuse, to furnish necessary clothing, food, shelter or medical attendance, or other remedial care for his or her child, he or she is guilty of a misdemeanor punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment."

POLICY

**ER
Investigation,
Intervention,
and
Dependency
Intake**

A CAR report regarding a child hospitalized in a psychiatric facility will be investigated pursuant to the Abuse Investigations-Practice Guidelines P&P (A-0412).

The guidelines for filing a Detention Hearing Report and petition on behalf of a child on a Hospital Hold in a psychiatric facility are outlined in the Dependency Intake P&P (A-0502).

**Parent's
Refusal to Take
Custody of
Child Upon
Discharge from
Psychiatric
Facility**

The assigned SSW will refer a family to the CFS Multidisciplinary Consultation Team (MDCT) when a parent refuses to assume custody of a child cleared for discharge from a psychiatric facility by submitting the [Orange County Social Services Agency Multidisciplinary Consultation Team form \(F063-25-375\)](#). The assigned worker and MDCT will attempt to implement a plan that allows for the child's return to his parent's care. If the parent continues to refuse, the assigned SSW will make efforts to engage the parent in an exploration of an alternative plan for the child's care.

When a parent's refusal to assume custody of his child and inability or unwillingness to implement an alternative plan for the child's care are the only factors necessitating CFS intervention, the parent will be advised of Penal Code Sections 270 and 270.5.

A Detention Hearing Report (DHR) and petition will be filed on behalf of a child under WIC §300(b), (c), and (g) when the parent's refusal to provide care for the child or to make an alternative plan for the child's care is the only reason requiring the filing of a petition.

Communication with Psychiatric Hospital, CEGU, and OCH

The assigned SSW will maintain regular contact with psychiatric facility staff once a Hospital Hold is placed on a child. The assigned SSW will:

- A. Obtain updates regarding the child's mental health status, **and**
- B. Provide the facility with guidelines for the child's visitation and telephone contact.

The assigned SSW will provide any information requested by the Child Evaluation and Guidance Unit (CEGU) and Orangewood Children's Home (OCH) staff, who are required to evaluate whether a child can be admitted to OCH upon discharge from a psychiatric facility.

REQUIRED FORMS

Online Forms

Required forms listed below may be printed out and completed, or completed online, and may be accessed by clicking on the link provided.

Form Name	Form Number
<u>Orange County Social Services Agency Multidisciplinary Consultation Team</u>	F063-25-375