



## **Cal-EMA Requirements for Drug Enforcement Grants**

1. A condition of being awarded a Cal-EMA grant is that your agency has working/functioning Drug Endangered Children Protocols, MOU's, Operational Agreements, and/or procedures in place.
2. Your agency complies with the listed state and federal laws as well as POST guidelines. (See listed items below).
3. All members of the funded unit (multidisciplinary team) receive DEC training including, at a minimum, personnel from law enforcement, district attorney's office and CPS.
4. The training received must be from the Cal-EMA funded "Drug Endangered Children Training and Advocacy Center" (DEC-TAC) which will issue a certificate of completion. Records of training must be maintained to ensure compliance with the terms of the grant.

## **Child Abuse Prevention and Treatment Act (CAPTA) (Federal Requirements to Receive Grant/Monies)**

### **Addressing Collaboration**

#### **42 USC 5106(a) (5)**

This section authorizes the Secretary to award grants to entities that provide linkages between State or local child protective services agencies and public health, mental health, and developmental disabilities agencies, for the purpose of establishing linkages that are designed to help assure that a greater number of substantiated victims of child maltreatment have their physical health, mental health, and developmental needs appropriately diagnosed and treated, in accordance with all applicable Federal and State privacy laws.

#### **42 USC 5106a (a)**

This section authorizes the Secretary to make grants to the states for purposes of assisting the states in various goals related to improving child protective services. One goal is stated as "supporting and enhancing interagency collaboration between the child protection system and the juvenile justice system for improved delivery of services and treatment, including methods for continuity of treatment plan and services as children transition between systems." Another goal is stated as "supporting and enhancing collaboration among public health agencies, the child protection system, and private community-based programs to provide child abuse and neglect prevention and treatment services (including linkages with education systems) and to address the

health needs, including mental health needs, of children identified as abused or neglected, including supporting prompt, comprehensive health and developmental evaluations for children who are the subject of substantiated child maltreatment reports.”

### **Addressing Confidentiality**

#### **42 USC 5106a(b)(2)(A)(viii)**

A state plan is required to have methods to preserve the confidentiality of all records so as to protect the rights of children and their parents or guardians. State plans may make data available only to individuals who are the subject of the report; Federal, State, or local government entities, or any agent of such entities, having a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect; child abuse citizen review panels; child fatality review panels; a grand jury or court, upon a finding that information in the record is necessary for the determination of an issue before the court or grand jury; and other entities, classes or individuals statutorily authorized by the State to receive such information pursuant to a legitimate State purpose.

### **California State Laws**

#### **11166.3 (a) Penal Code**

The Legislature intends that in each county the law enforcement agencies and the county welfare or probation department shall develop and implement cooperative arrangements in order to coordinate existing duties in connection with the investigation of suspected child abuse or neglect cases.

#### **833.2 Penal Code**

- a) It is the intent of the Legislature to encourage law enforcement and county child welfare agencies to develop protocols in collaboration with other local entities, which may include local educational, judicial, correctional, and community-based organizations, when appropriate, regarding how to best cooperate in their response to the arrest of a caretaker parent or guardian of a minor child, to ensure the child's safety and well-being.
- b) The Legislature encourages the Department of Justice to apply to the federal government for a statewide training grant on behalf of California law enforcement agencies, with the purpose of enabling local jurisdictions to provide training for their law enforcement officers to assist them in developing protocols and adequately addressing issues related to child safety when a caretaker parent or guardian is arrested.

#### **851.5 Penal Code**

- a) If, upon questioning during the booking process, the arrested person is identified as a custodial parent with responsibility for a minor child, the arrested person shall be entitled to make two additional calls, at no expense if the calls are completed to telephone numbers within the local calling area, to a relative or other person for the purpose of arranging for the care of the minor child or children in the parent's absence.

### **13517.7 Penal Code**

- a) The commission shall develop guidelines and training for use by state and local law enforcement officers to address issues related to child safety when a caretaker parent or guardian is arrested.
- b) The guidelines and training shall, at a minimum, address the following subjects:
  - 1) Procedures to ensure that officers and custodial employees inquire whether an arrestee has minor dependent children without appropriate supervision.
  - 2) Authorizing additional telephone calls by arrestees so that they may arrange for the care of minor dependent children.
  - 3) Use of county child welfare services, as appropriate, and other similar service providers to assist in the placement of dependent children when the parent or guardian is unable or unwilling to arrange suitable care for the child or children.
  - 4) Identification of local government or nongovernmental agencies able to provide appropriate custodial services.
  - 5) Temporary supervision of minor children to ensure their safety and well-being.
  - 6) Sample procedures to assist state and local law enforcement agencies to develop ways to ensure the safety and well-being of children when the parent or guardian has been arrested.
- c) The commission shall use appropriate subject matter experts, including representatives of law enforcement and county child welfare agencies, in developing the guidelines and training required by this section.

### **13879.80 Penal Code**

- a) Every law enforcement and social services agency in this state is encouraged to develop, adopt, and implement written policies and standards for their response to narcotics crime scenes where a child is either immediately present or where there is evidence that a child lives, by January 1, 2005. These policies shall reflect the fact that exposing a child to the manufacturing, trafficking, and use of narcotics is criminal conduct and that a response coordinated by law enforcement and social services agencies is essential to the child's health and welfare.
- b) The needs of a drug endangered child are best served with written policies encouraging the arrest of an individual for child endangerment where there is probable cause that an offense has been committed, coordinated with an appropriate investigation of the child's welfare by child protective agencies. Protocols that encourage a dependency investigation contemporaneous with a law enforcement investigation at a narcotics crime scene, when appropriate, are consistent with a child's best interest.

**13879.81**

Communities are encouraged to form multijurisdictional groups that include law enforcement officers, prosecutors, public health professionals, and social workers to address the welfare of children endangered by parental drug use. These coordinated groups should develop standards and protocols, evidenced by memorandums of understanding that address the following:

- a) Felony and misdemeanor arrests.
- b) Immediate response of protective social workers to a narcotics crime scene involving a child.
- c) Outsourcing protective social workers to law enforcement.
- d) Dependency investigations.
- e) Forensic drug testing and interviewing.
- f) Decontamination of a child found in a lab setting.
- g) Medical examinations and developmental evaluations.
- h) Creation of two hours of P.O.S.T. drug endangered children awareness training.