



WICHITA POLICE DEPARTMENT

POLICY MANUAL



POLICY 508

CHILD IN NEED OF CARE (CINC)

I. PURPOSE

The purpose of this policy is to familiarize all Department personnel with Department procedures formulated in accordance with the Kansas Code for Care of Children (K.S.A. Ch. 38 art. 15).

II. PROCEDURES

A. Justification For Taking CINC Into Police Custody

1. K.S.A. 38-1527(a) authorizes a law enforcement officer [or a Court Services Officer] to take a child under eighteen (18) years of age into custody when:
 - a. The law enforcement officer or Court Services Officer has a court order commanding the child be taken into custody as a CINC;
 - b. The law enforcement officer or Court Services Officer has probable cause to believe such order has been issued in this state or in another jurisdiction.
2. K.S.A. 38-1527(b) authorizes a law enforcement officer [but not a Court Services Officer] to take a child under eighteen (18) years of age into custody when the law enforcement officer has probable cause to believe the child is a CINC, and there are reasonable grounds to believe the circumstances or condition of the child are such that continuing a) in the place or residence in which the child has been found, or b) in the care and custody of the person who has care or custody of the child, would present a danger to the child.
 - a. When a representative of the Department of Children and Families (DCF) is at a scene requesting a child(ren) be placed into protective custody, but has no court order directing such action, a WPD field supervisor must make the scene to determine whether or not sufficient cause exists. In the absence of a court order, only a law enforcement officer has the authority to make such a determination.
 - b. If the commissioned supervisor decides protective custody is warranted, an appropriate case shall be made, and the child(ren) shall be taken to a designated shelter facility. However, if the field investigation indicates there is no significant injury to the child, there are no allegations of sexual abuse, or the circumstances of the call are minor, the law enforcement officer may call the DCF on-call service at (316) 337-6777, which is answered 24 hours a day, 7 days a week. The responding social worker may be able to provide valuable information about the family's history, which might assist the commissioned supervisor in the decision

to take a child into Police Protective Custody (PPC) or leave them with the parent or caregiver.

- c. After careful examination of all the facts involved in a particular incident the commissioned supervisor may leave the child in the custody of the parent or caregiver instead of PPC. This decision must be accompanied by offering available resources to aid the family. The appropriate resources may include, but are not limited to the following:
 1. DCF Mediation
 2. DCCCA Family Preservation
 3. Families Can Case Management
 4. Family Mediation Services
 5. Parenting Services
 6. Drug, Alcohol, Mental Health Counseling
- d. Only a commissioned law enforcement supervisor has the authority to take a child into PPC. The decision to take a child into PPC or leave with a parent or caregiver is the responsibility of the law enforcement supervisor.

B. Required Documentation

1. All cases in which a CINC is taken into custody require the officer complete an Incident Report and the WPD Police Protective Custody Form.
2. On all cases of child abuse involving physical abuse, sexual abuse, mental abuse, neglect, or any case where the officer feels involvement by DCF is needed, a copy of the KSOR must be faxed to the Kansas Protection Reporting Center at 1-866-317-4279 by the end of the shift. Additionally, a copy of the KSOR must be emailed using an encrypted email to the Exploited and Missing Child Unit at EMCU@sedgwick.gov by the end of shift.

C. Transportation of CINC's

All CINC's twelve (12) years of age and younger shall be transported in the backseat of any vehicle equipped with a passenger side airbag.

D. Placement

1. All CINC's taken into custody shall be taken to a court-designated "shelter facility". This includes, but is not limited to:
 - a. When the child is taken into protective custody pursuant to K.S.A. 38-1527;
 - b. Curfew Violators;

- c. When the detaining police officer is unable to locate a parent/guardian, or the parent/guardian refuses to accept custody of the child.
2. The following institutions have been designated as Sedgwick County “shelter facilities” by the Administrative Judge of the District Court of the Eighteenth Judicial District:
 - a. For CINC’s who are runaways only or who have been physically, sexually, or mentally abused or neglected and do not appear to need inpatient medical care and treatment, the Wichita Children’s Home [WCH], 7271 E. 37th N;
 - b. For CINC’s refused admission at WCH or a youth being released from JIAC into PPC and scored as “Release with Conditions” by JIAC staff, the child can be placed at the Juvenile Residential Facility, 881 S. Minnesota.
 - c. For CINC’s who are involved in “status neglect cases” such as truancy; and curfew, the Juvenile Intake Assessment Center [JIAC], 700 S Hydraulic;
 - d. CINC’s who need immediate inpatient medical care/treatment may be placed into any of the following:
 1. Via-Christi Regional Medical Center-St. Francis Campus, 929 N. St. Francis;
 2. Via-Christi Regional Medical Center—St. Joseph Campus, 3600 E. Harry;
 3. Via-Christi Hospital-West Campus, 14800 W. St. Teresa;
 4. Wesley Medical Center-Main Campus, 550 N Hillside

E. Wichita Children’s Home

1. Prior to taking any CINC to WCH, the detaining officer shall call [or have SPIDER call] WCH at 684-6581 to provide the name and date of birth of the child and any pertinent information. Should circumstances develop which mandate cancellation of the admission, the officer shall telephone WCH and rescind the arrangement.
2. Once there, the officer shall explain to WCH personnel the circumstances involved in taking the child into custody, and a joint decision will be made about whether WCH will admit the CINC, or if the child should be taken to the Juvenile Intake Assessment Center or another shelter facility. Consideration must be given to whether the child would remain at WCH if placed there, and whether or not the child could be a danger to self or others if not placed into a secured setting.
3. When placing a CINC at a shelter facility, the officer shall complete the admissions form furnished by the facility’s intake personnel. The form is to be completed with all available information and left at the facility, even if the child is placed into emergency foster care.

4. The officer placing a CINC into a shelter facility shall reasonably attempt to notify the parent(s) or a legal guardian the child is in police custody. However, under no circumstances shall the officer advise the parent/guardian of the name, address or phone number of the facility, nor shall the location at which the child is being sheltered be revealed. If the officer is unable to contact the parent/guardian, the appropriate Watch Commander must be notified of this fact before the officer goes off shift.
5. Whether or not the officer is able to contact a parent, the officer should notify the appropriate Watch Commander and enter the information of all placements of CINC's into a shelter facility on the Interwatch, ensuring the information is sufficient to answer questions the child's parent/guardian may have.
6. In the event WCH must place the CINC into foster care, the officer shall transport the child to the designated residence. A Watch Commander's authority to do so is required when foster care is outside the city limits of Wichita. The officer shall obtain the name(s) of the foster care provider(s), and shall enter them on the Incident Report.
7. Should a CINC who has been placed into a hospital or medical center by a member of the WPD become ready for discharge from the facility within seventy-two (72) hours from the time of admittance, hospital or medical center staff will notify the appropriate Watch Commander. The Watch Commander shall then direct an officer to transport the CINC from the hospital or medical center to the WCH. If more than seventy-two hours have elapsed between the time of admittance and the time of discharge, the Watch Commander shall contact the on-call DCF supervisor [through the Emergency Communications dispatcher] to determine what to do with the CINC.

F. JIAC/JRF

1. If WCH is unable or unwilling to accept any CINC, the detaining officer shall transport the child to JIAC for admittance into the Juvenile Residential Facility (JRF). Prior to placement, the officer and a WCH official must sign a written notice, provided by WCH, stating they have decided the youth would not remain at an unsecured shelter. It must list specific reasons for the decision and be presented to the intake officer at JIAC. Additionally, when admitting a CINC to JRF, a copy of the officer's Incident Report and a written application form (provided by JIAC staff) must be given to the intake officer.
2. While most children will still be placed at the WCH, there may be specific situations when WCH refuses services or when the child is a juvenile offender who is released to (PPC) and is not appropriate to be placed there due to juvenile offender status. In these limited instances, a child may be placed in JRF as an alternative.
3. In the following situations JRF will be considered as an alternative to detention:

- a. The youth scores as “Release with Conditions” on the Kansas Detention Assessment Instrument (KDAI); however, the parent/caregiver refuses to accept custody or there are abuse/neglect allegations.
 - b. A law enforcement agency has placed the youth in (PPC) and WCH refuses to admit the youth (an alleged status or juvenile offender) and the youth does not meet detention criteria on the KDAI.
 - c. WCH refuses admission of a youth with CINC only issues and a law enforcement agency places the youth in (PPC).
4. Exceptions to the specified placement circumstances are:
- a. Youth taken into custody under the Interstate Compact on Juveniles (ICJ). Rule 6-101(2) requires secure detention for ICJ youth. Secure detention does not exclusively mean a juvenile detention center; a staff secure facility meets the definition of a secure facility. In Sedgwick County, ICJ youth are detained at the Juvenile Detention Facility.
 - b. Youth taken into custody who are suspected of being victims of human trafficking. Pursuant to 38-2231(b)(3) and 38-2232(b)(2), absent a court order, law enforcement is to take the youth to a licensed staff-secure facility. In Sedgwick County, a judicial memo, dated January 8, 2014, establishes WCH as the initial placement for youth who are suspected of being victims of human trafficking.

G. Release

1. Should an officer place a CINC in WCH or JRF and later, through investigation, it is determined by the officer/follow-up detective the child is not in need of care and, therefore; should be released, the officer-in-charge of the case shall proceed as follows:
 - a. If the officer-in-charge, after approval from a commissioned supervisor, decides to release the child prior to the expiration of the seventy-two (72) hours to which emergency police custody is limited, the officer shall notify WCH or JRF by telephone, or in person, to release the child to a parent/guardian/other person designated by the officer-in-charge.
 - b. If the CINC is to be released to anyone other than a parent or guardian [e.g., a close relative], the person must sign release forms at WCH or JRF. Such a release must have the prior approval of a commissioned supervisor.

2. When the Exploited and Missing Child Unit (EMCU) has completed an investigation of a sexual abuse case and determined the victim should be released prior to the expiration of the seventy-two (72) hour emergency police custody limit, a commissioned EMCU officer shall contact WCH or JRF to authorize the release.
3. When the Child Protective Services Division of DCF has completed the investigation of a physical abuse or neglect case and determined the victim should be released prior to the seventy-two (72) hour emergency police custody limit, the social worker assigned to the case [or supervisor] will notify the Supervisor of EMCU if the determination is made between 0800-1700, Monday through Friday. At any other time, the caseworker/supervisor will contact the appropriate Watch Commander. Authorization for release shall then be given to WCH or JRF by the EMCU Supervisor, or by a Watch Commander.

H. **Newborn Infant Protection Act (K.S.A. 38-2282)**

Under the Newborn Infant Protection Act (K.S.A. 38-2282), a parent or other person having lawful custody of an infant which is 60 days old or younger and which has not suffered bodily harm may surrender physical custody of the infant to any employee who is on duty at a police, sheriff's office, law enforcement center, fire station, city or county health department or medical care facility as defined by K.S.A. 65-425, and amendments thereto.

1. If a newborn infant (60 days or younger) is brought to any police station, sheriff's office, law enforcement center, fire station, city or county health department or medical care facility and no intent is expressed by the parent(s) or other person having lawful custody of the infant to return for the infant, personnel shall proceed as follows:
 - a. Take physical custody of the infant.
 - b. Notify a shift supervisor immediately who will contact the on-call EMCU supervisor to advise them of the situation.
 - c. The person(s) voluntarily surrendering an infant shall not be required to reveal personally identifiable information; however, offer them the opportunity to provide information concerning the infant's family or medical history.
 - d. If there is clear evidence of abuse or neglect, a criminal investigation will be initiated.
 1. The parent(s) or other person having lawful custody of the infant does not have the right to remain anonymous and may be subject to arrest if abuse/neglect exists.

2. If immediate medical care is needed, contact EMS. If not transported by EMS, the officer will transport the infant to the nearest hospital for a medical examination.
 3. The reporting officer will make the appropriate abuse/neglect case and enter the information with Case Desk.
- e. If there is no clear evidence of abuse or neglect, the infant will be transported to the nearest hospital for a medical examination.
 - f. The reporting officer will make a Child Abandonment case.
 - g. Once the infant is cleared by the hospital, the infant will be transported to WCH as a Child In Need of Care (CINC).
 - h. EMCU will initiate communication with the National Center for Missing and Exploited Children (NCMEC) to ensure there have been no infant abductions across the country possibly relevant to the child being surrendered.