

# PROCEDURES FOR PROTECTIVE CUSTODY BY POLICE AND COUNTY AGENCY

## Procedures for Protective Custody by Police and County Agency Pa.R.J.C.P. §1202

### A. Protective custody.

#### 1) No court order.

a) A police officer may take a child into protective custody pursuant to Rule 1200 if there are reasonable grounds to believe that the child is suffering from illness or injury or is in imminent danger from the surroundings and removal is necessary.

i. This is to include Juvenile Probation Officers. Rule 120, effective July 1, 2011 states:

a. A “juvenile probation officer” is an officer of the court. “Properly commissioned” as used in the definition of a juvenile probation officer includes the swearing in under oath or affirmation and receipt of a document, certificate, or order of the court memorializing the authority conferred upon the juvenile probation officer by the court.

A properly commissioned juvenile probation officer is vested with all the powers and duties set forth in 42 Pa.C.S. § 6304, and the power to take a child into protective custody as a duly authorized officer of the court pursuant to 42 Pa.C.S. § 6324 unless the President Judge has limited such authority pursuant to Rule 195. See *also* 23 Pa.C.S. § 6315.

b) Without unnecessary delay, but no more than twenty-four hours after a child is taken into custody, an application for a protective custody order shall be made to provide temporary emergency supervision of a child pending a hearing pursuant to Rule 1242. The president judge of each judicial district shall ensure that a judge is available twenty-four hours a day, every day of the year to accept and decide actions brought by the county agency within the twenty-four hour period.

#### 2) Court order.

a) A police officer or county agency may obtain a protective custody order removing a child from the home if the court finds that remaining in the home is contrary to the welfare and the best interests of the child.

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b) Pursuant to 23 Pa.C.S. § 6315 and after a court order, the county agency shall take the child into protective custody for protection from abuse. No county agency may take custody of the child without judicial authorization based on the merits of the situation.

## **B. Notice.**

1) In all cases, the person taking the child into custody immediately shall notify the guardian and the county agency of:

a) the whereabouts of the child, unless disclosure is prohibited by court order;  
and

b) the reasons for taking the child into custody.

3) Notice may be oral. The notice shall be reduced to writing within twenty-four hours.

## **C. Placement.**

A child shall be placed in an appropriate shelter care facility or receive other appropriate care pending a shelter care hearing pursuant to Rule 1242.