

PROTOCOL FOR THE ISSUANCE OF EMERGENCY COURT ORDERS AFTER NORMAL BUSINESS HOURS AND ON WEEKENDS AND COURT HOLIDAYS

A. Introduction

This procedure is intended to establish the procedure which shall govern the presentation of petitions seeking emergency orders authorizing the placement of children and youth under the provisions of 42 Pa. C.S.A. §6324 after normal business hours, weekends, and court holidays.

B. Procedures

1. An authorized caseworker and supervisor of the Children, Youth and Families Division of the Department of Human Services (hereinafter "the Agency") shall make the initial determination as to whether there are reasonable grounds to believe that a child is in need of emergency placement.
2. Caseworker will prepare an Affidavit of Facts. See Exhibit A.
3. Caseworker will contact the designated Court Officer by telephone for an Emergency Order. Caseworker will read the affidavit to the Court Officer.
4. The designated Court officer shall review the supporting affidavit. If the designated Court Officer finds that the affidavit is legally sufficient and the facts warrant the issue of an emergency order, he/she shall verbally authorize the proposed emergency order or modify the order as appropriate.
5. After the caseworker has the Emergency Order, the caseworker can execute the order.
6. In the morning of the next business day the caseworker will submit the affidavit and a typed court order to a Judge of the Court of Common Pleas. The caseworker will schedule a probable cause hearing with the Juvenile Court. The caseworker will complete a petition. The affidavit, together with a copy of the order and all other documentation used to obtain the emergency order will be filed with the Clerk of Orphan's Court. A copy of all shall be filed with the Chief Juvenile Probation Officer and the Court Administrator's Office.
7. Exhibit B constitutes the list of designated Court Officers duly authorized to execute emergency orders directing that a child be taken into custody pursuant to 42 Pa. C.S.A. §6324. Presentation of a request for emergency orders shall be made to the designated Court Officers in the order listed in Exhibit B. The numbers listed for the Court Officers shall be kept confidential and used for official business purposes only.