 Department of Children & Family Services <i>Building a Stronger Louisiana</i>	Division/Section	Child Welfare
	Chapter No./Name	4 – Child Protective Services (CPS)
	Part No./Name	Appendix 4-L – Emergency Protective Action
	Section No./Name	Appendix 4-L – Emergency Protective Action
	Document No./Name	Appendix 4-L – Emergency Protective Action
	Effective Date	January 22, 2020

I. STATEMENT OF POLICY

Current Louisiana law does not prohibit a parent from making a plan for their children, which includes placing their child(ren) in the physical custody of another person, unless and until the Department files a verified complaint alleging facts showing that there are reasonable grounds to believe that the child is in need of care and that emergency removal or the implementation of a safety plan is necessary to secure the child's protection. After the verified complaint is filed, the parent is without the authority to place the child with any individual or institution except the Department until legal custody is returned to the parent or *** the **** safety plan is terminated. (LA Children's Code, Article [619](#)).


II. PROCEDURES

The department is responsible for assessing the safety of the child(ren) and whether the child(ren) are at imminent risk of harm warranting further protective intervention (e.g. safety plan, protective order, court ordered safety plan, custody to non-offending parent and/or relative, removal).

Concluding that a child is ***** * either safe or unsafe **** is based on information observed and/or gathered from credible sources about the family. ******* Although circumstances may initially seem threatening to the child, continuing to gather information helps confirm if patterns and threats actually exist. More information allows for a better assessment of the caretaker's *** protective** capacity to ensure the safety of their children and in determining when court intervention may be needed.

If parents/caretakers make the decision to place child(ren) with relatives, fictive kin, or friends of the family known to the child(ren) when there is an open CPS or FS case, staff must assess whether the child is unsafe to the extent that the parent cannot be left alone with the child due to identified safety threats. **Even though the child(ren) might be temporarily safe with that alternate caregiver selected by the parent, the worker's safety assessment must focus on whether the child(ren) would be safe with the parent/caretaker if they were to return to the care of the parent/caretaker. The safety assessment cannot focus on the child's temporary situation with the alternate caregiver and must focus on whether the *** * child(ren) *** and would be unsafe * if in the care of the parent/caretaker. If the children are found to be unsafe, then a safety plan shall be implemented. Should a voluntary in-home safety plan not be feasible, then further court action must be taken to ensure the safety of the child(ren). If the child can remain in the home safely with a court-ordered safety plan in place, then the agency must attempt to create a court-ordered safety plan that manages the identified safety threats. The safety plan must meet the standards of the Safety Analysis for it to be enacted. As a last resort, if the safety threats cannot be managed through a court-ordered safety plan, then the worker and supervisor should proceed with court action to remove the child(ren). ****

***** * The worker** should always consult with their supervisor and/or manager for guidance in assessing safety, ****** and determining the appropriate level of intervention.

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III. FORMS AND INSTRUCTIONS

There are no forms and instructions for this section.

IV. REFERENCES

LA Children’s Code, Article [619](#)