

ILLINOIS DEPARTMENT OF CHILDREN & FAMILY SERVICES

DRUG ENDANGERED CHILDREN (DEC) STATEWIDE PROTOCOL Guidelines for Methamphetamine October 2005

The following protocol is aimed at initiating a response system and a strategic plan related to the combined interests of the Illinois Department of Children and Family Services (DCFS), Law Enforcement agencies and the Illinois State Board of Education (ISBE), as those interests focus on helping children who may have been endangered by circumstances involving the illegal drug production of Methamphetamine. This particular protocol is a statewide effort established to address these problems throughout the State of Illinois. Law Enforcement, DCFS and ISBE have joined together in an effort to implement strategies for the purpose of protecting children who have been discovered in clandestine Methamphetamine drug production laboratories.

The goals of this protocol plan are aimed at outlining the Response System between Law Enforcement, DCFS and ISBE. DCFS is requesting that Law Enforcement agencies notify the State Central Register (SCR), commonly referred to as the child abuse hotline, immediately after it has been determined that a child(ren) reside in the home with illegal drug production. This notification fulfills Law Enforcement's responsibility as mandated reporters under the Abused and Neglected Child Reporting Act. This response system will attempt to ensure that when Law Enforcement finds a situation wherein children have had their safety compromised by an illegal drug production situation or circumstance, a DCFS professional staff member shall be made available as quickly as possible. DCFS and Law Enforcement will cooperate and assist each other (involving ISBE where applicable) in making decisions regarding the needs of the child or children who have had their safety endangered. The ultimate goal is meant to:

- Provide Law Enforcement investigators with a child welfare response system that causes the needs of the involved children to be addressed quickly;
- Avoid any delays in the DCFS response that would interfere with important child welfare outcomes aimed at ensuring child protection and safety;
- Promote a concurrent investigation between the Law Enforcement agencies and the DCFS Child Protection system that serves to protect the integrity of the evidence needed for the dual outcomes of each investigative system; and
- Ensure that all affected children are enrolled in school.

Strategies, Expectations, and Concrete Efforts: The following encompasses the statewide protocol:

1. In order to enhance Law Enforcement's response to the safety of children, Law Enforcement officers should file a hotline report with the Child Abuse Hotline

(SCR) prior to any planned interdiction when they have prior information pertaining to the presence of children. This call should be made to the standard hotline number 1-800-25 ABUSE (1-800-252-2873). If it is an emergency and they are unable to immediately reach a call taker, an alternative number to the hotline supervisor's desk (1-217-782-6533) can be used. This notification need not be specific regarding information that is deemed classified and could compromise the integrity of the investigation, but will provide DCFS adequate, albeit limited, information with which to plan for the needs of the children who might be involved. Law Enforcement staff who make these Hotline reports prior to any planned interdiction need to be aware of and sensitive to DCFS' 24 hour mandated response to all accepted Hotline reports per the Abused and Neglected Child Reporting Act. This prior information will facilitate DCFS' ability to identify sufficient staff and other resources in advance so that the various needs of the children, Law Enforcement, and DCFS are best served. In addition, in order to maximize the quick response of DCFS staff and to facilitate child safety, Law Enforcement should call the DCFS designated contact person for their geographic area in order to coordinate their seizure with the assigned DCFS investigator.

2. If DCFS receives a hotline report or discovers what appears to be a methamphetamine lab or the residue of a lab in a home where children reside or frequent, DCFS shall not remain at the scene but immediately exit the premises. DCFS shall immediately contact Law Enforcement and, where applicable, the area clandestine lab team. DCFS also will contact the hotline immediately after its call to Law Enforcement and the clandestine lab team to make a report if there is not currently an active DCFS investigation on the family. The DCFS investigator also has the option of taking a child abuse report in the field and reporting it to the hotline for documentation.
3. If Law Enforcement discovers a methamphetamine lab or the residue of a lab in a home where children reside or frequently visit:
 - a) If there is evidence that children reside at the location and they are either present or likely to return in the near future, **Law Enforcement should contact the child abuse hotline (SCR) and make a report pursuant to their responsibility as mandated reporters.** Secondly, Law Enforcement should contact the local DCFS DEC contact person (see contact list) and request assistance.
 - b) **Law Enforcement should contact SCR and make a report if there is evidence that children reside at the location;** however, if children are not present or not likely to return in the near future, then DCFS shall make necessary follow-up.
 - c) If there are children present at the site, then Law Enforcement should immediately take protective custody of the children if necessary, call the child abuse hotline and await DCFS' arrival. Except for emergency medical treatment, children must not be allowed to leave the site in the custody of anyone but DCFS or Law Enforcement unless DCFS has completed an authorized safety plan.

4. In the case of Law Enforcement reporting to the child abuse hotline (SCR) that they have found a lab with children present or likely to be present, the DCFS investigator shall respond to the scene immediately. The investigator shall confirm that the hotline has been contacted by law enforcement. If the hotline has not taken the report yet, the investigator has the option of taking a field report. Law Enforcement should still be sure to complete the hotline report to SCR.
 - **All Drug Endangered Children cases must be reported to the local DCFS-DEC contact person (see contact list) immediately. This will ensure that proper tracking and coordination is maintained.**
5. Consistent with Law Enforcement's present responsibility to secure and process crime scenes whenever there are joint investigations between DCFS and Law Enforcement, Law Enforcement will continue to take the responsibility of securing the crime scene for the purpose of evidence collection and preservation. In addition to processing the lab:
 - a) *Law Enforcement should work with DCFS investigators to ensure that evidence is gathered to substantiate both the DCFS child protection investigation and law enforcement's criminal investigation. Particular attention should be paid to ensuring there is sufficient evidence to determine:*
 - 1) child abuse
 - 2) child neglect
 - 3) child endangerment
 - 4) any other child safety related investigation
 - b) DCFS shall work with law enforcement in identifying evidence that would enhance the child protection investigation and help in substantiating the criminal investigation.
 - c) Law Enforcement and DCFS shall complete their investigation in a manner that will enhance both criminal prosecution and juvenile court adjudication. This will include courtroom testimony in each other's proceedings and the exchange of the appropriate DCFS and Law Enforcement reports.
6. If children are present at the scene, DCFS shall assess the safety of the children. The DCFS investigator shall determine whether protective custody and placement of the children is required and assure that the children are in a safe environment. **If the clandestine lab team, law enforcement officers, or appropriate first responders determine that the children were exposed to lab chemicals and require decontamination, then DCFS shall arrange for medical evaluation of the children in accordance with the medical protocol.** If there are no children at the scene, but children who had been at the scene and meet the criteria for a DCFS report, then DCFS shall locate those children and determine their safety and need for medical assessment after the hotline report is made to SCR.

7. DCFS shall follow the medical protocol for children found at methamphetamine lab sites (see medical protocol). DCFS will request assistance from Law Enforcement as needed to meet the requirements of the medical protocol.
8. At the initiation of the investigation, DCFS and Law Enforcement should consult with one another to coordinate any interviews of children, witnesses or family members that will need to be conducted jointly to ensure the integrity of the investigation and to preserve evidence for court purposes.
9. If DCFS determines the case should be screened with the State's Attorney's Office for a neglect/abuse petition, DCFS shall screen the case. If Law Enforcement determines that criminal charges will be filed, then Law Enforcement should refer the case to the State's Attorney's Office for that purpose.
10. If protective custody of a child who has been exposed to methamphetamine lab chemicals is taken, the DCFS or private agency worker who makes the placement shall provide a copy of the medical protocol to the foster parent/relative home caregiver and advise them of the special follow-up needs of the child, and that the caregiver should contact ISBE if he or she requires assistance in enrolling the child in school. If there is any indication that the child(ren) may not or will not be enrolled in school, DCFS shall notify ISBE as soon as possible and request assistance as needed from ISBE to ensure that the children are enrolled in school. Drug Endangered Children shall be enrolled in school under applicable laws which may include (a) federal and state homelessness laws and/or (b) any appropriate residency provision included in the Illinois School Code (such as 105 ILCS 5/10-20.12b, 105 ILCS 5/14-1.11 or 105 ILCS 5/14-1.11a). The child protection worker shall staff the case with the follow-up worker who will be receiving the case and provide him or her with a copy of the medical protocol and advise him or her of the special follow-up needs of the child.
11. Law Enforcement and DCFS should initiate this protocol on matters that involve actual or predicted child safety situations, and contact ISBE if deemed necessary. This protocol is meant to assign and engage DCFS staff members and Law Enforcement responders as partners in the interdiction response.