

Child and Dependent Adult Safety

337.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse Policy (315) and the Adult Abuse Policy (313).

337.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when a parent or caregiver is arrested. The Fargo Police Department will endeavor to create a strong, cooperative relationship with local, state, and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

337.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that he/she will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be nonproductive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

Child and Dependent Adult Safety

337.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered minor children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of minor children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of minor children and dependent adults with a responsible party, as appropriate.
 - 1. Officers should consider allowing the person to use the person's cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.
- (b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that the person knows and trusts. Consideration regarding familiarity with the surroundings, comfort, emotional state, and safety should be paramount.
 - (a) Except when a court order exists limiting contact, the officer should attempt to locate and place dependent children or adults with a non-arrested parent or guardian.
 - (b) Officer's should confirm the identity of the individual who is selected to take temporary custody of a minor child or dependent adult and conduct a wanted check to include probation/parole status and sexual offender registry before releasing the minor or dependent adult to the selected individual. If the subject refuses to cooperate or the findings identify evidence to contradict the temporary custody selection, the officer shall notify Cass County Social Services.
 - (c) Provide the caregiver taking temporary custody with contact information for Cass County Social Services in the event issues arise.
- (c) Provide for the immediate supervision of minor children or a dependent adult until an appropriate caregiver arrives.
- (d) Notify the Cass County Social Services or North Dakota Department of Health and Human Services as appropriate.
- (e) Notify the Shift Commander of the disposition of minor children or dependent adults.

If children or dependent adults are at school or a known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependents. The result of such actions should be included in the associated report.

Child and Dependent Adult Safety

337.3.2 REPORTING

- (a) For all arrests where children are present or living in the household, the reporting members shall document the following information:
 - 1. Names
 - 2. Sex
 - 3. Age
 - 4. Special needs (e.g., medical, mental health)
 - 5. How, where and with whom or which agency the child was placed with.
 - 6. Identities and contact information for other potential caregivers.
 - 7. Notifications made to other adults (e.g., schools, relatives).
- (b) For all arrests where dependent adults are present or living in the household, the reporting member should document the following information:
 - 1. Identity of the dependent adult.
 - 2. Whether the person reasonably appears able to care for themselves.
 - 3. Disposition or placement information if the person is unable to care for themselves.

337.3.3 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

337.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any dependent minor children or adults, the handling officer should contact the appropriate welfare service or other department-approved social service agency.

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked patrol car, or taken into formal protective custody.

A child, who is less than 15 years old, should not be left unattended overnight or without appropriate care. The age of the child is not the only factor which should be considered when children are left alone. Other factors include the maturity of the child, emotional health factors, and the child's physical or cognitive limitation. A dependent adult should never be left unattended or without appropriate care.

[See attachment: Child Supervision Guidelines - March 2013.pdf](#)

Fargo Police Department

Policy Manual

Child and Dependent Adult Safety

337.5 TRAINING

The Training and Development Lieutenant is responsible to ensure that all members of the Department who may be involved in arrests affecting children or dependent adults, receive training from a department approved course on effective safety when a parent or guardian is arrested.




337.6 REVISION DATE 02/13/2024

Attachments

Child Supervision Guidelines - March 2013.pdf

CHILD SUPERVISION GUIDELINES

FACTORS TO CONSIDER BEFORE LEAVING A CHILD HOME ALONE:

-  Age and maturity, emotional health, the child's physical or cognitive abilities, length of time alone, time of day or night, whether the child will be expected to supervise other children, location and safety of neighborhood, frequency of being left alone, and how far a parent or other adult would be from home.
-  A parent or caregiver is responsible for the safety, care, well-being, and behavior of their children, whether they are present to supervise them or not.
-  In all instances below where "yes" is indicated, the parent is ultimately responsible for using sound judgment.

Age of Child	Left Alone for Two Hours or Less	Left Alone for More Than Two Hours	Left Alone Overnight	Outside Unattended	Left In Car Unattended for brief time (10-15 minutes)	Child Provides Care For Other Children
Newborn - Age 4	NO	NO	NO	NO	Caution! Dangerous in temps over 72° F. or under 32° F; must be in view of caregiver and in a restraint; keys removed, door locked and emergency brake applied	NO
Age 5- 6	NO	NO	NO	YES Playground or yard within visual sight or hearing distance to supervision	Caution! Dangerous in temps over 72° F. or under 32° F; must be in view of caregiver and in a restraint; keys removed and emergency brake applied	NO
Age 7 - 8	NO	NO	NO	YES Parent or caregiver must be available (visual sight or hearing distance)	Caution! Dangerous in temps over 72° F. or under 32° F; must be in view of caregiver; keys removed and emergency brake applied	NO
Age 9	YES (During daytime hours)	NO	NO	YES	YES (Keys removed and emergency brake applied)	NO
Age 10 - 11	YES (During daylight hours, with ready access to an adult supervisor)	YES (During daylight hours, not to be alone during sleeping hours)	NO	YES	YES (Keys removed and emergency brake applied)	NO
Age 12 - 14	YES	YES (During hours before curfew)	NO	YES	YES	YES (Child care classes recommended)
Age 15 - 18	YES	YES	Caution! Assess your child's level of maturity and responsibility	YES	YES	YES