



## MEMORANDUM OF UNDERSTANDING PERTAINING TO DRUG ENDANGERED CHILDREN

This Memorandum of Understanding is entered into on the date set forth in the signature block by and between the **Office of the District Attorney, Third Judicial District** [hereafter DA] and the **Shawnee County Sheriff's Office**, [hereafter SCSO] and the **Topeka Police Department** [hereafter TPD] and the **Kansas Bureau of Investigation** [hereafter KBI] and the **Juvenile Intake Assessment Services of the Shawnee County Family Resource Center** [hereafter Juvenile Intake] and the **Kansas Social and Rehabilitation Services** [hereafter SRS] and the **Stormont Vail Regional Health Center** [hereafter Stormont Vail] and the **St. Francis Health Center** [hereafter St. Francis] and the **Topeka Fire Department** [hereafter TFD].

The purpose of this Memorandum of Understanding (MOU) is to unify core agencies in Shawnee County to provide the most effective response possible for Drug Endangered Children (DEC). Children living in environments where drugs are used experience physical, emotional and developmental harm including abuse and neglect. For the purposes of this MOU, the definition of a Drug Endangered Child is one found in an environment where illegal drugs are manufactured, sold, distributed, used or where there is other significant evidence of illegal drugs. The goal is to ensure that all children removed from a drug environment will not only receive necessary immediate medical care and other services but will also receive long-term services when appropriate. It is recognized that removal of children may be appropriate in circumstances involving all illegal drugs depending on the circumstances. The purpose of this MOU is to address children in drug environments including the sale, distribution or use of illegal drugs wherein minor children may be exposed to such drugs. In cases where children are located in environments where drugs are manufactured or necessary ingredients are stored, please refer to the July 2006 manufacturing protocol.

Each subscribing agency retains the sole discretion to determine the ability of that agency to comply with the terms of this MOU to the circumstances and resources existing at any given time. This MOU is not a contractual agreement that would impose any liability on the subscribing agencies for non-compliance. In consideration of the mutual promises and agreements herein contained, the parties do mutually promise and agree as follows:

**The Shawnee County Law Enforcement Agencies agree to take all reasonable steps to:**

1. Assign an investigator to collect evidence in reference to the drug endangered children investigation.
2. Use all reasonable efforts to ensure that the investigator locates and collects all evidence that may support or refute allegations of child endangerment including photographs and videotapes of the child and child's surroundings. Documentation should include how accessible dangerous items in the home (finished product, paraphernalia, etc.) are to the children.
3. Children who are taken into protective custody and are in need of medical treatment should be transported by Emergency Medical Services or Law Enforcement to ST. FRANCIS or STORMONT-VAIL for a medical examination as deemed appropriate and practicable.
4. Transport child to STORMONT VAIL if it is suspected sexual abuse has occurred within the past 72 hours. Request immediate assistance of SANE/SART Nursing staff.
5. When appropriate, place any Drug Endangered Child into Police Protective Custody and turn the child over to JUVENILE INTAKE AND ASSESSMENT for a safe placement.
6. Seek to obtain insurance information, hospital preference and medical history of child from parents.
7. Conduct a follow-up investigation regarding children of the suspects who are not present at the scene but reside in the household and may have been previously affected. Law enforcement shall place the child(ren) in accordance with #5 when appropriate.
8. Promote educational endeavors within the agency and the community to enhance the successful identification and prosecution of all drug endangered children cases.
9. Require law enforcement to attend all Child In Need Of Care (CINC) and S.R.S. Fair Hearings when their testimony is deemed necessary by the Shawnee County District Attorney's Office and/or S.R.S. to support permanent or long-term child placement other than with the child's legal guardian.
10. Provide information to SRS in situations where children are not placed in Police Protective Custody but there are concerns about a caregiver's substance abuse. Provide detailed narrative on the JDR including parents' names, how the children were affected by drugs, and whether the parents were arrested. Share information with S.R.S. to assist in the caseworker's CINC investigation (after 5:00 and on weekends use the 24 hour SRS Protection Report Center hotline- 1-800-922-5330).

11. Consider taking any child from a drug environment to Juvenile Intake for documentation and consider whether PPC is appropriate.
12. Provide report to District Attorney's Office and SRS specifying if the child was placed in Police Protective Custody within 48 hours of the incident.
13. Maintain fund for DEC cases to purchase items such as clothing, personal care items, and comfort items for children. Funds would be obtained through donations. Items donated or purchased would be stored at the Law Enforcement Center.

**The Topeka Fire Department agrees to take all reasonable steps to:**

1. Notify law enforcement when a child in a drug environment is identified.

**The Shawnee County District Attorney's Office agrees to take all reasonable steps to:**

1. Aggressively prosecute drug endangered children cases. A Child In Need of Care (CINC) case would be filed by the end of the first business day after receipt of necessary law enforcement investigative reports.
2. Provide consultation to Shawnee County Law Enforcement Agencies on strategies and court preparation for drug endangered children cases.
3. Provide child victim advocacy throughout the criminal legal process.
4. Assign an Assistant District Attorney to handle drug endangered children cases. The assigned Assistant District Attorney will be given the opportunity to develop an expertise in drug endangered children prosecutions through training and experience. The assigned Assistant District Attorney will, when possible, respond to the scene of the most serious cases of drug endangered children.
5. Attempt to recover lab costs incurred by the investigating agency and/or SRS for blood and urine analysis and medical evaluations of drug endangered children when a suspect(s) is convicted of a DEC charge.
6. Attend joint drug endangered children training sessions with law enforcement and other appropriate agencies when available.
7. Provide victim/witness personnel to be present with children involved in DEC cases who are awaiting medical testing at the medical facility.
8. Will exercise its obligations and responsibilities pursuant to Guidelines for the Presentation and Filing of Child in Need of Care Proceedings Predicated on Drugs, Particularly Methamphetamine but including all illegal drugs, being in the Child's Environment and/or the Filing of Criminal Charges of Child Endangerment.

9. Will provide training to any agency related to drug endangered children and the role the District Attorney's Office plays.

**Shawnee County Family Resource Center including Juvenile Intake and Assessment Services agrees to take all reasonable steps to:**

1. Assist in the supervision of a child placed in Police Protective Custody that has been found in a drug environment which may include supervision of the child while awaiting medical assessment at the hospital or other medical facility if available.
2. Assist in the temporary placement of a child away from the DEC environment and the DEC suspect(s) to a location where it is reasonably assured that the child will remain in a safe environment until placement has been ordered by the District Court.
3. Assist in the preparation of necessary documentation for a Temporary Custody Hearing, and provide this documentation to the SRS caseworker.
4. Provide such records, reports, and assessments to the District Attorney's Office before the end of the next business day.
5. Assure that the child's placement have the necessary information on what is required for a baseline health assessment.
6. Ensure that no child will be placed with a neighbor or friend of the offending parent or parents, except on order of the court.
7. Conduct a UA on any family member being considered as a temporary placement for a child.
8. Conduct a UA on children ages 13 and over who are removed from dangerous drug environments when possible.

**Shawnee County Social and Rehabilitation Services (SRS) agrees to take all reasonable steps to:**

1. Coordinate services to drug endangered children, including the sharing of information with law enforcement, after a search warrant service or DEC investigation has been initiated and law enforcement has established probable cause to suspect that a child has been abused or neglected.
2. Attend joint drug endangered children training sessions with law enforcement and other appropriate agencies when available. Staff will also be encouraged to attend training in the provision of services to substance-addicted parents and their children when available.

3. SRS will assess and/or investigate all the presenting concerns specific to each individual child, within accordance to Kansas Statute and Regulations. Children found in dangerous drug environments reported by law enforcement to SRS will be assessed to determine if they have been abused and/or neglected and the SRS social workers will follow all related policies to ensure the child's safety.
4. Obtain the drug endangered child's medical history and history of SRS involvement, if available, and provide relevant information to law enforcement (or other assigned personnel) after a drug endangered child has been taken into police protective custody.
5. Help the child understand why they are being separated from his/her parents. The social worker will assist the child in understanding the actions being taken on his/her behalf and what actions will be taken to help their parents.
6. Make a referral to the appropriate community based service (foster care) provider if the child is placed in SRS Custody with out of home placement. Child Welfare Community Based Service Providers (The Farm or KVC) will be responsible for complying with all aspects of their contracts and comply with all court orders and make decisions in the best interest of the child.
7. Ensure that the school counselor, at the child's school of attendance, is aware that this child unwittingly experienced a traumatic event, which may affect the child's behavior or performance at school.
8. SRS will seek payment from parental insurance to cover the costs of medical examinations and subsequent tests. SRS will be payer of last resort for any necessary medical expenses for any child ultimately placed in SRS custody not covered by established medical insurance, within available resources.
9. SRS or their contracting agencies will ensure that children removed from a dangerous drug environment will receive a medical exam as soon as practical after removal from the environment.

**Stormont Vail Regional Health Center and St. Francis Health Center agree to the following procedures for the care of drug endangered children:**

1. Conduct medical examination as deemed appropriate and practicable by ER provider for children removed from drug environments who are brought to an emergency department by law enforcement depending on the situation.

## **Recommended care for drug endangered children may include:**

As soon as practical

Comprehensive Medical Evaluation checklist:

1. A complete medical evaluation
2. Lab testing based on scene exposure
3. Developmental screen using an age appropriate standardized tool, and referral as needed for full evaluation
4. Mental health screen
5. Referral for therapy as needed
6. Dental referral
7. Referral to primary health care provider

### **Follow-Up**

1. Repeat medical evaluation as needed.
2. Follow up developmental evaluations as needed based on the initial evaluations.
3. Follow up mental health interventions and assessments as needed.
4. Any specialty referrals (sex abuse exam; ENT; Cardiac, dermatology etc.)

### **Agency roles**

#### **Shawnee County Health Agency:**

- 1) Will provide a complete medical evaluation (Kan Be Healthy) with parental or guardian permission for children removed from drug environments if the child does not have an established medical home or if SCHA is the established medical home. *The child should be medically evaluated by their primary care provider whenever possible.* If the circumstances appear the case will be referred to the District Attorney, then a forthwith summary referral shall be made.
- 2) Will ensure information from the preliminary medical evaluation is provided to the child's primary care physician/medical home upon signature by child's parents or legal guardian for the release of medical records or upon order of the court.
- 3) Will provide follow-up medical evaluations as needed if SCHA is the established medical home for the child.
- 4) Will refer the child for any further services (developmental screening, mental health services, dental, specialty services) as deemed necessary.

**Family Service and Guidance Center:** Will accept referrals of Drug Endangered Children and will provide mental health assessments, interventions, care and treatment to these children as necessary.

**Infant/Toddler Services:** Will accept referrals of Drug Endangered Children and will administer developmental screens using age appropriate standardized tools for children ages 0-3 and will refer as needed for full evaluations.

**Successful Connections:** Identify and refer pregnant and parenting women who are abusing substances for assessments, family support programs, case management, and/or home visitation services.

I agree with the above listed provisions as it pertains to the agency I represent and fully support the Kansas Alliance for Drug Endangered Children-Shawnee County.

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Robert D. Hecht, District Attorney  
Shawnee County, Kansas

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Date

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Richard Barta, Sheriff  
Shawnee County, Kansas

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Date

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Norton N. Bonaparte, Jr.  
City Manager

\_\_\_\_\_  
Date

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Bob Blecha, Director  
Kansas Bureau of Investigation

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Date

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Betsy Thompson  
Social and Rehabilitation Services-  
Northeast Regional Director

\_\_\_\_\_  
Date

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Angela Gamber  
Stormont-Vail Regional Health  
Center Emergency Dept. Director

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Date

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Ron Fay  
St. Francis Health Center

\_\_\_\_\_  
Date

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Danette Tipton, Director  
Shawnee County Family Resource  
Center/Juvenile Intake and Assessment  
Services

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Date

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Anne Freeze, Director  
Shawnee County Health Agency

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Date

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Brenda Mills, CEO  
Family Service and Guidance Center

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Date

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Sabra Shirrell, Director  
Successful Connections

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Date

Revised: 5-5-08