



DEC PROTOCOL & MOU

A Project of Cloud County Agencies
DRUG ENDANGERED CHILDREN TASK FORCE
Cloud County
July 1, 2006

Cloud County DEC Protocol and MOU

DEFINITION:

A drug-endangered child (DEC) is a child who has been exposed to an environment with condition of contamination or hazardous life style that result in abuse, life or health endangerment, or neglect perpetrated on the child as a result of illicit drug use, sales, or manufacturing. A criminal violation threshold is met when elements of the contamination or hazardous lifestyle meet the criteria of Kansas Statutes.

INTRODUCTION:

Clandestine methamphetamine manufacturing and distribution has created a public health and safety crisis for the residents of Cloud County. Despite increased law enforcement efforts manufacturing and its devastation continues to rise at an alarming rate. Chemicals used in the manufacture of methamphetamine and other illegal drugs can be poisonous, corrosive, carcinogenic, flammable, and/or explosive. The drugs and chemicals present in methamphetamine and other drug labs are often easily absorbed by the body and/or breathed in as vapors. These chemicals often contaminate items in their vicinity, which can result in the need for disposal of contaminated items such as carpeting, furnishings, clothing and any items in the area to ensure the remediation of the hazardous environment. The risk to children at these locations is extremely high. Steps have been taken in Cloud County to address the needs of these children who have been found in meth labs. The following protocol set out in writing, outlines the Cloud County Agency-by-Agency approach to addressing this problem.

MISSION:

The Mission of the Drug Endangered Children Task Force is to identify and protect drug endangered children and to identify, provide, and continue services to them utilizing the criminal justice system, law enforcement, child welfare, and other community agencies with the goal of continuing to improve outcomes for these children. The program also seeks to deter methamphetamine production in the presence of children by arresting and prosecuting all manufactures and their accomplices who manufacture methamphetamine in a manner that endangers children.

PURPOSE:

In the interest of protecting children found in or near methamphetamine laboratories, the Drug Endangered Task Force project has developed a multi-agency cooperative effort involving the Offices of the Kansas Attorney General, Cloud County Attorney, Social and Rehabilitation Services, Juvenile Justice Authority, Juvenile Intake and Assessment, Municipal Police Agencies, Cloud County Sheriff's Office, Concordia Police Department, Kansas Bureau of Investigation, Cloud County Emergency Medical Services, City of Concordia Fire Department, Medical Centers in Concordia, Cloud County Health Center, Central Kansas Foundation, Regional Prevention Center of North Central Kansas, and Kerr's Counseling to address drug-endangered children's issues. These agencies will continue to work in a collaborative effort to facilitate a coordinated response to promote the health and

Cloud County DEC Protocol and MOU

REIMBURSEMENT / EXPENSE:

In the event of potential contamination of clothing, charitable organizations will be sought out for donations to the identified children in need. It is the expectation that children be properly clothed before transport to a designated emergency placement.

The designated point of contact for these agencies will be the Concordia Police Departments Dispatch Center as they have a listing for after hour contacts and numbers.

As dictated by SRS policy, all law enforcement protective custody placements of children are funded by SRS. An example of this would be emergency placement with a Foster Care family.

The precise funding source within SRS will likely fluctuate. However, it will be the responsibility of SRS to determine which funding source is appropriate for the payment of physical exams related to abuse and neglect assessments.

AGENCY-by-AGENCY PROTOCOL APPROACH:

Law Enforcement-

If the officers on scene feel the children need decontamination or any medical attention, they shall call for it immediately. Notification of SRS will be the responsibility of the Law Enforcement agency that has jurisdiction at the crime scene in the event children have been found so that SRS may become involved from the onset. If no medical attention is required the children are placed in the custody of Juvenile Intake and Assessment for processing and placement. Reports shall be made by the law enforcement officers to support the CINC case. Evidence is documented, photographs are taken and reports are made in reference to the condition of the home any exposures or dangers, etc. This should be sufficient to show endangerment of a child.

Emergency Management Responsibilities:

Emergency Medical Services-

If necessary, Cloud County EMS/ City of Concordia Fire Department personnel will respond to methamphetamine or other drug laboratories where children are present. If children are contaminated they will be decontaminated by the Haz-Mat Team on scene prior to assessment. The appropriate field treatment will be provided by EMS and if indicated, transport made to local health care facilities for further assessment and treatment. At the request of law enforcement, the hospital medical records department will make available EMS and ED records for trail purposes. When applicable, law enforcement will provide a statement of services from Cloud County Health Center or other medical providers to the prosecutor for consideration of financial restitution.

Cloud County DEC Protocol and MOU

4. Lab as indicated

- a. Routine urine and toxicology should be done acutely (within 12 hours)
- b. Complete blood count and liver function tests within 72 hours
- c. Complete metabolic profile including BUN, creatinine

It is the policy of the Cloud County Health Center (Hospital) that all information copied and released is done through the Health Information during regular office hours, Monday-Friday. In the event the patient would be transferred to another health care facility then the transfer policy would be followed:

1. Hospitals will comply with all state and federal laws relating to maintaining the privacy and confidentiality of health information.
2. Hospital may use and disclose health information for treatment, payment or health care operations unless the Hospital has agreed to a restriction on the use or disclosure.
3. Hospital will obtain a written acknowledgement that the patient has received its Notice of Privacy Practices. If a written acknowledgement is not obtained, the Hospital will document its good faith efforts to obtain the acknowledgement.
4. Hospital may use and disclose health information incident to other disclosures when the use or disclosure is simply a by-product of a proper use or disclosure and reasonable safeguards have been implemented to minimize the disclosure.
5. Hospital may use and disclose health information without authorization when that information has been completely de-identified or has been de-identified as a limited data set.
6. Hospital will not disclose protected health information without a signed authorization unless the disclosure meets the policy criteria for
 - Disclosure required by law;
 - Disclosure for public health activities;
 - Disclosure for victims of abuse, neglect, or domestic violence;
 - Disclosure for health oversight;
 - Disclosures for judicial and administrative procedures;
 - Disclosures for law enforcement purposes;
 - Disclosures to coroners, medical examiners, and funeral directors;
 - Disclosures for cadaveric organ, eye or tissue donation;
 - Disclosures for research;
 - Disclosures for averting serious threats to health or safety;
 - Disclosures for specialized government functions;
 - Disclosures for worker's compensation;
 - Disclosures for marketing and fundraising;
 - Disclosures for workforce crime victims;
 - Disclosures for general public disclosures and to clergy;
 - Disclosures for persons involved in the patient's care;
 - Disclosures for disaster relief;
 - Disclosure to Business Associates; or
 - Disclosure of de-identified or limited data set information.

Cloud County DEC Protocol and MOU

(NOTE: SRS does not have the authority to transport or place children not in SRS custody.) SRS will assist with interviewing the children and other involved parties as directed by law enforcement. SRS will assist with obtaining medical exams of the child if needed. SRS will obtain the drug endangered child(ren)'s medical history and provide relevant information to law enforcement. SRS will provide services to the drug endangered children and their families, whether the child is in SRS custody or not. Services may be ongoing as needed. SRS will work with contractors to provide services related to out of home placement and subsequent reintegration. Any follow up medical procedures, as ordered by a physician or other health care provider, will be included on SRS case plans of children in SRS custody. SRS will recommend that the child remain in SRS custody when parents are unwilling to work toward a meaningful recovery or when they place their child(ren) at high risk of abuse, molestation or deprivation, whether intentional or unintentional. SRS will work with contractors to explore options of placing children with relatives and will make reports to the Cloud County Attorney.

SRS will provide law enforcement with any information received during the course of their Family Based Assessment that would assist in criminal prosecution. These forms will include the CFS (Children and Family Services) 1000, 1001, 1002, and the YA- 1010, which contains all narrative information.

All interviews, by all respective agencies, will be documented and provided to one another in a timely/expedited manner.

The same reports will be provided to the Cloud County Attorney's Office.

In the event that children are in need of supplies and clothing, such as when their clothes have been deemed contaminated, and clothing/ items need to be replaced before they are transported to homes of relatives or protective custody placement, Local Law Enforcement/fire & EMS will have access to clothing and supplies acquired for this purpose. SRS will work with local charity/service organizations including but not limited to the Cloud County Community Resource Center, Manna House, Ministerial Alliance, CASA and the Catholic Thrift Shop to help with the expense and provision of these initial supplies and other needed clothing

The designated point of contact for these agencies will be the 911 Dispatch Center which will maintain a list of after hours contact numbers.

As dictated by SRS policy, all law enforcement protective custody placements of children are funded by SRS.

Cloud County Attorney-

The Cloud County Attorney's Office agrees to take all reasonable steps to:

- Aggressively prosecute drug-endangered children cases.
- Provide training for Cloud County Law Enforcement Agencies on strategies and court preparation for drug-endangered children cases.

Cloud County DEC Protocol and MOU

MEMORANDUM OF UNDERSTANDING

Between The
CONCORDIA FIRE DEPARTMENT
The
CLOUD COUNTY RURAL FIRE DEPARTMENT
The
CENTRAL KANSAS FOUNDATION
The
CLOUD COUNTY HEALTH CENTER
The
CLYDE FIRE DEPARTMENT
The
GLASCO FIRE DEPARTMENT
The
JAMESTOWN FIRE DEPARTMENT
The
AURORA FIRE DEPARTMENT
The
MILTONVALE FIRE DEPARTMENT
The
KANSAS ATTORNEY GENERAL'S OFFICE
The
KANSAS BUREAU OF INVESTIGATION
The
PAWNEE MENTAL HEALTH
The
KERR'S COUNSELING AND CONSULTATION
The
CONCORDIA POLICE DEPARTMENT
The
CLOUD COUNTY SHERIFF'S DEPARTMENT
The
CLOUD COUNTY ATTORNEY'S OFFICE
The
CLOUD COUNTY EMERGENCY MEDICAL SERVICES/ EMERGENCY
MANAGEMENT
The
CLOUD COUNTY FIRE DISTRICT #4
The
STATE OF KANSAS SOCIAL AND REHABILITATION SERVICES
The
CLOUD COUNTY VICTIM SERVICES
The
REGIONAL PREVENTION CENTER OF NORTH CENTRAL KANSAS
And The
TWELVETH JUDICIAL DISTRICT JUVENILE INTAKE/YOUTH SERVICES

Cloud County DEC Protocol and MOU

- medical examination and drug exposure analysis as appropriate and practicable. Ideally, a medical assessment (wellness check) should be done on exposed children within two hours of discovery at a methamphetamine lab site.
6. Utilize medical personnel to collect blood and urine when immediate and single exposure analysis is paramount.
 7. If necessary, obtain copies of medical history documents of children in SRS custody, from the assigned SRS caseworker.
 8. Require the case investigator, or someone assigned by law enforcement, to contact the designated child "service facilitator" or counselor at the child's school of attendance and notify him/her that the drug -endangered child unwittingly experienced a traumatic event, which may affect the child's behavior or performance at school. An agency may choose to negotiate this requirement with SRS by requesting the assigned caseworker to make the service facilitator notification.
 9. Be responsive to all investigative follow -up requests by the Cloud County Attorney's Office within 72 hours of the request.
 10. Promote educational endeavors within the agency and the community to enhance the successful identification and prosecution of all drug-endangered children cases.
 11. Assist other Cloud County Law Enforcement Agencies in critical and/or severe DEC investigation.
 12. Require officers to attend all Child In Need Of Care (CINC) and SRS Fair Hearings when their testimony is deemed necessary by the Cloud County Attorney's Office and/or SRS to support permanent or long-term child placement other than with the child's legal guardian.
 13. Require the investigative officer for each drug-endangered child case to complete the DEC Evaluation Form (attached) and submit the original with the crime report to the Cloud County Attorney's Office and a copy to the case file. This form will be used for statistical data collection and made readily available to the agencies listed on this agreement upon their request.

The Cloud County Attorney's Office agrees to take all reasonable steps to:

1. Aggressively prosecute drug-endangered children cases.
2. Provide training for the Cloud 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. Maintain statistical data on the number of drug -endangered child cases referred by law enforcement, filed, and prosecuted, including disposition. The data will be readily accessible to the agencies listed on this agreement upon their request.
5. Attempt to recover lab costs incurred by the arresting agency, emergency medical services, 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.

Cloud County DEC Protocol and MOU

I agree with the above listed provisions and fully support the Cloud County Drug – Endangered Children Program.

Concordia Fire Department

Concordia Police Department

Cloud County Rural Fire Department

Cloud County Sheriff's Department

Central Kansas Foundation

Cloud County Attorney's Office

Cloud County Health Center

Cloud County Emergency Medical
Services / Emergency Management

Clyde Fire Department

Cloud County Fire District #4

Glasco Fire Department

State of Kansas Social and
Rehabilitation Services

Jamestown Fire Department

Cloud County Victim Services

Aurora Fire Department

Regional Prevention Center of
North Central Kansas

Miltonvale Fire Department

12th Judicial District Juvenile
Intake/Youth Services

Kansas Bureau of Investigation

Kansas Attorney General's Office

Kerr's Counseling

Pawnee Mental Health