

**MARSHALL COUNTY
DRUG ENDANGERED CHILDREN
INITIATIVE**

July 20, 2006

What is a Drug-Endangered Child?

- **Children who ingest or inhale illegal drugs in the home.**
- **Children exposed to the toxic chemicals of home drug labs**
- **Children exposed to the paraphernalia used to ingest, inhale or inject illegal drugs.**
- **Children who live in a home where illegal drugs are used and/or manufactured.**
- **Most importantly: Infants/ Children who suffer physical abuse and/or neglect as a result of their caretaker's substance abuse.**

The purpose of the multidisciplinary protocol is to provide professionals from Child Protective Services, Law Enforcement, Medical Services, and Prosecution a basis for the development of community specific procedures for situations where there are drug endangered children as a result of clandestine methamphetamine labs or other drug production, trafficking, distribution, and abuse.

Implementation of a DEC protocol that has been adapted for local community needs will ensure that children who may be at risk for exposure to dangerous chemicals and controlled substances receive protection, advocacy and support through a multidisciplinary approach. It will also provide the best opportunity for prosecution of individuals involved in manufacturing, selling, and abusing methamphetamine and other dangerous drugs while endangering children in the process.

Team members from each CORE agency:

Marshall County Department of Human Resources: Kathleen Rice

Marshall County Drug Enforcement: Ricky Phillips

Marshall County District Attorney's Office: Steve Marshall, District Attorney
Ed Kellett, Drug Court Prosecutor

Marshall County Drug Court: Angela Sparks
Marcheta Shaw

MISSION AND GUIDING VALUES:

The following mission and guiding values reflect the commitment of the DEC Initiative and program to ensure children exposed to drug environments are protected.

MISSION:

We will be unrelenting in the pursuit of safety for children exposed to the dangers of drug abuse environments in a manner that gives the child the best opportunity for a happy and productive future. Our efforts will include government agencies, private organizations, and the general public working in collaboration to:

- Prevent drug abuse
- Provide resources to children when drug abuse prevention efforts fail, and
- Aggressively break the cycle of drug abuse caused by those who manufacture, sell, and use drugs.

GUIDING VALUES:

The Marshall County DEC Initiative is guided by and promotes the following values.

SAFETY

- We will relentlessly pursue the end of drug abuse to prevent children from experiencing the physical, emotional, and psychological damage that exposure to drug environments cause.
- We will enhance the safety of children by removing them from dangerous drug environments and providing them with appropriate follow-up care and services.
- We will return or place children in family environments that are completely free of dangerous drugs.

COLLABORATION

- We will insist on the participation of everyone to actively pursue the end of social tolerance to the abuse of dangerous drugs.
- We will form alliances, partnerships, and organizations across all government and private services to ensure appropriate tools and resources exist to identify, remove, and treat children in dangerous drug environments.
- We will identify and implement multidisciplinary services and strategies necessary to break the cycle of drug abuse.

DEDICATION

- We will hold ourselves accountable to appropriately provide the services necessary to accomplish the mission of the Marshall County DEC Initiative.
- We will vigorously pursue the institutionalization of the Marshall County DEC Initiative.
- We will continually evaluate the effectiveness of our efforts to ensure the Marshall County DEC Initiative mission is achieved.

The following provides an overview of the responsibilities of the primary responders as well as other partner agencies.

Law Enforcement: Responsible for all investigative activities taking place at the site of a meth lab or other drug environment. Law Enforcement includes representatives from a variety of agencies including the Marshall County Drug Enforcement Unit, the Sheriff's Department and all local Municipal Agencies. The focus of the drug investigator is to collect evidence for court purposes. With the mission of the DEC the investigator along with CPS will collect evidence necessary to establish the elements of child abuse.

Child Protective Services: Provides for the immediate protection and insures the safety of the child, addresses temporary custody and shelter needs, arrange for transportation of the child for medical evaluation, and coordinates placement of the child/ren. The CPS Investigator also addresses the needs of the caregivers related to other community services. The CPS Investigator coordinates arrangements for the medical evaluation (if needed) either at a child advocacy center or at the appropriate medical facility. The focus of the CPS investigation is to gather factual information related to the potential dependency case, identify hazards to the child, ensure the welfare of the child and arrange other needed services.

Marshall County Court Referral Services: Will provide a DEC Drug Court. The purpose of this Drug Court will be to provide a court that will focus directly on cases involving parental child abuse and or neglect. The goal of this court will be to strengthen the coordination between the Court system and CPS and focus directly on the best interest of the child while providing ongoing treatment services, comprehensive case planning, and supervision to substance abusing parents. CPS will team together with Drug Court to provide a coordinated effort on behalf of drug endangered children and provide programs that focus on family issues. The Drug Court Program will continuously facilitate access to services through the exchange of information and coordination across systems. In coordination with law enforcement the Drug Court Program will interview,

assess and make referrals as early as possible in the court process to ensure the best possible outcomes.

PROSECUTION:

Arrest and Criminal Prosecution

1. Law enforcement officers must decide whether to arrest a suspected perpetrator of child abuse and neglect. This decision is based upon probable cause, facts, potential harm to a child through a preliminary hearing, and circumstances that would lead a reasonable person to believe that the suspect has committed a crime.

2. Although the decision to arrest is a discretionary one, arrest based on probable cause should be considered in all cases of abuse and neglect. Some of the circumstances may include:

- a. It is necessary to protect the child.
- b. It would preclude the need to remove the child from the home.
- c. The abuse or neglect was intentional, or showed reckless disregard for the child's safety.
- d. The perpetrator is likely to flee the jurisdiction with the child.
- e. There is reason to believe that the abusive or neglectful behavior will continue or be repeated.

3. The decision to arrest should be made in consultation with the Marshall County District Attorney's Office.

LAWS RELATING TO CHILD ABUSE:

To amend Section 25-15-2 of the Code of Alabama 1975, relating to definitions for child abuse, to define the terms “chemical substance,” “controlled substance,” “drug paraphernalia,” and “serious physical injury”; to add Section 26-15-3.2 to the Code of Alabama 1975, to provide for the crime of chemical endangerment of exposing a child to an environment in which controlled substances are produced or distributed and to provide penalties; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901.

26-15-2 CODE OF ALABAMA 1975 IS AMENDED TO READ AS FOLLOWS:

Section 1. Section 26-15-2 of the Code of Alabama 1975, is amended to read as follows:

“26-15-2.

“As used in this chapter, the following terms shall have the following meanings:

“ (1) CHEMICAL SUBSTANCE. A substance intended to be used as a precursor in the manufacture of a controlled substance, or any other chemical intended to be used in the manufacture of a controlled substance. Intent under this subdivision may be demonstrated by the substance’s use, quantity, manner of storage, or proximity to other precursors, or to manufacturing equipment.

“ (2) CONTROLLED SUBSTANCE. Controlled substance as defined in subdivision (5) of Section 20-2-2.

“ (3) DRUG PARAPHENALIA. Drug Paraphernalia as defined in Section 13A-12-260.

“ (4) RESPONSIBLE PERSON. A child’s natural parent, stepparent, adoptive parent, legal guardian, custodian or any other person who has the permanent or temporary care or custody or responsibility for the supervision of a child.

“ (5) SERIOUS PHYSICAL INJURY. Serious physical injury as defined in Section 13A-1-2. “

Section 2. Section 26-15-3.2. (a) A responsible person commits the crime of chemical endangerment of exposing a child to an environment in which he or she does any of the following:

(1) Knowingly, recklessly, or intentionally causes or permits a child to be exposed to, to ingest or inhale, or to have contact with a controlled substance, chemical substance, or drug paraphernalia as defined in Section 13A-12-260. A violation under this subdivision is a Class C Felony.

(2) Violates subdivision (1) and a child suffers serious physical injury by exposure to, ingestion of, inhalation of, or contact with a controlled substance, chemical substance, or drug paraphernalia. A violation under this subdivision is a Class B Felony.

(3) Violates subdivision (1) and the exposure, ingestion, inhalation, or contact results in the death of the child. A violation under this subdivision is a Class A Felony.

(b) The court shall impose punishment pursuant to this section rather than imposing punishment authorized under any other provision of law, unless another provision of law provides for a greater penalty or a longer term of imprisonment.

(c) It is an affirmative defense to a violation of this section that the controlled substance was provided by lawful prescription for the child, and that it was administered to the child in accordance with the prescription instructions provided with the controlled substance.

LAW ENFORCEMENT RESPONSE: Procedure

In the best interest of the child, sensitive and confidential information should be shared amongst interagency DEC team members. Law enforcement should notify Child Protective Services when there is a reason to believe that a child has been exposed to controlled substances or illegal drug manufacturing activities.

- **Secure the scene and ensure the safety of initial responders and civilians present.**
- **Contact 911 if a child has obvious injuries or illness.**
- **Notify CPS to respond at the scene.**
- **Turn custody of the child over to CPS.**
 - a. LE does not release child to family members or neighbors. CPS oversees placement of child.
 - b. CPS attempts to locate and coordinate placement of children that are not on the premises.
- **Notify Designated Child Abuse Investigator (Sheriffs Dept.) who start the DEC investigation.**
 - a. **Examine the scene for evidence that indicates the presence of children.**
 - b. **Take measurements comparing the height and reach of the child in relation to the location of controlled substance/ lab equipment (chemicals).**
 - c. **Document and video or photograph the scene giving particular attention to the following risk factors.**

- 1. Children's accessibility to drugs, chemicals, syringes, pipes or other drug paraphernalia.**
- 2. Proximity of hazards to children's play, sleeping and eating areas.**
- 3. Non-drug hazards and other indications of neglect.**
- 4. Access to guns and/or pornography.**
- 5. Food quantity and quality.**
- 6. Sleeping conditions.**
- 7. Sanitary conditions.**

d. Photograph the children at the scene and document the following:

- 1. Injuries**
- 2. Cleanliness and dress**
- 3. Signs of neglect**

e. Interview neighbors, or others who may have witnessed children in home or at school.

CHILD PROTECTIVE SERVICES RESPONSE: Procedure

When there is reason to believe that abuse and neglect of a child has occurred as a result of illegal manufacturing activities or use, it is essential for Child Protective Services or their designee to:

- Respond at the scene.
- Arrange for safe placement of child:
 - Attempt to locate and coordinate removal of children that are not on the premises.
- Arrange for decontamination of child: EMS to be called in cases where decontamination is necessary.

It is necessary to remove a child's clothing who is found at a lab scene, decontaminate the child in a minimally traumatic manner (such as warm water or pre-moistened wipes) and provide clean and appropriate attire prior to removing them from the scene.

- Conduct initial interview with child:
 - Forward appropriate reports to LE and prosecutor.
- Transport child to receiving home or medical facility (if warranted).

a. A child's personal possessions should always be left at lab scene to avoid possible chemical/drug contamination in other settings.

b. A close family member should be located and questioned concerning medical history and possible allergy or medical problems to assist EMT's at the scene and hospital personnel.

MEDICAL RESPONSE: Procedure

- Field Medical Assessment Protocol:
 - a.** The field medical assessment is done to determine whether children discovered at the scene of a methamphetamine laboratory are in need of *emergency medical care*. Medically trained personnel (i.e. EMT or Paramedic) must do assessment. If no medical personnel available child should be taken to the ER. Emergency medical personnel will follow the Alabama Department of Public Health Protocol 4.24 concerning possible poisoning and overdose.
 - b.** The emergency medical team and the hospital emergency personnel will act with the understanding that child is either in the custody of child protection services or in the physical custody of someone who has the legal authority to obtain medical care.
- For a child who has obvious injury or illness worker should call for ambulance service and child should be taken to the nearest Emergency Room.
 - a.** Evaluation at the ER should include:
 - 1.** Comprehensive Profile to assess liver and renal function and blood glucose.
 - 2.** A urine drug screen
 - 3.** A complete physical exam looking for signs of physical or other types of abuse.
 - 4.** Assessment of growth and nutritional status, including but not limited to height, weight, body mass index and percentiles compared to norms.
 - b.** The ER Physician should be made aware of chemicals or controlled substance that child may have been exposed too.
 - 1.** A heavy metal screen should be performed if the lab found is NOT an ephedrine-reduction or cold-cook lab or if otherwise indicated.
- For a child without obvious injury or illness, perform field medical assessment consisting of:

- a.**Vital signs (temperature, pulse, blood pressure, and respirations)
- b.**Pediatric Triangle of Assessment (Airway, Breathing, Circulation)

- For a child who does not exhibit illness, receives medical exam within 7 to 14 days after assuming custody.