

Rule 28. Telephonic Orders

~~(A)~~ (A) A person who intends to take an alleged abused, neglected, or dependent child into custody may request that a jurist grant by telephone, or by any other available remote technological means, an ex parte emergency order authorizing the taking of the child into custody if the following conditions are present:

~~(A)(1)~~ It is between the hours of 4:30 pm and 8:30 am Starting on or after 2:30 pm (Monday through Thursday) or 2:00 pm (Friday), or on any day the court is closed, or it is (e.g, a weekend or holiday), and until the court resumes on the next business day; and

~~(B)(2)~~ There are reasonable grounds to believe: At least one of the conditions contained in Juv. R. 6(A) are met.

~~(1)~~ The child is suffering from illness or injury and is not receiving proper care; or

~~(2)~~ The child is in immediate danger from the child's surroundings; or that a parent, guardian, custodian, or other household member has abused or neglected another child in the house hold; or

~~(3)~~ The child's removal is necessary to prevent immediate or threatened physical or emotional harm.

~~(B)~~ (B) The person who wishes to take the child into custody shall call the on-call jurist who shall conduct a hearing to determine whether the child should be taken into custody. The hearing shall be recorded and the recording shall become part of the court record.

~~(C)~~ (C) After the hearing is conducted, the person who requested the hearing shall prepare an entry pursuant to Juvenile-Local Rule 25-32.

~~(D)~~ (D) The prepared journal entry shall be signed and journalized pursuant to Juvenile-Local Rule 25-32 and 25.1-33.

~~(E)~~ (E) A sworn complaint shall be filed with respect to the child before the end of the next business day on which the child is taken into custody.

~~(F)~~ (F) A hearing shall be conducted before the end of the next business day after the day on which the emergency custody order is issued, except that it shall not be conducted later than seventy-two hours after the emergency order is issued. The person taking the child into custody shall give the parents of the child notice of the next business day hearing.

(G) Should the ex parte emergency order be granted, the requesting party shall file a Complaint related to the same matter by the end of the next business day of the court. Should the requesting party fail to timely file a Complaint, the ex parte emergency order shall terminate and the case will be dismissed by operation of law.