

## **Rule 28. Telephonic Orders**

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

- (A) It is between the hours of 1:00 pm and 8:30 am Monday through Friday, the court is closed, or it is a weekend or holiday;
- (B) There are reasonable grounds to believe:
  - (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.
- (C) 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.
- (D) After the hearing is conducted, the person who requested the hearing shall prepare an entry pursuant to Juvenile Rule 25.
- (E) The prepared journal entry shall be signed and journalized pursuant to Juvenile Rule 25. A case shall be initiated the next business day by the Clerk of Court with an AD case designation with the clerk receiving the Telephonic Order of Removal signed by the jurist.
- (F) 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. In the event a complaint is not filed before the end of the business day in accordance with this provision and/or other order of court, any Telephonic Order of Removal issued shall be terminated by operation of law and the Clerk of Court shall close out the case in the Court's case management system as "Dispositioned - Dismissed" without the need for further Order of Court.
- (G) Unless otherwise continued by order of court, 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.