 Department of Children & Family Services <i>Building a Stronger Louisiana</i>	Division/Section	Child Welfare
	Chapter No./Name	4 – Child Protective Services (CPS)
	Part No./Name	5 – Conducting Investigations of Reports of Child Abuse and/or Neglect in Families
	Section No./Name	Conducting Investigations of Reports of Child Abuse and/or Neglect in Families
	Document No./Name	4-521 Types of Safety Plans
	Effective Date	October 5, 2021

I. STATEMENT OF POLICY

When a child is determined to be unsafe at any time, a safety plan must be implemented. A child cannot be assessed as unsafe without an immediate safety plan implemented.

II. PROCEDURES

A. Types of Safety Plans

Two main types of safety plans, In-home and Out of Home, are used by CPS. In-Home safety planning includes DCFS In-Home Safety Plans and Instanter Safety Plan Orders (also previously referred to as Court Ordered Safety Plan). Out of Home Safety Plans include Instanter Order Provisional Custody to a Suitable Relative or Suitable Individual or Instanter Order Provisional Custody to DCFS (Foster Care).

A Restraining Order or Protective Order can also be used to manage safety in limited situations.


1. In-Home Safety Plans

Both the DCFS In-Home Safety Plan and the Instanter Safety Plan Order require an assessment of a feasibility of a safety monitor and planning of actions needed to ensure child safety. An agency clearance in the Clearance Module in ACCESS shall be completed on all safety monitors. In addition, if an In-Home safety plan is implemented the agency should have contact with the safety monitor weekly to ensure compliance of the safety plan. Refer to Section [4-516](#) for considerations with implementing an In-Home safety plan.

a. DCFS In-Home Safety Plan

i. What is a DCFS In-Home Safety Plan?

A DCFS In-Home Safety plan is the least restrictive safety plan. The safety plan is documented on the [Form 5-SP](#). The worker in consultation with the supervisor develops the safety plan with the parent/caretakers and safety monitor/provider. The DCFS In-Home Safety plan describes the threats of danger that the child(ren) are vulnerable to that the caretaker protective capacities cannot manage and the safety actions that need to be taken to keep the child(ren) safe. **The safety plan must contain no promissory commitments and cannot restrict contact with the child(ren) and the parent/legal caretaker.** The parent/caretakers, safety monitor(s)/provider(s), worker, and supervisor sign the form to

 Department of Children & Family Services <i>Building a Stronger Louisiana</i>	Division/Section	Child Welfare
	Chapter No./Name	4 – Child Protective Services (CPS)
	Part No./Name	5 – Conducting Investigations of Reports of Child Abuse and/or Neglect in Families
	Section No./Name	Conducting Investigations of Reports of Child Abuse and/or Neglect in Families
	Document No./Name	4-521 Types of Safety Plans
	Effective Date	October 5, 2021

indicate agreement and a copy is provided to all parties. The case shall be staffed for transfer with Family Services within 5 calendar days of implementing the safety plan unless unsafe conditions have been resolved, or Manager approves delay in transfer to Family Services. A DCFS In-home safety plan can only be terminated if the child is determined to be safe or if a more restrictive safety plan is implemented. In addition, there should be careful consideration if a Child in Need of Care petition needs to be filed.

ii. DCFS In-Home Safety Plan Criteria

All three answers to the criteria below must be “yes” for a DCFS In-Home Safety Plan to be implemented:


- Do the caretakers have a living situation that is calm/consistent/stable enough where an in-home safety plan and services can be implemented?
- Are the caretakers willing to accept, be cooperative with, and comply with an in-home safety plan and services?
- Is there a suitable safety monitor who believes that a safety plan is needed, and is able to place the child’s safety and needs above their relationship with the caretaker(s)?

If a DCFS In-Home Safety Plan is not feasible due to answering “No” to any of the three criteria above, the next option is an Instanter Safety Plan Order.

b. Instanter Safety Plan Order

i. When to use an Instanter Safety Plan Order

When case factors and assessments indicate a DCFS In-Home Safety Plan may not provide sufficient assurance or degree of compliance or protection, court intervention may be utilized to promote compliance with the plan and safety for the child by the child’s parent. This court mandated Instanter Safety Plan serves as additional reasonable efforts to prevent removal or to return children when it is deemed an appropriate and safe course of action. Through an Instanter Safety Plan Order, a child remains in the legal custody of their parent. * Even while in the legal custody of the parent, this type of safety plan can offer restrictions for the parent’s contact with the child including things like all contact being supervised, ** *** the child *** * and parent moving to ** an alternative

 Department of Children & Family Services <i>Building a Stronger Louisiana</i>	Division/Section	Child Welfare
	Chapter No./Name	4 – Child Protective Services (CPS)
	Part No./Name	5 – Conducting Investigations of Reports of Child Abuse and/or Neglect in Families
	Section No./Name	Conducting Investigations of Reports of Child Abuse and/or Neglect in Families
	Document No./Name	4-521 Types of Safety Plans
	Effective Date	October 5, 2021


location * that offers more supervision, or other interventions as ordered by the court. This type of safety plan does not include ordering the child to live in an alternative location without the parent. ** This type of safety plan cannot be used with anyone other than the parent(s) of the child, it cannot be used with other legal or non-legal caretakers/guardians.

ii. Implementing an Instanter Safety Plan Order

The request for issuance of an Instanter Safety Plan Order shall be formalized by the filing of an affidavit/verified complaint with the court. The safety plan ([Form 5-SP](#)) shall be attached to the Instanter Safety Plan Order and the Affidavit in Support of Instanter Safety Plan Order. The signing of the Form 5-SP by the parent indicates their agreement to the plan, but this is not required to implement an Instanter Safety Plan. Agreement to the Instanter Safety Plan determines when an Instanter Safety Plan hearing is needed. The Instanter Safety Plan Order submitted to the court shall contain the description of the threats of danger, the child is vulnerable to the identified threats, and that the caretaker protective capacities cannot manage the threats. The safety actions and tasks to control the safety threats, when the actions and tasks will occur, who will complete the tasks and where it will occur, and the safety monitor/provider shall be identified in the safety plan presented to the court. If it is not possible to file a written Instanter Safety Plan Order affidavit/verified complaint and obtain a written order from the judge due to the immediate need of a safety plan, the CPS worker/supervisor shall request the issuance of an oral Instanter Safety Plan Order from the judge. The affidavit/verified complaint shall then be filed with the court within 24 hours.

The state has forty-five (45) days from the issuance of an Instanter Safety Plan Order to file a CINC Petition (if no extension has been granted). Otherwise, the Instanter Safety Plan Order terminates. It is best practice that the Form 10 be provided to the District Attorney within fifteen (15) days of the issuance of the Instanter Safety Plan Order for filing of the CINC petition. Refer to policy [4-710](#) for filling of the petition for Instanter Safety Plan order.

In addition, the case shall be staffed for transfer with Family Services within 5 calendar days of implementing the safety plan unless unsafe conditions have been resolved, or Manager approves delay in transfer to Family Services.

 Department of Children & Family Services <i>Building a Stronger Louisiana</i>	Division/Section	Child Welfare
	Chapter No./Name	4 – Child Protective Services (CPS)
	Part No./Name	5 – Conducting Investigations of Reports of Child Abuse and/or Neglect in Families
	Section No./Name	Conducting Investigations of Reports of Child Abuse and/or Neglect in Families
	Document No./Name	4-521 Types of Safety Plans
	Effective Date	October 5, 2021

Refer to Section 4-710 for legal requirements relating to an Instanter Safety Plan Order.

If an Instanter Safety Plan Order is not feasible, the next option is an Instanter Order Provisional Custody to Suitable Relative or Suitable Individual or Instanter Order Provisional Custody to DCFS.

2. Out of Home Safety Plans


When a DCFS In-home Safety Plan or an Instanter Safety Plan Order is not feasible, an Instanter Order for removal to a suitable relative, suitable individual, or DCFS may be considered when the child cannot safely remain at home. It is extremely important that removal of a child from his/her home be viewed as the alternative of last resort from protection of abuse/neglect. Four questions to consider when determining whether reasonable efforts were made before removing a child from his/her parent(s)/caretaker(s):

- What are the specific threats of danger leading to the request for removal of the child(ren) from their parent(s)/caretaker(s)?
- What can we do to remove the danger instead of the child(ren)? (Examples: preventative services, Instanter Safety Plan Order, Protective Order, etc.)
- Can and will someone the child/family knows move into the home with the child(ren) and parent(s)/caretaker(s) to remove the danger to the child(ren) with an Instanter Safety Plan Order in place?
- Can and will the parent(s)/caretaker(s) and child(ren) go live with a suitable relative or other individual to remove the danger to the child(ren) with an Instanter Safety Plan Order in place?

a. Instanter Order Provisional Custody to Suitable Individual

i. When to use an Instanter Order Provisional Custody to Suitable Relative or Suitable Individual

DCFS typically should not request that provisional custody be given to a relative or individual unless a home study has been conducted. At the minimum, a CPS clearance in the Clearance module in ACESS, a criminal background check, and Form 417 should be completed prior to requesting temporary custody to a relative or individual. The supervisor must approve this request as well. If the judge decides to grant provisional custody with a relative/individual, and DCFS did not request this, the judge should order that DCFS conduct a child protection clearance, criminal background checks, and a home study on the home and members of the home. In addition, BGC should be consulted if there are any concerns about the

 Department of Children & Family Services <i>Building a Stronger Louisiana</i>	Division/Section	Child Welfare
	Chapter No./Name	4 – Child Protective Services (CPS)
	Part No./Name	5 – Conducting Investigations of Reports of Child Abuse and/or Neglect in Families
	Section No./Name	Conducting Investigations of Reports of Child Abuse and/or Neglect in Families
	Document No./Name	4-521 Types of Safety Plans
	Effective Date	October 5, 2021

court order to consider either appealing or notifying the Judge of the new information that may warrant other legal action.

ii. Implementing an Instanter Order Provisional Custody to Suitable Relative or Individual

It should be articulated in the written instanter request and verified complaint how the child is unsafe as it relates to threats of danger, child vulnerability, and caretaker protective capacities. In addition, how continuation of the child in the home of his or her parent(s)/caretaker(s) is contrary to the child’s health, safety, and welfare; and, temporary removal from the parent(s)/caretaker(s) and placement in custody of a suitable individual or relative would be in the best interest of the child. When the child’s protection cannot be delayed long enough to prepare written documentation and transmit that documentation to the judge to sign the written order, an oral Instanter Order can be requested. Whether the judge grants or denies the oral Instanter Order, a written verified complaint must be filed with the clerk of court within twenty-four (24) hours. All facts previously relayed orally to the judge must be contained in the verified complaint. If additional information is learned after the issuance of the oral instanter, an Addendum to the Affidavit in Support of an Instanter Order can be filed.


The law requires that a safety plan shall set forth the conditions for contact with the child’s parent and other third parties as part of the instanter order.

Once the Continued Custody Hearing is held and the child is continued in the custody of a relative or individual or DCFS, the state has thirty (30) days to file a CINC Petition (unless an extension is granted). Otherwise, the Continued Custody Order terminates, and the child must be returned home. It is best practice that the Form 10 be provided to the District Attorney within fifteen (15) days of the continued custody hearing for filing of the CINC petition.

b. Instanter Order Provisional Custody to DCFS

i. When to use an Instanter Order Provisional Custody to DCFS

If there is no suitable individual that is available or willing to be granted provisional custody of the child, or the agency has not had time to conduct an assessment on the home on the individual including a child protection

 Department of Children & Family Services <i>Building a Stronger Louisiana</i>	Division/Section	Child Welfare
	Chapter No./Name	4 – Child Protective Services (CPS)
	Part No./Name	5 – Conducting Investigations of Reports of Child Abuse and/or Neglect in Families
	Section No./Name	Conducting Investigations of Reports of Child Abuse and/or Neglect in Families
	Document No./Name	4-521 Types of Safety Plans
	Effective Date	October 5, 2021

clearance and criminal background check due to emergent circumstances, then the agency is to request provisional custody be granted to DCFS.

ii. Implementing an Instanter Order Provisional Custody to DCFS


It should be articulated in the written instanter request and verified complaint how the child is unsafe as it relates to threats of danger, child vulnerability, and caretaker protective capacities. In addition, how continuation of the child in the home of his or her parent(s)/caretaker(s) is contrary to the child’s health, safety, and welfare; and, temporary removal from the parent(s)/caretaker(s) and placement in custody of DCFS is in the best interest of the child. When the child’s protection cannot be delayed long enough to prepare written documentation and transmit that documentation to the judge to sign the written order, an oral Instanter Order can be requested. Whether the judge grants or denies the oral Instanter Order, a written verified complaint must be filed with the clerk of court within twenty-four (24) hours. All facts previously relayed orally to the judge must be contained in the verified complaint. If additional information is learned after the issuance of the oral instanter, an Addendum to the Affidavit in Support of an Instanter Order can be filed.

Once the Continued Custody Hearing is held and the child is continued in custody of DCFS, the state has thirty (30) days to file a CINC Petition (unless an extension is granted). Otherwise, the Continued Custody Order terminates, and the child must be returned home. It is best practice that the Form 10 be provided to the District Attorney within fifteen (15) days of the continued custody hearing for filing of the CINC petition.

Refer to policy [4-805](#) for legal requirements relating to an Instanter Order Provisional Custody to Suitable Relative, Suitable Individual, or DCFS.

B. Temporary Restraining Order/Protective Order

For investigations in which the safety assessment indicates that a child is unsafe due to one parent/legal caretaker, but may have another parent/legal caretaker who is willing to provide protection, the worker and supervisor may suggest the willing parent/legal caretaker obtain private legal counsel or contact the court for guidance in seeking a Temporary Restraining Order or Protective Order. If the non-perpetrating parent is unable to request a Temporary Restraining Order or Protective Order, the department may request either order. The issue of whether or not to file a petition for a temporary restraining order or protective order must be staffed with BGC. If a decision to file a petition for a Temporary Restraining Order or Protective Order is made, the petition must be signed and filed by a BGC attorney or DA’s office. A Temporary Restraining Order is a court order which may be issued without a hearing if good

 Department of Children & Family Services <i>Building a Stronger Louisiana</i>	Division/Section	Child Welfare
	Chapter No./Name	4 – Child Protective Services (CPS)
	Part No./Name	5 – Conducting Investigations of Reports of Child Abuse and/or Neglect in Families
	Section No./Name	Conducting Investigations of Reports of Child Abuse and/or Neglect in Families
	Document No./Name	4-521 Types of Safety Plans
	Effective Date	October 5, 2021

cause is shown in order to protect children or adults from abuse or neglect until there is a hearing on if the Protective Order will be issued. The hearing on the Protective Order must be held within 10 days of the granting of the Temporary Restraining Order (unless continued for another 10 days). The relief provided in the Temporary Restraining Order may include but is not limited to: ordering individual(s) to refrain from abuse and neglect, granting possession of community property and/or the residence, and allowing return to the residence for personal necessities. A Protective Order can be issued after the hearing is held and can last up to six months (although it can be extended by the court and may also be modified). The relief provided in the Protective Order may include the relief provided in the Temporary Restraining Order plus an award of temporary custody, visitation and/or support, and/or an order for counseling or professional medical treatment. A Protective Order does not result in the disposition of permanent legal custody.

Refer to policy [4-710](#) for legal requirements relating to Temporary Restraining Orders/Protective Orders.

III. FORMS AND INSTRUCTIONS

[Form 5-SP](#) / [Instructions](#) Safety Plan

IV. REFERENCES

There are no references associated with this policy.