

## WCSA POLICY: CASE ORIGINATION PROCESS – CHINS PETITIONS

**PURPOSE:** to clarify for deputy state's attorneys and DCF workers certain minimum standards that must be satisfied in connection with the filing of a CHINS Petition is filed in Court.

### **POLICY:**

- **Emergency Care Order Affidavits** shall include a clear statement in the first paragraph:
  - That an ECO is being requested; and
  - Explaining the immediate safety threat that justifies an ECO.
- **When DCF requests assistance with a Woodside Placement**, WCSA must be presented with proof of compliance with DCF Policies 162 & 171. Proof of compliance is best submitted in the form of an email thread indicating that the DCF chain-of-command (beyond the district level) has approved a Woodside placement.
- **Continuing Duty to Disclose.** In the event that either an attorney or a DCF worker becomes aware of new information that would tend to benefit any party to a CHINS proceeding, including an adverse party, the attorney or worker shall notify all parties of the new information in the form of a supplemental affidavit, amended petition, or in the event time is short, an email. Failure to comply with this continuing duty to disclose could, in its worst form, constitute criminal contempt of court or obstruction of justice. For this reason, it is of paramount importance for all attorneys and workers to disclose any and all relevant information regarding a CHINS matter that becomes known to them at any point during the proceeding.
- **Witness List.** Within 72 hours of filing a petition, the worker and attorney shall communicate and reach a common understanding regarding the names and addresses of all witnesses. The term "witness" includes any person who has information relevant to the determination of the case initiated by the petition and affidavit. The term "witness" typically includes the child's mother, father, medical provider, school official, and counselor. Identification of witnesses is part of the "continuing duty to disclose" referenced above. Generally speaking, it is the DCF worker's duty to identify witnesses, and it is the attorney's duty to ensure that the witnesses are prepared and subpoenaed for contested hearings.