

Child Sensitive Arrest Procedures Model Policy

June 2025



**Municipal Police
Training Council**

New York State Division of Criminal Justice Services
80 South Swan Street, Albany, New York 12210

www.criminaljustice.ny.gov



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Witnessing the arrest of a child's parent or guardian, or other person legally charged with the care or custody of the child, or the separation caused by the arrest can be a confusing, fearful and an extremely traumatic event for the child. Ensuring the child is safeguarded with appropriate care and support for the child's well-being, safety and stability during a potentially traumatic time is crucial to minimizing trauma experienced by the child.

The purpose of this policy is to recommend protocol to law enforcement on child safeguarding procedures that allow for the individual needs of each of the police agencies in New York State regardless of size or resource limitations. The policy is designed to provide guidance to individual agencies as they develop their own Child Sensitive Arrest Procedures in accordance with Executive Law §840(3) (f-2)

The Municipal Police Training Council (MPTC) approved the model policy in June 2025.

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New York State Sheriff's Association

New York State Police

New York State Office of Children and Family Services

District Attorneys Association of the State of New York

New York City Police Department

The Osborne Association

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I. Purpose

Witnessing the arrest of a child's parent or guardian, or other person legally charged with the care or custody of the child, or the separation caused by the arrest can be a confusing, fearful and an extremely traumatic event for the child. Ensuring the child is safeguarded with appropriate care and support for the child's well-being, safety and stability during a potentially traumatic time is crucial to minimizing trauma experienced by the child.

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II. Policy

Law enforcement officers shall, to the extent practical and with the safety of all involved parties, take appropriate action that is conducive to the child's safety and/or security and consistent with policies and procedures contained herein.¹ The law enforcement agency will establish new and enhance existing relationships with local partners and other key partner organizations to ensure the timely, coordinated, and effective response to the child's well-being. Law enforcement officers within the agency will be trained to identify and respond effectively by safeguarding a child in a manner that supports the child's safety and well-being.

III. Definitions

- A. **Caregiver:** A responsible adult, over 18 years of age who has an existing positive relationship with a child, selected to temporarily care for the child in situations where another individual with legal custody of the child is unavailable. In some cases, responsibility for the temporary care and supervision of a child may be delegated to a relative, neighbor, friend, or another adult, as they are willing and able.
- B. **Chief Law Enforcement Officer:** The highest-ranking executive of a law enforcement agency who possesses command authority for its operation (e.g. Chief, Sheriff or their designee).

¹ NY Penal Law § 120.85 and NY Criminal Procedure Law § 140.17

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- C. **Child:** Any person under the age of 18, or as otherwise defined by NYS Social Services Law § 371(1), whether or not present at the arrest. For the purposes of this policy, a child may also mean children.
- D. **Child Protective Services:** A public service agency, or its contractee, that has authority to assume responsibility for the care, welfare, and temporary supervision of a child pursuant to law. For the purposes of this policy, this includes New York City Administration for Children's Services.²
- E. **Interpreter:** A person who is able to **orally** convert source language into targeted language, both receptively (i.e., understanding what the person is saying) and expressively (i.e., having the skill needed to convey information back to that person).
- F. **Parent or Guardian:** Any adult who is legally responsible for the well-being, supervision, and care of a child.
- G. **Partner Organization:** A group or agency who can assist the family with post-arrest support. This may include, but is not necessarily limited to, community-based organizations serving children and families, child protective services, probation/pretrial entities, victim advocates, medical/mental health services, schools, and faith-based programs.
- H. **Trauma:** An event, series of events, or set of circumstances that is experienced by an individual as physically or emotionally harmful or threatening and that has lasting adverse effects on the individual's functioning and physical, mental, social, emotional, or spiritual well-being.³

IV. Chief Law Enforcement Officer Responsibilities

- A. Maintain and provide officers a list of partner organizations to ensure the wellbeing of a child after a parent's arrest.
- B. Periodically review list of partner organizations to evaluate their effectiveness of response and care provided.

V. Pre-Arrest Planning

- A. When planning an arrest or search warrant, officers will take the following steps:

² [Local Departments of Social Services | Directories | OCFS](#)

³ Source: Substance Abuse and Mental Health Services Administration - <https://www.samhsa.gov/mental-health/trauma-violence>

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1. Determine, to the extent possible, if a child is likely to be present at the location.
2. If possible, delay the arrest until the child is not likely to be present, such as at school or daycare. Alternatively, consider another time and place for the arrest. If an alternate time or place for the arrest is not feasible, make arrangements in advance to have representatives from a Partner Organization or Child Protective Services (CPS) on standby should there be no alternative options for care and safety of the child.

VI. Making the Arrest - Procedures for Safeguarding a Child

- A. Determine the need for an interpreter and request the assistance of one when necessary. It is not appropriate for a parent or guardian to interpret for a child, nor should a child interpret for a parent or guardian. However, the parent and child may communicate with one another when deemed appropriate. Factors such as the nature of the crime, the safety of involved parties, victim status, and other legal concerns, should be considered when making that decision.
- B. When encountering an arrest or prolonged detainment, officers should, when it is reasonably practical, ask the arrestee whether they have caregiver responsibilities for any child who will lack appropriate supervision as a result of the arrest or prolonged detainment.
- C. Whenever feasible, officers should:
 1. Seek alternative means, to the extent possible, of determining caregiver responsibilities for any child if the arrestee is not an appropriate person to ask.
 2. Explore alternative options to arresting a parent or guardian, or caregiver in the presence of the child.
- D. When it is safe to do so, officers should allow the parent or guardian, or caregiver to comfort and assure the child that they will receive appropriate care. If this is not possible or if the demeanor of the individual(s) suggests that the conversation would be unproductive, an age-appropriate explanation of the caregiving arrangement and assurance that the child will be cared for will be given.

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- E. Arranging for care of the child
1. Upon an arrest or prolonged detainment, law enforcement officers should exercise all reasonable measures to ensure the safety of the arrestee's disclosed or discovered child, or child for whom the arrestee has caregiver responsibilities.
 2. In the absence of a court order restricting contact, officers should work to locate and place the child with the non-arrested parent or guardian.
 - a) If another parent or guardian is not available, temporary placement with a caregiver may be considered.
 - (1) Any decision should prioritize a care solution that is in the best interest of the child.
 - (2) The arrestee should be given a reasonable amount of time to establish an arrangement for the child's care with a caregiver. Consideration should be given to the arrestee to locate and access contact information to provide the department or a partner organization of a preferred alternate caregiver.
 - b) Unless there is evidence that the child's best interests would be compromised (e.g., signs of abuse, drug use, unsafe environment), law enforcement officers should respect the arrestee's decision regarding the child's care arrangements.⁴
 - c) Should concerns arise regarding the selected individual's capacity or ability to care for the child, the officer should seek assistance from a supervisor.
 - d) A preliminary NCIC or agency records management check should be conducted on the individual selected to safeguard the child (when the person is not a legal parent or guardian) prior to placement. The check should verify if there is a history of arrest for child abuse, sexual crimes, recent drug offenses, or other violent felonies which could potentially endanger the safety and well-being of the child.

⁴ See [MPTC Mandated Reporting of Child Abuse or Neglect Model Policy](#) for guidance

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3. Provide for the immediate care and supervision of the child in the most child friendly space or location available until an appropriate caregiver arrives.
- F. If children are not at the arrest location but at another known location the following actions should be taken.
1. When possible, a parent or guardian being arrested should be given the opportunity to notify the designated caregiver about the new caregiving arrangement.
 2. When it is not feasible for the parent/guardian who is being arrested to speak with the individual responsible for the child, the officer should make reasonable efforts to inform the individual responsible for the child of the new arrangements being made for the care of the arrestee's child.
 3. In the event a child is at school during an arrest, the arresting officer should promptly coordinate with their supervisor and, if applicable, a School Resource Officer to notify the principal or guidance counselor of the new care arrangement and any pertinent information related to the safety of the child.
- G. If the parent is unable or unwilling to identify a caregiver, and other suitable arrangements cannot be secured within a reasonable period of time, CPS or another partner organization will be contacted to take the child into custody and handle the emergency placement of the child.

VII. Post Arrest Procedures

- A. Document in the incident report whether the arrestee is a parent and all the actions taken to safeguard the child, including making entries in any relevant agency database.
- B. Follow-up to visit the caregiver to conduct a wellness check and offer information about community-based services for children and families should be conducted. A partner organization with resources specific to the situation may be best suited to handle the post-arrest follow-up.

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VIII. Training

1. The Chief Law Enforcement Officer shall ensure that all officers receive training developed in partnership with experts in child development and trauma to promote the child's safety, including recognizing and mitigating the impact on their well-being, when a parent or guardian is arrested. Collaboration with local community-based organizations through established partnerships should be considered for delivering the training.
2. This policy is not intended to be a substitute for proper training on child sensitive arrest procedures.