

Policy Name:	Obtaining and Executing a Pick-Up Order
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Any information referenced within this document is considered to be a part of this policy with the exception of the "related resources" section.

Summary:

This policy details the process for obtaining a Pick-Up Order, in accordance with Wisconsin Statute 48.13 and 48.19 in cases where the family is evading Child Protective Services (CPS) intervention and/or access to the child is denied. If a child is missing from out-of-home care refer to the Division of Milwaukee Child Protective Services (DMCPS) [Missing Children policy](#) regarding obtaining a capias. If a Pick-Up Order is being requested from another state, refer to the [DMCPS Child Welfare Manual](#).

Policy:

A pick-up order may be obtained when a child is believed to be in imminent danger of maltreatment and the parent or guardian is denying access to the child. Pick-Up Orders are used to ensure the child receives necessary medical treatment, a forensic interview, some other specific service, or to ensure for child safety by taking temporary physical custody (TPC). When a Pick-Up Order is pursued, the Initial Assessment specialist (IAS) or Ongoing case manager (OCM) must make a diligent effort to locate the child in close consultation with their supervisor and engage the family.

If a TPC order has already been granted or a CHIPS order is already in place, the IAS/OCM must follow the procedure set forth in [Court Directive 04-02A](#) to request a Capias (Wis. Statute 48.28) and follow the [DMCPS Missing Children policy](#). A capias is defined as a warrant issued by Children's Court when a child is missing from a court-ordered placement.

The procedure for obtaining and executing a pick-up order is detailed below. If a pick-up order is being requested during After-Hours, see the [DMCPS After-Hours policy](#).

Procedures:

1. The IAS/OCM must assemble and analyze all available information including health/medical information to assist in making a determination regarding the child's

- safety. This must include the nature and degree of danger to the child and the possible consequences of leaving the child with his or her current caretaker. The DMCPs Health Unit should be consulted with any health questions or concerns.
2. The IAS/OCM must obtain supervisory approval to move forward, which includes ensuring all the IAS/OCM's attempts to locate the child have been diligent.
 3. The IAS/OCM or IA Supervisor notifies the District Attorney's (DA's) office that a pick-up order will be submitted that same day.
 4. The IAS/OCM must prepare a *Request for Temporary Physical Custody or Pick-Up Order* form (a Milwaukee specific form). The form must be completed in eWiSACWIS and then the supervisor's signature must be obtained.
 5. The IAS/OCM must send the signed *Pick-Up Order form* to the DA's office (childwelfaremilwreferrals@da.wi.gov), meets with the Assistant District Attorney (ADA) for a pre-court conference at Children's Court, and may testify at the court hearing.
 6. If the Pick-Up Order is granted, the IAS/OCM must obtain a signed copy of the Pick-Up Order at the court hearing and then do the following:
 - a. The IAS must call the police district (non-emergency number) where the child is believed to be residing to inform them that a Pick-Up Order has been issued.
 - b. Fax the signed Pick-Up Order to the police district. If the child resides in the city of Milwaukee, it must also be faxed to the Milwaukee Police Sensitive Crimes Division (SCD).
 - c. The IAS/OCM must complete the [After-Hours Alert form](#) and send it to the After-Hours coordinator. This ensures that DMCPs After-Hours staff are informed that a Pick-Up Order has been issued.
 - d. Upload the Pick-Up Order under the legal record in eWiSACWIS.
 - e. Note: After the Pick-Up Order is issued, Children's Court will notify the sheriff of the Pick-Up Order.
 7. The IAS/OCM will coordinate with the assigned law enforcement officer to arrange a time and place to meet prior to the order's execution. The IAS/OCM will show the officer a hard copy of the Pick-Up Order when they meet.
 8. The IAS/OCM must make a diligent effort to locate the child in close consultation with their supervisor and document his/her attempts in an eWiSACWIS case note.
 9. Once the Pick-up order is executed by law enforcement, the IAS/OCM must immediately perform the actions detailed in the Pick-Up Order.
 10. If the actions detailed in the Pick-Up Order are completed by the IAS/OCM and the IAS/OCM determines there are no safety concerns, the IAS/OCM must contact the DA's office with a request to vacate the Pick-Up Order before closing the case.
 - a. The IAS/OCM must explain to the ADA why the Pick-Up Order should be vacated. After this discussion with the ADA a court hearing may be scheduled to vacate the Pick-Up Order.
 11. If attempts to execute the Pick-Up Order with law enforcement are unsuccessful, the IAS/OCM and their Supervisor should consider the following:
 - a. Contact law enforcement to determine if any other actions can be taken. If law enforcement is not able to take any further action to execute the Pick-Up Order, the IA Supervisor should consider contacting the DA's office (childwelfaremilwreferrals@da.wi.gov) to discuss obtaining a DA Private

- Investigator. If the ADA agrees there are significant and immediate safety concerns, the DA will request a DA Private Investigator on DMCP's behalf.
- b. Continue to make attempts to locate the child. The case will remain open even if the Initial Assessment is complete due to the issuance of a Pick-Up Order. The IAS/OCM must consult his/her Supervisor to determine when it is appropriate to request the DA's office vacate the Pick-Up Order.

Responsibilities:

IAS, IA Supervisors, OCM, OCM's Managers

Related Resources:

DMCP's Policies, Job Aids, Forms:

- [Missing Children Policy](#)
- [Process for Locating Families Policy](#)
- [Photo Documentation Policy](#)
- [DMCP's Child Welfare Manual](#)
- [TPC Checklist](#)
- [Request for Temporary Physical Custody or Pick-Up Order form DCF-F-CFS2017-E](#)
- [After-Hours Alert form](#)
- [Pick-Up Order Form Job Aid](#)

Child Welfare Standards:

- Safety Intervention Standards;

Children's Court Directives:

- Children's Court Directive 04-02a