

POLICY NAME: SEARCH AND SEIZURE	EFFECTIVE DATE: 04/01/04
ANNUAL REVIEWS: 01/01/05, 01/01/06, 01/01/07, 01/01/08, 01/01/09, 01/01/10, UPDATE REVISIONS: 08/25/10, 11/23/10, 11/24/10, 02/04/11, 04/03/11	

POLICY:

When receiving services through THE UNIQUE CARING FOUNDATION, INC. person served shall be free from any unwarranted search of their person or property as well as invasion of privacy. Person served shall be afforded the same rights as any citizen regarding searches with following exceptions:

1. Staff and foster parents may be authorized to conduct the two types of searches allowed at THE UNIQUE CARING FOUNDATION, INC.; (a) at the time of admission to establish a record of their personal property and (b) to control what is brought into the foster home.
2. A facility or foster home approved search may be conducted when there is reason to believe that dangerous or illegal substances, contraband or weapons have been brought into the facility, AFL provider home or foster home. The Unique Caring Foundation staff shall obtain authorization for a search from the supervising Qualified Professional, Quality Assurance Manager, Program Manager or Executive Director if the search disrupts services to person served or could be considered an invasion of person served privacy.

PROCEDURES:

1. Prior to any search taking place, the staff member, AFL provider or foster parent contacts the supervising Qualified Professional, Quality Assurance Manager, Program Manager or Executive Director for prior approval. If, in the judgment of the staff member or foster parent, a search needs to take place immediately, the search may be conducted, and a follow up call to the supervising Qualified Professional, Quality Assurance Manager or Program Manager immediately after the search.
2. THE UNIQUE CARING FOUNDATION, INC. authorizes two types of searches:
 - A. **Search of Person:** The person served personally empties their pockets inside out and turns shoes upside down. No patted frisk searches by staff member, AFL provider or foster parents are authorized.
 - B. **Search of Foster Home:** The home is searched for hidden items. The search is supervised by a staff member, AFL provider or foster parent. At any time a search is warranted and the person served refuses to be searched, a debriefing is held between the staff member and/or foster parent, and the supervising Qualified Professional, Quality Assurance Manager or Program Manager. A decision is made whether the police should be called to conduct the search. If it is determined that the person served has any illegal substances, contraband or a weapon, the supervising Qualified Professional, Quality Assurance Manager or Program Manager will authorize the police to be dispatched to conduct a search and help promote the safety of everyone involved. The foster parent or AFL provider has the power to decide and contact the police to perform a search. If such a decision is made, the incident must be documented on an incident report for Unique Caring record.

Reasons for a Search and Seizure Incident:

If the foster parent, beyond a reasonable doubt, knows that the foster child is:

- Distributing an illegal substances
- In possession of illegal substances
- In possession or a firearm or illegal weapon,
- In possession of expensive equipment in boxes that do not belong to them.
- In possession of expensive jewelry that is not theirs

The legal guardian will be made aware of the Unique Caring Foundation, Inc. policy during admission. Documents will be signed stating acceptance and authorization to the search and seizure policy that THE UNIQUE CARING FOUNDATION, INC. has in place. In the event that items' not belonging to the person served are confiscated during the search, the supervising Qualified Professional, Quality Assurance Manager or Program Manager will take possession of those items. A determination will be made regarding the disposition of item(s). Every effort will be made to return the item(s) to the rightful owner. If the confiscated items are illegal drugs, contraband and/or a weapon, the Director or Supervisor will turn the items over to the local police department. In both cases, the legal guardian will be contacted, within 24 hours in writing, or immediately if safety is an issue, by the supervising Qualified Professional of what has taken place.

Informing Legal Guardian or Legally Responsible Individual:

1. The legal custodian/legally responsible person is informed as soon as possible but within 48 hours after the search is conducted.
2. A Search and Seizure Report Form is completed and placed in the person served record by the Supervising Qualified Professional. The legal guardian will also receive a copy within 48 hours of completion of this report. Please note, the police department report will determine the delivery of this report.

Documentation:

Every Search and Seizure that required the presence of Law Enforcement must have a police report and number attached to the report. Every Search and Seizure shall be documented. The documentation shall include:

1. Action taken by foster parent
2. Reason for Search
3. Procedures followed in the search
4. A description of any property seized and
5. An account of the disposal of seized property.
6. Date & time of the search
7. Action taken by the agency
8. Name of the foster parent informing the agency
9. Date & time parent/guardian was notified by agency
10. Date & time the agency was informed

Parent/Guardian/Legally Responsible Person Signature/Staff

Date

Witness Signature

Date

SEARCH AND SEIZURE REPORT FORM

Before conducting a search review agency's Policy and Procedures. Fill in all blank and remember to contact your supervisor.

Name of Client: _____ Medical Record #: _____

Date of Search: _____ Time of Search: _____

Foster Parent Reporting Search: _____

Action Taken by Foster Parent

Action Taken by the Agency:

Reason for Search: Suspicious Search with Administration Approval

Description of property seized :

An account of how the seized property was disposed:

REPORTING INFORMATION:

Agency/Person	Contact Name	Notification Date	Notification Time
Unique Caring Foundation			
Parent/Guardian			
County DSS			
Law Enforcement			
Other			

Name/Title of Supervisor authorizing report (Please print): _____

Signature: _____

Date: _____