

Can DCPD Remove My Child Without a Court Order in New Jersey?

New Jersey DCPD Lawyers Explain Emergency Removals and What Parents Need To Know

Getting a knock at the door from [Division of Child Protection and Permanency \(DCPD\)](#) is frightening for any parent. When a caseworker or police officer then tells you they are taking your child, the moment can feel confusing, frightening and frustrating. Many parents in this situation assume that removing a child from a home always requires a judge to approve it first. But that is not always true in New Jersey.

Common questions we hear from parents include: Can DCPD really take my child without going to court first? What is a Dodd removal? What legal standard does DCPD have to meet? What happens after the child is removed? When does a hearing take place? And what rights do parents have to challenge the removal?

At [Williams Law Group, LLC](#), our New Jersey DCPD attorneys regularly work with parents facing emergency removals and the court proceedings that follow. Whether a removal has already happened or you are concerned it could, understanding how this process works may help you respond more effectively and protect your family's legal interests.

Can DCPD Remove My Child Without a Court Order in New Jersey?

The short answer is yes. Under New Jersey law, Division of Child Protection and Permanency (DCPD) may remove a child from the home without first obtaining a court order when the circumstances meet a specific legal standard. This authority exists because some situations involving children are too urgent to wait for a judge to review the facts and issue approval. The law is designed to protect children when the risk of harm is immediate and a court order cannot be obtained in time.

That said, this authority is not unlimited. DCPD cannot remove a child simply because a report has been made or because a caseworker has concerns. The legal standard requires that the child's continued presence in the home presents an imminent danger to the child's life, safety or health and that there is not enough time to seek a court order first. Whether that standard was actually met in any specific case is a question a Family Court judge reviews very quickly after the removal takes place.

Parents who find themselves in this situation often feel blindsided. Many had no idea that a removal could happen without a judge's approval. Understanding the legal framework that allows for emergency removals, what it requires and what protections exist for families can help parents know what questions to ask and what steps may be available to them in the days that follow.

What Is a Dodd Removal in New Jersey?

A Dodd removal is an emergency removal of a child from the home without a court order. The authority for this type of removal comes from [N.J.S.A. 9:6-8.29](#), part of New Jersey's child abuse and neglect statute. The name comes from the 1974 legislation sponsored by New Jersey State Senator Frank J. Dodd, which established the framework for emergency child removals. Before that law existed, removing a child from a dangerous home required going to court first, which was not always possible in a genuine emergency.

The law recognizes that some situations are too urgent to wait for a judge to review the circumstances and sign an order. If a child faces an immediate threat to their life, safety or health and there is not enough time to go to court, the law allows a caseworker, police officer or certain other authorized individuals to act right away.

Dodd removals are meant for genuine emergencies. They are not designed to be a routine way of removing children from families, and not every report of abuse or neglect will lead to one. Whether a Dodd removal was justified in a specific situation is something a court reviews very quickly after it happens.

When Can DCPD Remove a Child Without a Court Order?

Under N.J.S.A. 9:6-8.29, DCPD can remove a child without a court order when the child's continued presence in the home presents an imminent danger to the child's life, safety or health and there is not enough time to apply for a court order first. The word "imminent" is important. The danger must be present and immediate, not speculative or possible at some point in the future.

Several types of circumstances may give rise to a Dodd removal, including:

- **Visible signs of abuse or neglect** – A child who appears to have been seriously injured, is in obvious physical distress or is living in conditions that pose an immediate physical danger.
- **Notification of legal action** – When a parent or guardian is informed of pending legal proceedings against them for abuse or neglect, DCPD may act to remove the child before a preliminary hearing can take place.
- **No time for a preliminary hearing** – When the risk to the child is so immediate that even the brief delay of a court application could place the child in further danger.

The standard is imminent danger to the child's life, safety or health. Caseworkers make judgment calls based on what they observe and what has been reported. Those judgment calls can sometimes be wrong, and the court process that follows a removal gives parents the opportunity to challenge whether the removal was justified.

Who Has the Authority To Make an Emergency Removal?

Not every DCPD employee can initiate a Dodd removal. New Jersey law authorizes specific individuals to remove a child without a court order. These include designated DCPD employees, police officers, designated employees of the Probation Division and, in certain circumstances, physicians who are treating a child.

In many emergency removal situations, DCPD caseworkers and police work together. A police officer may accompany a DCPD caseworker to the home, and in some cases law enforcement takes the lead if the situation involves immediate physical danger. The involvement of law enforcement does not change the legal framework. The same imminent danger standard applies regardless of which authorized person carries out the removal.

It is also worth knowing that a hospital or physician treating a child may keep that child in their custody under certain circumstances without a court order, as provided under New Jersey law. This most commonly comes into play when a child arrives at an emergency room with injuries that raise serious abuse concerns and the medical team believes discharging the child would place them at further risk.

What Happens After DCPD Removes a Child Without a Court Order?

Once a child is removed through a Dodd removal, DCPD is required under [N.J.S.A. 9:6-8.30](#) to file a complaint in the New Jersey Family Court. This is not optional. The removal cannot simply stand on its own indefinitely without court review. The goal of this requirement is to make sure that a neutral judge, not just a caseworker, reviews whether the child's removal was lawful and whether it should continue.

After the complaint is filed, a hearing must be held within two business days. This hearing is commonly called a Dodd hearing or a Title 9 hearing. At the hearing, DCPD must present evidence and show cause for why the removal was appropriate and why the child should not be returned home. Parents have the right to appear at this hearing, and having legal representation at this stage is important.

This two-business-day window is short. Parents often learn about the hearing with very little notice. It is one reason why contacting an attorney as soon as a removal happens, or the moment parents believe one may be coming, can make a significant difference in the outcome of that first hearing.

What Happens at a Dodd Hearing in New Jersey Family Court?

The Dodd hearing takes place before a Family Court judge. It is a formal legal proceeding, even though it happens very quickly after the removal. DCPD is represented by a deputy attorney general from the New Jersey Attorney General's office. Parents who appear without their own lawyer are at a disadvantage from the start.

At the hearing, DCPD must demonstrate that the removal was justified. The Division presents the evidence and information that led to the removal, including the caseworker's observations,

the circumstances at the home and any police reports or medical records that were gathered. The judge considers whether the child was truly at imminent risk and whether returning the child home would be appropriate.

There are several possible outcomes at a Dodd hearing:

- **Court ratifies the removal** – The judge agrees the removal was appropriate and the child remains out of the home. DCPD is then required to work with the family on a plan with the goal of reunification.
- **Court orders the child returned** – The judge finds the removal was not justified or that conditions have changed enough to allow the child to return home, sometimes with conditions or services attached.
- **Temporary placement established** – If the child cannot immediately return home, the court may consider placement with relatives or a resource family while the case continues.

Either way, the Dodd hearing is not the end of the legal process. It is the beginning. If DCPD continues to pursue the case, additional hearings will follow, and parents will have further opportunities to present their position.

Does DCPD Have to Try to Keep The Family Together Before Removing a Child?

In most DCPD cases, the Division is expected to make reasonable efforts to prevent removal and try less drastic options first before taking a child from the home. This might include creating a safety plan, arranging services or making other changes that would allow the child to remain with the family while concerns are addressed.

In a Dodd removal, however, this requirement may not apply in the same way. When DCPD determines that a child is in imminent danger and there is no time for a court order, the law does not require the Division to exhaust less intrusive alternatives before acting. The situation is treated as an emergency, and the immediate safety of the child is the priority.

That said, once the emergency is past and the child has been removed, DCPD is typically expected to develop a plan focused on reunification, meaning helping the family address whatever concerns led to the removal so the child can return home. Not every removal leads to permanent separation. Many families do successfully reunite after a Dodd removal when the underlying issues are addressed.

What Rights Do Parents Have After a DCPD Emergency Removal?

Parents do not lose their rights simply because DCPD has removed a child. A removal is not a final determination about a parent's fitness, and it does not end the legal process. It's often the beginning. Parents have the right to be notified of the Dodd hearing, to appear at that hearing

and to present their own account of the circumstances. They also have the right to legal representation throughout the proceedings.

Parents also have the right to be considered for custody or placement of the child. Before placing a child in foster care, DCPD is generally expected to consider whether a relative can serve as a caregiver while the case moves forward. If there is a relative who is willing and able to provide a safe home, that option should be explored before a non-family placement is made.

Throughout any court proceedings that follow a removal, parents have the right to meaningfully participate. This includes the right to contest DCPD's claims, to offer evidence of their own and to challenge the Division's conclusions. How effectively a parent exercises those rights often depends heavily on whether they have experienced legal representation by their side.

What Should Parents Do If DCPD Has Removed Or Is Threatening to Remove Their Child?

If DCPD has removed your child or has told you that a removal may be coming, the most important step is to contact an attorney as quickly as possible. The timeline for a Dodd hearing is two business days, and it leaves very little time to prepare, and showing up to that hearing without legal representation can put parents at a serious disadvantage in a proceeding that matters enormously.

While waiting to speak with an attorney, there are some general things parents may want to keep in mind:

- **Be careful what you say to caseworkers** – You have the right to speak with an attorney before making detailed statements to DCPD. Anything said during a home visit or in a conversation with a caseworker can become part of the case record.
- **Document your circumstances** – Notes about conditions in the home, the child's wellbeing, any services the family has already engaged with and the events leading up to the removal can all be valuable to an attorney reviewing your case.
- **Do not make decisions about placement or services on your own** – DCPD may present options or ask for consent to certain arrangements in the immediate aftermath of a removal. Speaking with a lawyer before agreeing to anything gives you a clearer understanding of what you are agreeing to.
- **Act immediately** – The shorter the time between the removal and when legal counsel is involved, the more options may be available before the first hearing.

Every case is different, and the facts of what DCPD observed, what was reported and what happened at the time of removal all affect how the legal process unfolds. What is consistent

across these situations is that early legal involvement tends to lead to better outcomes for families.

How Can a New Jersey DCPD Lawyer Help After an Emergency Removal?

Do not underestimate the complexity, seriousness or urgency of your legal case. Our New Jersey DCPD attorneys at Williams Law Group, LLC, know how to handle every stage of a child welfare case, including emergency removals, Dodd hearings, Title 9 proceedings and the longer-term family court process that follows. We understand how quickly these situations develop and how much is at stake for families when a child has been taken from the home.

We can review the circumstances of the removal, assess whether DCPD met the legal standard required, prepare you for the Dodd hearing and work to present your strongest possible case to the Family Court judge. We also help parents navigate the case plan process and advocate for reunification when that is the appropriate goal.

If DCPD has removed your child or you believe a removal may be coming, do not wait to find out what happens next. [Contact](#) our law firm today. We can review your situation, explain your rights and get to work on your case right away. We understand how the New Jersey family court system handles DCPD matters and we're here to help you and your family through one of the most difficult situations a parent can face.