

## **FOSTER YOUTH MISSING FROM CARE NOTIFICATION**

### **AUTHORITY**

**California Assembly Bill:**

[AB 161, AB 2108](#)

**All County Letters:**

[ACL 25-67, ACL 19-26, ACL 22-100, ACL25-10, ACL24-18, ACL 16-15](#)

**All County Information Notice:**

[ACIN I-13-17](#)

**Related Welfare and Institutions Code:**

Section(s): [224.1, 634, 827.14, 16501.35, 16501.35\(b\)\(2\), 16501.35\(c\)\(1\), 16501.35 and 16524.6](#)

**Related Penal Code:**

Section [11166\(j\)\(3\)](#)

### **PURPOSE**

The purpose of [ACL25-67](#) was to inform counties of the changes made by the passage of [AB 2108](#) (Chapter 660, Statutes of 2024) and [AB 161](#) (Chapter 46, Statutes of 2024) as related to children that are missing from foster care. [AB 2108](#) amended section [16501.35](#) Welfare and Institutions Code (WIC) which now requires the Deputy Probation Officer (DPO), when they receive information that a youth with a placement order to foster care is missing from care, to immediately, but in no case later than twenty-four (24) hours from the receipt of that information, notify specified entities or persons, including the local law enforcement agency and the youth's or Non-Minor Dependent's (NMD) parents/guardians/Indian Custodians, and the youth's Tribe in the case of an Indian child, of the status of the missing circumstance. Additionally, [AB 161](#) amended Section [11166\(j\)\(3\)](#) Penal Code (PC) Assembly to require additional communication with and reporting to the National Center for Missing and Exploited Children (NCMEC) and law enforcement agencies regarding missing youth who are reasonably believed to be, or are at risk of being, victims of Commercial Sexual Exploitation (CSE). [AB 161](#) also added Section [827.14](#) WIC to provide for the authority to share this information from the juvenile case file with NCMEC as necessary to carry out the duties required by Section [11166\(j\)\(3\)](#) PC.

There are many reasons why a youth might be considered missing from foster care. Youth missing from foster care may have been abducted by a non-family member, been wrongfully taken or detained by a person related to them, wandered away from a safe environment and become lost, run away from a placement, or are otherwise missing from care for unknown reasons. In determining whether a youth is missing from care, the DPO should consider the following factors: if either their whereabouts are unknown to the agency, or the agency has located them, but they are in a location not approved by the court that may pose a risk to them, considering age,

intelligence, mental functioning and physical condition. For NMDs, the determination is whether they are missing or in a location that could pose a risk to them. As young adults, this assessment is based on the totality of the circumstances and whether the NMD left foster care voluntarily or is at-risk of substantial harm.

### **OVERVIEW**

Youth missing from care and/or runaway youth and NMDs are vulnerable to multiple risks and may experience, or engage in, harmful behaviors. It is the policy of the department in accordance with Federal and State regulations to work with community partners to assist in locating youth and NMDs in order to create safety for youth in care.

### **DEFINITIONS**

**Missing Child:** 16501.35(c)(1) WIC defines missing from foster care as, "when the whereabouts of a child subject to an order of foster care placement are unknown to the county child welfare agency or probation department, or when the county child welfare agency or probation department has located a child subject to an order of foster care placement in a location not approved by the court that may pose a risk to the child, taking into account the age, intelligence, mental functioning, and physical condition of the child." If a foster youth absconds from a placement, but their whereabouts are known to the DPO (e.g., left the approved placement and is with a friend or family member, refusing to return to their placement) the youth is considered missing from foster care.

**Missing NMD:** In the case of a NMD, this definition shall only apply if based on the totality of the circumstances, the department suspects that the NMD did not voluntarily leave foster care or is at risk of substantial harm (16501.35(c)(2) WIC), based on a determination that they are missing or in a location that could pose a risk to them. As young adults, this assessment is based on the totality of the circumstances and whether the NMD left foster care voluntarily or is at-risk of substantial harm.

### **PROCEDURE AND NOTIFICATION**

Section 16501.35 WIC mandates notification to specific entities and persons, immediately, but in no case later than twenty-four (24) hours, from receipt of information that the youth or NMD is missing from foster care. Notification to parents/guardians, CASA, Tribal representatives, siblings should occur in person or via telephone. The required notifications include:

- The Court of Jurisdiction (El Dorado County Superior Court).
- The youth's or NMD's parents, legal guardians or Indian Custodians, unless parental notification has been limited or terminated by the Court.
- The Court Appointed Special Advocate (CASA), if applicable.
- The youth/NMD's Attorney, and, if applicable, attorneys for the parents, legal guardians, or Indian Custodians unless notification has been limited or terminated by the Court.
- The youth's or NMD's Tribe or Tribal Representative, if the youth/NMD is or may be an Indian Child.
- Any known sibling of the youth or NMD who is ten (10) years of age or older and adjudged a ward or dependent child of the juvenile court, if such notice would not be contrary to the

safety and wellbeing of that sibling. Notice to siblings shall be provided in a trauma-informed manner.

- To the local law enforcement agency and tribal law enforcement agency, if applicable. If the youth is placed outside of El Dorado County, notice shall be provided to following: the jurisdictional law enforcement agencies within the county of placement, the El Dorado County law enforcement agencies: South Lake Tahoe Police Department (SLTPD), El Dorado County Sheriff's Office (EDSO), Placerville Police Department (PPD), as applicable), and to local law enforcement agencies where the parent(s), legal guardian(s) or Indian custodian reside. The DPO shall provide contact information for the assigned DPO, the Juvenile Treatment Center (JTC) and the placement Supervising Deputy Probation Officer (SDPO).

Section 11166(j)(3) PC adds to the existing reporting requirements for a youth who is believed to be a victim of or is at-risk of being a victim of CSE and missing from care, to include the following to law enforcement and tribal law enforcement:

- A photo of the missing or abducted youth.
- A description of the youth's physical features, such as height, weight, sex, ethnicity, race, hair color, and eye color.
- Endangerment information, such as the youth's pregnancy status, prescription medications, suicidal tendencies, vulnerability to being sex trafficked, and other health or risk factors, to the extent such information is released in compliance with other applicable laws,
- Information about whether the youth is or may be an Indian Child, including the name of the youth's Tribe (in accordance with 224.1 WIC).

A youth that is missing from care will be reported to the National Center for Missing and Exploited Children (NCMEC) by phone or making an online report: 1-800-THE-LOST (1-800-843-5678), or making an online report: [External Missing Child Data Entry Form](#).

Although Section 11166(j)(3) PC requires reporting to NCMEC *only* youth receiving child welfare services who are missing from care and have also experienced or are at risk of CSE, the California Department of Social Services (COSS) recommends county placing agencies to report all foster youth missing from care to NCMEC.

After the initial report, Section 11166(j)(3)(C) PC requires the DPO/Placing Agency to maintain regular communication with NCMEC and the applicable law enforcement agencies, including tribal law enforcement for all reported youth missing from care. Communication efforts should occur a minimum of every thirty (30) days, or upon the DPO or designee gaining information pertaining to the youth. The purpose of this communication is to support efforts to provide the safe recovery of missing youth, by sharing information related to the youth's recovery and circumstances related to the recovery. This information may also include, but is not limited to:

- The location of the youth, or a previous recent location.
- Names of persons recently in contact with the youth.

- New social media handles of the youth or recently uploaded information on existing handles.
- Any new photos obtained from persons in contact with the youth or from social media.

827.14 WIC permits probation departments to disseminate information from the juvenile case file to NCMEC as necessary to carry out the duties required by 11166(i)(3) PC.

Placement DPOs will review the following NCMEC resource as a guide for reporting elements: Case Worker Quick Reference Guide: Missing Child Reports to NCMEC.

### **DOCUMENTATION OF YOUTH MISSING FROM CARE**

The assigned DPO is responsible for attempting to visit youth if they are missing from care; the DPO shall ensure entries are made in the Case Management System (CMS) to document notification to parties of the youth missing from care (16501.35 WIC), ensure regular and consistent efforts of locating the youth, and to document the efforts in searching for the youth. In accordance with ACL 16-15 and ACIN I-13-17, the assigned DPO must attempt to locate a youth whose whereabouts are unknown. All efforts must be entered in the CMS and documentation of location efforts in CWS/CMS (in the contact notes), including documentation of required notices. Upon notification of a youth missing from care, the DPO will enter the Missing from Care event in the CMS, which will document the time of notification and prompt the DPO to create Form #788, Notice of Youth Missing from Care. Location efforts and notice requirements will also be documented in each Status Review Report filed during a youth's absence. Efforts to locate a missing youth should include, but are not limited to:

- Contacting significant person in a youth's life, including parent(s), Indian custodians, Tribal representatives, relatives, extended family members, teachers, therapist(s), CASA, Attorneys, former foster parents/siblings, and anyone the youth is close to such as friends.
- Physically check all places the youth is likely to be.
- Follow up on leads received regarding the youth's whereabouts.
- Conduct visits to relevant addresses or request a welfare check from local law enforcement.
- Consult and update the Interagency Placement Committee.
- Search social media websites (if authorized) and search public locator databases.
- Continue to search and document credit report checks.

The assigned DPO will assess the totality of the circumstances and staff with the SDPO for consideration of posting on social media and/or creating local alerts, including reporting the missing youth to the California Highway Patrol (CHP) for Ebony Alerts and Feather Alerts. If the youth is located by law enforcement and has an active bench warrant, the law mandates that the DPO is legally obligated to detain the youth after confirmation of a valid warrant.

When a youth is located, it is the responsibility of the assigned DPO to arrange for the return of the youth to care and assist in stabilization. If a youth had a warrant issued due to the abscond or missing from care, the DPO will coordinate return of the youth to the JTC. Per 16501.35(b)(2)

WIC, when appropriate and safe to do so, the DPO will utilize engagement and assessment strategies to identify:

- What primary factors prompted the youth's absence, assess for and address any additional trauma that occurred while missing from care.
- Determine the youth or NMD's experience while absent from care.
- Respond to those factors in subsequent placement, to the extent possible.
- Determine whether the youth or NMD was a possible victim of CSE.

The DPO will notify the CFT members of the youth's return to care and coordinate any changes to the Case Plan or a placement change with the input of the team, including the Tribe in the case of an Indian child. The DPO, in conjunction with the youth, CFT members, and agency networks will identify opportunities to enhance the youth's wellbeing and resilience. In addition, the DPO must determine the youth's experiences while absent from care, including whether the youth is a victim of CSE; all inquiries to the youth should be made in a trauma-informed practice. If determined the youth is at risk of or has been a victim of sexual exploitation, the DPO must utilize a multidisciplinary team approach to early identification, prevention education, case management, service planning and provision of services ([16524.6 WIC](#)). Additionally, the DPO shall notify a county Child Welfare Services representative so they may conduct a Commercial Sexual Exploitation (CSE) Identification Tool to determine the youth's risk of victimization.

#### **PROMISING PRACTICES FOR YOUTH WHO ARE MISSING OR RUN AWAY FROM FOSTER CARE ACIN 1-13-17**

Placement DPOs and the SDPO should have knowledge of promising practices for youth returning from a missing or absence from care. The Missing/Runaway Youth Debriefing Form provided in [ACIN 1-13-17](#) is a helpful tool for when a youth has been located and returned to care. While the **DPO** visit should happen as soon as possible, and no more than three (3) business days after the youth returns to care (or detention), the DPO should be mindful of allowing the youth time and space to decompress and stabilize following their time away. A debriefing interview should ideally be conducted by an adult of the youth's choosing, whenever possible. However, when the interview is not conducted by the assigned DPO, all information obtained should be shared with the assigned DPO to ensure that information collected is consistent with the guidance provided in [ACIN 1-13-17](#). It is also highly recommended the DPO consider a placement preservation strategy (if safe and appropriate) and incorporate the CFT to avoid any possible further disruptions. Additionally, if the youth experienced any new or additional trauma or their needs have increased while away from care the DPO must update the Integrated Practice Child Adolescent Needs and Strengths (IP-CANS) within thirty (30) calendar days of determining that a changed condition exists ([ACL 25-10](#)). [ACL 19-26](#) and [ACL 22-100](#) provide guidelines regarding placement preservation strategies.

#### **ACTIVE EFFORTS WHEN AN INDIAN CHILD IS MISSING FROM CARE**

[ACL 24-18](#) provides guidance to placing agencies regarding the requirements to make affirmative, active, thorough, and timely efforts ("active efforts") intended to maintain or reunite an Indian child with their family in Indian child custody proceedings. As noted in Section [224.1\(t\)\(3\)](#) WIC, "identifying, notifying, and inviting representatives of the Indian child's Tribe to participate in

providing support and services to the Indian child's family and in family team meetings, permanency planning, and resolution of placement issues," is a requirement. When a youth is missing from care, it is the placing agency's responsibility to notify and work collaboratively with the child's Tribe. This includes notifying the Tribe immediately, or no later than twenty-four (24) hours after the agency has received information that the child is missing, collaborating with the tribal representative on efforts to locate, and ensuring that the Tribe is regularly updated, particularly when the child has been located, to determine the most appropriate placement, if a placement change is necessary. Engagement with the Tribe may provide additional information to assist in locating the youth. The active efforts must be documented in the CMS.

## **HARM REDUCTION**

A harm reduction approach can be utilized in both preventing and mitigating risks associated when a youth/NMD is missing from care. These discussions should include how a youth can maintain their own safety while missing from care. This does not mean that leaving placement is encouraged or condoned, but instead meets the youth where they are, encourages openness, and builds trust. Creating harm reduction informed safety plans with every youth, but especially those at risk for leaving placement, is essential and should include resources that are youth-specific and based on the individual youth's needs. The safety plan should consider where the youth is at and include their preferences; a youth is much more likely to utilize a safety plan that they had a part in developing. Safety plans should include identified alternatives to leaving care, emergency contact information (shared and retained by several individuals), social media contact information, name and contact information for persons the youth agreed to check-in with while away from care, and safe ways to meet basic needs and receive services while away from care. If local resources for basic needs are limited, consider providing the youth with an emergency bag including items such as hygiene products, reproductive and sexual health products, a first aid kit, bus passes, and contact information to assist in returning to care.

Harm reduction should also be applied to all attempts to engage with a youth while they are missing from care:

- Attempt often to contact the youth via text, phone, email and/or social media.
- Coordinate communication with the youth's CFT members, including the youth's Tribe in the case of an Indian youth, and/or network of support to ensure the youth does not become overwhelmed by too many attempts to communicate.
- If contact is made, remain neutral and focused on their wellbeing. Be honest, express concern, but refrain from language that is punitive or condescending. Allow youth to have voice and choice in their return, exploring what the youth feel is in their best interest.
- Create a plan for return, broken down by safe and achievable steps, with the youth leading the plan when ready. Also consider input by the CFT in developing this plan. If the youth's whereabouts are known, discuss the possibility of convening a CFT meeting with the youth identifying who they want to participate in the meeting.
- Part of effective harm reduction implementation is to continuously assess the situation for increased risk. Should there be suspicion that the youth is in immediate danger, contact law enforcement.