

Orange County Probation Updated Protocol: Youth Who are Missing and/or Run Away from Care

AUTHORITY

[Assembly Bill \(AB\) 2108 Chapter 660, Statutes of 2024](#)

[AB 161 \(Chapter 46, Statutes of 2024\), AB 107 Chapter 22, Statutes of 2024\)](#)

[Welfare and Institutions Code \(WIC\) Section 16501.35, WIC 16524.6, & WIC 827.14](#)

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

[All County Letter \(ACL\) 25-67: Youth Who Are Missing / Run Away from Care and Protocol Development](#)

[ACL 24-18: Providing Active Efforts Where it is Known, or there is Reason to Know, A Child is an Indian Child](#)

[ACL 22-100: Placement Preservation Strategy Frequently Asked Questions](#)

[ACL 19-26: Placement Change Requirements](#)

[ACL 16-15: Youth Who Are Missing From Care](#)

OVERVIEW

ACL 25-67 informs counties of the passage of Assembly Bill (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 Welfare and Institutions Code (WIC) section 16501.35 which now requires the probation officer, when they receive information that a child receiving child welfare services is missing from foster care, to immediately, but in no case later than 24 hours from the receipt of that information, notify specified entities or persons, including the local law enforcement agency and the child's or nonminor dependent's parents/guardians/Indian Custodians, and the child's Tribe in the case of an Indian child. The AB 161 amended Penal Code (PC) section 11166(j)(3) requires additional communication with and reporting to the National Center for Missing and Exploited Children (NCMEC) and law enforcement agencies regarding missing children receiving child welfare services who are reasonably believed to be, or are at risk of being, victims of Commercial Sexual Exploitation (CSE). The AB 161 also added WIC section 827.14 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 PC section 11166(j)(3). Additionally, ACL 25-67 requires each county placing agency to submit updated protocols to California Department of Social Services (CDSS) for review and approval.

WIC section 16501.35(c)(1) defined missing from foster care as “when the whereabouts of a child subject to an order of foster care placement are unknown to the county probation department, or when the county 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.” In the case of a nonminor dependent (NMD), this definition shall only apply if based on the totality of the circumstances, the county probation department suspects that the nonminor dependent did not voluntarily leave foster care or is at risk of substantial harm (WIC section 16501.35(c)(2)). 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, DPOs 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 left care voluntarily or are a victim of harm or foul play (e.g. abducted or held against their will) and not voluntarily absent from care or in a location that could pose a risk to them. As young adults, this assessment is based on the totality of the circumstances. If the NMD leaves care voluntarily and provides a current address, they will not be reported as a missing person nor will a warrant be requested.

1. Upon learning that a youth/NMD has runaway, or is otherwise missing from care, the assigned DPO will:
 - a. Confirm the caregiver or program provider reported the missing youth/NMD to the local law enforcement agency, via a Missing Person's Report. The DPO will gather additional information such as the police report number and a Special Incident Report providing details on the youth/NMD.
 - b. If the above has not been completed, the DPO will immediately report the missing youth/NMD to the

- local law enforcement agency.
- c. The DPO will make notifications to specific persons or entities immediately, but no later than 24 hours, from learning that a youth/NMD is missing from care. These notifications include the following:
 - The youth/NMD's parents, Indian custodians, legal guardians unless parental notification/guardian notification has been limited or terminated by the court.
 - The youth/NMD's appointed attorney.
 - The youth/NMD's Court-Appointed Special Advocate (CASA).
 - The court of jurisdiction (during weekends, after hours and holidays the on-call judge/magistrate will be notified).
 - The youth/NMDs Tribe or Tribal Representative, if the youth/NMD is, or may be, an Indian child.
 - Any known sibling of the youth/NMD who is 10 years of age or older and adjudged to be a dependent child of the court, if such notice would not be contrary to the safety and well-being of that sibling. Notifications to siblings will be completed in a trauma informed manner.
 - The local law enforcement agency and in the case of an Indian youth/NMD any tribal law enforcement agency for the youth/NMD's tribe. If the youth/NMD is placed outside of their county of jurisdiction, the law enforcement in the jurisdictional county, where the parent(s), legal guardian(s) and Indian custodian reside will be notified.
 - d. The DPO will immediately attempt to contact the youth/NMD via telephone or contact any known relative to seek information on the youth/NMD.
 - e. If the youth does not immediately return to care, the DPO will submit a warrant request to the court within 24 hours of learning the youth has left care. Once the warrant is issued, the DPO complete the Start Stop Log and forward to the Placement Unit Clerk who will contact FC Eligibility via a Placement Information Change Notification (PIC).
 - f. If the NMD is a ward of the court and their whereabouts remain unknown, the DPO will submit a warrant request to the court. Once the warrant is issued for the youth/NMD, the DPO will complete the Start Stop Log and forward to the Placement Unit Clerk who will contact FC Eligibility via a Placement Information Change Notification (PIC).
 - g. The DPO will determine if the youth/NMD is reasonably believed to be a victim of or is at risk of being the victim of, commercial sexual exploitation, as defined in WIC 1165.1.
 - If the youth/NMD is believed to be a victim of or at risk of being the victim of sexual exploitation, the DPO shall immediately, but no later than 24 hours of receiving information, report the incident to NCMEC and to law enforcement including applicable tribal law enforcement, and include in the report:
 1. A photo of the missing or abducted youth/NMD.
 2. A description of the youth/NMD's physical features, such as height, weight, sex, ethnicity, race, hair color, and eye color.
 3. Endangerment information, such as the youth/NMD'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.
 4. Information about whether the youth/NMD is or may be an Indian child, as defined in WIC 224.1, including the name of the youth/NMD's tribe.
 - PC Section 11166(j)(3) requires the probation department to maintain communication with NCMEC and applicable law enforcement agencies, including tribal law enforcement to assist in safe recovery of the missing youth/NMD. Information shared will be related to their recovery and circumstances related to their recovery. This information may also include but is not limited to:
 1. The location of the youth/NMD, or a previous recent location.
 2. Names of persons recently in contact with the youth/NMD.
 3. New social media handles of the youth/NMD or recently uploaded information on existing handles.
 4. Any new photos obtained from persons in contact with youth/NMD or from social media.
 - h. Attempt to locate the youth/NMD by:
 - Contacting significant persons in the youth/NMD's life (e.g. siblings, relatives, friends, former caregivers, former and current schools and services providers to inquire if they have had any recent contact with the youth/NMD).
 - In the case of an Indian child, immediately notify the youth/NMD's tribe of the youth/NMD's

missing status. Notify the tribe of all efforts made to locate the youth/NMD and invite them to participate in further planning and search efforts.

- Requesting the youth/NMD's caregiver and/or parent make inquiries to the significant persons in the youth/NMD's life and report back any information obtained.
- Physically checking all the places where the youth/NMD is likely to be.
- Following up on leads received regarding the youth/NMD whereabouts.
- Conducting visits to relevant addresses or requesting a local law enforcement agency conduct a welfare check.
- Searching social media websites.
- Conducting a search of public locator databases (e.g. California Missing Children Clearinghouse, NCMEC, etc.).
- Document search efforts in the Child Welfare Services (CWS) Case Management System (CMS) and in the department's Electronic Contact Report (ECR).

2. If the youth/NMD's whereabouts remain unknown the DPO will:

- a. Attempt to contact the youth/NMD via text, phone, and or email.
- b. Conduct due diligence searches on an on-going basis, but no less frequently than once a month or as new and different information is received. This includes going to the youth/NMD's last known address or known frequented addresses and contact the youth/NMD's caregivers, parents, siblings, service providers, social workers, school personnel and make inquiries about the youth/NMD and request information on their whereabouts.
- c. If the youth/NMD is, or may be, an Indian child, also contact the youth/NMD's parents, guardian, Indian custodian, tribe or tribal representative. Active efforts which are affirmative, active, thorough, timely, and exceed reasonable efforts must be made to collaborate with the youth/NMD's Indian family, guardian, Indian custodian and the youth/NMD's tribe or tribal representative.
- d. Document search efforts in the Child Welfare Services (CWS) Case Management System (CMS) and in the department's Electronic Contact Report (ECR).

3. If the DPO makes contact with the youth/NMD, the DPO will:

- a. Use a harm reduction approach to prevent and mitigate risks while youth/NMD is missing from care.
- b. Remain neutral and focused on the youth/NMD's wellbeing. The DPO should be honest, express concern, but refrain from language that is punitive or condescending. Allow the youth to have voice and choice in their return, exploring what the youth feel is in their best interest.
- c. Discuss with the youth/NMD the possibility of their participation in a CFT meeting.
- d. Discuss and create a plan for the youth/NMD to return to placement. The plan should be broken down by safe and achievable steps with the youth/NMD's voice and choice leading the way.

4. Once the youth/NMD is located the DPO will:

- a. Pick up the youth/NMD from their location or arrange for the youth/NMD to return to care, if a warrant was not issued by the court.
 - Interview the youth and assess for any medical or mental health needs and make referrals as needed. If there is any suspicion of victimization or exploitation, law enforcement is summoned for assistance.
 - Interview the youth/NMD to determine the reasons why they left care and determine what services can be put in place to prevent the youth/NMD from leaving care in the future.
 - Develop a safety plan with the youth/NMD that identifies alternatives to the youth leaving care, emergency contact information, social media contact information, name and contact information for persons the youth/NMD agreed to check-in with while away from care, and safe ways to meet basic needs and receive services while away from care. If the youth/NMD is, or may be, an Indian child, engage the youth/NMD's tribe or tribal representative in the development and completion of any safety plan.
 - Upon the youth/NMD returning to care; all involved parties such as parents, legal guardian, caregivers, social worker, CASA, youth/NMD's attorney, tribe or tribal representative, and the Court, will be notified of youth/NMD's return to care.
 - Notify law enforcement and NCMEC the youth/NMD is located.
 - Complete the Start Stop Log and forward to the placement unit clerk who will notify FC Eligibility via the Placement Information Change Notification (PIC).

- Schedule a CFT meeting to identify and implement best practice strategies to develop an individual plan designed to meet the youth/NMDS's and family's needs to aid in placement preservation.
In any case where a youth/NMD is, or may be, an Indian child, the youth/NMD's tribe or tribal representative must be invited to participate in all aspects of the CFT.
 - Utilize conflict resolution practices to address conflict, concerns, and discuss solutions.
 - Review the Child and Adolescent Needs and Strengths (CANS) assessment tool with the CFT members, to identify and discuss strengths and unmet needs to guide case planning.
 - Actively engage CFT members such as educational, natural community supports, family members, professionals, tribe and or tribal representatives, and other individuals identified by the youth/NMD or family.
 - Make every effort to ensure the timely provision of support services, as deemed appropriate by the CFT members, for specific services to support placement stability.
 - Share information with caregivers and youth/NMD about the supports available through the Family Urgent Response System (FURS).
 - Document CFT and placement preservation strategy in the Child Welfare Services (CWS) Case Management System (CMS) and in the department's Electronic Contact Report (ECR).
- b. Arrest the youth/NMD if a warrant was issued by the court and book the youth/NMD into juvenile hall.
- During the intake process the youth/NMD is assessed by the medical unit and provided treatment as needed. If there is any suspicion of victimization or exploitation, law enforcement is summoned for assistance. The youth/NMD's mental health needs are also evaluated, and mental health services are requested as needed.
 - The medical unit assesses the youth/NMD for possible exploitation using the Human Trafficking CSEC Tool and will inform Probation staff if the youth/NMD is identified as CSEC or at risk. Probation staff will immediately contact the Child Abuse Registry (CAR) when a youth (under the age of 18) is newly identified CSEC or at risk. Additionally, SSA and Probation will conduct a joint assessment.
 - Probation may refer youth/NMDs who are identified as high risk, but not CSEC involved to CSEC prevention education classes and other services.
 - Probation may refer a CSEC identified youth/NMD to the CSEC On-Going Multi-Disciplinary Team for further assessment of needed services.
 - During the intake process, the youth/NMD will be interviewed to determine the reasons why the youth/NMD left care and determine what services can be put in place to prevent the youth/NMD from leaving care in the future.
 - Develop a safety plan with the youth/NMD that identifies alternatives to the youth leaving care, emergency contact information, social media contact information, name and contact information for persons the youth/NMD agreed to check-in with while away from care, and safe ways to meet basic needs and receive services while away from care. If the youth/NMD is, or may be, an Indian child, engage the youth/NMD's tribe or tribal representative in the development and completion of any safety plan.
 - Upon the youth/NMD returning custody; all involved parties such as parents, legal guardian, caregivers, social worker, CASA, youth/NMD's attorney, tribe or tribal representative and the Court, will be notified of youth/NMD's return to care.
 - Notify law enforcement and NCMEC the youth/NMD is located.
 - The DPO will complete the Start Stop Log and forward to the Placement Unit Clerk who will notify FC Eligibility via the Placement Information Change Notification (PIC).
 - Schedule a CFT meeting to identify and implement best practice strategies to develop an individual plan designed to meet the youth/NMDS's and family's needs to aid in placement preservation.
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REFERENCES:

[NCMEC Information](#)

[NCMEC "Sound Policy and Practice Recommendations"](#)

[NCMEC "Case Worker Guide to Reporting Missing Children"](#)

[ACIN 1-50-19 Harm Reduction Series- Probation Officer](#)

2/05/2026