

Background

AB 161 (Chapter 46, Statutes of 2024) as related to children that are missing from foster care. (The 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 child welfare agency or probation department, or when the county child welfare agency or probation department. In the case of a nonminor dependent (NMD), this definition shall only apply if based on the totality of the circumstances, the county child welfare agency or 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)).

Notification

When the San Diego County Probation Department receives a report of 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:

- The youth’s or NMD’s parents or Indian custodians, unless parental notification has been limited or terminated by the court.
- The youth’s or NMD’s legal guardians, unless guardian notification has been limited or terminated by the court.
- The attorneys for the parents, legal guardians, or Indian custodians unless notification of the parents, guardians or Indian custodians has been limited or terminated by the court.
- The youth’s or NMD’s attorney appointed pursuant to WIC section 317(c) or WIC section 634.
- The youth’s or NMD’s Court-Appointed Special Advocate (CASA), if one has been appointed.
- The court of jurisdiction. Request that a Juvenile Detention Order (JDO) be issued for youth under the age of 18. Arrest warrant for 18 and over or if youth is placed out of county.
- The youth’s or NMD’s Tribe or Tribal Representative, if the child or nonminor dependent is, or may be, an Indian child.
- Any known sibling of the youth or NMD who is 10 years of age or older and adjudged to be a dependent child of the juvenile court. If such notice would not be contrary to the safety and well-being of that sibling. Notice to siblings shall be provided in a trauma-informed manner.
- The local law enforcement agency and in the case of an Indian youth any tribal law enforcement agency for the youth’s Tribe. It is recommended that if the youth is placed outside of the jurisdictional county, that law enforcement

should be notified in the jurisdictional county, where the parent(s), legal guardian(s) or Indian custodian reside.

These notices include contact information for the case carrying probation officers and their supervisors within the placing agency issuing the notice.

Documentation

The assigned probation officer will document the notifications made in a contact log entry in the Probation Case Management System (PCMS). In addition, entries will be made into Child Welfare Services/Case Management System (CWS/CMS) by the assigned Probation Aide within the Youth Development and Community Support Services Division.

Reporting Requirements

The PEN section 11166 has been updated to include new communication and reporting requirements in alignment with the federal Trafficking Victims Prevention and Protection Reauthorization Act of 2022, PL 117-348. The amendments to PEN section 11166(j)(3) add to the existing reporting requirements for when a youth who is receiving child welfare services and who is reasonably believed to be the victim of or is at risk of being the victim of CSE is discovered to be missing from care.

PEN section 11166(j)(3)(B) requires that when county probation departments report a youth missing from care to NCMEC and to law enforcement, including applicable tribal law enforcement, they must now also include in the report, where reasonably possible:

- (a) Photo of the missing or abducted youth
- (b) Description of the youth's physical features (e.g., height, weight, sex, ethnicity, race, hair/eye color)
- (c) Endangerment information (e.g., pregnancy status, prescription medications, suicide risk, sex trafficking vulnerability, other health/risk factors)
- (d) Information about whether the youth is or may be an Indian child (as defined in Welfare and Institutions Code § 224.1), including the name of the youth's tribe

Probation Officer Responsibilities

Attempt to locate the youth by:

- Contacting significant persons in the youth'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.

- Requesting the youth's caregiver and/or parent make inquiries to the significant persons in the youth's life and report back any information obtained.
- Physically checking all the places where the youth is likely to be.
- Following up on leads received regarding the youth 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, National Center for Missing and Exploited Children, etc.).
- Develop a plan to return the youth to placement upon their return.

For youth whose whereabouts remain unknown after 30 days, the Probation Officer shall:

- 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.
- Document search efforts in San Diego Probation Case Management System (PCMS) and the Child Welfare Services (CWS) Case Management System (CMS) in the youth's 'Contact Notebook' and in each status review report filed during the youth's absence.
- Implement strict, trauma informed placement preservation strategies for youth missing from foster care, focusing on rapid, collaborative efforts to locate and stabilize them. Key strategies include holding a Child and Family Team (CFT) meeting to address underlying issues, using solution focused, restorative practices and, for youth returning from runaway situations, assessing factors that caused the absence to prevent future incidents.

Active Efforts when an Indian Child is Missing from Care:

San Diego County Probation must make affirmative, active, thorough, and timely efforts, also known as active efforts, to maintain or reunite an Indian child with their family in Indian child custody proceedings, which include but are not limited to the following:

- Notify the child's Tribe immediately, or no later than twenty-four (24) hours after learning the child is missing.
- Collaborate with the Tribe on efforts to locate the child and update the Tribe regularly on the child's status, including when located, to determine the most appropriate placement.

Harm reduction:

Harm reduction approaches for youth missing from foster care focus on safety, voluntary engagement, and addressing underlying trauma rather than punitive measures. Strategies include maintaining relationships, using Child and Family Teams (CFTs) to plan and return, and providing continued support to address the root causes of runaway behavior, such as abuse, trauma or system failures.

Key aspects of harm reduction include:

- Engagement strategies: PO is encouraged to reach out to youth with non-punitive, supportive and neutral communication.
- Preventing further harm: Implement strategies to prevent further victimization, such as commercial sexual exploitation (CSE) or substance use.
- Systemic support: Policies now emphasize keeping placements open for up to 14 days for youth missing from foster care.
- Preventing re-traumatization: Moving away from punitive measures that can cause further trauma.
- Policy and legal context: Recent regulations require PO's to engage in ongoing, intensive efforts to locate and stabilize missing youth, ensuring their safety and reducing the likelihood of future runaway behavior.

Once the youth is located, the Probation Officer shall:

1. Arrange for the immediate return of the youth to care.
 - a) With the youth's permission, contact the youth's previous substitute care provider (foster parent, program staff, etc.) to determine if there is willingness to have the youth returned and if it is suitable and safe for the youth to do so.
 - b) If the youth cannot return to their previous placement, explore the possibility of placing them with a suitable relative, non-related extended family member (NREFM), licensed foster family home, or other licensed placement that would best meet the youth's needs.
2. Assess the immediate needs of the youth.
 - a) Offer medical care for injuries, illness, or harm experienced while absent from placement (e.g. refer the youth to the Foster Care Public Health Nurse for consultation to rule out injuries, illness, pregnancy, sexually transmitted infections, effects of substance use, etc.).
 - b) Evaluate the youth's need for mental health services, foster youth services, or law enforcement assistance due to victimization/exploitation, exposure to or participation in criminal activity, missing school credits, etc.

- c) Offer to support the youth with accessing services by accompanying them or contacting a significant person in their life who they feel would help them access services.
- d) Meet with the youth as soon as possible, but no later than three business days after their return, preferably face-to-face, in a location that is comfortable for the youth, and where there is sufficient privacy.
- e) Determine the need for a Child and Family Team (CFT) meeting.
- f) Determine the factors that lead to the youth being absent from their placement and to the extent possible, address those factors in subsequent placements.
- g) Inquire about the youth's experiences while absent from care, including whether they were at risk of being or are a sex trafficking victim.
 - i. Appropriate services shall be provided to any youth who has been determined to be at risk or has been a victim of sex trafficking.
 - ii. Unless otherwise required by law, the information disclosed by the youth shall not be used to implicate them in a criminal charge or for any purpose other than tailoring services for them and to meet reporting requirements.

Resources

1. To report a youth missing from foster care or find additional information visit the National Center for Missing & Exploited Children (NCMEC) at www.missingkids.org/theissues/missingfromcare
2. The California Missing Children's Clearinghouse (MCCH) maintains a toll-free 24-hotline, seven days a week, to receive information and inquiries regarding missing youth. They also relay the information to the appropriate law enforcement agencies.
 - o Hotline: 1-800-222-FIND, Office: (916) 227-3490 Email: missing.persons@doj.ca.gov
3. The Preventing Sex Trafficking and Strengthening Families Act of 2014 mandates that State agencies report immediately, and in no case later than 24 hours, information about missing or abducted youth both to law enforcement and the NCMEC (42 U.S.C. § 671(a)(35)(b).
4. Active Efforts, what this entails and what it may look like, especially in the case of an Indian child: [ACL 24-18](#)
5. Placement Preservation Strategies: ACLs [19-26](#) and [22-100](#)
6. Harm Reduction, particularly when returning to care: [ACIN I-13-17](#)
7. Case Review ACLs/ACINs/CFLs: [ACLs/ACINs/CFLs](#)
8. [California Codes: Codes Tree - Welfare and Institutions Code - WIC](#)