

Juvenile Probation Protocol For Youth/Nonminor Dependents Missing From Care

Purpose

With the passage of Assembly Bill (AB) 2108 (Chapter 660, Statutes of 2024) and All County Letter (ACL) No. 25-67 Page Two AB 161 (Chapter 46, Statutes of 2024) as related to children/youth that are missing from foster care. AB 2108 amended Welfare and Institutions Code (WIC) section 16501.35 which now requires the Deputy Probation Officer (DPO), 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 (PEN) section 11166(j)(3) to require 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 PEN section 11166(j)(3). Additionally, this letter requires each county placing agency to submit updated protocols to California Department of Social Services (CDSS) for review and approval. In 2015, California law codified the requirements of the 2014 federal Preventing Sex Trafficking and Strengthening Families Act, Public Law (PL) 113-183 for the child welfare agency to demonstrate it had developed protocols to locate and respond to youth who run away or go missing from foster care (Senate Bill (SB) 794; Chapter 425, Statutes of 2015). Subsequently, ACL 16-15 provided instructions to counties regarding the policies and procedures, including actions taken to locate and respond to youth who run away or go missing from foster care. The additional intent of this ACL is to reiterate and provide updated guidance, information, and promising practices regarding noticing, locating, and responding to youth who go missing from foster care.

Overview

A youth or Nonminor Dependent (NMD) missing from foster care is any individual whose whereabouts are unknown after a reasonable amount of time for the youth/NMD to return, considering the youth's/NMD's age, intelligence, mental functioning, and physical condition or when the youth's/NMD's caregiver or DPO does not know the youth's location. There may be instances in which the youth/NMD runs away, and their whereabouts are known to the DPO (i.e., the youth left their placement and is with a friend and refuses to return). In these situations, the youth is also considered missing from foster care.

Federal law defines a “missing child” as any individual less than 18 years of age whose whereabouts are unknown to the child’s parent or legal guardian, which includes youth who have gone missing for any reason (34 U.S.C. 11292).

In the case of NMDs, the term “missing from care” shall only apply if based on the totality of circumstances, it appears the NMD did not voluntarily leave their foster placement or is at risk of substantial harm (WIC 16501.35(c)(2)).

Although no longer considered a child under U.S. federal law, NMDs who are missing from care are considered a Missing Young Adult (MYA). The National Center for Missing and Exploited Children (NCMEC) can assist with cases of MYA (between the ages of 18 – 20 years old).

Definition of Missing From 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 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 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)).

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, counties 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.

Procedure

- 1) Upon learning that a youth or NMD has run away or is otherwise missing from foster care, the assigned DPO or their Probation Services Manager (PSM) shall immediately (done at once or within twenty-four hours of learning the youth is missing):
 - Attempt to contact the youth/NMD via phone, email, text, and/or social media.
 - If contact is made, remain neutral and focused on the youth's/NMD's safety and well-being. Be honest, express concern, but refrain from using language that is punitive or condescending. See ACL 25-67 and ACIN 1-50-19 for utilizing a harm reduction approach.
 - a) Ask the youth/NMD if they are in a safe place or if they have any immediate health or safety needs.
 - b) Ask the youth/NMD if they are willing to discuss their current location.
 - c) Allow the youth/NMD to share their reasons for leaving.
 - d) Discuss options for the youth/NMD to return to care or with reporting to Probation.
 - e) Create a plan and explain it step-by-step, allowing the youth/NMD to have a voice in the process.
 - f) If time permits, consider input from the youth's/NMD's Child and Family Team (CFT) in development of the plan, but be sure to ask the youth/NMD who they want to participate in the CTF meeting.
 - g) Assess the youth's/NMD's status and if you suspect the youth/NMD is in immediate danger, encourage them to contact local law enforcement or report to somewhere safe. DPO or PSM should also contact law enforcement if the youth's/NMD's location is known.
 - h) 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 WICH 11165.

-If a youth/NMD is believed to be a victim of or at risk of being the victim of commercial sexual exploitation, the DPO or PSM shall immediately, or in no case later than 24 hours from receipt of the information, report the incident to the appropriate law enforcement

agency that can enter the information into the National Crime Investigation Center (NCIC) database of the Federal Bureau of Investigation (FBI) and report to the National Center for Missing and Exploited Children (NCMEC) by calling 1-800-843-5678 or making an online report at [NCMEC Online Report](#).

WIC 827.14 permits Probation Departments to disseminate information from juvenile case files to NCMEC as necessary to carry out the duties required by PC 11166(j)(3).

-When reasonably possible, the report must include:

~A photo of the missing or abducted youth/NMD.

~A description of the youth's/NMD's physical features, such as height, weight, sex, ethnicity, hair color, and eye color.

~Endangerment information, such as the youth's/NMD's pregnancy status, prescription medications, suicidal tendencies, vulnerabilities to being sex trafficked, and other health or risk factors, to the extent that such information is released in compliance with other applicable laws.

~Other information whether the youth/NMD is or may be an Indian youth, as Defined in WIC 224.1, including the name of the youth's/NMD's tribe.

- i) Document all contacts with the youth/NMD in Probation's information management system (eProbation) and the Child Welfare Services (CWS) Case Management System (CMS) or CARES (once available).
- If the youth/NMD cannot be contacted, is unable or willing to disclose their current location, or is unable to return to their placement or report to Probation, the DPO or PSM shall:
 - a) Confirm that the youth/NMD has been reported as missing to the local law enforcement agency from where they were placed, or in the case of a youth/NMD with Indian ancestry any tribal law enforcement agency for the youth's Tribe; or
 - b) Immediately report the missing youth/NMD to the local law enforcement agency from where they were placed, and in the case of a youth/NMD with Indian ancestry any tribal law enforcement agency for the youth's Tribe.

- c) Immediately notify the youth/s/NMD's:
- Parent(s)/Guardian(s), unless the NMD has restricted communication with them.
Substitute Care Provider(s) (foster parent, program staffing, etc.)
Attorney
Tribal Representative (if applicable)
Court Appointed Special Advocate (CASA) (if applicable)
 - Any known sibling of the youth who is 10 years or older and adjudged to a dependent child of the court, provided that such notice would not be contrary to the welfare or to the safety and well-being of that sibling. Notice to siblings shall be provided in a trauma-informed manner.
- d) Notify the Court by filing a Request for Warrant and Notice of Violation of Probation (JV-735) no later than one business day upon learning the youth was missing.
- Due to the adult status of the NMD, a warrant shall not be requested and an Informational Memorandum should be submitted to the Court addressing the NMD's whereabouts.
The NMD's case shall remain open until the NMD is located or they reach the age of 21.
- e) Notify the youths/NMD's assigned foster care eligibility staff by submitting a SOC 815 form no later than three business days upon learning the youth/NMD was missing.
- f) Immediately initiate efforts to expeditiously locate the youth/NM by completing the following and documenting all efforts in Probation's digital case management system (eProbation), the Child Welfare Services (CWS) Case Management System (CMS) or CARES (once available), and in each Status Review report filed during the youth's/NMD's absence.

In accordance with ACL 16-15 and ACIN 1-13-17, the assigned Deputy Probation Officer (DPO) or their Probation Services Manager (PSM) must attempt to locate the youth/NMD and pursuant to WIC 16501.36, document those efforts, which should include, but are not limited to:

- Contacting significant people in the youth's/NMD's life (siblings, relatives, friends, former caregivers, former and current school and services providers to

inquire if they have had any recent contact with the youth/NMD.

- Requesting the youth's/NMD's caregiver(s) and/or parent(s) make inquiries to the significant persons in the youth's/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's/NMD's whereabouts.
 - Conducting visits to relevant addresses or requesting law enforcement agencies conduct welfare checks.
 - Searching social media websites.
 - Conducting a search of public locator databases (California Missing Children, Clearinghouse, National Center for Missing and Exploited Children, etc.)
- g) In accordance with ACL 24-18 in the case of an Indian child attempt efforts to locate the youth/NMD must be documented and should include, but are not be limited to:
- Engage the tribe by notifying them immediately that the child is missing and invite tribal representatives to participate in search planning.
 - Coordinate with tribal law enforcement where applicable.
 - Work with tribal community members or cultural liaisons who may have relationships with the child.
- For youth/NMDs whose whereabouts remain unknown after 30 days, the DPO or PSM shall:
 - a) Continue conducting due diligence searches on an on-going bases, but no less frequently than once a month, or as new and different information is received.
 - b) In accordance with ACL 16-15 and ACIN 1-13-17 and pursuant to WIC 16501.35 attempt to locate the youth/NMD must be documented and should include, but are not limited to:

- Contacting significant people in the youth's/NMD's life (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).
 - Requesting the youth's/NMD's caregiver(s) and/or parents(s) make inquiries to the significant persons in the youth's/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's/NMD's whereabouts.
 - Conducting visits to relevant addresses or requesting law enforcement agencies conduct welfare checks.
 - Searching social media websites.
 - Conducting a search of public locator databases (California Missing Children, Clearinghouse, National Center for Missing and Exploited Children (NCMEC), etc.).
- c) Maintain regular communication with law enforcement agencies and NCMEC (if applicable), including Tribal law enforcement, by sharing any information related to the youth's/NMD's recovery and circumstances related to their recovery. This may include, but is not limited to:
- The location of the youth/NM, or previous recent location.
 - Names of people recently in contact with the youth/NMD.
 - New social media handles of the youth/NMD or recently uploaded information on existing handles.
 - Any new photos obtained from people in contact with the youth/NMD from social media.

2) Once the youth/NMD is located, the DPO or PSM shall:

- Arrange for the immediate return of the youth/NMD to a suitable placement.

- With the youth/s/NMD's permission, contact the previous substitute care provider (foster parent, program staff, etc.) to determine if there is willingness to have the youth/NMD return and if it is suitable and safe for them to do so. (ACL 19-26 related to utilizing a placement preservation strategy).
 - If the youth/NMD cannot immediately return to their previous placement, explore the possibility of placing them with a suitable relative, non-related extended family member (NREFM), licenses foster family home, or other licenses placement that would best meet their needs.
- a) A Child and Family Team (CFT) meeting should be convened as soon as possible with the specific purpose of maintaining the youth's/NMD's placement (WIC 16010.7(b) related to placement preservation strategies).
- The CFT meeting should be strength-based, youth/NMD centered, and focused on addressing any conflicts at the youth's/NMD's placement and developing solutions.
 - When available, a review of any previous CFT meeting notes should be conducted to identify any delays or barriers to implementing recommendations previously agreed upon that may impact placement stability or the youth's/NMD's ability to achieve their goals.
 - Actively engage or recruit CFT members such as educational and natural community supports, family members, professional, and other individuals identified by the youth/NMD or their family.
 - Make every effort to ensure the timely provision of support services, as deemed appropriate by the CFT, for specific services to support placement stability such as respite services, referral for assessment or mental health services, or wraparound.
- b) A review of the youth's/NMD's most recent risk-assessment(s), such as the OYAS and/or Child and Adolescent Needs and Strengths (CANS) should be conducted to identify and discuss any unmet needs and to guide any changes to the youth's NMD's placement case plan.
- If the youth/NMD experience any new or additional trauma or if their needs have increased while away from care, an update to their Integrated Practice (IP) CANS must be completed within 30 calendar days of determining that changed condition

exists. (ACL 25-10).

c) If after utilizing a placement preservation strategy, it appears a change in placement is necessary, the DPO or PSM is required to serve written notice of the placement change to the following at least 14 days prior to the change. (WIC 16010.7(e) regarding placement change notice):

- The youth/NMD
- The youth's/NMD's parent(s)/guardian(s), unless the youth/NMD has restricted communication with them.
- The youths/NMD's substitute care provider, including Resource Family Approval (RAFA) foster homes, Foster Family Agencies (FFAs) and Short-Term Residential Therapeutic Programs (STRTPs).
- The youth's/NMD's attorney.

d) The DPO or PSM must take into account the youth's/NMD's school of origin prior to a change in placement, and provide notice to the following if a change in placement could result in removal from the youth's/NMD's school of origin:

- The Court
- The youth's/NMD's attorney
- The youth's/NMD's Court Appointed Advocate (CASA) (if applicable)
- The youth's/NMD's Educational Right's Holder

For youth/NMDs without an Individualized Education Plan (IEP), notice must be made no more than one court day after making the decision to change their placement.

For youth/NMDs with an IEP, notice must be made 10 days prior to the change in placement and must also go to the old and new school districts, pursuant to California Rule of Court 5.651(e).

e) AB 2247 prohibits any placement change from occurring between the hours of 9 p.m. and 7 a.m. unless a unanimous agreement is made by the following:

- The youth/NMD
- The youth's/NMD's substitute care provider
- The prospective substitute care provider
- The assigned DPO and/or PSM

f) Exemptions to the requirements of IC 16010.7(b) placement preservation strategies and WIC 16010.7(e) placement changes notices are permitted if:

- It is determined that remaining in the existing placement or providing prior written notice of a placement change poses an imminent risk to the health or safety of the youth/NMD or to other youth in the placement; or
- The youth's/NMD's CFT and the youth unanimously agree to waive the placement change requirements.

- Assess the immediate needs of the youth/NMD.
- Meet with the youth/NMD 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/NMD, and where there is sufficient privacy.
- Meet with the youth/NMD to debrief their time away from care or arrange to have the youth/NMD meet with an adult of their choosing to debrief their time away from care. Offer medical care for injuries, illness, or harm experienced while absent from placement (refer the youth/NMD to the Foster Care Public Health Nurse and/or the Correctional Health Nurse for consultation to rule out injuries, illness, pregnancy, sexually transmitted infections, effects of substance use, etc.).

D) Evaluate the youth's/NMD'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.

- Inquire about the youth's/NMD's experiences while absent from care including whether they were not risk of being or are a sex trafficking victim.
 - Appropriate services shall be provided to any youth/NMD who has been determined to be at risk or has been a victim of sex trafficking.
 - Unless otherwise required by law, the information disclosed by the youth/NMD 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.
 - Enter information related to the youth's/NMD's exposure to sexual exploitation in Probation's digital case management system (eProbation) and Child Welfare Services (CWS) Case Management System (CMS) or CARES (once available) pursuant to the instructions outlined in ACLS 16 – 49 and 16 – 47.
 - Offer to support the youth/NMD with accessing services by accompanying them or contacting a significant person in their life who they feel would help them access services.

E) Determine the factors that lead to the youth/NMD being absent from their placement and to the extent possible, address those factors in subsequent placements.

F) Explore alternative options to running away from foster care placement and develop a prevention plan and/or safety plan by identifying supports and resources and making the appropriate changes to the youth's/NMD's placement case plan.

Resources

- National Center for Missing and Exploited Children (NCMEC) at:
www.missingkids.org/theissues/missingfromcare
 To report a youth missing from foster care or find additional information.
- The California Missing Children's Clearinghouse (CMCC) at:
Missing.persons@doj.ca.gov
 Hotline: 1-800-222-FIND (toll free 24-hours/7 days a week)
 Office: (916) 227-3490
 To receive information and inquiries regarding missing youth. They also relay the information to the appropriate law enforcement agencies.

- The Preventing Sex Trafficking and Strengthening Families Act (2014):
Mandate 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)).
- The Office of the State Foster Care Ombudsperson (OFCO) at:
fosteryouthhelp@dss.ca.gov
1-877-846-1602 (toll free)
They receive, investigate, and attempt to resolve complaints made by or on behalf of dependent foster youth related to their care, placement, or services and rights. All complaints to the OFCO are documented in a case management system, each complaint is assigned a case number, and complainants are provided with this case number for future reference. AB 2247 requires the OFCO to provide its investigation findings regarding placement change violations enacted by this legislation to the Child Welfare Director or designee for the purposes of quality improvement, technical assistance, and staff training. If the OFCO investigates a complaint that involve a foster youth who is supervised by the County Probation Department, the OFCO will communicate the finds to the Chief Probation Officer or designee.

References

PUBLIC LAW (PL) 113-183; PL 117-348; 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, WIC 317, WIC 634; WIC 224.1(f)(3); SENATE BILL (SB) 794; ALL COUNTY LETTER (ACL) 16-15; ACL 16-85; ACL 19-26; ACL 25-10; ACL 22-100; ACL 25-06; ACL 24-18; ALL COUNTY INFORMATION NOTICE (ACIN) NO I-13-17; ACIN I-50-19; ACIN I-59-18; ACIN I-36-21; ACIN I-31-22; ACIN I-51-23; ACIN I-28-19; COUNTY FISCAL LETTER (CFL) 24/25-49; PENAL CODE (PEN) SECTION 11166