

Chapter No. 2601	Page 1
Issue Date: 11/19/18 Revised: 11/21/25	

Notes and
References

YOUTH MISSING FROM A FOSTER CARE PLACEMENT

I. Introduction

- A. Federal and State law identify youth placed in foster care programs as being especially vulnerable to commercial sex trafficking and exploitation and impose upon probation agencies certain duties and actions whenever a youth placed in foster care absconds or is reported missing from care.
- B. This manual section puts into effect the minimum requirements of applicable Federal and State laws and regulations regarding youth missing from foster care, including efforts to locate them.

PL113-183,
42 USC
5772; SB
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CDSS ACL
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II. Applicability

- A. This section applies to any youth placed in a foster care program by the Probation Department. A foster care program includes placement in any of the following programs or living arrangements in and out of the State:
 - 1. Short-Term Residential Therapeutic Programs (STRTP).
 - 2. Resource homes licensed and operated by a private foster family agency (FFA) or licensed directly by any government child welfare or probation agency.
 - 3. Resource homes of approved relative caregivers or non-relative extended family member (NREFM) caregivers.
 - 4. Transitional housing placement programs such as THPP or THP- Plus, any other independent living arrangement that remains under a placement order.
 - 5. Supervised Independent Living Program (SILP) placements for Non-Minor Dependents (NMD).
- B. This section does not apply to youth who abscond from community-based probation supervision or escape from a detention facility.

**PROBATION DEPARTMENT
JUVENILE MANUAL**

Chapter No. 2601	Page 2
Issue Date: 04/13/18 Revised: 11/21/25	

Chapter Title (continued)

**Notes and
References**

- C.** A youth is considered missing from foster care 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.
- D.** A youth who leaves a foster care program or placement without permission, but returns to the program on their own, or after being convinced to do so by a staff member, are not considered missing from placement for purposes of this policy. However, procedures outlined in this section III B, C, and D should be followed when the absence was for an extended period and the activities of the youth during the absence were not observed by program staff or made known to them upon return. Notably, efforts to determine what occurred with the youth during any absence are to be made.

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III. General Requirements of the Probation Department

- A.** It is the responsibility of the assigned Deputy Probation Officer (DPO), pursuant to Section IV of this policy, to ensure that the placement program or caregiver has been advised prior to the placement of a youth of their responsibilities regarding youth missing from foster care.
- B.** Locate any youth missing from placement.
- C.** Determine the factors that led to the youth being absent from placement and address those factors in subsequent placements.
- D.** Determine the youth's experiences while absent from care, if known, including whether the youth was a victim of sexual exploitation or trafficking.
- E.** Timely reporting of a youth absconding from a placement program and subsequent notice to specified persons or entities as noted further in this policy.
- F.** Ensure foster care programs are informed of and understand the Probation Department's requirements for notifications when a youth goes missing from care.

PROBATION DEPARTMENT JUVENILE MANUAL

Chapter No. 2601	Page 3
Issue Date: 04/13/18 Revised: 11/21/25	

Chapter Title (continued)

Notes and References

IV. Foster Care Program and Caregiver Responsibilities

- A. Immediately contact the law enforcement agency with jurisdiction over the location of the STRTP or home, and report that the youth is missing. The program or caregiver is to provide detailed information regarding the circumstances surrounding the youth becoming missing from care. They are to provide Probation Department contact information to the law enforcement agency.
- B. During normal business hours (Monday through Friday, 8:00 a.m. to 5:00 p.m.) immediately contact the assigned DPO by phone and report the circumstances that led to the determination that the youth is missing from care. A follow-up Email is advisable.
- C. Outside of normal business hours, immediately contact the lead officer on duty at the Santa Maria Juvenile Justice Center (JJC) by phone and report the circumstances that led to the determination that the youth is missing from care. They are to provide details of the actions and notifications they have taken in response to the youth missing from care.
- D. The placement program or caregiver is to notice the parent or legal guardian of the youth missing from foster care following notification to the Probation Department and law enforcement.
- E. Both STRTP and FFA are to provide to the Probation Department and State Community Care Licensing (SCCL) a detailed incident report as required by law or regulation, but no later than 48 hours after the youth has gone missing from care.
- F. In the case of a relative or NREFM caregiver, the assigned DPO is to contact the caregiver and ascertain the circumstances of the youth's absconding and document in IMPACT.

**PROBATION DEPARTMENT
JUVENILE MANUAL**

Chapter No. 2601	Page 4
Issue Date: 04/13/18 Revised: 11/21/25	

Chapter Title (continued)

**Notes and
References**

V. JJC Responsibilities

ACL 24-18

- A. Whenever the JJC has been notified by a placement program or foster caregiver that a youth is missing from care outside of regular business hours, they are to perform the following:
 - 1. Ascertain the circumstances that led to the youth becoming missing from care including detailed information regarding outside assistance from others, behaviors before becoming missing, and any actions taken by the program or caregiver to prevent the youth from leaving or efforts made in locating a missing youth.
 - 2. Inquire if the placement program or caregiver has contacted the appropriate law enforcement agency and parent or legal guardian of the youth. If contact has not yet been made, instruct the program or caregiver to notify them immediately, or coordinate with them to make these notifications.
- B. After initial notifications have been made or coordinated, the JJC is to perform the following actions before the end of the shift:
 - 1. Complete an email that describes the circumstances of the youth becoming missing from foster care and the actions taken by the placement program or caregiver, law enforcement, and JJC staff, and any interaction with parents or legal guardians. Send the email, at a minimum, to the assigned DPO, the DPO's supervisor, and the JJC administration team.
 - 2. JJC supervisors shall make follow up phone calls, starting with the next day during regular business hours, and continuing each shift during regular business hours until it is confirmed the assigned DPO, the DPO's supervisor, or a juvenile field DPO is aware of the AWOL and has assumed responsibility for outlined procedures/reporting.
 - 3. Document their actions in IMPACT as an event chrono, including the name of the individual who will assume responsibility for outlined procedures/reporting..

Chapter No. 2601	Page 5
Issue Date: 04/13/18 Revised: 11/21/25	

Chapter Title (continued)

Notes and References

VI. Responsibilities of the Assigned DPO

- A. Whenever an assigned DPO learns that a youth is missing from foster care, they are to take the following actions within 24 hours after learning that a youth is missing from placement. If the AWOL occurs from Friday at 5:30 p.m. through Sunday at 5:30 p.m., the JJC staff are to follow these procedures:
1. Follow up with the placement program staff as needed for additional information and to determine what subsequent actions have been taken by the program.
 2. Contact the youth's parent(s) or legal guardian(s) and tribal representative, if applicable, to ensure they are aware the youth has absconded and to determine if they have had any subsequent contact with the youth or may have an idea of where the youth may be or may go. Contact with the parent or guardian should be weekly for the first month and then monthly thereafter.
 3. Send a Be on the Lookout (BOL) notification to the law enforcement agency with jurisdiction over the location of the placement program, all agencies in Santa Barbara County, and any other agency with jurisdiction over a location where the youth may be located or is known to frequent. Ensure that a police report has been filed with the appropriate law enforcement agency, and that the youth has been entered into the Missing and Unidentified Persons System (MUPS). The following must be submitted with the report to law enforcement:
 - a. A photo of the missing or abducted child or youth.
 - b. A description of the child's or youth's physical features, such as height, weight, sex, ethnicity, race, hair color, and eye color.
 - c. Endangerment information, such as the child's or 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.
 - d. Information about whether the child or youth is or may be an Indian child, as defined in WIC 224.1, including the name of the child's Tribe.

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Chapter No. 2601	Page 6
Issue Date: 04/13/18 Revised: 11/21/25	

Chapter Title (continued)

**Notes and
References**

4. A Suspected Child Abuse Report (SCAR) is also to be completed and forwarded to Child Welfare Services (CWS) and the County's CSEC coordinator for facilitation of a Multidimensional Team Meeting (MDTM) if the youth is identified as at risk of exploitation or confirmed to have been exploited.

5. Notify the National Center for Missing and Exploited Children (NCMEC) via online form or phone. (Phone: 1-800-THE-LOST (1-800-843-5678) NCMEC Online [Report](#))
The following must be submitted with the report:
 - a. A photo of the missing or abducted child or youth.
 - b. A description of the child's or youth's physical features, such as height, weight, sex, ethnicity, race, hair color, and eye color.
 - c. Endangerment information, such as the child's or 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.
 - d. Information about whether the child or youth is or may be an Indian child, as defined in WIC 224.1, including the name of the child's Tribe.

6. The following must also be contacted within 24 hours of receiving notification they have absconded:
 - a. The child's or NMD's parents or Indian custodians, unless parental notification has been limited or terminated by the court.
 - b. The child's or NMD's legal guardians, unless guardian notification has been limited or terminated by the Court
 - c. 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.
 - d. The child's or NMD's attorney appointed pursuant to WIC section 317(c) or WIC section 634
 - e. The child's or NMD's Court-Appointed Special Advocate (CASA), if one has been appointed

ACL 16-15
ACL16-85
AC 25-67
AB 2108
AB 161

WIC
16501.35

Chapter No. 2601	Page 7
Issue Date: 04/13/18 Revised: 11/21/25	

Chapter Title (continued)

**Notes and
References**

- f. The child's or NMD's Tribe or Tribal Representative, if the child or nonminor dependent is, or may be, an Indian child.
 - g. Any known sibling of the child 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.
 - h. The local law enforcement agency and in the case of an Indian child any tribal law enforcement agency for the child's Tribe. It is recommended that if the child 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 shall include contact information for the case carrying social workers or probation officers and their supervisors within the placing agency issuing the notice.
 - 7. Prepare a formal request for an arrest warrant for submission to the juvenile court. The warrant request is to be submitted within two business days after learning that the youth has absconded.
 - 8. Advise the attorney of record that the youth is missing from care and describe any efforts made to date to locate the youth.
 - 9. The assigned DPO is to coordinate attempts to locate the youth locally with field supervision unit officers. Absent information on the location of the youth, attempts to locate the youth at their previous residence or places they are known to frequent, are to be made no less than once per month. Upon receipt of information indicating the location of the youth, the DPO will attempt to contact them within 24 business hours.
- B. Additional Responsibilities for the Assigned Officer:
 - 1. A youth's family members, friends, relatives, acquaintances, or others should be engaged in locating the youth to inform the assigned DPO of places where they may be. They should be encouraged to contact DPOs should they receive information suggesting where the youth may be located.

**PROBATION DEPARTMENT
JUVENILE MANUAL**

Chapter No. 2601	Page 8
Issue Date: 04/13/18 Revised: 11/21/25	

Chapter Title (continued)

**Notes and
References**

2. All attempts to locate the youth are to be documented as an Event entry In IMPACT and CMS/CWS, as well as all contacts required above.
 3. Maintain regular communication with NCMEC and applicable law enforcement agencies, including tribal law enforcement, for all reported children missing from care. The purpose of this communication is in effort to provide safe recovery of the missing child or youth, including by sharing information related to the child's or youth's recovery, and circumstances related to the recovery. This information may also include but is not limited to:
 - a. The location of the child or youth, or a previous recent location
 - b. Names of people recently in contact with the child or youth
 - c. New social media handles of the child or youth or recently uploaded information on existing handles
 - d. Any new photos obtained from people in contact with the child or youth or from social media.
- C. Actions to be taken by the assigned DPO when a youth has been located:
1. If a youth has been taken into custody by a law enforcement agency in another county and taken to that county's juvenile hall, arrangements should be made as soon as reasonably possible, but in no less than five business days, to return the youth to the county. The assigned DPO is to work with the JJC administration to coordinate the pickup of the youth.
 2. The assigned DPO should ascertain what actions were taken or interventions were made with the youth or on their behalf while in the custody of another county's juvenile hall. This may include any medical examinations, hospital visits, treatment of injuries, mental health assessments, or contacts made by them. These actions may be carried out by JJC staff. All information received is to be documented in IMPACT.
 3. Upon the youth's return to the county, the assigned DPO is to request that the matter be placed on calendar as a return on warrant and request a copy of the police report. In addition, the DPO is to notify the following entities that the youth has been located:

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Chapter No. 2601	Page 9
Issue Date: 04/13/18 Revised: 11/21/25	

Chapter Title (continued)

**Notes and
References**

- a. Youth's parents or legal guardians.
 - b. STRTP or foster caregiver.
 - c. Youth's tribal representative.
 - d. Youth's attorney of record.
 - e. Local law enforcement and, if applicable, ensure that youth has been removed from MUPS, NCIC, and NCMEC.
 - f. SCCL
- D. The assigned DPO is to ensure a Department of Behavioral Wellness staff meets with the youth as soon as practical while at the JJC even if a MAYSI- 2 assessment indicates no immediate mental health concerns.
- E. The assigned DPO is to meet with the youth at the JJC as soon as practical to determine the circumstances surrounding the absence from the foster care program and to determine if during the timeframe of the absence the youth was victimized, including being subjected to sexual exploitation. The sensitive nature of the subject, the potential for victimization having occurred, and possible disclosures of it require that any communication with the youth on this issue be done in a trauma-informed manner and prioritizes the safety and welfare of the youth over the immediate need for information (See VI A 4 for details on reporting CSEC concerns and next steps).
- F. The assistance of mental health or victim services professionals should be considered. The DPO is to determine to the extent possible the following information:
- 1. The events or conditions at the time the youth left care that may have contributed to the youth leaving the foster care program.
 - 2. If the youth had assistance from others in leaving or had been observed communicating with others prior to leaving.
 - 3. If there is any indication that the youth was taken against their will or was otherwise compelled to leave by another person(s).
 - 4. Where the youth have gone during their absence from care and who they may have associated with, visited, or lived with while absent.
 - 5. The events or conditions at the time the youth left care that may have contributed to the youth leaving the foster care program.

ACL 15-29

**PROBATION DEPARTMENT
JUVENILE MANUAL**

Chapter No. 2601	Page 10
Issue Date: 04/13/18 Revised: 11/21/25	

Chapter Title (continued)

**Notes and
References**

6. If the youth had assistance from others in leaving or had been observed communicating with others prior to leaving.
 7. If there is any indication that the youth was taken against their will or was otherwise compelled to leave by another person(s).
 8. Where the youth have gone during their absence from care and who they may have associated with, visited, or lived with while absent.
 9. How the youth met the basic necessities of life such as food, water, clothing, housing, medical care, etc., and if they were able to communicate with family members or other persons who the youth viewed as genuine support persons.
 10. The activities the youth engaged in while absent from care including what they did on their own or in concert with others, and locations the youth may have traveled to or been taken to with or without others.
 11. If the youth was a victim of or was at risk of being commercially sexually exploited while absent from care, and, if so, entering that information into the Child Welfare Services/Child Management System (CWS/CMS).
- G. Arrangements should be made to return a youth to the foster care program as soon as practical and upon proper judicial order, unless the program has declined to have the youth return the program.
1. If the youth is at risk of losing their current placement despite returning to the program, the following steps are to be taken to attempt to preserve the placement:
 - a. Probation should respond expeditiously upon hearing that the placement may be in jeopardy by convening the CFTM as soon as possible.

ACL 19-26
ACL 22-100
AB 896
WIC 16001.9(a)(37)

Chapter No. 2601	Page 11
Issue Date: 04/13/18 Revised: 11/21/25	

Chapter Title (continued)

**Notes and
References**

- b. The placement preservation strategies may include, but are not limited to the following:
 - i. Initiate a strengths-based youth and family-centered CFT meeting to collaboratively develop and implement an individual plan designed to meet the youth and family's needs;
 - ii. Apply conflict resolution practices to address conflict and concerns, and discuss solutions;
 - iii. Review of the Child and Adolescent Needs and Strengths (IP-CANS) assessment tool to identify and discuss strengths and unmet needs to guide case planning;
 - iv. Review previous CFT meeting notes to identify any delays or barriers to implementing recommendations agreed to by the previous CFTM that may impact placement stability or a youth meeting their goals;
 - v. Actively engage or recruit CFT members such as educational and natural community supports, family members, professionals, and other individuals identified by the child/youth or family; and/or
 - vi. 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 for mental health services, or wraparound.
- 2. If the circumstances of the youth being absent from the program suggest returning the youth to that program is not advisable, alternative foster care arrangements should be pursued. A CFTM is to be held within 7 days of the youth being detained at the JJC and prior to the youth leaving the facility to ensure the youth has the appropriate support to address their needs. A transition plan also needs to be created for the youth to support their transition to their next placement or home setting.

Chapter No. 2601	Page 12
Issue Date: 04/13/18 Revised: 11/21/25	

Chapter Title (continued)

**Notes and
References**

3. If the activities of the youth while absent in care include activities or behaviors that suggest returning the youth to any foster care program is not advisable and an alternative disposition may be necessary, the DPO is to arrange to have the youth's participation in the program closed. This includes the placement bed and the placement event being closed in CWS/CMS upon the Court vacating the placement order. The DPO is to pursue an appropriate alternative disposition based on the circumstances of the case.
4. The DPO (and any appropriate persons from allied agencies and organizations) is to identify any services, programs, or interventions that may be necessary or advisable to be put in place before a youth returns to a foster care program to minimize the likelihood that a youth will abscond or become missing from care; this includes a safety or prevention plan. A Child and Family Team meeting (CFTM) is an appropriate venue to identify and put into place any such services. A CFTM is to be held within 7 days of the youth being detained at the JJC and prior to the youth leaving the facility to ensure the youth has the appropriate support to address their needs.

VII. Responsibilities Pertaining to Indian Children

- A. Active efforts must be made by Probation Departments for Indian Children in all foster care, guardianship, or termination of parental rights proceedings, including private adoptions.
- B. Active efforts are efforts and services that exceed reasonable efforts. These efforts must be integrated into practice by engaging the Indian child, the Indian child's parents, extended family members, and the Indian child's custodian(s), and the tribe(s).

ACL 24-18

**PROBATION DEPARTMENT
JUVENILE MANUAL**

Chapter No. 2601	Page 13
Issue Date: 04/13/18 Revised: 11/21/25	

Chapter Title (continued)

**Notes and
References**

- C. These efforts must be made in a manner consistent with the prevailing social and cultural conditions and way of life and conducted in partnership with the Indian child's tribe(s). These efforts include, but are not limited to, identifying culturally appropriate services centered around helping the family to overcome barriers, including actively assisting the family in obtaining services.
- D. The Court must conclude, prior to ordering an involuntary foster care placement or termination of parental rights, and at every review hearing (WIC section 366(a)(1)), that active efforts have been made to prevent the breakup of the Indian family and that those efforts have been unsuccessful (WIC section 361.7(a).)
- E. When a child is removed from their Indian family, regardless of whether in an emergency or non-emergency situation, the Court must order services to be provided as soon as possible to reunify the child and their family, if appropriate. If the court does not order such services, the county agency should continue to make active efforts to provide the remedial and rehabilitative services to the parents, legal guardian, or Indian custodian, and continue to partner with the tribe regarding placement and services for the child and the family.

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