

Stanislaus County Probation Department

**PROTOCOL FOR YOUTH MISSING FROM FOSTER CARE/ OUT-OF-HOME
PLACEMENT**

Purpose:

To provide guidelines when minors and non-minor dependents (NMDs) supervised by Stanislaus County Probation flee from out-of-home placement and are determined to be missing from care.

Background:

Runaway children and missing NMDs are vulnerable to multiple risks and may experience or engage in harmful behaviors to include homelessness, injury, untreated mental or medical health conditions, drug use, sexual exploitation, delinquency, and even death. The needs of runaway and homeless children are of great concern. Welfare and Institutions Code 16501.35, requires counties to develop and implement protocols to expeditiously locate any missing child or NMD determined to be missing from care.

Definitions:

Missing Youth:

Per All County Letter (ACL) 25-67, a child whose whereabouts are unknown. That is; after allowing a reasonable amount of time for the child to return and considering the child's age, intelligence, mental functioning, and physical condition, the caregiver and Officer do not know the child's location. This includes instances in which children run away, and their whereabouts are known to the officer (e.g., left the approved placement and is with a friend or family member and refuses to return to placement); however, the location was not approved by the Court and may pose a risk to the child.

Missing NMD:

Per ACL 25-67, a NMD whose whereabouts are unknown (after allowing a reasonable amount of time for the NMD to return) and reasonable suspicion exists that the NMD did not voluntarily leave foster care or is at risk for, or the victim of, substantial harm.

Runaway:

A person under the age of 18 who has fled from the custody or residence of a parent, legal guardian, caregiver, or agency entitled to legal custody without permission.

Prevention and Intervention:

Officers are encouraged to assess the need for runaway/missing intervention for a minor in out-of-home placement with consideration to the minor's age and circumstances, by:

1. Discussing with the minor their thoughts or desires of running.

2. Assessing the minor's triggers (substance use, bullying, physical/emotional safety jeopardized, prior history, recent placement, etc.)
3. Discussion of alternatives and available supports, intervention or safety plan that may be in place.
4. Education on the dangers and consequences of being on the street.
5. Convening a staffing or Child and Family Team (CFT) meeting as appropriate.
6. Discussion with caregiver about the minor's thoughts or history of running, supports, and/or intervention plan.

Note: The above guidelines may also be considered for an NMD.

Youth that Run Away and their Whereabouts are Known:

If a placed minor runs away, but their whereabouts are known to the officer, the officer must follow the reporting and notification responsibilities addressed in this protocol.

Reporting Requirements for Missing Minors:

On the day of becoming aware of the minor's absence from placement, but no later than 24 hours from receipt of the information, the officer shall do the following:

- A. The officer shall issue a pick-up-and-hold for the minor. This will assure that law enforcement agencies who may contact the minor will detain the minor and contact the Stanislaus County Probation Department to coordinate a plan for the minor's return to custody or return to placement as appropriate.
- B. The officer shall confirm with the placement care provider that the minor has been reported as a missing person with the law enforcement agency with jurisdiction in the area or, in the case of a minor designated as an Indian Child, the tribal enforcement agency for the child's Tribe. If a report has not yet been made, the officer shall assure one is completed.
- C. The officer shall notify the parent, guardian, or Indian Custodian with parental rights the minor is missing. The officer should request the parent, guardian, or Indian Custodian inform probation if the minor contacts them.
- D. The officer shall notify any known sibling who is 10 years of age or older and adjudged a dependent of the juvenile court.
- E. If the minor is designated as an Indian child, the officer shall notify the identified Tribe or Tribal Representative.
- F. The officer shall notify the Court of jurisdiction.
- G. The officer shall notify the minor's attorney by email.
- H. The officer shall notify the attorneys for the parents, legal guardians, or Indian Custodians by email, if applicable.
- I. The officer shall notify the minor's Court Appointed Special Advocate (CASA), if applicable.

Reporting Requirements for Missing NMDs:

On the day of becoming aware that the NMD has become a missing NMD (Please note the definition of a missing NMD from the beginning of this protocol), the officer shall do the following:

- A. The officer shall issue a pick-up-and-hold for the missing NMD if they are still wards of the Court under delinquency jurisdiction. This will assure that law enforcement agencies who may contact the missing NMD will contact the Stanislaus County Probation Department to coordinate a plan for the NMD's return to custody or return to placement as appropriate. No pick-up-and-hold can be entered or warrant request issued for NMDs who are not under delinquency jurisdiction.
- B. The officer shall confirm with the placement care provider that the missing NMD has been reported as a missing person with the law enforcement agency with jurisdiction in the area. In the case of a NMD designated as an Indian Child, who has elected for the provisions of the Indian Child Welfare Act to continue to apply while remaining in extended foster care, the tribal enforcement agency for the NMD's Tribe shall be notified. If a report has not yet been made, the officer shall assure one is completed.
- C. The officer shall notify the parent, guardian, or Indian Custodian with parental rights the NMD is missing. The officer should request the parent, guardian, or Indian Custodian inform probation if the NMD contacts them.
- D. The officer shall notify any known sibling who is 10 years of age or older and adjudged a dependent of the juvenile court.
- E. If the NMD is designated as an Indian child and has elected for the provisions of the Indian Child Welfare Act to continue to apply while remaining in extended foster care, the officer shall notify the identified Tribe or Tribal Representative.
- F. The officer shall notify the Court of jurisdiction.
- G. The officer shall notify the NMD's attorney by email.
- H. The officer shall notify the attorneys for the parents, legal guardians, or Indian Custodians by email, if applicable.
- I. The officer shall notify the NMD's Court Appointed Special Advocate (CASA), if applicable.

Reporting Requirements to the Court for missing minors:

No later than one business day from learning the minor was missing from care, a report must be filed with the Court requesting a warrant for the minor. If the minor has a Court Appointed Special Advocate (CASA) they must also be notified.

Reporting Requirements to the Court for missing NMDs:

When a NMD is determined to be missing, a report must be filled with the Court requesting termination of NMD or AB12 status. If the NMD has a CASA, they must also be notified.

Reporting Requirements to the National Center for Missing and Exploited Children (NCMEC):

Under California Penal Code Section 11166(j)(3)(A), on the day of becoming aware that a minor is missing and is reasonably believed to be the victim of, or is at risk of being the victim of Commercial Sexual Exploitation, the officer shall report the incident to the appropriate law enforcement agency, including applicable tribal law enforcement, for entry into the National Crime Information Center database of the Federal Bureau of Investigation and to the National Center for Missing and Exploited Children (NCMEC). The report must include:

1. A photo of the missing or abducted minor.
2. A description of the minor's physical features (i.e., height, weight, sex, ethnicity, race, hair color, and eye color).
3. Endangerment information (i.e., the minor's pregnancy status, prescription medication, 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 minor is or may be an Indian child.

Reports to NCMEC can be made via telephone (1-800-843-5678) or online [External Missing Child Data Entry Form](#)

Welfare and Institutions Code Section 827.14 allows probation and child welfare departments to disseminate information from the juvenile case file to NCMEC as necessary to carry out the requirements set for under California Penal Code Section 11166(j)(3).

Attempting to Locate Missing minors:

As information is provided, but no less frequently than monthly, Officers must attempt to locate minors who have absconded from placement and document those efforts in both ICJIS PB and in CWS/CMS. These efforts must stay within the legal scope established by the minor's terms and conditions of probation and utilize a harm reduction approach. They may include direct attempts to contact the minor via text or phone. Social media may also be used to contact a minor if the officer is trained and obtains department approval. Communication should be coordinated with the minor's Child and Family Team (CFT) members, including the minor's tribe if applicable, to avoid overwhelming the minor with attempts to communicate. Forms such as the Special Incident Report and the Substitute Care Provider Incident Report listed in ACIN I-13-17 can be referenced for use in these situations.

1. If contact is made with the minor, remain neutral, avoid language that is punitive or condescending, and focus on the minor's well-being. The minor should have voice and choice in their return.
2. Create a plan for return and obtain input from CFT members when developing the plan.
3. If the youth is in immediate danger, contact law enforcement.

Other efforts to locate minors who are missing from placement may include, but are not limited to:

1. Determining the minor's whereabouts by contacting significant persons in the child's

- life.
2. Requesting parents make inquiries to the missing minor and report back information obtained.
 3. Physically checking places where the youth is likely to be including relevant addresses.
 4. Following up on leads received regarding the child's whereabouts.
 5. Searching social media websites if trained and with department approval.
 6. Working with department staff who have access to public locator type databases.

Additionally, ACL 24-18 requires that when an Indian Child is missing from care, the placing agency notify and work collaboratively with the minor's Tribe. Officers must notify the Tribe immediately, or no later than 24 hours, after receiving information that the minor is missing from placement. Officers must collaborate with the tribal representative in efforts to locate the minor, provide regular updates to the Tribe regarding the minor's status, especially when the child has been located, to determine the most appropriate placement, if a placement change is necessary. It is hoped the engagement with the Tribe may provide additional information to assist in locating the minor.

The efforts to locate a missing minor should be documented in each status review report filed during an absence.

Assessing minors and missing NMDs upon their return to custody or placement:

When a minor or NMD returns to custody or placement after having absconded, the officer shall utilize the strategies set forth in ACL 19-26. The officer should also be familiar with the exceptions related to placement preservation strategies, as documented in ACL 22-100. Additionally, the officer shall do the following:

1. Determine the primary factors that contributed to the minor or NMD running away or otherwise being absent from care. This should be accomplished by meeting with the minor in-person no later than three business days after their return.
2. To the extent possible, respond to the factors identified for subsequent placements.
3. Determine the minor's or NMD's experience while absent from care, including whether the minor/NMD is a possible victim of commercial sexual exploitation of Children (CSEC). If any concerns of possible exploitation arise for youth in custody, have the youth assessed by a contracted Navigator from Without Permission for services. If it is determined the youth was a victim or was at risk of being CSEC during his/her absence from care, document this information in CWS/CMS using instructions provided in ACL 15-49.
4. Have the minor/NMD assessed for immediate needs such as medical care and mental health needs.
5. Learn of behaviors and activities of the minor/NMD while missing from care, including whether they were a possible victim of CSEC and where and with whom he or she may have stayed.

6. In the case of an Indian Child, make active efforts to maintain or reunite the child with their family, as listed in ACL 24-18. These efforts must be documented in CWS/CMS and meet the requirements provided in ACL 24-18.
7. Explore alternatives to running away from foster care placement, including developing a safety plan, support resources and/or prevention plan. Forms such as the Missing/Runaway Youth De-Briefing Form and the Safety and Support Plan listed in ACIN I-13-17 can be referenced for use in these situations.