

YUBA COUNTY PROBATION
PROCEDURE – MISSING PLACEMENT YOUTH/NMD

All County Letter (ACL) 16-15 and Assembly Bill 273 (Luke Madrigal Act), which amended Section 16501.35 of the Welfare and Institutions Code (WIC), to require probation departments and child welfare offices to adopt a protocol to locate and respond to missing placement youth and non-minor dependents.

ACL 25-67 and Assembly Bills (AB) 2108 and 161 made further amendments. AB 2108 further amended (WIC) Section 16501.35 to require 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 youth's or non-minor dependent's parents/guardians/Indian Custodians, and the youth's Tribe in the case of an Indian child. And AB 161 amended Penal Code 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). 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).

A youth missing from foster care is defined in WIC section 16501.35(c)(1) 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."

For non-minor dependents (NMD) this protocol shall apply if after considering the totality of the circumstances, the probation department suspects that the non-minor dependent did not voluntarily leave foster care or is at risk of substantial harm.

Youth who run away from the Court's placements are at risk of commercial sexual exploitation, injury, and even death.

The following subsections describe the procedures which shall be followed (notification, search, and ongoing efforts) by the Placement Probation Officer, Supervising Probation Officer, and/or designee when a placement youth and/or non-minor dependent is discovered to be missing from care:

A. Initial Procedures on Missing Youth Notification

Complete the following actions as soon as possible and document in CWS/CMS and the department's case management system (CMS):

Step	Action
1	The caregiver (to include Short Term Therapeutic Program (STRTP) staff) will notify the Placement Probation Officer (PO) as soon as they believe a youth or non-minor dependent in their care is missing (no longer than 8 hours of a youth not returning home). If an STRTP, request and obtain a Significant Incident Report.
2	Once notified and as soon as practicable, the PO will alert the Supervising Probation Officer.
3	The PO should verify the caregiver has filed a missing person's report with local law enforcement. If this has not been done, the PO should file the report or direct the caregiver to immediately file a report. The PO will obtain the police report number and document the information in the department's case management system (CMS). <u>ACL 16-15</u>: "SB794 requires that agencies report missing youth to law enforcement immediately (within two hours), but in no case later than 24 hours from receipt of the information. When a child or 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, commercial sexual exploitation, as defined in WIC section <u>11165.1</u>, is missing or has been abducted, the County probation or welfare department <i>shall immediately, or in no case later than 24-hours from receipt of the information</i>, report the incident to the appropriate law enforcement authority. The local law enforcement agency enters the information into the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation (FBI) and the National Center for Missing and Exploited Children (NCMEC)." The following should be included in the report to NCMEC and to law enforcement when available, per PC Section 11166(j)(3)(B): 1. A photo of the missing or abducted child or youth. 2. A description of the child's or youth's physical features, such as height, weight, sex, ethnicity, race, hair color, and eye color. 3. 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. 4. 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.

	For details on additional NCMEC and law enforcement reporting requirements please see ACL 16-15 and ACL 16-85. The report to NCMEC may be made by phone or by making an online report: • Phone: 1-800-THE-LOST (1-800-843-5678) • NCMEC Online Report: External Missing Child Data Entry Form Per PC Section 11166(j)(3)(C), the Placement Probation Officer (PO) will maintain regular communication with NCMEC and applicable law enforcement agencies, including tribal law enforcement, for all reported children missing from care in efforts to provide safe recovery of the missing youth or NMD, including sharing any information related to the youth or NMD's recovery and circumstances related to the recovery. This information may also include but is not limited to: • The location of the youth or NMD, or a previous recent location • Names of persons recently in contact with the youth or NMD • New social media handles of the youth or NMD or recently uploaded information on existing handles • Any new photos obtained from persons in contact with the youth or NMD or from social media WIC Section 827.14 permits probation departments and child welfare services agencies to disseminate information from the juvenile case file to NCMEC as necessary to carry out the duties required by PEN section 11166(j)(3). Further, the PO will utilize all Harm Reduction strategies to attempt to locate and engage the missing youth/NMD to include: • Attempt often to contact the youth via text, phone, email and/or social media. Coordinate communication with the youth's CFT members, including the youth's Tribe in the case of an Indian youth, and/or network of support to ensure the youth does not become overwhelmed by too many attempts to communicate. • If contact is made, the PO will remain neutral and focused on the youth/NMD's well-being, through honesty, genuine concern, and utilization of motivational interviewing skills - refraining from language that is punitive, labeling, or condescending. The PO will allow the youth/NMD to have voice and choice in their return, exploring what the youth/NMD feels is in their best interest, utilizing a "meet in the middle" mindset, while being transparent and clear about things/situations that are non-negotiable, and that leaving placement does not necessarily mean a violation of probation. If the youth/NMD refuses to return, the PO will engage the youth/NMD in designing a solution-focused safety plan, which includes ensuring the youth/NMD has information on agencies to contact in an emergency (child welfare, advocacy agencies, health and mental health care providers, law enforcement, etc.).
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	• The PO will collaboratively create a plan with the youth/NMD, taking into consideration the input from the Child Family Team (CFT) for the youth/NMD's return, utilizing SMART (Specific, Measurable, Attainable, Realistic, Timely) interventions, with the youth/NMD leading the plan when ready. • If the youth/NMD's whereabouts are known, discuss the possibility of convening a CFT meeting with the youth/NMD identifying who they want to participate in the meeting. • The PO will continuously assess the situation for increased risk. Should there be suspicion that the youth/NMD is in immediate danger, the PO will respond immediately and may contact law enforcement for assistance.
4	The PO will immediately, but in no case later than 24 hours from receipt of information that the youth/NMD is missing from foster care, attempt to contact/notice the following, as required by ACL No. 25-67 and WIC section 16501.35: • The youth/NMD's parents or Indian custodians, unless parental notification has been limited or terminated by the court. • The youth/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/NMD's attorney appointed pursuant to WIC section 317(c) or WIC section 634. • The youth/NMD's Court-Appointed Special Advocate (CASA), if one has been appointed. • The court of jurisdiction. • The youth/NMD's Tribe or Tribal Representative, if the youth/NMD is, or may be, an Indian child. • 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. • The local law enforcement agency and in the case of an Indian child any tribal law enforcement agency for the child's Tribe. If the youth/NMD is placed outside of the jurisdictional county, law enforcement will 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 probation officer and their supervisor(s).

	The PO will advise the parent(s), the resource family, foster family agency, and/or Short Term Residential Therapeutic Program to contact the department immediately if they obtain any information regarding the youth/NMD's whereabouts and/or if the youth/NMD returns to the placement.
5	The PO will immediately prepare the request for a Bench Warrant, no later than the close of the following business day after receiving the initial notification.
6	The PO will immediately consult with the Supervisor about whether to hold the youth's/non-minor dependent's placement for up to 14 days before ending the placement episode prior to convening a Placement Preservation Child and Family Team meeting (CFTM). The PO will request a CFTM be scheduled as soon as possible (preferably prior to the Court hearing noted in Step 7), to discuss placement preservation and potential reasons/triggers for the youth/NMD leaving placement. If the placement is able to be held, the following will be addressed in the CFTM in preparation for the youth/NMD's return: • Conflict resolution practices to address conflict and concerns, and discuss solutions • Review of the Child and Adolescent Needs and Strengths (CANS) assessment tool to identify and discuss strengths and unmet needs to guide case planning • Review previous CFT meeting notes to identify any delays or barriers to implementing recommendations agreed to by the previous CFT that may impact placement stability or the youth/NMD meeting their goals • 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 If the placement is not held, the above will still be addressed in the CFTM, and the information gathered will be utilized to prepare and maintain the next placement. The PO will retrieve the youth/NMD's belongings from the placement for when the youth/NMD returns.
7	The day the PO learns of the absence or the following court day if the juvenile court is closed, the PO shall request that the juvenile court schedule a hearing within 10 court days to review the placement and the ongoing and intensive due diligence efforts to locate and return the youth/NMD. The hearing may be rescinded upon stipulation by all parties if the youth/NMD is found prior to the hearing or if the hearing coincides with a previously scheduled hearing in the case that falls within the 10 court days. The PO shall notify all of the following persons whose whereabouts are known about the hearing as soon as possible, but at least five court days before the hearing:

	(a) The parents of the youth/NMD unless such notification has been limited or terminated by the court. (b) The legal guardians of the youth/NMD unless such notification has been limited or terminated by the court. (c) The attorney for the parents or legal guardians, if applicable. (d) The youth/NMD's attorney. (e) The tribe or tribal representative of the youth/NMD if they are an Indian child, as defined in Section 224.1. (f) Any known sibling of the youth/NMD who is required to be notified of a hearing pursuant to paragraph (7) of subdivision (a) of Section 290.1 WIC. (g) The court-appointed special advocate of the youth/NMD if one has been appointed. If the hearing is set to occur in less than five court days, the notice shall be given at least 24 hours prior to the hearing. The PO shall prepare and file a report with the juvenile court for the hearing and any subsequent hearings describing the ongoing and intensive due diligence efforts to locate, place, and stabilize the youth/NMD receiving child welfare services, and comply with this subdivision and all of the requirements specified in Section 16501.35(b)(1)(2) WIC, including: • Determining the primary factors that contributed to the youth/NMD running away or otherwise being absent from care. • Utilizing the information gathered above in subsequent placements, to the extent possible. • Determining the youth/NMD's experiences while absent from care. • Determining whether the youth/NMD is a possible victim of commercial sexual exploitation. • Documenting ALL activities and information in the probation case management system and required information in the state child welfare case management system for federal reporting purposes, consistent with instructions from the department. If the Child and Family Team Meeting (CFTM) was able to be held prior to the court hearing, the report shall include/ address the factors that contributed to the youth/NMD becoming absent from care with. At said court hearing, if the court issues a bench warrant, the court may order the probation officer to place, rather than detain, the youth/NMD if they return to care before the court can recall the warrant. Information gathered from the CFTM shall be used for purposes of determining treatment needs and developing a case plan to support the youth/NMD upon returning to care.
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	The court shall continue to periodically review the case of a youth/NMD who is absent from foster care at least every 30 calendar days, in accordance with this section, until the youth/NMD returns from being absent from care.
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B. Active Efforts/Due Diligence Searches and Documentation until Youth is Located

The following steps shall be taken when searching for a missing youth/NMD as new information is available, but no less frequently than every 30 calendar days (unless otherwise noted) and document in CWS/CMS and the department's case management system:

Step	Action
1	Determine whereabouts by contacting significant people in the youth/NMD's life and encouraging the caretaker and/or parent to do so as well.
2	The Probation Department will follow up on leads regarding the whereabouts of the youth/NMD, the parents'/guardians' home(s), or where the youth/NMD has connections, or inform law enforcement of such. Physically check all places where the youth/NMD is known to frequent or where probation has been informed the youth may be located. Efforts will include the PO contacting the parent/guardian and collaterals, including coordinating with the Tribe, if the youth/NMD is or may be an Indian youth/NMD; and any information that is obtained is passed on to appropriate law enforcement personnel. As new information is available, but no less frequently than every 30 calendar days, the PO will search social media accounts of the youth/NMD and known acquaintances who may have information about the youth/NMD's whereabouts and attempt to make contact with the youth/NMD. If the county restricts access to those resources, the PO may engage members of the Child and Family Team to search social media accounts. The PO will also search public locator databases (e.g., The California Missing Child Clearinghouse (1-800-222-FIND), National Center for Missing and Exploited Children (1-800-843-5678), etc. If the youth/NMD is an Indian child, the Tribe will be regularly updated regarding the youth/NMD's status. Document all efforts/contacts in the probation CMS and the CWS CMS and in each court review report filed during the youth/NMD's absence.
4	When available, consultation with or referral to internal Runaway/Missing Children Liaisons should be made.
5	If it is suspected/known the youth/NMD's absence is CSEC-related, the PO will follow the established Commercially Sexually Exploited Child (CSEC) Protocol, as well as this protocol.
6	If the youth/NMD contacts any staff member, every attempt must be made to ascertain the youth/NMD's whereabouts and current health/safety status. If a youth/NMD is

	located but unwilling to immediately return to care, the probation officer should consider holding a CFT meeting to discuss ways to support the youth/NMD during their absence and create a plan for return when the youth/NMD is ready. The PO will consistently attempt to have a face-to-face contact with the youth/NMD to ensure they are, at the very least, physically safe, and to continue to support their needs the best they can.
7	Every month from the date of the initial discovery, the PO will confirm and document in the CWS CMS and the department's CMS that the youth/NMD's whereabouts are unknown, and all active efforts made to locate the youth/NMD.

C. Youth is Located or Returns to Care:

If a youth is found or returns to care, the PO shall:

Step	Action
1	Arrange any necessary transportation, which may include requesting assistance from law enforcement, to bring the youth back.
2	Notify all parties of the youth/NMD's return, to include the Tribe if the youth/NMD is an Indian child. The PO will contact the law enforcement agency where the Missing Person's Report was filed to request that the Missing Person's Report be withdrawn.
3	Document all updates in the CWS CMS and the department's CMS.
4	Using the De-Briefing Form (Attachment A) as a guide, interview and assess the immediate needs of the youth/NMD as soon as possible but no later than 3 days from return to care: a) Assess the need for medical care and/or public health nurse consultation to rule out injuries, illness, or other medical conditions and seek medical care as needed. b) Evaluate the need for mental health services and contact the appropriate agency when needed. c) Evaluate the need for law enforcement assistance due to known or suspected victimization, commercial sexual exploitation, exposure to or participation in criminal activity, etc., and contact the appropriate agency as needed. d) Determine the primary factors that contributed to the youth or non-minor dependent running away or otherwise being absent from care and respond to these factors appropriately. Identified factors may be useful for subsequent placements. e) Determine the youth/NMD's experiences while absent from care.
5	Assess placement needs:

	a) Determine if replacement or alternate future arrangements are more appropriate. b) To provide continuity in placement, contact the previous caregiver, and determine if there is a willingness to have the youth returned to their home if it is suitable and safe for the youth. Refer to and follow Placement Preservation Strategies in All County Letter 19-26 and All County Letter 22-100. If the Placement Preservation plan fails, an official 14-day notice shall be made – with notices provided to the required parties, including: • The youth/NMD’s parent/guardian • The youth/NMD’s caregiver, including resource families, foster family agencies and short-term residential therapeutic program • The youth/NMD’s attorney • The youth/NMD • The youth/NMD’s Tribe if the youth/NMD is an Indian child c) Schedule CFTM and/or Multi-Disciplinary Team Meeting (MDTM). If the previous placement is not an option, explore the possibility of placing the youth/NMD with a suitable relative, non-related extended family member (NREFM), Resource Family Home, or other STRTP facility that would best meet the youth’s needs. Utilize the CANS assessment to identify strengths and needs to guide the CFT in identifying the characteristics of placements that will be the best match to meet the specific needs of the youth/NMD. The team should work with the family and youth/NMD to understand why the transition is being made and to prepare them for the transition.
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