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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
794

CDSS ACL
16-15

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 Treatment Programs (STRTP) or group homes.
 - 2. Resource or foster care 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.

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- C. A youth is considered missing from foster care when a reasonable amount of time for the youth to return to the program or home has passed, and his or her whereabouts are not known. An absence can be the result of a youth absconding, coercion or abduction by others, or being lost.
- D. In determining if a youth is missing from foster care, the probation officer should consider the youth's age, intelligence, maturity, physical condition, mental health status, and the totality of the circumstances of the absence, including the duration of the absence.
- E. A youth who leaves a foster care program without permission, but returns to the program on his or her own, or after being convinced to do so by a staff member, are not considered missing from foster care for purposes of this policy. However, sections of this policy 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.

III. General Requirements of the Probation Department

- A. Locate any youth missing from foster care.
- B. Determine the factors that led to the youth being absent from foster care and address those factors in subsequent placements.
- C. Determine the youth's experiences while absent from care including whether the youth was a victim of sexual exploitation or trafficking.
- D. Timely reporting of a youth absconding from a placement program and subsequent notice to specified persons or entities.
- E. Insure foster care programs are informed of and understand the Probation Department's requirements for notifications when a youth goes missing from care.

IV. Foster Care Program Caregiver Responsibilities

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- A. The assigned Deputy Probation Officer (DPO) is to insure that whenever a placement program or caregiver has reason to believe a youth has become missing from care, they are to make the following notifications:
1. Immediately contact the law enforcement agency with jurisdiction over the location of the placement program 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.
 2. During normal business hours (Monday through Friday, 8:00AM to 5:00PM) immediately contact the assigned Deputy Probation Officer (DPO) by phone and report the circumstances that led to the determination that the youth is missing from foster care. A follow-up email is advisable.
 3. Outside of normal business hours, immediately contact the lead officer on duty at the Santa Maria Juvenile Hall (SMJH) 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. Notification outside of normal business hours can be made to the assigned DPO if arrangements have been made in advance.
 4. 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.
 5. In the case of a group home, STRTP, or FFA, provide to the Probation Department and State Community Care Licensing a detailed incident report as required by law or regulation, but no later than 48 hours after the youth has gone missing from care.
 6. In the case of a relative or NREFM caregiver, the assigned DPO is to contact the caregiver and ascertain the circumstances and document them in the appropriate case management systems.

Division 31

Case
management
systems
include
Impact and/or
the
CWS/CMS

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- C. It is the responsibility of the assigned DPO to insure 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.
- V. Santa Maria Juvenile Hall Responsibilities
 - A. Whenever a lead officer has been notified by a placement program or foster caregiver that a youth is missing from foster care, they are to perform the following:
 - 1. Ascertain the circumstances that led to the youth becoming missing from foster 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 in locating a missing youth.
 - 2. Inquire if the placement program or caregiver has made contact with 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. The lead officer at the SMJH may use their discretion in this coordination, to include making these notifications, but is to insure they occur in any case.
 - B. After initial notifications have been made or coordinated, the lead officer 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 juvenile hall staff, and any interaction with parents or legal guardians. Send the email, at a minimum, to the assigned DPO, the Placement Unit Supervising Probation Officer (SPO), and the SMJH SPO.
 - 2. Contact the assigned DPO or leave a voicemail that the youth has been reported missing from foster care and direct the DPO to the email.

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3. Document their actions in the Impact case management system as an Event.

VI. Responsibilities of the assigned DPO

- A. Whenever an assigned DPO learns that a youth is missing from foster care, he or she is to take the following actions within 24 hours after learning that a minor is missing from placement:
 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) to insure 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 BOL notification to the law enforcement agency with jurisdiction over the location of the placement program, the agency with jurisdiction over the location of the original residence of the youth, and any other agency with jurisdiction over a location where the youth may be located or is known to frequent. Insure 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).
 4. Notify the appropriate law enforcement agency if it is reasonably believed that the youth is a victim of, or is at risk of being the victim of, commercial sexual exploitation, within 24 hours of receiving information suggesting it. The law enforcement agency will enter the information into the National Crime Information Center database of the Federal Bureau of Investigation and the National Center for Missing and Exploited Children.

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5. Notify the SPO and previously assigned DPO in the area office where the youth resided prior to placement, and the Placement Unit SPO.
6. 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. The warrant is not to be requested as a discretionary warrant. If the youth is missing from an out-of-state program, the warrant request should include specific instructions regarding transmittal to databases that alert authorities in other states of the warrant. In all cases, warrant requests should indicate that the youth will be extradited back to the local area if apprehended out-of-state.
7. Advise the attorney of record that the youth is missing from care and describe any efforts made to date to locate the youth.

VII. Responsibilities of the Field Supervision Unit:

- A. When advised by the assigned DPO that a youth is missing from a foster care program, the SPO in a field supervision unit is to advise all other officers in the unit that the youth is missing and whether a warrant has been issued. The SPO is to also direct efforts to locate the missing youth and what actions are to be taken if the youth is contacted.
- B. 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 his or her previous residence or places he or she is known to frequent, are to be made no less than once per month. Upon receipt of information indicating the location of the minor, attempts to contact him or her are to be made as soon as reasonably possible. This may include a response from the field supervision unit officers or referral to the local law enforcement agency, or both.
- C. A youth's family members, friends, relatives, acquaintances, or others should be engaged in locating the youth or advising DPOs of places where he or she may be. They should be encouraged to contact DPOs should they receive information suggesting where the youth may be located. The DPO is

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to follow up on any information he or she receives about the youth's whereabouts.

- D. All attempts to locate the youth are to be documented as an Event entry in Impact.

VIII. Actions to be taken when a youth has been located:

- A. 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 (5) business days, to return the youth to the county. This is normally the responsibility of the SMJH and should be coordinated between involved persons.
- B. The assigned DPO should ascertain what actions were taken or interventions were made with the youth or on his or her 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 made by the lead officer at the SMJH. Further, a copy of the police report should be requested as soon as possible.
- C. 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 make proper notifications as required.
- D. The assigned DPO is to insure a Department of Behavioral Wellness staff meets with the youth as soon as practical while at the SMJH even if a MAYSI-2 assessment indicates no immediate mental health concerns.
- E. The assigned DPO is to meet with the youth at the SMJH 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.

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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 his or her will, or was otherwise compelled to leave by another person(s).
 4. Where the youth had gone during their absence from care and who he or she may have associated with, visited, or lived with while absent.
 5. 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.
 6. The activities the youth engaged in while absent from care including what he or she 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.
 7. 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 CWS/CMS.
- F. 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 re-enter the program.
1. 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.

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2. 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. The DPO is to pursue an appropriate alternative disposition based on the circumstances of the case.
3. 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 is an appropriate venue to identify and put into place any such services.

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