



**Amador County
Department
of
Social Services**

TITLE: Youth Who Are Missing from Care

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Applicable to the following program(s)/units:

<input type="checkbox"/> APS <input type="checkbox"/> CalFresh <input type="checkbox"/> CalWORKs <input type="checkbox"/> CMSP <input checked="" type="checkbox"/> CPS <input type="checkbox"/> Fiscal <input type="checkbox"/> Foster Care Eligibility <input type="checkbox"/> General Assistance	<input type="checkbox"/> IHSS <input type="checkbox"/> Medi-Cal <input type="checkbox"/> Public Administrator/Conservator/Guardian <input type="checkbox"/> Reception <input type="checkbox"/> Welfare to Work <input type="checkbox"/> _____ <input type="checkbox"/> All programs
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References:	ACL 16-15 ACL 24-18 ACL 25-67 WIC Section 16501.35 PEN section 11166 ACL 19-26, ACL 22-100
Review frequency:	<i>Annually or As Needed</i>

SUBJECT:

Youth Who Are Missing from Care

PURPOSE:

The purpose of this policy and procedure is to provide guidelines when children and nonminor dependents (NMDs) supervised by Amador County Child Protective Services (CPS) flee from placement or the home of the parent/legal guardian or are determined to otherwise be missing from care.

DEFINITIONS:

In accordance with [ACL 16-15](#), “Missing Child” means a child who has been absent from their placement even after allowing a reasonable amount of time for the child to return and taking into account the child’s age, intelligence, mental functioning, and physical condition. This includes instances in which children run away, but their whereabouts are known to the social worker and/or caregiver (example: left the approved placement and is with a friend but refuses to return to placement). As these children have absented themselves from care, they are to be considered missing from foster care.

In accordance with [ACL 16-15](#), “Missing NMD” means a nonminor dependent whose whereabouts are unknown to CPS after allowing a reasonable amount of time for the NMD to return and reasonable suspicion exists that the NMD is a victim of harm or foul play or if the NMD has competency issues.

In accordance with [WIC section 16501.35\(c\)\(1\)](#), missing from foster care was defined 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\(c\)\(2\)](#)).

“Runaway” means a person under the age of 18 who has fled from the custody or residence of a parent, legal guardian, caregiver, or agency without permission and is missing from care. Please refer to the definition of “missing from care” for more information.

“Non-Dependent Children” refers to a child that is not in a court ordered out of home placement but has entered a formal or informal agreement with Amador County CPS to receive services. A non-dependent child can be in a Voluntary Family Maintenance (VFM) case, court ordered Family Maintenance (FM) case, or in a Non-Dependent Legal Guardianship (NDLG) case.

“Commercial Sexual Exploitation” or “CSE” includes a range of crimes and activities involving the sexual abuse or exploitation of a child for the financial benefit of any person or in exchange for anything of value, including monetary and non-monetary items (clothing, shelter, food, drugs, etc.).

POLICY:

Notification Requirements

The [WIC section 16501.35](#) mandates notification to specific entities and persons, immediately, but in no case later than 24 hours, from receipt of information that the minor or NMD is missing from foster care. The required notifications include:

- **The child’s or NMD’s parents or Indian custodians**, unless parental notification has been limited or terminated by the court.
- **The child’s or 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 child's or NMD's attorney** appointed pursuant to [WIC section 317\(c\)](#) or [WIC section 634](#).
- **The child's or NMD's Court-Appointed Special Advocate (CASA)**, if one has been appointed.
- **The court of jurisdiction.**
- **The child's or NMD's Tribe or Tribal Representative**, if the child or nonminor dependent 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 way.
- **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.
 - It is expected that when a social worker received information that a minor or NMD is missing from care, this information will be reported **immediately, but in no case more than 2 hours**, to the pertinent law enforcement agencies.

All notices issued shall include the contact information for the case carrying social worker, probation officer, and supervisor.

If the child is reasonably believed to be the victim of or is at-risk of being the victim of CSE and is missing from care, [PEN section 11166\(j\)\(3\)\(B\)](#) required child welfare and probation departments to report this information to NCMEC (National Center for Missing and Exploited Children), the applicable law enforcement agency, including tribal law enforcement **immediately, but in no case later than 24 hours**. Where reasonably possibly the report shall include:

1. A photo of the missing 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 medication, suicidal tendencies, vulnerability to be 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 or not 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.

A child can be reported to NCMEC by phone or online:

- Phone: 1-800-THE-LOST (1-800-843-5678)
- [NCMEC Online Report](#)

The county probation department and child welfare services agency are required to 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 efforts to provide safe recovery of the missing child or youth, including by sharing any 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:

- The location of the child or youth, or a last known location
- Names of persons recently in contact with the child or youth

- New social media handles of the child or youth or recently uploaded information on existing handles
- Any new photos obtained from persons in contact with the child or youth or from social media

While it is only required to report dependent children or youth missing from care who are reasonably believed to be the victim of or is at-risk of being the victim of CSE, it is *strongly recommended* that **all** foster children deemed to be missing from care should be reported to NCMEC.

[WIC section 827.14](#) permits probation departments and child welfare agencies to disseminate information from the juvenile case file to NCMEC as necessary to carry out the duties required above

Active Efforts When an Indian Child Is Missing from Care

[ACL 24-18](#) provides guidance to county placing agencies regarding the requirements to make affirmative, active, thorough, and timely efforts (“active efforts”) intended to maintain or reunite an Indian child with their family in Indian child custody proceedings. As noted in [WIC section 224.1\(f\)\(3\)](#), “identifying, notifying, and inviting representatives of the Indian child’s Tribe to participate in providing support and services to the Indian child’s family and in family team meetings, permanency planning, and resolution of placement issues,” is a requirement. *When a child is missing from care, it is the placing agency’s responsibility to notify and work collaboratively with the child’s Tribe.* This includes notifying the Tribe **immediately, or no later than 24 hours** after the agency has received information that the child is missing from placement, collaborating with the tribal representative on efforts to locate the child, and ensuring that the Tribe is regularly updated regarding the child’s status, particularly when the child has been located, to determine the most appropriate placement, if a placement change is necessary. Engagement with the Tribe may provide additional information to assist in locating the youth. The active efforts to meet such requirements must also be documented in the child’s case record, per [ACL 24-18](#).

PROCEDURE:

Prevention, Intervention, and Harm Reduction

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.

Amador County CPS staff are encouraged and expected to assess the need for runaway intervention for a dependent child or NMD, with consideration to the child or NMD’s age and case circumstance, through:

- Exploration of thoughts or desires of running away
- Assessment of high-risk triggers or precipitating events (examples: substance abuse, bullying, prior history, recent placement change)
- Discussion of alternatives and available supports, intervention plans, or safety that may be in place

- Education on the dangers and consequences of being a runaway youth
- Convening an emergency Child and Family Team (CFT) meeting, as appropriate
- Discussion with parent/caregiver about child's thoughts or history of running away and applicable supports and/or intervention plans
- Consultation with County Counsel regarding court-related options

Additionally, it is encouraged and expected that if there is reasonable suspicion that a parent, guardian, or unrelated adult is planning to abduct a dependent child/NMD or coerce the child/NMD to leave their current placement, for the assessing worker to notify your supervisor. You shall then work with your supervisor to determine next steps and to create a safety plan around these thoughts and behaviors.

A harm reduction approach can be utilized in both preventing and mitigating risks associated when a youth is missing from care. Honest discussion is important and should include legitimate reasons why the youth should stay in their placement, as well as the understanding and acknowledgment that a youth may decide to leave regardless. These discussions should include how a youth can maintain their own safety while missing from care. This does not mean that leaving placement is encouraged or condoned, but instead meets the youth where they are, encourages openness, and builds trust. This will go a long way in terms of engagement, their progress in healing, and helping build safe behavior.

Creating harm reduction informed safety plans with every youth, but especially those at risk for leaving placement, is essential and should include resources that are youth specific and based on the individual youth's needs. The safety plan should consider where the youth is at and include their preferences, as a youth is much more likely to utilize a safety plan that they had a part in developing. Safety plans should include identified alternatives to the youth leaving care, emergency contact information, social media contact information, name and contact information for persons the youth agreed to check-in with while away from care, and safe ways to meet basic needs and receive services while away from care. If local resources for basic needs are limited, consider providing the youth with an emergency bag including items such as hygiene products, reproductive and sexual health products, a first aid kit, bus passes, and contact information to assist in returning to care.

Harm reduction should also be applied to all attempts to engage with a youth while they are missing from care:

- Attempt often to contact the youth via text, phone calls, email, and/or social media. Coordinate communication with the child or youth's CFT members, including the youth's Tribe in the case of an Indian Youth, and/or the network of support to ensure the youth does not become overwhelmed by too many attempts to communicate.
- If contact is made, remain neutral and focused on their well-being. Be honest, express concern, but refrain from language that is punitive or condescending. Allow youth to have voice and choice in their return, exploring what the child or youth feel is in their best interest.
- Create a plan for return, broken down by safe and achievable steps, with the youth leading the plan when ready. Also consider input by the CFT in developing this plan. If the youth's whereabouts are known, discuss the possibility of convening a CFT meeting with the youth identifying who they want to participate in the meeting.
- Part of effective harm reduction implementation is to continuously assess the situation for increased risk. Should there be suspicion that the youth is in immediate danger, contact law enforcement.

Placement Preservation Strategies

Per AB 2247, [ACL 19-26](#), and [ACL 22-100](#), the Department is required to develop, implement, and document a placement preservation strategy to preserve the foster child or NMD's placement **prior** to making a

placement change or terminating a placement in the case of a youth who is missing from care. The Department shall request an emergency CFT (Child Family Team) meeting no later than 1 business day after the youth is determined to be missing from care. This CFT meeting shall occur no later than 4 business days after the meeting is requested. This meeting must be convened to identify and implement best practice strategies to support placement preservation when possible.

This preservation strategy shall also be applied in the event that a youth is reasonably suspected to be contemplating running away from their placement.

Non-Dependent Children

Upon becoming aware that a non-dependent child has runaway, staff will provide the parent/legal guardians with information and resources that may be used to locate the child. This may include assistance with the filing of a Missing Persons Report with law enforcement. It is the, however, the responsibility of the parent or guardian to file a Missing Person Report for the non-dependent child.

Notice and Reporting Requirements

Once a social worker has been notified that a minor or NMD is missing from foster care they shall **immediately** notify their acting supervisor. They then must continue to notify the specified entities and persons required by law, listed under “Notification Requirements” on page 3, **immediately, but in no case later than 24 hours**, from receipt of information that the minor or NMD is missing from foster care.

When a child or NMD returns to foster care, the social worker shall notify all parties **immediately, but in no case later than 24 hours** of their return.

Warrant, Declaration, and Recall

The social worker shall file the Declaration in Support of Protective Custody Warrant and Protective Custody Warrant no later than one calendar day after the child or NMD has been determined to be missing from care. The Declaration and Warrant are to be reviewed by a supervisor/manager, approved by county counsel, and filed with the Court. The social worker shall then file an Ex Parte with the Court no more than one business day after the Protective Custody Warrant was filed. This Ex Parte shall document the notice provided to all attorneys and all known information regarding how/when/why the youth is missing from care.

When the child or NMD had been located and returned to placement, the social shall complete and file the Order Recalling Protective Custody Warrant no later than one business day after their return. An Ex Parte shall be filed with the Court no more than one business day after the Recall Warrant was filed. This Ex Parte shall document the notice of return provided to all attorneys and all known information regarding how/when/why the youth returned to care.

For the purpose of confidentiality, the Ex Parte filings shall not have the Warrant, Declaration, or Recall Warrant as attachments. Each document shall be a different filing.

Due Diligence

In accordance with [ACIN I-13-17](#) and [ACL 16-15](#) the social worker shall make concerted and active efforts to locate the child or youth when they are missing from care. These efforts shall be documented sufficiently in CWS/CMS and should include ongoing contact with all parties who may have insight into the location of the missing child or youth. The efforts to locate the missing child or youth shall include, but is not limited to:

- Contacting significant persons in the child's life (ex. Parents, siblings, relatives, friends, former caregivers, service providers, etc.).
- Continued contact with law enforcement agencies and NCMEC when applicable.
- Search social media websites and search public locator services.
- Attempts to contact the minor on their personal cell phone (when applicable)
- Physically check all places the youth is likely to be.
- Follow up on leads received regarding the youth's whereabouts.
- Conduct visits to relevant addresses or request a welfare check by law enforcement agency.

Documentation in CWS/CMS

All contacts related to the notification of a youth missing from care, attempting to locate youth missing from care, and when a youth is located shall be documented clearly and accurately in CWS/CMS. These contacts shall be logged **immediately, but in no case later than 24 hours** after the date of contact. This documentation shall include the names of persons contacted, method of contact, time of contact, and a thorough summary.

If a child or NMD has been determined to be at risk or a victim of CSE, this status shall be updated in CWS/CMS no more than one week from the date of this determination.

Payment to Resource Homes While Youth Are Missing

Placement may be kept open and payment continued for up to seven (7) calendar days from the date the youth ran away from placement if the caregiver shows a willingness to have the child/youth returned to his/her home; and if it is determined by the social worker and the social worker supervisor that it would be suitable and safe for the child/youth to do so. If the placement is no longer willing to have the youth remain in their home should they return to care, payment shall stop the day the youth left care.

The social worker will notify the out-of-home caregiver of the payment termination date, in writing, verbally, in person or by telephone and will enter the date notice was provided in a contact in CWS/CMS.

Youth's Personal Belongings

The social worker is to secure all of the child or youth's possessions from the caregiver as soon as it is determined that they are no longer the active placement for the child or youth. The social worker is to arrange personal belongings to be picked up or dropped off as needed.

The child or youth's personal belongings are to be stored in the CPS office. The child or youth's name should be labeled on each box/bag with the date the belongings were received. These belongings shall be maintained at the CPS office or otherwise specified secure location for a minimum of year, or until the child or youth is located. After one year, the Department may seek a court order authorizing the disposal of the child or youth's personal property.

When the Youth Returns

When the child or youth returns the social worker must report their return **immediately, but in no case more than 2 hours**, to the pertinent law enforcement agencies so that the child or youth can be removed from the missing persons system and protective custody warrant can be recalled.

All parties previously notified of the child or youth being missing from care must be notified of the child or youth's return to care **within 24 hours**, excluding the court of jurisdiction. The social worker shall contact county counsel regarding the best way to notify the court given the timing of the next hearing and appropriateness of scheduling an interim hearing.

If a youth is located but unwilling to immediately return to care, the caseworker shall hold an emergency CFT meeting to discuss ways to support the youth during their absence and create a plan for return when the youth is ready. In this circumstance, the caseworker should consistently attempt to have a face-to-face contact with the child or youth to ensure they are, at the very least, physically safe, and to continue to support their needs the best they can. During this time the social worker shall implement harm reduction tactics to support the child or NMD in being as safe as they can while they are missing from care.

When the child or youth returns to care, it is the social worker's responsibility to ensure the child or youth is immediately returned to care and receives a medical clearance immediately upon returning to care. The social worker shall make a concerted effort to determine the reason the child or youth ran away. Using this information, determine if it is appropriate to return the child or youth to their previous placement, or if the Department needs to identify a new placement for the child or youth. The social worker shall work with the child or youth to determine if there is an appropriate NREFM or relative placement not yet considered. The social worker shall schedule an emergency CFT to discuss the return to care and the appropriateness of the selected placement.

There shall be an ongoing effort by the social worker to meet with the child or youth to assess the child or youth's safety and chance of the youth leaving care again. All children who have recently returned to care shall be treated as very high risk, and as such, the social worker shall meet with the child or youth no less than once weekly until the child or youth is stable in their placement. Through these consistent contacts, the social worker shall determine the primary factors that contributed to the child or youth running away or otherwise being absent from care, responding to factors identified to the extent possible for subsequent placements, and determining the youth's experiences while absent from care, including whether the youth is a possible victim of commercial sexual exploitation. *Unless otherwise required by law*, the information disclosed by the child or youth should not be used to implicate them, in a criminal charge or for any purpose other than tailoring services for the child or youth. An updated case plan shall be authored to include additional services and supports for the child or youth if it is determined that there are unmet needs.

If the youth experienced any new or additional trauma or their needs have increased while away from care the caseworker must update the Integrated Practice Child Adolescent Needs and Strengths within 30 calendar days of determining that a changed condition exists. If the youth is eligible for FURS, a referral must be sent within 10 business days of their return.

FORMS:

Attachment A – Declaration in Support Issuance of Protective Custody Warrant
Attachment B – Protective Custody Warrant for Youth Who are Missing from Care
Attachment C – Order for Recalling Protective Custody Warrant for Youth Who Have Returned to Care