

COLUSA COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES		
Policy Number: 6006		
Contact: Donna Dennis	Approved By: Elizabeth Kelly, Director	Effective Date: February 1, 2016
Revision Dates: February 22, 2016: Revised to include entry of PC warrants in CLETS July 25, 2016: Revised to incorporate ACL 16-15, to address youth missing from FC December 1, 2025: Revised to incorporate requirements of ACL 25-67; rename policy		
Title: PROTECTIVE CUSTODY WARRANTS AND YOUTH MISSING FROM CARE PROCEDURES		

I. Statement of Purpose

It is the law and philosophy of this agency that our first and foremost job as social workers is to protect children who are at risk of abuse and/or neglect. This procedure is not inclusive of all the information available relevant to this topic or all child welfare activities required; it is specific to protective custody warrants and youth missing from care. It will be updated as needed to address changes and/or to improve efficiency.

II. Background

Protective custody warrants pursuant to Welfare and Institutions Code Section 300, are necessary in order to take a non-dependent, minor child into custody to ensure the child’s safety and preserve the rights of the parent/guardian. It is the department’s practice to utilize the protective custody warrant process whenever a youth is missing from care.

Welfare and Institutions Code section 16501.35(c)(1) defines missing from foster care as when the whereabouts of a child subject to an order of foster care placement are unknown to the county child welfare agency or when the county child welfare agency 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.

III. Procedures

These procedures are meant to create a consistent, streamlined process to obtain and serve a protective custody warrant. These procedures further outline the steps required when a youth is reported missing from care.

1. New Cases:

If a social worker and supervisor agree that a protective custody warrant should be obtained in order to take a non-dependent, minor child into custody (detention), the following steps should be taken:

- a. Social worker writes an Application/Declaration as to the need for the minor's detention and protection.
- b. After it is approved by the social worker's supervisor, it should be e-mailed to the attorney for the department.
- c. The attorney for the department will put the declaration into proper form, prepare the proposed protective custody warrant, and e-mail them back to the social worker.
- d. The social worker will print out the Application/Declaration and the Protective Custody Warrant, on pleading paper (numbered lines) and sign the Application/Declaration.
- e. Department staff will make 3 copies of the Application/Declaration and 3 copies of the Protective Custody Warrant and take all to the Court.
- f. The Court will return the endorsed-filed copies of the Application/Declaration to the Department's staff member.
- g. After the judge either rejects the Application/Declaration or signs the Protective Custody Warrant, the Court will call the social worker
- h. Department staff, including the social worker or other clerical person, will pick up the Original Protective Custody Warrant and the copies and deliver the original and one copy of the warrant to the Sheriff's Office.
- i. The Sheriff's Office will enter the Protective Custody Warrant into the California Law Enforcement Telecommunication System (CLETS) and their local database. The Sheriff's Office will retain the Original Warrant until the child is picked up and delivered to the Department or one of its social workers.
- j. The social worker shall advise the Sheriff's Office by telephone where the child can be found and in which jurisdiction. If the minor is situated in the County's jurisdiction, the Sheriff's Office will deliver a copy of the warrant to a deputy for service. If the minor is situated in a City within the County of Colusa, the Sheriff's Office shall contact the police department in that City and advise them that it has a warrant that needs to be served. The City police department will send an officer to pick up a copy of the warrant at the Sheriff's Office.
- k. The law enforcement officer (Police department or Sheriff's Office, depending upon the jurisdiction) will serve the copy of the Warrant and after delivering the child to the Department or one of its social workers; the law enforcement officer will complete a proof of service and deliver it and the Original Warrant to the Court.
- l. Social workers do not have the authority to serve or execute protective custody warrants and shall not, under any circumstances, take a minor child into custody unless and until the minor child is delivered or handed-over to the social worker by law enforcement, either under exigent circumstances or upon execution of a protective custody warrant.

2. Missing/Runaway Dependents

If a dependent child of the Colusa County Juvenile Court is missing from foster care or has run away from a foster home, relative home, group home, or other approved placement, a Protective Custody Warrant should be obtained immediately. Additionally, the placement facility needs to report the dependent child as missing/runaway to the residence's law enforcement jurisdiction as soon as youth is discovered missing.

- a. The social worker will prepare an Application/Declaration for a Protective Custody Warrant which shall include the following information: the minor's birth date, physical description, clothing (if known), the minor's last known whereabouts, the circumstances of the missing/runaway status (name and title of person who told you and why kid ran), where we think the minor might be or where he might go (address), and why the child is at risk of serious physical or emotional damage (don't need a lot of detail on the last one because it's presumed. We just have to say so).
- b. The social worker will then e-mail the Application/Declaration to the Department's attorney.
- c. The Department's attorney will put the Application/Declaration in proper form for the social worker's signature and prepare the Protective Custody Warrant. The attorney will e-mail the completed documents back to the social worker.
- d. The social worker will print out the Application/Declaration and the Protective Custody Warrant, on pleading paper (numbered lines) and sign the Application/Declaration.
- e. Department staff will make 3 copies of the Application/Declaration and 3 copies of the Protective Custody Warrant and take all to the Court.
- m. The Court will file the original Application/Declaration and return endorsed-filed copies of the Application/Declaration to the Department's staff person. The Court clerk will submit all documents to the Judge.
- n. After the Judge either rejects the Application/Declaration or signs the Protective Custody Warrant, the Court will call the social worker
- o. The Court will then place the Original and one copy of the Protective Custody Warrant in the Sheriff's Office mailbox in the Court's office.
- p. The Sheriff's Office will enter the Protective Custody Warrant into CLETS and their local database. The Sheriff's Office will retain the original warrant until a copy is served and the minor is taken into custody.
- q. After any law enforcement officer (from any California jurisdiction) takes the minor into protective custody, the officer shall deliver the minor to a Colusa County Social Worker for placement. The officer who takes the minor into custody shall complete a proof of service and return it to the Sheriff's Office. The Sheriff's Office will then return the original warrant with the proof of service to the Court.
 - i. In the event the minor is taken into custody in a different county, the officer shall give the proof of service to the social worker when he or

she delivers the minor to the social worker's custody. The social worker will then deliver the proof of service to the Colusa County Sheriff's Office who will return the original warrant and proof of service to the Court.

- ii. If the warrant is not served on the minor (i.e. the minor returns to his or her placement voluntarily), the social worker shall advise the Sheriff's Office immediately and ask them to return the original warrant to the Clerk's Office.
- r. The social worker shall notice the following parties, if applicable, immediately, but in no case later than 24 hours from receipt of information that the youth is missing from care. Contact information for the case carrying social worker and supervisor within DHHS will issued with the notice:
 - i. Youth or non-minor dependent's parents, legal guardians, or Indian custodians, unless notification has been limited/terminated by the court;
 - ii. The attorneys for the parents, legal guardians, or Indian custodians, unless notification has been limited/terminated by the court;
 - iii. The youth's or non-minor dependent's attorney;
 - iv. The youth's or non-minor dependent's court appointed special advocate, if one has been appointed;
 - v. The court of jurisdiction;
 - vi. The youth's or non-minor dependent's Tribe or tribal representative
 - vii. Known siblings of the youth or non-minor dependent's 10 years of age or older and adjudged to be a dependent child of the juvenile court, if notice would not be contrary to the safety of well-being of that sibling;
 - viii. In the case of an Indian child, any tribal law enforcement agency for the youth's Tribe.
- s. For youth who has experienced Commercial Sexual Exploitation (CSE) or is at risk of experiencing CSE, the social worker shall do the following:
 - i. DHHS policy 6008, Commercially Sexually Exploited Children (CSEC) Policy, outlines the department's procedure for identifying CSE youth, documenting this identification in CWS/CMS, and determining appropriate services for the youth;
 - ii. All social workers are provided CSEC training as part of the CORE training required;
 - iii. If the youth is reasonably believed to have experienced or is at risk of experiencing CSE, the missing youth will be reported to the National Center for Missing and Exploited Children (NCMEC). To be included in the report, where reasonably possible: a photograph of the missing youth, a physical description of the youth, endangerment information, and ICWA information including name of the youth's Tribe.

Reports can be made to NCMEC by phone, 1-800-THE-LOST or online at <https://cmfc.missingkids.org/reportit/Account/LogOn>.

- t. Locating Youth/Due Diligent Searches

- i. As information is provided, attempts to locate the missing youth shall be made and documented in the CWS/CMS contact notebook. This documentation will be recorded in the contact notebook and shall include information regarding the person contacted, type of contact made and results of the contact. Efforts include:
 - Contacting significant persons in the child's life
 - Requesting caregiver and/or parent make inquiries to the above individuals and report back information obtained
 - If the minor has been identified as ICWA or there is reason to believe ICWA may apply, contact with the tribal representative(s) will be made and they will be kept apprised of the status of the situation
 - Physically checking all the places where the youth is likely to be
 - Following up on leads
 - Conducting visits to relevant addresses
 - Request law enforcement agency conduct welfare check
 - When available, consult with runaway/missing children liaisons
 - Searching social media
 - Search of public locator databases
 - Regular communication with NCMEC and other law enforcement jurisdictions, including Tribal

- ii. When the missing youth has been located, the social worker will arrange for the immediate return of the youth to care, assess the circumstances of the child when returned and determine the primary factors that contributed to the youth being absent from care. All efforts will be documented in CWS/CMS. These efforts include:
 - Engage the youth immediately upon return and conduct a debriefing interview
 - Assess the immediate needs of the minor including food, water, clothing, medical care, illness, and mental health concerns
 - Determine the youth's experience while absent from care, include possible victimization as a CSEC (Please refer to DHH Policy 6008 for instruction on CSEC evaluation)
 - Determine if the current placement poses a imminent risk to the health or safety of the youth or if preservation strategies can be put in place
 - Determine reasons for the youth running away and address, when possible, in subsequent placements
 - Determine the need for a Child and Family Team meeting to address placement issues, identify options to running away, and development of a safety plan

3. Missing/Runaway Non Minor Dependents

When the caregiver, provider, or social worker learns a non minor dependent is missing from care, a missing person's report should be filed immediately with the residence's law enforcement jurisdiction. Due to the adult status of the non minor dependent, a protective custody warrant is not filed on their behalf. In order for the reporting requirements to apply, there must be competency issues or a reasonable suspicion the non minor dependent is a victim of harm or foul play.

- a. The social worker shall notice the Courts, parents, attorneys, and tribal reps that the youth is missing/runaway.
- b. Per WIC Section 16501.35, notice will be proved to any known siblings of the minor or non-minor dependent 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 the sibling will be provided in a trauma-informed manner.

4. Removing Juvenile Dependents in Family Maintenance Cases

A Protective Custody Warrant is not required in these circumstances. If the social worker and his or her supervisor believe that the dependent should be removed from his parent's home due to new circumstances requiring the minor's protection, the social worker may place the minor in a more restrictive placement. However, a Supplemental Petition under WIC Section 387 shall be filed within 48 hours and a detention hearing held within 24 hours thereafter.

IV. Resources

The following resources were utilized in the development of this policy. It is not intended to serve as a complete listing of related or associated resources available for this topic.

All County Letter No. 16-15

<http://www.cdss.ca.gov/lettersnotices/EntRes/getinfo/acl/2016/16-15.pdf>

All County Letter No. 16-85

<https://cdss.ca.gov/lettersnotices/EntRes/getinfo/acl/2016/16-85.pdf>

All County Information Notice I-13-17

https://www.cdss.ca.gov/Portals/9/ACIN/2017/I-13_17.pdf?ver=2019-06-13-131935-703

All County Letter No. 19-26

<https://www.cdss.ca.gov/Portals/9/ACL/2019/19-26.pdf?ver=2019-05-13-154257-380>

All County Letter No. 22-100

<https://www.cdss.ca.gov/Portals/9/Additional-Resources/Letters-and-Notices/ACLs/2022/22-100.pdf?ver=2022-12-12-111221-367>

All County Letter No. 24-18

<https://www.cdss.ca.gov/Portals/9/Additional-Resources/Letters-and-Notices/ACLs/2024/24-18.pdf?ver=2024-07-23-094502-170>

Welfare and Institutions Code Section 300

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=wic&group=00001-01000&file=300-304.7>

Welfare and Institution Code Section 16501.35

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=16501.35.&lawCode=WIC

DHHS Policy 6008

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All County Letter No. 25-67

<https://cdss.ca.gov/Portals/9/Additional-Resources/Letters-and-Notices/ACLs/2025/25-67.pdf?ver=x0vQZSOcyQ6KYQLnqu7pFw%3d%3d>