I. BACKGROUND

Through Senate Bill (SB) 794 (Chapter 425, Statutes of 2015), California created statewide standards for Child Welfare’s response to children, youth and non minor dependents who are missing from foster care. SB 794 follows the Preventing Sex Trafficking and Strengthening Families Act signed into law by the President in 2014. SB 794 puts provisions in place to increase Child Welfare’s oversight of children, youth and non minor dependents that are missing from foster care as these children, youth and non minor dependents are most vulnerable to sexual trafficking and exploitation.

II. DEFINITIONS

 **Reasonable amount of time:**

A reasonable amount of time, as it relates to a child, youth or non minor dependent (NMD) is unknown whereabouts is determined by the age, intelligence, mental function, and all other associated risk factors.

**Missing from foster care, previously stated as AWOLS or runaways:**

1. Any child, youth or NMD whose whereabouts are unknown to the Child Welfare agency after allowing for a reasonable amount of time for their return;
2. Any child, youth or NMD who has absented their self from care and their whereabouts are known, and after a reasonable amount of time, has not returned from foster care.

**Expeditiously Locate:**

SB 794 requires that Child Welfare staff engage in activities to report, notice and locate children, youth and non minor dependents missing from foster care within timeframes with “immediate” or “within two hours: which is consistent with the “expeditious location”.

III. PROCEDURE

A. Social Worker reporting and noticing requirements for a missing child or youth

1. Social Workers are responsible to immediately, or in no case later than 24 hours of receipt of knowledge that the child or youth are missing from foster care, report the missing child or youth to Law Enforcement. Law Enforcement agencies are required to enter the information into the National Crime Information Center (NCIC) and report to the National Center for Missing and Exploited Children (NCMEC)
2. Social Workers are also responsible for noticing the youth’s parents, attorney, tribal representative, Court Appointed Special Advocate (CASA) etc.
3. It is mandatory that the Social Worker call or email the Hotline Numbers and report the child is no longer in placement

**Central (925)602-6895**

HotlineCentral@ehsd.cccounty.us

**East (925)522-7436**

HotlineEast@ehsd.cccounty.us

**West (510)231-8275**

HotlineWest@ehsd.cccounty.us

Refer to [DM Section 31-474.1 Placement Change Hotline Process](http://ehsdstars/Manuals/31-0%20Children%20Services%20Handbook/MS31-474.1v1.pdf)

1. Social Workers will notify the Court via protective custody warrant (PC) no later than one business day, upon learning that the child is missing from care. See attachment I.
2. The Social Worker must confirm and document in the Child Welfare Data System (CWS) that the child’s whereabouts are unknown once every thirty days.
3. A bed hold may be placed with the current provider for three days with supervisor approval and the intent of the youth returning to that placement.

 B. If the Child is a Non Minor Dependent

1. Social Workers are responsible to immediately file a Missing Person’s Report with local law enforcement if it is suspected that the Non Minor Dependent is missing from care and there is reasonable suspicion that the NMD is a victim of harm or foul play or competency issues, and not voluntarily absent from care.

1. Social Workers are also responsible for noticing the NMD’s parents, (if receiving FR services) attorney, tribal representative, Court Appointed Special Advocate (CASA) etc.
2. Social Workers will notify the Foster Care eligibility staff regarding the placement change.
3. Due to the adult status of the NMD, a Protective Custody warrant is not filed.
4. The Social Worker will document the efforts made to locate the NMD and report to the Court. The Court may terminate the dependency for the NMD if at the Welfare and Institutions Code 391 hearing, the Court finds that reasonable efforts were made to locate the NMD and inform the NMD of his or her options under extended foster care.
5. Social Worker Due Diligence Searches
6. Social Workers must attempt to locate a dependent/ward whose whereabouts are unknown as information is provided but no less than on a monthly basis. Social Workers must document location efforts in the Child Welfare Services/Case Management Services (CWS/CMS) in the Contact Notebook. Social Workers must also document location efforts in the status review reports filed during an absence. The efforts to locate a missing child shall include, yet not be limited to:
	1. Determining the child’s whereabouts by contacting significant persons in the child’s life (e.g. parents, siblings, relatives, child’s best friends, former caregivers, former and current schools and service providers, if applicable)
	2. Requesting caregiver and/or parent make inquiries to the above individuals and report back information obtained.
	3. Physically checking all the places where the youth is likely to be
	4. Following up on leads received regarding the child’s whereabouts
	5. Conducting visits to relevant addresses, or request law enforcement agency to conduct a welfare check.
	6. Searching social media websites
	7. Search of public locator databases
7. When the Social Worker is notified that the child/NMD has been located, it is the responsibility for the Agency to arrange for the immediate return of the child/youth into care.
8. Social Worker must determine the primary factors that contributed to the child or NMD running away or otherwise being absent from care.
9. Social Worker will to the extent possible, respond to factors identified for subsequent placements.
10. Social Worker must determine the child’s or NMD’s experiences while absent from care, including whether the child/NMD is a possible victim of Commercial Sexual Exploitation.
11. Social Worker must notify all parties that the child or NMD has been located.
12. Social Worker must recall the Protective Custody Warrant and notify the Court.
13. When the dependent child or NMD returns to care, the assigned Social Worker or designee must meet with the youth within three business days after the child’s/NMD’s return to care to determine the primary factors that contributed to their absence from care. The Social Worker will:
	1. Assess the immediate needs of the child/NMD by offering medical care for injuries, illness or harm experienced while absent from care.
	2. Evaluate the need for mental health services, foster youth services, or law enforcement assistance due to victimization/exploitation, exposure to or participation in criminal activity, missing school credits, etc.
	3. Determine the reasons for the child running away and, when possible, address those reasons identified in subsequent placements.
	4. If it is determined that the youth/NMD was a victim of Commercial Sexual Exploitation during his/her absence from care, the Social Worker must document the special projects code in CWS/CMS (see Attachment II )
	5. Unless otherwise required by law, the information disclosed by the child/NMD should not be used to implicate them in a criminal charge for any purpose other than tailoring services for the child/NMD and to meet reporting requirements
	6. Assess the placement and services needs by determining the need for a Child Family Team meeting, and developing a safety plan, support resources and/or prevention plan.

IV REFERENCE

 Senate Bill (SB) 794

Welfare & Institutions Code Sections 16501.35, 16501.45 and 16524.6

Department Manual CSEC\*, Section 31-474.1

All County Letter 15-49 Commercially Sexually Exploited Children Documentation in Child

Welfare Services/Case Management System

All County Letter 16-15 Youth who are Missing From Foster Care

|  |
| --- |
| Children & Family Services /Employment & Human Services2530 Arnold Dr., Ste. #360Martinez, California 94553 |
| LaShonda Wallace |
| (925) 608-6812 |
| N1O1 |
| DSS No. 0123456 |
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|  |
| **SUPERIOR COURT of CALIFORNIA** |
| **COUNTY OF** **Contra Costa** |
| 725 Court Street, Room 215, Martinez, California 94553 |

|  |
| --- |
| **ex parte application and order** |

*Much of the demographic information will pre-populate into this report from the CWS/CMS data base. Other information is entered by the user into form fields designed for local text entry. Either the cursor or the F11 key may be used to navigate from one non protected form field to another. Navigating with the F11 key puts your cursor in the correct position to proceed. With the first letter entered, both the form field and the text in the form field, if any, disappear.*

|  |
| --- |
| **In THE matter of** |
| **Name** | **Date of Birth** | **Age** | **Sex** | **Court Number** |
| Justine Testingagain | 06/03/1999 | 17 | F | J10-00002 |

|  |
| --- |
| **Parents/Legal Guardians** |
| **Name/****Birthdate** | **Address/****Phone** | **Relationship****/****To Whom** |
| Janet Testingagain06/04/1985 | Confidential Address. | Mother/Justine |
| Father B. Thisisanothertest01/01/1950 |  | Father/Justine |

A petition was filed on 04/12/2014 under WIC Section 300 (a), (b), (c), (d), (e), (f), (h), (i), (j). The child was declared a dependent of the Contra Costa County Juvenile Court on (Disposition pending). The most recent hearing date was 10/13/2016 for a Disposition hearing. The next hearing is calendared on  for a hearing.

**reason for ApPlication**

*User text entry*:

The Department respectfully requests that the Juvenile Court order a warrant for XXXX detention due to the fact that he/she has been missing from placement since xx/xx/xxxx.

|  |
| --- |
| **notices** |
| **Name** | **Relationship** | **Method** | **Date** | **Agreed** |
|  |  |  |  |  |

**Reason for Recommendation**

*User text entry providing reasons for recommending termination of jurisdiction.*

*User text entry providing reasons for recommending recall of the warrant and dismissal of the warrant petition.*

*User text entry providing reasons for recommending child’s travel arrangements as specified below.*

*User text entry providing reasons for recommending authorization of child’s surgical/medical course of treatment.*

*User text entry providing reasons for recommending a warrant be issued and for whom.*

(list reason and attempts made in this section)

*User text entry providing reasons for recommendation.*

**recommendation**

It is respectfully recommended:

A warrant be issued for Enter Name

*Be sure a completed warrant information sheet for the sheriff is also attached, if required by local practice.*

## WARRANT INFORMATION FOR LAW ENFORCEMENT

**CHILD’S NAME**:

**DOB**:

**AGE**:

**CHILD’S SEX**:

**CARETAKER’S NAME**

**LAST ADDRESS**:

**PHONE**:

**RACE**:

**HAIR**:

**EYES**:

**HEIGHT**:

**WEIGHT**:

**COMPLEXION**:

**MARKS/SCARS**:

**WHEN MINOR IS DETAINED, PLEASE CONTACT:**

Child Protective Services Hotline @ (877) 881-1116

**I Declare Under Penalty of Perjury that the Foregoing is True and Correct.**

**Executed at** **, California this** **day of** **,** **.**

|  |  |  |
| --- | --- | --- |
|  |  |  |
| **Social worker name, title, PCN, (xxx) xxx-xxxx** |  | **Date** |
|  |  |  |
|  |  |  |
| **Supervisor name, title, PCN, (xxx) xxx-xxxx** |  | **Date** |

**[ ] Ordered as Recommended.**

**[ ] Order of the Court:**

**Judicial Officer**

**Date**

****

In the Client’s **open Case**:

1. Click on the **Special Projects** Page tab.

2. Click on the “+” in the Special Project grid and select the appropriate code (listed below).

 **S-CSEC Victim During Care**

Child/youth who is CSEC/sex trafficked, or who receives food or shelter in exchange for, or who is paid to perform, sexual acts as described in Penal Code §236.1 or §11165.1, including pornography and who became such a victim WHILE IN foster care

 **S-CSEC Victim Before Care**

Child/youth who is CSEC/sex trafficked, or who receives food or shelter in exchange for, or who is paid to perform, sexual acts as described in Penal Code §236.1 or §11165.1, including pornography and who became such a victim BEFORE entering foster care

**S-CSEC At-Risk**

Min. of 2 indicators: prior sexual trauma; freq. AWOL/homeless; solicitation charges; probation/LE involvement; history of hard substance abuse; branding tattoos; freq. truancy; relationship w/ much older adult; tech use involving atypical sexual behavior.

 **S-CSEC Absence From Placement**

Dependent/ward who is AWOL, or is abducted, or is otherwise absent from placement and is CSEC/sex trafficked as described in WIC §300(b)(2) or Penal Codes §236.1 or §11165.1 during absence from placement and identified as such upon return to placement