



STATE STATUTES  
CURRENT THROUGH MAY 2020

# Responding to Youth Missing From Foster Care

To find statute information for a particular State, go to [State Statutes Search](#).

As of September 30, 2018, an estimated 4,247 youth in foster care were reported to be on runaway status.<sup>1</sup> Research shows that most youth are gone for only a week or less when they run away, but many are gone for a month or more. The reasons that youth run away from their placement vary, but some common themes include needing to have contact and maintain connectedness with families or friends, feeling unsafe or uncared for in their placement, or wanting more freedom and autonomy than the placement can offer them. While absent from care, youth are at high risk of being sexually or physically victimized, engaging in delinquent behavior, using drugs or alcohol, or being the victims of human trafficking.<sup>2</sup>

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<sup>1</sup> Children's Bureau. (2019). [The AFCARS report: Preliminary FY 2018 estimates as of August 22, 2019 \(No. 26\)](#). U.S. Department of Health and Human Services, Administration for Children and Families.

<sup>2</sup> Courtney, M., Skyles, A., Miranda, G., Zinn, A., Howard, E., & Goerge, R. (2005). [Youth who run away from out-of-home care](#). Issue brief #103. Chapin Hall Center for Children, University of Chicago.

Title IV-E (42 U.S.C. § 671(35)) requires States to develop and implement specific protocols for locating and ensuring the safety of youth who are missing from care, including all the following:

- Expeditiously locating any youth missing from foster care
- Determining the primary factors that contributed to the youth's running away or otherwise being absent from care
- To the extent possible and appropriate, responding to those factors in current and subsequent placements
- Determining the youth's experiences while absent from care, including screening the youth to determine if the youth is a possible sex trafficking victim
- Reporting to law enforcement authorities immediately, and in no case later than 24 hours, after receiving information on a missing or abducted youth for entry into the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation and to the National Center for Missing and Exploited Children (NCMEC)

For this publication, State laws and policies regarding the actions that State child welfare agencies must take when a child or youth for whom they have responsibility has gone missing from an out-of-home placement were collected from all States and the District of Columbia.<sup>3</sup> An analysis of the information collected informs the content that follows.

<sup>3</sup> Laws and policies regarding these issues were not found in the databases and publicly available websites for Alabama, Delaware, Hawaii, Ohio, Pennsylvania, South Dakota, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands.

<sup>4</sup> The word "approximately" is used to stress the fact that States frequently amend their laws. This information is current only through May 2020. States that have developed protocols for making reports of youth missing from care include Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>5</sup> For more information on the services provided by NCMEC, see the factsheet [Children Missing From Care](#).

## PROTOCOLS FOR REPORTING CHILDREN MISSING FROM CARE TO LAW ENFORCEMENT

When a social services agency receives a report that a youth in out-of-home care is missing, the laws and policies in approximately 44 States<sup>4</sup> and the District of Columbia require that the agency or agency representative file a missing-persons report with the local law enforcement agency immediately and in no case later than 24 hours after receiving the information. The report must include a request that the youth's information be uploaded to the NCIC database of missing persons.

If the youth's location is not immediately determined, the agency caseworker also must file a report with NCMEC within 24 hours. NCMEC accepts reports from across the country and provides agencies with assistance in locating and returning to safety youth who have gone missing from care.<sup>5</sup> When making the report to NCMEC, the caseworker should be prepared to provide the following information about the youth and the youth's case:

- The youth's name and date of birth
- A physical description of the youth, including a description of the clothing worn at the time the youth was last seen, hair and eye color, height, weight, complexion, eyeglasses or contact lenses, braces, body piercings, tattoos and/or other unique physical characteristics

- A photo of the youth
- The name and contact information of the youth's primary caseworker and supervisor
- The investigating law enforcement agency name, contact information, and case number (i.e., missing-persons report number)
- Contact information of the youth, including information about cell phone numbers, email addresses, social networking contacts, aliases, and nicknames
- The circumstances of the missing youth's disappearance, including the date the youth went missing or was last seen
- Suggested location, people, or direction where the youth could be located, including parents and relatives
- Any other factual, biographical, or historical information, including any health or behavioral health concerns, that may assist with locating the missing youth

## **PROTOCOLS FOR LOCATING CHILDREN MISSING FROM CARE**

In addition to making the required reports to law enforcement and NCMEC, caseworkers are required to notify other persons when a youth is missing from care. This may include the youth's parents, guardian, or other relatives; the youth's attorney or guardian ad litem; the caseworker's supervisor; the court with jurisdiction over the case or the attorney general; and the youth's Tribe (if applicable). The caseworker also must maintain regular contact with law enforcement and NCMEC for updates on progress locating the youth.

In addition, 33 States<sup>6</sup> and the District of Columbia require caseworkers to engage in other actions to locate the youth. These efforts may include, but are not limited to, contacting the following entities or individuals:

- Relatives, including the youth's parents and siblings
- Neighbors and landlord of the youth's last known address
- Teachers, counselors, and other personnel from the school that the youth last attended or other schools the youth attended, if there is knowledge that the youth had a close relationship with persons at that school
- Past known caregivers who have cared for the youth or any other caregivers with whom the youth is known to have had a close relationship
- Probation or parole officer, if applicable
- Juvenile and adult detention centers, if applicable
- Local emergency shelters, local hospitals, and homeless youth programs
- The youth's employer, if applicable

Other search efforts may include the following:

- Searching the youth's belongings
- Calling or texting the youth's cell phone
- Checking the youth's computer, social media accounts, or other online accounts

<sup>6</sup> Arizona, Arkansas, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, and Wisconsin

- Contacting the youth’s friends, relatives, or known associates
- Searching areas that the youth is known to frequent
- Interviewing other youths at the youth’s placement to determine if the youth shared his or her plans or contact information for other friends

### **DETERMINING THE FACTORS THAT LED TO A CHILD’S ABSENCE FROM CARE**

In 40 States<sup>7</sup> and the District of Columbia, caseworkers are required to engage the youth in conversation to determine why the youth ran away from his or her placement. Some questions that need to be addressed may include the following:

- What led the youth to leave his or her placement?
- Did the placement address the youth’s needs? Why or why not?
- Was there an incident that caused the youth to leave the previous placement?

Studies involving interviews with youth who ran away from foster families and the adults who care for or work with them suggest that the reasons youth run away from out-of-home care are varied. The most common reasons include wanting to regain control over their lives or express their feelings, a desire to maintain relationships with family

or friends, and as a response to having been victimized or feeling unsafe in their placement.<sup>8</sup>

### **DETERMINING THE SUITABILITY OF CURRENT AND SUBSEQUENT PLACEMENTS**

In 36 States<sup>9</sup> and the District of Columbia, the youth’s caseworker must, to the extent possible, address the factors that contributed to the youth’s running away from the current placement or may contribute to them running away from subsequent placements. Some of the determinations to be made include the following:

- The appropriateness of the youth returning to the same out-of-home placement
- Whether a new or previous placement is in the youth’s best interests
- What immediate needs the youth and/or placement provider may have and what immediate steps need to be taken to better support both the youth and placement provider
- How to best meet the youth’s needs, both short term and long term, so that the youth feels safe, cared for, and comfortable remaining in the placement

<sup>7</sup> Alaska, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming

<sup>8</sup> Dworsky, A, Wulczyn, F., & Huang, L. (2018). Predictors of running away from out-of-home care: Does county context matter? *Cityscape: A Journal of Policy Development and Research*, 20(3), 101–115.

<sup>9</sup> Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New York, North Carolina, North Dakota, Oklahoma, Oregon, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, and Wisconsin

## ASSESSING THE CHILD'S EXPERIENCES WHILE ABSENT FROM CARE

When a youth returns to care, the caseworker must immediately ensure that law enforcement and NCMEC have been notified so efforts to locate the youth can be suspended. In addition, parents or guardians and all other persons who were involved in the search must be notified within 24 hours. In 39 States,<sup>10</sup> caseworkers must interview the youth about his or her experiences while missing from care. Topics of conversation may include discussing with whom the youth lived while absent from care, how the youth took care of him- or herself, and whether the youth suffered any harm. In 39 States,<sup>11</sup> the caseworker also must screen the youth to determine whether he or she was a victim or at risk of being a victim of sex trafficking or online enticement.

In 14 States,<sup>12</sup> if it is determined that the youth is a victim of sex trafficking, the caseworker must make a report to child protective services and provide or coordinate provision of services to the youth.<sup>13</sup> In 20 States,<sup>14</sup> the caseworker must report the determination of sex trafficking to law enforcement.

## TIMEFRAMES FOR CLOSING A CHILD'S PLACEMENT AFTER RUNNING AWAY

According to Federal guidance, when a title IV-E-eligible youth is temporarily absent from a foster home, whether because the youth has run away or as a result of other circumstances (e.g., the youth is on a weekend home visit or is hospitalized for medical treatment), the title IV-E agency may provide a full month's title IV-E foster care maintenance payment to the licensed provider. This is only if the brief absence does not exceed 14 days and the child returns to the same provider.<sup>15</sup> Policies in 13 States provide timelines for continuing foster care payments, ranging from immediate cessation of payments (in Mississippi) to up to 30 days (in Maryland).<sup>16</sup> In six States,<sup>17</sup> payments to the foster care provider will cease immediately upon determination that the youth will not return to the placement.

Policies in 15 States<sup>18</sup> provide guidance on when an agency can petition the court to dismiss the dependency case (i.e., to be relieved of custody) of a youth who has not returned to care. In general, the dependency case cannot be dismissed until the youth has been missing for 6 to 12 months

<sup>10</sup> Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, Rhode Island, South Carolina, Texas, Vermont, Virginia, Washington, West Virginia, and Wisconsin

<sup>11</sup> Alaska, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Dakota, Oklahoma, Oregon, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming

<sup>12</sup> Alaska, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Mexico, North Dakota, Rhode Island, Vermont, West Virginia, and Wyoming

<sup>13</sup> For more information, see the Child Welfare Information Gateway publication [Responding to Child Victims of Human Trafficking](#).

<sup>14</sup> Arizona, Arkansas, Georgia, Idaho, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Mexico, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, and Virginia

<sup>15</sup> See the Information Memorandum [ACYF-CB/FYSB-IM14-1](#) that was issued November 4, 2014 by the U.S. Department of Health and Human Services, Administration for Children and Families.

<sup>16</sup> Foster care payments will continue for 24 hours in Georgia; 5 days in Alaska and Indiana; 7 days in New York, Oklahoma, and Oregon; 10 days in New Hampshire and Utah; 14 days in Iowa (may be extended to 30 days); 15 days in Louisiana and Vermont; and 30 days in Maryland.

<sup>17</sup> Alaska, Indiana, New Hampshire, Oklahoma, Oregon, and Vermont

<sup>18</sup> Arizona, Louisiana, Minnesota, Missouri, Nevada, New Hampshire, New Jersey, New York, Oklahoma, Oregon, South Carolina, Utah, Washington, West Virginia, and Wisconsin

or while the youth is still a minor. A court also will determine if the agency has made diligent efforts to locate the youth and whether the youth has safety concerns or service needs.

This publication is a product of the State Statutes Series prepared by Child Welfare Information Gateway. While every attempt has been made to be as complete as possible, additional information on these topics may be in other sections of a State's code as well as agency regulations, case law, and informal practices and procedures.

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