



# YOUTH WHO RUN FROM THEIR OUT-OF-HOME PLACEMENT

*A Review of Laws and Data Requirements*

Child Protection Ombudsman  
Stephanie Villafuerte

**March 1, 2023**

# Responding To Youth Who Run from Out-of-Home Placements

*A review of **Federal law** that guides the response to youth who run from out-of-home placement.*



# FEDERAL LAW

## Locating and Ensuring Safety of Missing Youth

**Title IV-E (42 U.S.C. § 671(35))** requires States to develop and implement specific protocols, including:

- Exeditiously locating missing foster youth
- Determining factors that contributed to the youth's running away, and if possible, responding to those factors in current and subsequent placements
- Determining the youth's experiences while absent from care, including screening for sex trafficking
- Reporting to law enforcement authorities immediately, and in no case later than 24 hours, after receiving information on a missing or abducted youth



# Responding To Youth Who Run from Out-of-Home Placements

*A review of **Colorado laws and regulations** that guide the response to youth who run from out-of-home placement.*



# STATE LAW AND REGULATIONS

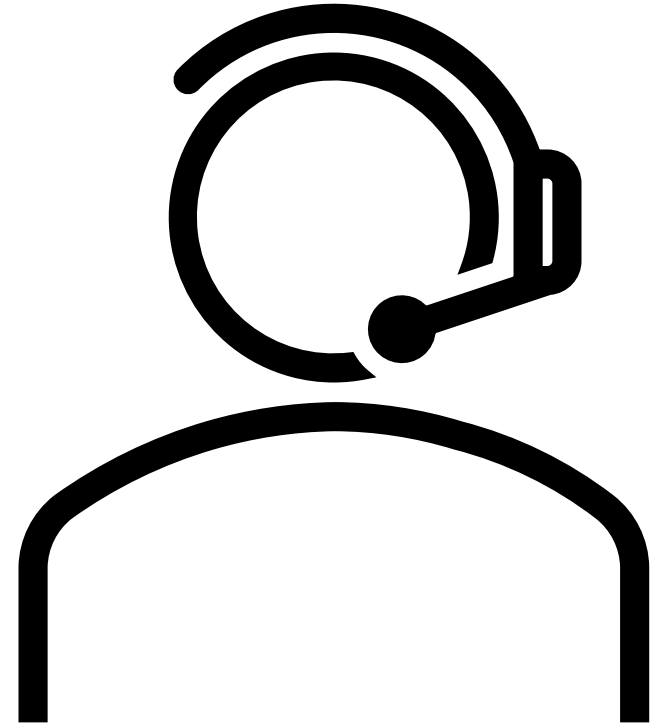
## Reporting Missing Youth to LE

**C.R.S. § 19-1-115.3 and CO Code of Regs. Tit. 12, § 2509-4 (7.303.4)\*** establishes reporting requirements for **human service departments** with legal custody of a youth.

It requires departments to report immediately, and in no case later than 24 hours, to the National Center for Missing and Exploited Children (NCMEC) and to law enforcement after learning of the disappearance of a youth.

### **C.R.S. § 16-2.7-103 (2)(b)(II)(Missing Persons Response)**

Upon notification law enforcement will notify CBI within 2 hours and enter any relevant information into the CCI database.



\*Human Trafficking Regulation

# STATE LAW AND REGULATIONS

## Runaways-Duty to Notify

**C.R.S. § 19-2.5-1508 and CO Code of Regs. Tit. 12, § 2509-4 (7.303.4)\*** establishes reporting requirements for ***foster parents and out-of-home placement facilities***.

When juveniles who are detained, committed to the department of human services, or otherwise sentenced or placed in out of home placements pursuant to 19-2.5-1103, runs away from a facility or home in which they are placed, the person in charge of the facility or foster family must notify the court and local LE as soon *as possible after discovering the juvenile has runaway*.

\*Human Trafficking Regulation

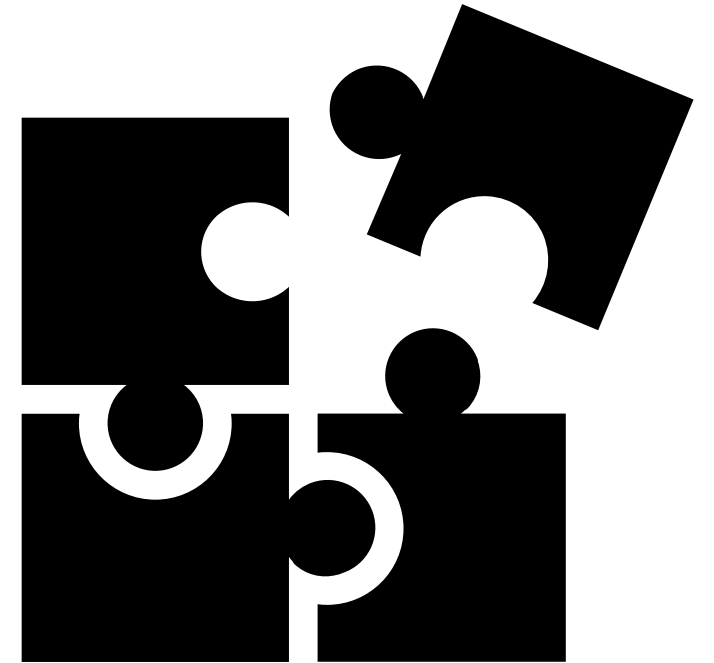


# STATE LAW AND REGULATIONS

## Determining Factors for the Run

**CO Code of Regs. Tit. 12, § 2509-4 (7.303.4)\*** requires county departments, upon the return of the youth, to make reasonable efforts to determine the primary factors that contributed to the child being missing and document those efforts in the State automated case management system.

\* Human Trafficking Regulation



# STATE LAW AND REGULATIONS

## Determining Placement Suitability

**CO Code of Regs. Tit. 12, § 2509-4 (7.303.4)\*** requires county departments, upon return of the youth, to make reasonable efforts to respond to the factors that contributed to the child being missing by addressing the issues in current and subsequent services.

\*Human Trafficking Regulation





# STATE LAW AND REGULATIONS

## Assessing Experiences

**CO Code of Regs. Tit. 12, § 2509-4 (7.303.4)** requires county departments, upon return of the youth, to make reasonable efforts to determine the child's experiences while missing, including conducting a sex trafficking screen to determine if the child is a possible sex trafficking victim.



# STATE LAW AND REGULATIONS

## Gaps in State Law and Regulations

- No timeframes for closing a child's placement after running away.
- No duty to locate youth/only report
- Regulations address sex trafficking context; not other circumstances
- Difficulties accessing data (TRAILS)



# Questions?



**Stephanie Villafuerte, Child Protection  
Ombudsman**

*svillafuerte@coloradocpo.org*