

CWLA Best Practice Guidelines

CHILD WELFARE LEAGUE OF AMERICA

Executive Summary

WASHINGTON, DC

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The Child Welfare League of America is the nation's oldest and largest membership-based child welfare organization. We are committed to engaging people everywhere in promoting the well-being of children, youth, and their families, and protecting every child from harm.

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Executive Summary

The Child Welfare League of America (CWLA), in collaboration with the National Center for Missing and Exploited Children® (NCMEC), has developed best practice guidelines to provide agencies with an effective tool to develop administrative policies, procedures, and case practices that will decrease the likelihood of children going missing from out-of-home care; assure a coordinated and effective response to instances in which children do go missing; and ensure that once children are returned to care, they, their caregivers, and their birthfamilies receive the necessary and appropriate services and supports for recovery and resolution. These practice guidelines grew out of the need to go beyond current resources and respond to new developments in the field:

- High-profile cases have heightened awareness and visibility of the consequences when missing episodes are not prevented. Several states have experienced damaging publicity in the wake of cases in which children have gone missing from care. In Florida, the failure to locate 5-year-old Rilya Wilson in 2002 brought national attention to a state child welfare system that was unable to determine the location of almost 400 children. As a result, several states began efforts to make sure they could account for the whereabouts of all their children in care—and it became apparent that Florida was not alone in its inability to locate large numbers of children. Both before and after the disclosure of Rilya’s disappearance, several states have dealt with cases in which young people who ran away from care were found murdered, victims of the dangers faced by runaways living on the street. The national attention given to such cases has increased public awareness of children who run from care and the need for increased vigilance by child welfare systems in tracking children in their care.

- The child welfare field needs consistent, quality practices in the prevention of, response to, and resolution of missing from care episodes. Currently, no uniform guidelines exist for these processes, and practices vary across state agencies.
- Child welfare agencies need clear lines of communication and coordinated practices to guide their interaction with law enforcement agencies that are concurrently involved in missing episodes. NCMEC is providing law enforcement agencies with companion guidelines and tools to investigate, recover, and reunify children missing from out-of-home care. These CWLA guidelines will give child welfare agencies and their staff direction in partnerships that adhere to good social work practice while enabling law enforcement agencies to investigate and resolve cases in accordance with their own procedures.

The Children Missing from Care Project

The Children Missing from Care Project is a response to the heightened awareness of the risk of harm faced by children who go missing from the agency's care, whether due to their overt actions (i.e., running away), the actions of others (i.e., being abducted), or the inattentiveness of the custodial agency (i.e., being "lost" in care). A coordinated response by child welfare and law enforcement is the best hope for reducing these risks. The initiative was developed to accomplish this goal through four objectives:

1. Clarify the definitions of terms related to "children missing from care" and identify data elements that agencies should collect and aggregate.
2. Explore the scope of the problem, identifying patterns and trends and delineating the individual, institutional, and environmental factors that affect the problem.
3. Develop practice guidelines for child welfare and law enforcement professionals.
4. Disseminate guidance to child welfare and law enforcement agencies through articles, conference presentations, and the NCMEC and CWLA websites.

Children Who Go Missing: An Overview

Definitions

- A child is considered *missing from care* if he or she is not in the physical custody of the child welfare agency or the person or institution with whom the agency has placed the child. The whereabouts of the missing child may be known or unknown.
- A child is considered a *runaway* if he or she is voluntarily missing for 12 hours or overnight,* although there are circumstances and characteristics under which a child should be considered a runaway sooner than this.
- A child is considered *abducted* if someone without legal authority or the permission of the custodian takes the child or fails to return the child at an agreed-on time. Abduction may be by a family member or by a non-family member.
- In a *family abduction*, a child is taken and/or not returned by a family member, in violation of a court order, visitation agreement, or other legitimate custodial right.
- In a *nonfamily abduction*, a child is taken and/or not returned by a nonfamily member who does not have the lawful authority or permission of the child's legal custodian to do so.
- A child is considered *lost in care* if his or her whereabouts are unknown to the agency *and* this status is due to the inattentiveness of the agency.

Recommendations

1. The response to episodes of children missing from out-of-home care must be a joint effort between child welfare and law enforcement agencies. To facilitate that partnership, it is essential that they use a shared set of definitions to enable staff of both groups to communicate effectively.
2. Partnering agencies need a common understanding of issues that distinguish missing from out-of-home care from instances in which children are missing from the care of their birthfamilies.

* The National Center on Missing and Exploited Children advises all parents and caregivers to immediately report children who are missing to law enforcement.

3. Both child welfare and law enforcement agencies can benefit from an understanding of the reasons children go missing from foster homes, group homes, and residential placements. This knowledge can help agencies develop practices and programs that prevent the occurrence of children who go missing by treating both the systemic and individual causes, enhancing investigative strategies and reducing recovery times, and implementing improved practices in the resolution of missing episodes.
4. Family abductions from out-of-home care may be different from those in which children are in the custody of birthparents because the state is the legal custodian of the child as well as because of the complex relationships that can exist between birthfamilies and foster and kinship families. Child welfare agencies can contribute to the law enforcement personnel's understanding of family dynamics, which may be different from those to which they are accustomed.

The Child Welfare Agency: Critical Issues in Management and Administration

Federal legislation—most notably the Adoption and Safe Families Act of 1997—demands that the child welfare agency be responsible for ensuring the safety of children in out-of-home care. Agency policies and practices that contribute to the prevention of missing episodes as well as those that facilitate the expeditious return of children who have gone missing are essential components of that commitment to safety.

Agencies must address systemic issues that contribute to missing episodes, including those known to increase the likelihood that children and youth will run from foster homes or other placements and those that may encourage birthparents or other relatives to attempt to abduct children from care.

Recommendations

1. Agencies can reduce the likelihood of both running and family abduction by improving agency practice in the recruitment, retention, and support of foster parents; the training of foster parents and child welfare staff; and building relationships between birthfamilies and foster families.
2. Agencies have a responsibility to select placements that meet the unique needs of children in their care and to establish the expecta-

tion that workers will conduct face-to-face visits on a regular basis to ensure the safety and well-being of the child in that placement.

3. Agencies must keep accurate and current records on all children in care to ensure that children are not “lost” and to facilitate the speedy location and recovery of children who do go missing.
4. Agencies should take a proactive approach to the issue of missing children by preparing a plan that details intra- and interagency policies and procedures on these issues, including but not limited to partnership with law enforcement and other community agencies, confidentiality and information sharing, media contact, and staff protocols for prevention, response, return, and recovery of missing children.

The Law Enforcement Agency: An Essential Partnership

Law enforcement agencies operate in a federal statutory framework that prescribes actions that must be taken in response to reports of missing children and provides guidance, assistance, and tools for handling investigations when children are missing. Child welfare staff and law enforcement personnel have a shared interest in the safe recovery and return of children missing from out-of-home care. When child welfare and law enforcement agencies work in partnership, they bring the expertise of both disciplines to the table, which can enhance both the investigative effort and the resolution of the episode. It is essential that both partners also bring respect for the other’s point of view and knowledge, openness to different ways of working and thinking, and a willingness to work together in the best interests of the child who is missing.

Recommendations

1. Child welfare agencies, working in partnership with law enforcement in investigations of missing children, should be aware of the responsibilities of law enforcement agencies, as well as the resources and services they can expect law enforcement to provide.
2. Partnerships between law enforcement and child welfare agencies must be marked by mutual respect for each partner’s viewpoints as well as knowledge and skills. The way toward effectively working in concert can be paved by attention to the details of the elements of the partnership, including shared definitions, joint protocols for response, cross-training, shared information systems, and confidentiality protocols.

3. Federal, state, and local information systems are key law enforcement tools in the recovery of missing children. Child welfare agencies should work closely with law enforcement in the development and implementation of systems that interface and provide essential information to both agencies.
4. The completion of memorandums of understanding (MOUs) between the law enforcement and child welfare agencies ensures that roles and responsibilities are clearly defined for all phases of work with missing children, from prevention through return and resolution. Agencies that implement such a protocol will be able to respond more quickly and more effectively when children do go missing from out-of-home care.

Prevention: Keeping Children and Youth Safely in Care

Prevention of missing from care episodes is the responsibility of everyone who works with the child and his or her family throughout the life of their involvement with the child welfare system.

Recommendations

1. Before placement begins, the agency must adequately prepare the child, the caregiver, and the child's family. Family-centered practice and individualized strengths-based assessment and planning form the basis of this preparation of all parties. It should include safety and risk assessments that take into account risk factors that may increase the likelihood of running away or family abduction, as well as protective factors that indicate the foster family will support the child well.
2. Optimal prevention begins with careful selection of a foster family or group or residential placement that meets the individual needs of the child in the least restrictive environment possible and provides the child with a trusting relationship with a caregiver based on mutual respect. Placement with a relative is generally the most desirable placement setting; if that is not possible, agencies should try to match the needs of the child with a foster family or group or residential facility best suited to meet those needs.

3. Once in care, the placement must be supported with worker-child visits, parent-child visits, and services and supports to the child, the parent, and the foster family. Older adolescents should receive appropriate transition services to help them prepare for the future, regardless of their permanency plan.
4. Agencies can use management information systems to identify potential missing children quickly as well as to build a body of knowledge that will lead to improved understanding of the risk factors associated with missing episodes.

Responding to Children Missing in Care

Once a child has gone missing, the child welfare agency must respond swiftly and decisively and do everything in its power to locate the missing child and return him or her to a safe environment. It is essential that the agency work collaboratively with law enforcement to produce the quickest and best outcome possible for each individual missing child.

Recommendations

1. The child welfare agency should be prepared to respond to missing from care episodes by having an agency plan and MOU in place with the local law enforcement agency. The plan should provide procedures for identifying a contact person in each agency; notifying appropriate personnel at both agencies, the birthparents, and the court; conducting safety and risk assessments for the missing child; and conducting the initial investigatory interviews.
2. The ongoing investigation is under the purview of the law enforcement agency, but the child welfare agency should continue to solicit information from contacts and keep track of the progress of the case on a regular basis. Agencies should employ information technology, including management information systems and Internet listings of missing children, to the fullest extent possible.
3. The agencies should support the birthparents, siblings, and foster parents of children who go missing throughout the missing episode, as well as to attend to the stress experienced by child welfare staff.

Return and Resolution

The location and return of children missing from out-of-home care should never be the conclusion of the episode, but the beginning of a process to:

- attend to the immediate needs of the child, birthfamily, and foster family;
- reassess the child's safety, permanency, and well-being;
- reassess the placement, treatment, and permanency plans and make changes as appropriate;
- give feedback to the foster family and the caseworker about strengths as well as challenges and issues that might improve work with children, and provide training or support as appropriate; and
- provide data as well as information to the child welfare agency about systemic issues that the agency should use in a continuous quality improvement process to address the problem of children missing from care.

Recommendations

1. The child welfare agency should consider the safe return of a child who has been missing from out-of-home care as one step in a continuous process of assessing and ensuring the safety, permanence, and well-being of the child.
2. The safe physical return of the child should be covered by an MOU between the child welfare and law enforcement agencies, and all interested parties should be notified as soon as possible.
3. Once the child is physically in the custody of the agency and in a safe placement, a debriefing interview should be conducted to determine why the child went missing, what happened during the missing episode, what needs to be done in response to what happened, and what needs to be done to prevent further missing episodes.
4. The agency should undertake a series of activities to ensure that the child's placement, services, and permanency planning goals are still appropriate; update them when necessary; and provide needed supports to help the child, foster family, and birthfamily deal with the missing episode and any attending trauma.