

Date – April, 2024

Manual - Child and Family Services Manual, Chapter E, Foster Care

Transmittal # 311

The purpose of this transmittal is to provide new, revised, and clarified guidance for *Chapter E: Foster Care* of the Child and Family Services Manual. Unless otherwise stated, the provisions included in this transmittal are effective upon release.

Changes to the manual incorporate new federal laws as well as clarify and enhance existing guidance on meeting the safety, permanency, and well-being needs of children in foster care.

This transmittal and manual are available on FUSION at:

<https://fusion.dss.virginia.gov/dfs/DFS-Home/Foster-Care/Foster-Care-Guidance>

The entire Foster Care Manual can be found on the DSS public website at:

<https://www.dss.virginia.gov/family/fc/index.cgi>.

The significant changes are as follows:

Section(s) Changed	Significant Changes	Reason for Change
Section 17.13 Missing children or youth from foster care, p. 23	<p>This section was revised to provide information and resources available to the local departments of social services (LDSS) that can assist in developing a plan to ensure that necessary action is taken when a child or youth initially goes missing from foster care.</p> <p>This subsection was also revised to include information about the higher risk trafficking for missing children and youth from foster care and connect this section to section 12.5.1.1.</p>	<p>This subsection was revised to clarify and strengthen existing requirements and was prompted by reviews of cases of missing children conducted in response to the Office of the Inspector General’s request.</p>
Section 17.13.1 Notification to Law Enforcement and The National Center for Missing and Exploited Children, p.23	<p>This subsection was revised to expand the population of youth that the LDSS will need to report when missing to include Fostering Futures youth and Chafee eligible youth who are no longer in foster care.</p>	<p>These changes were made to comply with 71(a)(35)(B) of P.L. 117-348 (Federal Law).</p> <p>This subsection was also changed to clarify that NCMEC can assist with cases of missing</p>

	<p>This subsection was also revised to enhance the information that the LDSS should provide to law enforcement and the National Center for Missing and Exploited Children (NCMEC) when reporting a youth in foster care missing.</p> <p>This subsection was also revised to include that the LDSS should maintain regular communication with law enforcement and NCMEC during the period that the child or youth is missing from care.</p>	<p>young adults that are ages 18-20 years old.</p>
<p>Section 17.13.3 Continued efforts to locate, p. 25</p>	<p>This subsection was revised to include resources available through NCMEC to assist the LDSS in the requirement to make continued efforts to locate missing children and youth in foster care.</p>	<p>This change was made to enhance local practice related to the ongoing requirement to continue to locate children and youth who are missing from care.</p>

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17.13 Missing children or youth from foster care

Child welfare is charged with ensuring that children exit foster care to a safe, permanent family. This charge is supported by an agency's capacity to manage instances in which children and youth in the agency's custody may be missing from a foster care placement. Missing foster care children/youth may be defined as those who have either left voluntarily (runaways) or involuntary (abduction or lost) *and* cannot be accounted for by the agency responsible for their care and placement. *Research suggests that children currently or formerly in foster care are at higher risk of being trafficked (see section 12.5.1.1 for information regarding the prevention of sex trafficking and resources to support victims of sex trafficking).*

Each LDSS should have a plan specific to their community and in collaboration with local law enforcement utilizing the recommendations in this section. [The National Center for Missing and Exploited Children](#) (NCMEC) provides information and resources that can assist in developing this plan. NCMEC specifically addresses children missing from care. [The Case Worker Quick Reference Guide: Missing Child Reports to NCMEC](#) can be found on the [Children Missing From Care](#) website and can be utilized to ensure that all necessary actions are taken in the initial stages of a missing child or youth.

All activities undertaken to locate children and youth missing from foster care should be clearly and completely documented in OASIS.

17.13.1 Notification to law enforcement and the National Center for Missing and Exploited Children

The LDSS shall provide immediate verbal notification to the appropriate local law enforcement agency and National Center for Missing and Exploited Children (NCMEC) within 24 hours upon receiving information on any child or youth that is missing from care. *This includes youth who are not in foster care but are eligible for services through the Chafee program as well as Fostering Futures Youth. NCMEC can assist with cases of missing young adults between the ages of 18-20 years old.*

The LDSS should follow up by sending subsequent written notification within 48 hours or as required by law enforcement protocol. The LDSS should ask law enforcement to enter information about the child into the FBI's National Crime Information Center (NCIC) database which includes information on missing persons. *The LDSS should maintain regular communication with law enforcement and NCMEC to provide a safe recovery of a missing or abducted child or youth, including sharing the information outlined below.*

Once a report is filed with law enforcement, the LDSS shall contact the NCMEC at 1- 800-843-5678. NCMEC can only accept reports from the legal guardian. See [section 17.13](#) for additional information regarding required activities during the initial stages of a missing child or youth. *If a referral is being made for a youth who is receiving Chafee services, but is not in foster care, the referral to NCMEC should be made jointly with the*

legal guardian. If the LDSS learns that the youth is missing after the legal guardian has made the referral, this should be documented in OASIS.

Information to be shared with law enforcement and the NCMEC (as appropriate) includes:

- Biographical information and *recent* photographs of *missing or abducted youth or child*.
 - A description of the child or youth's physical features, such as height, weight, sex, ethnicity, race, hair color, and eye color.
- Names and addresses of friends, relatives, present and former foster parents and placement staff, and acquaintances.
- Suspected destinations.
- Prior disappearances and outcome.

Endangerment information that should be highlighted in communications with law enforcement officials may include, but are not limited to:

- *The child's or youth's pregnancy status.*
- *Suicidal tendencies.*
- *Vulnerability to being sex trafficked.*
- *Other health or risk factors.*
- Child younger than 13 years of age.
- Child or youth intellectually disabled.
- Child or youth that is drug dependent, including prescribed medication and/or illegal substances and if the dependency is life-threatening.
- Child or youth missing more than 24 hours before being reported to law enforcement.
- Child or youth believed to be in a life-threatening situation.
- Child or youth believed to be in the company of adults who may endanger his safety.
- Other circumstances involved in the disappearance that would cause a reasonable person to conclude that the child or youth may be considered "at imminent risk".

If the worker believes that a child or youth has unwillingly left the foster care placement or has been removed by an unauthorized person, the worker should request that the child be placed on the Amber Alert System when making the report to law enforcement. The local law enforcement officials will determine if Amber Alert criteria are met and will activate the network when appropriate.

17.13.2 Notification to other key partners

When a child or youth has runaway or is discovered to be missing from the foster care placement and the child or youth's whereabouts are unknown, the service worker should provide:

- Immediate verbal notification to:
 - The parents unless the parents cannot be found or have had their parental rights terminated.
 - The child's or youth's guardian ad litem (GAL).
- Notification within 24 hours, or as soon as possible, of the disappearance to:
 - Family members.
 - Service providers.
 - Other appropriate persons.

The service worker should discuss with all parties the collaborative efforts they can all take to locate the child or youth.

17.13.3 Continued efforts to locate

The service worker shall continue to make efforts to locate the child or youth each month that the child or youth remains missing or on runaway status. See the [NCMEC Case Resources](#) and [Case Resources Flyer](#) for services provided by NCMEC to continue to locate children and youth who are missing from foster care. Youth usually run from or to something. Data shows most youth run to friends, family, or the streets. It is very important to know who and how to contact their friends or family. It is also very important to be aware of the youth's hangouts and activities.

Efforts to locate the child or youth shall include, but are not limited to, contacting:

- Law enforcement.
- Birth parents, family members, and relatives.
- Former caregivers.

- Other agencies that may be providing services.
- The [National Center for Missing and Exploited Children](#) at 1-800-843-5678.

Efforts should also be made to track the child or youth's activities via Facebook or other social media sites. It will be necessary to work with the police or the National Center for Missing and Exploited Children to obtain access to restricted pages.

The case of a missing child or youth should be staffed on a quarterly basis with a supervisor to ensure that efforts made to locate the child or youth have been sufficient and no other actions are needed.

When information regarding the possible location of a missing child or youth is received, the service worker should staff immediately with a supervisor to assess the most appropriate course of action to secure the child's safety.

All activities taken to locate children and youth missing from foster care should be clearly and completely documented in OASIS.

17.13.4 When missing child or youth returns

When the child returns to the foster care placement after being reported to law enforcement as a runaway or missing person, the service worker should ensure that appropriate law enforcement are notified immediately, but no later than 24 hours after the service worker was notified, of the child or youth's return. When the child or youth had been placed on the Amber Alert system, the service should notify law enforcement within one hour of the child or youth's return, consistent with the protocol established by local law enforcement.

Parents and the GAL should be notified as soon as possible after the service worker has been notified of the child's return.

Other parties notified of the runaway or missing status of the child should be notified of the child or youth's return within 24 hours but no later than 48 hours of the child or youth's return.

17.13.5 Discussing run away episode with child or youth

Engaging the youth is essential when they return. It is important for the youth to feel welcome, supported, and cared about. Their immediate needs should be met. The worker should always talk to a youth about a run episode. The main focus of the discussion is to determine if the youth is okay and to gather enough information to develop a plan to help the youth not to want to run in the future. Remember to focus on a solution and be nurturing. The information obtained in this process may prevent a future run and help the service worker develop targeted information.

Some questions to ask may include:

- Are you ok?
- Do you need any supports, services, medical attention?
- What do you need right now to feel safe?
- Is there anything I can do to make it easier to stay?
- Was there anything that would have changed your mind to keep from running?
- What did you hope to happen when you left?
- Did you have a plan on how to take care of yourself and did it work out?
 - This question may help lead to where they ran to, what they did, who they contacted, and what happened to them on the run
- What made you decide to return?
- What are your plans for the future?
- What do you want to see happen in the next 3 months?

Note: If a youth runs to see biological family, assess current safety issues, and consider placement with family or increase family visits.

The Preventing Sex Trafficking and Strengthening Families Act ([P.L. 113-183](#)) also requires that the child be screened to determine if they are a possible victim of sex trafficking. See [Section 12.5.1](#) for additional information on resources and tools to be used when screening a child for sex trafficking. Additionally, LDSS shall report within 24 hours to law enforcement after receiving information on a child or youth who has been identified as being a sex trafficking victim.

17.13.6 Documentation

The LDSS must document the child's missing status in the child welfare information system immediately but no later than 24 hours from receiving notification that they are missing. The documentation must include the notification to law enforcement and NCMEC. The LDSS shall clearly and completely document all activities taken to locate children and youth missing from foster care in OASIS. The service worker shall also document in OASIS whether the youth is a known victim of sex trafficking either prior to or while in foster care. Documentation shall include:

- Efforts made to locate the child or youth, as well as any tasks or actions assigned through case staffing with the supervisor.

- All continuing efforts to locate the child in collaboration with law enforcement, family members, GAL, NCMEC, and other appropriate persons.
- Efforts made to persuade the youth to return to foster care, if a youth is located and refuses to return.
- Discussions with the child or youth after a return to care so that this information may be used to prevent another run episode.
- Indication as to whether the youth is a known victim of sex trafficking prior to or while in foster care.

17.12.7 Resources

- The [National Runaway Safeline](#) (formerly known as the National Runaway Switchboard) was established in 1971 and serves as the federally designated national communication system for runaway and homeless youth. Services are provided through funding from the Family and Youth Services Bureau in the Administration for Children and Families, U.S. Department of Health and Human Services and private funders.

Services offered by NRS include:

- 1-800-RUNAWAY crisis hotline is available 24-hours a day throughout the United States and its territories, including Puerto Rico, the U.S. Virgin Islands, and Guam.
 - Information and Referrals which is a database of more than 13,000 youth and family resources such as counseling, shelter services, and alcohol/drug services.
 - Conference calls assisting the youth in contacting family or services.
 - Message services for youth who want to relay messages to parent/guardians or the parent/guardian may leave messages for the youth.
 - Let's Talk: a free runaway prevention curriculum for teenagers, families and those that support them.
 - Home Free: a service in partnership with Greyhound Lines, Inc. to help reunite runaway youth with family or guardians by providing a free bus ticket home.
- The [National Center for Missing and Exploited Children](#) (NCMEC) offers multiple resources, such as:
 - Taking reports of missing children who have run away.

- Checklist of actions to take in the initial stages of a missing child.
- Case management teams within the Critical and Runaway Unit that provide technical assistance to law enforcement and support the runaway's family. They will coordinate the creation and dissemination of posters to help generate leads. Information about the child must be entered in the FBI's National Crime Information Center to create a poster.
- Legal resources for runaway children.
- Appropriate referrals for families in crisis and needing emotional support to NCMEC's Family Advocacy Division and/or Team HOPE.
- [Virginia's Missing Children Clearinghouse](#) is administered through the Virginia Department of State Police. The Clearinghouse:
 - Links to all Virginia law enforcement agencies through the Virginia Criminal Information Network, the FBI, all U.S. police agencies through the National Crime Information Center, and all children's clearinghouses through computer hookups with NCMEC.
 - Helps coordinate efforts between local, state, and federal agencies in recovering missing children.
 - Provides tips on handling specific situations.
- [Shared Hope International](#) addresses human trafficking, including the foster care population