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| <b>DCF</b> | <b>COMMONWEALTH OF MASSACHUSETTS ~ DEPARTMENT OF CHILDREN AND FAMILIES</b>                    |  |
|            | <b>Policy Name:</b> Policy Regarding Missing or Absent Children in Department Care or Custody |  |
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## POLICY REGARDING MISSING OR ABSENT CHILDREN IN DEPARTMENT CARE OR CUSTODY

*NOTE: Throughout this document, the terms "child" and "children" are used as general and inclusive terms to mean child(ren)/youth/young adult(s) from birth up to age 23 years.*

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## **PURPOSE AND OVERVIEW**

The purpose of this policy is to establish clearly defined direction and timelines for notifying authorities and initiating search processes when a child in the Department's care or custody is identified as missing. This policy also addresses the Department's response to children who are absent from Department-approved placements but whose whereabouts are known, as well as establishing their safety and well-being when located and returning them as quickly as possible to Department-approved placement. While this policy focuses on locating children who are in Department care or custody, many of the procedures may be relevant to situations where a Department-involved child who remains in parental custody is identified as missing.

### **Definitions Used in This Policy**

**Abducted** – a child's whereabouts are unknown, and it is known or believed that the child is being or has been concealed, detained or removed by a person in violation of a valid court order granting custody to another. (NOTE: The abductor may be the child's parent or caregiver, a "pimp" or other unknown or known person who is controlling or exploiting the child.)

**Absent child** – a child in Department care or custody who has left (or run away from) their approved placement but whose whereabouts are KNOWN and they refuse to return.

**High risk child** – one or more of the following factors applies:

- The child has been or is **believed to have been abducted**;
- The child is **age 13 years or younger**;
- The child is considered to present a **danger to self or others** due to:
  - **medical or behavioral condition(s)** that if not treated daily will place them or the public at severe risk (including a history of serious substance abuse and/or suicidality or other mental illness);
  - **pregnancy and/or parenting** and the infant/child is believed to be with them;
  - **developmental disability** that impairs the child's ability to care for them self;
  - history of, or vulnerability to, **sexual exploitation, sex trafficking or other human trafficking**;
  - **gang involvement or criminal behavior**, and/or
  - any other situation in which the Department considers the child to present a danger to self or others.

**Human trafficking victim** – a person who is subjected to harboring, recruitment, transportation, provision, obtaining, patronizing or soliciting for the purpose of:

- **sex trafficking** (i.e., inducement to perform a commercial sex act, forced sexual services and/or sexually explicit performance); and/or
- **labor trafficking** (i.e., subjection to involuntary servitude, peonage, debt bondage or slavery).

**Missing child** – a child in Department care or custody whose whereabouts are unknown. Includes:

- a child who may have been abducted;
- a child who may have run away or be "on the run" from a Department placement whose whereabouts are UNKNOWN;
- a child whose whereabouts are unknown but who makes periodic contact with Department or a placement resource; and
- child who has come under Department jurisdiction on an emergency basis under MGL c.119, §51B(c), and the child's whereabouts become unknown before the initial court hearing.

**Orders of custodial protection** – orders issued by a court under the Child Requiring Assistance (CRA) statute that provide police with authority to take a child under age 18 years who has run away into protective custody.

**Placement resource** – the contracted provider of residential treatment or comprehensive foster care services or a Department foster/pre-adoptive parent or parent with whom a child in Department care or custody has been placed, including a young adult who is receiving young adult support payments.

**Sexually exploited child** – any person under age 18 years who engages, agrees to engage, or offers to engage, in sexual conduct with another person in return for a fee or in exchange for food, shelter, clothing, education or care.

See also **Appendix A - Other Relevant Terms and Acronyms**.

## **I. POLICY**

Under federal law and Department regulations, the Department is responsible for engaging in ongoing efforts to locate children in its care or custody who are identified as missing or absent from their Department-approved placement and returning them as soon as possible to placements that it determines will be safe and address their needs (which may include returning them to the care of their parents while retaining custody).

The Department considers all missing and absent children to be at risk and responds with intensive intervention. Certain factors may elevate the level of concern and lead to their identification as “high risk”, triggering specific steps. A child is considered “high risk” when one or more of the following factors applies:

- The child has been or is **believed to have been abducted**;
- The child is **age 13 years or younger**;
- The child is considered to present **a danger to self or others** due to:
  - **medical or behavioral condition(s)** that if not treated daily will place them or the public at severe risk (including a history of serious substance abuse and/or suicidality or other mental illness);
  - **pregnancy and/or parenting** and the infant/child is believed to be with them;
  - **developmental disability** that impairs the child’s ability to care for them self;
  - history of, or vulnerability to **sexual exploitation, sex trafficking or other human trafficking**;
  - **gang involvement or criminal behavior**; and/or
  - any other situation in which the Department considers the child to present a danger to self or others.

When a Social Worker determines that a child in parental custody cannot be located, she/he should immediately consult with the Supervisor and Area Director/designee to determine how the Department should respond to the situation.

**Role of the Area Director.** The Area Director/designee is responsible for:

- coordinating and monitoring responses;
- tracking all efforts underway to return missing and absent children to Department-approved placement; and
- assist the On Call Supervisor when a “high risk” child is reported missing during non-working hours.

**Role of the Area Program Manager.** The Area Program Manager (APM) assigned for case management of the missing or absent child or another manager designated by the Area Director or APM is responsible for:

- coordinating and monitoring the activities being carried out to locate and return a specific missing or absent child to Department-approved placement.

### **Responsibilities of Placement Resources.**

#### High Risk Missing from Department-Approved Placement:

When a child's whereabouts are unknown and one or more of the high risk factors is present, the placement resource is responsible for taking the following actions:

- **immediately** reporting the missing child to the local law enforcement authority and obtaining the National Crime Information Center (NCIC) or other case reference number and police contact, when a child may have been abducted or has one or more other high risk criteria; and
- Immediately afterwards notifying the Department (via the hotline during non-working hours), including whether the local law enforcement authority has been notified and the information obtained. Leaving a voicemail message is not adequate; information must be conveyed directly to a staff person.

#### All Others Missing from Department-Approved Placement:

When a child's whereabouts are unknown but there is no indication of abduction and the child does not meet any of the high risk categories, and based on prior behaviors and/or history the child is expected to return, the placement resource is responsible for taking the following actions:

- **immediately** initiating search activities (see Section II); and
- notifying and consulting with the Department, within 2 hours after the placement resource has identified the child as whereabouts unknown, to determine whether to:
  - (a) **immediately** notify the local law enforcement authority that the child is missing; or
  - (b) delay notification of local law enforcement, **with approval from the Area Director/designee, for up to a maximum of 2 additional hours**, because of the likelihood that the child will be found through search activities completed during that period of time.

Through its contracting process, the Department requires providers of community-connected residential treatment to engage in additional tasks to prevent children from becoming missing or absent and to respond if such a situation occurs.

**Role of the Hotline On Call Supervisor (OCS).** When the hotline receives a report from a placement resource that a child is missing or absent, the OCS is responsible for

- coordinating and supporting activities to locate and return the child to Department-approved placement during non-working hours (see Section II);
- notifying the Area Director of the office where the child's case is assigned of any case involving a high risk child; and
- notifying the National Center for Missing and Exploited Children.

**Mobilization of Search Resources for a Missing Child, Including Law Enforcement.** Upon learning that a child in Department care or custody is missing, the Department initiates, without delay, a collaborative search effort with the local law enforcement authority and others, by notifying the individuals, agencies and organizations identified in this policy. Throughout the process, the Department maintains the privacy of the child's status as being in Department care or custody, to the degree possible, without impeding the search for the child. In most situations, the Department will contact the child's parents, kin, friends, school personnel, placement resources, tribal staff, providers or others, as applicable. Search activities are updated and repeated on a weekly or more frequent basis, especially when children are identified as "abducted" or "high risk," until they are located and returned to Department-approved placement.

**Verification of Location and Safety of an Absent Child; Development of a Plan to Return Child to Department-Approved Placement.** Depending on the unique and specific circumstances of each situation, the Social Worker, in consultation with the Supervisor, determines which search tasks are necessary to verify the absent child's location and safety; and develops a plan for the child's safe return to a Department-approved placement. The Area Director/designee must approve any plan that will not result in the child's immediate return to an approved placement.

**Clinical Review Team.** When a child has been missing or absent for 30 calendar days or longer, or sooner if needed to support coordination of search activities and/or return of the child to Department-approved placement, the Area Program Manager, in consultation with the Social Worker and Supervisor, requests that a clinical review team be convened. The clinical review team reviews activities to date,

identifies additional activities and develops a plan for continued searching and/or returning the child to Department-approved placement that is reviewed at least monthly between the Supervisor and Area Program Manager in supervision.

**Returning a Child to Department-Approved Placement.** Once a missing or absent child is located the immediate priority is ensuring their safety and health. When the child's immediate needs are met, the Department gathers as much information as possible about the factors that led to the child becoming missing or absent and the child's experiences while away from placement. Consideration is given to whether continued out-of-home placement in the existing setting is safe and will meet the child's needs or arranging for a more appropriate placement. The Department arranges for the child's return and notifies those who have been involved in the search that the child has been located. The Department explores whether the child has been a victim of sexual exploitation or human trafficking during their time away from placement. If the Department determines that the child is or may have been such a victim, it immediately files a 51A report for a child under age 18, completes referrals to the District Attorney and the local law enforcement authority and coordinates with any multidisciplinary team that is established.

**Documentation and Recordkeeping.** The Department maintains records that identify where each child in its care and custody is placed. When the child is identified as missing or absent from that placement, the Department updates its electronic case record; if the child's whereabouts are or become known, the Department updates the child's location in the electronic case record.

**Missing or Absent Children from Out-of-State.** Department staff may become aware of a child who is located in Massachusetts but is missing from another state or jurisdiction that has legal responsibility. When this occurs, Department staff must immediately alert the Area Director/designee for the service area in which the child was located, so that the Department may provide assistance in returning the child(ren) by coordinating with the out-of-state child welfare agency, appropriate Tribe (when applicable), service provider or other authorized agency or organization, and if needed through the Interstate Compact on the Placement of Children.

## **II. PROCEDURES: CHILD IDENTIFIED AS MISSING**

1. **When a child has been identified as MISSING, the Social Worker, in consultation with the Supervisor and Area Program Manager [or the On Call Supervisor (OCS) during non-working hours, and Area Director for "high risk" children], determines:**

A. **for a child who may have been "abducted" or has one or more other "high risk" criteria, that:**

- an immediate report has been filed with the local law enforcement authority; and
- the police contact information and a National Crime Information Center (NCIC) number or other case reference number have been obtained and documented from the local law enforcement authority and are documented in the electronic case record.

If the local law enforcement authority has not yet been notified, the Social Worker **immediately** files a report with local law enforcement and obtains and documents the NCIC number and police contact. See **Appendix B** for the information to provide when reporting a missing child.

In response, the local law enforcement authority may have issued a **Be On the Look Out (BOLO)** bulletin or activated an **Endangered Child Advisory**. The Massachusetts State Police may also initiate an **AMBER Alert** when a missing child, who is age 17 years or younger, has been or may have been abducted; the missing child is in danger of serious bodily harm, injury or death; and there is enough descriptive information available to believe that an AMBER Alert will help locate the missing child. *NOTE: Only the State Police are able to issue an AMBER Alert which is requested through the local law enforcement authority.*

B. **for a child 1) whose whereabouts are unknown but there is no indication of abduction, 2) the child does not meet any of the "high risk" criteria and 3) based on prior behaviors and/or history, the child is expected to return, that:**

- the placement resource has **immediately** initiated search activities.

Further, the Social Worker, in consultation with the Supervisor, Area Program Manager (or the OCS during non-working hours), the placement resource and others as necessary, determines whether to:

- notify the local law enforcement authority ***immediately*** that the child is missing; or
- delay notification of the local law enforcement authority while carrying out search activities, ***for a period of up to 2 hours*** from the time the child was identified as missing by the placement resource. The Area Director may approve up to a maximum of 2 additional hours for searching prior to notification of the local law enforcement authority (for search guidance, see Procedure # II-4 below).

If the local law enforcement authority has not yet been notified when the Social Worker receives information that the child is missing, the Social Worker, in consultation with the Supervisor and placement resource, will complete the notification, immediately or within 2 hours after the placement resource identified the child as missing (or within the additional 2 hours approved by the Area Director). The Social Worker will obtain the NCIC number and police contact. See **Appendix B** for the information to provide when reporting a missing child.

2. **When the missing child is court-involved, the Department notifies the:**

- **Department Attorney:**
  - *Immediately* – When the child is identified as abducted or other high risk or a victim of custodial interference. During non-working hours, this means:
    - *when the child is identified as abducted or a victim of custodial interference*, notify the on call Department Attorney immediately;
    - *when the child is otherwise high risk*, notify the assigned Department Attorney at the start of the next working day.
  - *Within one working day* – All other circumstances.
- **Probation Officer:**
  - *Immediately* – When the child is identified as abducted or other high risk or a victim of custodial interference. *NOTE: When this occurs during non-working hours, the Department notifies the probation officer at the start of the next working day.*
  - *Within one working day* – All other circumstances.

3. **Contact the National Center for Missing and Exploited Children (NCMEC)**, within 24 hours after a child age 20 years or younger in Department care or custody is identified as missing. The Department contacts NCMEC at 1-800-843-5678 (1-800-THE-LOST) or through other means established by NCMEC, in accordance with the memorandum of understanding with NCMEC.

NCMEC will request a copy of the police report and a current photograph of the child. Upon receipt of the photograph and information about the child, NCMEC will assign a case manager, publish the child's photograph on its website, distribute posters of the child both locally and nationally and notify the Massachusetts Missing Child Clearinghouse. The child's name and identifying information will be published with the photograph, but the child will not be identified as being in Department care or custody.

4. **Initiate a collaborative information-gathering and search plan.** To locate the child, the Social Worker, Supervisor and manager, or the OCS during non-working hours, determine which of the following contacts and steps should be carried out and documented in the electronic case record, and by whom:

- **Contact:**
  - Child's cell phone;
  - Most recent placement resource to determine the circumstances under which the child became missing or absent from the Department-approved placement;
  - Parents – even in situations where parental rights have been terminated, the parent may play a role in the search for their child and/or return of the child to Department-approved placement;
  - Kin, including the child's siblings;

- Other caregivers with whom the child is known to have had a close or long term relationship;
  - Department's hotline if the child has not been located during normal working hours; (*NOTE: The hotline will need information on what should be done if the child is located during non-working hours.*);
  - Close friends and classmates of the child, including any known boyfriends, girlfriends, or anyone else in the community with whom the child may have developed a significant relationship;
  - Neighbors;
  - Teachers, counselors, and other school personnel from the school that the child last attended or at other schools the child attended, especially those with whom the child is believed to have had a close relationship;
  - Coaches and directors of social organizations the child participates in;
  - Department and contracted provider staff who may have knowledge of the child's possible location;
  - Landlord of the child's last known address;
  - The District Attorney's Office or Child Advocacy Center to notify any multidisciplinary team that may have been established and facilitate case coordination;
  - Probation officers or parole officers, child's attorney and probation officer, when applicable;
  - Health care providers;
  - Hospitals and emergency rooms, when specific circumstances indicate that the child may have been admitted;
  - Community/neighborhood/youth workers in the vicinities of the child's placement and/or where the child previously lived;
  - Any other locations indicated by the specific circumstances where the child may appear such as: juvenile or adult detention centers, local emergency shelters and homeless youth programs, or hospitals;
  - Review internet websites/social media, when determined to be necessary and safe, to find any information regarding the missing or absent child. (See Online Search and Social Media Policy)
5. **Update the search plan weekly; convene a clinical review team if the child remains missing or absent.** The Social Worker and/or Supervisor update the search plan at least weekly. The Area Program Manager convenes a clinical review team, when the child has been missing or absent 30 calendar days or longer, or sooner if needed to support coordination of search activities and/or return of the child to Department-approved placement. At a minimum, the clinical review team is attended by:
- the Social Worker and/or Supervisor;
  - the Area Program Manager;
  - provider from child's most recent placement;
  - others, internal/external, who may be able to help return the child to Department-approved placement.
- The Area Program Manager will document the clinical review team in the electronic case record, including the date, who attended, the decisions made and planned actions with time frames. The plan developed is reviewed monthly between the Supervisor and Area Program Manager in supervision.
6. **When a child who is identified as missing makes periodic contact** with Department staff members, providers, foster/pre-adoptive parents, parents or others working with the Department resource, the person contacted seeks the following information:
- the child's location at the time of the contact;
  - information about where the child is staying for any period of time;
  - information about individuals who may be with the child;

- Information about the health and safety of the child (including safety from the influence or retaliation of those who may have been exploiting the child); and if the child is parenting, also inquire about the health and safety and location of the infant/child;
- whether the child is attending school and where;
- whether the child is employed and where;
- contacts the child has made with family, other relatives, friends, probation or parole agents, etc.;
- the methods the child uses to make contacts (e.g., telephone number, mobile phone application, mail, social media site, etc.); and
- how the child is providing for themselves [and their child(ren), when applicable].

Department staff who obtain such information arrange for it to be documented in the electronic case record. The placement resource is requested to notify the Social Worker each time the placement resource is contacted by the child.

Each time the Social Worker is contacted by the child directly or receives information that a placement resource or a Department staff person has been contacted by the child directly, the Social Worker, in consultation with the Supervisor and Area Director/designee, reassesses the child's safety to determine the appropriate response and who needs to be notified.

### **III. PROCEDURES: CHILD ABSENT FROM DEPARTMENT-APPROVED PLACEMENT**

1. **High risk child absent from a Department-approved placement.** When a high risk child is absent from a Department-approved placement but their whereabouts are known, the placement resource must *immediately*:
  - notify the Department (or the hotline during non-working hours); and
  - assist the Department in its process to verify the absent child's location and safety.
2. **All other children absent from a Department-approved placement.** When a non-high risk child is absent from a Department-approved placement, but their whereabouts are known, and based on prior behaviors and/or history the child is expected to return, the placement resource is responsible for taking the following actions:
  - notify the Department (or the hotline during non-working hours) **within 2 hours**; and
  - assist the Department in its process to verify the absent child's location and safety.
3. **Verify absent child's location and safety.** The Social Worker and Supervisor, or the OCS during non-working hours, with the assistance of the placement resource and Department manager, as needed, *immediately* initiate a process to verify the absent child's location and safety.

Depending upon its assessment of the nature and level of risk to the child, the Department may choose to complete referrals to the District Attorney, the local law enforcement authority and other community-based resources.

4. **Plan and initiate actions to return the absent child to a Department-approved placement.** Based on the information gathered about the child's location and level of risk, the Social Worker, in consultation with the Supervisor, develops and initiates a plan for the child's safe return to Department-approved placement and documents the plan in the electronic case record. The Area Director/designee must review and document approval of any plan that will not result in the child's immediate return to an approved placement. If the absent child has not returned to an approved placement within 24 hours after development of the plan, the Social Worker or Supervisor must notify the Department Attorney and the probation officer no later than the next working day.

For additional relevant information, see above Section II, Procedures 2 and 5.



#### **IV. PROCEDURES: LOCATING AND RETURNING A MISSING OR ABSENT CHILD TO DEPARTMENT-APPROVED PLACEMENT**

*NOTE: Returning the child to a safe placement may require coordination between various entities such as the contracted placement resource, Juvenile Court, Juvenile Probation, Department of Youth Services, local law enforcement authority, the Interstate Compact for the Placement of Children (ICPC) Unit and more than one Area Office. Most of these procedures apply to both a missing child and one who is absent (i.e., whose whereabouts are known, but who is away from Department-approved placement).*

1. **When a missing or absent child is located or returns**, the Area Director/designee (or the OCS during non-working hours) and/or placement resource coordinates the completion of the following activities, as applicable, within time frames and under circumstances that prioritize the child's safety and well-being:
  - Arrange for a medical screening, a screening for sexual exploitation and/or human trafficking, and/or a mental/behavioral health evaluation, as indicated by the circumstances, within one working day after the child's return.
  - Arrange for replacement of any clothing or personal items the child may need, if these have been lost.
  - If the child is a suspected or known victim of sexual exploitation and/or human trafficking,
    - file a 51A if the child is under the age of 18,
    - notify the District Attorney and local law enforcement authority that the child of any age has been located and is a suspected or known victim of sexual exploitation and/or human trafficking, and
    - coordinate with them and any multidisciplinary team that may have been established to determine and carry out other necessary steps. (See Protective Intake Policy)
  - Notify the child's parent(s)/guardian/legal custodian and the child's last placement that the child has been located.
  - Inform the local law enforcement, AMBER Alert Coordinator, NCMEC and all others who were previously notified of the child being missing or absent from Department-approved placement (including having an Area Office manager notify any Department Central Office staff who may have been involved), that the child has been located.
  - When the child is court-involved, inform the court, the probation officer and the Department Attorney that the child was located/returned, within 2 working days after the child's return.
  - Update the Action Plan, as needed, to reflect changes in the child's placement, roles of participants and tasks/services/supports.
2. **Plan for the child's safe return to Department-approved placement.** The Social Worker, in consultation with the Supervisor and managers as needed, develops the plan by carrying out the following tasks/contacts as applicable to the situation:
  - Determine the primary factors that contributed to the child's running away or otherwise being missing or absent from the Department-approved placement, and to the extent possible and appropriate, respond to those factors in current and subsequent placements.
  - Determine the child's experiences while missing or absent from placement, including screening the child to determine if the child is a possible victim of sexual exploitation or human trafficking.
  - Consult the child (depending on the child's age and development) about the circumstances under which they became missing or absent, where they want to live or what type of placement they are willing to accept (see Permanency Planning Policy). If the decision is to place the child with an unlicensed kin or child-specific family, consult with Family Resource staff and others to determine if the child may be placed on an emergency basis, prior to the completion of the full license study (see Family Resource Policy).
  - Consult the child's parents, as appropriate, about their perspective on the type of placement that will keep their child safe and stable.
  - Consult Family Resource staff (as applicable) and others to ascertain whether it is safe and appropriate for the child to return to the last placement before being reported missing, identifying

whether other children in the placement may be at risk, including at risk for sexual exploitation or human trafficking.

- Identify the child's individual needs and the ability of the prospective placement resource to meet those needs.
- Convene a clinical review team, if necessary, involving the Department staff, the child, family and others, to support decision-making about a safe and appropriate placement as well as the plans to support the child's return.
- Update the electronic case record regarding any changes in the child's appearance (e.g., tattoos or other marks, hair color) and obtain and store an identification photo of the child if one has not been taken in the previous 6 months or if the child's appearance is substantially changed.

Once a decision has been reached about the child's placement, the Social Worker, in consultation with the Supervisor, arranges for transportation, any necessary placement stabilization services and for the child's return to any educational/vocational program.

The Social Worker confirms that the circumstances surrounding the child's return, decisions made, actions carried out, information obtained and information about any changes necessary to prevent a re-occurrence are documented in the electronic case record.

3. **When a child in Department care/custody is located in another state**, the Area Director/designee will coordinate the following activities, as applicable, in addition to the relevant tasks outlined above:
  - Contact the child welfare agency and Tribe, when applicable, of the state where the child is located to arrange assistance for the child's return. Until the child can be returned to Massachusetts, the child may be provided placement by the local child welfare authorities or tribe in the state in which the child is located.
  - Provide the necessary documents to the other state to prove that the child is in Department care or custody.
  - Ascertain whether the child is capable of voluntarily consenting to return to Massachusetts.
    - If the child agrees to return voluntarily, their consent is documented in the electronic case record.
    - If a child age 17 years or younger refuses to return to Massachusetts, request the support of Department legal staff in filing for any necessary court orders.
    - If the child refuses to return to Massachusetts and an out-of-state placement has been located, the placement must be approved in accordance with the ICPC.
  - Complete travel arrangements for the child's return, including payment, through the Regional Administrative Manager prior to any verbal authorization. The Massachusetts Probation Interstate Compact Office may assist with transportation arrangements, with the Department responsible for the cost of transportation.
  - Notify the Department's Interstate Compact (ICPC) Unit in Central Office to obtain guidance, when needed. While the Interstate Compact does not generally extend to children in voluntary care, most states will assist in returning a child age 17 years or younger to the appropriate state.
  - If the child is being detained in the other state for a criminal offense, consult with Department legal staff.
  - Contact the Massachusetts Probation Interstate Compact Office, when needed. The probation officer of the court through which the Department obtained custody of the child or the Department Attorney may also provide assistance in obtaining the support of that state's court in arranging the return of the child.
  - Plan for child's safe return to Department-approved placement (see Procedure # IV-2 above)
4. **Arrange return of child located in a foreign country.** The Area Director/designee contacts the Department's Office of the General Counsel and Deputy Commissioner of Field Operations to obtain assistance in arranging the return of the child.
5. **Provide data to federal government.** The Department will provide information and data on children missing from care or custody as is required by the federal Secretary of Health and Human Services.

## **V. POLICY AND PROCEDURES: WHEN THE DEPARTMENT LOCATES A CHILD MISSING OR ABSENT FROM ANOTHER STATE OR JURISDICTION**

The Department may become aware of a child, for whom another state or jurisdiction has legal responsibility, who is located in Massachusetts. Such a child may/may not be listed in the NCMEC registry. The Department may also become aware of a child located in Massachusetts who is from another state or jurisdiction but not in its care or custody and who is registered as missing with NCMEC.

Department staff who become aware of such situations must immediately alert the Area Director for the service area in which such a child has been located, so that the Department may provide assistance in returning the child(ren) by coordinating with the out-of-state child welfare agency, service provider or other authorized agency or organization. This assistance may include sheltering the child and/or facilitating the child's return to placement. The Area Director/designee for the service area in which such a child has been located arranges for completion of the relevant tasks in the Interstate Compact and the following, as applicable:

- Assist in making arrangements to return the child to the child's home jurisdiction;
- Arrange placement for the child until arrangements can be made for the child's return;
- Contact the local law enforcement authority in the appropriate jurisdiction immediately if the child is a suspected or known victim of sexual exploitation or human trafficking; and
- Contact the appropriate probation office in Massachusetts, when applicable.

## **Appendix A**

### **Relevant Terms and Acronyms**

**AMBER (America's Missing: Broadcast Emergency Response) Alert** – a voluntary partnership between law enforcement authorities, broadcasters and transportation agencies through which the State Police may activate an urgent bulletin in the most serious child-abduction cases. This uses the Emergency Alert System (EAS) to air a description of the abducted child and suspected abductor. AMBER Alerts are requested through local law enforcement when:

- The child, who is age 17 years or younger, has been or may have been abducted; and
- The child is in danger of serious bodily harm, injury or death; and
- There is enough descriptive information to believe that an AMBER Alert will help locate the child.

**BOLO (Be On the Look Out)** – an internal bulletin that may be issued by a local law enforcement authority at its discretion.

**Endangered Child Advisory** – notification to local media issued by the local law enforcement authority at its discretion when it determines that media may be helpful in locating a child but the circumstances do not meet the criteria for an AMBER Alert.

**MMCC (Missing Children Clearinghouse)** – an organization housed with the State Police that provides resources for families, caregivers and professionals assisting in the recovery of missing children.

**NCIC (National Crime Information Center)** – a computerized index of criminal justice information available to federal, state and local law enforcement authorities as well as other criminal justice agencies. The purpose of the NCIC is to provide prompt disclosure of information about crimes and criminals to agencies that help to apprehend fugitives, locate missing persons, and locate and return stolen property. Federal Law [42 USC § 671(a)(35)(B)] requires the Department to report missing or abducted children under age 18 years to local law enforcement within 24 hours after determining they are missing so that they can be entered into the NCIC database.

**NCMEC (National Center for Missing and Exploited Children)** – an organization that helps prevent child abduction and sexual exploitation, helps locate missing children and assists the victims of child abduction and sexual exploitation, their families and the professionals helping them. The Department has a memorandum of understanding under which it arranges for missing or abducted children who are age 20 years or younger and in Department care or custody to be reported to NCMEC within 24 hours after they are identified as missing.

**NHTRC (National Human Trafficking Resource Center)** – a national, toll-free 24/7 hotline that can be accessed to report a tip; connect with local anti-trafficking services; or request training, technical assistance or general information or specific anti-trafficking resources.

## **Appendix B**

### **Information When Reporting a Missing Child**

*The following information may be important in locating the child and should be available to the necessary individuals, agencies and organizations involved with the search:*

#### **Child Identifiers**

- Age and date of birth
- Gender, gender identity and sexual orientation
- Height and weight
- Unique identifiers (braces, glasses or contact lenses, tattoos, body piercings, scars, prosthetics or surgical implants, etc.)
- Hair, complexion and eye color
- Photograph and video, if available
- Clothing worn when last seen
- Items that might be with the child, if known (e.g., food, cash, credit card, mobile telephone)
- Name, address, placement type and contact information for current placement provider
- Type of custody/legal status, visitation plans/orders
- Mobile telephone number and/or email and other social media addresses, if any
- Means of transportation, if known
- Fingerprints, if available
- Blood type, if known

#### **Social Networks of Child and Parent/Caregiver/Placement Resource**

- Parent/caregiver, kin, placement resource and other social network contact information
- Location where last seen
- Locations where the child might be found or contact information for individuals who may know whereabouts
- Usual routines such as curfews and after school activities

#### **Parent/Caregiver/Placement Resource Factors that May Create Danger**

- Circumstances surrounding the incident
- Mental health/behavioral conditions
- Substance abuse history
- Previous history or threats of abduction, bodily harm or death
- Non-family members living in the home

#### **Child Factors that May Create Danger**

- Medical and/or mental health/behavioral conditions and/or developmental status
- Time of day became missing
- Weather and/or other noteworthy events when identified as missing
- Circumstances surrounding the incident
- Possible gang involvement or juvenile offending behavior
- Pregnant or parenting status and whether infant/child is also missing
- Past history (including other reports of being missing or habitually late)

#### **Department Contact Information**

- Social Worker name and contact information

## **Appendix C**

### **Standards of Care for Children in Department Care or Custody Who are Identified as Missing or Absent from Community Connected Residential Treatment**

*NOTE: Throughout this document, the terms "child" and "children" are used as general and inclusive terms to mean child(ren)/youth/young adult(s) from birth up to age 23 years.*

The Department of Children and Families is committed to ensuring that every child in its care and/or custody resides in a safe and nurturing environment. Because of this, the Department has developed the Policy Regarding Missing or Absent Children in Department Care or Custody. The Department's policy establishes clearly defined direction and timelines for notifying authorities and initiating search process when a child is identified as missing or absent from their community-connected residential treatment program. This is an **urgent** situation, requiring immediate attention, that may compromise the child's safety, as well as their progress in achieving the goals established within their treatment plans. The immediate tasks of the program will be to commence efforts to locate them and to complete required notifications in accordance with the circumstances (see Section C – Reporting and Responding to Children Identified as Missing or Absent below).

The following standards of care set forth the Department's expectations relative to preventing children from becoming missing or absent from community-connected residential treatment programs and responding and reporting if they do. Programs are expected to document the training their staff receive in these standards and the required protocols, policies and procedures necessary to achieve them.

*NOTE: The following applicable definitions:*

- **"Missing Child"**: A child in Department care or custody whose whereabouts are unknown. Includes:
  - a child who may have been abducted;
  - a child who may have run away or be "on the run" from a Department placement whose whereabouts are UNKNOWN;
  - a child whose whereabouts are unknown but who makes periodic contact with the Department or a placement resource; and
  - a child who has come under Department jurisdiction on an emergency basis under MGL c. 119, §51B(c), and the child's whereabouts became unknown before the initial court hearing.
- **"Absent Child"**: A child in Department care or custody who has left (or run away from) their approved placement but whose whereabouts are KNOWN and they refuse to return.
- **"High Risk Child"**: One or more of the following factors applies:
  - The child has been or is **believed to have been abducted**;
  - The child is **age 13 or younger**;
  - The child is considered to present a **danger to self or others** due to:
    - **medical or behavioral condition(s)** that if not treated daily will place them or the public at severe risk (including a history of serious substance abuse and/or suicidality or other mental illness);
    - **pregnancy and/or parenting** and the infant/child is believed to be with them;
    - **developmental disability** that impairs the child's ability to care for them self;
    - history of, or vulnerability to, **sexual exploitation, sex trafficking or other human trafficking**;
    - **gang involvement/criminal behavior**; and/or
    - any other situation which the child is considered to present a danger to self or others.

## **A. General Requirements for Prevention**

To prevent children from becoming missing or absent, community-connected residential treatment programs:

- Establish a milieu:
  - That continually supports the engagement of children with the program, promotes positive relationships with peers and staff, creates an environment that fosters shared responsibility for individual and collective behaviors and systematically tracks the locations of residents, in accordance with their individual treatment and safety plans;
  - In which residential program staff are mindful of each resident's unique needs, strengths, styles of communication and individual goals;
  - That encourages residents to actively participate in their own treatment planning and assist them to maintain a positive vision for themselves in the future;
  - That ensures the safety and well-being of all program residents by utilizing safe and effective milieu-stabilizing and de-escalation strategies, as well as opportunities for residents to utilize self-regulating techniques; and
  - That establishes an understanding that being absent or missing is unsafe, leaving the program (or failing to return on time to the program) without authorization is unacceptable and expectations for keeping the program informed of their whereabouts in a timely manner.
- Enact a written protocol that clearly sets forth the program's policies and practices relative to preventing each resident from becoming missing or absent from the program. Part of this protocol will be the requirement for specific information to be documented in each child's Individual Safety Plan (*see Section B – Resident-Specific Provisions for Prevention below*).

## **B. Resident-Specific Provisions for Prevention**

To prevent specific children/youth/young adults from becoming missing or absent and to inform decision-making and actions if they are identified as such, community-connected residential treatment programs:

- Assess each child/youth/young adult's potential risk for leaving the program without authorization at intake and as an ongoing activity throughout their participation in the program. The assessment documents their needs, strengths, acquisition of community living skills and specific risk-taking behaviors in which they may engage.
- Develop an Emergency Fact Sheet for each resident at the time of admission to a residential program (and update as additional information becomes available) that contains, at minimum:
  - Basic demographic information [e.g., age, gender, gender identity, address and phone number of residence), medical conditions, health insurance identification number, Department custody status and probation or other legal status (when applicable)];
  - Any available information supplied by the family and/or referring agency regarding the child/youth/young adult's pattern of movement, places frequented, probable dress, likely response to search efforts and ability to protect themselves without assistance should also be included;
  - A photograph of the resident as an attachment; and
  - Information about the child/youth/young adult's community living skills.
- Develop an Individualized Safety Plan, based on the assessment of the child's potential risk for leaving the program, that outlines: potential precipitants to their becoming missing or absent on an unauthorized basis and specific programmatic and supportive interventions to prevent them from running or otherwise becoming missing or absent, as well as the program's response to the behavior once they have returned (*see Section D – Searching for and Returning Child to Safe and Appropriate Placement*).
- Address in the child's Treatment Plan, when applicable, specific clinical issues that may underlie their running or other behaviors or situations associated with leaving placement on an unauthorized basis and specific interventions to keep them safe and engaged in treatment.

### **C. Reporting and Responding to Children Identified as Missing or Absent**

To prevent harm to a child/youth/young adult whose absence is unauthorized and locate them as soon as possible, community-connected residential treatment programs:

- Enact a written protocol that clearly sets forth the program's policies and practices relative to responding when a child is identified as missing or absent from the program, including, at a minimum, that:
  - The program will commence an immediate search for the child. The activities involved in intensive searching will vary depending on the age of the child, the level of risk involved, the type of program, and the staffing available but could include telephone calls to family, friends, and other known connections, internet searching and physically looking for the child.
  - When the child is MISSING (i.e., whereabouts unknown), the program will determine whether the Missing child is "high risk" and:
    - For a high risk child:
      - Will immediately notify the local law enforcement authority and obtain the National Crime Information Center (NCIC) or other case reference number and police contact; and
      - Will immediately notify the Department (via the Hotline during non-working hours).
    - For a child who is not high risk and based on prior behaviors and/or history is expected to return: Notify and consult with the Department (via the Hotline during non-working hours) within 2 hours after the child is identified as missing. The program and the Department jointly determine whether the program will:
      - notify the local law enforcement authority immediately; or
      - delay the notification for up to 2 hours after the child was identified as missing to continue intensive searching because of the likelihood that the child will be found through search activities completed during that period of time. The Area Director/designee may approve up to a maximum of 2 additional hours for searching.
  - When the child is ABSENT (i.e., whereabouts known), the program will determine whether the Absent child is "high risk" and:
    - For a high risk child: Will immediately notify the Department; or
    - For all others: Will notify the Department within 2 hours.

The program will assist the Department in its process to verify the absent child's location and safety. The program and Department may jointly assess the nature and level of risk and determine that the assistance of law enforcement is required to implement a jointly developed plan for returning the child to Department-approved placement.

- When notifying the Department, the program will convey its information directly to a Department Area Office staff person. During non-working hours, the program will convey the information to Hotline staff. *Leaving a voicemail message is not adequate in either of these situations. Programs should also notify the Department immediately when contacted by a child whose whereabouts remain unknown.*
- Submit an Incident Report in accordance with Incident Reporting Guidelines.

### **D. Searching for and Returning Children Safely to Department-Approved Placement**

To search for children who are missing or absent and to support their safe return to Department-approved placement, community-connected residential treatment programs:

- Enact a written protocol that:
  - Establishes the program's expectations relative to searching for children who become missing or absent;
  - Includes daily documentation of efforts made to find them for as long as the program's services continue to be authorized for them by the Department;



- Provides for the program to ensure that the child is safely transported back to the program when they have been found. The provider could do this directly, using program staff, relief staff, etc., or through an agreement with the local law enforcement authority; and
- Sets forth the program's policies and practices relative to responding to the child when they return to the program, including:
  - assessing and addressing any health or safety needs;
  - determining the factors that contributed to the child becoming missing or absent;
  - determining whether the child may have experienced sexual exploitation and/or human trafficking (if yes, the program will immediately file a 51A report);
  - adjusting their Individual Safety Plan and/or Treatment Plan to prevent future missing or absent incidents; and
  - coordination with the Department Social Worker.

### **E. Role of the Department and Department Social Worker Re: Missing and Absent Children**

Community-connected residential treatment providers are expected to coordinate their activities in preventing and responding to situations in which children in Department care or custody become missing or absent. The primary contact on an individual level is the Department Social Worker; however, when a child is missing or absent, the Department may designate a case-specific manager who will also be an important contact.

The following outlines how community-connected residential treatment programs should communicate and coordinate with the Department Social Worker to prevent children in Department care and custody from becoming missing or absent from placement, search for them and return them safely to Department-approved placement.

- Consult with the Department Social Worker during the assessment of a child's potential for becoming missing or absent and the development of their Individualized Safety and Treatment Plans.
- In addition to notifying the Department (via the hotline during non-working hours), inform the Department Social Worker as soon as the child is identified as missing or absent from the program.
- Support the Department and Social Worker in such activities as working with the Department and child's attorney to obtain a warrant for their return, contacting their Probation Officer, when applicable, addressing their health and safety needs when found and securing their safe return to Department-approved placement.