

Milwaukee County Department of Health and Human Services Delinquency and Court Services Division POLICY & PROCEDURE	Date Issued: 03/01/2015	Reviewed: 02/18/2015 By: DP Last Revision:	Section: ADMINISTRATION	Policy No: 026	Pages: 1 of 7
<input checked="" type="checkbox"/> Delinquency and Court Services Division Children’s Court Services Network Purchase of Service Agencies	Effective Date: 03/01/2015	Subject: <p style="text-align: center;">Missing Youth Policy</p>			

I. POLICY

It is the policy of Delinquency and Court Services Division (DCSD) that youth whom are missing or Absent Without Leave (AWOL), i.e. missing from home or from out-of-home care, are exposed to substantial safety risks that may threaten the health and well-being of that child as well as the community at large. Children or juveniles (Youth) that are missing from out-of-home care are vulnerable to and at risk of additional emotional and physical trauma (e.g. sexual exploitation, drug abuse, or criminal activity). Their safety, permanence, and well-being cannot be assured. Measures to locate the youth, communicate with critical individuals and agencies involved with the youth, and plan for the youth’s safe return must be made. For this reason, it is the responsibility of DCSD, more specifically the Human Service Worker (HSW) to ensure that our youth are safe in the community and that their whereabouts are known.

If a youth’s whereabouts are not known, it is the expectation of the HSW to make reasonable, consistent efforts to locate the child by working with the parents/guardians, out-of-home care providers, law enforcement and others with whom the youth may share a significant relationship. When the youth is located, the HSW shall attempt to identify the activities the youth was engaged in while missing and will make arrangements to assess the current health status and well-being of the youth.

II. DEFINITIONS

Missing Youth

Generally, a youth is missing when unaccounted for a period of time not to exceed 8 hours that cannot reasonably be justified by the youth’s age, maturity or emotional capacity AND when efforts to locate the child have been unsuccessful. This definition includes and taking by force/coercion or when the youth is with an unauthorized person or in an unauthorized place.

Critical Missing Youth

All youth ages 12 and under with or without significant-to-severe cognitive, psychological or physical deficits whom are missing from home or any out-of-home care placement are critical.

Any youth ages 17 and under with significant-to-severe cognitive, psychological or physical deficits whom are missing from home or from any out-of-home care placement are critical.

Out of Home Care

A youth is considered to be in “out-of-home” care if the agency has placement and care responsibility for the youth whether placed under a Voluntary Placement Agreement under ss. 48.63 or 938.63 stats. or through a court

order. This includes a youth who is placed by the agency with relatives or in court-ordered Relative Care placements, whether or not payments are being made but the agency maintains placement and care responsibility. It does not include a youth who is living with relatives (or caregivers other than parents) but who is not under the placement and care responsibility of the agency. The placement types would include: foster care, treatment foster care, court-ordered Kinship Care, group home care, residential care, supervised independent living, secure detention, or shelter care when a permanency plan is required. Out-of-home care also includes the period of time when a child is on a Trial Reunification. This does not include care provided in a secured correctional facility (defined under s. 938.02(15m) stats.) or juveniles who are receiving an in-home service of a 72 hours hold or a sanction at a shelter care facility.

A youth is considered “missing from out-of-home care” when he or she is under the placement and care responsibility of a county agency, is living in an out-of-home care setting, and any of the following criteria are met:

- The youth is unaccounted for a period of time that cannot reasonably be justified by the youth’s age, maturity, or emotional capacity which shall not exceed eight hours (as required in s. HFS 56.05(1)(c)5., Adm. Code).
- When efforts to locate the youth have been unsuccessful.
- When it is known or suspected that a youth has been taken by force or coercion.
- When the youth is in the company of an unauthorized person or located in an unauthorized place.

When a youth is considered Missing from Out-of-Home Care, the case shall not be closed just because the youth is missing from care. Any decision to close a case with an open court order for a youth who has attained 18 years of age with an open court order should be done in consultation with your supervisor, the District Attorney’s Office and/or Corporation Counsel.

Reasonable Efforts

The steps a similarly experienced and educated HSW would take when faced with a similar set of circumstances. For the purpose of this policy, the procedure will establish the minimum reasonable efforts to be made by a HSW in order to locate a youth who is in “missing” status.

Writ of Capias (or commonly known as Capias)

A warrant issued by a court for the arrest or taking temporary physical custody (TPC) of a youth. **The term Capias is used interchangeably with Pick-Up Order.**

III. CONSIDERATIONS

- a. If the youth is in Wraparound or involved with the Bureau of Milwaukee Child Welfare (BMCW), all of this activity should be done in conjunction with the Care Coordinator and/or BMCW Worker.
- b. If the youth is in any Out-of-Home Placement, all of this activity should be done in conjunction with the out-of-home providers/staff.

Placement

When a youth enters an out-of-home care placement the following shall occur:

- A Release of Confidential Information should be signed by the parent/guardian and placed in the child/juvenile’s case file. If the parent/guardian is unavailable or refuses to sign then a Judge’s signature should be sought.

- A photograph of the child shall be taken and placed in the child/juvenile's file upon parental consent. The photograph should be updated annually as long as the child/juvenile remains in out-of-home care.
- The Child/Juvenile Recovery Fact Sheet should be completed and updated regularly as changes occur.
- Assure that the out-of-home care provider, respite provider, or parent/caregiver when a child is on a home visit or trial reunification, understands their responsibility to contact an agency representative when a child in their care is determined to be missing.

Confidentiality

Existing confidentiality standards must be followed (Ref. ss. 48.78, 938.78, 48.981(7), Stats.) Agency staff must assure that an out-of-home caregiver or respite provider understands confidentiality requirements as they pertain to children or juveniles missing from care. A Recovery Release of Confidential Information should be signed prior to making efforts to locate a missing child/juvenile as outlined in this policy.

Determining When a Youth is Missing

The agency caseworker must assess the situation by gathering information from the out-of-home care provider and other people involved with the case to determine if a youth is missing.

IV. PROCEDURE

A. Responsibilities when a Youth is Missing In-Home:

- 1) When a youth runs away and is "missing" from a family with an open case in juvenile justice, the family maintains legal responsibility for the youth. Thus, the HSW will strongly encourage the parents/guardian to:
 - i. File a missing persons report immediately with local law enforcement.
 - ii. If needed, the HSW will assist the family.
- 2) The HSW will contact the National Center for Missing and Exploited Children at 1.800.THE LOST (843.5678) to report the youth missing.
- 3) The HSW will notify the youth's Indian Tribe (if applicable).
- 4) The HSW will interview the parents/guardians with regard to the places or people the youth may seek out while on the run, e.g.:
 - i. Friends
 - ii. Relatives
 - iii. Former Caregivers
 - iv. Boy/Girl friend's
 - v. Hangouts/ Corner Store
 - vi. Teachers and/or other adult mentors
 - vii. Mental Health Professionals
- 5) The HSW will also query the parents/guardians as to any social media the youth may utilize, (e.g. My Space, Facebook, Instagram, Twitter, etc.) and will encourage parents/guardians to monitor the

youth's activity directly, if possible, or via youth's friends. The parents/guardians will be encouraged to report any information related to the youth's whereabouts to local law enforcement.

- 6) While the youth remains "missing," the HSW MUST continue to serve the family in accordance with their needs and the case plan unless there are no other children residing in the home. Additionally, the HSW shall continue to query the parents/guardians twice weekly regarding any activity on the child's social networking, school or any other places. This can be done via telephone calls to the parents/guardians.

B. Responsibilities when a Youth is Missing Out of Home:

- 1) If a child is placed in a foster home, group home, RCC, or RTC, or shelter, the HSW will work in conjunction with the out-of-home provider or Center Staff to determine when a youth is missing. The HSW must assess the situation by gathering information from the out-of-home care provider and other people involved with the case to determine if the youth is missing. If the youth has been determined to be missing, the HSW must notify as soon as possible, but no later than the same day:
 - i. The parent/caregiver, legal custodian, and guardian
 - ii. The out-of-home care provider, if the youth was not with the provider when he or she went missing
 - iii. The Indian child's tribe, if applicable, and
 - iv. The appropriate Interstate Compact on the Placement of Children (ICPC) or Interstate Compact for Juveniles (ICJ) contact if a youth is placed in Wisconsin through ICPC or ICJ.
- 2) The HSW will ensure that a Missing Persons report was filed with the local police precinct by the out-of-home provider or Center Staff on the same day that the child is reported missing, and will be prepared to answer questions related to the children's physical description, clothing, identifying marks and any characteristics or conditions that would qualify that youth as a "critical missing" youth.
- 3) The HSW will ensure that the out-of-home provider or Center Staff report the youth to the National Center for Missing and Exploited Children at 1.800.THE.LOST (843.5678).
- 4) The HSW will notify the court that the child is "missing" pursuant to 938.51(4)(a)(b) in order to request a Capias. [See Attached Form]
- 5) The HSW will provide notice that the youth is "missing" to the Assistant District Attorney (ADA), the parents' counsel, as well as the youth's public defender or guardian ad litem and any other parties involved with the youth's case plan and/or team.
- 6) While the youth remains missing, the HSW MUST:
 - Contact with the child's/juvenile's friends, relatives, or significant others for possible information about his/her whereabouts
 - Contact with the child's/juvenile's school if school is in session

- If the child/juvenile has been missing before, contact any person the child/juvenile was found with or in the location they were located previously
- Determine if any of the child's/juvenile's friends or significant others are also missing; if so, whether their families or friends have additional information
- Determine whether the child/juvenile, or anyone taking the child/juvenile left any written information which may indicate where the youth has gone or been taken
- Check with Social Security for updated address information if the child/juvenile is receiving benefits. If the child/juvenile was taken, check for updated information on anyone who may have taken the child/juvenile
- Check the eWIsacwis system to see if anyone is receiving benefits for the child/juvenile and for updated address information if an adult is involved in the missing from care episode
- Check with service providers for possible information about the child's/juvenile's whereabouts.
- Continue to conduct and document permanency planning activities according to ss. 48.38 and 938.38 Stats.

C. **Responsibilities when a Youth is no longer Missing:**

- 1) Make efforts to immediately notify the following:
 - i. The parent/caregiver, legal custodian, and guardian
 - ii. The out-of-home care provider, if the youth was not with the provider when he or she went missing
 - iii. The Indian child's tribe, if applicable, and
 - iv. The appropriate Interstate Compact on the Placement of Children (ICPC) or Interstate Compact for Juveniles (ICJ) contact if a youth is placed in Wisconsin through ICPC or ICJ.
- 2) Verify that law enforcement has been notified of the youth's return if the child or juvenile was listed as a missing person.
- 3) Call the National Center for Missing & Exploited Children at **1-800-THE-LOST (1-800-843-5678) to notify them that the child is no longer missing.**
- 4) Notify all parties, i.e. Bureau Worker, Wrap worker, courts, etc. that the youth is no longer in missing status.
- 5) If the return of the youth is by means other than a return on a secure Capias, schedule a walk in hearing to quash the Capias.
- 6) Following an episode of being missing from care, evaluate the youth's need for treatment and services, which include the following:
 - Interview the youth about the missing episode to gain an understanding of the reasons for flight, identify any placement-related or other problems that may have prompted them to go and plan a response to these difficulties.
 - Follow up on any safety or well-being concerns raised by the youth or his or her caregivers.
 - Seek any necessary medical care or counseling for the youth.

- Assist the youth in obtaining any educational materials necessary to catch up if school was missed.
 - Discuss planning for the prevention of future missing in care episodes with the youth and family team to ensure safety, permanence, and well-being.
 - Revise the family interaction plan and/or obtain appropriate court restrictions to maintain the youth safely in out-of-home care.
- 7) Increase monitoring and support for successful re-entry and to assist in preventing a repeat of the missing behavior.
- 8) The HSW will facilitate a medical examination by taking the youth downstairs to the Detention Center and the Detention Center Medical Staff will conduct an interview with the youth within 24 hours of his/her return to determine the circumstances surrounding the youth's flight including whether they have engaged in any human trafficking activity.

**If Capias:

- i. If a youth is located and held by the HSW prior to police intervention, the HSW can request that the Capias be withdrawn by faxing that request to the assigned judge. [See Attached Form]
- ii. If the Capias is executed by law enforcement and the youth is brought to the court center or being held in secure detention, the HSW must:
 - a. Retrieve the child from custody.
 - b. Transfer him/her to an appropriate placement that same day.
 - c. The HSW will escort the youth downstairs to the Detention Center for medical clearance prior to placement.
 - d. In the event that there are any specific special medical needs, neglect and/or abuse concerns, then the HSW must take the youth to Child Protection Center (CPC) or Children's Hospital of Wisconsin (CHW).

**If Closing Case with an Open Court Order (Youth Missing from Out of Home Care turning 18):

- i. Consult with your supervisor as to plan to close case.
- ii. Consult with the District Attorney's Office and/or Corporation Counsel on plan to close the case. Follow up on any directives as a result of the consultation (i.e. walk-in hearing to squash capias, send letter to the Court; copy all parties, of plan to close case, etc...)

V. DOCUMENTATION

- A. All Documentation and Case Notes must be completed within 3 business days (72 hours) of the discovery of the event (ANY Event). HSW's that do not enter case notes within the specified time frame will be subject to disciplinary action. (See Policy #8: Duties and Responsibilities of HSW-Juvenile Justice).

- B. All Documentation and Case Notes must present:
 - a. Facts & Circumstances surrounding youth's going missing
 - b. All actions taken by the HSW, including but not limited to filing reports, legal documents and making notification to the
 - c. All face-to-face contacts made, interviews conducted, any and all efforts to locate the youth
 - d. Documentation of post return activity and behavior of youth,
 - e. Specific documentation of the determination made regarding the youth's involvement with human trafficking (if applicable).
 - f. Any other relevant information from the HSW/Supervisor

- C. All documentation and Case Notes must be electronically signed by the author in Synthesis.
*Refer to the Synthesis manual on case note edits. If there are further questions please see your supervisor.

- D. All Documentation and Case Notes must be manually signed by the HSW and HSW Supervisor (if applicable).

- E. Case Notes must be written in a professional manner and reflect progress or lack of progress toward the Case Plan and the ending of the court order, consent decree, and deferred prosecution agreement.

- F. Be reminded that only factual information should be referenced and one should refrain from using verbiage that may have expressed one's personal feelings.

IV. SUMMARY

It is the policy of Delinquency and Court Services Division (DCSD) that there are specific processes and procedures required of a Human Service Worker's when a youth is found to be missing – whether in the home or in out of home care. This policy provides the specific steps required in the event a youth is found to be missing, it explains what reasonable efforts are to locate the child, and provides guidance so that the Human Service Worker can assess a youth upon their return in order to ensure the health and well-being of that youth as well as documentation expectations of events related to the missing episode.

Reviewed & Approved By: _____



B. Thomas Wanta, Division Administrator