

# FACT SHEET: GAL's Advocacy Checklist for Youth in Abscondence

Youth in abscondence face varied levels of risk depending on their age, mental health, physical health, and access to material resources. This fact sheet summarizes some of the key laws, policies, and inquiries that GALs may use to mitigate risk and advocate for missing youth.

## Statutes

### *Preventing Sex Trafficking and Strengthening Families Act<sup>1</sup>*

- Federal law requires CFSA to develop policies and procedures for identifying, documenting, and providing services for CSEC (or suspected CSEC) youth.
- CFSA must inform law enforcement within 24 hours of receiving information on any child or youth who has been identified as a sex trafficking victim.

### *Sex Trafficking of Children Prevention Amendment Act of 2014<sup>2</sup>*

- Requires MPD & CFSA to report "critically missing" youth and those missing for 30+ days to the National Center for Missing and Exploited Children (NCMEC).
- Mandatory reporters may file a missing person report with the police.

### *Comprehensive Youth Justice Amendment Act of 2016<sup>3</sup>*

- Prohibits the secure detention of status offenders; some sections not yet in effect (awaiting budget approval).

### *Child Neglect and Sex Trafficking Temporary Amendment Act of 2018<sup>4</sup>*

- Includes the federal definition of child sex trafficking into local definitions of abused and neglected child.
- Requires CFSA to investigate allegations of child sex trafficking regardless of the relationship between the alleged perpetrator and the child.
- Requires mandated reporters to report suspicions of child sex trafficking regardless of the relationship between the alleged perpetrator and the child.

## Government Policies

### *CFSA Policy: Missing/ Absconded Children<sup>5</sup>*

- The foster parent should file a police report one hour after the child is determined to be missing.

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<sup>1</sup> Preventing Sex Trafficking and Strengthening Families Act of 2014, Pub. L. No. 113-183, 128 Stat. 1919 (codified in scattered sections of 42 U.S.C.).

<sup>2</sup> Sex Trafficking of Children Prevention Amendment Act of 2014, 62 D.C. Reg. 479 (Jan. 16, 2015).

<sup>3</sup> Comprehensive Youth Justice Amendment Act, 63 D.C. Reg. 15312 (Dec. 16, 2016).

<sup>4</sup> Child Neglect and Sex Trafficking Temporary Amendment Act of 2018, 65 DC Regs 3769 (June 5, 2018).

<sup>5</sup> Available at: [http://cfsa.dc.gov/sites/default/files/dc/sites/cfsa/publication/attachments/Program%20-%20Missing%20or%20Absconded%20Children%20%28final%29\\_1.pdf](http://cfsa.dc.gov/sites/default/files/dc/sites/cfsa/publication/attachments/Program%20-%20Missing%20or%20Absconded%20Children%20%28final%29_1.pdf)

- The assigned social worker should:
  - Immediately notify the CFSA Hotline, law enforcement, parents, “significant relatives,” the AAG, GAL, judge, other appropriate team members about the child’s absence;
  - Make personal efforts to locate the child (contacting former foster parents, school, hospitals, etc.) and request additional assistance from the CFSA Absconder Team;
  - Initiate a custody order through FACES; and
  - Convene a Child-Locator Staffing, including family, the GAL, and other relevant team members, within one week if the child is deemed “high-risk”.<sup>6</sup>
- The absence worker should make efforts to locate the child, including contacting family members, peers, school staff, past caregivers, the neighborhood where the child is from, law enforcement, homeless shelters, and juvenile and adult detention centers. All efforts to locate the child should be documented in FACES.
- Once the child has returned, the social worker must immediately assess the child’s safety, notify parties of the child’s return, request to withdraw the custody order, and determine the most appropriate placement for the child “based on his or her safety and well-being and the circumstances which led to the child being missing.”

### ***CFSA Administrative Issuance: Commercial Sexual Exploitation (CSEC) Identification and Response<sup>7</sup>***

- The social worker should determine the primary factors that contributed to the absence and document that information in FACES.
- When a youth returns from absence, the Healthy Horizons nurse practitioner conducts a medical screening, including an assessment to determine if the youth participated in commercial sexual exploitation/sex trafficking activities and an STI screen.
- When it is determined that a youth has returned from absence/runaway (does not include curfew violators) for the fourth or greater time, the social worker shall convene an internal CSEC meeting to include their Supervisor, Program Manager, CFSA Trauma Coach, CFSA Placement, CFSA Nurse Care Manager, the foster parent or caregiver, the AAG, the GAL and MPD.

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<sup>6</sup> A missing child is “High Risk” if he or she: is age 12 or younger; has one or more serious health conditions that require treatment or ongoing care (including prescription medications) that without which would cause serious harm to the child; is pregnant and there is a concern that the unborn child or children in her care may be at risk; is parenting and the infant/child is believed to be with him or her and there are concerns regarding the safety of the infant child; has emotional problems that require treatment and without treatment the child is believed to be a danger to themselves or others; has a developmental disability that impairs the child’s ability to care for her/himself; has a serious documented alcohol and/or substance abuse problem and could be a danger to self or others.; is absent under circumstances inconsistent with his or her established patterns of behavior and this absence cannot be readily explained (i.e., is believed to have been abducted).

<sup>7</sup> Available at: [https://cfsa.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/AI%20-%20Sex%20Trafficking%20Identification%20and%20Response%20\(final%202017\).docx.pdf](https://cfsa.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/AI%20-%20Sex%20Trafficking%20Identification%20and%20Response%20(final%202017).docx.pdf)

## **Metropolitan Police Department (MPD) General Order 304.03: Missing Person Reports<sup>8</sup>**

- For all cases involving “critical missing” youth, MPD must prepare and circulate missing persons fliers via email and through media outlets.<sup>9</sup>
- Youth missing from CFSA placements should be transported to CFSA, not arrested.

### **GAL’s Key Inquiries**

#### ***Safety plan with client before abscondence***

- Ask for phone, email or social media info early and often.
- For clients who are at risk of absconding, explore back-up plans:
  - Where do you usually go to feel safe?
  - Who do you feel most comfortable talking to on the team?
  - Who is a friend/relative I can contact to reach you in an emergency?
  - If I can’t reach you, will you call me at a regular time? (Ex. every Monday at 4pm)
  - Do you know how to access critical services (Ex. birth control, medication refills)?
- Explain the bounds of GAL’s confidentiality and what steps you may or may not take if client contacts you while in abscondence.
- Provide additional client counseling for teen parents who must ensure safe arrangements for their own children.

#### ***Continued advocacy while client is in abscondence***

- Does the youth have any special needs, health risks, or history of unsafe or illegal behaviors?
- Is the youth considered “high risk” pursuant to CFSA Policy or “critical missing” pursuant to MPD General Order?

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<sup>8</sup> Available at: [https://go.mpdonline.com/GO/GO\\_304\\_03.pdf](https://go.mpdonline.com/GO/GO_304_03.pdf)

<sup>9</sup> A youth is “critical missing” if they are under fifteen years old or based on other considerations such as:

- (1) Whether the missing person is mentally incapacitated or is a mental health consumer;
- (2) Whether the missing person is drug dependent (e.g., the person requires prescribed medication or is dependent on an illegal controlled substance, and the dependency is potentially life threatening);
- (3) Whether the missing person is a patient who presents an imminent danger to him/herself or others and is verified missing from a hospital or institution;
- (4) Whether the missing person is in a life threatening situation;
- (5) Whether the missing person is in the company of person(s) who could endanger the missing person’s welfare;
- (6) Whether there is real or suspected danger of foul play;
- (7) Whether the absence is inconsistent with the missing person’s established pattern of behavior and the deviation cannot be readily explained;
- (8) Whether there are other circumstances involved in the disappearance that cause the Watch Commander to conclude that the missing person should be considered at-risk; and
- (9) Whether the person has been missing before (i.e., there is a pattern of missing person reports for the subject).

- Has the case been assigned to CFSA's Absconder Unit? What efforts are being made?
- Has a custody order been issued?
- What efforts is MPD making to find your client?
- Has the National Center for Missing and Exploited Children (NCMEC) been contacted?
- Has the youth's family been contacted? Peers? Romantic partners?
- Has the Agency visited client's common hangouts (neighborhoods, school)?
- Has the youth absconded before? If so, where did he/she go?
- Has anyone made efforts to communicate via social media?
- Will the client meet in a neutral location to discuss pros/ cons of returning from abscondence?

### ***Advocacy after a client has returned from abscondence***

- Ensure that the Agency requests custody order to be quashed.
- Interview client to understand their reasons for absconding and any risks or traumas that may have resulted during that time. Explore whether a new placement should be considered.
- Confirm that the youth has been screened at Healthy Horizons and referred for a full physical and STD check, if appropriate.
- Request that CFSA convene a meeting to understand reasons for abscondence, address any trauma that may have occurred, and make plan to prevent future abscondences.

## **Additional Resources**

- National Center for Missing and Exploited Children (NCMEC):
  - [http://www.missingkids.com/content/dam/ncmec/en\\_us/NCMEC%20CST%20fact%20sheet%20for%20Child%20Welfare\\_June%202017.pdf](http://www.missingkids.com/content/dam/ncmec/en_us/NCMEC%20CST%20fact%20sheet%20for%20Child%20Welfare_June%202017.pdf)
- Office of Juvenile Justice Delinquency and Prevention (OJJDP):
  - <https://www.ojjdp.gov/pubs/childmissing/ch1.html>
- Amber Alert:
  - <https://www.amberalert.gov/>
  - [https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/DC\\_amberalertplan.pdf](https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/DC_amberalertplan.pdf)

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