



# Children Missing From Care

## Sound Policy and Practice Recommendations



General Note – NCMEC provides this guidance and key recommendations to consider when creating a State or County policy and/or practice guide to address children missing from care, but it is not intended to be an exhaustive list of every best practice or required protocol. If you have questions or would like to request further information and resources please contact 1-800-THE-LOST or email [CMFC@NCMEC.org](mailto:CMFC@NCMEC.org).

### 1) Key Definitions

It is important for any agency drafting or implementing policies for responding to a missing child to avoid overly complicated or overly restrictive definitions. Care should be taken to ensure that each term and definition encourages an immediate response, applying all appropriate resources. No definition should ever provide a justification for delay or inaction when a child goes missing, and no definition should be so restrictive that it prevents a necessary service from being offered to a child victim.

#### Definition of Missing Child

Federal law ([34 U.S.C. § 11292](#)) defines a “missing child” as “any individual less than 18 years of age whose whereabouts are unknown to such individual’s parent” or legal guardian. It is important to note this includes children who may have been abducted by family or a non-family member, wrongfully taken or retained by a person related to them, wandered away from a safe environment and become lost, been displaced by disaster, run away from a home, foster home, or state care facility, or otherwise have gone missing **for any reason at all**. In some jurisdictions, state law expands on the broad federal definition and provides further statutory guidance on how agencies should treat missing child cases in their state.

#### Missing vs. Unapproved or Unauthorized Placement

If a child leaves a placement without authorization but the child welfare agency or caregiver knows the current whereabouts of the child (e.g., the child is verified to be attending school or their place of employment), then the child is NOT considered missing. There may be other scenarios in which the child does not fall under the federal definition of missing that will be examined on a case-by-case basis.

#### Missing Young Adults

Although the federal definition of a missing child specifies “individuals 18 and younger,” there are situations when NCMEC may still be able to assist with a young adult (between the ages of 18 and 20) upon a missing young adult report to NCMEC by law enforcement. NCMEC would also be able to assist when the young adult is under the care and custody of a State/County child welfare agency. Policies and state laws concerning the extension of foster care beyond the

age of 18 vary from state to state. When making a decision about reporting to NCMEC, please consider the following criteria:

- **The status of consent of the young adult.** Because the resources that NCMEC can access when a child, youth or young adult go missing engage the public, involve navigating privacy laws or are geared toward legal guardians, authorization of a young adult's legal guardian is necessary. If a young adult is 18 or older, the legal question of who can authorize the resource is critical. If the age of majority for a child in the state or legal guardianship of the state agency spans beyond the age of 18 and the young adult does not have the ability to consent to remain in or leave foster care, NCMEC may apply some of their resources to assist in the recovery of missing young adults. If at any point the young adult is voluntarily accepting foster care as a service, NCMEC cannot apply their resources.
- **Vulnerability of the youth and court ordered legal guardianship.** If a young adult has a differing ability or mental health diagnosis that qualifies the need for a legal guardian beyond the age of 18 and that guardian is the state child welfare system, NCMEC can apply resources to assist in the recovery of the missing young adult.

## 2) Reporting Requirements

**The Preventing Sex Trafficking and Strengthening Families Act, (P.L. 113-183; 42 U.S.C. § 671(a)(35)(B))** includes a mandate that State agencies “**report immediately**, and in no case later than 24 hours” information about each missing or abducted child both to law enforcement and to NCMEC. Existing federal law requires law enforcement agencies to respond in a specific way, regardless of the reason why a child is missing.

**The Trafficking Victims Prevention and Protection Reauthorization Act of 2022 (P.L. 117-348)** includes language regarding sharing information with NCMEC and maintaining regular communication with law enforcement agencies and NCMEC through the child's recovery. It specifically states that the “State agency shall maintain regular communication with law enforcement agencies and NCMEC in efforts to provide a safe recovery of a missing or abducted child or youth, including by sharing information pertaining to the child's or youth's recovery and circumstances related to the recovery, and that the State report submitted to law enforcement agencies and NCMEC shall include where reasonably possible:

- I. a photo of the missing or abducted child or youth;
- II. a description of the child's or youth's physical features, such as height, weight, sex, ethnicity, race, hair color, and eye color; and
- III. endangerment information, such as the child's or youth's pregnancy status, prescription medications, suicidal tendencies, vulnerability to being sex trafficked, and other health or risk factors”

Law enforcement agencies are prohibited from establishing or maintaining a waiting period before accepting a missing child report and must promptly enter information regarding a missing child into the NCIC system within two hours of receiving a report. (**34 U.S.C. §41308**).

It is important for any agency drafting or implementing policies for reporting a missing child to emphasize **immediate action** regardless of the age of the child or the apparent reason the child's whereabouts are unknown. This includes designating which specific individual is responsible for gathering information and making the report when a child goes missing. Designating multiple persons who can make the report or provide a back-up may also be useful, as long as the person has actual knowledge of the missing child and the reporting protocols do not cause confusion or delay.

When calling to report the child missing **to law enforcement** the reporting person should be prepared to:

- Document which law enforcement agency was contacted and the corresponding missing person report number.
  - » Verify that the child is entered into the FBI's National Crime Information Center (NCIC) database. Law enforcement agencies are required to enter this information no more than two hours after receipt of the report.
- Be persistent if the law enforcement agency refuses to accept a missing person report, document all follow-up steps, and consult with a supervisor. Existing federal law requires law enforcement agencies to respond in a specific way, regardless of the reason why a child is missing. Law enforcement agencies are prohibited from establishing or maintaining a waiting period before accepting a missing child report, and must promptly enter information regarding a missing child into the NCIC system within two hours of receiving a report (**34 U.S.C. § 41308**).

- Provide law enforcement with all relevant details and information about the child and case circumstances as well as photographs to assist with the search.
  - » Include all of the risk factors and information cited above.

In addition to the above information, when drafting or implementing policies for reporting to **NCMEC** (via NCMEC’s call center, web-based reporting system, or other method) it is important to ensure:

- The reporting person is authorized to release photographs and all appropriate information relevant to locating the missing child.
- Visit [this page](#) for a description of other helpful information and considerations when making the report to NCMEC.
- Information about Confidentiality/Privacy.

### 3) While the Child is Missing

If a child remains missing beyond a short period of time, it is important for States to draft policies directing continuous information-sharing, regular updates on the situation, and prompt response to questions and inquiries from law enforcement and NCMEC. It is imperative that the State/County agency and NCMEC remain in contact until the child is recovered. While child welfare agencies have care and custody until the child transitions to adulthood, NCMEC continues to search for the missing child until he or she is recovered. If there are key points of contact at your agency that are identified to manage archived records or information, you may consider including guidance or instructions in the policy to outline processes and who will maintain contact with NCMEC beyond child welfare’s case closure.

#### Consistent Communication

Since NCMEC’s role is to provide assistance to both law enforcement and the legal guardian agency in recovering missing children, regular communication means sharing any new information that is received about the child and responding to NCMEC when they reach out to obtain or share information when they have questions or new information to share with the agency. NCMEC will maintain contact with State/County agencies for all children missing from care cases it is aware of. NCMEC will check in with State/County agency employees with requests of information to aid in the

recovery of the child. NCMEC highly recommends that all State/County agency employees remain responsive and helpful to all correspondence from NCMEC and the appropriate law enforcement.

#### Communicating Relevant Information

NCMEC also highly recommends State/County agency employees contact NCMEC with any key information such as (potential risks to the child, child sex-trafficking indicators, and any other child endangerment information). NCMEC also suggests State/County agency employees contact NCMEC and the appropriate law enforcement when any new information about the missing child has come to their knowledge. Information-sharing and routine updates are not just a legal requirement but will help in practice to identify what additional specific resources can be applied to help locate the missing child.



#### Aging Out

To the extent possible, State/County agencies should never close a child’s case or discharge a child from foster care due to their runaway or missing status regardless of how much time has passed. If state law does require discharge, or a child “ages out” of foster care by operation of law while the child remains missing, all efforts should be exhausted to locate the child and every possible report and notification should be put into place prior to this event. If foster care has ended or the State/County agency has ended their legal involvement with a child, caregivers and staff should still be directed to notify law enforcement and NCMEC of any additional information or leads they might receive regarding a missing child at any point in the future. While child welfare’s mandate may end when a child reaches a certain age, NCMEC continues to work toward recovery of missing children as long as it might take.



## Support System and Others Involved

NCMEC also recognizes that although the legal guardianship is assigned to the social service agency when children are in foster care, there are often many members of a child's support system that are actively engaged in care-giving or support responsibilities and who may have helpful information to contribute to recovering missing children. For these reasons, making sure NCMEC has contact information of other key individuals who may have better or more up to date information or that these individuals have the contact information for the NCMEC case manager is considered best practice.

The majority of missing children are located safely and quickly, but if a child remains missing for a long period of time, the availability of additional forensic services makes it important to be prepared to obtain medical, dental and fingerprint records for the child to provide to law enforcement. It can also be helpful to identify and locate biological family members for DNA samples, or other reference information, to be collected by law enforcement should it become necessary.

[Learn more](#) about the services NCMEC provides [long-term cases](#).

## 4) Preparing for Recovery

The majority of all missing children, including children missing from care, are located and returned quickly so it is important to prioritize early planning for the child's recovery. The Preventing Sex Trafficking and Strengthening Families Act emphasizes the need to address the child's experiences while absent from care. Community-based and specialized resources may be available and should be prepared for the child in advance of their return. State/County agencies should also be prepared to gather information on resources available in the area where the child is located, which may be in another city or state altogether.

The legal guardian and law enforcement agencies are encouraged to stay in contact with the assigned NCMEC Case Manager to access recovery support or child sex trafficking recovery services that may be available to them.

Finally, the Preventing Sex Trafficking and Strengthening Families Act specifically requires States to collect and report information about "potential factors associated with children running away from foster care (such as reason for entry into care,

length of stay in care, type of placement, and other factors that contributed to the child's running away)." This emphasis may also make it appropriate for policies to include evaluating an individual recovered child's placement, plans, and treatment.



## After the Child is Recovered

### 5) Notification When the Child is Located

An effective State/County policy should include instructions to notify all relevant parties as soon as the missing child has been located - and to provide law enforcement and NCMEC with appropriate information about the circumstances of the child's recovery. At a minimum it is important to provide the time and specific location of a child's recovery, but additional recovery details can help to inform the direct response to future missing child situations or even help shape outreach and prevention efforts.

Information and photographs being publicly disseminated about the child should be promptly withdrawn or restricted at this time.

## 6) Assessment and Prevention of Future Episodes

Locating the child is not the final conclusion. The Preventing Sex Trafficking and Strengthening Families Act at a minimum requires State/County protocols to:

- Determine “the primary factors that contributed to the child’s running away or otherwise being absent from care”.
- Respond “to those factors in current and subsequent placements”.
- Screen to determine “if the child is a possible sex trafficking victim.” **42 U.S.C. § 671 (a)(35)(A)**

Beyond these requirements, States/Counties should consider any additional necessary screening and support for other types of harm the child may have experience or for general health/wellbeing.

In addition to providing the recovered child with the necessary support services, policies should require and remind staff to **take a photograph of the child upon recovery** as well as appropriately document any new physical characteristics (such as marks and tattoos).



## 7) Additional Resources and Guidance

As the national clearinghouse on missing and exploited children issues, NCMEC is uniquely positioned to provide significant and continuous support to state agencies that are searching for children missing from their care. NCMEC provides an array of resources, including case management, poster distribution, law enforcement technical assistance, and analytical support, at no cost to any agency.

For additional information regarding reports to NCMEC and resources, please refer to:

- [CMFC FAQs](#)
- [Case Worker Guide to Reporting Missing Children](#)
- [Missing Child Case Resources](#)
- NCMEC Connect Training Module-
  - » [Missing Children: NCMEC’s Data and Resources](#)
  - » [Child Sex Trafficking Legislation: What it Means for You](#)
  - » [Reporting Children Missing from Care: How NCMEC Can Support You](#)
  - » [NCMEC Resources for Child Welfare Professionals](#)

For further information about these recommendations or to ask questions about this document, please email: [CMFC@NCMEC.org](mailto:CMFC@NCMEC.org).