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Via email: [REDACTED]

August 24, 2017

Office of Planning, Policy, and Program Support
DC Child and Family Services Agency
200 I Street, SE
Washington, DC 20003

**Re: Program – Missing and Absconded Children (6-16-2017) & Business Process:
Missing and Absconded Children**

Dear DC Child and Family Services Agency:

Thank you for the opportunity to comment on the draft of the Child and Family Services Agency's (CFSA) policy and process regarding Missing and Absconded Children. I am submitting these comments on behalf of Children's Law Center (CLC).¹ We serve as guardians ad litem (GALs) for hundreds of children in foster care and represent foster parents and relatives caring for children who are in or at risk of entering the District's child welfare system.

CLC appreciates CFSA's engagement with stakeholders regarding CFSA's policies and procedures to address the safety and needs of missing and runaway youth. We are pleased to offer the following comments.

Suggestions Related to the Reporting Requirements for Resource Providers & Caregivers

The proposed Policy Title – Missing or Absconded Children ("Proposed Policy") is very succinct, but it could benefit from cross-references to the proposed Business Process: Missing and Absconded Children ("Proposed Business Process"). For example, the Proposed Business Process says that resource providers must make reasonable efforts to locate the missing youth and provides some examples of those efforts, but the Proposed Policy does not articulate this requirement or provide examples. By cross-referencing the Proposed Business Process in the Proposed Policy, CFSA can maintain brevity and also ensure that resource providers know what is

required of them because Business Processes are not as easily found by public as the Program Policies.

Additionally, the Proposed Business Process and the Proposed Policy have different reporting requirements for group home providers. The Proposed Policy says that all resource providers should file a police report for missing youth. However, the Proposed Business Process does not provide guidance on when a group home provider should make a police report for a missing youth who is not “high risk.” CLC recommends that group home providers make police reports for high-risk youth immediately. CLC also recommends that group homes make a police report within 24 hours when a non-high-risk youth has been absent and out of contact with provider.

CLC also requests that CFSA consider how it will enforce this requirement on resource providers and group homes. While punitive measures may not be appropriate in this context, CFSA could monitor and record resource provider’s failures to report missing youth, ensure additional training, and take those failures into account before placing other children into that provider’s home.

Suggestions Related to the Reporting Requirements for Social Workers

CLC supports the detailed requirements for the social worker as laid out in the Proposed Business Process. CLC recommends that the Proposed Policy include some of the details that are in the Proposed Business Process. The Proposed Policy states that social workers are required to make reasonable efforts to locate the missing or absconded child (Proposed Policy, Section B 1), but those efforts are only detailed in the Proposed Business Process (Proposed Business Process, Section B 2). Given the public demand for greater transparency following this year’s media attention on the issue of DC’s missing youth, CFSA will benefit from detailing what reasonable efforts to locate the child are, in both the Proposed Policy and the Proposed Business Process. By including more details in Section B of the Proposed Policy, CFSA social workers and the public will understand what steps CFSA is taking to keep youth safe.

CLC is concerned that some items in the Proposed Business Process are not sufficiently specific. For example, both documents indicate that if a child is determined to be “high risk” then certain protocols are to be followed. The Proposed Business Process provides a detailed list of circumstances that could make a child “high risk;” one such circumstance includes whether the child has a serious documented substance abuse problem and “could be a danger to self or others.” However, the Proposed Business Process does not specify who would be making the determination that the child was a danger to self, nor how the assessor would make such a determination. CLC recommends educating social workers via the Business Process and internal

trainings on how this determination will be made so that the same process is applied across CFSA.

CLC recommends that the Proposed Business Process require the social worker to notify the child's school and any appropriate service providers (i.e., CBI worker, FSW, or mentor) that the child has been reported as missing. By making these individuals aware of the child's status, CFSA will increase the number of people who will be looking for the youth and may also gather important information from these individuals.

CLC also recommends that CFSA add the time-related requirements to the Proposed Policy. For example, the Proposed Business Process provides a clear timeline for when the social worker should schedule a Child Locator Staffing (Proposed Business Process, Section B 6). This timeline should be included or cross-referenced in the Proposed Policy. Furthermore, CLC recommends that the Proposed Business Process set a time limit on how soon the social worker must request assistance from the CFSA absconder unit and specify how frequently the social worker should be in contact with the police, the resource provider or the child's parent while the child is missing.

CLC also recommends that the Proposed Business Process be edited to require the social worker or the absconder unit to be in contact with police in other jurisdiction when either discover that the child may be residing in another state.

Suggestions Related to the Role of the Absconder Unit

The chief critique that CLC has for Subsection D in the Proposed Business Process is that it does not require the youth's attorney (and parent's attorney) be notified of a request for (or an acquisition of) a custody order. The protocol delineated in Subsection D allows CFSA's absconder unit to have *ex parte* contact with the judicial clerk. In addition to some ethical concerns, the *ex parte* process has also created practical problems for CLC GALs in the past. CLC GALs are frequently unaware of the existence of *ex parte* requested custody orders and have been unable to provide legal counsel to the youth regarding their rights and the related legal processes. We implore CFSA to reconsider its processes for requesting and withdrawing a custody order for missing youth and amend it so that the child's GAL is notified at the same time the court clerk is notified of the request.

CLC is also concerned that some children may fall between the cracks if Metropolitan Police Department (MPD) and the CFSA Absconder Unit share responsibility for looking for CFSA's missing older youth. It is CLC's understanding

that MPD will not identify youth over the age of 15 as “critically missing” and so their efforts to locate older missing youth may not be as robust. While CLC applauds CFSA for collaborating with other government agencies, CLC hopes that the CFSA Absconder Unit will increase their efforts locate the youth that MPD does not consider a priority.

Lastly, CLC requests that CFSA Absconder Unit take responsibility to ensure that missing youth information is removed from MPD’s social media as part of the Unit’s process of closing out the police report. Youth who are missing are at higher risk of being targeted for all sorts of predatory actions, which is what makes MPD’s use of social media for raising awareness of missing youth a truly double-edged sword. One way to reduce the risk is to ensure that the child’s personal information (i.e., name, picture, last known address, etc.) is removed from MPD’s social media alerts as soon as possible after the child is located and returned to CFSA. CLC is making it part of our practice to confirm that this information is removed and we hope that CFSA will join us in this effort.

Suggestions Related to Social Worker’s Tasks When A Missing or Absconded Child is Located

From CLC’s perspective, the Proposed Policy’s section E could benefit from cross-references to the Proposed Business Process as well because it does not fully communicate the care that social workers are to provide a recently located youth. Additionally, the Proposed Business Process could benefit from specific requirements to prompt social workers to look for signs that the child has been a victim of sex or labor trafficking. CLC also recommends that the Proposed Business Process include time limits for how soon the social worker should notify parties of the child’s return and how soon the social worker should debrief the abscondence with the youth.

Furthermore, CLC recommends that CFSA consider requiring social workers to use a standardized scale or tool during debriefing conversations so that all the social workers will be prompted to ask all of the same questions. Moreover, using a standardized scale or tool will make it easier for CFSA leadership to monitor trends surrounding the circumstances of youth’s abscondences.

CLC believes that is always appropriate for the social worker to take missing youth (i.e., youth whose whereabouts were completely unknown) to HHAC for a screening and recommends that all returning youth receive a health screening. Lastly, CLC recommends that CFSA should report all missing youth to the National Center for Missing and Exploited Children.

Conclusion

Thank you considering these comments. I have attached redlined copies of CLC's comments and recommended edits to the Proposed Policy and the Proposed Business Process. If you have any questions about these comments or recommendations, please feel free to contact me at (202)467-4900 ext., 609 or AEdwards-Luce@childrenslawcenter.org.

Respectfully,

Aubrey Edwards-Luce

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Children's Law Center, Policy Attorney

¹ Children's Law Center fights so every child in DC can grow up with a loving family, good health and a quality education. Judges, pediatricians and families turn to us to be the voice for children who are abused or neglected, who aren't learning in school, or who have health problems that can't be solved by medicine alone. With 100 staff and hundreds of pro bono lawyers, we reach 1 out of every 9 children in DC's poorest neighborhoods – more than 5,000 children and families each year. And, we multiply this impact by advocating for city-wide solutions that benefit all children.