



# Missing Children, State Care, and Child Sex Trafficking

Engaging the Judiciary in Building  
a Collaborative Response

## ACKNOWLEDGEMENTS

*Missing Children, State Care, and Child Sex Trafficking: Engaging the Judiciary in Building a Collaborative Response*

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# INTRODUCTION

One out of every six runaways reported to the National Center for Missing & Exploited Children® (NCMEC) in 2014 was likely a victim of sex trafficking.<sup>1</sup> Traffickers constantly seek out opportunities to engage with and exploit vulnerable youth, and runaways are particularly vulnerable. Juvenile and family court judges have an enormous responsibility for the children and youth under their court's jurisdiction. This includes ensuring safety, well-being, permanency, and rehabilitation for victims of child abuse and neglect and for youth involved in juvenile justice proceedings. When these already vulnerable children run away or go missing from a placement, the stakes are very high. Every moment counts and judges can take action to prevent exploitation by acting swiftly and collaboratively.

Growing understanding of the links between child welfare or juvenile justice involvement, domestic child sex trafficking, and children who run away or go missing from court-ordered placements has led to the question: **"What steps can a judge take when a child runs away or goes missing from care?"** This technical assistance brief is intended to educate judges about steps to be taken to assist in the location and recovery efforts for children missing from care by ensuring the legal guardians, social workers, and child advocates within child serving agencies are aware of and engage assistance from the National Center for Missing & Exploited Children on behalf of these endangered missing children.

The National Center for Missing & Exploited Children® was established in 1984 as a

private, nonprofit 501(c)(3) organization. From 1984 through 2014 NCMEC has assisted law enforcement in the recovery of more than 200,000 children. NCMEC stands ready to work with each jurisdiction and local community to discuss ways to serve as a valuable resource in your effort to protect children. Today **NCMEC is authorized by the U.S. Congress to perform 22 specific programs and services including but not limited to (42 U.S.C. § 5773):**

- 1) Operate the official national resource center and information clearinghouse for missing and exploited children.
- 2) Operate a national 24-hour toll-free telephone line by which individuals may report information regarding the location of any missing child.
- 3) Provide technical assistance and training to law enforcement agencies, State and local governments, elements of the criminal justice system, public and private nonprofit agencies, and individuals in the prevention, investigation, prosecution, and treatment of cases involving missing and exploited children.
- 4) Provide assistance to families and law enforcement agencies in locating and recovering missing and exploited children, both nationally and, in cooperation with the Department of State, internationally.
- 5) Provide analytical support and technical assistance to law enforcement agencies through searching public records databases in locating and recovering missing and exploited children and helping to locate and identify abductors.

<sup>1</sup> National Center for Missing & Exploited Children (2015). Case Analysis Division.

- 6) Operate a cyber tipline to provide online users and electronic service providers an effective means of reporting Internet-related child sexual exploitation.
- 7) Assist the efforts of law enforcement agencies in coordinating with child welfare agencies to respond to foster children missing from the State welfare system.
- 8) Provide technical assistance to law enforcement agencies and first responders in identifying, locating, and recovering victims of, and children at risk for, child sex trafficking.

In 2012 NCJFCJ received funding from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) of the U.S. Department of Justice (DOJ) to develop training and judicial practice tools to better identify and serve victims of domestic child sex trafficking (DCST). Under this grant the NCJFCJ began work to raise awareness of the issue of DCST among juvenile and family court judges and build collaborative relationships with organizations such as the Rights4Girls, Shared Hope International, and National Center for Missing & Exploited Children.

As part of this work NCJFCJ hosted a community roundtable meeting of judges and subject matter experts to discuss the role the courts can play in addressing the needs of victims of DCST. Time was spent discussing the vulnerability of youth in care and the common scenario of youth running away from placements and subsequently becoming victims of domestic child sex trafficking. This technical assistance brief is a product of that community roundtable meeting. It addresses one of the critical

issues raised at that meeting, which is evaluating and proposing effective prevention and victim support service strategies for underage victims and survivors of DCST.

## **INTERSECTIONS OF JUVENILE JUSTICE AND CHILD WELFARE SYSTEMS, MISSING CHILDREN, AND DOMESTIC CHILD SEX TRAFFICKING**

Between 100,000 and 300,000 youth are “at risk” for commercial sexual exploitation annually in the United States.<sup>2</sup> In addition, approximately 1.6 million children run away every year in the United States.<sup>3</sup> Children who run away are at high risk of child sexual exploitation due to their mental, physical, and financial vulnerability.<sup>4</sup> Youth who have had contact with the child welfare system are at a higher risk for commercial sexual exploitation than children who have not had involvement in the child welfare system.<sup>5</sup> Studies have also found 70 percent to 90 percent of commercially sexually exploited youth have a prior history of child sexual abuse.<sup>6</sup> Traffickers are known to target youth shelters, group homes, and foster care facilities as locations for

2 Estes, R., & Weiner, N. (2001). *Commercial Sexual Exploitation of Children in the U.S., Canada, and Mexico*. University of Pennsylvania.

3 National Runaway Safeline, (2012). Retrieved from <http://www.1800runaway.org/faq/#>.

4 Shared Hope International, (2009).

5 Shared Hope International, (2009). *National Report on Domestic Minor Sex Trafficking: America's Prostituted Children*. Washington, D.C.

6 Bagley, C. & Young, L. (1987). “Juvenile Prostitution and Child Sexual Abuse: A Controlled Study.” *Canadian Journal of Community Mental Health*. See also Council for Prostitution Alternatives, (1991). *Annual Report*. Portland, Oregon. See also Murphy, P. (1993). *Making Connections: Women, Work, and Abuse*. Paul M. Deutsch Press, Florida.

# DANGERS FACING MISSING CHILDREN:

PHYSICAL VIOLENCE	UNTREATED MENTAL HEALTH ISSUES	DISCONNECTED FROM EDUCATION
SEXUAL VIOLENCE	UNTREATED MEDICAL ISSUES	ENGAGED IN ILLEGAL ACTIVITY
STIS/HIV	GANGS	MALNUTRITION
UNWANTED PREGNANCY	SEX TRAFFICKING	DRUGS/ ALCOHOL ABUSE

recruitment of vulnerable children.<sup>7</sup> These statistics are evidence running away from court-ordered care or placements can put children at increased risk for domestic child sex trafficking, but judges can take an active role in preventing victimization and recovering children.

## REPORTING MISSING CHILDREN – EVERY MOMENT COUNTS

Federal law defines a “missing child” as “any individual less than 18 years of age whose whereabouts are unknown to such individual’s legal custodian.”<sup>8</sup>

<sup>7</sup> Los Angeles County Juvenile Delinquency Collaborative, (2012). *Los Angeles County Juvenile Delinquency Collaborative STAR Court Data, Assessment of Open Cases in November 2012*, page 58.

<sup>8</sup> 42 U.S.C. § 5772.

Regardless of the reason why a child goes missing, federal law **prohibits** law enforcement agencies from establishing or maintaining a waiting period before accepting a missing child report.<sup>9</sup>

Federal law also **requires** law enforcement agencies to enter the missing child’s information into the Federal Bureau of Investigation’s (FBI) National Crime Information Center (NCIC) database and state law enforcement system database within two hours of receiving a missing child report.

Furthermore, on September 29, 2014, President Obama signed the Preventing Sex Trafficking and Strengthening Families Act into law. In addition to a variety of measures aimed at increased identification,

<sup>9</sup> 42 U.S.C. § 5780.

prevention and response to children in care who are at-risk for sex trafficking, Section 104 specifically adds two new requirements for state child welfare agencies to report missing youth to law enforcement within 24 hours for entry into the National Crime Information Center and also separately to the National Center for Missing & Exploited Children. These two reporting requirements are effective within two years of enactment of the law.”

The National Center for Missing & Exploited Children has always been able to receive reports from legal guardians responsible for children missing from state care. However, for a variety of reasons, including potential confidentiality concerns and incomplete awareness of NCMEC’s resources, children missing from care have not been consistently reported to NCMEC in the past. As of April 2015, three states and one large county child welfare agency – Florida, Illinois, Texas and Los Angeles County in California – have established relationships with NCMEC to report children missing from care directly to NCMEC. The recent passage of the Preventing Sex Trafficking and Strengthening Families Act closes this gap by requiring all child welfare agencies to develop policies and procedures including making a report to NCMEC.

While the law allows for a two year period to develop and implement these reporting measures, judges and court officials can play an important role in immediately advising and developing a framework for a more coordinated response among law enforcement and juvenile justice and child welfare agencies. Together stakeholders can dispel commonly persisting misconceptions and define roles and responsibilities to

streamline coordination and act quickly when there is a report of a missing child.

According to the Child Welfare League of America, a child is considered missing from a foster placement if “he or she is not in the physical custody of the child welfare agency or the person or institution with whom/which the agency placed the child. The whereabouts of the missing child may be known or unknown.”<sup>10</sup> This umbrella category includes children who have run away and are abducted from foster care. Children may also go missing from juvenile justice settings or from home while under court monitoring. The moment children go missing, they are at risk for a myriad of significant and life-threatening dangers. In response, child serving agencies and judges should prioritize and utilize every resource and effort available to them with the goal of quickly locating all missing children and returning them to a safer environment, which includes immediately reporting the child missing to law enforcement and then contacting NCMEC for additional resources. And judges should consider the specific suggestions listed below as a roadmap for building such collaborations, if not already found within their jurisdictions, and maximizing collective resources in order to offer the best protection for these vulnerable children.

## WHAT JUDGES CAN DO

Both at the individual case level and the community level, judges can establish swift action when children go missing from care by ensuring a coordinated response is in place. While some jurisdictions may

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<sup>10</sup> *Child Welfare League of America Best Practice Guidelines: Children Missing from Care*. Washington, D.C., page 1 (2005).

consider running away from placement a change in the child's status and require a hearing other jurisdictions may wait until the next scheduled court hearing to update the judiciary. Judges should ensure local child welfare and juvenile justice policies include requesting a court hearing immediately when a child is missing from placement. Judges may consider some of the following actions, depending on their jurisdiction's particular laws, to encourage diligent efforts are being undertaken to locate a missing child:

**Require agencies** take a current photograph of the child and maintain an easily accessible electronic copy within agency records.

**Issue an order requiring the agency with whom the child was placed take the following steps when a child goes missing:**

- Report immediately to law enforcement if the child goes missing from placement or runs away and provide documentation of the report to the court;
- Provide the following information to law enforcement with the report, the child's:
  - o Name;
  - o Date of birth;
  - o Height and weight;
  - o Description including any other unique identifiers such as tattoos, body piercings, eyeglasses, and/or braces;
  - o Clothing worn when went missing or was last seen; and

- o Current photograph.

- Ensure law enforcement authorities immediately enter the child's name and identifying information into the FBI's NCIC Missing Person File. Provide documentation of such to the court.

**Judges can issue individual orders to social workers or juvenile justice workers or a standing order in their jurisdiction to report children missing from care to NCMEC**, which is available 24 hours a day.

Reports can be made to  
**1-800-THE-LOST (1-800-843-5678).**

As mentioned previously, the recent passing of the federal Preventing Sex Trafficking and Strengthening Families Act into law requires child welfare agencies to report children missing from care to NCMEC. However, the law also allows for a two-year implementation timeframe with a deadline of October 2016. Judges can assist with issuing individual orders until their local child welfare agency officially adjusts their internal policy to comply with this federal requirement. Additionally, following the deadline, judges can play an important role in ensuring all children missing from care have been reported to law enforcement and separately to NCMEC and the child welfare agency remains in compliance with this federal statute.

In the interim, such orders should clearly include the release of the child's photo for purposes of creating a missing child poster. NCMEC does not include information on a missing child poster indicating the child is in state care or has any history of abuse, neglect, or involvement in the juvenile or child welfare systems. When the child's legal

guardian calls into NCMEC, in addition to sharing the same information listed above for the law enforcement report, additionally helpful information includes:

- Child’s cell phone number;
- Social networking sites the child is active on; and
- Information about friends or companions with whom the child may have gone missing.

**Order agencies to take updated photographs of a child who returns to care from a runaway episode**, so any new physical attributes — including tattoos, piercings, hairstyles — are documented. Photos should be taken under conditions promoting the safety of the child so as not to re-traumatize children.

**Consider requiring safety assessments of suspected sex trafficking victims are completed when a child returns.**

If applicable, judges can require the assessment be done prior to authorizing a transfer under the interstate compact, which facilitates the return of children found in another state to their state of residence. Additional considerations include:

- Assessment of immediate and long-term services needed by the victim;
- Coordination of trauma-informed and specialized services, particularly between the state where a child is located and where he or she was in care;
- Assessment of facility or home safety from which the child went missing; and
- Consideration of a safety plan to address the special dynamics of recruitment of a

child for trafficking purposes.

**Judges may consider continuing the child’s child welfare or juvenile justice placement even for children who reach the age of majority and are still missing or are missing for long periods of time, so those children can easily access services if and when they are located.** It may be possible in some jurisdictions for judges to deny the request of child welfare or juvenile justice agencies to discontinue the placement or custody of a missing child based on either the length of missing episode or their aging out of the system while missing. In some jurisdictions, an agency is required to exhaust all efforts to find the child, including making a report to NCMEC before the child’s 18th birthday. In these missing children cases NCMEC is an important safety net as their case will not be closed and NCMEC will continue to search for these children until they are recovered – even if the child remains missing after reaching the age of 18.

**Ensure communication and collaboration.** Some child welfare and juvenile justice agencies have expressed concern about how the obligation to report children to NCMEC impacts their obligations to protect that child’s confidentiality. NCMEC has established policies respecting confidentiality while sharing vital information relating to locating and recovering missing children. Most state child welfare laws and policies will require agencies caring for children make all reasonable efforts or efforts in the child’s best interest to assist with the location of a child missing from care. This kind of language allows state agencies responsible for missing children the discretion to report missing children and

release the child's photo and information when there is a valid protective purpose satisfying the applicable legal purposes. Judges can reduce or remove any barriers confidentiality may propose by setting clear expectations and meeting with stakeholders regarding any issues they may have.

## **WHEN A CHILD GOES MISSING FROM CARE: WHAT JUDGES NEED TO KNOW ABOUT HOW NCMEC WORKS**

Children in foster care or juvenile detention are some of the most vulnerable to child traffickers. Judges presiding over juvenile justice and child welfare cases can play an important role in creating a better safety net for this vulnerable population of children by ensuring the free services of NCMEC are engaged. When children go missing, NCMEC employs a wide array of resources to assist law enforcement, families, and legal guardians in location and recovery efforts. While most juvenile justice and child welfare agencies routinely report children missing from care to law enforcement, they may not know reporting missing children to NCMEC can increase the likelihood they will be found.<sup>11</sup> Of missing child cases reported to NCMEC since 1990, approximately 97 percent had been resolved as of the end of 2014. However, NCMEC can only assist when law enforcement or the child's legal guardian calls NCMEC and reports the missing child.

When child welfare is acting as the legal

guardian in a child's life, should that child go missing, NCMEC stands ready and willing to employ all available resources in supporting the search efforts of the child welfare agency in addition to law enforcement. Within the child welfare system there may be multiple individuals who have important information about the child to share such as social workers, foster parents, and group home staff. Working together to collect every piece of helpful information NCMEC case managers can assist child welfare agencies in strengthening their response for locating and recovering missing children. Additionally all information about historic and active missing child cases is maintained in NCMEC's Missing Child Database. All past missing child information and case notes are reviewed to see if they can provide a window into the location of the active missing child. This can be especially helpful as social workers and law enforcement may be newly assigned or have changed since the last missing incident. It's important to note, while NCMEC case managers remain in constant contact with the legal guardian, NCMEC is restricted from providing analytical information to anyone other than the assigned or searching law enforcement agency.

Once the missing child is reported, NCMEC takes the following steps. An NCMEC case management team is assigned to coordinate all resources available through NCMEC to assist with identifying and recovering missing children. NCMEC analysts will conduct comprehensive searches for all information provided about the missing child, companions, or potential offenders. While law enforcement is actively searching for missing children, NCMEC's

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<sup>11</sup> As noted earlier NCMEC receives automatic reports from child welfare agencies of all children missing from foster care in three states, Florida, Illinois, Texas, and one jurisdiction in Los Angeles County, California. A formal agreement is not necessary for a child welfare or juvenile justice agency to make reports to NCMEC.

role includes providing analytical and technical assistance. The agency responsible for the missing child can also benefit from additional resources available to parents and guardians through NCMEC, including support services and referral assistance.

NCMEC supports the search efforts of law enforcement in the jurisdiction where the child went missing and broadens the safety net for recovery beyond that jurisdiction. Missing children do not always remain within the jurisdiction where they originally go missing. This is especially true in cases of children who are exploited through online enticement or targeted by sex traffickers where traffickers may move their victims from city to city or even across state lines to evade detection by law enforcement. NCMEC can support law enforcement in identifying online information indicating any travel or movement outside of the missing location and connect law enforcement resources in relevant jurisdictions. NCMEC has established contacts with law enforcement professionals in every state who work specifically on child recovery and can assist with aligning these efforts in the most efficient way for law enforcement and safest way for the child.

After the legal guardian has reported the child missing to law enforcement and NCMEC, any noncustodial individual can call NCMEC 24 hours a day to provide additional information about the missing child case.<sup>12</sup> Additional helpful information

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12 NCMEC is dedicated to upholding the highest level of safety and confidentiality for the missing child. Information provided by individuals who are not the legal guardian or law enforcement will be received and processed; however, NCMEC will not provide information or case updates to these individuals. Outgoing information from NCMEC is communicated only to legal guardians and law enforcement.

can include names of friends in the community or group home the child is close with or may be missing with, additional phone numbers, social networking sites the child uses, information about companions such as boyfriends or girlfriends, and names of places the child frequents or possibly hangs out.

Every runaway incident matters to NCMEC no matter how long the child has been missing. Information about the child and circumstances surrounding the incident, or past incidents, can provide a current set of indicators to assist with the child's recovery. Additionally, once an intake has been completed on a child and the information is entered into NCMEC's system, the child is never forgotten. NCMEC will continue to assist in the search until the child is found. This can be especially important for children who are missing from care because missing children do not "age out" of the services NCMEC provides. In these situations NCMEC case managers continue to be an advocate for the child and provide ongoing support for law enforcement's efforts until the child is recovered regardless of whether the child turns 18 while missing.

## **JUDICIAL LEADERSHIP TO BUILD A COLLABORATIVE RESPONSE**

Addressing child sex trafficking is a high-priority issue for the National Council of Juvenile and Family Court Judges and National Center for Missing & Exploited Children, because children who have been reported missing and are under the oversight of a judge, are often also at risk of being exploited. It is imperative a coordinated response be put in place, as it is the responsibility of multiple

systems, national and local organizations to establish a better safety net for children involved in the child welfare and juvenile justice systems.

Judges can play a leadership role to bring stakeholders together including child welfare and juvenile justice agencies and law enforcement to review their policies to determine how NCMEC and other local and national organizations can be included as a crucial resource in their efforts to bring children home safely. It is the responsibility of all agencies and organizations dedicated to protecting children to expand conversations in an effort to connect systems, eliminate barriers, and streamline responses when a child is missing. When we fail to communicate and share information that can lead to the protection and recovery of a child, we create gaps allowing

traffickers and other offenders to target and exploit these vulnerable children. Judges have the oversight role to minimize or diminish these gaps by acting with urgency and developing a coordinated response when children go missing from care.

The National Center for Missing & Exploited Children along with the National Council of Juvenile and Family Court Judges stand ready to engage in any further conversations with members of the judiciary about the development of model policies and procedures based on the recommendations in this brief. We look forward to providing ongoing technical assistance, as requested.

## ABOUT THE NATIONAL CENTER FOR MISSING & EXPLOITED CHILDREN (NCMEC)

As the national clearinghouse for missing and sexually exploited children, NCMEC possesses the unique ability to connect information about potential victims and offenders in multiple states or locations by leveraging the information available in internal missing child cases and CyberTipline® reports. Since traffickers can be transient, this link analysis resource

can be helpful in connecting information about both potential victims and offenders to other ongoing cases, as well as other missing children. Searches can also be conducted to assist law enforcement who may be working the same case in different jurisdictions with deconfliction. The two systems unique to NCMEC are its Missing Children Database and CyberTipline.

## NCMEC RESOURCES AT A GLANCE



NCMEC maintains a database of information about every missing child reported to its Call Center. This comprehensive database includes information about the child, details of the missing/runaway incident, recovery

information, law enforcement updates and important medical needs, endangerments and physical descriptors — including photos. These historical profiles are reviewed and added to the database every time the child is reported missing

to NCMEC. The streamlining and maintenance of this information in the missing children database can greatly assist in the recovery of children because information is readily available to the legal guardian and law enforcement.

The CyberTipline is an online reporting mechanism created for the public and electronic service providers to report incidents of child sexual exploitation.

The CyberTipline receives approximately 10,000 to 12,000 reports of apparent child victimization every week. More specifically, child sex trafficking analysts process more

than 800 reports a month pertaining to possible child sex trafficking. The analysts utilize their specialized skills and access to multiple public records databases to add information to the CyberTipline reports and provide reports to law enforcement for review. All reports are archived and searched against incoming reports to see if connections can be made between online child victimization and a missing child.

## ABOUT THE NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES (NCJFCJ)

The NCJFCJ was established in 1937 when a group of judges came together looking to improve the effectiveness of the nation's juvenile courts to address the issues of:

- Child abuse and neglect;
- Adoption and foster care;
- Juvenile justice;
- Family violence;
- Victims of juvenile offenders;
- Military issues;
- Alcohol and drug abuse;
- Termination of parental rights;
- Custody and visitation; and
- Minority issues.

One of the largest and oldest judicial membership organizations in the nation,

the NCJFCJ serves an estimated 30,000 professionals in the juvenile and family justice system including judges, referees, commissioners, court masters and administrators, social and mental health workers, police, and probation officers.

For those involved with juvenile, family, and domestic violence cases, the NCJFCJ provides the resources, knowledge, and training to improve the lives of families and children seeking justice. NCJFCJ resources include:

- Cutting-edge training;
- Wide-ranging technical assistance;
- Research to assist family courts; and
- Unique advanced degree programs for judges and other court professionals offered in conjunction with the University of Nevada, Reno, and the National Judicial College.

