

SUMMARY

AB 273 will build on past efforts and formalize best practices by requiring notification when a child or non-minor dependent in foster care is missing. This bill also furthers legislative intent and helps to better protect, locate, place and stabilize children and nonminor dependents when they go missing while in foster care.

BACKGROUND

Some children and youth who are in the care, custody and control of the state go missing while in foster care. While counties have been required to develop policies and procedures to locate and respond to youth who go missing from foster care since 2016, those practices don't require oversight of the court and notification and engagement from family members, tribes and tribal representatives, other supportive adults, including court appointed attorneys and the Child and Family Team is sporadic and inconsistent.

For tribal and native children, going missing or running away while in foster care is a pipeline to the disproportionately high rates of violence experienced by Native Americans, and the high rates of indigenous persons reported missing. Today, Native American children enter the child welfare system at a rate that is 2.7 times their representation in the population, the highest of any racial group (AFDC 2020). National data shows that 85% of all missing Indigenous children over a 10-year period were endangered runaways. Nationally, American Indian or Alaska Native children had the highest rate of victimization at 14.8 per 1,000 children in the population of the same race or ethnicity (Child Welfare Information Gateway, 2021).

In 2021, the California Legislature enacted the Feather Alert system (AB 1314, Chapter 476, Statutes of 2021) to aid in the location of an Indigenous person who has gone missing under suspicious circumstances, been abducted or kidnapped.

Within the United States, California has emerged as a magnet for commercial sexual exploitation (CSE) of children (CSEC). The FBI has determined that three of the nation's thirteen High Intensity Child Exploitation areas are in California: San Francisco, Los Angeles, and San Diego metropolitan areas.

PROBLEM

Existing law requires county child welfare agencies and probation departments to develop and implement specific protocols to quickly locate any child missing from foster care, including:

- describing the efforts used by county child welfare or probation staff to expeditiously locate any child or nonminor dependent missing from care;
- requiring the social worker or probation officer to determine the primary factors that contributed to the child running away or going missing and addressing those factors in subsequent placements;
- determining the child's experiences while absent from care and whether they were a victim of commercial sexual exploitation, and provide appropriate services; and
- reporting to the appropriate law enforcement authority for entry into the National Crime Information Center database of the Federal Bureau of Investigation and to the National Center for Missing and Exploited Children within 24 hours of becoming aware that a child or youth who is receiving child welfare services and who is known or suspected to be the victim of commercial sexual exploitation is missing or has been abducted.

However, county practices are routinely out of compliance with federal and state, and the California Department of Social Services (CDSS) minimum standards guidance required for compliance set forth in All County Letter 16-15. For example, in current practice, notification does

not include the child's tribe/tribal representative or parents and court monitoring is sporadic and inconsistent.

SOLUTION

This proposal seeks to build on past efforts and formalize best practices by requiring notification to family members, court appointed counsel, tribes and tribal representatives, and the court of jurisdiction when a child or non-minor dependent is missing and requiring collaborative efforts and due diligence by county social workers/probation officers, courts and other supportive adults to locate, place and stabilize children and youth when they return, with a particular focus on the inclusion of tribes and tribal representatives to address the crisis of missing indigenous youth.

This proposal furthers legislative intent and helps to better protect, locate, place and stabilize children and nonminor dependents when they go missing while in foster care and provide greater collaboration, including with tribal representatives, in ensuring services are provided to meet their immediate and longer-term needs when they return to care, by:

1. Requiring notification to family members, court appointed counsel, tribes and tribal representatives and the court of jurisdiction when a child or nonminor dependent is missing, and
2. Expediting status review hearings for children who are missing to promote collaborative efforts by the county social workers/probation officers, courts and other supportive adults to locate, place and stabilize children and nonminor dependents when they return.

SUPPORT

Yurok Tribe (Sponsor)
California Tribal Families Coalition (Sponsor)
Alliance for Children's Rights (Sponsor)

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