

## Missing Children Policy

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**Subject:** Children Missing from Care; Pick-Up Order; Capias

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*Any information referenced within this document is considered to be a part of this policy with the exception of the "related resources" section.*

### Summary:

This policy establishes the procedures required when a child is identified as missing, defines reasonable efforts to locate the child, and provides guidance to Initial Assessment specialists (IAS) and Ongoing case managers (OCM) to assess the health and well-being of the child when they return.

### Policy:

A child, who is missing from home or from out-of-home care, is exposed to substantial risks that may threaten the health and well-being of that child. Where DMCPS is charged with ensuring child safety, and the child's whereabouts are unknown, IAS and OCMs must make consistent reasonable efforts to locate the child by working with the parents/guardians, out-of-home care providers, law enforcement and others with whom the child has significant relationships. When the child is located, the IAS or OCM shall attempt to identify the activities the child was engaged in while missing and will assess the current health and well-being of the child.

### Definitions:

**AWOL:** An abbreviation for an absence without explanation, a term used to refer to a child who is missing. The term "*missing from care*" is used as it fosters a more trauma-informed approach to day-to-day practice.

**Missing from Home or Out-of-Home Care:** See [DCF Memo 2008-12, and 2017-07](#). When child is unaccounted for, for eight hours or a length of time that cannot be justified based upon the child's age, maturity, or emotional capacity, and when efforts to locate the child have been unsuccessful, a child is deemed missing. This definition includes any taking by force/coercion or when the child is with an unauthorized person or in an unauthorized place. *Note: Upon notification,*

*the Milwaukee Police department files a missing person's report if the child has been missing for 2 hours or more.*

**Capias:** a warrant issued by Children's Court when a child is missing from a court-ordered placement.

**Critical Missing:** All children ages 12 and under with or without significant-to-severe cognitive, psychological or physical deficits *or* any child ages 17 and under with significant-to-severe cognitive, psychological or physical deficits who are missing from home or from out-of-home care.

**Pick-Up Order:** an order issued by Children's Court when a child is believed to be in imminent danger of maltreatment and the parent or guardian is denying access to the child. Pick-up orders are used to ensure the child receives necessary medical treatment, a forensic interview, some other specific service, or to ensure for child safety by taking temporary physical custody (TPC).

**Reasonable Efforts to Locate a Missing Child:** The steps a similarly experienced and educated intake worker or case manager would take when faced with a similar set of circumstances. For the purpose of this policy, the procedures will establish the *minimum* reasonable efforts to be made by an intake worker or case manager in order to locate a child who is missing.

### **Procedures:**

The circumstance under which a child is missing from care determines who is responsible for filing a report with police and who takes primary responsibility for attempts to locate the child. The entity responsible for reporting to police is indicated behind each circumstance below:

- IAS is conducting the initial assessment, but IA does not have custody of the child(ren): **parent(s)/guardian(s)**
- IAS obtained temporary physical custody (TPC) of the child(ren): **IAS**
- Child is missing between the time DMCPs takes TPC and the scheduled TPC court hearing: **IAS (and IAS shall continue to pursue TPC)**
- Case is open with Intensive In-Home: **parent(s)/guardian(s)**
- CHIPS order is open: **placement provider (foster parent, group home, independent living provider, assessment/stabilization center)**

Procedures regarding efforts to locate the child are provided for cases in initial assessment, intensive in-home services (IIHS) and ongoing case management services in subsequent hearings.

#### **A. Cases in Initial Assessment**

1. When the decision has been made to take the child into TPC or TPC has been obtained and the child is known to be missing, the IAS will file a

- missing person's report at the local police precinct on the same day and will be prepared to answer questions related to the child's physical description, clothing, identifying marks and any characteristics or conditions that would qualify the child as a *critical missing*. As much information as possible shall be garnered from the parents and collaterals. The IAS will request that law enforcement add the child to the National Crime Information Center missing persons file.
2. If the parent/guardian has already filed a missing person report, the IAS must notify law enforcement of the intent to take the child into TPC when and if s/he is located to ensure the child is not returned home.
  3. The IAS will report the missing child to the National Center for Missing and Exploited Children (NCMEC) through eWiSACWIS.
    - a. See the eWiSACWIS instructions "Missing Child Reporting and Assessment" for an explanation of how to generate a missing person's report to NCMEC and the [DSP Memo 2016-26](#) and [DMCPS Photo Documentation Policy](#) for additional guidance.
    - b. Efforts must be made to obtain a photo of the child from the parent/guardian, the CAC, or from the child's school.
  4. If not already aware, The IAS will contact the child's parent/guardian immediately once made aware of the child's missing status.
    - a. IAS will continue to contact the parent/guardian twice every work week to determine if there is any additional information related to the child's location.
  5. The IAS will interview the parents/guardians with regard to the places or people the child may seek out while missing from care such as:
    - a. Friends
    - b. Relatives
    - c. Former caregivers
    - d. Boyfriend/girlfriend
    - e. Hangouts/corner store/shopping malls
    - f. School administrators, teachers and/or other adult mentors
    - g. Mental health professionals
  6. The IAS will also ask the parents/guardian as to any social media the child may utilize, and will monitor the child's activity directly, if possible, or through the child's family and friends. Any information related to the child's whereabouts will be reported to local law enforcement.
  7. The IAS will call or email the Assistant District Attorney (ADA) within 24 hours to request a Pick-Up Order or Capias for the child if a TPC has *not* yet been granted. Where the TPC has been granted or a CHIPS order is already in place, the IAS will follow the procedure set forth in [Court Directive 10-04](#) to request the Capias.
  8. The IAS will provide notice that the child is missing to all legal parties in the case.
  9. When the Pick-Up Order or Capias is executed (i.e., this child is located and taken into custody by law enforcement), the IAS will do the following:
    - a. Immediately notify the Placement Referral Unit (PRU) of the need for an emergency placement and agency assignment

- b. Transport the child from the Detention Center to the placement on that same day.
  - c. Seek necessary follow-up medical care in consultation with a Supervisor. If there are suspected new allegations of maltreatment, escort the child to the Child Advocacy Center (CAC) to have him/her assessed medically.
  - d. Conduct an interview with the child within 24 hours of his/her return to determine the circumstances surrounding the child's missing status including whether s/he is a victim of human trafficking.
10. The IAS will proceed with the TPC and will refer the case to the assigned Ongoing Service provider per the Case Transition from Initial Assessment to Ongoing Services Policy.

**Note:** If no out of home placement is being sought, the procedures for Intensive In-Home Services (Section B, below) are required.

## **B. Cases in Intensive In-Home Services (IIHS)**

When a child runs and is missing from a family with a case open in Intensive In-Home Services (IIHS), the family maintains legal responsibility for the child. Thus the IIHS case manager (IIHCM) will strongly encourage the parents/guardian to file a missing person's report immediately with local law enforcement. If needed, the IIHSCM may assist the family by providing transportation to the police precinct. The IIHSCM is responsible for complying with the following procedures:

1. The IIHSCM will encourage the parents to report the missing child to the National Center for Missing and Exploited Children (NCMEC) at 1-800-THELOST (843-5678), and/or obtain consent from the parent for the IIHCM to send the NMEC notification electronically through eWiSACWIS, which must include a recent photo of the child.
  - a. See the eWiSACWIS instructions "Missing Child Reporting and Assessment" for an explanation of how to generate a missing person's report to NCMEC and the [DSP Memo 2016-26](#) and [DMCPS Policy: IA 60.00 OCM 60.00 Photo Documentation](#) for additional guidance. If a photo cannot be obtained, diligent efforts to do so must be documented in eWiSACWIS.
1. The IIHSCM will notify the child's Indian Tribe if applicable.
2. The IIHSCM will interview the parents/guardian with regard to the places or people the child may seek out while on the run:
  - a. Friends
  - b. Relatives
  - c. Former Caregivers
  - d. Boyfriend/girlfriend
  - e. Hangouts/corner store
  - f. Teachers and/or other adult mentors
  - g. Mental health professionals

3. The IIHSCM will also ask the parents/guardian as to any social media the child may utilize, and will monitor the child's activity directly, if possible, or through the child's family and friends. Any information related to the child's whereabouts will be reported to local law enforcement.
4. While the child remains missing, the IIHSCM will continue to serve the family in accordance with their needs and the safety and case plans unless there are no other children residing in the home. Additionally, the IIHSCM shall continue to ask the parents/guardian twice weekly re: any activity on the child's social networking or at school. This can be done via telephone calls to the parents/guardian.
5. When the child returns home, the IIHSCM will do the following:
  - a. Conduct a safety assessment within one working day of being notified of the child's return
  - b. Interview the child to determine whether s/he has engaged in any sex trafficking activity
  - c. Strongly encourage the parents/guardian to have the child assessed medically
  - d. Ensure the parents notify law enforcement that the child has returned home
  - e. Notify NMEC that the child is no longer missing

### **C. Cases with a CHIPS Order open with a contracted Ongoing Agency**

1. The OCM will ensure a Missing Person's report is filed by the child's placement (foster parent, group home, independent living, or assessment or stabilization center) with the local police precinct on the same day the child is reported missing and will be prepared to answer questions related to the child's physical description, clothing, identifying marks and any characteristics or conditions that would qualify the child as a "critical missing." The OCM will obtain as much information as possible from the out-of-home-care provider or foster parent. The Group Home or Assessment/Stabilization Center will request that law enforcement add the child to the National Crime Information Center missing persons file.
2. If the child is placed in a group home, independent living, or an assessment/stabilization center, the placement provider must notify the OCM within 8 hours of the child going missing.
3. The OCM will send the NMEC notification electronically through eWiSACWIS, which must include a recent photo of the child.
  - a. See the eWiSACWIS instructions "Missing Child Reporting and Assessment" for an explanation of how to generate a missing person's report to NCMEC and the [DSP Memo 2016-26](#) and [DMCPS Photo Documentation Policy](#) for additional guidance. If a photo cannot be obtained, diligent efforts to do so must be documented in eWiSACWIS.
4. Within 24 hours of the child being identified as missing from care, the OCM will change the placement management strip in eWiSACWIS to "missing from care."

5. If not already aware, the OCM will notify the parent(s), the out-of-home care provider and, if applicable, the child's Indian Tribe that the child is missing. The notification shall take place as soon as possible, but no later than within one working day.
6. The OCM will interview the parents/guardian/caregiver with regard to the places or people the child may seek out while missing from care:
  - a. Friends
  - b. Relatives
  - c. Former Caregivers
  - d. Boyfriend/girlfriend
  - e. Hangouts/corner store
  - f. Teachers and/or other adult mentors
  - g. Mental health professionals
7. The OCM will also ask the parents/guardian as to any social media the child is using, and will monitor the child's activity directly, if possible, or through the child's family and friends. Any information related to the child's whereabouts will be reported to local law enforcement.
8. The OCM will notify the court that the child is missing pursuant to [Court Directive 10-04](#), and the court will likely issue a Capias.
9. In addition, the OCM will provide notice that the child is missing to the ADA, the attorney for the parent(s) and the child's public defender or guardian ad litem.
10. The OCM shall continue to ask the parents/guardian and collaterals twice weekly about any contact with the child or the child's activity (on social media, at school, etc.).
11. While the child is missing, the OCM will manage bed holds with the out-of-home care provider with the current placement.
12. The OCM will continue to conduct Case Planning pursuant to §48.38 Wis. Stats. as amended and [DCFS Memo Series 2008-12](#).
13. If the child is located and held by the OCM prior to police intervention, the OCM can request that the Capias be withdrawn by faxing that request to the assigned judge.
14. If the Capias is executed by law enforcement and the child is being held at the court center or in secure detention, secure detention staff will contact the OCM who will, in turn, contact the placement referral unit for an emergency placement (if the former placement has been closed out). In either case, the OCM will retrieve the child from custody and transfer him/her to an appropriate placement that same day.
15. Upon the child's return, the OCM shall also notify law enforcement (if unaware), NMEC, and the child's parent(s)/guardian of the child's return.
16. The OCM will seek necessary follow-up medical care in consultation with a Supervisor. If there are suspected new allegations of maltreatment, the OCM will escort the child to the Child Advocacy Center (CAC) to have him/her assessed medically and an interview will be conducted with the child within 24 hours of his/her return to determine the circumstances surrounding the child's flight including whether s/he has engaged in any sex trafficking activity.

### **Documentation:**

All documentation below must be completed within 72 hours of discovery or event.

In circumstances where a child is chronically missing from care and the OCM knows where the child is located, the OCM must still follow the procedures noted above and officially report the child as missing. The OCM must indicate in a case note where the child is located (even though they are officially missing from the OHC provider) and why they frequently run from the placement provider.

**Case notes documentation:** Case note documentation shall include, at a minimum, the following:

- Facts and circumstances surrounding why the child/youth is missing.
- All actions taken by the IAS, Ongoing or IIHSCM including, but not limited to, filing of reports and legal documents; notifications to the court, to the parent/guardian/caregiver and (if applicable) the Indian Tribe; contacts made and interviews conducted; face-to-face contacts with parent(s)/guardian/caregivers and other children if in the home; any and all efforts made to locate the child; facts and circumstances surrounding a child's/youth's return; and documentation of the post-return interview to include the determination that the child/youth may have been involved in human trafficking and the subsequent action taken;
- Any other information provided during interviews conducted by the IAS or case manager.

**Note:** Maximus staff scans copies of the pick-up orders into eWiSACWIS; if there is an older order that does not appear in the system, Maximus staff may be requesting a copy of the old order from the Ongoing Agency.

### **Other:**

- In-home safety assessments
- Changes to placement strips as appropriate

### **Responsibilities:**

IAS and their Supervisors; Ongoing and Intensive In-Home case managers and their Supervisors.

### **Related Resources:**

[Children's Court Directive 10-04](#) and [09-02 DCF Memos](#)

- DSP Memo 2017-07
- DSP Memo 2016-26
- DSP Memo 2008-12

### **DMCPS Policies**

- IA 60.00, OCM 60.00 Photo Documentation
- IA 9.00, IIHS 2.00, OCM 4.00 Medical Evaluation for Children
- IA 14.00 OCM 15.00 Obtaining and Executing a Pick-Up Order

- [Access and Initial Assessment Standards;](#)
- [Ongoing Services Standards](#)
- [Safety Intervention Standards](#)