

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER b: PROGRAM AND TECHNICAL SUPPORT

PART 329

LOCATING AND RETURNING MISSING, RUNAWAY, AND ABDUCTED CHILDREN

Section

- 329.10 Purpose
- 329.20 Definitions
- 329.30 Reporting Missing, Runaway, and Abducted Children
- 329.40 Return of Missing, Runaway, and Abducted Children
- 329.50 Placement Considerations
- 329.60 Runaway Children for Whom Another Agency or Jurisdiction is Legally Responsible
- 329.70 All Other Runaway Children or Youth

AUTHORITY: Implementing the Interstate Compact on Juveniles [45 ILCS 10] and authorized by Section 5 of the Children and Family Services Act [20 ILCS 505/5] and 42 U.S.C. 671(a)(35)(B).

SOURCE: Adopted and codified at 5 Ill. Reg. 5521, effective May 27, 1981; amended at 24 Ill. Reg. 15037, effective October 16, 2000; amended at 48 Ill. Reg. 12218, effective August 1, 2024.

Section 329.10 Purpose

The purpose of this Part is to describe the requirements for reporting, locating and returning children who are the legal responsibility of the Department, who are believed to be missing, on runaway, or abducted, and the conditions under which the Department of Children and Family Services will authorize and reimburse for the expenses incurred when returning an Illinois child to Illinois who has run to another state. This Part also details the conditions under which the Department of Children and Family Services will authorize and reimburse for the expenses incurred when returning a child from another state to that state when the child has run to Illinois.

(Source: Section 329.1 renumbered to Section 329.10 and amended at 24 Ill. Reg. 15037, effective October 16, 2000)

Section 329.20 Definitions

"Abducted child", as used in this Part, means a child who has been concealed, detained, or removed from the jurisdiction of the court in violation of a valid court order granting custody to another.

"Child" or "Youth" means children for whom the Department has temporary protective custody, custody, or guardianship via court order, or children whose parents have signed an adoptive surrender or voluntary placement agreement with the Department; and for this Part only, includes children for whom the Department has an open case file but who have not been removed from the home, children who have

LOCATING AND RETURNING MISSING, RUNAWAY, AND ABDUCTED CHILDREN
August 21, 2024 – P.T. 2024.14

run away from foster care and who have not attained 18 years of age or such older age as determined by the Department on an individual basis, and youth who are not in foster care but are receiving transition to adulthood support services.

"Missing child" means that a child or youth is absent from the residence of a caregiver or the premises of a child care facility without the knowledge or consent of the persons responsible for the child's welfare, the whereabouts of the child or youth are unknown, and intent to run away has not been established.

"Runaway" means that a child or youth has been absent from the residence of a caregiver or the premises of a child care facility without the knowledge or consent of the persons responsible for the child's welfare, the whereabouts of the child or youth are unknown, and intent to run away has been established. If the child or youth has left a note or other indication of intent to run away, he or she shall be considered a "runaway" immediately.

(Source: Amended at 48 Ill. Reg. 12218, effective August 1, 2024)

Section 329.30 Reporting Missing, Runaway, and Abducted Children

a) Initial Report

- 1) Whenever a child or youth is believed to be missing or on runaway, or to have been abducted, from a placement facility, the caregiver shall report the incident immediately to:
 - A) Department casework staff, if the incident occurs during normal working hours;
 - B) the State Central Register during after-hours or on weekends.
- 2) As soon as the caseworker learns the child or youth is missing, the caseworker shall, within 24 hours of notification, verbally notify the local police authorities (city police or sheriff's office) and follow their procedures for reporting a missing child that include filing a missing person's report at the police station in the district in which the child or youth most recently resided. The caseworker shall provide as much identifying information about the child or youth as possible to police authorities, including:
 - A) a photograph of the child or youth; and
 - B) whether the child or youth's fingerprints are on file with the Illinois State Police;

LOCATING AND RETURNING MISSING, RUNAWAY, AND ABDUCTED CHILDREN
August 21, 2024 – P.T. 2024.14

- C) a description of the child or youth's physical features, such as height, weight, sex, ethnicity, race, eye color; and
 - D) endangerment information, such as the child or youth's pregnancy status, prescription medications, suicidal tendencies, vulnerability to being sex trafficked, and other health or risk factors.
- 3) After the police report has been made, the worker shall file an unusual incident report (UIR) in accordance with 89 Ill. Adm. Code 331 (Unusual Incidents).

b) Other Reports

In addition to the required notifications in the initial report listed in subsection (a), the caseworker shall also notify the following within 24 hours after the initial report:

- 1) the child's or youth's parents, guardian or legal custodian;
- 2) the juvenile court of jurisdiction; and
- 3) the National Center for Missing and Exploited Children (NCMEC) and Child Find of America. The caseworker shall provide as much identifying information about the child as possible to NCMEC authorities, including:
 - A) a photograph of the child or youth;
 - B) whether the child or youth's fingerprints are on file with the Illinois State Police;
 - C) a description of the child or youth's physical features, such as height, weight, sex, ethnicity, race, eye color; and
 - D) endangerment information, such as the youth's pregnancy status, prescription medications, suicidal tendencies, vulnerability to being sex trafficked, and other health or risk factors.

c) Required Follow-up Activities

- 1) After the required notifications, the caseworker shall attempt to locate the child by:
 - A) Inquiring of the following persons if they have knowledge of the possible location of the child or youth:
 - i) past known caregivers who have cared for the child or youth for at least six months within the last two years or any other caregivers with whom the child or youth is known to have had a close relationship;

LOCATING AND RETURNING MISSING, RUNAWAY, AND ABDUCTED CHILDREN
August 21, 2024 – P.T. 2024.14

- ii) relatives, including the child's or youth's parents;
 - iii) neighbors and landlord of the child's or youth's last known address;
 - iv) close friends and classmates of the child or youth, including any known boyfriends or girlfriends;
 - v) teachers, counselors, and other personnel at the school that the child last attended, or at other schools the child or youth attended if there is knowledge that the child or youth had a close relationship with persons at that school; and
 - vi) other staff of the Department or contributing child welfare agency who might have knowledge of the possible location of the child or youth;
- B) reviewing the Public Aid Client Information Systems screen to seek the location of the child or youth and any other person with whom the caseworker suspects the child or youth might be living;
- C) inquiring of local emergency shelters and homeless child or youth programs whether they have any information as to the whereabouts of the child or youth; and
- D) requesting any of the persons listed in subsection (c)(1)(A) to contact the caseworker if they subsequently receive any information about the child's location.
- 2) The child's or youth's caseworker shall maintain regular communication with law enforcement and NCMEC on the status of the missing person report. Whenever the caseworker obtains new information that may lead to the whereabouts of the child or youth, the caseworker shall immediately report the information to the local police, NCMEC, and any other appropriate local law enforcement agency.
- 3) The caseworker shall also keep the juvenile court informed of any changes in the child's or youth's status.
- 4) At their monthly supervisory meeting the caseworker and the caseworker's supervisor shall discuss what is being done to locate the missing child and review what steps are being taken.

(Source: Amended at 48 Ill. Reg. 12218, effective August 1, 2024)

LOCATING AND RETURNING MISSING, RUNAWAY, AND ABDUCTED CHILDREN
August 21, 2024 – P.T. 2024.14

Section 329.40 Return of Missing, Runaway, and Abducted Children

- a) When other resources are not available the Department shall arrange for and pay for the return of a child or youth who has been missing, runaway, or abducted from their parents' or caretakers' homes.
- b) When a child or youth who has been missing, runaway, or abducted has been found and returned, the child or youth's caseworker shall:
 - 1) Conduct a thorough follow-up interview with the child or youth to determine the circumstances behind the child's disappearance.
 - 2) Schedule a medical examination for the child or youth within 24 hours.
 - 3) Determine what needs to be done for the resumption of the child or youth's educational program.
 - 4) Replace any clothing or personal items the child or youth may need, if these have been lost.
 - 5) Inform the local police, NCMEC, any other appropriate local law enforcement agency, and Child Find of America, and all others who were notified of the absence, that the child or youth has been located and share information pertaining to the child or youth's recovery and circumstances related to the recovery.
 - 6) Complete a report of the incident that can be promptly accessed and reviewed if the child or youth disappears again.

(Source: Amended at 48 Ill. Reg. 12218, effective August 1, 2024)

Section 329.50 Placement Considerations

When a child or youth who has been missing, runaway, or abducted has been found and returned, the child's or youth's caseworker shall determine whether the child or youth should be returned to the placement from which the child or youth disappeared or whether a new placement is in the child's or youth's best interests. New placements must comply with the requirements of 89 Ill. Adm. Code 301 (Placement and Visitation Services).

(Source: Amended at 48 Ill. Reg. 12218, effective August 1, 2024)

LOCATING AND RETURNING MISSING, RUNAWAY, AND ABDUCTED CHILDREN
August 21, 2024 – P.T. 2024.14

Section 329.60 Runaway Children for Whom Another Agency or Jurisdiction is Legally Responsible

When another agency, state, county, city, or other jurisdiction is legally responsible for children who have run away, the Department shall not arrange for or pay for the return of the child.

(Source: Section 329.4 renumbered to Section 329.60 at 24 Ill. Reg. 15037, effective October 16, 2000)

Section 329.70 All Other Runaway Children or Youth

- a) When no agency, state, or jurisdiction is legally responsible for a child or youth who has run away, the Department will contact the state from which the child or youth has run and request that state arrange for and pay for the return of the child or youth according to the provisions of the Interstate Compact on Juveniles. If the state from which the child or youth has run away refuses to arrange for or pay for the child or youth's return, the Department shall arrange for and pay for the return of the child or youth from Illinois to another state. However, the Department will not arrange for or pay for the return of an Illinois child who is not a child or youth in the Department's care when the child or youth runs away to another locale in Illinois.

- b) Arranging for the Interstate Return of Runaway Children

The Department will arrange for the return of runaway children between Illinois and another state when:

- 1) another agency or jurisdiction is not legally responsible for the child;
- 2) the child or youth will be returned to the child's or youth's state of legal residence and family or other caretaker; and
- 3) the child or youth, or an individual speaking on behalf of the child or youth, consents to the return of the child or youth.

- c) Paying for the Interstate Return of Runaway Children

The Department will reimburse another agency or jurisdiction for the return of a runaway child between Illinois and another state when:

- 1) the arrangements for the child or youth's return meet the conditions of subsection (b); and
- 2) the agency or individual has obtained Department approval for the expenses before they were incurred.

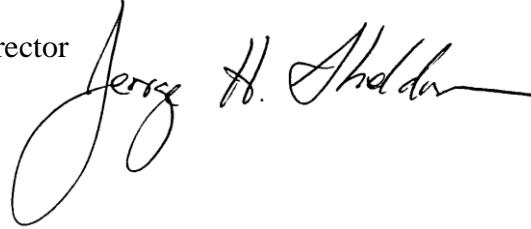
(Source: Amended at 48 Ill. Reg. 12218, effective August 1, 2024)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

POLICY GUIDE 2016.06

LEGISLATIVE UPDATE FOR RULES 329, LOCATING AND RETURNING MISSING, RUNAWAY, AND ABDUCTED CHILDREN

DATE: May 11, 2016
TO: All DCFS and Private Agency Child Protection, Permanency Workers and Supervisors, and Residential Administrators and Staff
FROM: George H. Sheldon, Director
EFFECTIVE: Immediately



I. PURPOSE

The purpose of this Policy Guide is to inform staff of several amendments in Illinois law affecting child welfare practice made in **Public Act 99-0351**. In the coming weeks, DCFS will propose amendments to **Rules 329, Locating and Returning Missing, Runaway, and Abducted Children** to reflect these statutory changes.

II. PRIMARY USERS

The primary users of this Policy Guide are POS and DCFS DCP and permanency workers, staff of Residential Facilities, their supervisors and managers.

III. SUMMARY OF LEGISLATIVE CHANGES

Public Act 99-0351 became effective January 1, 2016 and amends Section 10 of the Safeguard our Children Act to include the following:

Section 10. Duty to report. Any child or person in the care of the Department who is placed in a residential facility under contract with the Department pursuant to the Children and Family Services Act shall be reported as missing to the local law enforcement agency within whose jurisdiction the facility is located, if:

(1) there is no contact between an employee of the residential facility and the child or person within a period of 12 hours; and

(2) the child or person is absent from the residential facility without prior approval.

The operator of the residential facility shall inform the child's or person's caseworker that the child or person has been reported as missing to the appropriate local law enforcement agency. The operator of the residential facility shall also report the child or person as missing to the National Center for Missing and Exploited Children (NCMEC) 1-800-THE-LOST (1-800-843-5678) and shall make a subsequent telephone notification to the sheriff of the county in which the residential facility is located.



The operator of the residential facility making the missing persons report to the local law enforcement agency within whose jurisdiction the facility is located shall report that the missing person is a ward of the Department and shall inform the law enforcement agency taking the report to include the following statement within the missing persons report, in the field of the Law Enforcement Agencies Data System (LEADS) known as "Miscellaneous":

"This individual is a ward of the Illinois Department of Children and Family Services (DCFS) and, regardless of age, shall be released only to the custody of DCFS. Contact the 24-hour hotline: 866.503.0184."

Rules 329 will be amended to comply with the new requirements, including, but not limited to, the requirement that, effective immediately in accordance to PA 99-0351, residential facilities are required to report, in full compliance of the Safeguard Our Children Act, missing children who meet the above criteria to the local law enforcement agency and subsequently to NCMEC.

IV. QUESTIONS

Questions regarding this Policy Guide may be directed to the Office of Child and Family Policy at 217-524-1983 or via Outlook at OCFP – Mailbox. Non Outlook users may e-mail questions to cfpolicy@idcfs.state.il.us.

V. FILING INSTRUCTIONS

File this Policy Guide immediately following, Procedures 329, Locating and Returning Missing, Runaway, and Abducted Children.