

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

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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].

SOURCE: Adopted and codified at 5 Ill. Reg. 5521, effective May 27, 1981; amended at 24 Ill. Reg., effective October 16, 2000.

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., 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.

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parent(s) have signed an adoptive surrender or voluntary placement agreement with the Department.

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“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 person(s) responsible for the child's welfare, the whereabouts of the child or youth are unknown, and intent to runaway 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 person(s) 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: Section 329.2 renumbered to Section 329.20 and amended at 24 Ill. Reg., effective October 16, 2000)

Section 329.30 Reporting Missing, Runaway, and Abducted Children

- a) Initial Report
 - 1) Whenever a child, for whom the Department of Children and Family Services has legal responsibility, is believed to be missing or on runaway, or to have been abducted, from a placement facility, the caregiver shall report the incident to Department casework staff no later than the next business day. If the child is believed to be at risk due to the child's age or degree of vulnerability, 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 child's caseworker learns that a child is missing, the worker shall 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 minor most recently resided. The worker shall provide as much identifying information about the child as possible to police authorities, including a photograph of the child and whether fingerprints are on file with the Illinois State Police.
 - 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 Involving Department Clients, Employees, and Facilities.

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b) Other Reports

In addition to the notification required above in subsection (a), the caseworker shall also notify:

- 1) the child's parents, guardian or legal custodian;
- 2) the juvenile court of jurisdiction; and
- 3) the National Center for Missing and Exploited Children and Child Find of America.

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:
 - i) past known caregiver(s) who have cared for the child for at least six months within the last two years or any other caregivers with whom the child is known to have had a close relationship;
 - ii) relatives, including the child's parents;
 - iii) neighbors and landlord of the child's last known address;
 - iv) close friends and classmates of the child, 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 attended if there is knowledge that the child had a close relationship with persons at that school; and
 - vi) other staff of the Department or purchase of service agency who might have knowledge of the possible location of the minor;
 - B) reviewing the Public Aid Client Information Systems screen to seek the location of the minor and any other person with whom the caseworker suspects the minor might be living;
 - C) inquiring of local emergency shelters and homeless youth programs whether they have any information as to the whereabouts of the child; and

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- D) requesting any of the persons contacted above to contact the caseworker if they subsequently receive any information about the child's location.
- 2) The child's caseworker shall periodically (no less than once per month) check with the local police or appropriate local law enforcement agency on the status of the report. Whenever the caseworker obtains new information that may lead to the whereabouts of the child, the caseworker shall immediately report the information to the local police or appropriate local law enforcement agency.
- 3) The caseworker shall also keep the court informed of any changes in the child's status.
- 4) At their monthly supervisory meeting the worker and supervisor shall discuss what is being done to locate the missing child and review what steps are being taken.

(Source: Added at 24 Ill. Reg., effective October 16, 2000)

Section 329.40 Return of Missing, Runaway, and Abducted Children for Whom the Department is Legally Responsible

- a) When other resources are not available the Department shall arrange for and pay for the return of children for whom the Department is legally responsible who have been missing, on runaway, or abducted from their parents' or caretakers' homes.
- b) When a child who has been missing, on runaway, or abducted has been found and returned, the child's caseworker shall:
 - 1) Conduct a thorough follow-up interview with the child to determine the circumstances behind the child's disappearance.
 - 2) Schedule a medical examination for the child within 24 hours.
 - 3) Determine what needs to be done for the resumption of the child's educational program.
 - 4) Replace any clothing or personal items the child may need, if these have been lost.
 - 5) Inform the police, the National Center for Missing and Exploited Children, and Child Find of America, and all others who were notified of the absence, that the child has been located.

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- 6) Complete a report of the incident that can be promptly accessed and reviewed if the child disappears again.

(Source: Section 329.3 renumbered to Section 329.40 and amended at 24 Ill. Reg., effective October 16, 2000)

Section 329.50 Placement Considerations

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

(Source: Added at 24 Ill. Reg., effective October 16, 2000)

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., effective October 16, 2000)

Section 329.70 All Other Runaway Children

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

- b) Arranging for the Interstate Return of Runaway Children

The Department is authorized to 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 will be returned to his state of legal residence and family or other caretaker; and

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3) when the child or an individual speaking on behalf of the child consents to his return.

c) Paying for the Interstate Return of Runaway Children

The Department is authorized to reimburse another agency or jurisdiction for the return of runaway children between Illinois and another state when:

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

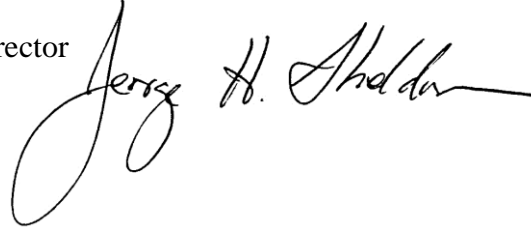
(Source: Section 329.5 renumbered to Section 239.70 at 24 Ill. Reg., effective October 16, 2000)

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.