

Court Expectations and Protocol on Missing Children (Effective 2/2/15)

Court Expectations of DFPS, NCMEC, and Other Court Partners:

- The Texas Regional Office of the National Center for Missing and Exploited Children (“NCMEC TRO”) will maintain a list of individual liaisons from DFPS and other court partner agencies. Each agency will update their liaison contact information with NCMEC’s Texas Regional Office on a yearly basis, at NCMEC_Texas@ncmec.org
- NCMEC, via its national 24-hour hotline, 1-800-the-LOST (1-800-843-5678), will serve as a central point of contact for law enforcement and CPS regarding each missing child. NCMEC will receive and maintain all relevant information about the child and the case from all workgroup members and others with information. However, NCMEC can only share information with Child Protective Services (CPS) or the person with legal custody of the child, and law enforcement.
- Unless directed otherwise, NCMEC will produce and distribute a missing child poster, which shall include photos and identifying information, for each and every missing child reported providing there is sufficient information to produce a poster. There will be no information in the poster regarding the child's status with the State.
- CPS will advise Child Placing Agencies (CPAs) that when a child is missing as defined in this protocol, the CPA must notify CPS and law enforcement as soon as possible.
- CPS will review their policies and confirm that, after a missing child returns to care, CPS will ensure that an appropriate trauma-informed debrief is conducted with the child to understand the reasons for going missing, information needed if the child goes missing again, and to seek a forensic interview with the Child Advocacy Center (CAC) if the child has been physically or sexually abused during their period of being missing.
- The Court will continue to consider whether:
 - a ‘Common Assessment Tool’ should be used to assess when a child is at risk of sex trafficking;
 - a “promising practice” or protocol should be developed to minimize the likelihood that a CPS court case is dismissed when a child is determined to be a “missing child”; and
 - any changes should be recommended to the DFPS minimum standards with regard to the timeframes for reporting of missing children in DFPS care.

Protocol on Missing Children

- Upon receiving notification or information that a child in DFPS conservatorship is a “missing child”, Child Protective Services (CPS) shall, as soon as possible and in the following order, make a “missing child report” to:
 - the appropriate local law enforcement agency; and then
 - the National Center for Missing and Exploited Children (NCMEC).
- Additionally, CPS shall notify:
 - the court with jurisdiction over the DFPS' conservatorship case;
 - the advocates for the child (ie. Attorney and Guardian ad litem) within 24 hours after receiving notification or information that the child is missing (and, after the initial notification, shall provide updates to the advocates upon request);
 - the advocates for the parents or the parents themselves (if the parents' whereabouts are known, their parental rights have not been terminated, and they are not involved in the child's disappearance);
 - the juvenile probation agency, if the child is on juvenile probation status;
 - the appropriate embassy, if the missing child is a citizen of another country.
- In making a “missing child report” to NCMEC, CPS shall include as much as possible of the following information to help identify and locate the child:
 - Child's full name including any known alias or nicknames
 - Most recent photograph of the child
 - Date of Birth
 - Social Security Number
 - Height and Weight
 - Natural hair and eye color and if the child dyes/highlights their hair, wears wigs, or wears color contacts
 - Skin complexion
 - Condition of their teeth
 - Description of any identifying scars, marks, or tattoos and their location
 - What they were last seen wearing
 - The date, time, and location where they were last seen.
 - Law enforcement agency where report was made and law enforcement case number
 - The name and contact information of the CPS caseworker assigned to the child's case, including cell phone and email address.
- As long as the child is missing, CPS must notify NCMEC at 1-800--the-LOST (1-800-843-5678) each time a different CPS caseworker is assigned to the child's

case, and share that caseworker's contact information, including cell phone and email address.

- Upon receipt of information of a missing child, it will be incumbent on the child and parent advocates to determine if a special CPS hearing needs to be set prior to the next scheduled hearing.
- Upon receipt of information that child is no longer missing, CPS shall notify law enforcement and NCMEC as soon as possible.

*"Missing children" for the purposes of this protocol is defined as the definition of "missing child" in Code of Criminal Procedure, Art. 63.001. DEFINITIONS. In this chapter:

(1-a) "Child" means a person under 18 years of age.

(2) "Missing person" means a person 18 years old or older whose disappearance is possibly not voluntary.

(3) "Missing child" means a child whose whereabouts are unknown to the child's legal custodian, the circumstances of whose absence indicate that:

(A) the child did not voluntarily leave the care and control of the custodian, and the taking of the child was not authorized by law;

(B) the child voluntarily left the care and control of the custodian without the custodian's consent and without intent to return;

(C) the child was taken or retained in violation of the terms of a court order for possession of or access to the child; or

(D) the child was taken or retained without the permission of the custodian and with the effect of depriving the custodian of possession of or access to the child unless the taking or retention of the child was prompted by the commission or attempted commission of family violence, as defined by Section 71.004, Family Code, against the child or the actor.

(4) "Missing child" or "missing person" also includes a person of any age who is missing and:

(A) is under proven physical or mental disability or is senile, and because of one or more of these conditions is subject to immediate danger or is a danger to others;

(B) is in the company of another person or is in a situation the circumstances of which indicate that the missing child's or missing person's safety is in doubt; or

(C) is unemancipated as defined by the law of this state.