

Number

#24-68-12

Date

August 20, 2024

Of interest to

County Directors
Social Services Supervisors and
Staff

Action/due date

Please read information and
prepare for implementation.

Expiration date

August 20, 2024

Children and youth missing from foster care: 2024 legislative changes

Topic

Changes to the missing from care response as required by [Minnesota Statutes, section 260C.212, subdivision 13](#), effective July 1, 2024, and July 1, 2025.

Purpose

Provide notification to counties and Tribes about new required actions in the child welfare response to children and youth missing from foster care.

Contact

Adolescent Services Unit: dcyf_csp_adolescents@state.mn.us.

Signed



BHARTI WAHI

Acting Assistant Commissioner

Child Safety and Permanency Administration

Department of Children, Youth, and Families

Terminology notice

The terminology used to describe people we serve has changed over time. The Department of Children, Youth, and Families (DCYF) supports the use of "People First" language.

I. Overview

[Minnesota Statutes, section 260C.212, subdivision 13](#) was revised during the 2024 legislative session. This statute contains the required actions child welfare agencies must take when foster children or youth go missing, and agency requirements to identify, document and report trafficking and exploitation for all foster children and youth. Some of the revisions will take effect on July 1, 2024, and some will take effect on July 1, 2025. The revised text can be found in [Laws of Minnesota 2024, chapter 115, article 12, section 10](#).

A. Applicability to Initiative Tribes

While revisions to Minnesota Statute do not apply to Initiative Tribes, components of the revised statute are based on the federal Trafficking Victims Prevention and Protection Reauthorization Act (TVPPRA), Public Law Number 117-348. Bulletin #[23-68-14](#) may be helpful for Initiative Tribes when considering the policies needed to implement this federal law.

B. Terminology

1. Missing from care

The Department of Children, Youth, and Families is shifting to refer to this population as **missing** instead of **runaway**. Missing is the child or youth's status, while terms like "runaway" or "abducted" refer to the known or assumed reasons for the status. The reasons why a child or youth is missing are not always relevant to the required response, and can create assumptions about experiences, risk of harm, and ability to return voluntarily.

The **child welfare response to children and youth missing from foster care** refers to actions (required by federal and state laws) that must be taken by responsible social services agencies when a foster child or youth runs away, is abducted, or is otherwise missing from their foster care placement. This is shortened to the **missing from care response**.

2. Trafficking

The 2024 legislative session added child welfare definitions for human trafficking and labor trafficking. These new definitions will be used in the missing from care response.

Human trafficking is an umbrella term covering sex trafficking, labor trafficking and commercial sexual exploitation. It's defined in Minnesota Statutes, section 260C.007, subdivision 33 ([Laws of Minnesota 2024, chapter 115, article 12, session 9](#)).

Sex trafficking is a form of trafficking that involves a third party (not the purchaser or victim) facilitating or profiting from a commercial sex act performed by another person, and is defined in [Minnesota Statutes, section 609.321](#).

Commercial sexual exploitation is the exchange of, or promise to, exchange something of value for sexual contact or penetration, and is defined in [Minnesota Statutes, section 609.321](#).

Labor trafficking is a form of trafficking that includes debt bondage or forced or coerced labor or services and is defined in [Minnesota Statutes, section 260E.03](#).

C. History of the missing from care response

In 2014, the federal government passed the Preventing Sex Trafficking and Strengthening Families Act (Public Law Number 113-183), which created the child welfare response to exploitation and sex trafficking. The act identified missing foster children and youth as high-risk for trafficking and exploitation and created the missing from care response to address that risk. In 2015, these requirements were enacted in [Minnesota Statutes, section 260C.212, subdivision 13](#).

D. Purpose of 2024 legislative changes

1. Implementation of federal law

On Jan. 5, 2023, the Trafficking Victims Prevention and Protection Reauthorization Act (TVPPRA), Public Law Number 117-348, section 137 was passed, amending the Title IV-E state plan in section 471(a)(35)(B) of the Social Security Act (42 U.S.C. § 671 (a)(35)). This law modified both the child welfare response to children and youth missing from care and the response to exploitation and trafficking.

The Minnesota Department of Human Services notified child welfare agencies of these requirements in the bulletin Revised Federal Requirements for Responding to Children and Youth Missing From Foster Care ([#23-68-14](#)).

2. Improved response, coordination, and clarity

Three federal reviews of the missing from care response found gaps in timely reporting and ongoing communication:

- National Snapshot of State Agency Approaches to Reporting and Locating Children Missing From Foster Care ([A-07-20-06095](#))
- In Five States, There Was No Evidence That Many Children in Foster Care Had a Screening for Sex Trafficking When They Returned After Going Missing ([OEI-07-19-00371](#))
- State Agencies Did Not Always Ensure That Children Missing From Foster Care Were Reported to the National Center For Missing and Exploited Children in Accordance With Federal Requirements ([A-07-21-06102](#)).

In addition, reports from the Minnesota Department of Public Safety [Missing and Murdered African American Women Task Force](#) and [Missing and Murdered Indigenous Relatives office](#) identified a lack of documentation, notification and coordination as impacting the search for missing youth and the likelihood of thorough investigations when youth are the victims of crime.

Engagement with internal and external partners identified confusion over when the missing from care response was required, and how and when to implement steps.

Changes to statute addresses these concerns by creating a definition of “missing child or youth,” requiring notification of parties to a case and Tribes, revising the statute to be written in the order of steps taken during a missing episode, and clarifying actions that require documentation.

3. Human trafficking

Effective July 1, 2024, a new definition of “human trafficking” was added to Minnesota Statutes, section 260C.007, subdivision 33 ([Laws of Minnesota 2024, chapter 115, article 12, session 9](#)), which includes sex trafficking, commercial sexual exploitation and labor trafficking. Language in [Minn. Stat. § 260C.212, subd. 13](#) referring to “sex trafficking” has been revised to “human trafficking” where appropriate to accommodate this change.

4. Labor trafficking

In 2023, the Trafficking Victims Prevention and Protection Reauthorization Act (TVPPRA) amended the Child Abuse Prevention and Treatment Act to require a child welfare response to labor trafficking.

During the 2024 legislative session, a definition for labor trafficking was added to [Minnesota Statutes, section 260E.03](#). Effective July 1, 2025, labor trafficking will be a mandated report and require a report to child protection intake. Additional guidance and resources specific to labor trafficking will be issued prior to July 1, 2025.

II. Changes effective July 1, 2024

A. Definition of missing children or youth

“Missing child or youth” means a child, as defined by [Minnesota Statutes, section 260C.007, subdivision 4](#), who meets the following criteria:

- Is under the legal custody of a responsible social services agency, as defined by [Minnesota Statutes, section 260C.007, subdivision 22](#)
- Is absent from the foster care setting, including family foster home, residential facility or unlicensed independent living setting, or home of the parent or guardian during a trial home visit
- Cannot be located.

1. Minnesota Statutes, section 260C.007, subdivision 28

[Minnesota Statutes, section 260C.007, subdivision 28](#) contains a definition of “runaway” that is used in [Minn. Stat. § 260C.007, subd. 6\(13\)](#) to define a “child in need of protection or services.” This change clarifies that this definition is not used for the missing from care response, as it excludes abducted children and foster youth over the age of 18.

2. SSIS and AFCARS

The Continuous Placement Screen in the Social Service Information System (SSIS) will be revised in the future so options for an Unauthorized Absence more closely match this new definition. The Adoption and Foster Care Analysis and Reporting System (AFCARS) Social Service Information System Placement Guide ([DHS-8119C](#)) will be revised as well.

3. What about Extended Foster Care youth?

Youth ages 18 to 21 are legally defined as children for the purposes of foster care (Minnesota Statutes, section 260C.451, subdivision 7) and are included in the missing from care response.

4. Absent but able to be located

If a child or youth is absent from their foster care setting but can be located by their caseworker, they are not missing.

When a caseworker knows where the child is located, the worker can visit and communicate with the absent child or youth routinely and regularly to the same extent as possible while they were in their approved foster care setting. These visits and communication allow the caseworker to verify the child or youth’s location and safety.

An absent child or youth has **not** been located if the caseworker has information about where the child or youth is located but is unable to verify that information or is unable to verify the absent child or youth’s safety. The following are examples to clarify when the child must be entered as missing and the missing from care response is required:

Scenario examples

A caseworker has a good working relationship with a youth’s relative. The youth is not placed in the relative’s home, but the caseworker has met them, been in their home, and spoken, texted, and emailed with them regularly. The youth’s foster parent reports that they got in an argument this morning and the youth hasn’t come home from school. The youth isn’t responding to phone calls or texts, which is typical when they’re upset.

Absent but able to be located

The youth’s relative texts the caseworker and tells them the youth is at their home. The relative starts a video call and hands the phone to the youth. The caseworker sees the relative’s home behind the youth. The youth speak with them briefly before handing the phone back to their

relative. The caseworker sets up a time to visit the youth, and the foster parent and relative arrange to drop off some of the youth's belongings for an overnight stay.

The caseworker can communicate with the youth and others who can verify the youth's location and safety, and the caseworker is able to visit the youth. There is nothing unusual about the youth's communication or behavior that raises concerns. This youth is not missing.

Absent but not able to be located

An unknown number of texts the caseworker, identifies themselves as the relative and says the youth is with them but doesn't want to talk. The caseworker requests a video call. The unknown number declines but sends a photograph. The photograph is too blurry to identify the youth or the home. The caseworker tries to set up a visit through text and the unknown number stops responding. The caseworker texts and calls the youth's usual numbers but hasn't received a reply yet. The caseworker calls the youth's relative, who says they have not heard from the youth.

The caseworker is not able to verify the youth's location or safety. Communication is unusual, and the caseworker cannot verify it's coming from the youth. This youth is missing and requires a missing report.

Absent but not able to be located

The foster parent reports the youth has recently started a new medication to address symptoms of depression and it's made the youth's mood erratic. The caseworker contacts the relative, who says they have not heard from the youth. Ten minutes later, the relative calls the caseworker back and says the youth texted "I just want you to know how much I love you" and "I don't want you or anybody to worry about me anymore."

The caseworker does not know the youth's location or safety. The youth's communication and behavior are unusual and concerning. This youth is missing and requires a missing report.

B. Missing reports

1. Information provided

Within 24 hours of learning that a child or youth is missing, the responsible social services agency must make a missing report to local law enforcement and the National Center for Missing and Exploited Children (NCMEC).

The revised statute requires the following information be included with missing reports, when available:

- A photo of the child or youth
- A description of the child or youth's physical features, such as height, weight, sex, ethnicity, race, hair color and eye color

- Endangerment information, such as the child or youth's pregnancy status, prescriptions, medications, suicidal tendencies, vulnerability to being trafficked and other health or risk factors.

2. Documentation

Responsible social services agencies must document having made missing reports to local law enforcement and the National Center for Missing and Exploited Children through a case note in the Social Service Information System (SSIS).

If local law enforcement does not accept a missing report, the attempt to make a missing report should be documented.

C. Increased communication

1. At the beginning of a missing episode

Within 24 hours of learning that a child or youth is missing, the responsible social services agency must notify the court and parties to the case (including Tribes). This notice includes Tribes that have received a notice of services or court proceedings under [Minnesota Statutes, section 260.761, subdivision 2](#) and have not yet determined enrollment or eligibility status.

The agency may also notify parents or relatives who are not parties to the case, as deemed appropriate.

2. During the missing episode

The responsible social services agency must maintain regular communication with local law enforcement and the National Center for Missing and Exploited Children. Regular communication includes sharing information and coordinating efforts related to search and recovery efforts.

Regular communication must be documented through a case note in the Social Service Information System (SSIS).

3. At the end of the missing episode

When the child or youth is recovered, or if the case is closed while the child or youth is missing, the responsible social services agency must notify local law enforcement and the National Center for Missing and Exploited Children so the missing reports can be closed.

Agencies must also notify the court, parties to the case (including Tribes) and Tribes that have received a notice of services or court proceedings under [Minnesota Statutes, section 260.761, subdivision 2](#) and have not yet determined enrollment or eligibility status.

D. Screen for labor trafficking after a missing episode

1. Current requirement

When missing children or youth are located, agencies are required to determine what they experienced while missing, including screening for commercial sexual exploitation or sex trafficking, as defined by [Minnesota Statutes, section 260C.007, subdivision 31](#). This screening is done by gathering information using the Runaway Debriefing Form ([DHS-7641Q](#)).

Information about sex trafficking and sexual exploitation is required to be documented on the SEY/STY screen in the Social Service Information System (SSIS). See [DHS-7641Z](#) for more information.

2. New requirement effective July 1, 2024

When missing children or youth are located, agencies are required to determine what they experienced while missing, including screening for human trafficking as defined by Minnesota Statutes, section 260C.007, subdivision 33 ([Laws of Minnesota 2024, chapter 115, article 12, session 9](#)). This new definition includes labor trafficking.

This screening is done by gathering information using the Runaway Debriefing Form, which will be revised by the department to include questions specific to labor trafficking. Until the revised form is available, caseworkers can adapt questions from Identifying and responding to child labor trafficking ([DHS-7641O](#)) to screen for labor trafficking when conducting the debriefing.

Agencies may use their own debriefing form, provided it has been approved by the commissioner.

Information about sex trafficking and sexual exploitation is documented on the SEY/STY screen in the Social Service Information System (SSIS). Guidance and resources specific to labor trafficking will be issued prior to July 1, 2025.

E. Report labor trafficking to law enforcement

1. Current requirement

For all foster children or youth, agencies must report immediately but no later than 24 hours to law enforcement when they have any reasonable cause to believe the child or youth is a possible sex trafficking or commercial sexual exploitation victim as defined by Minnesota Statute [Minnesota Statutes, section 260C.007, subdivision 31](#).

2. New requirement effective July 1, 2024

For all foster children or youth, agencies must report immediately, but no later than 24 hours, to law enforcement when they have any reasonable cause to believe the child or youth is a

possible victim of human trafficking as defined by Minnesota Statutes, section 260C.007, subdivision 34 ([Laws of Minnesota 2024, chapter 115, article 12, session 9](#)). This definition includes labor trafficking.

III. Changes effective July 1, 2025

A. Reporting at-risk children

1. Current requirement

Agencies must report to local law enforcement immediately, but no later than 24 hours, if they have any reasonable cause to believe that any foster child or youth has been or is at-risk of sex trafficking or commercial sexual exploitation.

2. New requirement effective July 1, 2025

Reporting at-risk foster children or youth to law enforcement is no longer required.

B. Screen, identify and document all forms of trafficking (including labor)

Agencies are required to identify and document any reasonable cause to believe that a foster child or youth is a victim of any kind of human trafficking as defined by Minnesota Statutes, section 260C.007, subdivision 33 ([Laws of Minnesota 2024, chapter 115, article 12, session 9](#)).

Agencies are also required to screen all children in foster care using the [definition of youth at risk of sex trafficking or commercial sexual exploitation](#), as approved by the commissioner. Documentation is accomplished through the Social Service Information System (SSIS).¹

Guidance and resources specific to universal screening of children and youth in foster care for human trafficking and risk will be issued prior to July 1, 2025.

1. Mandated reporting of labor trafficking

During the 2024 legislative session, labor trafficking was added as a type of child abuse in Minnesota Statutes, section 260E.03 ([Laws of Minnesota 2024, chapter 115, article 12, section 13](#)). Effective July 1, 2025, labor trafficking will also require a mandated report to child protection intake.

¹ [Trafficking and Exploitation Data Entry in the Social Service Information System \(SSIS\)](#)

2. Expanded training requirement

Currently, all staff with child protection duties under Minnesota law are required to complete training on sex trafficking and sexual exploitation ([Minnesota Statutes, section 260E.36, subdivision 1a](#)). This training is provided through the [Minnesota Child Welfare Training Academy](#).

Effective July 1, 2025, this training will be expanded to include identification, prevention and response to all forms of human trafficking (including labor trafficking) and the missing from care response ([Laws of Minnesota 2024, chapter 115, article 12, section 26](#)). This training will be provided through the Minnesota Child Welfare Training Academy.

C. Access to services, amendment of the Out-of-home Placement Plan

1. Current requirement

Agencies are required to refer any foster children or youth to Safe Harbor services if they have reasonable cause to believe the child is, or is at risk of being, a sex trafficking or commercial sexual exploitation victim.

2. New requirement effective July 1, 2025

Agencies are required to provide all identified children and youth who are at risk or have experienced human trafficking access to appropriate services (including [Safe Harbor services](#)) and document this by amending the foster child or youth's Out-of-home Placement Plan as needed.

IV. Resources

A. Missing from care publications

- Best practice guide for responding to youth who run away from foster care ([DHS-8015](#))
- Runaway Debriefing Form ([DHS-7641Q](#))
- SSIS help text about entering Placements/Locations/Absences Folder on [PartnerLink](#)
- Federal Requirements for Responding to Children and Youth Missing From Foster Care, [#23-68-14](#).

B. Trafficking publications and resources

- Minnesota's Best Practice Response to Human Trafficking and Sexual Exploitation of Children and Youth ([DHS-7641Z](#))
- Trafficking and Exploitation Data Entry in the Social Services Information System (SSIS) on [PartnerLink](#)

- Youth Exploitation or Trafficking Safety Plan ([DHS-7641R](#))
- Identifying youth at risk of sex trafficking and commercial sexual exploitation ([DHS-7641C](#))
- Identifying and responding to child labor trafficking ([DHS-7641O](#))
- [Safe Harbor services and Regional Navigator map](#).

C. National Center for Missing and Exploited Children ([NCMEC](#))

- Report a missing child through their [online form](#) or by calling 1-800-THE-LOST (1-800-843-5678)
- Resources available to [child welfare workers](#) when a child or youth is missing include missing posters, case management, analytical support for children who have been missing a long time and more.
- Resources and information available to identify and locate [child sex trafficking victims](#)
- Resources available to help [support families](#) when a child or youth is missing
- Online [training](#) for caseworkers and families.

D. Missing and Murdered Indigenous Relatives Office ([MMIR](#))

If a missing child has or is suspected to have American Indian heritage, MMIR can help distribute missing persons materials, facilitate communication between investigators, survivors, and family members, and connect to victim services professionals, mental health services, support groups and crime victim advocates.

IV. Action required

County and Tribal agencies must review and revise their internal policies and procedures to comply with new federal and state requirements for the child welfare response to children and youth missing from care.

Americans with Disabilities Act (ADA) Advisory

This information is available in accessible formats for people with disabilities by calling (651) 430-4660 (voice) or by using your preferred relay service. For other information on disability rights and protections, contact the agency's ADA coordinator.

Appendix A: Full summary of the missing from care response

For reference, a full summary of the entire missing from care response is below. This includes changes effective July 1, 2024 and July 1, 2025.

Report within 24 hours

Immediately, and not less than 24 hours after becoming aware that a child is missing, agencies are required to make a report to local law enforcement and the National Center for Missing and Exploited Children ([NCMEC](#)). Reports to the National Center for Missing and Exploited Children can be made by calling 1-800-THE-LOST or using their [online form](#). Reports must include, when available, a photo of the child, a physical description and endangerment information. Reports must be documented in the child or youth's file. If local law enforcement does not accept a missing report, the attempt to report should be documented.

Expediently locate

Agencies are required to create protocols for expediently locating missing foster children and youth and enact those protocols during the missing episode.

Immediate and ongoing communication

Immediately, and not less than 24 hours, after becoming aware that a child or youth is missing, agencies are required to notify the court, and any parties to the case (including Tribes). Agencies must also notify Tribes that have received a notice of services or court proceedings under [Minnesota Statutes, section 260.761, subdivision 2](#) and have not yet determined enrollment eligibility.

During a missing episode, agencies are required to communicate with law enforcement and the National Center for Missing and Exploited Children (NCMEC) any information relevant to the ongoing search for a missing child or youth. Ongoing communication must be documented in the child or youth's file. Agencies are encouraged to provide ongoing communication to parties to the case and Tribes, and others who can assist in search efforts as appropriate.

When a child or youth is located, agencies are required to notify law enforcement, the National Center for Missing and Exploited Children (NCMEC), the court and any parties to the case (including Tribes). They must also notify Tribes that have received a notice of services or court proceedings under [Minnesota Statutes 260.761, subdivision 2](#) and have not yet determined enrollment eligibility.

Not discharge from foster care

Missing children and youth may not be discharged from foster care until diligent efforts to locate them have been exhausted. The court has sole responsibility for determining when discharge may occur. Youth discharged after age 15 maintain eligibility for Extended Foster Care ([Minnesota Statutes, section 260C.451, subdivision 6 \(b\)\(2\)](#)). Youth discharged before age 18 will not be eligible for Medical Assistance under the Former Foster Youth basis.

Determining experiences while absent

When missing children or youth are located, agencies are required to determine what the children experienced while missing in care, including screening for human trafficking. This is conducted through a debriefing. Agencies must use [DHS-7641Q](#) or a debriefing form approved by the commissioner. Agencies must gather information for every question on the debriefing form but are not required to use the debriefing form like a checklist or read the questions in order or exactly as written to children or youth. Completion of the debriefing must be documented through a checkbox on the [Placements/Locations/Absences](#) screen in SSIS.

Assess and respond to factors

Agencies are required to assess the factors that contributed to the missing episode and respond through placements or services. Assessment of factors is conducted through a debriefing and by gathering information from other individuals during and after the missing episode. Response to factors is completed through adjusting services or placements in the Out-of-home Placement Plan.

Respond to human trafficking

For all foster children and youth (not just missing children or youth), agencies are required to identify and document any reasonable cause to believe that a foster child or youth is a victim of any kind of human trafficking as defined by Minnesota Statutes, section 260C.007, subdivision 33 ([Laws of Minnesota 2024, chapter 115, article 12, session 9](#))².

Agencies are required to screen all children in foster care using the [definition of youth at risk of sex trafficking or commercial sexual exploitation](#), as approved by the commissioner. Documentation is accomplished through the Social Service Information System (SSIS).³

Agencies must provide access to appropriate services and amend the Out-of-home Placement Plan accordingly. Children and youth who have experienced human trafficking should be connected with Safe Harbor services, which can be done by contacting the [Safe Harbor Regional Navigator](#).

If the child or youth is identified to have been a victim of human trafficking, the agency must report immediately, but no later than 24 hours, to local law enforcement and make a mandated report to child protection intake.

All staff with child protection duties under Minnesota law are required to complete training on identification, prevention, and response to all forms of human trafficking and the missing from care response⁴. This training will be provided through the [Minnesota Child Welfare Training Academy](#).

² Effective July 1, 2025

³ [Trafficking and Exploitation Data Entry in the Social Service Information System \(SSIS\)](#)

⁴ Labor trafficking and missing from care training requirements effective July 1, 2025