

DEPARTMENT OF SOCIAL SERVICES

CHILDREN'S DIVISION

P. O. BOX 88

JEFFERSON CITY, MISSOURI

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M E M O R A N D U M

TO: REGIONAL DIRECTORS, FIELD SUPPORT MANAGERS,  
CIRCUIT MANAGERS AND SUPERVISORS

FROM: TIM DECKER, DIRECTOR

SUBJECT: REPORTING MISSING CHILDREN TO THE NATIONAL CENTER  
FOR MISSING AND EXPLOITED CHILDREN (NCMEC)

DISCUSSION:

This memorandum provides further clarification to the federal reporting requirement of missing children to the National Center for Missing and Exploited Children (NCMEC) introduced in [CD15-64](#). This memorandum also introduces the requirement of taking or obtaining a photograph of all children in care.

**Definition of Missing Child/Juvenile**

Pursuant to [Sections 43.400-43.410](#), RSMo., a missing child/juvenile is defined as “any person who is *under* the age of seventeen years, whose temporary or permanent residence is in the state of Missouri or who is believed to be within the state of Missouri, whose location has not been determined, and who has been reported as missing to a law enforcement agency.”

A child/juvenile may be considered missing if they meet one of the following characteristics:

- If they have runaway from the residence of a parent, legal guardian, or custodian,or
- If they are missing under circumstances indicating that the person was or is in the presence of or under the control of a party whose presence or control was or is in violation of a permanent or temporary court order and fourteen or more days have elapsed, during which time the party has failed to file any pleading with the court seeking modification of the permanent or temporary court order

Anyone over the age of seventeen years is considered missing if they meet one of the following characteristics:

- Is physically or mentally disabled to the degree that the person is dependent upon an agency or another individual
- Is missing under circumstances indicating that the missing person's safety may be in danger
- Is missing under involuntary or unknown circumstances
- Is missing under circumstances indicating that the person was or is in the presence of or under the control of a party whose presence or control was or is in violation of a permanent or temporary court order and there are reasonable grounds to believe that the person may be taken outside of the United States

### **Reporting Missing Children to Law Enforcement**

The Justice for Victims of Human Trafficking Act of 2015 requires law enforcement agencies to enter a missing children report with the National Crime Information Center (NCIC) *any time* they receive a report of a missing child/juvenile. Law enforcement is also required to notify the National Center for Missing and Exploited Children of each report received relating to a child reported missing from foster care.

[Section 43.401, RSMo.](#) prohibits any law enforcement agency to prevent an immediate active investigation of a missing person on the basis of an internal rule establishing an automatic time limitation.

The Missouri Highway Patrol Missing Persons Unit is also a valuable resource for law enforcement agencies in locating missing children. This unit also maintains a website listing of all missing juveniles reported by law enforcement.

Circuits may wish to establish missing children protocols with their local law enforcement agencies.

### **Children Missing from Care**

After filing a “missing child report” or “missing person report” with law enforcement, the case manager must notify the National Center for Missing and Exploited Children (NCMEC) within twenty-four (24) hours. This is for any person under the age of twenty-one (21) missing from care. This can be completed by calling 1-800-THE-LOST or by completing an online report to NCMEC when the child is in custody of the Children’s Division. The website for online reporting is: <https://cmfc.missingkids.org/reportit> and may only be used by staff. Staff will be required to complete an online account prior to submitting a report.

When reporting online, it is imperative that all fields be answered thoroughly and accurately. To assist NCMEC in responding timely, the case manager’s name and contact information must be identified within the online report.

When reporting to NCMEC, the case manager should be prepared to provide the following:

- The child's case manager's name and contact information
- Information regarding the law enforcement agency involved, including the case number, and assigned law enforcement officer's contact information
- Descriptive information regarding the missing child, including date of birth, height, weight, physical description (eye color, hair color, complexion, tattoos, piercings, etc.), clothing worn at the time the child was last seen, medical and/or mental health conditions, and
- Details surrounding the circumstances leading to the child's missing status

Missing children should only be identified as possible victims of commercial sexual exploitation of children (CSEC) if there is reasonable suspicion this has occurred. NCMEC responds to CSEC cases differently than other missing child reports.

More information about making a report to NCMEC can be found at:

<http://cmfc.missingkids.org/Missing>

### **Photographs of Children in Care**

When making a report to NCMEC, staff will be required to provide a photograph of the missing child in order to create a missing child poster. NCMEC does not identify the child as missing from care, that the child is in the custody of the Children's Division, or release medical or sensitive information. A court order is not required to release a photograph of a child in care to either NCMEC or law enforcement when it is being utilized to report a missing child. Staff may sign NCMEC's Release Form authorizing distribution of the child's photograph.

Upon entry into care, the case manager must either take or obtain a photograph of each child. An updated photo should be taken at least every six (6) months for children six (6) years old or younger and then once a year for older children. An updated photo should also be taken whenever the child's appearance changes. Staff should obtain a digital photograph whenever possible. Hard copies of the child's photograph should be placed in the Child Section of their file.

#### *Tips for Child Photographs:*

- The photograph should be a head-and-shoulders color photo in which the child's face is clearly seen, similar to a school portrait.
- The background should be plain or solid.
- The child should not be overly posed.
- There should be no other people, animals, or objects in the photo.
- The photograph should be taken indoors or out of direct sunlight.
- Avoid using self-portraits

### **Distribution of Posters**

NCMEC staff will work with the child's case manager to determine how the missing child poster will be distributed. Staff may distribute posters as appropriate on a case by case

basis. Posters may not be released to the media and should not be posted in areas where their identity as a foster child may be revealed, such as in local offices. If posters of children missing from care are posted in other public areas, staff must remember to take them down when the child returns.

**Reporting Children Not in Care**

Staff should report all children known to be missing to law enforcement and NCMEC, not just those in the custody of the Division.

Reporting missing children *not* in care to NCMEC may only be done through the NCMEC hotline, 1-800-THE-LOST. For children *not* in care, staff should only contact NCMEC if they are able to provide the name, age, address, and all identifying characteristics of the missing child and the length of time the child has been missing.

Staff does not need a signed release of information from the child's custodian in order to make a report. Staff will be required to provide contact information for the child's legal guardian and information regarding the law enforcement agency involved, including the case number, and assigned law enforcement officer's contact information.

Staff should advise the child's guardian of the legal reporting requirement prior to making a report to NCMEC. NCMEC will contact the legal guardian for follow up information and coordination. Legal guardians may choose to provide the missing child's photograph to NCMEC by either:

- Emailing ‘\_imaging@ncmec.org’ and listing the child’s name and date of birth in the subject line or
- Providing a photograph to the case manager and signing an Authorization for Release of Non-Medical Records by/to Children’s Division (CD-98) authorizing the case manager to provide the photograph to NCMEC.

<b>NECESSARY ACTION</b>	
<ol style="list-style-type: none"> <li>1. Review this memorandum with all Children’s Division staff.</li> <li>2. Review revised Child Welfare Manual chapters as indicated below.</li> <li>3. All questions should be cleared through normal supervisory channels and directed to:</li> </ol>	
<b>PDS CONTACT</b> Kara Wilcox-Bauer 573-526-9707 Kara.B.Wilcox-Bauer@dss.mo.gov	<b>PROGRAM MANAGER</b> Christy Collins 573-751-9603 Christy.M.Collins@dss.mo.gov
<b>CHILD WELFARE MANUAL REVISIONS</b> <a href="#">Section 3, Chapter 4, Attachment D, Missing Person Report Procedure</a> <a href="#">Section 4, Chapter 3.3, Photographs of the Child</a> <a href="#">Section 8, Chapter 4.1.6, Children in Custody Missing Child Photos</a>	

<b>FORMS AND INSTRUCTIONS</b> N/A
<b>REFERENCE DOCUMENTS AND RESOURCES</b> N/A
<b>RELATED STATUTE</b> N/A
<b>ADMINISTRATIVE RULE</b> N/A
<b>COUNCIL ON ACCREDITATION (COA) STANDARDS</b> N/A
<b>CHILD AND FAMILY SERVICES REVIEW (CFSR)</b> N/A
<b>PROTECTIVE FACTORS</b> N/A
<b>FACES REQUIREMENTS</b> N/A