

Department of Health and Human Services

**OFFICE OF
INSPECTOR GENERAL**

**STATE AGENCIES CAN IMPROVE THEIR
REPORTING OF CHILDREN MISSING
FROM FOSTER CARE TO LAW
ENFORCEMENT FOR ENTRY INTO THE
NATIONAL CRIME INFORMATION CENTER
DATABASE AS REQUIRED BY FEDERAL
STATUTE**

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Report in Brief

Date: May 2023

Report No. A-07-21-06104

U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES
OFFICE OF INSPECTOR GENERAL



Why OIG Did This Audit

Federal law requires States to provide safe and stable out-of-home care for children in foster care until they are safely returned home, placed permanently with adoptive families, or placed in other planned, permanent living arrangements. Concerns regarding States' lack of knowledge regarding the whereabouts of children who go missing from foster care (missing children) have garnered national media attention. This report examines the States' efforts to ensure that these missing children are properly reported to law enforcement for entry into the National Crime Information Center (NCIC) database.

Our objective was to examine State agencies' efforts to ensure that missing children are reported to law enforcement for entry into the NCIC database as required by Federal statute.

How OIG Did This Audit

Our audit included 74,353 missing children episodes in which the child was missing 2 calendar days or longer at any time during the period July 1, 2018, to December 31, 2020. We selected a stratified random sample of 100 missing children episodes and asked the State agencies to respond to a survey regarding those episodes. We reviewed documentation from State agencies and NCIC to determine whether missing children were reported to law enforcement for entry into the NCIC database as required by Federal statute.

State Agencies Can Improve Their Reporting of Children Missing From Foster Care to Law Enforcement for Entry Into the National Crime Information Center Database as Required by Federal Statute

What OIG Found

During our audit period, State agencies did not ensure that some children who went missing from foster care were reported to law enforcement for entry into the NCIC database as required by Federal statute. Of the 100 missing children episodes in our sample, the State agencies reported 86 episodes in a timely manner (i.e., within 24 hours after the State agency received information that the child was missing) in accordance with Federal requirements. However, eight missing children episodes were not reported in a timely manner (i.e., were not reported until 2 calendar days or longer after the State agency received information that the child was missing), and six episodes were never reported to law enforcement for entry into the NCIC database. On the basis of our sample results, we estimate that the State agencies did not report 13,983 of the 74,353 missing children episodes in accordance with Federal requirements. Specifically, an estimated 5,659 missing children episodes during our audit period were not reported within 24 hours after the State agencies were notified that the child was missing, and an additional estimated 8,324 missing children episodes during our audit period were never reported for entry into the NCIC database.

State agencies generally lacked adequate systems to readily identify whether or not they had reported missing children episodes to law enforcement accurately and in a timely manner. State agencies that do not properly report missing children episodes to law enforcement for entry into the NCIC database increase the risk that the children may not be safely and swiftly recovered. Therefore, the opportunity exists for HHS, Administration for Children and Families (ACF), to improve outcomes for missing children by working with State agencies to ensure compliance with Federal reporting requirements.

What OIG Recommends and ACF Comments

We recommend that ACF work with State agencies to ensure compliance with Federal requirements to report missing children episodes to law enforcement for entry into the NCIC database in a timely manner. ACF concurred with our recommendation and described actions that it had taken and planned to take. ACF stated that it had issued guidance highlighting human trafficking resources and guidance that noted the requirement to report children missing to law enforcement for entry into NCIC; hosted a webinar and training modules that provided information related responding to child and youth trafficking; and would provide additional technical assistance and training to State agencies.

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INTRODUCTION

WHY WE DID THIS AUDIT

The Federal foster care program, authorized by Title IV-E of the Social Security Act (the Act), as amended, helps States provide safe and stable out-of-home care for children who meet certain eligibility requirements until they are safely returned home, placed permanently with adoptive families, or placed in other planned, permanent living arrangements. Concerns regarding States' lack of knowledge regarding the whereabouts of children who go missing from foster care have garnered national media attention.¹

As part of our oversight activities, we are conducting a series of audits related to children missing from foster care (who this report refers to as "missing children"). In a previous audit, we obtained and analyzed nationwide data on missing children and examined the policies and procedures adopted by State agencies to report and locate missing children.² We also conducted an audit of States' efforts to ensure that missing children are properly reported to the National Center for Missing and Exploited Children (NCMEC).³ This current report evaluates whether State agencies properly reported the missing children to law enforcement for entry into the National Crime Information Center (NCIC) database within 24 hours of identifying that the child was missing.

Accordingly, this report provides the Department of Health and Human Services (HHS), Administration for Children and Families (ACF), and State and local decisionmakers with information on States' efforts to ensure that missing children are reported to law enforcement for entry into the NCIC database and the reasons why some missing children are not properly reported to NCIC as required by Federal statute.

OBJECTIVE

Our objective was to examine State agencies' efforts to ensure that missing children are reported to law enforcement for entry into the NCIC database as required by Federal statute.

¹ The Washington Post, "The other missing children scandal: Thousands of lost American foster kids." Available online at <https://www.washingtonpost.com/news/posteverything/wp/2018/06/18/the-other-missing-children-scandal-thousands-of-lost-american-foster-kids/> (accessed on Mar. 1, 2023).

² *National Snapshot of State Agency Approaches To Reporting and Locating Children Missing From Foster Care (A-07-20-06095)*, May 19, 2022.

³ *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)*, Mar. 2, 2023.

BACKGROUND

Federal and State Foster Care Programs

Within HHS, the Children's Bureau, a program office within ACF, is responsible for administering the Title IV-E program. The Children's Bureau issues program instructions outlining the information that States must report to receive Federal funding. In addition, the Children's Bureau monitors State child welfare services primarily through Child & Family Services Reviews, which ensure conformity with Federal child welfare requirements, determine what is actually happening to children and families as they are engaged in child welfare services, and assist States in helping children and families achieve positive outcomes.

The Federal foster care program is an annually appropriated program that provides funding to States for the daily care and supervision of children who meet eligibility requirements. Funding is awarded to States by formula as an open-ended entitlement grant and is contingent upon an approved State plan to administer the program. Each State must therefore submit to ACF for approval a State plan that designates a State agency that will administer the program for that State (the Act § 471(a)(2)). The State agency must submit yearly estimates of program expenditures as well as quarterly reports of estimated and actual program expenditures in support of the awarded funds.

The State plan designates a State authority or authorities responsible for establishing and maintaining standards for foster family homes and child care institutions, including standards related to safety, and requires that the State apply these standards to any foster family home or child care institution receiving Title IV-E or Title IV-B funds (the Act § 471(a)(10)).⁴ The State plan must also ensure that financial assistance is made available for eligible children and that the State has developed and implemented standards to ensure that children in foster care placements receive quality services that protect their health and safety (the Act § 471(a)(22)).

Mandatory Reporting of Missing Children to Law Enforcement for Entry Into the National Crime Information Center Database

Missing children are those who run away or otherwise are missing from foster care placements and who are not in the physical custody of the agency, individual, or institution with whom the child has been placed; a missing child's actual whereabouts may be known or unknown.⁵ These children who go missing from their approved placements are at higher risk of experiencing

⁴ Title IV-B of the Act authorizes grants to States and Tribes for child and family services.

⁵ This definition is drawn from the Child Welfare League of America. See its website at <https://www.cwla.org/how-should-agencies-respond/> (accessed on Mar. 1, 2023).

harm, substance use, and trafficking.⁶ In recognition of the vulnerabilities of missing children, the Preventing Sex Trafficking and Strengthening Families Act (Strengthening Families Act) amended the Act and added requirements governing how State agencies respond when children are missing from foster care.⁷

State agencies are required to report missing children to law enforcement for entry into the NCIC Missing Person File immediately and in no case later than 24 hours after receiving information on a missing child.⁸

Federal, State, and local law enforcement agencies are required to report missing children to NCIC within 2 hours.⁹ When law enforcement reports a missing child to the NCIC database, certain information is required for the NCIC database to take an effective report. Required information includes the child's name, gender, race, date of birth, height, weight, eye color, hair color, date of last contact, date of emancipation (if applicable), and originating law enforcement agency case number. After the NCIC database accepts the missing child episode, an NCIC number is automatically assigned to the case. Only authorized law enforcement and criminal justice agencies may enter records into the NCIC database.¹⁰

HOW WE CONDUCTED THIS AUDIT

Our audit included children who went missing from foster care (missing children episodes) at any time during the period July 1, 2018, to December 31, 2020 (audit period), in which the child was missing for more than 24 hours. We identified, from data provided by 46 State agencies, 74,353 missing children episodes in which the child was missing 2 calendar days or longer

⁶ See for example, "Examining the Link: Foster Care Runaway Episodes and Human Trafficking," a research brief accessible at https://www.acf.hhs.gov/sites/default/files/documents/opre/foster_care_runaway_human_trafficking_october_2020_508.pdf (accessed on Mar. 1, 2023).

⁷ The Preventing Sex Trafficking and Strengthening Families Act, P.L. No. 113-183 (Sep. 29, 2014). Although this report discusses only children missing from foster care and the language of the Strengthening Families Act emphasizes children in foster care, the requirements of the Act §§ 471, 475, and 477 apply to all children in the care, placement, or supervision of a State agency.

⁸ 42 U.S.C. § 671(a)(35). The Missing Children Act of 1982 directed the U.S. Attorney General to keep records on all missing children in the NCIC Missing Person File, which is maintained by the Federal Bureau of Investigation (FBI). The Missing Children Act of 1982, P.L. No. 97-292 (Oct. 12, 1982), codified at 28 U.S.C. § 534.

⁹ 34 U.S.C. §§ 41307-41308.

¹⁰ NCMEC also has the ability to update records in the NCIC database to indicate that it has an interest in a missing person. NCMEC is a nonprofit organization designated by Congress to serve as the national clearinghouse on issues relating to missing and exploited children. NCMEC is funded partially by a mandatory grant from the Department of Justice and serves as a reporting and case management center for issues related to the prevention of and recovery from child victimization.

during our audit period.¹¹ We selected a stratified random sample of 100 missing children episodes (associated with a total of 36 State agencies). For the missing children episodes in our sample, we asked the State agencies to respond to a survey regarding those episodes, and we obtained and reviewed documentation that included case notes from State agencies' case files and documentation from NCIC to determine whether missing children were reported to law enforcement for entry into the NCIC database as required by Federal statute.

Federal requirements state that a missing child must be reported to law enforcement for entry into the NCIC database within 24 hours to be considered a timely report. Because a State agency generally does not record the exact time of day when it reports a missing child to law enforcement, for this report we designated a reporting delay of 2 calendar days or longer to constitute a missing child episode that had not been reported in a timely manner.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Appendix A contains details on our audit scope and methodology; Appendix B contains additional details on Federal requirements and guidance; Appendix C breaks out our findings, by State, for the 36 States represented in the 100 missing children episodes in our stratified random sample; Appendix D contains details on our statistical sampling methodology; and Appendix E contains our sample results and estimates.

FINDINGS

During our audit period, State agencies did not ensure that some children who went missing from foster care were reported to law enforcement for entry into the NCIC database as required by Federal statute. Of the 100 missing children episodes in our stratified random sample, the State agencies reported 86 episodes to law enforcement for entry into the NCIC database in a timely manner (i.e., within 24 hours after the State agency received information that the child was missing) in accordance with Federal requirements. However, eight missing children episodes were not reported in a timely manner (i.e., were not reported until 2 calendar days or longer after the State agency received information that the child was missing), and six

¹¹ We obtained the data on missing children during our previous audit, as part of a questionnaire completed by State agency program administrators in all 50 States (see footnote 2). Four States did not provide us with sufficient information at that time that would enable us to include their missing foster children episodes in the current audit. Because there is not a single data system that has missing children data available for all States, we used the data previously obtained to conduct the current audit rather than again attempting to collect and compile missing children episodes from all of the State agencies.

missing children episodes were never reported to law enforcement for entry into the NCIC database.¹²

On the basis of our sample results, we estimate that the State agencies did not report 13,983 (19 percent) of the 74,353 missing children episodes in accordance with Federal requirements. Specifically, an estimated 5,659 (8 percent) missing children episodes during our audit period were not reported within 24 hours after the State agencies were notified that the child was missing, and an additional estimated 8,324 (11 percent) missing children episodes during our audit period were never reported to law enforcement for entry into the NCIC database.¹³

State agencies generally lacked adequate systems to readily identify whether or not they had reported missing children episodes to law enforcement accurately and in a timely manner. When State agencies lack a system that tracks information related to missing children reports to law enforcement (including date of notification and a law enforcement case number), it is difficult for the State agencies to identify missing children who were not reported, to identify any weaknesses in their response times, and to take action to improve their processes for reporting episodes in accordance with Federal requirements. State agencies that do not properly report missing children episodes to law enforcement for entry into the NCIC database increase the risk that the children may not be safely and swiftly recovered. Therefore, the opportunity exists for ACF to improve outcomes for missing children by working with State agencies to ensure compliance with Federal reporting requirements.

FEDERAL REQUIREMENTS AND GUIDANCE

We summarize relevant Federal requirements and guidance below. For additional details on these Federal requirements and guidance, see Appendix B.

Federal Statute

In 2014, Congress passed the Strengthening Families Act (see footnote 7), which amended Title IV-E of the Act by requiring States to develop and implement specific protocols to expeditiously locate any children missing from foster care (the Act § 471(a)(35)(A)(i)).

The Strengthening Families Act also defined specific reporting requirements. State agencies must report immediately, and in no case later than 24 hours after receiving, information on missing or abducted children or youth to: (1) law enforcement authorities for entry into the

¹² For the six missing children episodes that were never reported to law enforcement, the State agencies had no supporting documentation that showed that they had submitted reports for these episodes, and FBI staff could not locate the missing children episodes in the NCIC database.

¹³ The 90-percent confidence interval for the estimate of missing children episodes not reported in a timely manner ranges from 1,228 to 10,091. The 90-percent interval for the estimate of missing children episodes never reported ranges from 2,832 to 13,815. For more details, see Appendix E. With respect to the estimated 5,659 and 8,324 missing children episodes, see also footnotes 16 and 17 later in this report.

NCIC database, and (2) NCMEC (the Act § 471(a)(35)(B)).¹⁴ Each State must outline in its State plan how it will fulfill these requirements insofar as children who go missing from foster care placements are concerned.

ACF Guidance

On June 26, 2015, ACF issued a Program Instruction (PI) concerning the Strengthening Families Act that directed State agency actions when children go missing from foster care ([ACYF-CB-PI-15-07](#)).

This PI restates the statutory requirements that within 2 years of enactment of the Strengthening Families Act (i.e., by September 29, 2016), Title IV-E agencies (which for this report may be understood to mean State agencies) will develop and implement protocols to report missing or abducted children immediately (no later than 24 hours after receiving information) to law enforcement for entry into the NCIC database and to NCMEC. This PI also cites to section 471(a)(35)(B) of the Act.

STATE AGENCIES DID NOT PROPERLY REPORT SOME MISSING CHILDREN EPISODES TO LAW ENFORCEMENT FOR ENTRY INTO THE NATIONAL CRIME INFORMATION CENTER DATABASE

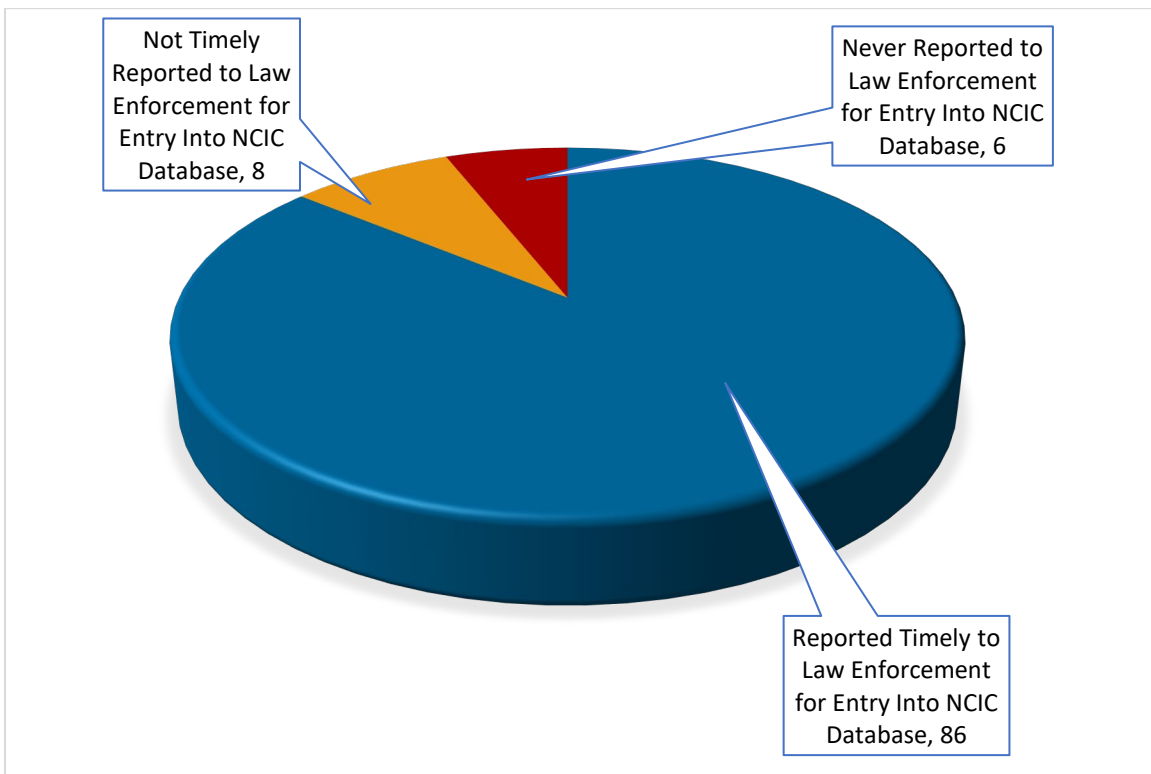
Of the 100 missing children episodes in our stratified random sample, the State agencies reported 86 episodes to law enforcement for entry into the NCIC database in a timely manner (i.e., within 24 hours after the State agency received information that the child was missing) in accordance with Federal requirements. However, eight episodes were not reported in a timely manner (i.e., were not reported until 2 calendar days or longer after receiving information that the child was missing). In addition, six missing children episodes were never reported to law enforcement for entry into the NCIC database (see footnote 12).

On the basis of our sample results, we estimate that the State agencies did not report 13,983 (19 percent) of the 74,353 missing children episodes in accordance with Federal requirements. Specifically, an estimated 5,659 (8 percent) missing children episodes during our audit period were not reported within 24 hours after the State agencies were notified that the child was missing, and an additional estimated 8,324 (11 percent) missing children episodes during our audit period were never reported to law enforcement for entry into the NCIC database.¹⁵ The figure on the following page graphically depicts these data.

¹⁴ The Missing Children Act of 1982, P.L. No. 97-292 (Oct. 12, 1982), codified at 28 U.S.C. § 534, directed the U.S. Attorney General to keep records on all missing children in the NCIC Missing Persons File, which is maintained by the FBI, and to disseminate those records to State and local agencies.

¹⁵ The calculation of estimated counts and percentages incorporates the stratified random sampling design.

Figure: Sample Results Showing Types and Numbers of Reporting Issues for the 100 Missing Children Episodes in our Stratified Random Sample



Appendix C breaks out these findings, by State, for the 36 States represented in the 100 missing children episodes in our stratified random sample.

State Agencies Did Not Report Some Missing Children Episodes to Law Enforcement for Entry Into the National Crime Information Center Database in a Timely Manner

Missing Children Episodes Not Reported to Law Enforcement for Entry Into the National Crime Information Center Database in a Timely Manner

Of the 100 missing children episodes in our stratified random sample, State agencies did not report 8 missing children episodes to law enforcement for entry into the NCIC database in a timely manner (i.e., not until 2 calendar days or longer after receiving information that the child was missing). Of these eight missing children episodes, five episodes were reported 2 or 3 days late and three episodes were reported 5 days late.

For five of these eight missing children episodes, the State agencies did not explain why they did not report the missing child to law enforcement in a timely manner. For the other three missing children episodes, the State agencies said that they did not report to law enforcement in a timely manner because the provider or caregiver did not report the missing child to the State agency in a timely manner.

Estimated Number of Missing Children Episodes Not Reported in a Timely Manner

On the basis of our sample results, we estimate that during our audit period the State agencies did not report 5,659 missing children episodes to law enforcement for entry into the NCIC database in a timely manner.

Missing Children Episodes Reported to Law Enforcement but Not Entered Into the National Crime Information Center Database in a Timely Manner

For six missing children episodes, the relevant State agencies provided documentation showing that a timely report had been made to law enforcement. However, these episodes were not entered into the NCIC database in a timely manner. Of these six missing children episodes, five episodes were entered into the NCIC database 2 to 7 days late and one episode was entered 821 days late.¹⁶

For the missing child episode that was entered 821 days late into the NCIC database, an initial search by Federal Bureau of Investigation (FBI) staff using the child's name and date of birth as provided by the State agency did not find a record for that episode in the NCIC database. However, a second search using only the child's name revealed the 821-days-late entry into the NCIC database. The initial search did not produce results because the State agency's system and the NCIC database had different dates of birth for this child. In this case, the late reporting to the NCIC database along with the data error (incorrect date of birth in the NCIC database) could have adversely affected the prompt recovery of the missing child, as this child was missing for over 2 years and was still missing as of the end of our audit work.

Some Missing Children Episodes Were Never Entered Into the National Crime Information Center Database

Some Missing Children Episodes Never Reported to Law Enforcement for Entry Into the National Crime Information Center Database

Of the 100 missing children episodes in our stratified random sample, State agencies never reported 6 missing children episodes to law enforcement for entry into the NCIC database.

For four of these missing children episodes, State agencies were not able to give us any documentation supporting that the missing children episodes were reported to law enforcement, nor was FBI staff able to find the respective missing children episodes in the NCIC database. Thus, we concluded that the required reporting did not occur.

¹⁶ The estimate we provide just above, of the number of missing children episodes that were not reported to law enforcement in a timely manner, does not include these six missing children episodes for which the relevant State agencies provided documentation showing that a timely report had been made to law enforcement.

For the other two missing children episodes, the State agency explained that it never reported to law enforcement because the providers never notified the State agency that the children were missing. This State agency added that it only became aware of these two episodes after the children had been returned to placement. In each of these cases, the relevant provider processed the child for a change of placement, stating that the child had been missing, and according to the State agency, only then did it become aware of the episode. The State agency also said that by not properly reporting these missing children episodes, these providers were out of compliance with State requirements.

Estimated Number of Missing Children Episodes Never Reported to Law Enforcement

On the basis of our sample results, we estimate that during our audit period the State agencies never reported 8,324 missing children episodes to law enforcement for entry into the NCIC database.

Some Missing Children Episodes Were Reported to Law Enforcement in a Timely Manner but Were Never Entered Into the National Crime Information Center Database

For four other missing children episodes, the relevant State agencies provided documentation showing that a timely report had been made to law enforcement; however, these episodes were never entered into the NCIC database. For example, one State agency gave us its case notes, which included the date that law enforcement had been contacted about this episode and the report number from law enforcement. However, a search by FBI staff using the child's name and date of birth as provided by the State agency did not find a record of this missing child episode in the NCIC database.¹⁷

State Agencies Generally Did Not Have Adequate Systems for Tracking Missing Children Reports Made to Law Enforcement

State agencies generally lacked adequate systems to readily identify whether missing children episodes were reported to law enforcement for entry into the NCIC database accurately and in a timely manner. Most of the State agencies associated with our sample lacked mechanisms to accurately track missing children reports made to law enforcement (including dates of notification and law enforcement case numbers). Our sample showed that nine State agencies tracked in their data systems the dates when law enforcement was notified of the missing children episodes. However, of these nine State agencies, only one tracked—on data fields separate from the case notes—the dates when law enforcement was notified of the missing children episodes and the case numbers provided by law enforcement. The other 27 State agencies (of the 36 in our sample) generally documented information related to law enforcement reports in their case notes. However, these State agencies were not always able

¹⁷ The estimate we provide just above, of the number of missing children episodes that were never reported to law enforcement, does not include these four missing children episodes that were reported to law enforcement but never entered into the NCIC database.

to provide further documentation showing that missing children episodes were reported to law enforcement for entry into the NCIC database. An effective mechanism would allow State agencies to have this information readily available to promptly determine whether they had reported missing children episodes accurately and in a timely manner.

Furthermore, the documentation that we obtained and reviewed from the State agencies' case files demonstrated that the data systems in place routinely contained inaccurate information, and often the information in some data fields did not agree with their counterparts in the NCIC database. For 22 of the 100 missing children episodes, we identified data quality issues that showed that the missing children data that the State agencies had in their data systems were not always accurate or the data did not agree with the data in the NCIC database. For example, one State agency's data system identified the start date of a particular missing child episode as July 4, 2019; according to the State agency, a report of that episode to law enforcement was made on August 7, 2019. However, case notes showed that the actual start date for this missing child episode was August 2, 2019.

The lack of an accurate mechanism for State agencies to track their missing children reports to law enforcement makes it difficult for the State agencies to identify missing children who were not reported, to identify any weaknesses in their response times, and to take action to improve their processes for reporting episodes in accordance with Federal requirements. This is evident by the number of issues that we identified in which the State agencies did not know whether missing children episodes were properly reported.

The information described in this report is intended to provide ACF and other decisionmakers (e.g., State and local officials) with information that State agencies provided related to the reporting of missing children to law enforcement for entry into the NCIC database. In addition, the opportunity exists for ACF to use the information in this report as it works with State agencies to improve outcomes for missing children by identifying causes and corrective actions for those cases in which missing children are not reported to law enforcement for entry into the NCIC database in accordance with Federal requirements.

RECOMMENDATION

We recommend that the Administration for Children and Families work with State agencies to ensure compliance with Federal requirements to report missing children episodes to law enforcement for entry into the NCIC database in a timely manner.

ACF COMMENTS

In written comments on our draft report, ACF concurred with our recommendation and described actions that it had taken and planned to take. ACF stated that in response to an earlier audit we conducted (A-07-21-06102; see footnote 3), it had identified several activities that it had taken to support States' efforts to locate missing children—activities that are also

relevant to addressing the findings in this current report. ACF reiterated those activities as a reminder, and described more recent activities that have taken place:

- ACF released an information memorandum (IM) on December 1, 2022, that gives State agencies guidance related to the Federal statute regarding human trafficking among children and youth in foster care, and highlights resources to meet those requirements.¹⁸
- ACF leaders hosted a national briefing call on January 27, 2023, to further highlight the resources in the IM “that are available to assist child welfare and youth-serving organizations in responding to concerns of human trafficking among children and youth, particularly those missing from foster care.”
- ACF also issued a guide, “Responding to Youth Missing From Foster Care,” on reporting requirements. This guidance notes that State agencies are required to report to law enforcement authorities immediately, and in no case later than 24 hours, after receiving information on a missing or abducted youth for entry into the NCIC database.
- ACF hosted a webinar on January 19, 2023, related to “safety planning for victims of child sex trafficking.” The goals of this event were, among others, to assist participants in: learning what a safety plan is, identifying types of safety and levels of risk, exploring strategies to build safety into conversations, creating and supporting implementation of safety plans, and practicing safety planning skills using case example. Participants included various “peer groups” including foster care managers, State liaison officers, and others.
- ACF added that in response to our earlier audit (A-07-21-06102; see footnote 3), it would develop a “universal event” in partnership with NCMEC to review Federal reporting requirements and to highlight related best practices. The universal technical assistance event would be expanded to comprehensively address Federal requirements to report missing children to law enforcement for entry into the NCIC.
- Furthermore, ACF launched (on October 5 and November 29, 2022, respectively) two online training modules, “[Working with Foreign National Minors Who Have Experienced Trafficking](#)” and “[Responding to Human Trafficking Through the Child Welfare System.](#)” According to ACF, these training modules equip child welfare professionals to appropriately respond to concerns of child and youth trafficking, including missing children.
- In addition, ACF stated that it would provide additional training and technical assistance opportunities to State agencies this year through resources responsive to the needs

¹⁸ [ACF-IM-22-01](#), “Responding to Human Trafficking among Children and Youth in Foster Care and Missing from Foster Care.”

articulated by States, including peer review of screening tools and referral protocols and production of topical micro learnings.

ACF's comments are included in their entirety as Appendix F.

APPENDIX A: AUDIT SCOPE AND METHODOLOGY

SCOPE

Our audit included children who were missing from foster care (missing children episodes) at any time during the period July 1, 2018, to December 31, 2020 (audit period), in which the child was missing for more than 24 hours. We identified, from data provided by 46 State agencies, 74,353 missing children episodes in which the child was missing 2 calendar days or longer during our audit period (see footnote 11). We selected a stratified random sample of 100 missing children episodes (associated with a total of 36 State agencies) and asked the appropriate State agencies to respond to a survey regarding those episodes. We obtained and reviewed associated documentation from State agencies (which included case files and the case notes within those files) and NCIC to determine whether missing children were reported to law enforcement for entry into the NCIC database as required by Federal law and statute.

We did not assess ACF's internal controls as part of this audit.

We conducted our audit work from October 2021 to March 2023.

METHODOLOGY

To accomplish our objective, we:

- reviewed applicable Federal laws, regulations, and guidance;
- aggregated the missing children data that we obtained as part of a questionnaire completed by State agency program administrators in all 50 States for a previous audit (see footnote 2) (4 States did not provide us with sufficient information to include their missing foster children episodes in this audit);
- created, from data provided by 46 State agencies, a sampling frame of 74,353 missing children episodes (Appendix D) in which the child was missing 2 calendar days or longer at any time during our audit period (see footnote 11);
- selected a stratified random sample of 100 missing children episodes;
- for the missing children episodes in our sample, asked the State agencies to respond to a survey regarding those episodes and, where possible, obtained and reviewed documentation from the appropriate State agency to determine whether it made a timely report to law enforcement for that episode;

- for each missing child episode in our sample, where possible, obtained and reviewed information from the NCIC Missing Person File to determine whether the relevant State agency and law enforcement reported that episode in a timely manner;
- for each missing child episode in our sample, where possible, compared the information from the State agency's documentation to the information from the NCIC Missing Person File to identify episodes that were not properly reported to NCIC (we designated a reporting delay of 2 calendar days or longer to constitute a missing child episode that had not been reported in a timely manner);
- using the results of our sample, estimated the total number of missing children episodes in our sampling frame that were not reported in a timely manner) or were never reported to law enforcement for entry into the NCIC database (Appendices D and E); and
- discussed the results of our audit with ACF officials on September 16, 2022, and in followup communications, and gave them detailed information pertaining to the issues we identified.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

APPENDIX B: FEDERAL REQUIREMENTS AND GUIDANCE

FEDERAL STATUTE

Title IV-E of the Act, as amended by the Strengthening Families Act (see footnote 7) (the Act § 471(a)(35); 42 U.S.C. § 671(a)(35)), requires States to develop and implement specific protocols for locating and ensuring the safety of youth who are missing from care, including the following:

- (62)(A) not later than 1 year after September 29, 2014, the State shall develop and implement specific protocols for—
 - (i) expeditiously locating any child missing from foster care;
 - (ii) determining the primary factors that contributed to the child’s running away or otherwise being absent from care, and to the extent possible and appropriate, responding to those factors in current and subsequent placements;
 - (iii) determining the child’s experiences while absent from care, including screening the child to determine if the child is a possible sex trafficking victim (as defined in section 475(9)(A)); and
 - (iv) reporting such related information as required by the Secretary [of Health and Human Services]; and
- (B) not later than 2 years after such date of enactment [of the Strengthening Families Act], for each child and youth described in paragraph (9)(C)(i)(I) of this subsection, the State agency shall report immediately, and in no case later than 24 hours after receiving, information on missing or abducted children or youth to the law enforcement authorities for entry into the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation, established pursuant to section 534 of title 28, United States Code, and to the National Center for Missing and Exploited Children.

ACF GUIDANCE

ACF PI [ACYF-CB-PI-15-07](#) provides within that 2 years of enactment of the Strengthening Families Act (i.e., by September 29, 2016), Title IV-E agencies (which for this report may be understood to mean State agencies) will develop and implement protocols to report missing or abducted children immediately (no later than 24 hours after receiving information) to law enforcement for entry into the NCIC database and to NCMEC. This PI also cites to section 471(a)(35)(B) of the Act.

APPENDIX C: MISSING CHILDREN EPISODES SAMPLED BY STATE

State	Properly Reported to Law Enforcement for Entry Into NCIC Database	Not Reported Timely to Law Enforcement for entry Into NCIC Database	Never Reported to Law Enforcement for entry Into NCIC Database	Total
Alabama	5	1		6
Alaska	3	1		4
Arizona	2			2
Arkansas	1			1
California	5		1	6
Colorado	4			4
Connecticut	1	1		2
Delaware	2			2
Florida	2			2
Hawaii	3			3
Illinois	3	1	3	7
Indiana	1			1
Iowa	4		1	5
Kansas		1		1
Kentucky	1			1
Louisiana	3			3
Maine	1			1
Maryland	1			1
Massachusetts	1			1
Michigan	1			1
Minnesota	2			2
Mississippi	2	2		4
Missouri	5			5
Nebraska	2			2
Nevada	1			1
New Mexico	5	1		6
New York	1		1	2
North Carolina	3			3
North Dakota	1			1
Ohio	2			2
Oregon	4			4
South Carolina	3			3
South Dakota	2			2
Texas	5			5
Virginia	1			1
Washington	3			3
Grand Total	86	8	6	100

APPENDIX D: STATISTICAL SAMPLING METHODOLOGY

SAMPLING FRAME

The sampling frame consisted of an Excel spreadsheet containing sufficient data for 74,353 missing children episodes, from 46 States in which the child was missing 2 calendar days or longer at any time during our audit period (see footnote 11).

SAMPLE UNIT

The sample unit was one missing child episode in which the child was missing 2 days or longer.

SAMPLE DESIGN AND SAMPLE SIZE

We used a stratified random sample as shown in Table 1.

Table 1: Sample Strata

Stratum	Stratum Boundaries (Number of Missing Children Episodes per State)	Total Episodes	Total States	Sample Size
1	0 - 450	3,657	16	30
2	451 – 1,450	15,537	15	35
3	1,451 – 8,802	55,159	15	35
	Total	74,353	46	100

SOURCE OF RANDOM NUMBERS

The source of the random numbers was the Office of Inspector General (OIG), Office of Audit Services (OAS), statistical software.

METHOD OF SELECTING SAMPLE ITEMS

The missing children episodes provided by the State agencies were sorted by the following fields: State, child's last name, child's first name, child's date of birth, and missing start date. We then appended the list, added a unique identifier to consecutively number the sample units in each stratum, and after generating the random numbers, we selected the corresponding frame items for review.

ESTIMATION METHODOLOGY

We used OIG, OAS, statistical software to estimate: (1) the number of missing children episodes that the State agencies reported to law enforcement for entry into the NCIC database

2 calendar days or longer after the child went missing,¹⁹ and (2) the number of missing children episodes that the State agencies never reported to law enforcement for entry into the NCIC database. For each characteristic, we calculated a point estimate and a two-sided 90-percent confidence interval (Appendix E).

¹⁹ See “How We Conducted This Audit” earlier in this report for an explanation of why we used a reporting delay of 2 calendar days or longer for this aspect of our analysis.

APPENDIX E: SAMPLE RESULTS AND ESTIMATES

Table 2: Sample Results

Stratum	Frame Size (Total Episodes)	Sample Size	Number of Missing Children Episodes Not Reported in a Timely Manner	Number of Missing Children Episodes Never Reported
1	3,657	30	4	0
2	15,537	35	1	1
3	55,159	35	3	5
Total	74,353	100	8	6

**Table 3: Estimated Number of Missing Children Episodes That Were Not Reported in
Accordance With Federal Requirements in the Sampling Frame**
(Limits Calculated at the 90-percent Confidence Level)

	Number of Missing Children Episodes Never Reported	Number of Missing Children Episodes Not Reported in a Timely Manner	Total Number of Missing Children Episodes Not Reported in Accordance With Federal Requirements
Point Estimate	8,324	5,659	13,983
Lower Limit	2,832	1,228	7,362
Upper Limit	13,815	10,091	20,604



ADMINISTRATION FOR
CHILDREN & FAMILIES

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April 18, 2023

Amy J. Frontz
 Deputy Inspector General for Audit Services
 U.S. Department of Health and Human Services
 330 Independence Avenue, SW
 Washington, DC 20201

Dear Amy Frontz:

The Administration for Children and Families (ACF) appreciates the opportunity to respond to the Office of Inspector General (OIG) draft report titled, “State Agencies Can Improve Their Reporting of Children Missing from Foster Care to Law Enforcement for Entry into the National Crime Information Center Database” as required by Federal Statute (A-07-21-06104). Our mission at ACF is to protect the well-being of children, especially those affected by programs we administer. The following is ACF’s response to the OIG’s recommendation:

Recommendation 1

We recommend that the Administration for Children and Families work with state agencies to ensure compliance with federal requirements to report missing children’s episodes to law enforcement for entry into the National Crime Information Center (NCIC) database in a timely manner.

Response

ACF concurs with this recommendation.

We appreciate and share OIG’s focus on and concern about children reported missing from foster care. In our response to the OIG’s recommendation regarding the requirement to report children missing from foster care to the National Center for Missing and Exploited Children (A-07-21-06102), we identified a number of activities that we have taken in order to support states’ efforts to locate children missing from foster care. Those activities are also relevant to addressing the findings in this report. We reiterate them here as a reminder and for consistency and have added a few recent activities that have taken place since that response was submitted.

Information Memorandum

On December 1, 2022, ACF’s Administration on Children, Youth, and Families (ACYF), Children’s Bureau (CB) and Family and Youth Services Bureau (FYSB), and the Office on Trafficking in Persons (OTIP) released a joint Information Memorandum (IM), entitled [Responding to Human Trafficking among Children and Youth in Foster Care and Missing from Foster Care](#), that provides an overview of federal statutes related to human trafficking among children and youth in the child welfare system and highlights resources to meet those requirements.

On January 27, 2023, I joined ACF leaders from ACYF, CB, FYSB, and OTIP on a national briefing call, “Responding to Human Trafficking through the Child Welfare System,” to further highlight the resources in the IM that are available to assist child welfare and youth-serving organizations in responding to concerns of human trafficking among children and youth, particularly those missing from foster care.

In addition, CB has issued a guide on reporting requirements entitled: *Responding to Youth Missing From Foster Care*. Among other requirements, it notes one requirement is: Reporting to law enforcement authorities immediately, and in no case later than 24 hours, after receiving information on a missing or abducted youth for entry into the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation. This guide continues to be available on the CB website.

Webinars

On behalf of CB, the Capacity Building Center for States (the Center) provides training and technical assistance to public child welfare agencies through its services—products, peer supports, targeted technical assistance—and is available to support states and jurisdictions in the area of how to best identify and serve children missing from care.

On January 19, 2023, the Center hosted a webinar related to safety planning for victims of child sex trafficking. The following event goals were to assist participants in:

- Learning what a safety plan is and the conditions needed for effective safety planning with victims of child sex trafficking.
- Identifying different types of safety, levels of risk, and context for what makes people feel safe.
- Exploring strategies to build safety into conversations, model boundaries, and increase choice and agency.
- Using phrases and concrete strategies for creating and supporting implementation of safety plans.
- Practicing safety planning skills using case example.

Event participants included the following CB peer groups:

<i>Peer Group</i>	<i># of Members</i>	<i># of Jurisdictions Represented</i>
Preventing and Addressing Sex Trafficking	91	39
Foster Care Managers	82	47
Kinship Navigator	85	49
Kinship Navigator Evaluators	35	18

In-Home/	108	43
Citizen Review Panel	121	36
Children’s Justice Act	181	52
State Liaison Officers	96	49

The IM was shared with participating peer group listservs and peer group members were invited to share challenges or questions they may be interested in exploring further in a follow-up discussion. In response to OIG report A-07-21-06102, the Center was tasked with developing a universal event designed to answer and address those questions and challenges and also partner with National Center for Missing and Exploited Children (NCMEC) to review federal reporting requirements as well as highlight related best practices. In response to the recommendation in this report, this universal technical assistance event will be expanded to comprehensively address federal requirements on children missing from foster care to include requirements to report missing children to law enforcement for entry into the NCIC.

In addition, ACF launched two online training modules, [Working with Foreign National Minors Who Have Experienced Trafficking](#) on October 5, 2022, and [Responding to Human Trafficking Through the Child Welfare System](#) on November 29, 2022. These free, accredited, and on-demand trainings equip child welfare professionals to appropriately respond to concerns of child and youth trafficking, including those who are missing from foster care. The second module is inclusive of guidance on reporting to NCMEC in accordance with the Preventing Sex Trafficking and Strengthening Families Act of 2014.

Collaboration

ACF, specifically CB and OTIP, will provide additional training and technical assistance opportunities for state child welfare agencies this year through resources responsive to the needs articulated by states, including peer review of screening tools and referral protocols and production of topical micro learnings.

Again, thank you for the opportunity to review this draft report. Please direct any follow-up inquires to Benita Turner, Office of Administration Office of Inspector General Liaison, at (202) 401-9379.

Sincerely,



January Contreras
Assistant Secretary
for Children and Families