



Michigan Supreme Court

State Court Administrative Office

Child Welfare Services

Michigan Hall of Justice

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MEMORANDUM

DATE: October 31, 2013

TO: Chief Circuit Court Judges
Presiding Family Division Judges
Circuit Court Administrators
Family Division Administrators
DHS County Directors and staff
Private Agency Directors and staff

FROM: Kelly Howard

RE: Children Absent Without Legal Permission from Court Ordered Placement:
Requirements, Data Entry and Sharing, and Best Practices

The Children Absent Without Legal Permission from Court Ordered Placement (AWOLP) procedure is designed to quickly locate and protect children who are missing from foster care. A child is considered missing from care if he or she "is not in the physical custody of the child welfare agency or the person or institution with whom the child was placed."¹ In 2012, 477 children in Michigan went missing from care on at least one occasion. To ensure their safe return, AWOLP policy and procedure requires interagency collaboration between the Department of Human Services (DHS),² the courts, the State Court Administrative Office (SCAO), local law enforcement agencies, and the Michigan State Police (MSP). This memo outlines the current procedure and offers best practices for courts and DHS/private agencies when processing AWOLP cases.

If courts have any questions regarding this memorandum, please contact me at HowardK@courts.mi.gov or (517) 373-8671 or Maribeth Preston at PrestonM@courts.mi.gov or (517) 373-8995.

¹ Child Welfare League of America.

² For purposes of this memo, DHS also encompasses private contractual agencies.

AWOLP CASE PROCESSING REQUIREMENTS

A. Courts

In 2002, the Michigan Supreme Court issued Administrative Order (AO) 2002-4 that required each circuit court to establish a plan for reviewing cases involving children who are AWOLP through local administrative order (LAO).³ The LAO must establish a special docket or other expedited review process through the exercise of dispositional review hearings, formal status conferences, or emergency status reviews. The LAO must also:

- Identify the judge responsible for ensuring compliance with the AWOLP plan.
- Address problems with regard to the coordination of efforts between the court and DHS to locate absent children.
- Describe the process for reviewing AWOLP cases.
- Address any special problems the court has identified.
- Describe procedures used by the court to obtain information regarding the whereabouts of absent children and to promptly schedule a hearing to determine their legal status.
- Describe the court's procedures for giving priority to cases involving children ages 15 and younger, particularly if the child may have been abducted.

Each court should have a designated AWOLP contact person who is responsible for maintaining the AWOLP web application system information, receiving e-mail updates from SCAO, and acting as a liaison between the court and DHS.

B. DHS

DHS AWOLP policies are currently undergoing revision and are anticipated to be completed in June 2014. An update to this memorandum will occur once the new DHS policy is implemented. Current policies can be obtained from the DHS Foster Care Manual. AWOLP information is in Policy 722-3 at <http://www.mfia.state.mi.us/olmweb/ex/fom/722-3.pdf>.

As currently stated in the DHS Policy 722-3, upon notification of a child's AWOLP status, the assigned caseworker must file a missing person report with local law enforcement, update placement information on Services Worker Support System – Foster Care, Adoption and Juvenile Justice (SWSS-FAJ),⁴ complete the DHS form 3198-A (Unauthorized Leave Report) and provide copies to the court, local law enforcement, and the case file.

If the child is under the age of 17, the caseworker must complete DHS 710 (Clearance to Publish Children AWOLP on DHS Web). Completion requires the signature of the legal parent or guardian for temporary court wards, authorization of the court of jurisdiction if

³ AO 2002-4 can be accessed at:
<http://courts.mi.gov/Administration/SCAO/Resources/Documents/Publications/CWS/AWOLP/2002-4.pdf>.

⁴ Also commonly referred to as SWSS or the SWSS system.

the parent or guardian is not available or is uncooperative, or if the youth is a permanent court ward, or a signature of the MCI Superintendent if the child is an MCI ward. Upon completion, the caseworker forwards DHS 710 to the Child Locator Centralized Unit. The child's picture is then posted on the DHS website to assist with the location and return of the child. Children aged 17 are eligible for placement on the DHS website; however, DHS policy does not require it.

C. AWOLP Web Application

In 2009, to improve case management, SCAO created an AWOLP web application that courts and DHS may jointly access to track and update the status of an AWOLP child's case. The AWOLP web application is available through SCAO's Michigan Court Application Portal (MCAP). Circuit court administrators control access to the AWOLP application by authorizing user access and submitting new user requests to SCAO for the assignment of a user name and password.⁵ DHS and private agency staff may obtain access to the AWOLP application by submitting a request for user access to the local circuit court administrator.⁶ Once provided with access, caseworkers may use the system to enter critical information about their efforts to locate the missing child.

DATA ENTRY & SHARING

A. DHS Process

Upon initial identification and determination that a child is AWOLP, the caseworker enters the child's information into the SWSS system. Each week, DHS e-mails SCAO a spreadsheet containing the names of AWOLP children. SCAO uploads the identifying information into the AWOLP web application.

When an AWOLP child is located, or is still missing but removed from AWOLP status (because of reaching maximum benefits of service, maximum jurisdictional age, or because of another specified reason), the caseworker enters the updated status information into SWSS-FAJ. Because the SWSS system and AWOLP application are separate, the updated case status information must also be manually entered into the AWOLP application.⁷

In addition to the reporting requirements of SWSS and the AWOLP application, "Suzanne's Law"⁸ requires collaboration between federal, state, and local law enforcement agencies to report each case of a missing person under the age of 21 to the National Crime Information Center (NCIC) at the U.S. Department of Justice. The law further requires the reporting of every AWOLP case in the state's Law Enforcement Information Network (LEIN) as well as prohibits state law enforcement agencies from maintaining a policy requiring the observance of any waiting period before accepting a missing child report. Lastly, the law requires that these reports be entered into NCIC and

⁵ Requests to SCAO should be submitted to Kimberly Tody at TodyK@courts.mi.gov.

⁶ When requesting caseworker access to the AWOLP web application, the following information should be presented to the circuit court administrator: the employee's name, phone number, e-mail address, office and program where the employee works, and the supervisor's name and e-mail address.

⁷ The methodology for accomplishing this within MiSACWIS is being determined.

⁸ 42 USC § 5779.

LEIN by law enforcement within two hours of receipt.

Therefore, once a caseworker discovers that a child is AWOLP, the caseworker must promptly file a missing person report with the local law enforcement agency to ensure the appropriate reporting mechanisms are activated. This cross-system sharing of information provides increased exposure and oversight of the case.

Entry into the LEIN system requires the AWOLP child to be categorized as one of the following:

1. **Disabled:** A person of any age who is missing and under proven physical/mental disability or is senile, thereby subjecting himself or herself or others to personal and immediate danger.
2. **Endangered:** A person of any age who is missing under circumstances indicating that their physical safety may be in danger.
3. **Involuntary:** A person of any age who is missing under circumstances indicating that the disappearance may not have been voluntary (i.e. abduction or kidnapping).
4. **Catastrophe Victim:** A person of any age who is missing after a catastrophe.
5. **Juvenile:** A person under the age of 18 who is missing and does not meet any of the entry criteria set forth in 1, 2, 3, or 4.
6. **Other:** A missing person over age 17, but under age 21, who does not meet any other category's criteria for LEIN entry.

If the local law enforcement agency will not enter an AWOLP child into LEIN, the caseworker should contact Michigan State Police representative Kevin Collins, Manager of LEIN Field Services, Audit and Training Unit, at collinsk@michigan.gov or (517) 241-0461.

In addition to law enforcement notification, the caseworker should ensure notification is provided to the National Center for Missing and Exploited Children, the L-GAL, and family members. After proper entry into SWSS and the AWOLP application, filing a missing person's police report, and appropriate notifications, the caseworker is required by DHS policy to request that the court enter an apprehension order to ensure the child is placed into custody if obtained by police. Custody does not mean the child must be placed in a juvenile detention center when no crime has been committed. The court can enter the DHS on-call number⁹ on the order to enable DHS to pick up the child when the child has been located.

When the child has been located and the court does not have direct access to remove the child from LEIN, the DHS caseworker must contact local law enforcement to notify them the child has been located and request the removal of the child from LEIN. If the worker does not immediately update the AWOLP application, the worker should provide the LEIN cancellation date to the court so the court can update the AWOLP application properly.

⁹ If not already in place, SCAO-CWS recommends forming a relationship with the local DHS to share agency and court on-call schedules and to establish a procedure for children who are located after-hours.

B. Court Process

Each time a spreadsheet is imported into the AWOLP application, all court and DHS AWOLP contacts receive e-mail notification of any **new** missing children. In addition, at the beginning of each month, AWOLP contacts receive an e-mail reminder to provide status updates in the AWOLP application and indicate whether a specific child continued to be missing at the end of the previous month.

When a child is located, or when the court terminates jurisdiction, the court should immediately update the AWOLP application to reflect the resolved status. This update will dispose of the child's record and remove it from the court's list of active cases. When updating the status information, the court's designated AWOLP person should check the designated box to indicate the child was removed from LEIN. If the court does not have access to directly remove the child from LEIN, the date the child was removed from LEIN by law enforcement must be obtained from the DHS worker and entered into the AWOLP system.

The court is responsible for maintaining the AWOLP application information to assure the information is current and ensure that cases are promptly closed within the system. Running the Missing AWOLP Information Report (see description below) monthly provides a quick overview of the case information that is needed to ensure thorough case management and accurate data entry.

C. Reports Available Through AWOLP Application:

1. AWOLP Incident Report for Child. This report allows a caseworker to print an AWOLP report for an individual child and present that report at an AWOLP court hearing. The report contains the child's name, date of birth, DHS case and county information, worker name, placement information, legal status, court case number, assigned judge, and specific incident information.
2. AWOLP LEIN Expiration 30 or 60 days (by county). This report identifies incidents with LEIN listings that will expire within the next 30 or 60 days, allowing courts and caseworkers to ensure that the LEIN listing does not inadvertently lapse.
3. AWOLP History for Child. This report provides a history of events for a particular child, including AWOLP date(s), located/terminated date(s), number of days missing for each incident, and the specific placement that the child ran from for each incident.
4. Missing AWOLP Information (by county). This report identifies any **required** missing information that the AWOLP system needs for a particular child. Examples of required information include LEIN status, next hearing date, and placement identification information.
5. Current AWOLP Incidents (by child or by county – with all comments). This report provides cumulative information about all children currently AWOLP within a particular county, including current age, date missing, number of days missing in the incident, and comments (with date and staff identification).
6. Current AWOLP Incidents (by county – with comments by designated user).

This report provides information about children who are currently AWOLP in a particular county, including their current ages, date missing, number of days missing in this incident, and comments designated by a particular user (with date and staff identification).

7. Current AWOLP Incidents (by child or by county – without comments). This report provides information about children who are currently AWOLP in a particular county, including their current age, date missing, and number of days missing in this incident.
8. AWOLP Statistics Ongoing (by state or by county). This report provides statistical data on the number of children who ran from placement during a selected time period and who are subsequently found as of the date of the requested report.
9. AWOLP Statistics Snapshot (by state or by county). This report provides statistical data on the number of children who ran from placement and were found during a selected time period. A report for a given year will provide data only on those children who ran and were found during the selected reporting year.
10. AWOLP Termination (by state or by county). This report provides data on cases that were terminated during the selected time period.

BEST PRACTICES

The following are best practices for courts and DHS when handling AWOLP cases.

A. Policy

- Court: Court administrators should provide caseworkers access to the AWOLP web application. This will allow for detailed data entry of search efforts and the creation of reports for court hearings. This will also ensure that the court has immediate access to the most current case information to find the child as quickly as possible.
- DHS: AWOLP practices/policies need to be consistently implemented to achieve unified responses and interventions across jurisdictions. Consistency must be amongst the state and local DHS offices, as well as between DHS and private agencies. This will be accomplished through successful public/private collaboration, and will provide a basis for the courts to hold the agencies accountable for their AWOLP practices.

B. Regular Review of AWOLP Reports

- Court & DHS: During the second week of the month, the court and DHS AWOLP contacts should review the AWOLP reports to determine when LEIN listings will expire, to ensure that active efforts to locate the child have occurred and are updated in the report comments section, and to verify that all required information has been accurately entered. A quick way to check for missing information is to run the Missing AWOLP Information Report.
- Court & DHS: To implement a successful, coordinated AWOLP plan, consistent and

open communication is essential between the court and DHS AWOLP contacts regarding any report errors or new/missing information.

C. During an Active AWOLP Episode

- Court: An apprehension order issued by the court should not involve opening a juvenile delinquency file unless there has been a crime committed by the child. A foster child should not be held in a detention center for a status offense such as running from placement. Instead, the apprehension order can specify that the child is to be turned over to DHS for care and custody. The order should contain the phone number of the child's caseworker and the county DHS office.
- Court: Designate the same day(s) each month to hold all AWOLP hearings. This docketing system will allow caseworkers to set aside specified time in their schedules to participate in the hearings.
- DHS: Diligent searches should occur frequently because of the unique risks posed to children while they are AWOLP (e.g., prostitution, victims of crime/violence, drug use, abduction). Search efforts should be coordinated with local law enforcement agencies.
- DHS: The Caseworkers should be present at all AWOLP hearings to update the court and other stakeholders about the diligent efforts taken to locate a child, share ideas, and provide information.
- DHS: Caseworkers should use the AWOLP Incident Report for Child feature to print a summary of the information about a child which is formatted in an easy-to-read report suitable for taking to court hearings. When used collaboratively, the AWOLP application allows all stakeholders involved in the child's case to conveniently share the most current and detailed information.
- DHS: Caseworkers are primarily responsible for including additional information in the "Comments" section of the AWOLP Application. They can document their diligent efforts to locate the child such as police contacts, family contacts, mass media searches, phone conversations, and face-to-face meetings with other case providers. These documented efforts will transfer into the AWOLP Incident Report for Child.
- DHS: Caseworkers should maintain frequent contacts with the child's family and friends during the time the child is AWOLP. Weekly checks and thorough inquiries involving the child's extended family and friends who may be harboring the child are recommended.
- Court & DHS: Updates about search efforts and newly acquired information should occur frequently between the caseworker, law enforcement, the L-GAL, and the courts. Recent photos of the child should be kept on file and the AWOLP database should be updated as new information is learned.

D. Post-AWOLP Episode (Child Has Been Located)

- DHS: Ensure the child is removed from LEIN as soon as the child is found. This information must also be updated in the AWOLP application by the court unless other

local arrangements have been made.

- **DHS:** A debriefing interview should be conducted by someone the child trusts and can be open with about why he or she ran and what events occurred during the AWOLP episode (with guidance from caseworkers). This information should be documented in the AWOLP application for future prevention and/or assistance if the child is reported missing again.
- **Court & DHS:** The child's placement, services, and permanency goals should be assessed to ensure they are still appropriate. Update addresses as necessary in response to the AWOLP episode. The child's input is critical to avoid future episodes.

E. Preventing AWOLP Episodes

The following are tips and best practices that can be used to help prevent children from becoming AWOLP.

- Maintenance of a child's family connections while in care should be a priority. Visitation with siblings and other caring adults who provide emotional support to the child should occur frequently while the child is in foster care to prevent running episodes.
- Placement options should be made available for young mothers in foster care with children.
- Children should receive appropriate and tailored support services while in care (e.g., drug/alcohol treatment, mental health services, employment assistance, educational stability and support, and transitional support for older children), regardless of the permanency goal.
- Specialized services should be directed toward children who have "running" histories. A specialized caseworker should maintain regular contact with this population of children.
- Older children should be given the chance to be self-advocates. They should be provided all pertinent information regarding their case, such as the services that are available to them. They should also have a voice in court proceedings and placement decisions.
- Older children should be given opportunities for leadership and responsibility such as participation in Michigan Youth Opportunities Initiatives, to connect to other children in similar situations, to participate in community activities through church or sports teams, to mentor younger children, etc.
- Residential facilities should develop strategies that combine counseling, activities, and systems of reward and consequence in a way that can be refined on the basis of individual needs. Children who are engaged in leadership opportunities benefit from residential placements will be less likely to run from that placement.
- Caseworkers/L-GALs must ensure that each child has at least one stable and caring adult present in his or her life.

F. Training on AWOLP Application

A brief training manual on using the AWOLP application can be accessed on SCAO's site at:

<http://courts.mi.gov/Administration/SCAO/Resources/Documents/Publications/CWS/AWOLP/AWOLPTrainingManual.pdf>

WebEx training on the AWOLP application is also available through SCAO's Child Welfare Services Division. WebEx training provides your staff with interactive online training about the AWOLP application and reports by SCAO staff.

Please contact Maribeth Preston if you are interested in information about training.