

Department of Health and Human Services

**OFFICE OF
INSPECTOR GENERAL**

**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**

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Office of Inspector General

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Report in Brief

Date: March 2023

Report No. A-07-21-06102

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 the National Center for Missing and Exploited Children (NCMEC).

Our objective was to examine State agencies' efforts to ensure that missing children are reported to NCMEC 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 also obtained and reviewed documentation from State agencies and NCMEC to determine whether missing children were reported to NCMEC as required by Federal statute.

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

What OIG Found

During our audit period, State agencies did not always ensure that children missing from foster care were reported to NCMEC as required by Federal statute. Of the 100 missing children episodes in our sample, the State agencies reported 33 episodes to NCMEC 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, 45 missing children episodes were never reported to NCMEC, and 22 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). On the basis of our sample results, we estimated that the State agencies did not report 51,115 of the 74,353 missing children episodes in accordance with Federal requirements. Specifically, an estimated 34,869 missing children episodes during our audit period were never reported to NCMEC and an additional estimated 16,246 missing children episodes during our audit period were not reported within 24 hours after the State agencies were notified that the child was missing.

State agencies generally lacked adequate systems to readily identify whether or not they had reported missing children episodes to NCMEC accurately and in a timely manner. State agencies that do not properly report missing children episodes to NCMEC 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 and guidance.

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 NCMEC in a timely manner. ACF concurred with our recommendation and described actions that it had taken and planned to take. ACF stated that as part of planned activities to support State agencies in maintaining compliance with these requirements, it issued new guidance on December 1, 2022, and hosted three webinars (one in November 2022 and two in January 2023) that provided information related to human and child trafficking and that focused on the requirement to report missing children episodes to NCMEC.

TABLE OF CONTENTS

INTRODUCTION.....	1
Why We Did This Audit.....	1
Objective.....	1
Background.....	2
Federal and State Foster Care Programs.....	2
Mandatory Reporting of Missing Children to the National Center for Missing and Exploited Children.....	3
How We Conducted This Audit.....	4
FINDINGS.....	5
Federal Requirements and Guidance.....	5
Federal Statute.....	6
ACF Guidance.....	6
State Agencies Did Not Properly Report Missing Children Episodes to the National Center for Missing and Exploited Children.....	6
State Agencies Did Not Always Report Missing Children Episodes to the National Center for Missing and Exploited Children.....	7
State Agencies Did Not Always Report Missing Children Episodes to the National Center for Missing and Exploited Children in a Timely Manner.....	8
State Agencies Generally Did Not Have Adequate Systems To Track Missing Children Reports Made to the National Center for Missing and Exploited Children.....	9
Recommendation.....	10
ACF Comments.....	10
APPENDICES	
A: Audit Scope and Methodology.....	12
B: Federal Requirements and Guidance.....	14
C: Missing Children Episodes Sampled by State.....	15
D: Statistical Sampling Methodology.....	16

E: Sample Results and Estimates	18
F: ACF Comments.....	19

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. In our previous audit, the State agencies reported that they had policies and procedures that required reporting children missing from foster care to the National Center for Missing and Exploited Children (NCMEC), and to law enforcement for entry into the National Crime Information Center (NCIC) database within 24 hours of identifying that the child was missing.² This report evaluates the implementation of these policies and procedures by verifying whether the missing children were properly reported to NCMEC.

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 NCMEC and the reasons why some missing children are not properly reported to NCMEC as required by Federal statute.³

OBJECTIVE

Our objective was to examine State agencies' efforts to ensure that missing children are reported to NCMEC 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 Nov. 7, 2022).

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

³ We also have an ongoing audit of States' efforts to ensure that missing children are properly reported to law enforcement authorities for entry into NCIC's Missing Persons File; we plan to issue a separate report on the results of that work.

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)).

For many decades, Federal Title IV-E foster care maintenance payments were only available for a child in foster care up to the age of 18 (or, at State option, age 19 for full-time students expected to complete their secondary schooling or equivalent training before reaching age 19). In 2008, the Fostering Connections to Success and Increasing Adoptions Act amended Title IV-E of the Act by giving States the option to extend the age of eligibility for federally funded foster care to age 19, 20, or 21.⁵ This allowed young people to remain in foster care until the age of 21 (an arrangement that is referred to as extended foster care). These 18- to 21-year-olds must also participate in education, work, or work-related activities, or have a documented medical condition that prohibits such participation (the Act § 475(8)(B)).

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

⁵ The Fostering Connections to Success and Increasing Adoptions Act of 2008, P.L. No. 110-351 (Oct. 7, 2008).

Mandatory Reporting of Missing Children to the National Center for Missing and Exploited Children

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.⁶ These children who go missing from their approved placements are at higher risk of experiencing harm, substance use, and trafficking.⁷ 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.⁸

State agencies are required to report missing children to NCMEC, which 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.⁹ NCMEC's mission is to help find missing children, reduce child sexual exploitation, and prevent child victimization. It focuses its efforts on missing children who are 17 years old and younger and on 18-to-20-year-old missing children who are considered to be at an elevated risk of danger. However, NCMEC may also assist with unemancipated youths missing from care who are 18 to 20 years old and still under legal guardianship of a State agency. NCMEC works with families, victims, private industry, law enforcement, and the public to assist in preventing child abductions, recovering missing children, and providing services to deter and combat child sexual exploitation. NCMEC operates a 24-hour, toll-free hotline so that individuals may report information regarding any missing child.¹⁰

When a State agency or other entity or individual reports a missing child to NCMEC, certain information is required for NCMEC to take an effective report. Essential information includes

⁶ 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 Nov. 7, 2022).

⁷ 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 Nov. 7, 2022).

⁸ 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.

⁹ 34 U.S.C. § 11293(b).

¹⁰ See also the information paper on the NCMEC website, which is accessible at <https://www.missingkids.org/content/dam/missingkids/pdfs/CMFC%20Final%20%20One-Page%20April%202021.pdf> (accessed on Nov. 7, 2022).

the child's full name, date of birth, gender, height, weight, date the child went missing, city and State from which the child went missing, caseworker or provider information, and information on notification of law enforcement. NCMEC requests additional information when possible, including information on the extent of concern about exploitation or trafficking, the known direction of travel, and places the child may frequent. After a State agency reports a missing child episode, it receives from NCMEC a case number that can serve as a reference for the case.

After it receives a report of a missing child episode, NCMEC's services include the creation and dissemination of a poster with a picture of the missing child to include on social media platforms to help generate leads. In addition, NCMEC's Child Sex Trafficking Recovery Services Team provides specialized resources to child welfare professionals who have reported a youth missing from care to NCMEC when a concern for child sex trafficking has been identified.

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 during our audit period.¹¹ We selected a stratified random sample of 100 missing children episodes (associated with a total of 38 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 from State agencies and NCMEC to determine whether missing children were reported to NCMEC as required by Federal statute.

Federal requirements state that a missing child must be reported to NCMEC 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 NCMEC, 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.

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.

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 38 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 always ensure that children missing from foster care were reported to NCMEC as required by Federal statute. Of the 100 missing children episodes in our stratified random sample, the State agencies reported 33 episodes to NCMEC 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, 45 missing children episodes were never reported to NCMEC, and 22 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).¹²

On the basis of our sample results, we estimated that the State agencies did not report 51,115 (69 percent) of the 74,353 missing children episodes in accordance with Federal requirements. Specifically, an estimated 34,869 (47 percent) missing children episodes during our audit period were never reported to NCMEC and an additional estimated 16,246 (22 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.

State agencies generally lacked adequate systems to readily identify whether or not they had reported missing children episodes to NCMEC accurately and in a timely manner. When State agencies lack a system that tracks information related to missing children reports to NCMEC (including date of notification and a NCMEC 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 NCMEC 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 and guidance.

FEDERAL REQUIREMENTS AND GUIDANCE

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

¹² For the 45 missing children episodes that were never reported to NCMEC, the State agencies had no supporting documentation that showed that they had submitted reports for these episodes, and NCMEC staff could not locate the missing children episodes in the NCMEC database.

Federal Statute

In 2014, Congress passed the Strengthening Families Act (see footnote 8), 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 NCIC database, and (2) NCMEC (the Act § 471(a)(35)(B)).¹³ 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 MISSING CHILDREN EPISODES TO THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN

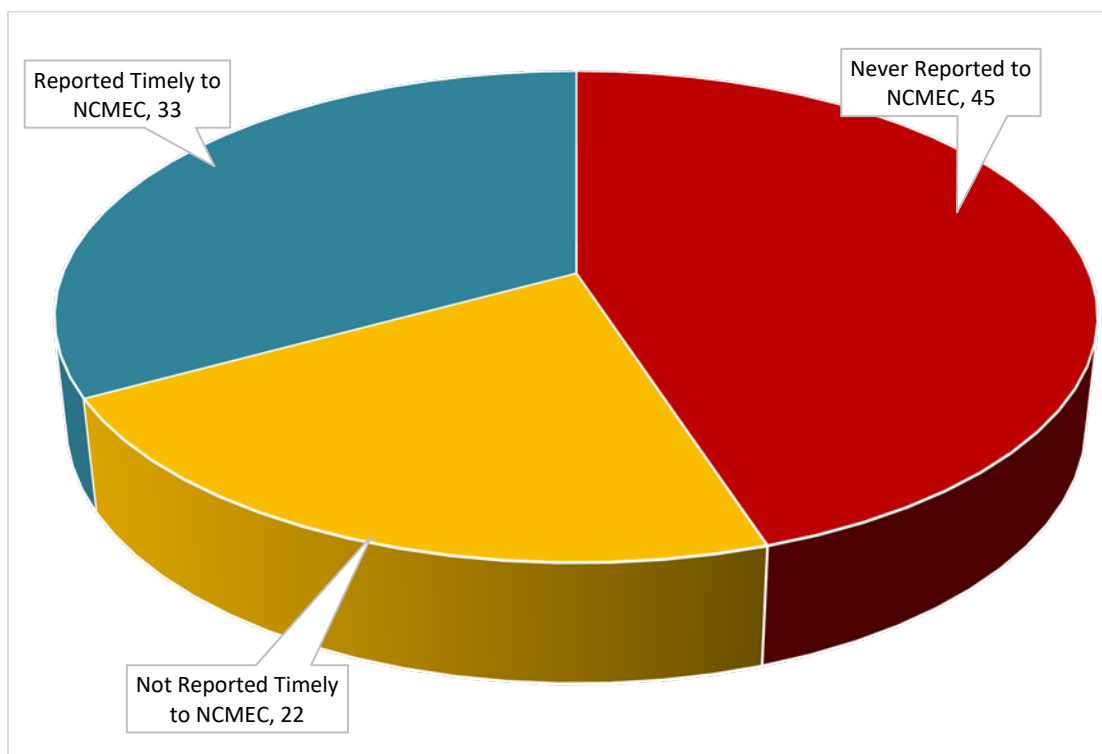
Of the 100 missing children episodes in our stratified random sample, the State agencies reported 33 episodes to NCMEC in a timely manner (i.e., within 24 hours after the State agency received information that the child was missing) in accordance with Federal requirements. However, 45 missing children episodes were never reported to NCMEC (see footnote 12). In addition, 22 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).

On the basis of our sample results, we estimated that the State agencies did not report 51,115 (69 percent) of the 74,353 missing children episodes in accordance with Federal requirements.

¹³ 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's Missing Persons File, which is maintained by the Federal Bureau of Investigation, and to disseminate those records to State and local agencies. See also footnote 3.

Specifically, an estimated 34,869 (47 percent) missing children episodes during our audit period were never reported to NCMEC and an additional estimated 16,246 (22 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. The figure graphically depicts these data.

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 38 States represented in the 100 missing children episodes in our stratified random sample.

State Agencies Did Not Always Report Missing Children Episodes to the National Center for Missing and Exploited Children

Of the 100 missing children episodes in our stratified random sample, State agencies never reported 45 of the episodes to NCMEC as they were required to do by Federal statute (see footnote 12). For these 45 missing children episodes:

- the children were missing for 10 or fewer days in 27 episodes,
- the children were missing between 11 and 40 days in 9 episodes,
- the children were missing between 41 and 609 days in 8 episodes, and
- a child was still missing as of December 31, 2020, for 1 episode (this child had gone missing on November 16, 2020).

For these cases, State agencies were not able to provide us any documentation supporting that the missing children were reported to NCMEC, nor was NCMEC staff able to find the respective missing children episodes in their database. Thus, we concluded that the required reporting did not occur. In most cases, State agencies were unable to explain why they never reported these episodes. However, in some cases State agencies were able to offer several specific explanations that detailed why some missing children episodes were never reported:

- Five missing children episodes were never reported to NCMEC because of the age of the children. The relevant State agencies said that they did not report the children because they were over, or almost, 18 years old. One State agency said that it did not report two missing children because they were over the age of 18 and “not considered high risk.”
- One State agency said that its policy did not require it to report missing children to NCMEC. According to this State agency, its policy requires it to report a missing child only to local law enforcement, the County State’s Attorney, the child’s Tribe (if applicable), and the parent or guardian of the child. The State agency added that, in its view, it is law enforcement’s responsibility to report a missing child to NCMEC or other entities.

In addition, five State agencies stated that they reported the missing children episodes (a total of six episodes) to NCMEC; however, the State agencies did not provide documentation, such as a NCMEC case number, to support that they had submitted reports, and there are no records in the NCMEC database of reports for these six episodes.

We were not able to determine, on a systemic level, why these 45 missing children episodes were not reported to NCMEC—nor could we determine, for the 6 missing episodes mentioned above, whether these discrepancies may have been the result of any issues in NCMEC’s database. On the basis of our sample results, we estimated that the State agencies never reported 34,869 missing children episodes during our audit period to NCMEC.

State Agencies Did Not Always Report Missing Children Episodes to the National Center for Missing and Exploited Children in a Timely Manner

Of the 100 missing children episodes in our stratified random sample, State agencies did not report 22 missing children episodes to NCMEC in a timely manner (i.e., not until 2 calendar days or longer after receiving information that the child was missing). Of these 22 missing children episodes, 14 episodes were reported 2 to 5 days late and 8 episodes were reported more than 5 days late.

Generally, State agencies did not explain why they did not report a missing child to NCMEC in a timely manner. However, we identified a potential issue with one State agency’s reporting process. This State agency said that a memorandum of understating exists between the State agency, law enforcement, and NCMEC that details the transfer of missing child information between the three agencies. The State agency said that it transferred case information on all

missing children reports to law enforcement, which then transferred the information to NCMEC so that cases could be opened. The State agency added that it sent missing child reports to law enforcement for case opening only on weekdays, using electronic transmittal. An effect of this review process and weekday-only reporting protocol was that this State agency did not routinely notify NCMEC in a timely manner. For example, for one missing child episode, the State agency told us that the internal missing child report was created after close of business on March 6, 2020. The report was processed and sent to law enforcement on the next business day (March 9, 2020); law enforcement forwarded the report to NCMEC that same day. The child went missing on a Friday (March 6, 2020) but because this State agency sends reports electronically to law enforcement only during weekdays, the report was not sent to NCMEC until Monday (3 days after the child went missing).

In response to our inquiry about its internal review process, this State agency said that it “provides many benefits including but not limited to uniform reporting procedures, documentation of key components via [its] missing child report module, standardization for information provided to other agencies, data consistency across multiple agency data sources, and ensuring that NCMEC reporting is completed.” The State agency added that “this process can result in instances in which reporting to NCMEC occurs at more than 24 hours from the time information on missing children is received.” According to State agency staff, this State agency is currently reviewing solutions to improve timeliness for reporting of missing children episodes to NCMEC, including technology solutions and operational improvements.

On the basis of our sample results, we estimated that the State agencies did not report 16,246 missing children episodes during our audit period to NCMEC within 24 hours after being notified that the child was missing.

State Agencies Generally Did Not Have Adequate Systems To Track Missing Children Reports Made to the National Center for Missing and Exploited Children

State agencies generally lacked adequate systems to readily identify whether missing children episodes were reported to NCMEC accurately and in a timely manner. Thirty-six of the 38 State agencies associated with our sample lacked mechanisms to track missing children reports made to NCMEC (including dates of notification and NCMEC case numbers).¹⁴ Such mechanisms 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 did not agree with the data in the NCMEC database. For 31 of the 55 missing children episodes that were reported to NCMEC, we identified data quality issues that showed that the missing children data that the State agencies had in their data systems did not agree with the

¹⁴ One of the two State agencies that had mechanisms to track missing children reports made to NCMEC explained that it added this functionality to its data system in early 2019.

data in the NCMEC database.¹⁵ An example of one missing child episode, as reported by one State agency, is illustrative of the inaccuracies between information in State agencies' systems and NCMEC's database. For this episode:

- April 25, 2020: date that the child went missing, according to the State agency's database.
- April 30, 2020: date that the State agency reported this episode to NCMEC. However, according to the State agency's reported data in NCMEC's database, the child went missing on April 27, 2020, when in fact the child had gone missing 2 days earlier.

Documentation that we obtained from this State agency indicated that the April 25, 2020, date in the State agency's system was correct, but we could not determine whether the incorrect missing start date in the NCMEC database was the result of a system error or a manual (data input) error.

The lack of an accurate mechanism for State agencies to track their missing children reports to NCMEC 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 significant number of missing children episodes that we identified as never having been reported to NCMEC.

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 NCMEC. 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 NCMEC 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 NCMEC 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 it "has planned various

¹⁵ Of the 100 sampled episodes, the State agencies reported 55 episodes to NCMEC, which included 33 episodes that were reported timely in accordance with Federal requirements and 22 episodes that were not reported in a timely manner.

activities in the current fiscal year that will support State agencies in maintaining compliance with Federal requirements to report missing children episodes to the NCMEC in a timely manner.” Specifically, ACF said that as part of these activities:

- 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 that includes guidance on reporting missing children to NCMEC.¹⁶
- ACF hosted a webinar on January 27, 2023, that provided awareness of resources available to assist States, organizations, and child welfare workers in responding to concerns of human trafficking, and that focused heavily on the IM released on December 1, 2022, “which recognizes requirements to report to NCMEC.”
- ACF hosted another webinar on January 19, 2023, that focused on “safety planning for victims of child sex trafficking.” The goals of this event included 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 partnered with NCMEC in November 2022 to facilitate a webinar and discussion titled *Child Welfare and Missing and Murdered Indigenous Persons*. The event provided education to the more than 250 participants on NCMEC services, including technical assistance and resource offerings.

ACF also provided technical comments, which we addressed as appropriate. ACF’s comments, excluding the technical comments, are included as Appendix F.

¹⁶ [ACF-IM-22-01](#), “Responding to Human Trafficking among Children and Youth in Foster Care and Missing from Foster Care.”

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 38 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 and NCMEC to determine whether missing children were reported to NCMEC as required by Federal law and statute.

Federal requirements state that a missing child must be reported to NCMEC 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 NCMEC, 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 did not assess ACF's internal controls as part of this audit.

We conducted our audit work from October 2021 to December 2022.

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 for 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 NCMEC for that episode;
- for each missing child episode in our sample, where possible, obtained and reviewed information from NCMEC to determine whether the relevant State agency 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 provided by NCMEC to identify episodes never reported or not reported in a timely manner to NCMEC (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 never reported or were not reported in a timely manner to NCMEC (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 8) (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 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.

APPENDIX C: MISSING CHILDREN EPISODES SAMPLED BY STATE

State	Never Reported to NCMEC	Not Reported Timely to NCMEC	Properly Reported to NCMEC	Total
Alabama	2		1	3
Alaska	2			2
Arizona	1	2		3
Arkansas		1	4	5
California	3		2	5
Colorado		1	1	2
Connecticut	2			2
Florida		4	1	5
Hawaii	1			1
Illinois	2			2
Indiana	2		1	3
Iowa			1	1
Kentucky	2			2
Louisiana		1	2	3
Maryland	1			1
Massachusetts			2	2
Minnesota	1	2		3
Mississippi	3	1		4
Missouri	3		2	5
Nebraska	3			3
Nevada	4			4
New Hampshire	1			1
New Mexico		3	3	6
New York	2		1	3
North Carolina		2	1	3
North Dakota	1	1	1	3
Ohio		1	1	2
Oklahoma	1		1	2
Oregon			1	1
South Carolina		1	2	3
South Dakota	1			1
Tennessee	1			1
Texas	1		2	3
Utah			1	1
Vermont	1			1
Virginia	2	1		3
Washington	1		2	3
Wisconsin	1	1		2
Grand Total	45	22	33	100

APPENDIX D: STATISTICAL SAMPLING METHODOLOGY

SAMPLING FRAME

The sampling frame consisted of an Excel spreadsheet containing 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 for 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 never reported to NCMEC, and (2) the number of missing children episodes that the State agencies reported to NCMEC 2 calendar days or longer after the child went missing.¹⁷ For each characteristic, we calculated a point estimate and a two-sided 90-percent confidence interval (Appendix E).

¹⁷ 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 Never Reported	Number of Missing Children Episodes Not Reported in a Timely Manner
1	3,657	30	10	8
2	15,537	35	19	6
3	55,159	35	16	8
Total	74,353	100	45	22

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	34,869	16,246	51,115
Lower Limit	26,802	9,492	43,609
Upper Limit	42,936	23,001	58,622



ADMINISTRATION FOR
CHILDREN & FAMILIES

Office of the Assistant Secretary | 330 C Street, S.W., Suite 4034
Washington, D.C. 20201 | www.acf.hhs.gov

February 6, 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 Ms. 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 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*.

The following is ACF's responses 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 episodes to the National Center for Missing and Exploited Children (NCMEC) in a timely manner.

Response:

ACF concurs with this recommendation.

ACF's mission is to strengthen the safety and wellness of children and families. We take our duty to keep children safe very seriously. ACF's Children's Bureau (CB) provides a variety of services and supports to the child welfare field to improve practices and achieve better outcomes for children, youth, and families. CB has planned various activities in the current fiscal year that will support State agencies in maintaining compliance with Federal requirements to report missing children episodes to the NCMEC in a timely manner.

Information Memorandum

On December 1, 2022, ACF's Administration on Children, Youth, and Families; CB; Family and Youth Services Bureau; and the Office on Trafficking in Persons released a joint Information Memorandum (IM), titled [Responding to Human Trafficking among Children and Youth in Foster Care and Missing from Foster Care](https://www.acf.hhs.gov/sites/default/files/documents/ACF-IM-on-Youth-Missing-from-Foster-Care-and-Trafficking.pdf) (<https://www.acf.hhs.gov/sites/default/files/documents/ACF-IM-on-Youth-Missing-from-Foster-Care-and-Trafficking.pdf>), 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. The IM includes guidance on federal law and NCMEC: "Child welfare agencies must notify NCMEC within 24 hours of receiving information about missing or abducted children." The IM further includes a link to a guide for case workers on reporting missing children to NCMEC.

Webinars

On January 27, ACF hosted a [National Briefing Call on Responding to Human Trafficking](https://www.youtube.com/watch?v=H8rkvdRlize) (https://www.youtube.com/watch?v=H8rkvdRlize) through the Child Welfare System to provide awareness of resources to assist states, organizations, and child welfare workers in responding to concerns of human trafficking. The webinar focused heavily on the guidance identified above, which recognizes requirements to report to NCMEC.

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 human trafficking.

On January 19, 2023, the Center hosted a webinar related to safety planning for victims of child sex trafficking. The 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 will be invited to share challenges or questions they may be interested in exploring further in a follow-up discussion. Based on this feedback, the Center will develop a universal event designed to answer and address those questions and challenges, and also partner with NCMEC to review federal reporting requirements as well as highlight related best practices.

Collaboration

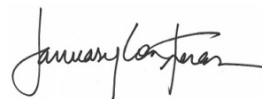
ACF maintains a strong relationship with NCMEC. In November 2022, ACF partnered with NCMEC to facilitate a webinar and discussion titled *Child Welfare and Missing and Murdered Indigenous Persons*. The event provided education to the more than 250 participants on NCMEC services, including technical assistance and resource offerings. In addition, I visited NCMEC in person to meet with CB leadership to discuss ongoing and news ways to partner in our child safety mission. ACF looks forward to an ongoing partnership with NCMEC.

Summary

In closing, ACF is working diligently with State agencies to ensure compliance with Federal requirements to report missing children episodes to NCMEC in a timely manner.

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