

Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183) FAQ

This FAQ provides some of the frequently asked questions from the package of policies issued for the *Preventing Sex Trafficking and Strengthening Families Act* (P.L. 113-183). The policies in their entirety and associated desk aids, forms and other tools can be found on the New York State Office of Children and Family Services (OCFS) Strategic Planning and Policy Development (SPPD) webpage at http://ocfs.ny.gov/main/sppd/federal_acts.asp and on the OCFS policy webpage at <http://ocfs.ny.gov/main/policies/external/>.

The following policies are addressed in this FAQ:

- [Definition of Siblings and Expansion of the Relative Notification Requirements \(15-OCFS-ADM-01\)](#)
- [Continuation of the Kinship Guardianship Assistance Program \(KinGAP\) to a Successor Guardian \(15-OCFS-ADM-15\)](#)
- [Requirements to Identify, Document, Report, and Provide Services to Child Sex Trafficking Victims \(15-OCFS-ADM-16\)](#)
- [Bill of Rights for Children and Youth in Foster Care \(15-OCFS-ADM-18\)](#)
- [Case Planning for Youth in Foster Care 14 Years of Age or Older \(15-OCFS-ADM-22\)](#)
- [Protocols and Procedures for Locating and Responding to Children and Youth Missing from Foster Care and Non-Foster Care \(16-OCFS-ADM-09\)](#)

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[Definition of Siblings and Expansion of the Relative Notification Requirements \(15-OCFS-ADM-01\):](#)

Question 1- In those instances where the sibling has been adopted, how would you suggest LDSSs locate the adoptive parent(s) of the sibling(s), especially in cases where the adopted child's name has been altered?

Answer 1- The concept of providing notification to an adoptive parent(s) of the entry of the sibling(s) of their adopted child into foster care is not new. It is not uncommon for adoptive parent(s) to inform the agency of their interest in being contacted should a sibling(s) of their adopted child come into care. Placements of children who enter foster care with adoptive parent(s) of sibling(s) are consistent with the interest of keeping sibling(s) together. LDSSs can contact the LDSS or VA that the sibling was adopted from, if known, and provide the LDSS or VA with the information the LDSS has and inquire whether the adoptive parent(s) of the sibling(s) are interested in becoming a resource for the child who has entered foster care. LDSSs and VAs must make reasonable efforts to locate these resources with what information they have. There may be cases where, based on the limited information they have, the agency is not reasonably able to identify the applicable agency or adoptive family.

Published: February 22, 2016

Question 2- Is there a central registry where agencies can find adopted siblings?

Answer 2- There is no central registry that agencies can contact.

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Question 3- Are agencies required to contact the Office of Court Administration (OCA) to access court records on siblings who have been adopted?

Answer 3- No.

Published: February 22, 2016

Question 4- Do you have suggestions for tracking other children of the child's father?

Answer 4- When searching for any adopted sibling(s) of a child who has come into foster care, the agency's first source of information should be the parent's prior case record in CONNECTIONS. The second source is the information gathered in the course of the child welfare case involving the child who is entering foster care. The family history and whether the child has sibling(s) is standard information collected in a child welfare case. Depending on what the agency is told regarding the family history and whether there are siblings, notification of the adoptive parent(s) may be appropriate and necessary. All steps taken to locate the adopted sibling(s) must be documented in the case record.

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Question 5- Do you have suggestions for tracking siblings whose adoption was finalized through another LDSS or New York State VA, or if the adoption was through an out of state and/or private adoption agency?

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Answer 5- If the agency finds out that a sibling has been adopted through another LDSS or New York State VA, or that it was done out of state and/or privately, the agency may first contact the adoptive agency involved in the prior finalized adoption to inform it that a sibling of the adopted child is coming into foster care. Without going into detail on the circumstances of placement because of the need to maintain confidentiality, the agency can ask the adoptive agency whether the adoptive parent(s) have expressed an interest in caring for sibling(s) of the adopted child. It is also appropriate for an agency to ask the agency involved in the prior finalization to reach out to the adoptive parent(s) to ask that they contact the placing agency. All steps taken to locate the adopted sibling(s) must be documented in the child's case record.

Published: February 22, 2016

Question 6- Once the information about adopted siblings is located and provided to the placing worker (most often CPS), that information becomes part of the official record and is subject to discovery, including the respondent's attorney. A significant number of adoptive families go to great pains not to release their addresses to certain birth families. How should that situation be managed?

Answer 6- Agencies may have to request a protective order from the court in some discovery matters and/or may need to take steps to redact the names and addresses of the adoptive parent and adopted child, as agencies already do in regard to persons who cooperated in a child protective investigation in accordance with Social Services Law (SSL) § 422(7).

Published: February 22, 2016

Question 7- The model letter attached to the policy includes the name of the child being removed. If the child was adopted, which name should be used – birth or adoptive?

Answer 7- Agencies should use the current name of the child at the time of his or her removal from the home. Potential relative resources can reach out to the LDSS worker if they have a question regarding the child's name.

Published: February 22, 2016

Question 8- Does the change in the definition of "sibling" at the federal level change the requirements of sibling visits between children freed for adoption, and does CONNECTIONS support this change (meaning do the children still show up as siblings after termination of parental rights)?

Answer 8- The term "sibling" would include a sibling who would have satisfied the State definition of a sibling but for a disruption in parental rights, such as a termination of parental rights, therefore the requirements of sibling visits between freed children does not change. CONNECTIONS will not be changed to identify siblings post-termination/ surrender.

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Question 9- If a custodial parent of a sibling has been located and expresses interest in taking custody of the child in foster care, is he/she eligible to become an approved (kinship) or certified foster parent of the foster child?

Answer 9- If the custodial parent of the sibling is either the parent, stepparent or legal guardian of the child in foster care, the answer is no. Otherwise, relatives within the second or third degree of the parent(s) or stepparent(s) of the foster child are eligible to become approved foster parents. Relatives not within the second or third degree of the parent(s) or stepparent(s) of the foster child or persons not related to the parent(s) or stepparent(s) of the foster child may be eligible to become a certified emergency foster home since they would be non-relatives with a significant prior relationship with the child's family.

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[Continuation of the Kinship Guardianship Assistance Program \(KinGAP\) to a Successor Guardian \(15-OCFS-ADM-15\):](#)

Question 1- Will all family members who agree to be kinship guardians be required to name a successor guardian?

Answer 1- No, a relative guardian is not mandated to select a successor guardian.

Published: *October 2015*

Question 2- The named successor's roles and responsibilities when the guardian dies are clear, but if the guardian is no longer deemed incapacitated by medical professionals, what are his/her rights if the named successor refuses to relinquish custody?

Answer 2- If a relative guardian is no longer incapacitated and is still the legal guardian of the child, and the successor guardian refuses to relinquish custody, the remedy for the relative guardian is to go to court for custody of the child.

Published: *October 2015*

Question 3- Can a successor guardian who gains guardianship through the death of a relative guardian name a successor?

Answer 3- Absent Federal guidance to the contrary, a successor guardian may not name a successor guardian.

Published: *October 2015*

Question 4- Our understanding is that OCFS agrees that all kinship guardians are entitled to name a successor guardian regardless of when their agreement was signed. Therefore, all kinship guardians have the right to name a successor even if their guardianship was finalized before the new law regarding successor rights was passed. Additionally, OCFS is supportive of notifying kinship guardians of their right to name a successor guardian through the yearly certification forms. Is this correct?

Answer 4- Yes- all kinship guardians, regardless of when they completed and signed the *Kinship Guardianship Assistance Program and Non-Recurring Guardianship Expenses Agreement (OCFS-4431)*, are entitled to name a prospective successor guardian who may receive a transfer of the Kinship Guardianship Assistance Program (KinGAP) payments if the original relative guardian dies or is incapacitated, the successor is named guardian by the court, and he or she is approved after the required clearances have been conducted. Though entitled to do so, relative guardians are not required to do so.

Published: *October 2015*

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Question 5- Can an amendment to the kinship guardianship agreement be used to name the prospective successor guardian even if the kinship guardianship agreement has not been finalized in court?

Answer 5- Yes, the prospective successor guardian can be named in either the KinGAP Agreement or in an amendment to the Agreement. We understand that LDSSs may have a number of prospective relative guardians who have been approved and completed their Agreement, but have not yet been appointed guardian and have provided flexibility that an amendment may also be used after the completion and signing of an Agreement but prior to the finalization of guardianship.

Published: October 2015

Question 6- Does the LDSS need to do any front-end clearances on the prospective successor guardian or need to determine the appropriateness of the named successor guardian at the time he/she is named? If the LDSS happens to have information that deems the prospective successor guardian inappropriate, can the LDSS deny that person? Is the only time that the LDSS is required to run clearances when the successor notifies the LDSS that they wish to become the successor guardian after the relative dies or is incapacitated? Is OCFS requiring a home study or a home visit to the successor guardian?

Answer 6- There is no requirement or authority that clearances or other front-end appropriateness checks occur at the time the person is named as a prospective successor guardian, though if the district has information that is concerning that may deem a prospective successor guardian as inappropriate, it may refuse to sign the KinGAP Agreement. If this occurs there are fair hearings rights. The requirement to clear the prospective successor guardian (and all adult household members) occurs if the prospective successor guardian notifies the district of the death or incapacitation of the relative guardian and applies for a transfer of the KinGAP payments. Other than the criminal and child abuse/maltreatment checks and confirmation that the prospective successor guardian has obtained guardianship, there are no other required actions that a district must make to approve a prospective successor guardian, though a district may choose to complete a home study, home visit or some other action before approving if they so choose.

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[Requirements to Identify, Document, Report, and Provide Services to Child Sex Trafficking Victims \(15-OCFS-ADM-16\):](#)

Question 1- If, during a child protective services (CPS) investigation, a subsequent report comes in and is added to the existing CPS investigation case, would a screening also be needed for the subsequent report?

Answer 1- The legal response is no, an additional screening does not have to take place with a subsequent report being added to an already open case, though if new information was learned from the subsequent CPS report that raises possible sex trafficking concerns, the child should be re-screened. For CONNECTIONS, it would depend on the dates of the corresponding Intakes – it's not an 'always' or 'never' response. There has to be a screening with a date of completion greater than the intake date for the investigative stage (INV) that is being submitted.

Published: October 2015

Question 2- If CPS is investigating a case that is open for preventive services or foster care, would CPS still need to screen it in their case or could they just document that there is an ongoing case that is tracking it?

Answer 2- When there is a case (preventive services or foster care) and an investigation case is opened on this pre-existing case, the screening must occur at some point during the new investigation (but it could be completed by either worker- foster care or investigative). That screening completed during the INV could count towards the next Family Assessment and Service Plan (FASP) due date screening, and then of course once the INV case is closed, the case would loop back into the FASP due dates on the ongoing case.

Published: October 2015

Question 3- For the counties who do not have the Safe Harbour project, who are the Human Trafficking Liaisons?

Answer 3- The Office of Temporary and Disability Assistance (OTDA) maintains this list and it changes periodically as people change job functions. Many of the counties should already know who their liaison is, but if they do not, they can reach out to Lynn Baniak (518-474-9435) of OCFS to obtain the contact in their county.

Published: October 2015

Question 4- At what age does the local department of social services (LDSS) or voluntary authorized agency (VA) have to ask children the questions on *The Rapid Indicator Tool to Identify Children Who May Be Sex Trafficking Victims or At Risk of Being a Sex Trafficking Victim (OCFS-3921)*?

Answer 4- Federal law requires that all children in the care, custody or supervision of an LDSS or the Office of Children and Family Services (OCFS) be screened if there is reasonable cause to believe the child is a victim or is at risk of being a sex trafficking victim. There is no minimum age provided in the federal law for this screening. In order to determine if a child is a potential victim or at risk and needs to be further screened, an LDSS or VA must have criteria to make this determination. The OCFS-3921 form is to be used to make this determination, however, LDSSs and VAs should not be asking children the questions in this tool, rather the tool is

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completed based on the information that the worker already knows about the child based on the information obtained through the investigation (CPS) and/or on-going casework contacts (CPS, Family Assessment Response (FAR), preventive services, foster care).

Published: *October 2015*

Question 5- *In The Rapid Indicator Tool to Identify Children Who May Be Sex Trafficking Victims or At Risk of Being a Sex Trafficking Victim (OCFS-3921), when it says, "any episodes of child homelessness", does it mean homeless youth or family homelessness?*

Answer 5- We are asking about episodes where the child has been homeless on his or her own and not family homelessness.

Published: *October 2015*

Question 6- *For the law enforcement report made via the Law Enforcement Report of a Child Sex Trafficking Victim (OCFS-3922) form, what happens after the form is faxed in to NYPD (NYC) or NYSIC (ROS)? Do they get routed to the local law enforcement?*

Answer 6- Generally speaking, law enforcement reviews the information reported on the form and will request more information if necessary. Once all the information is gathered, NYSIC or NYPD will assign the matter either locally or within the state. After such assignment the worker should be contacted by law enforcement.

Published: *October 2015*

Question 7- *Are the requirements of 15-OCFS-ADM-16 applicable to Committee on Special Education (CSE) placed youth in a voluntary agency?*

Answer 7- Youth who are CSE placed and not in the care and custody of OCFS or LDSS are not covered under the requirements in 15-OCFS-ADM-16.

Published: *October 2015*

Question 8- *Can Safe Harbour project partner agency (non-LDSS or VA) staff complete the comprehensive screening and then forward results to the LDSS? Also, if a Safe Harbour partner completes the comprehensive screening can they then also forward the Law Enforcement Report of a Child Sex Trafficking Victim (OCFS-3922) to NYPD (NYC) or NYSIC (ROS)?*

Answer 8- The LDSS could work with a non-LDSS Safe Harbour project partner agency to do the comprehensive screening, especially since in many cases they would have more expertise in completing the screening. This can either be done in partnership or the LDSS could contract with the Safe Harbour partner agency to complete the screening. The Safe Harbour partner contract agency would have access to the confidential information per their contract. If the child is determined to be a sex trafficking victim, the Law Enforcement Report of a Child Sex Trafficking Victim (OCFS-3922) must be completed and faxed to NYPD (NYC) or NYSIC (ROS) by either the LDSS or VA caseworker.

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Question 9- This question was submitted to the federal Administration for Children and Families (ACF) and the response is provided by them as well: “May a title IV-E agency claim title IV-E foster care administrative costs for the identification of sex trafficking and for associated case management as administration in accordance with sections 471(a)(9) and (34) of the Social Security Act (Act)?”

Answer 9- From the Federal Child Welfare Policy Manual: “Yes. Allowable costs for title IV-E administration under sections 471(a)(9) and (34) of the Act may be claimed on behalf of any child or youth in the placement, care or supervision of the title IV-E agency who is at-risk of becoming a sex trafficking victim or who is determined as a sex trafficking victim in accordance with section 471(a)(9) of the Act. This includes those individuals not removed from home; those who have run away from foster care and are under age 18 or such higher age elected under section 475(8) of the Act; and youth not in foster care who are receiving services under the Chafee Foster Care Independence Program (CFCIP), and at the option of the agency, youth under age 26 who were or were never in foster care. In general, the title IV-E administrative costs that are allowable for this population of children and youth to implement these provisions are those necessary for the title IV-E agency to administer the title IV-E plan requirements in sections 471(a)(9) and 471(a)(34) of the Act. This consists of the following activities (or those closely related) that are title IV-E allowable as administration related to victims of sex trafficking beginning in federal fiscal year (FFY) 2015:

- Developing and implementing policies and procedures to identify, document in agency records, and determine appropriate services for victims of sex trafficking;
- Conducting human trafficking screenings and documenting victims of sex trafficking in agency files;
- Determining appropriate services for individuals identified as such victims, including referrals to services; and
- Completing reports required for law enforcement and ACF of children or youth who the agency identifies as being a sex trafficking victim.

Title IV-E agencies may also claim allowable title IV-E administrative costs on behalf of any child missing from foster care for the purpose of administering section 471(a)(35) of the Act. This would include developing and implementing protocols to locate and assess children missing from foster care, including screening the child to identify if the child is a possible sex trafficking victim.

Since the title IV-E agency is not limited to performing the activities described above on behalf of individuals meeting title IV-E eligibility requirements, there is no need to apply a title IV-E foster care participation rate in allocating allowable administrative costs to the title IV-E foster care program.

Title IV-E funding may not be claimed for the costs of conducting investigations of allegations of sex trafficking or other forms of child abuse or neglect or for providing social services, such as counseling or treatment, to victims of sex trafficking or other children or youth.”

Published: October 2015

Question 10- To the best of our understanding, which children should have the screening? Is there an age range?

Answer 10- The federal law does not provide an age range, other than that it would apply to youth who are up to the age of majority for the state. States need to determine if there is reasonable belief that a child in the care, custody or supervision of an LDSS or OCFS who is in

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IV-E reimbursable placement is a victim or at risk, and if so, must screen that child for sex trafficking. These include children and youth who are:

- In foster care placements;
- Adjudicated as Persons in Need of Supervision (PINS) LDSS cases;
- Adjudicated as a Juvenile Delinquents (JD) LDSS cases;
- Child preventive services cases;
- Child protective cases, including Family Assessment Response (FAR) cases;
- Children who have run away from foster care but are not yet 21 years of age;
- Children who are receiving Chafee Services (including those not in foster care); and
- Some juvenile justice placements.

Published: October 2015

Question 11- What about the preventive services agencies? Do they screen all children? What about babies?

Answer 11- Yes, a child in an open preventive services case must be screened if it is determined there is a reasonable cause to believe he or she is a sex trafficking victim or is at risk of being a victim. In order to make this determination we have provided a tool for workers to document this decision. *The Rapid Indicator Tool to Identify Children Who May Be Sex Trafficking Victims or At Risk of Being a Sex Trafficking Victim (OCFS-3921)* is to be used for that purpose. We cannot make assumptions about ages when it comes to potential trafficking, so the decision about whether the child may be a victim or at risk made via the *Rapid Indicator Tool to Identify Children Who May Be Sex Trafficking Victims or At Risk of Being a Sex Trafficking Victim (OCFS-3921)* must be made and documented for children who are in the care, custody, or supervision of the LDSS or OCFS, regardless of age.

Published: October 2015

Question 12- What about households with multiple families living in the same space where only one of whom is requesting preventive services?

Answer 12- The screening must be completed on those children that are a part of the open preventive case. It would not be completed on those children not in an open case.

Published: October 2015

Question 13- What about the New York City Advocates Preventive-Only (ADVPO) cases? Would the screening for ADVPO cases be documented online or offline?

Answer 13- ADVPO cases are a type of open preventive services case, so those children would fall under the sex trafficking screening requirements. For those cases in New York City where the case is preventive only, documentation is made off line. If the case has been transferred to Child Protective Services or foster care, consistent with the terms of the Advocates settlement agreement, documentation of the screening is to be recorded in CONNECTIONS.

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Question 14- Are children in detention included in the population for the sex trafficking identification and response requirements?

Answer 14- Children in pre-disposition detention (not in LDSS legal custody) are not a part of the population that the sex trafficking requirements address. In order to fall under the sex trafficking requirements of the Act, the child needs to be in the care, custody, or supervision of an LDSS or OCFS.

Children who are post-adjudication and in the legal custody of the LDSS but placed in a detention setting while awaiting further placement would be covered under the sex trafficking screening and response requirements on the basis of being a foster child.

Published: April 2016

Question 15- Do workers meet with the child to go over questions on the *Rapid Indicator Tool to Identify Children Who May Be Sex Trafficking Victims or At Risk of Being a Sex Trafficking Victim (OCFS-3921)* and the *Child Sex Trafficking Indicators Tool (OCFS-3920)*?

Answer 15- No, workers do not meet with the child and use the list of indicators to ask children questions about his/her experience with them. The tools were designed to be completed based on the information that the worker has already gathered on the case. Workers should not be administering the tools as if they were screening questions.

Published: April 2016

Question 16- Sometimes information on the sex trafficking of the child, or on the indicators suggesting potential trafficking or risk of trafficking, may be given to workers by someone else like a therapist or friend but the child denies it. What happens when this occurs?

Answer 16- If the worker has a reasonable cause to believe that the child has been victimized due to the information that the therapist, friend or other source provided, the worker should complete the screening tools based on that information and use the information to see if there are additional indicators. If the person reporting the information to the worker is reporting something that the child disclosed to the person, or the person has some other proof that sex trafficking occurred, the worker would complete the *Child Sex Trafficking Indicators Tool (OCFS-3920)* and mark off the applicable indicators indicating that the child is a victim.

Published: April 2016

Question 17- Do children in the Bridges to Health Program, Reinvesting in Youth Program, and/or Division of Criminal Justice Services cases fall under the sex trafficking identification and response requirements from the Act?

Answer 17- The population that the requirements pertain to are children in the care, custody or supervision of an LDSS or OCFS, so only if a child in one of these programs is also in the care, custody or supervision of an LDSS or OCFS, the requirements would be applicable.

Published: April 2016

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Question 18 - If probation officer is involved in a youth's case and is aware of the sex trafficking case, does probation's involvement negate the need for the law enforcement notification required when a child is identified as a sex trafficking victim?

Answer 18 – No, A probation officer being involved in a trafficking case will not count as the law enforcement report that is required to be made when a child has been identified as a sex trafficking victim. Probation officers do not investigate crimes, which is intent behind the reporting requirement. However, it is recommended that the worker put a note on the *Law Enforcement Report of a Child Sex Trafficking Victim* (OCFS-3922) form indicating that probation is involved and adding the officer's name.

Published: April 2016

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[Bill of Rights for Children and Youth in Foster Care \(15-OCFS-ADM-18\):](#)

Question 1- Are LDSSs and VAs required to provide the Bill of Rights to children on trial discharge?

Answer 1- The Bill of Rights must be provided to youth age 14 and older who are in foster care. A youth on trial discharge is still considered to be in foster care, so yes they must also receive the Bill of Rights.

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[Case Planning for Youth in Foster Care 14 Years of Age or Older \(15-OCFS-ADM-22\):](#)

Question 1- Can a LDSS or VA impose a minimum age requirement for the two individuals chosen by the youth to be part of his or her case planning team?

Answer 1-No. LDSSs or VAs cannot impose a minimum age requirement for the two individuals.

Published: February 22, 2016

Question 2- If the individual that the youth chooses to serve on his or her case planning team is a minor, is the LDSS or VA expected to reach out to that individual's parent to obtain permission for the minor to attend the service planning meetings and be involved in service planning for the youth in foster care?

Answer 2- If the individual(s) whom the youth has chosen are under the age of 18, and the case manager makes the determination that the minor individual(s) may join the case planning team, the worker can speak to the parent(s)/guardian(s) of the minor individual(s) whom the youth has chosen in order to inform the parent/guardian of the minor individual's invitation to be part of the case planning team. When doing so, the worker can identify the purpose of the case planning meeting, who will be present, what the individual(s) role is in the meeting, and the logistics of the meeting, but not case specifics of the youth in foster care or family in question.

Published: February 22, 2016

Question 3- Does the parent of the youth in care have the right to refuse to have the individuals chosen by the youth participate in case planning present when discussing their own confidential information?

Answer 3-No.

Published: February 22, 2016

Question 4- Are LDSS and VAs required to use a confidentiality agreement during case planning meetings?

Answer 4- LDSSs and VAs are not required to use a confidentiality agreement during case planning meetings, but can if they choose to.

Published: February 22, 2016

Question 5- Can parents of a Person in Need of Supervision (PINS)/ Juvenile Delinquent (JD) youth refuse to allow the individuals chosen by the youth to be a member of the case planning team?

Answer 5- No.

Published: February 22, 2016

Question 6- In 15-OCFS-ADM-22 it states "A portion of the case plan for youth age 14 and older, regardless of the permanency planning goal (PPG), must focus on the identification of programs and services that can assist youth in their transition to

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adulthood and the case plan must include a written description of what programs and services are identified.” If our foster parents are providing this knowledge base to our youth (for instance – teaching youth how to do laundry, creating a bank account, budgeting, grocery shopping, etc.) does this count as a service? Or is this stating that we must provide youth with a program outside of the foster home?

Answer 6- Skills that are being provided to the youth in the foster home do count and must be recorded in the written description. It is the agency’s obligation to verify that these skills are being provided in the foster home. Per 18 NYCRR 430.12(f)(2)(i)(a), youth with Another Planned Permanent Living Arrangement (APPLA) goals or deemed to have APPLA goals must be provided with these skills, and in addition to these skills, at least two days/year of formalized group instruction in independent living skills.

Published: February 22, 2016

Question 7- In 15-OCFS-ADM-22 it states “...mandating that all youth in foster care 14 years of age or older be consulted in the development of the family assessment service plan (FASP) and any amendments made to the FASP, participate in the case consultation, and that the youth is encouraged to participate in the SPR.” Does this mean the FASP should be completed with the youth? In other words when a Case Planner is writing the FASP, should the youth help write the FASP with them? Or does this mean we are getting feedback from the youth about his/her permanency planning/service planning?

Answer 7- The youth must be consulted in the development of the FASP and the worker must incorporate the youth’s appropriate feedback into the FASP.

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[Protocols and Procedures for Locating and Responding to Children and Youth Missing from Foster Care and Non-Foster Care \(16-OCFS-ADM-09\):](#)

Implementation call for Preventing Sex Trafficking and Strengthening Families Act:
11/14/16

Question 1- Where do you indicate in the record that a youth is out of program rather than AWOL?

Answer 1- Agency staff should record this in progress notes in CONNECTIONS.

Published: November 29, 2016

Question 2- Do you have to do screen for sex trafficking using the Rapid Indicator Tool (RIT) if the youth is out of program and not missing from care?

Answer 2- No. Regulation requires screening using the Rapid Indicator Tool only when a youth has been determined to have been absent without consent or missing. However, if the child's circumstances have changed while the child was out of program, then a quick screening utilizing the RIT may be appropriate.

Published: November 29, 2016

Question 3- If a youth who has been reported as missing to law enforcement and NCMEC is discharged from a voluntary agency because the absence is in excess of 6 days, how should that information be communicated to law enforcement if they contact the agency for follow-up information?

Answer 3- It is important to remember that a youth in foster care continues to be in the care and custody of the commissioner of a local department of social services even if that youth has been discharged from a particular placement. Federal law requires that all youth in foster care have a case in an active status with law enforcement and NCMEC.

The agency should inform law enforcement that the youth is no longer in that agency's program and that the point of contact for that youth is now the local department of social services. It is important that the case continues to be investigated.

Published: November 29, 2016

Question 4- What is a realistic expectation of communication back from New York State Police (NYSP) once an LEN has been done?

Answer 4- New York State Police have no legal obligation to update the reporter on the status of any referrals.

Published: November 29, 2016