

# DISAPPEARING AND DYING:

Why 20,000 kids disappear from foster care every year and how to end this crisis.

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## EXECUTIVE SUMMARY

Anaiah Walker was 15 when she went missing from Arizona's foster care system in December 2019. Five months later, her body – shoeless and disfigured – was found discarded on the median of a freeway.<sup>1</sup> It took the police 12 days to identify the child.

Anaiah was one of the estimated 20,000 children who go missing from the child protection system every year. State agencies weren't required to report missing foster children to law enforcement until 2014. Since then, reports of children missing from care have more than doubled.<sup>2</sup> Protocols and best practices for the search and recovery of missing foster children are scarce, and laws outlining search requirements are virtually nonexistent.

Traffickers know that children without stable families are easy prey. Research overwhelmingly shows that most sexually trafficked children are from foster care.<sup>3</sup> Some children, like Anaiah, are found dead. Some are never found.

***"No one looks for us. I really want to make this clear. No one looks for us."***

- T. Ortiz Walker Pettigrew <sup>4</sup>



# THREE KEY TAKEAWAYS

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In the past 20 years, the cases of over 100,000 missing foster children were closed before the children were located.<sup>5</sup> Some cases were closed as quickly as six months and on children as young as 9 years old.

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An unknown number – but easily in the thousands upon thousands – of kids who disappear from care are trafficked.

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Children who have been recovered from sex trafficking report that they are given a quota of up to 15 buyers per night. This means a sex-trafficking victim may be raped thousands of times a year.<sup>6</sup>

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On an average day, 55 children will disappear from the U.S. foster care system – the very system charged with keeping abused children safe. The state should make every effort to keep foster children safe and, when a child goes missing, spare no effort in finding him or her.





A dozen recommendations, if enacted by legislators, would reduce the number of foster children who go missing and make it more likely that those who disappear will be rescued.

### CRITICAL REFORMS INCLUDE:

- Educate foster children about sex trafficking and related dangers.
- Give teens a reason to stay safe and in school by establishing a personal Foster Care Trust for each teen.
- Appoint an attorney for every kid in state care.
- Require photo identification cards for foster children.
- Require searches for missing children and keep court cases open.
- Utilize 21st century technology and the private sector.
- Provide law enforcement with the resources to conduct full-fledged searches for missing children.
- Amend state confidentiality laws to allow disclosure of information about missing children.



## ALICIA AND CLAUDIA: A STUDY IN CONTRASTS

### ALICIA

Alicia Kozakiewicz was a typical 13-year-old who lived with her loving family in a safe Pennsylvania suburb.<sup>7</sup> Alicia met a new friend, a teenage boy, in an online chat room and agreed to meet him. After dinner one night, she quietly left her house and walked down the street to their arranged meeting place.

Alicia's "new friend" turned out to be a 38-year-old child predator who kidnapped Alicia from her safe neighborhood. He drove her to a basement torture chamber in another state, where he stripped, chained, beat and raped her for days while streaming the abuse online.

It is a horrific story. But it ends with Alicia's rescue.

Alicia's family turned the world upside down to find her. Not a single second was lost. Due to the family's diligence, police immediately launched a search. Digital footprints were traced. A recent photograph of Alicia was plastered on walls, bulletin boards, and on television. Alicia was ultimately recovered by the FBI.

As with most recovered children, someone recognizing her photograph helped save Alicia's life.

Alicia was not in the foster system. Claudia was. And that makes all the difference.

*Claudia disappeared from foster care in November 2020. There wasn't even a photograph of her to provide to law enforcement.*

### CLAUDIA

Claudia,<sup>8</sup> a teenager in Arizona's foster system, disappeared from care in November 2020.

Unlike Alicia, there have been no posters, no searches, and no FBI involvement. There is not even a photograph to assist law enforcement in finding her. State law prevents anyone who receives information about a foster child from disclosing the information, thus even her real name can't be shared.<sup>9</sup>

This is the information available online to locate Claudia (redaction ours). It could describe thousands of girls.


**MISSING JUVENILE**

Name:	[REDACTED]		
Age:	17 (Last Seen) 17 (Now)		
Sex:	Female	Race:	White
Hair:	Brown	Eyes:	Brown
Height:	Brown	Weight:	180 lbs.
Missing Since:	11/01/2020		


NO IMAGE AVAILABLE

**Details**

If you have information about this missing juvenile, please contact:  
**PHOENIX POLICE DEPARTMENT**  
(602) 262-6657



Arizona Department of Public Safety  
Missing and Exploited Children's Clearinghouse  
(602) 644-8885 Local  
877-254-YEAGZ Toll Free  
<http://azdps.gov> <http://azdps.gov>



With no families to lead the search, no photos to broadcast, and laws that prevent transparency about the details of a youth's identity and disappearance, Claudia and tens of thousands of other missing foster children remain just that - missing.



*For a state's search and rescue protocol to be effective, **confidentiality laws must be amended** to allow immediate disclosure of identifying information.*

Federal law requires child welfare agencies to report missing foster youth to law enforcement for entry into the National Crime Information Center (NCIC) and, separately, to the National Center for Missing & Exploited Children (NCMEC) within 24 hours.<sup>10</sup> Many states fail to meet even this bare minimum.

Shortcomings build from there. Federal law requires states to develop and implement specific protocols for locating missing foster children, but leaves it up to each state how to conduct searches.<sup>11</sup> Little guidance is available regarding best practices for these searches. Most states ask caseworkers to lead searches on top of their other responsibilities, instead of giving that duty to law enforcement.

States hamper searches before they begin by forbidding disclosure of any information that would identify a missing child as a foster youth. Child welfare agencies are prohibited from disclosing details about the children in their care, missing or not. For a state's search and rescue protocol to be effective, confidentiality laws must be amended to allow immediate disclosure of identifying information, including photographs.

Additional reforms, such as creating ways to get more foster children into stable homes, providing mentoring and establishing trust funds, would prevent children from disappearing in the first place.



## RECOMMENDATIONS

If you're like us, you can still hardly believe what you're reading: *How could social services lose 20,000 children a year – and not look for them?*

A partial explanation is that many social service agencies historically have classified missing kids as “runaways.” Never mind that some missing kids are babies and toddlers.

Furthermore, the term implies that these children, despite being children, are at fault for their circumstances or in some way responsible for the harm that has come to them, negating the need to search for them.

As an example, news reports used the word “kidnapped” about Alicia Kozakiewicz, the teenager who was lured from her family’s home by an online predator. But a foster child who walks out of a group home, lured by a predator in an identical manner, is termed a “runaway.”

While children do run from foster care, this in no way absolves the state of its responsibility to protect and find minors in its legal custody. Child protection agencies need to take all the actions a responsible parent would. Like Alicia, kids who leave their foster homes have no idea of the horrors that may lie ahead. They need to be rescued.

*How could social services **lose 20,000 children a year** – and not look for them?*



## 1. TRANSPARENCY

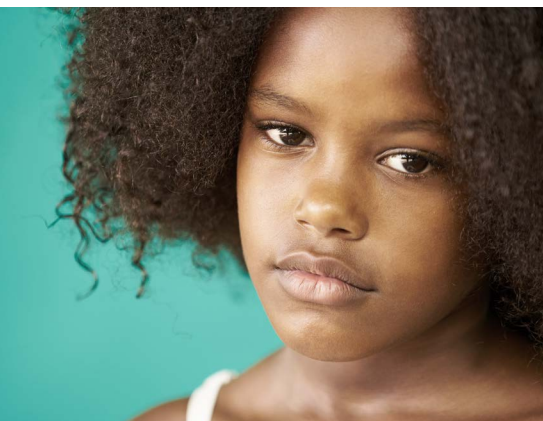
### REQUIRE COMPLETE REPORTING AND TRANSPARENCY ABOUT MISSING CHILDREN

Federal laws require states to report missing foster children to law enforcement and NCMEC, as well as track information about how and why the children went missing and whether the child was a victim of sex trafficking.<sup>12</sup> The NCMEC reports that states are not reporting all cases to it, leaving crucial information about these vulnerable children unexplored and unresolved.<sup>13</sup> In October 2020, the U.S. Department of Health and Human Services' inspector general announced an audit of states' efforts to locate children missing from care, with reports expected in 2021.<sup>14</sup>

It is vital that states clearly and transparently report missing children and publicly categorize them as such until they are found, and not just because it's the law. The state has a legal and moral responsibility to locate and safeguard children in its care until age 18.

In addition to the federal requirement that missing children be reported to law enforcement and NCMEC within 24 hours, state laws should require agencies to report all efforts made to search for missing children, to document which children have been found and which continue to be missing, and how many children are missing when they legally exit foster care at age 18. Transparent reporting protects children and allows lawmakers, children's advocates and the public to hold child protection agencies accountable.

*Laws should require states to **report all efforts made to search for missing children**, which children have been found and which continue to be missing.*





*Child welfare agencies and law enforcement **must be free to use all available methods** to search for missing foster children.*

### **AMEND CONFIDENTIALITY LAWS SO THEY DON'T HINDER SEARCHES**

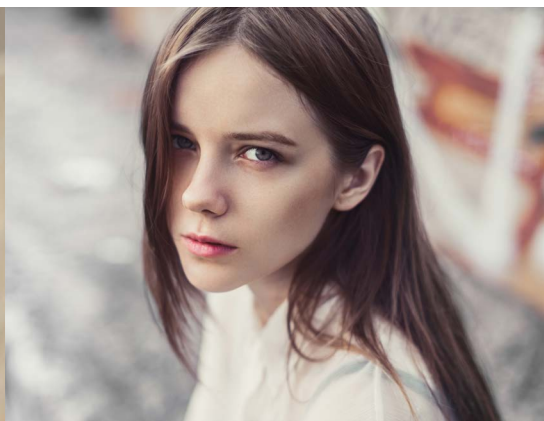
When Anaiah Walker's body was found on a Phoenix freeway, the child protection agency was asked what it had done to try to find her. Citing state confidentiality laws, the agency would not speak to Anaiah's case specifically, and instead, responded with general information about the agency's policy.<sup>15</sup>

We do not know whether this policy was followed.

Federal law requires states to keep child welfare information confidential "in order to protect the rights of the child and of the child's parents and guardians," but allows disclosure of information when it serves a legitimate state purpose.<sup>16</sup>

Locating missing children is surely a legitimate purpose, so state laws can be amended to ensure the most effective searches possible. When these laws are used to prevent examination of a foster child's death, such as Anaiah's, or to prevent the release of information that could help police and the public find a missing child, the intent of federal law is being thwarted.

State confidentiality laws should be amended to provide a clear exception allowing disclosure of information about a child in state care when that child is missing. Child welfare agencies and law enforcement agencies must be free to use all available methods to search for these children, including dissemination of photographs and other identifying details to the public.







*2/3 of victims of sex trafficking have a significant history of child abuse and involvement with the child protection system.*

## 2. PREVENTION

Two-thirds of victims of sex trafficking have a significant history of child abuse and involvement with the child protection system.<sup>17</sup> By definition, every child in foster care is at an increased risk of being trafficked.

At an even heightened risk of going missing and being victimized are children and youth in group homes, children who have been moved multiple times, foster children with intellectual disabilities, and children who have a history of running from their placement.<sup>18</sup> On the other hand, children living with licensed foster parents or relatives are less likely to go missing, as are children placed with their siblings.<sup>19</sup>

These statistics provide a clear need for more foster homes and stable relative placements.

### **PRIORITIZE SAFE PLACEMENTS BY FINDING RELATIVES QUICKLY**

Children who live with relatives, are placed with siblings, and those who live with foster parents (as opposed to group homes) are safer and less likely to go missing. Effective prevention strategies should prioritize these placements. Arizona and Georgia, as an example, require an immediate search for relative placements within 30 days of a child coming into care. As an oversight mechanism, the child welfare agency must file proof of these efforts with the court.<sup>20</sup>



## CREATIVELY RECRUIT MORE FOSTER PARENTS AND RETAIN MORE FOSTER FAMILIES

Older foster children who have experienced several placements are among the most likely to disappear from care.<sup>22</sup> Recruiting and retaining foster parents for older children is key to providing teenage foster children with a stable home.

### TWO POSSIBILITIES:

- Recruit empty-nesters and early retirees to foster teens. Older children often need the one-on-one attention that being an only child can provide and could thrive with the patience, authority, and stability of a home parented by older adults.<sup>23</sup> States can develop recruiting programs aimed at empty nesters and encourage licensing agencies to do the same.
- Allow licensing reciprocity between states. When licensed foster parents move to another state, they must begin the licensing process from scratch to continue fostering. As part of the effort to retain foster parents, states could offer reciprocity with other states, streamlining the process to retain as many available safe placements for children as possible.



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*“When I entered foster care at 13, I was told no one wanted teenagers. They were right. By 16, I was homeless, sleeping in bus stations and at the airport, forced to accept that **I was on my own in the world.**”*

– Quay Bowen<sup>21</sup>

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*State child welfare agencies have legally taken the responsibilities and functions of a parent. As such, they have an obligation to provide children in foster care with **appropriate education about trafficking and predatory behaviors.***

### **PAIR AT-RISK FOSTER CHILDREN WITH MENTORS**

All children at heightened risk – kids in group homes, with intellectual disabilities or who have moved multiple times in foster care – could be paired with screened, volunteer adult mentors who commit to being a long-term presence for a child in state care.

Placing these children in a stable home with foster parents isn't always possible, unfortunately. Children need an adult in their lives who they know cares about them. Research suggests that mentoring programs for teenagers in foster care can reduce incarceration and homelessness rates while improving educational and employment outcomes for these young adults.<sup>24</sup>

### **EDUCATE FOSTER CHILDREN ABOUT SEX TRAFFICKING AND RELATED DANGERS**

Most parents teach their children from very young ages about “stranger danger,” sexual predators, kidnappers, and other grave threats. State child welfare agencies are loco parentis, having taken the legal responsibility of the functions and responsibilities of a parent. They have an obligation to provide children in foster care with age and developmentally appropriate resources on these topics, including grooming and predatory behaviors.

Many non-profits, such as the McCain Institute and RAINN, offer countless free and effective resources toward this end. Children in state care also should be provided with emergency resources, such as the National Human Trafficking Hotline, that provides 24/7 confidential hotlines.





*Individual foster care accounts, in addition to reducing the desire for kids to run from the system, could include **incentives that encourage education, employment and other positive choices.***

### **GIVE TEENS A REASON TO STAY SAFE AND IN SCHOOL BY ESTABLISHING A FOSTER CARE TRUST**

While every child in foster care has a unique experience, common to many teens is a belief that they will never have a safe and stable place to live. That's why they run.

States can give these kids hope and a future to look forward to by creating individualized foster care trusts. Health, education, and welfare trusts have a strong history and legal pedigree that can inform the creation of trusts for this unique population. The trusts could be established for teens in care and accessed at age 18 or 21 for a variety of needs, including college, trade school, technical education or other means of learning life skills, a phone and computer, rent, or any number of needs a teenager forced to live on his own would have.

The trusts could include incentives to encourage positive choices in a tangible and meaningful way, such as bonus funds for academic performance, employment, staying clean, or any number of positive life steps.

These accounts, in addition to reducing the desire for kids to run from the system, would be life affirming for the estimated 20,000 children a year who age out of care without families. These kids statistically face dismal odds, including increased homelessness, incarceration and teen pregnancy.<sup>25</sup>

Funding could come from multiple public and private sources, including existing revenue streams for education and foster care. A philanthropic business or foundation could partner with the state to set up a pilot program.





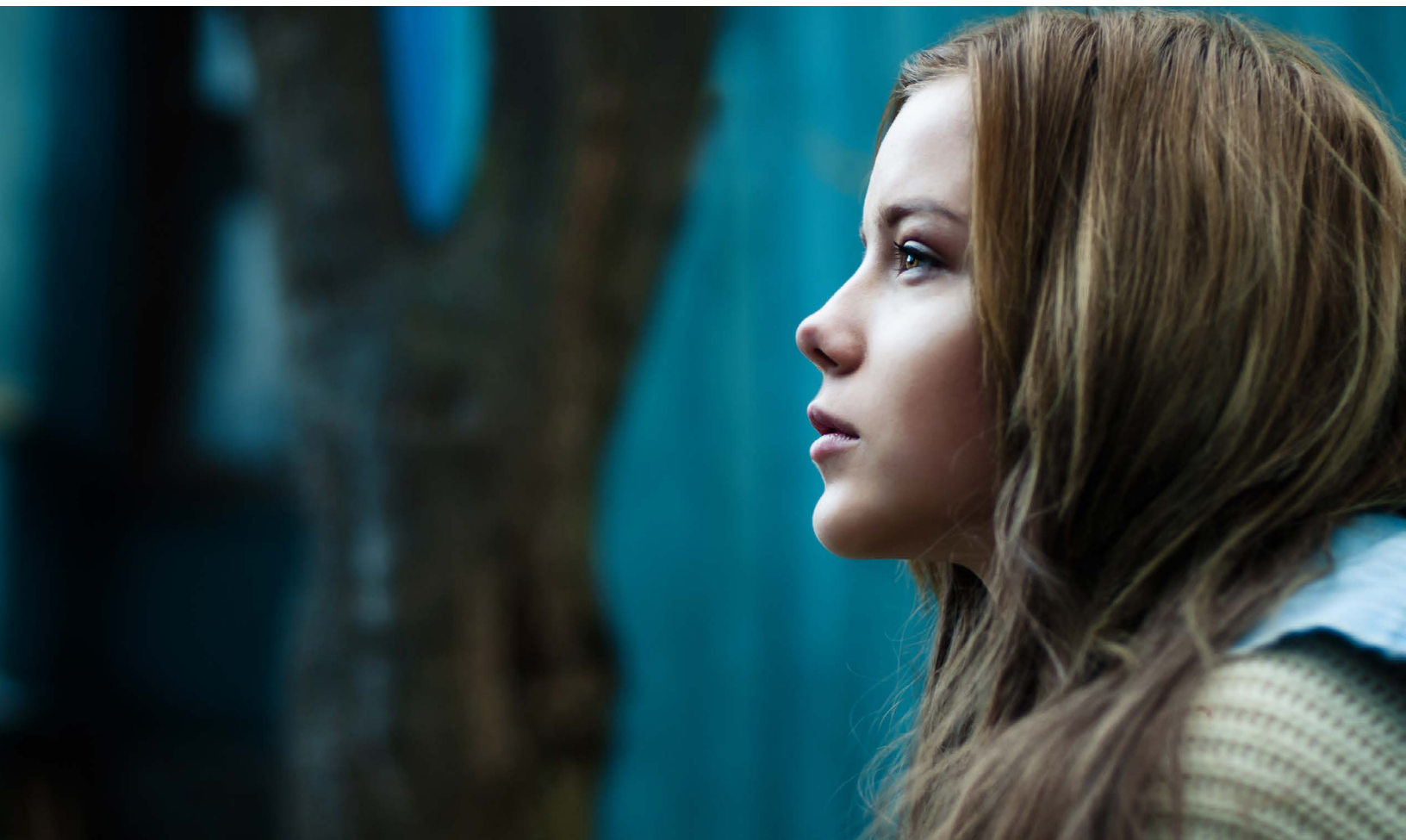
*Children with legal representation exit foster care and achieve permanency up to **3.5 times faster.***

### **APPOINT AN ATTORNEY FOR EVERY KID IN STATE CARE**

A dependency matter is a legal process, yet 34 states do not provide lawyers for the children who are the subjects of these cases.<sup>26</sup> Children with client-directed lawyers get out of the foster system and into permanent homes up to 3.5 times faster, at a cost savings to the state.<sup>27</sup>

Specific to children at risk of disappearing from care, attorneys ensure that a foster child has a strong voice in his or her court case, including placement issues, the need for additional services, and protection from abuse or neglect occurring to the child while in the foster system. Attorneys can address the myriad of issues that put children at risk of aging out, running, and being further victimized. They provide a crucial safety net of protection.

Further, if a child is missing, the attorney can ensure that all search and rescue operations are being conducted, that all leads are being followed, and that the child's case remains open.



### 3. SEARCH AND RESCUE

Federal law requires every state to “develop and implement specific protocols for expeditiously locating any child missing from foster care.”<sup>28</sup> The first priority must be compliance with this mandate in a manner that accurately identifies each and every foster child who goes missing, then requires an immediate and meaningful search.

#### REQUIRE PHOTO IDENTIFICATION CARDS FOR FOSTER CHILDREN

The single most helpful tool in recovering a missing child is a recent photograph, according to law enforcement.<sup>29</sup> Most parents carry a veritable photo album of their children on their smart phones, but children in foster care rarely have families to snap pictures, making recent photographs of these children scarce. Too often, when a child goes missing from foster care, there is “no image available.” This translates to little hope of being found.

A recent photograph is critical to locating a child. Legislation introduced in Arizona would waive the cost of state identification cards for all children in foster care and require these photo cards for every child in a group home – a simple, yet powerful update to state child welfare statutes.<sup>30</sup> If a child goes missing, the state identification card photo can easily and immediately be linked to national and local databases and missing person online indexes.

*The single most helpful tool in recovering a missing child is a recent photograph, according to law enforcement.*



## UTILIZE 21<sup>ST</sup> CENTURY TECHNOLOGY AND THE PRIVATE SECTOR

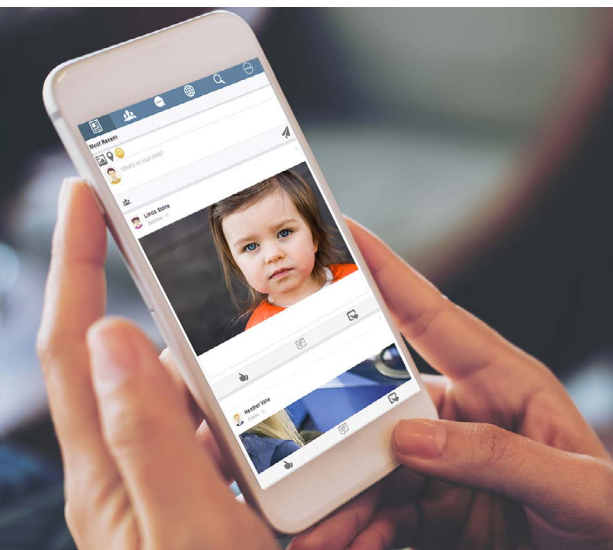
Seventy-five percent of child sex-trafficking survivors were sold online.<sup>31</sup> Predators use cutting-edge technology to exploit children while, in contrast, states' search efforts for missing foster children range from archaic to nonexistent. Basic online databases for missing children – the extent of the search efforts for many missing foster children – are slow, poorly organized and rely on out-of-date software.

Harnessing the power of social media, geotargeting, facial recognition and other state-of-the-art digital technologies will exponentially improve efforts to recover missing children. Lawmakers can forge partnerships with the private sector to utilize these capabilities to find the nation's missing children, as well as bring much-needed visibility and awareness to this nationwide crisis.

As an example, the BBC recently featured an Egyptian Facebook website that uses facial recognition technology to find missing, kidnapped and trafficked children.<sup>32</sup> Starting with a simple Facebook page in 2015, the page's founder posted pictures of lost children and their stories. The initiative has helped locate more than 2,500 missing people. In 2018, Facebook selected the platform as one of the top 115 most impactful initiatives on the platform. The grant money is allowing the initiative to expand its reach beyond Egypt. This concept can easily be applied to missing foster children.

In addition to social media, search engines have the capability to search every corner of the web for missing children who are being exploited. Traditional missing children posters can be placed in online advertising space. These technologies exist, have proven to be successful in bringing children to safety, and can easily be applied to the crisis in foster care.<sup>33</sup>

*Predators use cutting-edge technology to exploit children while, in contrast, digital efforts to locate missing foster children range from antiquated to non-existent.*





### **PROVIDE LAW ENFORCEMENT WITH THE RESOURCES TO CONDUCT FULL-FLEDGED SEARCHES FOR MISSING CHILDREN**

Child welfare agencies across the country have internal policies outlining the protocol caseworkers should follow when a child in state care goes missing. But caseworkers are not equipped to conduct missing persons searches, nor should they be. Parents don't lead the search for their missing children, so why should case workers? Searching for missing foster children and their criminal predators should primarily fall to trained law officers, as it does for all other children.

Lawmakers should convene a task force of law enforcement, child protection, the judiciary, and other experts in the field to develop a clear, comprehensive and meaningful protocol regarding the searches for missing foster children. Because these children were in the care and custody of the state when they disappeared, the state has a legal responsibility to find and save these children, including mandatory searches and providing adequate resources to law enforcement.

*On average,  
55 children go  
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*Since 2000, child welfare agencies across the country **closed the cases** of more than **110,000 missing foster children** when their whereabouts were still unknown, federal records show.*

## CONCLUSION

### KEEP COURT CASES OPEN

Since 2000, child welfare agencies across the country closed the cases of more than 110,000 missing foster children when their whereabouts were still unknown, federal records show.<sup>34</sup> Cases were closed on children missing for just six months and for children as young as 9 years old.<sup>35</sup>

This practice must end. A child's court case and file should remain open until they have a safe, permanent home, or reach the age of 18.

On average, 55 children go missing from foster care every day. Since 2000, more than 100,000 children have gone missing from care and their cases closed. Because these kids are in the care and custody of the state, the state has a responsibility to find these children. The aforementioned reforms will decrease the number of foster children who go missing, provide meaningful search and recovery efforts for those who do, and bring states into legal compliance.

For more information visit [genjustice.org](http://genjustice.org)

**JUSTICE CAN'T WAIT**





## END NOTES

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## ABOUT GEN JUSTICE

Gen Justice is an award-winning charity working to mend the broken child protection system through nonpartisan policy changes and a pro bono Children's Law Clinic. [genjustice.org](http://genjustice.org)

## ABOUT THE AUTHORS

### **DARCY OLSEN**

Darcy Olsen founded Gen Justice with a foster baby in her arms and a promise to improve the odds for children in foster care. An experienced public policy leader, Olsen spent twenty years working to strengthen constitutional rights for all Americans including the [Right To Try](#). But she considers the ten infants she fostered her most important work. After seeing the injustices facing abused kids, Olsen knew she needed to act. She founded Gen Justice in honor of her ten foster children, including "Baby A" who lived just 56 days. Darcy, a single mom, adopted her four children from foster care.

### **REBECCA MASTERSON**

Serving as Chief Counsel since the founding of Gen Justice, Rebecca Masterson has been the chief architect of multiple reforms that are improving the well-being of kids in foster care. She was on a litigation fast track and named a Super Lawyers Rising Star when she adopted her first son. She quickly realized the necessity parents of children with special education needs had for legal help and formed a boutique consulting and law practice to fill the gap. She met her oldest son when she went into court as his volunteer lawyer and came out the other side his adoptive mom. He had spent most of his childhood in foster care and is now proudly serving in the U.S. Army.