



# Child Abduction T.I.P.S. (Training, Information, Practices & Strategy)

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## Missing College Students in California

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California has always been ahead of the curve when it comes to protecting our missing children by having the most stringent laws in place to ensure that our local law enforcement agencies investigate these complicated cases by utilizing all available resources. Our state's college and university policies are no different.

Kristin Smart was last seen on May 25, 1996 around 2am after a party on campus at the California Polytechnic State University where she was a freshman. She was reported missing to University police on May 27<sup>th</sup>. Her family attempted to file a missing person report with the local law enforcement agency and were told it was "too soon". University police did begin to look into the case, however; the investigation wasn't turned over to the Sheriff's Department until June 26<sup>th</sup>. While Kristin's case remains unsolved, the changes implemented afterward are still protecting our students today. Best practices were not followed in the case which led to the Kristin Smart Campus Safety Act (1998) requiring all public college campus police to contact local law enforcement for any cases of violence or possible violence against a student, including missing students. This is not the first time, nor will it be the last time that a university's security, police department, and campus safety have come under fire.

On March 2, 1998, Suzanne Lyall was seen getting off of a bus on the campus of the State University of New York at Albany. Her family notified the campus police to officially report Suzanne as a missing person the next day but were told that brief absences were not uncommon for college students. Two more days passed before the campus police called the State Police for assistance. It wasn't until 2003, that a Federal law required other states to follow suit. Suzanne's Law was enacted, requiring police to notify the FBI's National Crime Information Center (NCIC) when someone between the ages of 18 and 21 is reported missing, and also directs police to file a report with the National Center for Missing & Exploited Children and to utilize their services. The Suzanne Lyall Campus Safety Act of 2008 (an amendment to the Higher Education Opportunity Act) requires colleges to have policies regarding what role each law enforcement entity plays in the investigation of a violent or potentially violent crime that occurs on campus, specifically to minimize delays during the initial stages of the investigation. California law has required that all local police and sheriffs' departments accept any report, by any party, of a missing person without delay so there was no need to change the penal code to adopt these new Federal guidelines. Additionally, all cases reported in California are automatically sent to NCIC.

Understanding that a missing college student may not be investigated the same way a missing child under the age of 10 is handled, I encourage every local law enforcement agency (and campus police department) to adopt the following policy to ensure the safety of our older children, "The University of California, Berkeley, Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise."

# Child Abduction and Dependency Court

By: Alyssa Skolnick

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What exactly is a child abduction that involves child protective services? Children that are victims of child abuse and neglect, or 300s as law enforcement often refers to them, are handled by child protective services and are involved in the dependency court. A dependency court is a court of reunification versus retribution. The goal of dependency court is to, whenever possible, reunify a child with their parents. This means that children have visitation with their parents, either monitored or unmonitored, and are sometimes placed with their parent while still under the supervision of the dependency court. A child abduction of a dependent child can occur during a visit or as most often happens, while a child is placed in the home of their parent. Just because the child is placed with their parent does not mean they are not at risk. Parents often reunite with the perpetrator when they take off with their child, they keep their children out of school, do not seek medical care, and move frequently to avoid detection. This places children at risk of abuse and neglect. If you are working on a child abduction that involves a dependent child, you should reach out to your local CPS. The social worker has a vast amount of knowledge about the child and their family, including contact information for relatives, schools attended, medical needs, and employment information of parents. Collaboration between law enforcement and the child protective service is key during a child abduction. It is common for social workers and law enforcement to be unsure of what information they can share with each other. Welfare and Institutions Code (or WIC) 827 allows for the free exchange of information between CPS and law enforcement. Think of yourself as players on the same team.

It is important to remember that as long as the dependency court maintains jurisdiction the parent cannot take off with the child, change addresses without informing the social worker or court, leave their county of origin, the state, or the country. If you are investigating a child abduction and locate a parent in another state with a child, that is not the end of your investigation. A dependent child is not located until they are returned to their jurisdiction of origin: meaning the county from which they were removed. Just seeing a child on Facebook or other social media posts does not mean they are recovered, safe, or no longer missing.

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