

## Intake: Establishing Authority to Intervene

Protocol – What you must do	Guidance – How you should do it
<p><b>Human Trafficking</b></p> <p>A child who is sold, traded or exchanged for sex or labor is an abused and neglected juvenile, regardless of the relationship between the victim and the perpetrator.</p> <p>When a reporter indicates, or suspects trafficking may be occurring, or the intake worker suspects trafficking may be occurring based on information received from the reporter, the intake worker must complete the Human Trafficking section of the Child Protective Services Structured Intake Report Form (DSS-1402).</p> <p>When the child’s parent, guardian, custodian or caretaker has not been identified as the perpetrator, the intake worker must engage the reporter in obtaining information about the parent’s:</p> <ul style="list-style-type: none"> <li>• Protective capacity;</li> <li>• Willingness to take protective action; and</li> <li>• Role in the trafficking.</li> </ul> <p>For additional information about Human Trafficking see Cross Function Section on Human Trafficking.</p>	<p>Perpetrators of trafficking may be family members or may pose as the child or youth’s parent, sibling, aunt, uncle, or significant other and their relationship to the child may be unclear – even to the reporter.</p> <p>Often persons who exploit children and youth through sex or labor trafficking make promises to children or to families that the child will have improved circumstances, have access to education or a job if the child moves from one place to another. Sometimes this involves moving from another country into the United States.</p> <p>If a child has moved from another country to the United States without a family member or is traveling with an adult to whom they are not related or with whom the relationship is unclear, it is possible that the child is being trafficked or is at risk of being trafficked. Intake workers should gather as much information as the reporter is able to provide concerning the child and the child’s circumstances, including:</p> <ul style="list-style-type: none"> <li>• Where they are traveling from;</li> <li>• Where they are traveling to;</li> <li>• Who (if anyone) they are traveling with and their relationship to this person;</li> <li>• The reason for coming to the United States, as provided by the child, the person with whom they are traveling or with whom they reside; and</li> <li>• Any other information the reporter can provide regarding their concern that the child is being trafficked or is at risk of being trafficked.</li> </ul> <p>Children who have run away from home, or whose parent or caretaker is absent, may be trafficked or at risk of being trafficked. The intake worker should engage the reporter to obtain information about:</p> <ul style="list-style-type: none"> <li>• Child’s circumstances and access to basic needs;</li> <li>• Who is providing for these needs – food, clothing, shelter, etc.;</li> <li>• Whether the child is exchanging sex acts to meet these needs; and</li> </ul>

## Intake: Establishing Authority to Intervene

<p><b>Determine if Juvenile Involved</b> County child welfare agencies must screen out any reports that do not involve a juvenile. See <u>definitions</u>.</p> <p><b>Does the Report Meet Abuse, Neglect, &amp;/or Dependency Definitions?</b> County child welfare agencies only have the authority to intervene when the allegations if true met the statutory definitions of abuse, neglect, and or dependency. See <u>definitions</u>.</p> <p><b>Is the Alleged Perpetrator a Parent, Guardian, Custodian or Caretaker?</b> Reports that do not involve the maltreatment of a child by a parent, guardian, custodian or caretaker must be screened out, except for those alleging human trafficking.</p>	<ul style="list-style-type: none"><li>• Names, aliases, physical description, and relationship to the child of anyone accompanying the child or youth who is suspected to be dependent or who has run away.</li></ul> <p>When appropriate, the county child welfare worker may provide the reporter with information and resources for human trafficking victims before a screening decision is made. Appropriate information and resources to the reporter may include, but is not limited to:</p> <ul style="list-style-type: none"><li>• National Human Trafficking Hotline Number (1-888-373-7888);</li><li>• Contact information for local agencies serving survivors of human trafficking; and</li><li>• Contact information for statewide agencies serving survivors of human trafficking.</li></ul> <p>A child who is a victim of human trafficking is an abused and neglected child, regardless of his or her relationship with the perpetrator. The Caretaker Definition Decision Tool in human trafficking cases does not apply. Please see Cross Function Topic: Human Trafficking.</p> <p>Caretaker has a legal definition that is separate from that of a parent, guardian or custodian.</p>
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## Intake: Determination of Response Approach

Protocol – What you must do	Guidance – How you should do it
<p><b>Determination of Response Approach</b></p> <p>INVESTIGATIVE ASSESSMENT APPROACH A response to reports of child abuse and selected reports of child neglect and dependency that is a formal information gathering process to determine whether a juvenile is abused, neglected, or dependent.</p> <p>The Investigative Assessment response is required for reports that include allegations that a juvenile may be a victim of human trafficking or whose parent, guardian, custodian, or caretaker.</p>	

## Intake: Reporter Notification

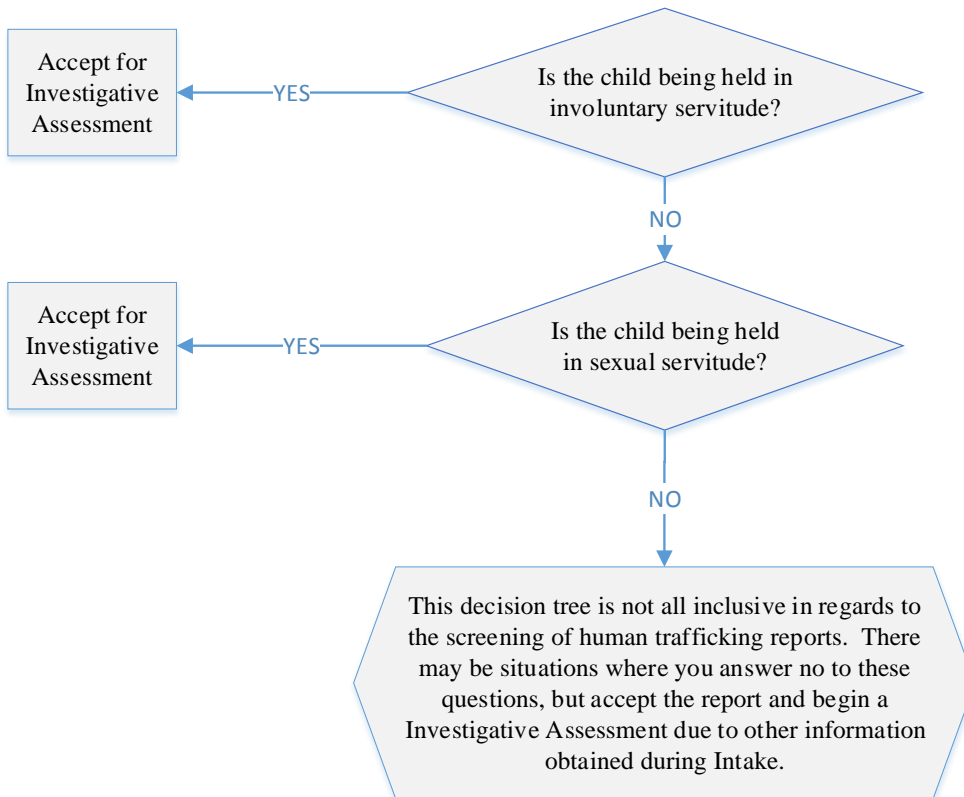
Protocol – What you must do	Guidance – How you should do it
<p><b>REPORTER NOTIFICATION</b></p> <p>For all CPS Intake reports, there must be documentation that:</p> <ol style="list-style-type: none"> <li>1. Written notice was sent to the person making the report within 5 business days after receipt of the report; or</li> <li>2. The person making the report waived their right to notice; or</li> <li>3. The person making the report refused to provide identifying information.</li> </ol> <p>The notice to the reporter must include:</p> <ol style="list-style-type: none"> <li>a) A statement about whether the report was or was not accepted for CPS Assessment based on statutory definitions, citing the relevant statutes. Providing a brief description regarding the type of CPS Assessment (Investigative or Family) is helpful for reporters.</li> <li>b) The date the report was made;</li> <li>c) The identity of the alleged victim child; for instance, if the reporter specifically identifies the name of a child use that name; however, if the name is unknown use the descriptor given by the reporter;</li> <li>d) Information regarding the process by which the reporter may obtain a review of the agency’s decision not to accept the report for CPS Assessment;</li> <li>e) A statement about whether the report was referred to the appropriate state or local law enforcement agency;</li> <li>f) The identity of the county responsible for conducting the CPS Assessment, if different than the county who received the Intake;</li> <li>g) Information and resources on human trafficking, if the report is screened out;</li> <li>h) A statement that encourages the reporter to contact the agency in the event that more information or concerns regarding the child or family surfaces; and</li> <li>i) The name and contact information for the assigned County child welfare worker, the supervisor, or other identified person.</li> </ol>	<p><b>REPORTER NOTIFICATION</b></p> <p>The requirement for written notification does not negate the child welfare agency’s ability to share the screening decision with the reporter through other means, prior to receipt of the 7-day letter, so long as the inquiry is an effort to provide protective services to the family. Examples of such situations include: a hospital social worker wanting to know the screening decision prior to child’s discharge; or a police officer who is waiting for a County child welfare worker to arrive on the scene.</p> <p>Appropriate information and resources to the reporter may include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• National Human Trafficking Hotline Number (1-888-373-7888);</li> <li>• Contact information for local agencies serving survivors of human trafficking; and,</li> <li>• Contact information for statewide agencies serving survivors of human trafficking.</li> </ul>

**Intake: Reporter Notification**

<p>If a reporter describes the exact, same allegations and incidents that are currently being assessed, the county child welfare agency must still provide the notification, even if they may not have been the initial reporter.</p>	<p>There may be times when the agency should offer this information when the case is screened in or prior to the screening decision being made.</p>
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## Intake: Maltreatment Screening Tools

### Human Trafficking Screening Tool



### A. Human Trafficking Screening Tool Instructions

#### Is the child being held in involuntary servitude?

Involuntary servitude is a type of human trafficking called labor trafficking. It is defined as:

- The performance of labor, whether or not for compensation, or whether or not for the satisfaction of a debt; and
- By deception, coercion, or intimidation using violence or the threat of violence or by any other means of coercion or intimidation.

## **Intake: Maltreatment Screening Tools**

Labor trafficking sometimes occurs when individuals exchange children for acts of labor. This exchange may involve:

- An individual being directly or indirectly given, promised, or receiving anything of value in exchange for the child; or
- An individual using a child or child's acts of labor to satisfy a debt.

Labor trafficking may involve:

- Allowing, forcing or coercing the child to perform labor in various settings, such as agricultural work, hospitality work in hotels or restaurants, or domestic work; or
- A child working long hours for little or no pay; particularly in dangerous jobs or jobs which are illegal for children to perform.

### **Is the child being held in sexual servitude?**

Sexual servitude is a type of human trafficking called sex trafficking. It is defined as:

- Any sexual activity as defined in G.S. 14-190.13 for which anything of value is directly or indirectly given, promised to, or received by any person, which conduct is induced or obtained by coercion or deception or which conduct is induced or obtained from a person under the age of 18 years; or
- Any sexual activity as defined in G.S. 14-190.13 that is performed or provided by any person, which conduct is induced or obtained by coercion or deception or which conduct is induced or obtained from a person under the age of 18 years.

Sex trafficking sometimes occurs when individuals exchange children for acts of sex. This exchange may involve:

- An individual being directly or indirectly given, promised, or receiving anything of value in exchange for the child; or
- An individual using a child or child's acts of sex to satisfy a debt.

Sex trafficking may involve:

- Allowing, forcing or coercing the child to engage in prostitution; or
- Allowing, forcing or coercing the child to engage in the production of child pornography.

If the allegations meet the statutory criteria for juvenile human trafficking, the referral shall be accepted, regardless of the relationship between the perpetrator and the juvenile. Such reports must be accepted as abuse and neglect. Dependency may be present but if the report is screened in due to the human trafficking allegations, it must be screened in as abuse and neglect.

## CPS Assessments: Family & Investigative Assessments: Special Categories of CPS Assessments

Protocol – What you must do	Guidance – How you should do it
<p><b>HUMAN TRAFFICKING</b></p> <p>The requirements of a CPS Assessment are not altered when it involves allegations of human trafficking.</p> <p>Within 24 hours of accepting the report the County child welfare agency must:</p> <ul style="list-style-type: none"> <li>• Check the National Center for Missing and Exploited Children to see if the child or youth has been reported missing;</li> <li>• Check the North Carolina Center for Missing Persons to see if the child or youth has been reported missing; and</li> <li>• Check with the appropriate local law enforcement agency to see if the child or youth has been reported missing/runaway.</li> <li>• Notify U.S. Department of Health and Human Services to facilitate the provision of interim assistance if the child is a foreign national. The County Child welfare worker must contact OTIP Child Protection Specialists at <a href="mailto:childtrafficking@acf.hhs.gov">childtrafficking@acf.hhs.gov</a> or (202) 205-4582 and provide:             <ul style="list-style-type: none"> <li>• Child’s name, age, location, and country of origin;</li> <li>• Location of exploitation and suspected form of trafficking; and</li> <li>• Worker’s contact information or other preferred point of contact (such as a supervisor).</li> </ul> </li> </ul> <p>The County child welfare worker must provide appropriate information and resources to the child and child’s parent, guardian, custodian or caretaker. Appropriate information and resources may include:</p> <ul style="list-style-type: none"> <li>• National Human Trafficking Hotline Number (1-888-373-7888);</li> </ul>	<p>When conducting a CPS Assessment involving allegations of human trafficking, County child welfare workers should consider and ask questions regarding the following risk factors of human trafficking:</p> <ul style="list-style-type: none"> <li>• History of running away or getting kicked out of home;</li> <li>• History of homelessness or housing instability;</li> <li>• History of sexual abuse;</li> <li>• History of physical abuse;</li> <li>• History of sexual offense;</li> <li>• History of delinquent or reckless behavior (involvement with law enforcement or juvenile justice);</li> <li>• History of neglect or basic needs not having been met;</li> <li>• History of alcohol or substance use disorder;</li> <li>• Current or past involvement in the child welfare system;</li> <li>• History of depression/mood disorder;</li> <li>• Exposure to domestic violence;</li> <li>• Family instability;</li> <li>• Excessive absences from school</li> <li>• Identifies as lesbian, gay, bisexual, or transgender (LGBT);</li> <li>• Has disabilities, especially intellectual disability;</li> <li>• Immigration status;</li> <li>• Poverty;</li> <li>• Unemployment;</li> <li>• Lack of transportation.</li> </ul> <p>This list may not be inclusive of all risk factors.</p> <p>The following risk factors and vulnerabilities should be considered for foreign nationals:</p> <ul style="list-style-type: none"> <li>• History of trauma, including civil unrest or prolonged community violence;</li> </ul>



## CPS Assessments: Family & Investigative Assessments: Special Categories of CPS Assessments

- Contact information for local agencies serving survivors of human trafficking; and
- Contact information for statewide agencies serving survivors of human trafficking.

The North Carolina Safety Assessment and assessment tools are only completed with parents, guardians, custodians or caretakers. These tools must not be completed with perpetrators who are not a parent, guardian, custodian or caretaker.

When making a case decision on an assessment of suspected human trafficking, the county child welfare worker must determine what role the parent played, if any. No perpetrator name is entered on the DSS-5104 in cases where the finding is that the child is abused and/or neglected due to human trafficking and the parent is not the perpetrator.

See Chapter VIII: Protective Services, Section 1426 – Central Registry.

See Cross Function Topic: Human Trafficking for protocol and guidance on reporting to the Office on Trafficking in Persons.

- Social isolation;
- Lack of legal status (documentation).

When conducting a CPS Assessment involving allegations of human trafficking County child welfare workers should also consider and ask questions regarding indicators of human trafficking:

- Visible signs of abuse such as unexplained bruises, cuts, marks;
- Fear of person accompanying them;
- Wearing new clothes of any style or getting hair or nails done with no financial means to do this independently;
- Exhibit hyper-vigilance or paranoid behavior;
- A young person with a tattoo which he or she is reluctant to explain;
- Frequency or multiple sexually transmitted diseases, STI or pregnancies;
- Truancy or tardiness from school;
- Unaccounted for times, vagueness concerning whereabouts, and/or defensiveness in response to questions or concerns.

This list may not be inclusive of all indicators.

The child's home of origin should also be assessed, and the County child welfare worker should consider and/or ask questions about:

- The child or youth's decision to leave home, if applicable
- Whether the parent/caretaker allowed access by the alleged perpetrator
- If there was active or passive participation in the trafficking by the parent/caretaker
- The ability of the parent/caretaker to care for the child
- The ability of the parent/caretaker to prevent the child or youth from running away
- The legal connection of any individual claiming to be a parent, relative, caregiver, or legal custodian to the child. In many cases traffickers will present themselves as a parent, relative, or legal custodian

Additionally, the County child welfare worker should consider the possible connection collateral contacts have with the trafficking perpetrator.

## CPS Assessments: Family & Investigative Assessments: Special Categories of CPS Assessments

	<p><b>Safety Planning</b> Immediate safety issues may include, but are not limited to:</p> <ul style="list-style-type: none"><li>• Access of the trafficker to the child;</li><li>• Child or youth's lack of safe housing or a safe place to stay;</li><li>• Safety issues in the home of the parent, guardian, custodian, or caretaker;</li><li>• Risk of child or youth running away.</li></ul>
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## CROSS FUNCTION TOPICS: Human Trafficking

Policy	Legal Basis
<p>Reports alleging human trafficking must be accepted as abuse and neglect and be assigned as an Investigative Assessment, regardless of the relationship between the perpetrator and child. Dependency may be present but if the report is screened in due to the human trafficking allegations, it must be screened in as abuse and neglect.</p> <p>Child welfare agencies must identify, document in case records, and determine appropriate services for children and youth who are believed to be, or at risk of being, victims of human trafficking. In cases where the alleged perpetrator is not the caretaker, documentation should clearly identify past, present and future steps the parent or caretaker has/will take to keep the child safe from trafficking and protect the juvenile from the alleged perpetrator.</p> <p>This includes children and youth for whom the agency has an open CPS Assessment or an open CPS In-Home Services case, but who have not been removed from the home, children who have been removed from the home, children who have run away from foster care and have not attained 18 years of age, and youth who are receiving LINKS services.</p>	<p>Public Law 106-386 Victims of Trafficking and Violence Protection Act of 2000, Division A - Trafficking Victims' Protection Act of 2000</p> <p>Public Law 113-183 – Preventing Sex Trafficking and Strengthening Families Act</p> <p>Public Law 114-22 – Justice for Victims of Trafficking Act</p> <p>N.C.G.S 7B-101(1) – Abused Juvenile</p> <p>N.C.G.S. 7B-101(15) – Neglected Juvenile</p>
Definitions	
<p>Federal Law</p> <p>The Trafficking Victims Protection Act (22 U.S.C. 7102) defines “severe forms of trafficking in persons” as</p> <ul style="list-style-type: none"> <li>• Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion or in which the person induced to perform such an act has not attained 18 years of age; or</li> <li>• The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion for the purpose of subsection to involuntary servitude, peonage, debt bondage, or slavery.</li> </ul> <p>The Trafficking Victims Protection Act (22 U.S.C. 7102) defines “commercial sex act” as any sex act on account of which anything of value is given to or received by any person.</p>	

## CROSS FUNCTION TOPICS: Human Trafficking

### State Law

- G.S. 14-43.11 Human Trafficking – A person commits the offense of human trafficking when that person (i) knowingly or in reckless disregard of the consequences of the action recruits, harbors, transports, provides, or obtains by any means another person with the intent that the other person be held in involuntary servitude or sexual servitude or (ii) willfully or in reckless disregard of the consequences of the action causes a minor to be held in involuntary servitude or sexual servitude.
- G.S. 14-43.10(a)(3) Involuntary Servitude – The term includes the following:
  - The performance of labor, whether or not for compensation, or whether or not for the satisfaction of a debt; and
  - By deception, coercion, or intimidation using violence or the threat of violence or by any other means of coercion or intimidation.
- G.S. 14-43.10(a)(5) Sexual Servitude – The term includes the following:
  - Any sexual activity as defined in G.S. 14-190.13 for which anything of value is directly or indirectly given, promised to, or received by any person, which conduct is induced or obtained by coercion or deception or which conduct is induced or obtained from a person under the age of 18 years; or
  - Any sexual activity as defined in G.S. 14-190.13 that is performed or provided by any person, which conduct is induced or obtained by coercion or deception or which conduct is induced or obtained from a person under the age of 18 years.
- G.S. 7B-101(1) Abused Juveniles. – Any juvenile less than 18 years of age (i) who is found to be a minor victim of human trafficking under G.S. 14-43.15 or (ii) whose parent, guardian, custodian, or caretaker:
  - (a.) Inflicts or allows to be inflicted upon the juvenile a serious physical injury by other than accidental means;
  - (b.) Creates or allows to be created a substantial risk of serious physical injury to the juvenile by other than accidental means;
  - (c.) Uses or allows to be used upon the juvenile cruel or grossly inappropriate procedures or cruel or grossly inappropriate devices to modify behavior;
  - (d.) Commits, permits, or encourages the commission of a violation of the following laws by, with, or upon the juvenile; first degree rape, as provided in N.C.G.S. §14-27.2; rape of a child by an adult offender, as provided in N.C.G.S. §14- 27.2A; second degree rape as provided in N.C.G.S. §14-27.3; first degree sexual offense, as provided in N.C.G.S. §14-27.4; sexual offense with a child by an adult offender, as provided in N.C.G.S. §14-27.4A; second degree sexual offense, as provided in N.C.G.S. §14-27.5; intercourse and sexual offenses with certain victims; consent no defense, as provided in N.C.G.S. §14-27.31 and N.C.G.S. §14- 27.32; unlawful sale, surrender, or purchase of a minor, as provided in N.C.G.S. §14-43.14; crime against nature, as provided in N.C.G.S. §14-177; incest, as provided in N.C.G.S. §14-178 and N.C.G.S. §14-179; preparation of obscene photographs, slides or motion pictures of the juvenile, as provided in N.C.G.S. §14-190.5; employing or permitting the juvenile to assist in a violation of the obscenity laws as provided in N.C.G.S. §14-190.6; dissemination of obscene material to the juvenile as provided in N.C.G.S. §14-190.7 and N.C.G.S. §14-190.8; displaying or disseminating material harmful to the juvenile as provided in N.C.G.S. §14-190.14 and N.C.G.S. §14-190.15; first and second degree sexual exploitation of the juvenile as provided in N.C.G.S. §14-190.16 and N.C.G.S. §14-190.17; promoting the prostitution of the juvenile as provided in N.C.G.S. §14-205.3(b); and taking indecent liberties with the juvenile, as provided in N.C.G.S. §14-202.1, regardless of the age of the parties; or
  - (e.) Creates or allows to be created serious emotional damage to the juvenile. Serious emotional damage is evidenced by a juvenile’s severe anxiety, depression, withdrawal, or aggressive behavior toward himself or others;
  - (f.) Encourages, directs, or approves of delinquent acts involving moral turpitude committed by the juvenile; or

**CROSS FUNCTION TOPICS: Human Trafficking**

(g.) Commits or allows to be committed an offense under N.C.G.S. §14-43.11 (human trafficking), N.C.G.S. §14-43.12 (involuntary servitude), or N.C.G.S. §14-43.13 (sexual servitude) against the child.

- G.S. 7B-101(15) Neglected Juvenile. – Any juvenile less than 18 years of age (i) who is found to be a minor victim of human trafficking under G.S. 14-43.15 or (ii) whose parent, guardian, custodian or caretaker does not provide proper care, supervision, or discipline, or who has been abandoned; or who is not provided necessary medical care; or who is not provided necessary remedial care; or who lives in an environment injurious to the juvenile’s welfare; or who has been placed for care or adoption in violation of the law. In determining whether a juvenile is a neglected juvenile, it is relevant whether that juvenile lives in a home where another juvenile has died as a result of suspected abuse or neglect or lives in a home where another juvenile has been subjected to abuse by an adult who regularly lives in the home.

Protocol – What you must do	Guidance – How you should do it
	<p><b>Indicators</b></p> <p>Child welfare workers should be aware of behavioral, physical, environmental and other indications that a child or youth might be trafficked or is at risk of being trafficked include, but are not limited to:</p> <p><u>Behavioral:</u></p> <ul style="list-style-type: none"> <li>• Child/youth has a significantly older, controlling, or abusive friend/boyfriend/girlfriend</li> <li>• Child/youth is fearful, anxious, depressed, submissive, tense, or nervous</li> <li>• Child or youth avoids eye contact, has numerous inconsistencies in their story</li> <li>• Child or youth exhibits a sudden or dramatic change in behavior</li> <li>• Multiple delinquent charges, school attendance issues</li> <li>• Chronic runaway episodes</li> <li>• Substance abuse issues</li> </ul> <p><u>Physical:</u></p> <ul style="list-style-type: none"> <li>• Signs of trauma (physical or other)</li> <li>• Special indelible marks or tattoos</li> <li>• Child or youth lacks healthcare, appears malnourished or shows signs of torture, physical restraint, confinement, or deprivation</li> </ul>

## CROSS FUNCTION TOPICS: Human Trafficking

- Untreated sexually transmitted infections or other untreated medical concerns

### Environmental – Working/Living Conditions:

- Child or youth is isolated, not allowed to participate in community activities or interact with others
- Homelessness
- Child or youth’s communication is restricted
- Child or youth does not or cannot speak for themselves
- Child or youth works excessively long hours, is unpaid, paid very little, or only paid through tips
- At work, the child or youth is not allowed to take breaks or suffers under unusual restrictions

### Other:

- Anyone under the age of 18 years old involved in a commercial sex act
- Child or youth travels with an adult person who is not a parent, guardian, custodian, or caretaker
- Child or youth owes a debt and is unable to pay it off
- History of trauma or history of involvement with the child welfare system
- Reporter indicates the child or youth has a significant other that they make money for or makes any reference to a pimp
- Reporter uses words like “slave” or “slave like” or talks about the child being sold.

### **Assessment of Needs**

#### *Immediate Safety Needs*

Immediate safety issues may include, but are not limited to:

- Access of the trafficker to the child
- Child or youth’s lack of safe housing or a safe place to stay
- Safety issues in the home of the parent, guardian, custodian, or caretaker

## CROSS FUNCTION TOPICS: Human Trafficking

- Risk of child or youth running away

### *Immediate Mental / Behavioral Health Needs*

An initial mental/behavioral health assessment should include:

- Suicide risk
- Homicide risk
- Initial trauma assessment
- Substance use assessment
- General mental and behavioral health assessment
- Identification of human trafficking-related safety issues
- Determination of current medications, availability, and provider

### *Immediate Medical Needs*

Immediate medical needs may include, but are not limited to:

- Diagnosis and treatment of emergent medical concerns (including substance use history, signs of recent drug use, assessment for symptoms of withdrawal)
- Routine physical assessment, including vital signs
- Assessment for signs of physical abuse
- Assessment for signs of medical neglect
- Assessment of nutritional status
- A check of tattoos and other markings
- Indicated lab work
- Determination of current medications
- The provision of prescriptions for needed medications

### *Ongoing Medical Needs*

Survivors of human trafficking often develop a host of health conditions including physical injuries, sexual health problems, chronic somatic health issues, and long-term mental health difficulties. Chronic health conditions can include fatigue, weight loss, headaches, dizzy spells, loss of memory, fainting, stomach and abdominal pain, chest and heart pain, breathing difficulty, back pain, and vision and ear problems.

## CROSS FUNCTION TOPICS: Human Trafficking

Emotional difficulties can range from severe anxiety to depression, panic attacks, suicidal ideation, and post-traumatic stress disorders.

### *Immediate Physical Needs*

Referrals to local service agencies can be made for basic needs such as clothing and hygiene kits.

### *Immediate Legal Needs*

Legal services to children and youth who are believed to have been trafficked, and their families, may be needed within the first 72 hours within the first week after they have been identified and safety issues assessed. These immediate legal needs may include, but are not limited to:

- Representation in matters of immigration
- Representation if the child or youth has pending criminal charges
- Appointment of a Guardian ad Litem Attorney to represent the interests of the child or youth in abuse and neglect proceedings

The legal needs of children and youth who have been trafficked will likely extend beyond the completion of a CPS Assessment.

### *Language Barriers and Cultural Needs*

It is important for child welfare agencies, law enforcement agencies, and local service providers to have access to language services provided by professional interpreters contracted by the agency or otherwise verified.

For safety reasons, it is not appropriate for interpretation to be provided by someone who knows the child, is not a professional interpreter, and/or is not a neutral party. It might help the child feel more comfortable speaking through an interpreter that is a friend or family member, but it is difficult to know whether that person may be allied with the trafficker or whether the information may otherwise be released to persons who may wish harm to the child.



## CROSS FUNCTION TOPICS: Human Trafficking

<p><b>Required Reports</b></p> <p><i>Office on Trafficking in Persons (OTIP)</i></p> <p>The Trafficking Victims Protection Act (TVPA) provides that not later than 24 hours after the child welfare agency discovers that a foreign national child under 18 years of age may be a victim of a severe form of trafficking in persons, the worker must notify U.S. Department of Health and Human Services to facilitate the provision of interim assistance. The worker must contact OTIP Child Protection Specialists at <a href="mailto:childtrafficking@acf.hhs.gov">childtrafficking@acf.hhs.gov</a> or (202) 205-4582 and provide:</p> <ul style="list-style-type: none"><li>• Child's name, age, location, and country of origin</li><li>• Location of exploitation and suspected form of trafficking</li><li>• Worker's contact information or other preferred point of contact (such as a supervisor)</li></ul>	<p><b>Safety Planning and Case Dynamics</b></p> <p>Service and placement options from least to most restrictive should be considered based on the safety and needs of the child or youth, and the protective capacity of the parent or caretaker, as follows:</p> <ul style="list-style-type: none"><li>• Community / Facility Outpatient Counseling</li><li>• Community / Family Intensive Wraparound Services</li><li>• Placement in a Family Foster Home setting</li><li>• Placement in a Therapeutic Foster Care setting</li><li>• Placement in a Residential Group Care Facility (not secured)</li><li>• Placement in a Locked Residential Treatment Facility</li></ul> <p>See Permanency Planning Services for additional information on Placement Decision Making, Choosing the Best Placement Resource, and Preparing Parents, Children and Providers for Placement when a child or youth enters the custody of placement responsibility of a county child welfare agency.</p> <p><i>Office on Trafficking in Persons (OTIP)</i></p> <p>The Office on Trafficking in Persons (OTIP) is within the Administration for Children and Families at the U.S. Department of Health and Human Services. OTIP is responsible for the development of anti-trafficking strategies, policies, and programs to prevent human trafficking, build health and human services capacity to respond to human trafficking, increase victim identification and access to services, and strengthen health and well-being outcomes for survivors.</p> <p>Victims of severe forms of trafficking in persons (human trafficking) who meet Federal and State eligibility requirements may access Federal benefit programs that otherwise might prohibit eligibility for certain non-citizens without lawful immigration status. These programs include, but are not limited to: refugee medical screenings, Temporary Assistance to Needy Families (TANF), Medicaid, State Children's Health Insurance Programs (SCHIP), Supplemental Nutrition Assistance Program</p>
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An OTIP child protection specialist will respond to each notification and follow-up with the reporting worker, as appropriate. Follow-up will involve facilitating interim and long-term eligibility, where applicable, and providing technical assistance as needed.

Child welfare agencies must, on behalf of a child, request eligibility for federally funded benefits and services when the agency has credible information the child may have been subjected to trafficking. The information provided through the submission of a Request for Assistance for Child Victims of Human Trafficking enables OTIP to make determinations regarding the eligibility of these children for the same benefits and services to refugees and to assess and address potential child protection issues.

This is the process by which OTIP issues Eligibility Letters. Eligibility Letters from OTIP enable a child victim of human trafficking to receive federally funded benefits and services to the same extent as a refugee.

Recipients of an Eligibility Letter prior to turning 18 years of age will be eligible for benefits and services, such as:

- For those persons determined not eligible for federal cash assistance such as TANF or SSI, Refugee Cash Assistance (RCA) is available for up to 8 months from effective date on the Eligibility Letter.
- For those persons determined not eligible for Medicaid, Refugee Medical Assistance (RMA) for up to 8 months from the effective date on the Eligibility Letter.
- The benefit level of RCA and RMA vary from state to state as RCA is generally tied to the TANF payment standard by family size, and RMA reflects the same services as each state's approved Title XIX State Plan. There is no difference between Medicaid coverage and RMA coverage except that ORR pays 100 percent of the RMA costs.
- Refugee Social Services (RSS) are available for up to 5 years from the effective date on the Eligibility Letter. RSS includes employment and employability services; job training and

(SNAP), Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), and public housing programs.

OTIP encourages recipients of an Interim Assistance Letter or Eligibility Letter to reach out to the State Refugee Coordinator and Refugee Health Coordinator to obtain assistance and services through the state refugee program.

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preparation; assistance with job search, placement and retention; English language and vocational training; skills recertification; job-related day care; job-related transportation; translation and interpreter services, and case management.

- A child victim of trafficking with an Eligibility Letter who has no available parent or legal guardian in the U.S. may be eligible for the Unaccompanied Refugee Minor (URM) program through ORR. Under the URM program, children are placed with licensed foster homes or other care settings according to individual needs. An appropriate state or local court also awards legal responsibility to the state, county, or private agency providing services. Children in the URM program receive the full range of services available to other foster children in the state, as well as special services to help them adapt to life in the United States and recover from their trafficking experience.

Recipients of an Eligibility Letter who have turned 18 years of age will be eligible for the same benefits and services provided to Eligibility Letter recipients who are under the age of 18, with the exception of the URM program. Youth must enter the URM program prior to their 18<sup>th</sup> birthday.

Eligibility Letters do not expire, but some benefits are time-limited.

### **Referrals to Other Governmental or Non-Governmental Organization Advocates and Agencies:**

When a child welfare agency has an open CPS Assessment, CPS In-Home Services case, or Permanency Planning case where trafficking of the child is suspected or confirmed, the child welfare agency must make appropriate referrals to local organizations and service providers, such as Child Advocacy Organizations, Rapid Response Teams, mental health providers, or other governmental or non-governmental victim service organizations. These organizations are instrumental in the identification and screening of victims and in the provision of on-going services. These referrals must be made in accordance with the needs of the child.

### **Referrals to Other Governmental or Non-Governmental Organization Advocates and Agencies:**

See the list of [Service Providers and Other Referrals in Human Trafficking Cases by County](#).

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### Creating Safe Environments for Survivors of Trafficking

All areas of child welfare services have the potential to work with children or youth survivors of human trafficking. The following are ways that child welfare workers, parents, foster parents, and kin caregivers can work together to create safe environments for these children and youth:

- Avoid placing children or youth who are in the custody of the child welfare agency in geographic areas where they have been trafficked or in the presence of their trafficker, especially if they have recently come out of a trafficking situation. This may mean not placing a child in their home county at first. Only after treatment will some children and youth identify as victims. Often, these children and youth have been conditioned to seek their abusers and perform “work”.
- Provide children and youth prompt medical care. If a child or youth was likely trafficked within the past 5 days, they need immediate medical care. See Permanency Planning Services: Required Forms: Planning Forms, Child Health Summary Components for more information on health care requirements.
- Engage parents, foster parents, and kin caregivers in safety planning. This could include alarms being placed on the doors and windows, restricted access to social media, telephones, and internet. Visibility in the community should be well-regulated as it could connect traffickers to the youth’s location. Establishing short-term positive incentives for safe behaviors may help reinforce these behaviors. Foster parents, kin caregivers, and child welfare workers must contact law enforcement immediately if a trafficker is trying to access the youth. See Permanency Planning Services: Out of Home Placement Services: Agency Plan for Abducted and Runaway Children for information on requirements related to reporting and locating children and youth missing from foster care.
- Plan for the possibility of sexually reactive behaviors. Parents, kin caregivers, and foster parents need to understand that youth

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who have been sex trafficked have been trained to behave in highly sexualized ways and these behaviors were often rewarded with basic needs being met, such as food, clothing, shelter, and affection. People providing care to children and youth who have been victims of sex trafficking need to be ready to respond assertively, yet compassionately to youth who may exhibit or seek inappropriate sexual behaviors with others.

- Be certain of a person's identity before releasing information about a child or youth. Traffickers often disguise their identity to acquire the location of their victims. Remember, traffickers can be family members. Even if not the primary trafficker, family members may encourage trafficking or be afraid themselves.
- Start counseling and other treatment supports as soon as possible and be patient during the early months of treatment. Connecting quickly with a local anti-trafficking organization and other service providers to support the youth is vital.