

The Trafficking Victims Protection Act (TVPA) clearly defines anyone under the age of 18 induced to perform a commercial sex act as a victim of human trafficking. Since its passage in 2000, 14 states and the District of Columbia have aligned with federal policy by ensuring that their prostitution laws criminalizing the sale of sex do not apply to minors. In states that still have the ability to charge children for the crime of selling sex under their prostitution statutes or for other crimes committed while being trafficked, some local jurisdictions have adopted policies prohibiting application of these laws when a minor is the subject. The Uniform Act on the Prevention of and Remedies for Human Trafficking (Uniform Act), which was approved for adoption by the states by the Uniform Law Commission in 2013, also eliminates criminal liability for minors for prostitution and related offenses.

This shift in policy, and in some locations, practice, has led to a widely accepted understanding that commercially sexually exploited children are victims, not perpetrators, of prostitution and trafficking related crimes. This in turn has created a shift in child serving agency responses to identified victims—from directing exploited youth into delinquency proceedings to directing them into trauma-informed services. However, shifting toward a non-criminal response to child sex trafficking victims remains fraught with complicated questions regarding how to protect exploited youth and connect them to services.

Because of the challenges associated with providing services, the field is rushing to find solutions that protect, empower and support youth who have been trafficked. This field guidance will explore implementation of non-criminalization policies and statutes, looking to identify promising trends and avenues to overcome current system challenges and safety concerns. We are grateful to the JuST Response Council members who contributed to this paper and hope it will serve as a resource to those in the field seeking a more robust system that will help juvenile sex trafficking victims avoid the re-traumatization of a misguided system response and connect them instead to a continuum of care that will empower them to achieve a life free from exploitation.

METHODOLOGY

In 2015 Shared Hope International released the <u>JuST Response State Systems Mapping Report</u>, building upon the work of Shared Hope's Protected Innocence Challenge and National Colloquia, which examined different state approaches to avoiding criminalization and directing youth to services. Shared Hope then brought together a group of over 30 experts on juvenile sex trafficking from the areas of policy development, survivor leadership, federal and state child serving agencies and service provision to form the JuST Response Council. Council members reviewed the outline for this field guidance document and provided responses to survey questions which informed the guidance.

The first draft was reviewed at the fourth JuST Response Council Meeting on November 11, 2015. Council members provided feedback based on their specific areas of expertise and made recommendations that would enhance the report's benefit to the field.

¹ See Non-Criminalization Policy Concept Paper, Shared Hope International, January 2016.

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Note on Language

Victim/Survivor: A person who has been victimized/survived victimization. This report uses victim and survivor interchangeably to provide consistency with statutory language and cross-agency terminology. We recognize that individuals who have experienced trafficking are survivors at all stages of their abuse and recover and are not defined by their victimization.

Juvenile: Refers to a person who has not reached the age of 18. Juvenile should not be a bad word. The issue of juvenile sex trafficking is not a new phenomenon, but the way it is perceived has been changing rapidly due to the advocacy of leaders and advocates across the country. We have a chance to reform systems broadly because of this shift in perception. With this goal in mind, we also have the opportunity to shift public perception of the word "juvenile" as something negative to what it actually means—a young person whom we as a society have a responsibility to care for and about *

* The Council recognizes that victimization and service needs extend beyond the age of 17, however for the target audience of this field guidance document along with expertise represented the subject remains limited to this age group.

This document and the ongoing JuST Response Council work has also been informed by state procedural protocols and system evaluations along with research by federal agencies and policy advocates. Attachment A provides a list of such resources. While not exhaustive, it provides professionals working with or advocating for trafficked youth some guidance for developing strategies based on protocol and policies already being implemented and assessed in other states. If there are important protocols or procedural documents that you think could help inform the JuST Response Council effort please provide this information to the report authors as the work of the Just Response Council is an ongoing initiative.

NON-CRIMINALIZATION AS A CORE PRINCIPLE OF A PROTECTIVE RESPONSE

The criminalization of juvenile sex trafficking victims is unique. No other child sexual abuse victim faces criminalization for his or her own sexual abuse, yet at the time of this publication 34 states can still charge minors with prostitution because their form of sexual abuse involves a commercial exchange. While statutory rape laws recognize that minors are unable to make an informed decision to consent to a sex act, only recently has this concept begun to be recognized in the context of commercial sexual exploitation. However, some states (and some advocates) who recognize the injustice of criminalizing youth for their own exploitation believe at the same time that agencies outside of juvenile justice are ill-equipped to respond to juvenile sex trafficking, so are hesitant to implement a non-punitive response. At the same time, using the delinquency process in an attempt to keep exploited youth safe from their trafficker or other exploiters can undermine efforts to build rapport with victims, may reinforce negative stereotypes used by exploiters to control victims, and for victims who are detained in juvenile facilities where there is risk of violence from other detained youth raises the question of what constitutes safety for juvenile sex trafficking victims.²

CHALLENGES IN IMPLEMENTING A NON-CRIMINALIZATION POLICY

"I wish I would've never said anything. I'm trying to be honest, but every time I tell the truth I just get f***."

— Survivor expressing frustration to Mission 21 service provider in response to her residential placement

Non-criminalization laws alone do not provide a full protective response. A comprehensive model must include a coordinated and integrated system of supports to help address the circumstances or vulnerabilities that led to exploitation and to provide healing from trauma resulting from abuse incurred before and during exploitation through trafficking. Judges, law enforcement and child advocates often express frustration that without alternative measures a juvenile justice response is the only way to keep a victim safe. However, mental health and service needs specifically targeted towards juvenile sex trafficking survivors are often not available in a detention setting and there is limited data to support the idea that short term detention has any impact on ultimate success in escaping the life of exploitation. Nor is juvenile detention an appropriate venue for providing trauma-informed services to juvenile sex trafficking victims since the detention itself is likely retraumatizing.

The majority of experts agree that a juvenile justice placement is not an appropriate service response for a child sex trafficking victim. However, the lack of appropriate alternative placement or service options is objectively viewed as equally harmful. Youth who have survived sex trafficking often do not see themselves as victims and may have strong trauma bonds with their trafficker making them likely to resist services intended to support them. Lacking other resources, some professionals see criminalization of exploited youth as the "stick" in a carrot-and-stick approach to engage youth in services. For this reason, many law enforcement representatives and agency officials continue to oppose non-criminalization laws in their state or jurisdiction because they do not believe child serving agencies are able to or willing to provide appropriate services in the absence of a juvenile justice response. In some cases, law enforcement and even some advocates assert that the

² See Non-criminalization policy paper.

juvenile justice system is better equipped to serve victims if the child is likely to refuse services and may be in danger. Even in states that have implemented non-criminalization laws, instances have been reported where law enforcement has resorted to arresting youth on masking charges to hold the victim due to safety concerns.

"You keep telling me I am a victim, but I feel like I am always being punished."

— A 17-year-old in the Minnesota child welfare system who was first trafficked at 14, expressing frustration during child protection meeting in services at Mission 21

States that enact non-criminalization laws in the absence of a statutory procedure to ensure youth receive a specialized service response may face a situation where child serving agencies are unable to adequately respond, leaving sex trafficked youth with limited service options. First-line responders such as law enforcement and social workers are thus faced with the heart wrenching decision to return a victim to a situation where there is risk of re-exploitation. In many states and jurisdictions child serving agencies may not only be ill-equipped, but may not have laws that explicitly allow for a child welfare response, especially if the trafficker is not a family member or if a trafficker is not identified. Comprehensive non-criminalization laws not only eliminate criminal liability but also incorporate protocols to connect juvenile victims to appropriate services and dedicate resources to make sure these service options are available.

While great success has been seen in several states with the development of formal multi-disciplinary teams or multi-system response protocols, agency collaboration does not always come naturally. Different agencies have different mandates and modes of operation. Confidentiality laws can prevent communication across systems, and when multiple teams are working together, confidentiality challenges grow. Further, licensing regulations for many state residential providers have minimal requirements and do not require specialized clinical or therapeutic staff certifications. While not ideal, state child serving agencies often choose the most affordable and least restrictive placement options due to budget and procedural limitations even when more comprehensive and specialized resources are available. This leaves advocates further challenged to provide effective case management when clients are ordered into inappropriate placements such as unprepared foster homes, group homes and detention facilities.

Even when comprehensive protective policies that include a non-criminalization response to juvenile sex trafficking are enacted and implemented, the involvement of law enforcement remains necessary as they are often first responders involved in identifying juvenile sex trafficking victims. Consequently, law enforcement encountering sex trafficked minors need safe alternatives to arrest. In several jurisdictions around the country, law enforcement agencies report having an internal policy to not arrest juvenile victims for prostitution and instead attempt to work with victim services agencies to find safe placements for youth they encounter. Despite these policies, factors that make juvenile victims vulnerable to trafficking in the first place often involve them in the juvenile justice system, in some cases without clear links to their trafficking experience.

"Current child welfare agencies are so entrenched in historical protocols, they continuously try to ram a square peg into a round hole. This trafficking victim population really doesn't fit well into current models."

— ASAC Margie Quin, Tennessee Bureau of Investigations

ROLE OF CHILD-SERVING AGENCIES IN PROVIDING A PROTECTIVE SYSTEM RESPONSE WHERE PROSTITUTION LAWS ARE NOT APPLICABLE

Child welfare is often identified as the logical alternative to a juvenile justice response when creating an agencybased service response for juvenile sex trafficking victims. A primary reason for looking to child welfare is its mandate to pursue permanency and normalcy through family-based placements for youth who are in care. However, because the perpetrators of juvenile sex trafficking are often not family members, advocates sometimes express concern that traditional child welfare systems may not be equipped or even statutorily authorized to identify, assess and provide services to trafficked youth unless traditional forms of child abuse and neglect already exist. Many experts support the idea that a formalized community-based response should be created for juvenile sex trafficking victims outside of child welfare, although others view child welfare as the best vehicle to deliver funded services to the child.

While significant gaps in resources, knowledge and training have historically undermined child welfare workers' ability to identify and respond to child sex trafficking victims and survivors, many state child welfare agencies are beginning to develop a more comprehensive response. Recent changes in federal laws are attempting to address these gaps and support such development. Currently 45 states require that commercial sexual exploitation be reported to child welfare as a form of child abuse.

It is also important to recognize factors that make juvenile victims vulnerable to trafficking often mirror risk factors for juvenile justice system involvement. Juvenile sex trafficking victims may be detained in juvenile justice facilities on charges that do not have a clear connection to their trafficking abuse. Even when non-criminalization laws are enacted, juvenile justice systems should still be equipped to identify exploited youth in their care, provide trauma-informed services and ensure conditions of confinement do not to re-trigger or re-traumatize them.³

Relevant Federal Legislation

Trafficking Victims Protection Act (TVPA)

- Clearly defines anyone under the age of 18
 exchanging a sex act for anything of value as a
 victim of human trafficking; there is no need to
 prove force fraud or coercion.
- Provides millions of dollars for services through funding streams to various federal departments.

Preventing Sex Trafficking and Strengthening Families Act

 Created mandates and guidelines for child welfare agencies to gather data on human trafficking and implement identification tools

Justice for Victims of Trafficking Act (JVTA)

- Includes the Stopping Exploitation Through Trafficking (SETT) Act which authorizes the Department of Justice to give preferential consideration in awarding certain grants to states that have laws in effect that discourage o prohibit the charging or prosecution of juvenile sex trafficking victims for a prostitution or sex trafficking offense, treats them as a victim and encourages services to be provided.
- Creates new funding streams including mandated funding for child advocacy centers to serve invenile sex trafficking victims
- Designates juvenile sex trafficking as a form of abuse and neglect under Child Abuse Prevention and Treatment Act (CAPTA).

Federal Agency Resources

For examples of federally funded programs for juvenile sex trafficking victims see:

- The U.S. Department of Health and Human Services Administration for Children & Families Office on Trafficking in Persons' Anti Trafficking in Persons Grants available at: http://www.acf.hhs.gov/programs/endtrafficking/resource/anti-trafficking-in-persons-grants
- The U.S. Department of Justice Office for Victims of Crime's Matrix of OVC/BJA-Funded Human Trafficking Services Grantees and Task Forces available at: http://ovc.ncjrs.gov/humantrafficking/traffickingmatrix.html

³ See Shared Hope International, Traffic Stop (2014), available at http://sharedhope.org/wp-content/uploads/2014/08/Traffic-Stop-FINAL.pdf.

Although not all trafficked youth require residential services, residential options that provide the ability to identify and respond to the complex trauma dynamics and service needs of child sex trafficking survivors are a critical component to a comprehensive continuum of care.

While some states, like Florida, have developed a statewide safe home model and have allocated funding specifically to provide a continuum of care that allows for identified trafficked youth in need of residential services to access programs that may be more expensive than traditional group home or foster home placement, this process is very costly and not always replicable.

DIVERGENT OPINIONS ON MANDATORY SERVICES

"Sex trafficked youth are rarely 'nice' victims willing to trust or rely on authority, and they are particularly resistant to anything that suggests 'treatment' to 'fix' them."

- Dr. Sandi Pierce, Othayonih Research

Most JuST Response Council members acknowledged that, while not ideal, there are some instances in which a young person must be placed in a restrictive residential treatment facility, generally in emergency situations, such as if they display suicidal tendencies or are experiencing extreme addiction withdrawal. In these situations, the young person may be held pursuant to a behavioral health hold rather than relying on criminalization to detain the youth. However, even when a young person is held outside of the juvenile justice

system, there are diverging opinions as to when (or if) forced services are appropriate in non-life threatening situations, and what safety concerns should be considered life threatening.

Some experts assert that systems should be tiered and if youth continue to refuse or abscond from treatment plans they should receive forced services. Others assert that youth will not succeed in a treatment plan unless they are willing participants and inpatient services are only warranted in cases of extreme mental health emergencies.

"We know as service providers that it is not a matter of choice but a lack of choices or the belief of no other choice that some stay in the life. So my belief is that intentional programming be required to let young people know that there are other options than the one they know. We can empower individuals by informing them at the very least."

 Stephanie Holt, Mission 21, referencing the challenging situation of determining the need for emergency placemen in extreme safety situations

While inpatient treatment may provide a safe and therapeutic option for the service provider, for the young person it means having no say in leaving friends, family, home and perceived normalcy. When mandated, even the most therapeutic and traumainformed services may be perceived as punishment; thus, the desires of the child should remain a priority factor in developing a services plan. The child should be informed about options and service plans should be continuously revisited if the child does not want to participate.

RECOMMENDATIONS

As recognition grows that commercially exploited children are not criminals but victims of sex trafficking, more states and have established legislation, implemented innovative solutions and built upon existing service structures to connect youth to trauma-informed,

victim-centered services. The following recommendations are built upon field examples of emerging promising practices.

Develop formalized system of care response plan specific to responding to juvenile sex trafficking victims.

A primary purpose of establishing state agency protocols is the development of a specialized service plan for each identified juvenile sex trafficking victim, regardless of the agency that identified the victim. Effective protocols rely on the involvement of all agencies and organizations that could have a role in the development of a service plan for an identified trafficking victim in order to establish a comprehensive, multi-agency response. The end goal is to provide access for victims of juvenile sex trafficking to appropriate specialized services while avoiding any type of re-traumatization in the process.

Protocols that include clear roles for all agencies and community based care providers involved in a protective response to juvenile sex trafficking, from identification and intervention, to assessment and service provision with and connecting juvenile sex trafficking victims to services are needed to clearly

Resources: Multi-Disciplinary Team Development

- According to the U.S. Department of Justice, "It
 is now well accepted that the best response to
 the challenge of child abuse and neglect
 investigations is the formation of an MDT.
 Protocols based on interagency collaboration
 not only help to ensure that individual
 considerations for identification and care for
 victims are identified and addressed, but also
 allow for easier access to services across state
 and local agency programs. The following
 resources provide guides for developing MDTs:
- Department of Justice Office for Victims' of Crime Human Trafficking Task Force e-Guide Strengthening Collaborative Response Supporting Victims, available at: https://www.ovcttac.gov/taskforceguide/eguide/4-supporting-victims/resources-4-supporting-victims/
- Georgetown Law Center on Poverty and Inequality's Blueprint: A Multidisciplinary Approach to the Domestic Sex Trafficking of Girls Care Provides steps to forming a collaborative anti-sex-trafficking team available at:

http://www.law.georgetown.edu/academics/centersinstitutes/povertyinequality/loader.cfm?csModule=security/getfile&pagei

define agency and individual roles, and all multidisciplinary team members require thorough training on the trauma dynamics associated with juvenile sex trafficking. Political climate, education and resources will often shape the designation of a lead agency or organization in leading the response plan and an effort should be made to include all involved agencies in the development of the protocol whenever possible. Emerging juvenile sex trafficking specific multi-disciplinary teams (MDTs) have included both government-led and community based agency led protocols. Plans that are seeing success identify stakeholder engagement from the beginning as critical. These protocols should be developed with sustainability in mind, creating institutionalized positions and training while remaining flexible enough to allow for an individualized, victim-centered response.

Examples of State Agency Responses

Minnesota No Wrong Door (Department of Behavioral Health)

The Minnesota Department of Behavioral Health is the coordinating entity working with the Minnesota Departments of Human Services and Health to implement Minnesota's No Wrong Door Model. Starting with enactment of the state Safe Harbor Law in 2011, the model ensures that any victim of juvenile sex trafficking, regardless of how they were identified, can be referred to a point of contact in their region, a regional navigator. The Statewide Safe Harbor/No Wrong Door director oversees the program and its eight regional navigators including two tribal navigators connecting youth with services and serving as regional experts for communities.

More information available at: http://www.health.state.mn.us/injury/topic/safeharbor/index.html

Connecticut HART (Department of Children and Families)

- Human Anti Trafficking Response Team (HART) is a multi-disciplinary team within the state of Conneticut's Department of Children and Families (DCF) that developed a system to respond to juvenile sex trafficking.
- DCF is charged with "protecting all children under the age of 18 from harm," so from the beginning of HART DCF approached their protocol to include juveniles that are victims of trafficking as part as a responsibility of the agency.
- A significant development to HART's approach to providing a service based as opposed to a punitive response to victims was the creation of specific hotline codes and report to ensure victim identification and data collection. HART has been able to respond to referrals from DCF social workers, law enforcement, congregate care facilities, public defenders, nongovernmental organizations and parents.
- More information about Connecticut's HARTprogram is available at: http://www.ct.gov/dcf/cwp/view.csp2=4743&0=562246

Kentucky (Cabinet for Health and Family Services)

- Kentucky's Human Trafficking Victims' Rights Act (HTVRA) enacted in 2013 creates one of the most comprehensive system response laws in the country and includes language that ensures that minors are not charged with state prostitution laws or status offenses that are a result of their trafficking victimization. Victims receive a mandated referal to the Cabinet for Health and Family Services, even if they are identified after a referral to the juvenile justice system.
- To ensure a trauma-informed response child welfare collaborates with NGO providers to implement a protocol and to train their staff. HTVRA also required training for multiple disciplinary team members.
- Resource barriers remain a challenge in Kentucky, and ongoing reporting by the Cabinet serves as a valuable resource for states and local jurisdictions looking to implement non-criminilization policies. The Cabinet report is available at: http://chfs.ky.gov/NR/rdonlyres/26908E11-F99D-41BE-BFB9-4D54C8BD8C46/0/HumanTraffic kingReport2014.pdf

Multi-disciplinary team approaches cut across law enforcement, child serving agencies and direct services providers tend to see success not only because of their collaboration, but also because each team member has as specific role to play in the intervention and healing of the trafficking youth. Promising models such as those in Washington, Massachusetts and Los Angeles County require training for all agency professionals who may come in contact with trafficked youth along with more intensive training for MDT members.

Examples of Formalized Multi-Disciplinary Team Protocols

Massachussetts

- The SEEN Coalition in Suffolk County,
 Massachussetts was formed in 2006 in
 partership with several government and
 local agencies, along with community based
 agencies including the Children's Advocacy
 Center of Suffolk County and My Life. My
 Choice. The county-based teams begin their
 collaboration by training together on
 understanding victims of CSEC and
 collaboratively develop their
 multidisciplinary CSEC protocols. The teams
 are distinguished by their diverse agency
 composition and centralized case
 coordination and service delivery. The
 Support to End Exploitation Now (SEEN)
 program in Boston, MA has been
 implementing this model (with a no-arrest
 policy) for ten years.
 Success of the SEEN Model has led to the
 development of similar protocols throughout
 the state.
 A flow chart of the SEEN Outline is available
 on page 53 of the following report:
 http://www.suffolkcac.org/assets/pdf/MDT
 _Response_Model.pdf

Washington

- The Washington State Model Protocol For Commercially Sexually Exploited Children was developed by YouthCare and the Center for Children and Youth Justice. The protocol promotes consistent statewide implementation of Washington's laws but with the flexibility to allow for different regional approaches and ongoing assessment and improvement of the protocol.

Illinois

- The Cook County Human Trafficking
 Taskforce received a grant from the U.S.
 Department of Justice's Bureau of Justice
 Assistance and the Office for Victims of
 Crime for the Enhanced Collaborative Model
 to Combat Human Trafficking (see Federal
 policies, pg. 5)

In addition, many of these models hinge on a memorandum of understanding (MOU) with agencies or organizations allowing them to work with youth irrespective of the youth's system involvement. (Single Point of Entry)

Formal MOUs with NGOs

TurnAround Inc, Baltimore

Saving Innocence, Los Angeles County

- Saving Innocence has developed a formal MOU with the Los Angeles (LA) County STAR Court and plays a critical role in providing immediate trauma informed care in partnership with law enforcement and the Department of Children and Families Services. This MOU is part of the LA County First Responder Protocol where Saving Innocence commit to respond within 90 minutes of victim identification by law enforcement or child welfare. While this is a new program, 70% of youth that were identified through the LA County First Responder Protocol were in stable placement within 72 hours. After initial assessment, Saving Innocence is available to provide long term case management, the My Life My Choice Curriculum and victim specialists within the court systems.

Georgia Care Connection

- Georgia Care Connection was established by Georgia's Governor's Office for Children and Families to serve as a central, statewide hub for victims and survivors of child sex trafficking and for professionals seeking to help them. (Georgia Care Connection Office, 2013.) Currently, Georgia Cares serves as a single, statewide coordinating agency connecting services and treatment care for victims. Staff follow a victim throughout their service plan and agency involvement.

 More information available at: http://www.gacares.org/ourwork.html

Child advocacy centers provide a well-established protocol for creating MDTs in response to child abuse, and the recently enacted Justice for Victims of Trafficking Act set aside funding for CACs to develop trafficking programs within CACs to better serve as first-responders for these victims.

Child Advocacy Centers

Children's Advocacy Centers provide comprehensive, multidisciplinary services to children suspected of having been abused. Services are provided in a safe, child friendly environment where law enforcement, child protective services, prosecution, victim advocacy, medical and mental health professionals can share information and develop effective, coordinated strategies sensitive to the needs of each unique case and child. At the time this document was released, there were 777 CACs across the country. While not all CACs have been trained in the trausinformed dynamics of serving juvenile sex trafficking victims, federal initiatives to train all CACs are underway and several CACs have already

Children's Advocacy Center of Suffolk County

Kristi's House Project GOLD

Juveniles and their families should be engaged whenever possible and appropriate in developing their service plan to reinforce their victim status and empower them to embrace the service plan. Survivor advocates have also asserted that applying Team Decision Making (TDM) and Another Road to Safety (ARS) approaches to MDTs formed to serve juvenile sex trafficking victims may be beneficial. In addition, many states are already building upon established protocols to build trafficking related MDT response through their child advocacy centers (CACs).

Other Types of Multi-Disciplinary Teams

Team Decisionmaking (TDM)

- Team Decisionmaking is a model created by the Annie E. Casey Foundation to involve not just caseworkers, but foster parents, birth families, service providers, state agencies and community members in all service plan decisions to ensure a network of support for the child and the adults who care for them.

 Team decision making meetings are always held before any petitions are filed with the court and are facilitated by highly trained public agency staff.

 This type of MDT has been piloted in Family to Family sites across the nation.

Another Road to Safety (ARS)

Family Justice Centers

<u>Create specialized positions and single point of entries</u> within agencies and service provider organizations to work specifically with juvenile sex trafficking victims and allow for advocate positions that can provide a consistent role in the victim's service plan throughout their continuum of care. Research shows that because of indicators and vulnerabilities common to both child maltreatment and juvenile sex trafficking, child serving agencies are likely already serving this population. While more resources are needed, it may be possible to provide more trauma-informed and specialized services through a shift in resource allocations. By having caseworkers specifically trained to identify and respond to juvenile sex trafficking, responses will not only be more trauma-informed, but the caseworker has the ability to identify resources in the community best equipped to serve this population. Funded positions to help coordinate services at the state and local level have been a promising trend to help streamline collaborative approaches.

Minnesota No Wrong Door

- The Minnesota No Wrong Door model includes a state coordinator along with regional navigator positions that allow support no matter where in the state or how the child is identified as trafficked. The navigators, including two tribal lands navigators, provide a central point of contact for victims and professionals in the community working with this population.

 Along with connecting youth to

Florida

- Florida has established a platform where its child welfare agency has a role in each part of the continuum of care. This allows child welfare the ability to be involved in the child's healing no matter what services are deemed necessary or where they are in the continuum of care.

 To coordinate this role the Florida.

Conneticut HART Liasons

- Connecticut's Human Trafficking Response Team (HART) designates six Human Anti-trafficking Response Teams through the Department of Children and Families (DCF). The response teams are led by regional navigators called HART Liasons who work with the local MDTs to ensure that juvenile sex trafficking victims are treated as victims with a service- based rather than punitive response.

 More information about

Equip all potential first line responders with a clear understanding of their roles and responsibilities along with protocols and policies so that a trauma-informed and service-focused response can be implemented upon

Los Angeles County First Responder Protocol for CSEC

- Los Angeles County First Responder Protocol for CSEC

 *Los Angeles County has implemented a Law Enforcement First Responder Protocol which directs law enforcement to immediately call the child protection hotline when a young person is identified as trafficked. The hotline in turn, dispatches a specialized team that has been trained on the dynamics of juvenile sex trafficking to arrive within 90 minutes of the child being identified. The team also contacts a local organization, Saving Innocence, to provide a specialized advocate to arrive within 90 minutes alongside the response team. The advocate is the first person to interact with the child during the assessment process, working to meet basic needs and providing essentials like a change of clothes and other comfort items such as a stuffed animal to reinforce a non-punitive response. The advocate will then work with the social worker to develop the longer term service plan and stays in close contact for the first 72 hours after identification while the juvenile receives a full medical evaluation, in some cases perhaps even staying with the victim in the home of a short term foster care placement, if allowed. Results so far show that nearly 70% of youth were in a stable placement within the 72 hour time frame. There has also been increased collaboration across systems and with law enforcement and youth have been keeping in close contact with their assigned advocates.

 *Available at: https://www.lacounty.gov/law-enforcement-first-responder-protocol-for-csec

identification. Identification is a critical component of implementing non-criminalization. When trafficked youth are not being arrested there must be clear mechanisms for responding, but there also must be trained professionals actively looking for them. Statistics reveal that many youth who have been trafficked are already system-involved before this specific type of abuse is disclosed. All professionals working with system-involved and other vulnerable youth should have an understanding of the range of warning signs and dynamics associated with trafficking so they are able to connect youth to an appropriate response before a law enforcement intervention is even warranted. If law enforcement is a first responder during an active exploitation situation, such as an Internet sting or street identification, there should be clear mechanisms for responding with an understanding that it may be challenging to determine if the trafficked youth is in fact a minor.

<u>Provide Emergency Placement.</u> Along with long term services, one of the most critical needs on the continuum of care, especially for states and local jurisdictions that have implemented a non-criminalization policy, is to have an immediate safe place for a thorough and trauma informed assessment. Several JuST Response Council members indicated that the ability to hold youth for 72 hours for a CSEC specific assessment would be ideal.

Ohio

- The state of Ohio has provided grants to create formalized pilot programs for direct services along with identification, training and prevention efforts. In 2013 the Attorney General's office partnered with the Ohio Network of Children's Advocacy Centers (CACs) to create a network of first responders for minors who are suspected to be victims of trafficking. Through a two-year, half-million dollar partnership, 26 child advocacy centers are being trained and equipped to provide specialized and trauma-informed assessments and services for juvenile sex trafficking victims in urban and rural areas throughout the state. The CACs work closely with law enforcement and others in providing a MDT response.
- is available at: http://www.publicsafety.ohio.gov/ht/OhioHuman TraffickingTaskForceReport-July2015.pdf

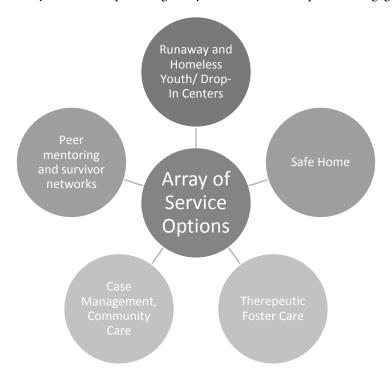
Kansas

- As a key component of its statutory framework, Kansas has taken another approach to providing immediate safe services by establishing a staff-secure facility as a protective custody option for law enforcement to bring sexually exploited youth. This facility is a state-funded residential shelter specifically serving sex trafficked youth. It is statutorily required to limit unauthorized exits by residents as well as limit unauthorized exits by residents as well as limit unauthorized entry to the facility through 24-hour awake staff and "locked entrances and delayed-exit mechanisms." Regulations for the staff secure safe home were further developed by the Kansas Department of Health and the Environment; the bill recognizes that this emergency placement facility must be trauma informed and mandates the provision of a nurturing and therapeutic environment staffed with providers that have received specialized training on working with invenile sex trafficking victims.
- Requirements of the staff-secure facility are outlined in Kansas Sustitute House Bill 2034 enacted in 2013 is available at: http://www.kslegislature.org/li_2014/b2013_12/measures/documents/hb2034_enrolled.pdf

Florida Housing Assessment

- Florida's 2014 amendments to the Safe Harbor Act of 2012 allocated \$3 million to provide services for identified victims of juvenile sex trafficking. Several requirements were established for allocation of this funding
- The state established specially certified "safe foster homes"
 which at the time of this report requires the family has access
 to extensive wrap around services and be comprised of two
 parents with one parent available for full time care.
- There are also certification requirements for safe homes which require non-punitive, trauma-informed, therepeutic care.
- Currently there are more victims identified in Florida than available placement options, so not all youth are able to receive services from these specialized homes.
- More information is available at: http://www.centerforchildwelfare.org/kb/LegislativeMandated Rpts/2014-15HumanTraffickingAnnualReport.pdf

Provide an array of service options. A continuum of care approach is essential for creating individualized services plans. If a young person has options for their treatment plan, they are more likely to remain engaged in services, mitigating safety concerns related to non-criminalization. While approaches differ, experts encourage that trauma-informed, victim-centered, safe shelter/transitional housing, comprehensive case management, mental health services, support for educational attainment and vocational sufficiency must all be available as part of this continuum. These responses should have the ability and flexibility to meet the survivor's cultural and religious beliefs, ideally by individuals who share these religious or cultural traditions. Other elements noted as critical in a comprehensive service response involve the inclusion of survivor support, avoiding a rescue mentality and not emphasizing safety concerns at the expense of engaging youth.



Resources for Identifying Victim- Centered, Trauma-Informed Juvenile Sex Trafficking Service Plans

- Federal Strategic Action Plan on Services for Victims of Human Trafficking, available at http://www.ovc.gov/pubs/FederalHumanTraffickingStrategicPlan.pdf
- Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States: A Guide for Providers of Victim Support Services by the Institute of Medicine and the National Research Council, available at: http://iom.nationalacademies.org/~/media/Files/Report%20Files/2013/Sexual-Exploitation-Sex-Trafficking/ReportGuide-VSS.pdf
- JuST Response State Mapping Report and National Colloquium Reports by Shared Hope International and partners, available at: http://sharedhope.org/justresponse
- Study of HHS Programs Serving Human Trafficking Victims by the U.S. Department of Health & Human Services Office of the Assistant Secretary for Planning and Evaluation available at https://aspe.hhs.gov/study-hhs-programs-serving-human-trafficking-victims
- Universal Services for Victims of Trafficking by the U.S. Department of Health & Human Services Administration for Children & Families Office on Trafficking in Persons, available at: http://www.acf.hhs.gov/programs/endtrafficking/universal-services-victims-of-trafficking
- Vision 21 Transforming Victim Services Final Report by the U.S. Department of Justice Office for Victims of Crime, available at: http://ovc.ncjrs.gov/vision21/pdfs/Vision21 Report.pdf

"All too often we fail to recognize that victims have often been without healthy adult or family support for most of their lives, and they have been highly resourceful in getting their basic needs met. Any model used for minor victims needs to be strength-based and build (in a healthy way) upon the victim's existing efforts to develop autonomy and self-sufficiency."

— Dr. Sandi Pierce, Othayonih Research

Evaluate and assess: Existing system responses should be evaluated and assessed as part of creating a non-criminalization response. No single state or jurisdiction has devised a perfect model—however good it may be—that is entirely transferrable, so documented program outcomes are incredibly valuable. Each model

should strive for consistency, sustainability and development of a healthy relationship between the victim and survivor advocates or other trusted adults. This will provide not only important stable connections for the young person, but also provide a way to individually assess the youth's success and appropriateness of placement through multiple stages of his or her service plan.

States like Ohio, Kentucky, and Florida have executive mandates from the governor's office or legislative requirements that agencies report on plans and outcomes for responding to juvenile sex trafficking. These states are able to assess deliverables and revisit protocol components that may not be best serving the juvenile sex trafficking survivors in care.

Resources: COI Toolkit

 The Children's Bureau at the Department of Health and Human Services' Administration of Children and Families provides a continuous quality improvement (CQI) toolkit to support efforts by systems of care to self-evaluate and assess outcomes "to consistently improve services and supports for children and families, and to ensure that [systems of care] are making the most effective use of your resources."

Available at:

https://www.childwelfare.gov/topics/manageme nt/reform/soc/communicate/initiative/ntaec/so ctoolkits/continuous-qualityimprovement/#phase=cqi.

Kentucky

- Kentucky's Human Trafficking Victims Rights Act of 2013 requires
 Kentucky's Cabinet for Health and Family Service to submit annually to the Legislative Research Commission "a comprehensive report detailing the number of reports the cabinet has received regarding child victims of trafficking, the number of reports in which the department has investigated and determined that a child is the victim of human trafficking, and the number of cases in which services were provided."
- The 2015 Report is available at: http://chfs.ky.gov/NR/rdonlyres/764 B6636-7A75-47E1-AB0A-02136323BBB7/0/2015HumanTraf ckingReportandLetters.pdf

Florida

- Under the 2012 Florida Safe Harbor Act and 2014 amendments, the Florida Department of Children and Family Services must report the number of children placed in safe houses and safe foster homes during the year, the criteria used to determine the placement of children, the number of children who were evaluated for placement, the number of children who were placed based upon the evaluation, the number of children who were not placed, the number of children who were referred to a safe house or safe foster home for whom services were unavailable and the counties in which such placement was unavailable.
- 2014 ammendments to the Safe Harbor Law required that specific, trauma-informed licensing requirements be developed for safe houses and safe foster homes for iuvenile sex trafficking victims.
- The 2014-2015 Report available at: http://www.centerforchildwelfare.org kb/LegislativeMandatedRpts/2014-15HumanTraffickingAppualReport ad

Ohio

- A 2012 Executive Mandate by Gov. John Kasich mandated the development of a human trafficking task force that was tasked with producing a report that, among several other responsibilities, evaluated the capacity of existing health and human services programs identified and recommended how to fill gaps in existing services and evaluated current laws and present recommendations developed in collaboration with the Attorney General's Human Trafficking Commission to the Governor. Initial recommendations for the task force included the appointment of a state human trafficking coordinator to be responsible for the task forces's recommendations
- •The 2015 Report is available at: http://www.publicsafety.ohio.gov/ht/ OhioHumanTraffickingTaskForceReport-July2015.pdf

It has been well recognized that in many ways we are "building the plane as we fly it," as we shift away from punitive responses to juvenile sex trafficking victims and develop system and services responses that recognize the specific type of trauma as well as the unique needs, hopes and capabilities of the victims. This field guidance document is a piece of ongoing work and intends to continue to capture promising practices and emerging trends for the benefit of those jurisdictions working to address the deficiencies and complexities present in current systems. This will take resources and will require a shift in the dialogue around commercial sexual exploitation providing even stronger solutions to implementing non-criminalization laws until we have a process that truly meets all the underlying needs of victims and survivors.

Attachment A:4

State and Local Human Trafficking or Child Sex Trafficking Reports and Protocols

California

Ending the Commercial Sexual Exploitation of Children: A Call for Multi-System Collaboration in California, available at: http://www.chhs.ca.gov/CWCDOC/Ending%20CSEC%20-%20A%20-%20February%202013.pdf Los Angeles County Law Enforcement Protocol for Commercially Sexually Exploited Children, available at: https://www.lacounty.gov/law-enforcement-first-responder-protocol-for-csec

Connecticut

Connecticut's HART Program overview is available at: http://www.ct.gov/dcf/cwp/view.asp?a=4743&Q=562246.

Florida

The 2011 Florida Department of Children and Families Statewide Human Trafficking Task Force Implementation Report is available at:

http://www.dcf.state.fl.us/programs/humantrafficking/docs/2011implementationplan.pdf

Georgia

Georgia Care Connection overview is available at: http://www.gacares.org/our-work.html

Illinois

The Cook County Human Trafficking Task Force Policies and Protocols are available at: https://www.ovcttac.gov/TaskForceGuide/eguide/media/3.0/HT Policy and Protocol guide.pdf

Kansas

Senate Substitute for House Bill No. 2034 is available at:

http://www.kslegislature.org/li 2014/b2013 14/measures/documents/hb2034 enrolled.pdf

Kentucky

The Cabinet for Health and Family Services Office of the Secretary's second report regarding child victims of trafficking is available at: http://chfs.ky.gov/NR/rdonlyres/26908E11-F99D-41BE-BFB9-4D54C8BD8C46/0/HumanTraffickingReport2014.pdf

Massachusetts

From "The Life" to My Life: Sexually Exploited Children Reclaiming their Futures, Suffolk County Massachusetts' Resposne to Commercial Sexual Exploitation of Children is available at: http://www.suffolkcac.org/assets/pdf/MDT Response Model.pdf

Minnesota:

http://www.health.state.mn.us/injury/topic/safeharbor/index.htm http://www.centerforchildwelfare.org/kb/LegislativeMandatedRpts/2014-15HumanTraffickingAnnualReport.pdf

Ohio

The July 2015 Human Trafficking Task Force Report is avablie at:

http://www.publicsafety.ohio.gov/ht/OhioHumanTraffickingTaskForceReport-July2015.pdf

⁴ The following list is far from exhaustive. For suggestions on relevant research please contact us at: justresponse@sharedhope.org

Washington

Washington State Model Protocol for Commercially Sexually Exploited Youth: http://ccyj.org/wp-content/uploads/2015/04/Project-Respect-protocol.pdf

Wisconsin

Wisconsin Human Trafficking Protocol and Resource Manual is available at:

http://www.endabusewi.org/sites/default/files/resources/wisconsin human trafficking protocol and resource_manual.pdf

U.S. Government and National Organizational Reports

Federal Strategic Action Plan on Services for Victim of Human Trafficking in the United States is available at: http://www.ovc.gov/pubs/FederalHumanTraffickingStrategicPlan.pdf

Georgetown Law Center on Poverty and Inequality's Blueprint: A Multidisciplinary Approach to the Domestic Sex Trafficking of Girls Care, available at: http://www.law.georgetown.edu/academics/centers-institutes/poverty-inequality/loader.cfm?csModule=security/getfile&pageid=169026.

Institute of Medicine and National Research Academy's Confronting Commercial Sexual Exploitation and Trafficking of Minors in the US available at: http://iom.nationalacademies.org/Reports/2013/Confronting-Commercial-Sexual-Exploitation-and-Sex-Trafficking-of-Minors-in-the-United-States.aspx

International Organization for Adolescents (IOFA) and Center for Human Rights for Children, Loyola University Chicago's Building Child Welfare Response to Child Trafficking is available at: http://www.luc.edu/media/lucedu/chrc/pdfs/BCWRHandbook2011.pdf

National Council of Juvenile and Family Court Judges, National Center for Missing and Exploited Children and the U.S. Department of Justice Office of Juvenile Justice Delinquency Prevention, Missing Children, State Care and Child Sex Trafficking: Engaging the Community in Building a Collaborative Response. Available at: http://www.missingkids.com/en_US/publications/missingchildrenstatecare.pdf

U.S. Department of Health and Human Services Administration for Children, Youth and Families (ACYF) Guidance to States and Services on Addressing Human Trafficking of Children and Youth in the United States:

 $\frac{https://library.childwelfare.gov/cwig/ws/library/docs/gateway/Blob/88109.pdf?w=NATIVE\%28\%27SIMPLE_SRCH+ph+is+\%27\%27Guidance+to+States+and+Services+on+Addressing+Human+Trafficking+of+Childre_n+and+Youth+in+the+United+States.\%27\%27\%27\%29\&upp=0\&rpp=25\&order=native\%28\%27year\%2F_Descend\%27\%29\&r=1\&m=1$

U.S. Department of Justice Office for Victims' of Crime Human Trafficking Task Force e-Guide Strengthening Collaborative Response Supporting Victims, available at: https://www.ovcttac.gov/taskforceguide/eguide/4-supporting-victims/