

**DEPARTMENT OF HUMAN RESOURCES
SOCIAL SERVICES ADMINISTRATION
311 W. SARATOGA STREET
BALTIMORE, MARYLAND 21201**

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POLICY #: SSA - CW# 14-15
(Supersedes and Replaces SSA Policy # 13-3)

TO: Directors, Local Departments of Social Services
Assistant Directors, Local Departments of Social Services

FROM: Carnita D. White, Executive Director
Social Services Administration

RE: Human Sex Trafficking Victims

PROGRAM AFFECTED: In-Home and Out-of-Home Services

ORIGINATING OFFICE: In-Home Services

ACTION REQUIRED OF: All Local Departments

ACTION DUE DATE: February 15, 2014

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PURPOSE:

This Policy Directive serves to instruct Local Departments of Social Services (LDSS) staff in the identification and service delivery to child victims of human sex trafficking when referred to LDSS for services.

BACKGROUND:

Recent focus on the need to address minors who are victims of human sex trafficking and the need for service provision has been a priority both at the Federal and State level. The Federal Trafficking Victims Protection Act of 2000 (TVPA) states that **any minor (under the age of 18) engaged in commercial sex is a victim of trafficking**. The U. S. Department of Health and Human Services (HHS) has stated that “if a child is in urgent need of assistance, contact law enforcement or child protective services to report abuse, neglect or exploitation of a child.” In consultation with the office of the Attorney General, it is understood that the trafficker, in his role relating to the victim can be considered as a caretaker. Legislation (HB 860) passed in Maryland during the 2011 legislative session adds “Human Trafficking” to the definition of sexual abuse, effective 10/1/12. The majority of children who are engaged in prostitution are known to begin several years earlier than their first encounter with law enforcement, to be victims of sexual abuse, to be known to the Child Welfare system, and to be highly traumatized. In addition, foster youth are considered at higher risk by traffickers who seek them out, looking for runaways and soliciting near group homes, residential programs and where youth congregate in their attempts to engage youth in sex trafficking.

SERVICE DELIVERY PROCESS:

Screening

When screening receives a call (from the community, law enforcement, the child, etc.) regarding a child who is believed to be a victim of human sex trafficking, the case should be screened in as sexual abuse (sexual exploitation at a minimum). The trafficker can be considered the “caretaker” as this person has usually taken over the control and care of the child for the purpose of human trafficking.

The screener shall select the Human Trafficking identifier in MD CHESSIE, on the Structured Decision Making Assessment (SDM) and include all other categories that are appropriate (sexual exploitation of a child by an adult caregiver, family member, or household member). Individual circumstances may vary (parent may be aware of human trafficking, parent whereabouts may be unknown, trafficker may be unknown, etc.) and screener should take into account the specific circumstances at intake and note all incidences of abuse and/or neglect that apply. A minor picked up for prostitution and who law enforcement has identified has a pimp or trafficker, who is not charged by law enforcement, is a victim of human sex trafficking.

In section 3, of the SDM, Response Time Decision, screener should mark *Immediate* response required. In many, if not most cases the child is in urgent need of assistance and arrangements must be made immediately to ensure the safety of the child. Given the extreme nature of the trauma that victims have experienced, it is almost always likely that placement is going to be initially necessary.

It should also be noted that most of these cases come to the attention of LDSS after regular work hours so policies need to be shared with all after- hour staff. Given the complexity, lack of familiarity, and unique service needs of this population, LDSSs may wish to designate a point person to be contacted after hours who is more familiar with the management of human trafficking cases to direct after-hour staff. All after hour staff need to also be aware of and follow Social Services Policy Directive 14-13, Management of After Hours Sex Trafficking Reports to Child Protective Services.

Child Protective Services (CPS) Investigation

Often victims of human trafficking are homeless and without parents when they are picked up and, although the parent or guardian may not have been abusive or neglectful, the lack of caretaker and the exploitation of the child by the current “caretaker” (trafficker) make the child a child in need of DSS assistance. Often a relative or parent may have been directly involved in trafficking the child. At the time the child is apprehended by law enforcement or is brought to the Local DSS for service, little may be known regarding the child, and what the child has revealed or will reveal may not be accurate or truthful due to the circumstances regarding his/her status. It is important to remember a human sex trafficking victim has not engaged in a crime but is a victim of a crime. At the same time, many victims do not view themselves as victims and are highly protective of the trafficker. When child welfare intervenes, it is often able to avoid the child being arrested.

The jurisdiction in which the trafficking incident occurred will provide the investigative services as the abuse has occurred within their jurisdiction. If the child resides in another jurisdiction (legal residence) the jurisdiction conducting the investigation will contact the jurisdiction in which the child resides and that jurisdiction will provide the required services for the child. This may well include obtaining an order of shelter care to place the child, as needed. It is also possible that the actual legal residence of the child will not immediately be known. Should the jurisdiction where the trafficking occurred assume case service responsibility and then determine that the legal residence is different, the case responsibility will be transferred to the jurisdiction of legal residence. If the legal residence is unknown and remains unknown, the jurisdiction

where the abuse occurred and the victim was recovered will assume full responsibility for the case.

The investigation will focus on finding and investigating family, assessing for safety taking into consideration the very unique circumstances of human sex trafficking victims, maintaining the youth in a secure place and notifying the jurisdiction where the child resides (if different) that they need to respond to provide services to the child which may include sheltering the victim in a secure placement. Both the jurisdiction providing the investigation as well as the jurisdiction providing services will need to work with law enforcement (which may include the FBI, State Police, or Homeland Security). The focus of law enforcement is to garnish information related to the trafficker for the purpose of prosecution of the trafficker. It is possible that a child will not disclose information until much later in the process of working with him/her. At the time the child reveals this information, law enforcement needs to be notified and CPS and law enforcement should proceed jointly whenever possible.

Cases should be coordinated between the Local DSS staff assigned to the case and the law enforcement agencies involved to ensure that victims of trafficking are not repeatedly interviewed. If human trafficking is reported, the staff assigned to investigate the case shall immediately contact the appropriate law enforcement agency. If the alleged trafficking occurred in a jurisdiction different from where the victim is present or residing, contact to the State Police and FBI shall be made. The Center for Missing and Exploited Children shall also be contacted (1-800-843-5678).

Any interviewing of the victim will be coordinated with law enforcement, advocates (such as TurnAround) and the LDSS responsible for the investigation. Victims should not be interviewed multiple times by numerous people but those involved should coordinate to minimize additional trauma to the victim.

The investigative worker should proceed with the investigation the same as with any child maltreatment investigation but needs to ensure that when assessing for placement with family that the family has had no involvement in the sex trafficking and that the trafficker will not have access to the child or that the child has no access to the trafficker. In most cases, the victim will not, initially, be returning to the home. Victims often will not initially disclose that family has been involved in trafficking the youth and the Department shall not place a child who is suspected to be a victim of human trafficking with a parent, relative caregiver or legal custodian if there is reasonable suspicion that the person in question is a trafficker or cannot protect the child.

Usually there is no parent or guardian directly available to care for the child and if there is, an investigation should be completed to ensure that the child is safe if returned to the home. Frequently the circumstances of how the child came to be a victim of human trafficking, whether

the parents of the child can safely maintain the child, whether the child can be maintained at home without fear of the trafficker having any access to him/her, whether the parent or caretaker is involved in the trafficking etc. must be fully investigated prior to making a decision to return a child home.

Before completion of the investigation, the LDSS should consult with the Department's legal staff to review the case status to ensure that legal has completed any work needed on the case and to advise on any appropriate legal follow-up, if needed.

Domestic Non-Maryland Residents

Often the youth who are picked up by law enforcement for prostitution are from out-of-state. In these cases, the youth will need to be placed temporarily so efforts can be extended to secure information from the youth's state of origin. The youth will need to be returned to the state of origin, however it is not necessary to institute a formal interstate compact process to facilitate the return to the state of origin. Staff in the LDSS must contact the state of origin and request assistance with the return of the child. The worker will need to facilitate the return of the child to the state of origin and work with the home state to secure an appropriate and safe placement for the child. Many of the out of state victims present as very unwilling to cooperate, may possess false identification and may provide false information. Workers will need to work with the youth and out of state authorities to gain accurate information to arrange for appropriate return to the home state.

The Department, where there is a suspicion that the child is a victim of human trafficking, and has reason to believe that the parent, relative caregiver or legal custodian or that the person in question is a trafficker or cannot protect the child, shall ensure that the home state authorities are made aware of this information and shall put this information in writing to the home state authorities. Law enforcement in Maryland, if not already involved, shall also be notified if human trafficking is suspected.

International Non-Citizens-out of the United States of America

In cases involving children who are non-citizens and/or unaccompanied immigrant minors, the caseworker will need to:

- Obtain assistance from the state coordinator at DHR, Maryland Office of Refugees and Asylees at 410-767-7394.
- Contact with the U.S. Department of Health and Human Services (HHS), Office of Refugee Resettlement (ORR) Anti-Trafficking in Persons Child Protection Specialist to obtain the necessary letters of eligibility and certification for the child (202-401-9246).
- Certification and eligibility are terms used to describe the process HHS and ORR use to officially declare a foreign national a victim of a severe form of trafficking. A child does

not require certification but does require a letter of eligibility from HHS to receive benefits.

- A CPS worker cannot on his/her own request a letter of eligibility but must work in conjunction with law enforcement and federal law enforcement. Federal law enforcement officials will require access to the minor victim before they can issue a statement that they believe the child is a victim of a severe form of trafficking.
- Notify your local department's legal council that a non-citizen human sex trafficking victim has been recovered.

In cases involving children who are non-citizens and/or unaccompanied immigrant minors, it is important that the worker assess suitable placement and notify their legal department and complete the necessary documents which will enable them to remain in the United States. The worker will need, in addition to seeking an Order of Shelter Care, to also apply for immigration relief. There are multiple options available depending on the individual circumstances.

- For an unaccompanied minors, assistance can be obtained from the state coordinator at DHR, Maryland Office Refugees and Asylees at 410-767-7394
- Continued Presence: This request is made via Victim Witness Coordinator at the U.S. Department of Justice, Civil Rights Division Trafficking Unit (1-888-428-7581), or the Department of Homeland Security (202-732-5827). Victims applying for continued presence must prove that they are cooperating with law enforcement.
- T nonimmigrant Status (T visa): Federal law provides longer-term legal protection to victims through the T visa. This application must be initiated by Federal Law Enforcement, a victim, or his representative. Unlike continued presence, no proof of cooperation with law enforcement is needed. Application is made with the United States Citizenship and Immigration Services. It is best to go to the website as the appropriate forms can be accessed (www.uscis.gov).

There are also other forms of immigration relief that are specific to the existence of certain circumstances:

- U nonimmigrant status: for victims of certain qualifying crimes who assist the government officials in investigating or prosecuting such criminal activity.
- Special Immigrant Juvenile Status (SIJS): for certain immigrant children who have been abused, abandoned, or neglected by their parents.
- Violence Against Women Act (VAWA) Self-Petition: for immigrants who have been abused by a qualifying family member who is a U.S. citizen or lawful permanent resident and
- Asylum: for immigrants fleeing persecution on the basis of race, religion, nationality, or membership in a particular group.

Prior to the sharing of any information related to the maltreatment allegations being shared with an immigration agency such as U.S. Citizen and Immigration Services (CIS), the information

must be reviewed with the juvenile court system to determine what can and cannot be disclosed to an immigration agency.

Given the complexity of the non-citizen issues, the worker is best advised to contact the agency legal department, explain all of the case's particular circumstance, and seek specific legal direction.

PLACEMENT OPTIONS:

While historically Child Welfare has sought to maintain children in their home, in trafficking cases, family involvement is not always clear. Most youth who engage in human sex trafficking have a history of maltreatment and trauma which has contributed to their recruitment. It is unlikely that the majority of human trafficking victims will be able, initially, to be maintained in their own home or in a foster home. In most, if not all of the cases of human trafficking, the worker will need to proceed with an Order of Shelter Care (OSC). Often victims will not immediately disclose family involvement in the trafficking. They often disclose at a later time when they feel safe enough to do so. Many of the trauma issues that victims demonstrate are difficult for foster families to manage; sexualized language and behaviors, substance abuse, relationship issues, etc. While no placement can guarantee that a child will not run, in placing human trafficking victims, it is critical that all efforts be made to secure a placement where the likelihood of running is minimized as much as possible. Containing the victim for a period of time is also viewed as desirable to keep the child safe, for law enforcement to be able to build a rapport with the child and to question the child and for staff to gain the child's trust to be able to intervene clinically and better assess each child's circumstances and needs.

What is critical in seeking an appropriate placement for victims of human trafficking is to ensure that the worker has engaged in a full assessment of the child's unique circumstances, safety needs and status at the time of placement.

Out-of-Home Placement

Maryland Residents

Given the very special needs of this population, specific providers have been identified for placement and victims of human sex trafficking may need initially to be placed with these providers once the worker has obtained the OSC. When placement is needed, workers need to log on to the Internet to DHR Knowledge Base, click on Social Service Administration (SSA) and, when in SSA, click on "About Social Services Administration" and then click on the link that states "Current Approved List of Providers Serving Victims of Human Sex Trafficking."

Current provider information is listed. The worker will need to identify the child as a human sex trafficking victim to the provider. When working with a youth who has been a victim of sex trafficking who is in an Out-of-Home placement it is important to realize that the victim may not be inclined to share information nor may he/she be cooperative. Victims often do not view themselves as victims and are often bound by “trauma bonds” to the trafficker. Both workers and providers need to be highly vigilant that the victim has minimal opportunity to link up with the trafficker and is discouraged from recruiting other vulnerable youth into trafficking. Often only after building a sense of safety and trust will a victim feel secure enough to share their victimization.

Domestic Non-Maryland Residents

Generally Non-Maryland Residents will be returned to their home state but should a non-Maryland resident victim need to be contained in Maryland for any period of time, worker will need to seek an OSC and place as noted above (Maryland Residents-out-of-home placement) until the child can be returned to his/her home state.

International Non-Citizens-out of the United States of America

Non-citizens will need to be placed according to their placement needs. The process does not differ from that of any child in need of out-of-home placement, however worker will need to refer to the above section and either make the appropriate notification and application needed for a non-citizen or follow-up on any contact that may have been made during the investigation process.

Access to Law Enforcement

Given the nature of human trafficking, law enforcement will also require access to victims for interviews and follow-up. Law enforcement, wanting to apprehend and convict the trafficker needs to engage the victim and his/her testimony in order to do so. Many law enforcement officers are also interested and knowledgeable in helping victims. When victims are ready to engage with law enforcement, law enforcement will require access to the child.

Special Out-of-Home Placement Considerations

Out-of-home workers working with any pre-teen and teen need to have an understanding of the signs of human sex trafficking and be alert to any behaviors or factors presented in their caseload that may point to human sex trafficking. If at any time a foster care worker is suspicious that a child may be engaged in human trafficking, they can utilize the Foster Care Screening Interview developed primarily for youth who experience runaway episodes. This tool encourages a conversation with the youth that may lead to disclosure or confirmation that human trafficking may be an issue to address. If a worker identifies any case of human sex trafficking the police

should be notified, a critical incident report completed (as per SSA Policy Directive # 10-05) and a referral made to an appropriate treatment provider. Chronic runners (especially those who run 4 or more times) are far more likely to be involved in human sex trafficking while on the run. Special screening for sex trafficking involvement of these youth should be done by the worker

Provision of In Home Services

Maryland Residents

If a human trafficking victim is returned home, the CPS worker must work with the child and family to ensure that the child is safe, will not return to trafficking and is receiving the appropriate services to assist in overcoming the trauma and the desire to return to trafficking. As each case is very different, the worker must assess, along with the family and professionals treating the trauma, what is required to maintain the child safely in the community. If the child is being maintained in their home, at no time should the child have access to the trafficker nor should the trafficker have any access to the child. If this cannot be guaranteed, placement out of the home may be necessary until such time as the family is able to safely maintain the child in the home.

Domestic Non-Maryland Residents

Worker will need to identify the home state of the victim and notify the appropriate authorities that the child has been recovered in Maryland. Arrangements need to be made with the home state to return the child to the home state. Flex funds can be utilized to facilitate the return to the home state, however recovery of these funds should be requested of the state of origin.

International Non-Citizens-out of the United States of America

There may be occasion when a non-citizen may have a family residing in Maryland who is undocumented. Worker should treat this in the same manner as the Maryland resident, as the family dynamics may well be the same. The undocumented status does not alter the need for an investigation or alter what the caseworker must access for safety.

Determination of Human Sex Trafficking

At any time in the service delivery process (screening, investigation, consolidated or out-of-home placement) that a worker suspects that a child may be or has been a victim of human sex trafficking, they can contact the Anti-Trafficking Program, Turn Around, Inc. for assistance with screening the youth for determination of involvement in human trafficking. Turn Around has considerable experience in this area and can respond to interview/screen the potential victim or

refer worker to an appropriate provider within their jurisdiction. Turn Around can be reached at 410-377-8111 or at their HELPLINE 443-279-0379 or at turnaroundinc.org.

If at any time during an a Child Welfare intervention a child is identified as a victim of human trafficking the worker must make a report to Screening.

MD CHESSIE

Screening

- **Screener should mark “Human Sex Trafficking” on the Structured Decision Making Assessment (SDM) and mark all other appropriate items under Sexual Abuse that may apply**
- Screener should also note all incidences of abuse and/or neglect in addition to sexual abuse.
- In section 3, of the SDM, Response Time Decision, screener should mark *Immediate* response required.

Investigation

- If the investigator identifies the case as a possible sex trafficking case, the investigator should identify the child as a sex trafficking victim on the DHR/SSA 181.