



## Human Trafficking and Child Welfare: A Guide for Child Welfare Agencies

The growing awareness of human trafficking in the United States and abroad requires government and human services agencies to reevaluate old policies and develop new ones for identifying and serving victims. Due to their potentially unstable living situations, physical distance from friends and family, traumatic experiences, and emotional vulnerability, children involved with child welfare are at risk for being targeted by traffickers who are actively seeking children<sup>1</sup> to exploit. Therefore, it is imperative that child welfare agencies be at the forefront of the response to and prevention of human trafficking. Additionally, recent Federal legislation established new requirements for child welfare agencies related to identifying and serving minor victims of human trafficking.

<sup>1</sup> For the purposes of this report, the term “children” includes youth. The term “youth” is used when source materials specifically reference that population.

### WHAT'S INSIDE

Background

Federal legislation and initiatives

Understanding victim needs

Strategies for State and local agencies

Conclusion

Additional resources

References

This bulletin is intended for child welfare agency leadership and explores how child welfare agencies can support children who have been victimized as well as children that are at greater risk for future victimization. It provides background information about the issue, including its scope and relevant legislation and initiatives, and strategies that agencies can implement to address the trafficking of children. State and local policy and program examples also are provided.

Child Welfare Information Gateway has developed a companion guide to this publication to assist child welfare caseworkers. *Human Trafficking and Child Welfare: A Guide for Caseworkers* is available at <https://www.childwelfare.gov/pubs/trafficking-caseworkers>.

## Background

Although human trafficking is by no means a new issue, in recent years public agencies have strengthened their focus on its identification and prevention as well as treatment for its victims. The following provides information about the definitions of human trafficking, the scope of the problem, and the connection with child welfare.

## Definitions

Both U.S. citizens and foreign national children can be victims of human trafficking within the United States. Federal law generally categorizes severe forms of trafficking in persons into either labor trafficking or sex trafficking.

- **Labor trafficking.** Per the Trafficking Victims Protection Act of 2000 (TVPA), which is part of the Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386), labor trafficking is the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion in order to subject that person to involuntary servitude, peonage, debt bondage, or slavery. The definition of labor trafficking in the TVPA

does not distinguish between children and adults, which means that children also must encounter force, fraud, or coercion to be victims of labor trafficking. Examples of labor trafficking include agricultural or domestic service workers and travelling sales crews that force children to sell legal items (e.g., magazines) or illegal items (e.g., drugs).

- **Sex trafficking.** The TVPA, as amended, defines sex trafficking as “the recruitment, harboring, transportation, provision, obtaining, patronizing or soliciting of a person for the purpose of commercial sex.” While adults must be compelled to perform commercial sex by force, fraud, or coercion in order for it to be considered a severe form of trafficking in persons, this is not the case for children. By law, children under the age of 18 who are induced to engage in a commercial sex act are considered victims of sex trafficking. In addition to a minor engaging in a sex act in exchange for money, examples of sex trafficking include a minor engaging in “survival” sex (i.e., the victim engages in sex in order to obtain basic needs such as food, shelter, or clothing, which are considered something of value) or participating in certain types of pornography.

Professionals in the child welfare and related fields typically use both the words “victims” and “survivors” to refer to individuals who have experienced or are experiencing human trafficking. The use of the term “victim” has legal implications for foreign nationals in terms of their eligibility for services, legal standing, and rights, whereas the term “survivor” is frequently used to connote the strength and resilience of individuals who were exploited through human trafficking. Although the terms are sometimes used interchangeably in the field, this bulletin uses the term “victim” while still acknowledging the strength and resiliency of those who have been trafficked. Individual victims may have their own preference for how they would like to be described.

There are several common misperceptions about trafficking (Center for the Human Rights for Children & International Organization for Adolescents, 2011):

- **Myth:** Trafficking always involves transporting the victim across State, country, or other borders.  
**Reality:** This is not included in the Federal definition of trafficking. An individual can be recruited and exploited for labor or commercial sex without having crossed any borders.
- **Myth:** All human trafficking victims in the United States are from other countries.  
**Reality:** Trafficking victims may be U.S. citizens or foreign nationals.
- **Myth:** Individuals must be physically restrained or locked up to be a victim.  
**Reality:** While some victims may be physically held by their trafficker, psychological means of control (e.g., trauma bonds, threats, coercion) are far more common.

For more information about how States classify human trafficking, view Information Gateway's *Definitions of Human Trafficking* at <https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/definitions-trafficking/>.

## Scope of Human Trafficking

The exact number of child victims of human trafficking in the United States is unknown, and trying to determine the number is difficult. The number of exploited children or children at risk for exploitation varies widely from source to source, often due to differences in definitions and methodologies (Finklea, Fernandes-Alcantara, & Siskin, 2015). Challenges to data collection include victims of trafficking not self-identifying due to factors such as complex trauma, trauma bonds, and normalization of victimization. Additionally, victims may fear talking to authorities, distrust service providers, or may have been coached by their traffickers on what to say while talking to others. These factors, among others, often make it difficult for those screening for trafficking victims or

collecting data to recognize victims. For a more thorough discussion of the issues surrounding data collection, see Chapter 2 of *Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States*, a product of the National Academy of Science, at <https://www.ojjdp.gov/pubs/243838.pdf#page=58>.

Nonetheless, there are various studies and organizations that provide a glimpse at how many children may be victims of human trafficking.

- The National Human Trafficking Hotline, a resource supported by the Administration for Children and Families (ACF) within the U.S. Department of Health and Human Services (HHS), received reports for 5,544 potential cases of human trafficking in 2015, with 1,621 of those cases referencing minors. For all cases, 75 percent involved sex trafficking, 13 percent involved labor trafficking, and 3 percent involved both types (National Human Trafficking Resource Center, 2016).
- One in six of the more than 18,500 children reported to the National Center for Missing and Exploited Children (2017) as missing were the victims of child sex trafficking.

It is important to remember that existing national data are not reliable indicators of the prevalence of human trafficking. The true prevalence of sex and labor trafficking is unknown, and most service providers believe that these statistics underestimate the scope of the problem.

There are several Federal initiatives to collect data on human trafficking victims. For example, HHS is sponsoring the Human Trafficking Data Collection Project to inform the development of an integrated data-collection platform that can be used across HHS programs and that will help assess service needs and victim trends. (For more information, visit the HHS website at <https://www.acf.hhs.gov/otip/research-policy/research-and-data>.) Additionally, the Bureau of Justice Statistics within the U.S. Department of Justice (DOJ) maintains the Human Trafficking Reporting System, which tracks investigations of alleged human trafficking reported by federally funded human trafficking task forces.

## Intersection With Child Welfare

Children in out-of-home care are at a particularly high risk of being trafficked. Estimating the number of trafficking victims who are or were involved with child welfare faces similar challenges to determining the overall number of victims, but many studies have shown a strong connection. A 2013 report by the HHS Administration on Children, Youth and Families (ACYF) cited a number of alarming statistics, including several studies showing that 50 to more than 90 percent of children who were victims of child sex trafficking had been involved with child welfare services (HHS, ACF, 2013).

A background of abuse and trauma—coupled with the impermanence of foster care or congregate care—can make children in out-of-home care especially vulnerable. A number of research and newspaper articles have pointed to the fact that traffickers target children in foster care because of their increased vulnerability (see, for example, Menzel, 2013). Traffickers exploit the fact that children in foster care—or those who have run away from care—may not be having their familial, emotional, or basic needs met. The traffickers promise to meet those needs—at times employing psychological manipulation and financial incentives to woo them—and then use violence, drugs, or physical control to retain and exploit them (Innocence Lost Working Group, 2010).

Recent Federal legislation has established mandates for States to collect additional data about children involved with child welfare who are known or suspected victims of sex trafficking.

## Federal Legislation and Initiatives

The Federal Government has been highly involved in directing a coordinated response to human trafficking. Over the past 20 years, several major pieces of legislation have been enacted to address this area. Additionally, the White House and Federal departments and agencies have undertaken collaborative and individual efforts to support victims of human trafficking and bolster the Federal response.

## Federal Legislation Regarding Human Trafficking

TVPA was the first comprehensive piece of Federal law to address human trafficking (Polaris Project, 2008). The TVPA and its subsequent reauthorizations in 2003, 2005, 2008, and 2013 laid the foundation for various prevention, protection, and prosecution strategies regarding human trafficking. The following are examples of key provisions from the TVPA and its reauthorizations:

- The establishment of definitions of trafficking and of trafficking as a Federal crime
- The creation of the Office to Monitor and Combat Trafficking in Persons at the U.S. Department of State (see <http://www.state.gov/j/tip/>) and the Interagency Task Force to Monitor and Combat Trafficking (see <http://www.state.gov/j/tip/response/usg/>)
- Restitution for victims
- Programs to prevent trafficking and to protect and assist victims
- Strengthened prosecution and punishment of traffickers

In 2014, additional legislation, the Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183), was enacted. It requires title IV-E agencies to develop policies and procedures to identify, document, and determine appropriate services for children under the placement, care, or supervision of a child welfare agency and who are at risk of becoming sex trafficking victims or who are victims of sex trafficking. The act also requires the following of title IV-E agencies:

- Demonstrate, by September 29, 2015, that they have (1) consulted with other specified agencies that have experience with youth at risk of becoming a sex trafficking victim and (2) developed policies and procedures to identify, document, and determine appropriate services for any child or youth in the placement, care, or supervision of the title IV-E agency who is at risk of becoming a sex trafficking victim or who is a sex trafficking victim

- Develop and implement, by September 29, 2015, protocols to locate children missing from foster care; determine the factors that led to the child being absent from foster care, and, to the extent possible, address those factors in subsequent placements; determine the child’s experiences while absent from care, including whether the child is a sex trafficking victim; and report related information as required by HHS
- Develop and implement protocols, by September 29, 2016, to immediately (within 24 hours after receiving information) report children or youth described under the law as missing or abducted to law enforcement for entry into the National Crime Information Center database and to the National Center for Missing and Exploited Children
- Report to HHS, within 3 years of the law’s enactment (September 29, 2017) and annually thereafter, the total number of children and youth who are victims of sex trafficking as described under the law’s definition

Beginning within 4 years of the law’s enactment (by September 29, 2018), HHS must provide an annual report to Congress on the number of children and youth reported by title IV-E agencies as victims of sex trafficking. In January 2017, ACF published a Final Rule on the Adoption and Foster Care Reporting System (AFCARS) that implements the aforementioned data-collection requirements in addition to other updates to AFCARS data, such as reporting comprehensive historical information on children in out-of-home care.

## National Convening on Trafficking and Child Welfare

In June 2015, the Children’s Bureau and the White House hosted the National Convening on Trafficking and Child Welfare, which brought together representatives from 52 States and jurisdictions to support their implementation of new mandates under the Preventing Sex Trafficking and Strengthening Families Act of 2014. State teams made up of court, law enforcement, child welfare, and other professionals heard from anti-trafficking experts about proven strategies that could be introduced in their States. Over 2 days, the State teams worked on action plans to address the new anti-trafficking mandates. Information about the convening is available at <https://www.childwelfare.gov/topics/systemwide/trafficking/convening>.

In 2015, the Justice for Victims of Trafficking Act (JVTA) (P.L. 114-22) further established Federal requirements and protections related to human trafficking. The following are key provisions of JVTA pertinent to child welfare agencies:

- Amends the TVPA to allow U.S. citizens and permanent residents who are victims of severe forms of trafficking to obtain benefits and services available to such victims without them needing to obtain official certification from HHS of their victim status
- Expands the definition of “child abuse” under the Victims of Child Abuse Act of 1990 to include human trafficking and the production of child pornography and authorizes grants to develop and implement specialized programs to identify and provide direct services to victims of child pornography

- Requires States to assure and describe in their State plans for the Child Abuse Prevention and Treatment Act that they have the following:
  - Provisions and procedures to identify and assess all reports involving known or suspected child sex trafficking victims
  - Provisions and procedures for training child protective services workers about identifying, assessing, and providing comprehensive services to children who are sex trafficking victims, including efforts to coordinate with State law enforcement, juvenile justice, and social service agencies
- Requires States to collect and report, to the maximum extent practicable, the number of children who are victims of sex trafficking as part of the National Child Abuse and Neglect Data System
- Requires States to consider any child who is identified by a State as a victim of sex trafficking or severe forms of trafficking as a victim of “child abuse and neglect” and “sexual abuse” and provides for a State option to apply the trafficking portion of the definition to a person who has not attained age 24

## Federal Guidance About Human Trafficking Laws

The following Program Instructions (PIs) and Information Memoranda (IMs) provide guidance from ACF about legislation related to human trafficking:

- ACYF-CB/FYSB-IM-14-1: Provides guidance on services for youth under age 18 who run away from foster care and come in contact with runaway and homeless youth programs (<https://www.acf.hhs.gov/programs/cb/resource/fysb-im1401>)
- ACYF-CB-IM-14-03: Provides basic information on the Preventing Sex Trafficking and Strengthening Families Act, including title IV-E plan changes, new case plan requirements and definitions, additions to the Adoption and Foster Care Analysis and Reporting System, modifications to the Family Connection grants and John H. Chafee Foster Care Independence Program, and reauthorization of the Adoption and Guardianship Incentive Program (<https://www.acf.hhs.gov/programs/cb/resource/im1403>)
- ACYF-CB-PI-14-06: Provides instruction on some of the changes to the title IV-E plan requirements resulting from the Preventing Sex Trafficking and Strengthening Families Act that are effective as of September 29, 2014 (<http://www.acf.hhs.gov/cb/resource/pi1406>)
- ACYF-CB-IM-15-05: Informs States of the enactment of the JVTA and provides basic information on changes to the Child Abuse Prevention and Treatment Act (CAPTA) grants to States for child maltreatment prevention and treatment programs, including changes to the definition of child abuse and neglect (<http://www.acf.hhs.gov/cb/resource/im1505>)
- ACYF-CB-PI-15-07: Provides instruction on the changes to the title IV-E plan requirements as a result of the Preventing Sex Trafficking and Strengthening Families Act that are effective as of September 29, 2015, and later (<http://www.acf.hhs.gov/cb/resource/pi1507>)
- ACYF-CB-PI-17-05: Provides guidance to States on actions they are required to take in order to receive their allotments for Federal fiscal year (FY) 2018 authorized under subparts 1 and 2 under title IV-B; section 106 of CAPTA; and the Chafee Foster Care Independence Program, including the Educational and Training Vouchers ([www.acf.hhs.gov/cb/resource/pi1705](http://www.acf.hhs.gov/cb/resource/pi1705))
- OTIP-FS-16-01: Outlines the process to obtain an HHS Certification Letter for an adult foreign national victim of trafficking ([www.acf.hhs.gov/otip/resource/certificationfs](http://www.acf.hhs.gov/otip/resource/certificationfs))
- OTIP-FS-16-02: Explains the Interim Assistance/Eligibility Letter process to secure assistance for foreign national children who are victims of trafficking ([www.acf.hhs.gov/otip/resource/eligibilityfs](http://www.acf.hhs.gov/otip/resource/eligibilityfs))

## Federal Initiatives Regarding Human Trafficking

The White House and other Federal offices have developed—both on their own and collaboratively—initiatives, programs, and workgroups to help set the foundation for the Federal response to human trafficking.

**White House and interagency Efforts.** To increase efforts to combat human trafficking, Cabinet departments, via direction from the White House, strengthened their commitments, established an interagency task force, introduced several new initiatives, and emphasized partnerships (White House, 2012). This partnership approach is outlined in *Coordination, Collaboration, Capacity: Federal Strategic Action Plan on Services for Victims of Human Trafficking in the United States, 2013–2017*, which is available at <http://www.ovc.gov/pubs/FederalHumanTraffickingStrategicPlan.pdf>.

Since the White House prioritized an interagency response to human trafficking, several Federal partnerships to address human trafficking have emerged, including the following:

- **President’s Interagency Task Force to Monitor and Combat Trafficking in Persons (PITF):** Coordinates Federal policies that combat trafficking and address law enforcement, victim protection, public awareness, research, and international diplomacy (<http://www.state.gov/j/tip/response/usg/>)
- **Senior Policy Operating Group:** Seeks to ensure a whole-of-government approach to addressing human trafficking by including senior officials from PITF members (<http://www.state.gov/j/tip/response/usg/>)
- **Blue Campaign:** Integrates various strategies to combat human trafficking (e.g., public awareness, training, victim assistance, law enforcement investigations) and includes Federal agencies, international governments, law enforcement, nongovernmental organizations, and the private sector (<http://www.dhs.gov/blue-campaign>)
- **Innocence Lost National Initiative:** Focuses on the domestic sex trafficking of children and includes the Federal Bureau of Investigation, the DOJ Child Exploitation and Obscenity Section, and the National Center for Missing and Exploited Children (<https://www.fbi.gov/investigate/violent-crime/cac>)

**Department of Health and Human Services.** ACF, through its Office on Trafficking in Persons (OTIP), is the lead HHS agency addressing human trafficking. OTIP (<https://www.acf.hhs.gov/otip>) supports victim assistance grants; the Look Beneath the Surface public awareness campaign; the SOAR to Health and Wellness training (<https://www.acf.hhs.gov/otip/training/soar-to-health-and-wellness-training>), which focuses on educating health-care and social service providers to identify and appropriately refer potential victims of human trafficking; the National Human Trafficking Hotline (<https://humantraffickinghotline.org/>); and the National Human Trafficking Training and Technical Assistance Center (<https://www.acf.hhs.gov/otip/training/nhttac>). In addition to OTIP’s work, other offices within ACF have programs designed to serve their target populations. For instance, in FY 2014, the Children’s Bureau awarded funding for nine demonstration grants to help child welfare agencies respond to human trafficking through infrastructure building and multisystem approaches. Examples of the grantees’ work are described throughout the Strategies for Agencies section of this bulletin. For a complete list of organizations awarded grants, visit the Children’s Bureau website at <https://www.childwelfare.gov/topics/systemwide/trafficking/acyf-strategy/cb-efforts/grants/cohort1/>.

**Department of Homeland Security (DHS).** DHS investigates human trafficking, arrests traffickers, and protects victims. DHS also processes immigration relief by issuing Continued Presence, T visas, and U visas to victims of human trafficking and other designated crimes. More information about these visa types and DHS resources for victims of trafficking and other crimes is available at <http://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes>.

**Department of Justice.** DOJ is significantly involved in combating human trafficking and raising public awareness. It supports anti-trafficking task forces whose members work together to investigate and prosecute trafficking cases and provide comprehensive services for victims. The Office for Victims of Crime webpage on human trafficking provides information for victims, service providers, law enforcement, and allied professionals. It is available at <http://ovc.ncjrs.gov/humantrafficking/index.html>.

**Department of State.** The U.S. Department of State is especially concerned with trafficking overseas and across borders and runs the Office to Monitor and Combat Trafficking in Persons, which is responsible for diplomacy, targeted foreign assistance, and public engagement. It partners with foreign governments and the civil sector to develop and implement effective counter-trafficking strategies. Every year, this office releases the *Trafficking in Persons* (TIP) report, which rates every country in the world—including the United States—on its efforts to prevent and combat trafficking. See the TIP reports at <http://www.state.gov/j/tip/rls/tiprpt/index.htm>.

For more information about Federal resources addressing human trafficking, visit Information Gateway at <https://www.childwelfare.gov/topics/systemwide/trafficking/pir/federal/resources/>.

## Understanding Victim Needs

Children who have been victims of trafficking have many needs similar to those of children who enter the child welfare system through other circumstances. For instance, children who have been trafficked need health care, mental health services, a safe place to live, help with education, and facilitated reconnections with family members. These are discussed below, along with some of the aspects that distinguish trafficking victims' needs from those of other children receiving child welfare services.

**Physical health.** Children who have been trafficked often have experienced physical abuse, neglect (including medical and dental neglect), emotional abuse, and sexual abuse. Associated with this abuse, they may suffer from broken bones and other untreated internal and external injuries; sexually transmitted diseases, including HIV; and malnutrition. Their overall health may show the consequences of long periods of poor or no medical or dental care. Child welfare professionals can help by ensuring that victims have access to medical screenings and treatment to address both immediate and long-term concerns. Connecting with a competent health-care provider who has experience with victims of trafficking may also provide reassurance to victims who may be reluctant to seek care.

**Behavioral health.** Children who have been trafficked often have an array of complex behavioral health needs. Victims may have experienced regular beatings, sexual assault, and other acts of violence. Most children who have been trafficked have a need for long-term, intensive behavioral health services that can help them move forward into a new, healthier life. Studies have identified a number of mental health symptoms associated with trafficking, including posttraumatic stress disorder, panic attacks, obsessive-compulsive disorder, generalized anxiety disorder, major depressive disorder, dissociative disorders, and substance use (Williamson, Dutch, & Clawson, 2010). Screening by qualified behavioral health providers who have experience with youth who have been trafficked can be the first step to getting help. Screening can help determine the type of therapy that might be most useful, and child welfare workers can facilitate access to treatment providers.

**Housing.** Children who have been trafficked and come into the care of child welfare almost always have an immediate need for a safe place to live. Their background may make them especially vulnerable in a traditional foster care setting, and many foster families are unprepared to care for a child who has been trafficked. Some shelters and group homes may develop programs specifically for children who have been trafficked. These congregate care settings are prepared to address the trauma experienced by children who have been trafficked.

**Education.** Children who have been trafficked may require educational screening and may also require remedial services. While some children may feel comfortable in a traditional school, others may prefer more nontraditional education options. Child welfare workers can help by collecting records, exploring education options, and facilitating enrollment.

**Employment.** Youth who have been trafficked may need assistance obtaining employment, especially if they lack legal work experience or have not acquired a high school diploma or GED. They also may have been arrested for crimes committed while being trafficked, which could prevent them from passing background checks required for employment. Additionally, victims of sex trafficking may have had the experience of making a large amount of money in a short time period and may not view the pay in an entry-level position as a viable option (Lutnick, 2016). Caseworkers can seek out programs in their communities that connect youth with job training, job skills and application support, internships or externships, or other supports.

**Legal services.** There are a number of circumstances that might require the child who has been trafficked to hire or otherwise secure legal assistance. Children may need lawyers if they are charged with crimes that are a result of their victimization. (For information about vacatur laws, which may allow certain crimes to be expunged or vacated, see the State Agency and Policy section of this bulletin.) They may also need legal counsel to protect themselves from their pimps or traffickers or to establish their legal identity. Some children involved with the justice system may require an attorney for victim advocacy, while those who are not citizens may require an immigration attorney.

**Other needs.** Youth who have been trafficked will often need help with basic life skills (e.g., opening a bank account, keeping medical records) as well as training for a job and basic job skills. For many, having a mentor or someone who is willing and available to provide guidance over the long term is often essential to ensure that the youth is able to pursue a life away from trafficking.

## Strategies for State and Local Agencies

States and other jurisdictions, taking their lead from the Federal Government, have undertaken their own efforts to prevent and respond to human trafficking. They have enacted policies and practices; sought out partners in other fields and within the community; helped build awareness among their own staff, related professionals, and the general public; developed and utilized screening and assessment tools; and designed service programs that specifically address the needs of children who are trafficking victims. This section describes these strategies and provides examples from State and local agencies across the country, which were gathered through interviews with project staff.

## Trafficking Prevention

The prevention of human trafficking requires a comprehensive, multidisciplinary approach that is coordinated at the local, State, national, and international levels. The child welfare field should be a key partner in any efforts, and it is especially suited to take the lead in efforts to curtail the victimization of children in or formerly in foster care, particularly those who run away from foster care. As discussed in the Intersection With Child Welfare section, a large percentage of children who are trafficking victims had been involved with child welfare. Child welfare agencies can help children in foster care and congregate care recognize situations and factors that increase their risk of being trafficked and also help them understand that they are safe in their placements, especially if they are victims who have escaped their traffickers. Traffickers may attempt to recruit children in foster care or group care settings (HHS, ACF, Family and Youth Services Bureau, 2017), and children who have been trafficked may attempt to maintain connections with the traffickers due to a trauma bond, which is sometimes referred to as Stockholm syndrome (West & Loeffler, 2015).

For more information about youth who run away from foster care, refer to the Children's Bureau's Child Welfare Capacity Building Center for States' *At Risk for Sex Trafficking: Youth Who Run Away From Foster Care* at <http://go.usa.gov/x9Zrx>.

UNICEF offers a guide for developing effective prevention efforts. Although the guide is intended for European professionals, it is applicable to U.S. efforts as well. For more information, see *Reference Guide on Protecting the Rights of Child Victims of Trafficking in Europe* at [https://www.unicef.org/ceecis/UNICEF\\_Child\\_Trafficking34-43.pdf](https://www.unicef.org/ceecis/UNICEF_Child_Trafficking34-43.pdf).

## State and Agency Policy

The policies that State and local child welfare agencies develop, as well as State legislation, can have wide-reaching effects on casework practice. Agency policy can dictate how victims of human trafficking are identified, how they can be screened into the system, and how they can be supported. Even just the presence of a policy regarding human trafficking may indicate to staff that it is a priority issue. Due to the complex needs of victims of human trafficking, as well as the fact that their needs and responses may differ from other children involved with the child welfare system, it is critical for agencies to develop policies that guide casework practice and the agency's interactions with other agencies and organizations on this issue.

Although enacting State legislation can be a long and complex effort, it can often achieve the most sweeping and long-lasting results for addressing human trafficking. A growing number of States are enacting "safe harbor" laws that decriminalize the acts of children who are exploited for commercial sex, while providing them important legal protections and access to services. Safe harbor laws generally attempt to treat children as victims rather than criminals, to divert them from the justice system to the child welfare or other system where they can receive services, and to punish traffickers and those who seek out children for sex. Safe harbor legislation and its protections vary widely across States. As of 2015, 34 States had passed such legislation (Polaris, 2015a).

Some States have also enacted vacatur laws, which allow victims to petition the court to vacate or expunge criminal convictions that resulted from their trafficking situations or, in some cases, that occurred while they were trafficked (U.S. Department of State, 2016). These laws can help victims, including minors, because having a conviction on their record could affect employment, immigration status, obtaining loans, and eligibility for certain programs. As of December 2016, at least 27 States had vacatur laws available to human trafficking victims (National Conference of State Legislatures, 2016).

For more information about safe harbor and vacatur laws, refer to the Polaris Project at <https://polarisproject.org/state-laws-issue-briefs> and the National Conference of State Legislatures at <http://www.ncsl.org/research/civil-and-criminal-justice/human-trafficking.aspx>.

## Examples From the Field: Policy

Minnesota enacted its Safe Harbor law in 2011—with full implementation in 2014—to ensure that sexually exploited youth are treated as victims rather than as criminals by the justice system. The State also allocated funds for training law enforcement on trafficking of youth, funded housing for victims, and created regional coordinators of services for commercially sexually exploited youth (Minnesota Department of Health, n.d.). A guidebook from Minnesota's Department of Public Safety Office of Justice Programs provides information on this emerging approach to working with victims of trafficking. *No Wrong Door: A Comprehensive Approach to Safe Harbor for Minnesota's Sexually Exploited Youth* is available at <https://dps.mn.gov/divisions/ojp/forms-documents/Documents/!2012%20Safe%20Harbor%20Report%20%28FINAL%29.pdf>.

In instances when trafficking is perpetrated by an individual other than a parent or caretaker, there is the potential that the case may not come to the attention of the appropriate child welfare agency. To address this issue, Massachusetts enacted a law in 2011 requiring all cases of suspected sex trafficking to be reported to child protective services. The law requires coordination between the Massachusetts Department of Children and Families (DCF), the Department of Mental Health, and other State agencies. It also stipulates that DCF will report any cases of sex trafficking to the district attorney and local law enforcement and that an advocate or multidisciplinary service team member will accompany the child to all court appearances. On the Federal level, the JVTA of 2015 amended CAPTA to require child protective services to identify and assess all reports involving children known or suspected to be sex trafficking victims.

## Collaboration

Preventing, identifying, and responding to human trafficking requires a multidisciplinary, community-wide approach. It is beyond the scope of a child welfare agency to serve all the needs victims of human trafficking may have. Any group or professional that comes into contact with children is a potential partner, but common partners in collaborations addressing the trafficking of children include law enforcement, district attorneys' offices, juvenile justice agencies, court personnel, guardians ad litem, educators, health-care and behavioral health providers, policymakers, nonprofit agencies, foundations, and community members, as well as survivors of human trafficking. Collaboration can help communities develop supports and services to address unmet needs, coordinate strategies, develop a common language, identify trends, reduce duplication, and bring attention to human trafficking as a public health issue. It also can help create a more accessible service array for victims and possibly reduce the number of interviews during which they need to retell their experiences.

One method of building relationships with other agencies and engaging communities, as well as developing or strengthening supports for victims of human trafficking, is to establish a task force. As of 2015, at least 20 States had statutes requiring or encouraging task forces, and many additional States and localities have established task forces without legislative action (Polaris Project, 2015b). Task forces can have a variety of objectives, including assessing current approaches used in the field, coordinating law enforcement activities or the provision of social services, collecting and analyzing data, or even investigating possible cases of human trafficking. For more information about forming and operating a task force, visit the *Human Trafficking Task Force E-Guide* at <https://www.ovcttac.gov/taskforceguide/eguide/>.

For additional information about the importance of collaboration, refer to the Capacity Building Center for States' *Collaborating With Youth-Serving Agencies to Respond to and Prevent Sex Trafficking of Youth* at <http://go.usa.gov/x92eW>.

## Examples From the Field: Collaboration

Collaborations that have been created or strengthened by the Miami CARES project, which is coordinated by Our Kids of Miami-Dade/Monroe ([www.ourkids.us/](http://www.ourkids.us/)), have resulted in two key anti-trafficking strategies: the Human Trafficking Child Plan and Recovery Task Force and the formalization of G.R.A.C.E. (Growth Renewed through Acceptance, Change and Empowerment) Court. The Miami State Attorney's task force, in partnership with the Miami CARES project, uses monthly meetings to bring together a wide array of stakeholders to develop a strategic plan to find and recover children that are missing and for whom there is evidence of human trafficking. Attendees include case managers, guardians ad litem, law enforcement professionals, clinicians, members of the State Attorney's Human Trafficking Unit, and others. From March 2016, when the meetings began, until December 2016, the group's work had resulted in the recovery of five children.

The Miami CARES project also helped with the formalization of G.R.A.C.E. Court to address the needs of human trafficking victims in the legal system. Judge Sampedro Iglesias in the Miami-Dade court system had shown special interest in assisting victims and requested that cases be sent to her division, but the process was informal. The now-formalized process allows other judges to submit a referral form to Miami CARES when a child involved in a case may be a victim of human trafficking. The project conducts a meeting with multidisciplinary staff and, if it determines there is a connection to human trafficking, coordinates appropriate clinical interventions and supports and transfers the case to G.R.A.C.E. Court. The G.R.A.C.E. Court judge handles all the dependency and delinquency cases for the child as well as any cases related to Florida's Marchman Act, which, in part, provides for drug court programs. During G.R.A.C.E. Court hearings, the entire team working on behalf of the child (e.g., case manager, guardian ad litem, therapist, life coach) is given the opportunity to provide updates on the child's progress. The court also provides training on human trafficking to other judges in the Miami-Dade court system.

For additional information about the Miami CARES project, listen to "Interagency Collaboration to Address Human Trafficking," a webinar hosted by the Children's Bureau, at <https://www.acf.hhs.gov/cb/resource/child-welfare-podcast-interagency-collaboration>.

## Training for Agency Staff and Partners

In 2014, Casey Family Programs conducted a study of 29 States, 13 counties, New York City, Puerto Rico, and the District of Columbia about their responses to child sex trafficking (Casey Family Programs, 2014). Nearly two-thirds (64 percent) of respondents indicated their agency's staff had received training specific to child sex trafficking. Since victims of human trafficking often come into contact with several agencies, it is critical for training efforts to include both child welfare and related professionals, which will help establish a broad network of support that understands and recognizes the complexities of human trafficking and uses a common language. Proper training

also will assist professionals in identifying possible signs of human trafficking and ensure victims receive necessary services. Training can help professionals understand that survivors of human trafficking are victims rather than criminals, which can influence the system response.

DOJ's Office for Victims of Crime Training and Technical Assistance Center offers a variety of trainings on its website at <https://www.ovcttac.gov>.

## Examples From the Field: Training

Several of the Children’s Bureau’s human trafficking grants focus on improving training for child welfare and related professionals on how to better respond to human trafficking.

- The King County (WA) project developed a statewide train-the-trainer program to establish a unified approach to human trafficking across the State. By training individuals from a variety of fields (e.g., child welfare, law enforcement, attorneys), the project hopes to establish a common foundation for knowledge, language, and practice regarding human trafficking. A nationally recognized expert had been used to conduct all the trainings, but the project realized it was overwhelming for one individual to conduct the number of trainings required. The project partnered with that expert to develop a 3-day program titled *Responding to the Sexual Exploitation and Trafficking of Youth—Train the Trainer*. Trainees attend for free in exchange for an agreement to present the *Responding to the Sexual Exploitation and Trafficking of Youth* training three times per year within their communities. Another benefit of this training is that it allows for the attendees to tailor the trainings they provide in turn to be relevant to their communities. For example, an attendee from a rural Tribe could structure a training that is responsive to the needs and issues affecting that community, which may be different than what is affecting a more urban, non-Tribal area. For more information about King County’s efforts to address human trafficking, visit the King County Commercially Sexually Exploited Children Task Force webpage at <http://www.kingcounty.gov/courts/superior-court/juvenile/csec.aspx>.
- The Maryland project worked with the Healthy Teen Network (<http://www.healthyteennetwork.org/>) to develop a human trafficking training for child welfare professionals that applies the concept of gamification (i.e., including elements of games to promote participation). Rather than responding to a static scenario that is given in full at the beginning, the board game approach allows a small team of attendees to work as a group to address a scenario that includes various wrinkles, just like a real case. For example, as the team is working toward a solution, they may receive a game card that states the trafficking victim has developed a trauma bond with the trafficker, which will affect how they proceed.
- The Massachusetts project developed a two-phase training to build a statewide response system to address human trafficking. These trainings were designed to meet the unique needs of counties. The project is a partnership between My Life My Choice (MLMC) (<http://www.fightingexploitation.org/>), a program of the Justice Resource Institute; the SEEN (Support to End Exploitation Now) program (<http://www.suffolkcac.org/programs/seen>), which is part of the Children’s Advocacy Center of Suffolk County; and the Massachusetts DCF (<http://www.mass.gov/eohhs/gov/departments/dcf/>). Phase 1 includes 4 ½ days of trainings for each county. The first session—*Understanding and Responding to Victims of Commercial Sexual Exploitation*—is a full-day training provided by MLMC. It helps attendees understand how and where commercial sexual exploitation can occur, identify who is vulnerable and what the red flags are, and apply the Stages of Change model to help response workers recognize the significant challenges victims face in recovery. The subsequent trainings are provided by SEEN and focus on building a multidisciplinary approach and developing a child trafficking response protocol. It is provided to a cross-section of child welfare and juvenile justice professionals. The project typically conducts the MLMC and SEEN trainings back to back in order to build and sustain the momentum within each county.

In Phase 2, the project provides additional support and technical assistance to each county in developing and implementing its protocol. The project offers targeted assistance onsite to each county, provides additional trainings (e.g., a residential program leadership training to build service capacity in the community), and brings multiple counties together to discuss challenges and share best practices.

## Screening and Assessment Tools

In order for victims of human trafficking to receive the services and supports they need, child welfare and related professionals must be able to identify them. Receiving training about human trafficking is an important step toward improved identification, but professionals also need to have access to tools for screening and assessing victims and potential victims. Agencies may want to consider formally incorporating the use of these tools into their policies and practices. This could be done by using or adapting existing tools specifically designed to identify victims of human trafficking and their needs, creating new screening and assessment tools for trafficking, or by integrating trafficking indicators into tools intended to address broad child welfare-related issues.

The Loyola University Center for the Human Rights of Children and the International Organization for Adolescents developed a series of tools and checklists to help child welfare professionals identify potential child victims of both sex and labor trafficking. To view these resources, including the Rapid Screening Tool and the Comprehensive Screening and Safety Tool for Child Trafficking, refer to *Building Child Welfare Response to Child Trafficking* at <http://www.luc.edu/media/lucedu/chrc/pdfs/BCWRHandbook2011.pdf>. To view additional screening and assessment tools for sex trafficking, refer to the Children's Bureau's Child Welfare Capacity Building Collaborative's *Identifying Minors and Young People Exploited Through Sex Trafficking: A Resource for Child Welfare Agencies* at <http://go.usa.gov/x92Md>.

### Example From the Field: Screening and Assessment Tools

Since it can be difficult to document if a child is a victim of sex trafficking unless there is prior law enforcement involvement or self-identification, the Maryland Department of Human Resources (DHR) wanted to improve its identification process. DHR uses the Child and Adolescent Needs and Strengths (CANS) tool to assess children involved with its child welfare system. A supplemental CANS tool exists for assessing whether children are at risk for commercial sexual exploitation, but DHR did not want to add another assessment to the many others that caseworkers already conduct. Through a Children's Bureau grant, the University of Maryland, Baltimore (UMB) has helped DHR screen for potential victims of sex trafficking by using data already gathered in the CANS. UMB identified which items on the CANS showed increased risk for sex trafficking and developed an algorithm that is used to generate a monthly report of children at risk of sex trafficking. The caseworker then receives a notification so that she can conduct additional screening and help the child obtain services. The validity of the system was tested by using data regarding youth in the child welfare system who were already known to have been trafficked. As of December 2016, the project was piloting the system in two jurisdictions (Baltimore City and Baltimore County).

For more information about CANS, which is a free, public domain tool, visit the Praed Foundation at <http://praedfoundation.org/tools/the-child-and-adolescent-needs-and-strengths-cans/>.

## Designing Service Programs

As described in the Understanding Victim Needs section, victims of human trafficking require service programs offering many of the same supports as the general child welfare population, such as permanent families and mental health care. These children, however, also may have needs that are unique to trafficking victims, and they require service systems that acknowledge and are responsive to their circumstances and experiences. For example, trafficking victims may be in the United States without any family, or they may be eligible for Federal programs or services that are specific to trafficking.

When developing service programs, or finding community organizations as referral sources, child welfare agencies should ensure they are victim centered and trauma focused. Children who have been trafficked may be perceived as criminals themselves, and it is important for the child welfare and related systems to recognize that these children are victims. Unfortunately, the evidence base about how to serve this population is scant (HHS, ACYF, 2013; Institute of Medicine & National Research Council, 2013). Because of this, agencies and service providers may need to assess interventions intended for populations that may have similar characteristics or service needs to trafficking victims (e.g., runaway and homeless youth, sexually abused children) and adapt them to meet the needs of this population (HHS, ACYF, 2013). When using strategies intended for other populations, however, providers should ensure the strategies are flexible enough to meet the unique needs of children who have been trafficked. For example, a treatment for sexually abused children may be relevant to a child who is the victim of commercial sexual exploitation, but the provider would need to adapt it since there may be different issues and goals for a child abused by a single family member and a child who was sexually exploited by multiple nonfamily perpetrators (Fong & Cardoso, 2010).

## Examples From the Field: Designing Service Programs

The Children's Bureau's human trafficking grantees have developed a variety of service programs to address the needs of child victims of human trafficking:

- After recognizing that there was a lack of foster homes that were able to meet the needs of trafficking victims, the King County project designed a program to establish specialized foster homes for this population. In partnership with YouthCare, the YMCA, Casey Family Programs, the Washington State Children's Administration, and the courts, the project developed a curriculum for foster parents and potential foster parents about providing placements that suit the needs of victims of human trafficking. The curriculum also addresses issues for which this population may be at higher risk, such as running away.
- The Miami CARES project enabled OurKids to expand the number of slots available for victims in its CHANCE (Citrus Helping Adolescents Negatively impacted by Commercial Exploitation) program, which includes specialized therapeutic foster homes and wraparound services. Foster parents participating in the therapeutic program receive training on supporting children who are victims of commercial sexual exploitation, and the children receive additional services from a therapist, life coach, and targeted caseworker. The number of slots for this component increased from 8 to 15, and victims who are not placed in a therapeutic home are still eligible to receive wraparound services (e.g., therapy, life coaching, targeted case management) regardless of where they are placed. The number of wraparound slots was increased from 19 to 47. The project also convenes a multidisciplinary meeting to discuss the progress of children involved with either the therapeutic homes or wraparound services. For more information about the CHANCE program, visit <http://www.citrushealth.org/CHANCE>.
- The Connecticut DCF project strengthened its partnership with Love146, which coordinates the Survivor Care program in the State for children who are identified as high-risk or confirmed victims. This program has two components:
  - Rapid response: The program provides one-time interventions to provide urgent services, including safety planning and resource referrals. The worker also provides the child with a survivor backpack that includes resource and hotline information, a blanket, a journal, hygiene supplies, a teddy bear, an emergency phone, and more. After the meeting, the Love146 worker sends DCF a summary of the meeting, including which referrals the child may need.
  - Long-term care: A specialized licensed social worker meets twice per week with children and is able to meet them wherever they are in the State.For more information about the Survivor Care program, visit the Love146 website at <https://love146.org/programs/u-s-survivor-care/>.

## Building Community Awareness

Building community awareness can have a twofold effect on anti-trafficking efforts. First, it can help with the identification of victims of sex and labor trafficking. Awareness efforts may help victims recognize their situation, self-identify, and seek assistance. These efforts also can alert the general public to the signs of human trafficking, which may spur additional leads about and reports of human trafficking in the community. Second, awareness efforts can help prevent trafficking. Public awareness campaigns can help inform potential victims about how to recognize circumstances that could potentially be recruitment strategies by traffickers and how to request help if needed. They also have the potential to raise awareness of the issue among individuals who may solicit the services of trafficked children or engage with businesses that exploit them.

### Examples From the Field: Building Community Awareness

Project NO REST (North Carolina Organizing and Responding to the Exploitation and Sexual Trafficking of Children) of the University of North Carolina at Chapel Hill partnered with FOX 50 of the Capitol Broadcasting Company to develop a public awareness campaign about human trafficking. The effort is funded both through the Children's Bureau grant and funds from the Governor's Crime Commission, which disburses funds from the Victims of Crime Act (VOCA). The campaign is focused on reaching out to victims of human trafficking and features multiple components.

- FOX 50 is airing public service announcements (PSAs) on its station, and the project is using VOCA funds to purchase air time in other areas of the State. The contact information for assistance on the PSAs will lead viewers to the Polaris hotline (phone and text), which can connect them to local services and assistance.
- FOX 50 also helped create an additional Project NO REST website ([www.projectnorest.org](http://www.projectnorest.org)). The goal of this site is to help link individuals to needed assistance and heighten awareness of human trafficking. It is less academic than the main website and is more approachable to a wide range of audiences. It will include links to service providers across the State.
- Project NO REST also is using web-based search advertising to reach new audiences. With search advertising, web users may encounter advertising for the project on various websites based on the search terms they have used elsewhere (e.g., Google) that are related to human trafficking. For example, targeted advertising may appear if users have searched for terms indicating they are seeking help for a human trafficking situation or if they appear to be soliciting services for which a trafficked child may be exploited. The project also is expanding its web presence by posting on Twitter and Facebook.

The project has been in communication with service providers about the campaign so they are ready for a possible influx of contacts and referrals.

## Conclusion

Human trafficking is a complex problem that requires a multifaceted, collaborative response. With their close connection to vulnerable children who are at high risk for exploitation or who may already be victims, child welfare agencies can be central partners in this effort. Child welfare agency leadership should be aware of the unique circumstances faced by victims of trafficking and ensure their agencies are fully prepared to serve this population. This may include incorporating protocols for working with victims of trafficking, including a screening process, into agency policy and ensuring staff receive training about the risk and signs of trafficking as well as the availability of services and supports in the community that are well-informed about the needs of trafficking victims. Agencies also can participate in data-collection efforts regarding the incidence of human trafficking in their communities and the needs of victims. This can help child welfare and partner agencies determine the scope of trafficking in their areas and develop strategies to prevent and address it.

## Additional Resources

- Human Trafficking (Child Welfare Information Gateway) <https://www.childwelfare.gov/topics/systemwide/trafficking/>
- Federal Government Efforts to Combat Human Trafficking (OTIP) <https://www.acf.hhs.gov/otip/resource/federal-government-efforts-to-combat-human-trafficking>
- Polaris <https://polarisproject.org/>
- National Center for Missing and Exploited Children <http://www.missingkids.com>
- Human Trafficking Awareness Month (National Child Traumatic Stress Network) <http://www.nctsn.org/resources/public-awareness/human-trafficking>
- Commercial Sexual Exploitation of Children and Adolescents: Services for Victims (California Evidence-Based Clearinghouse for Child Welfare) <http://www.cebc4cw.org/topic/commercial-sexual-exploitation-of-children-and-adolescents-services-for-victims/>

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