



# Office of Children and Family Services

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## Administrative Directive

<b>Transmittal:</b>	15-OCFS-ADM-16
<b>To:</b>	Commissioners of Social Services Executive Directors of Voluntary Authorized Agencies
<b>Issuing Division/Office:</b>	Strategic Planning and Policy Development
<b>Date:</b>	September 1, 2015 (Revised March 30, 2016)
<b>Subject:</b>	<b>Requirements to Identify, Document, Report, and Provide Services to Child Sex Trafficking Victims</b>
<b>Suggested Distribution:</b>	Directors of Social Services Child Protective and Preventive Services Supervisors Child Welfare Supervisors Foster Care and Adoption Supervisors Staff Development Coordinators CONNECTIONS Implementation Coordinators
<b>Contact Person(s):</b>	See pages 11 and 12
<b>Attachments:</b>	<ul style="list-style-type: none"> <li>• <b>Child Sex Trafficking Protocol Desk Aid</b> – Attached to the end of this ADM. Can be printed out separately to be used as a quick reference guide</li> </ul> <p>The following attachments can be accessed by clicking on their titles or by using the OCFS website links below:</p> <ul style="list-style-type: none"> <li>• <a href="#">OCFS-3920: Child Sex Trafficking Indicators Tool</a></li> <li>• <a href="#">OCFS-3921: Rapid Indicator Tool to Identify Children Who May Be Sex Trafficking Victims or At Risk of Being a Sex Trafficking Victim</a></li> <li>• <a href="#">OCFS-3922: Law Enforcement Report of a Child Sex Trafficking Victim Form</a></li> </ul> <p>All the forms listed above can also be accessed online at: OCFS intranet: <a href="http://ocfs.state.nyenet/admin/forms/Foster_Care/">http://ocfs.state.nyenet/admin/forms/Foster_Care/</a> OCFS Internet: <a href="http://ocfs.ny.gov/main/documents/forms.asp">http://ocfs.ny.gov/main/documents/forms.asp</a></p>

### Filing References

Previous ADMs/INFs	Releases Cancelled	NYS Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
09-OCFS-ADM-01		18 NYCRR 431.8(3)(iii)	22 U.S.C. §7102		Preventing Sex Trafficking and Strengthening Families Act
15-OCFS-INF-08			42 U.S.C. §§671 – 679b		

			Part L of Chapter 56 of the Laws of 2015	(P.L. 113-183); ACYF-CB-IM-14-03; ACYF-CB-PI-14-06
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## I. Purpose

The purpose of this New York State Office of Children and Family Services (OCFS) Administrative Directive (ADM) is to provide information to local departments of social services (LDSSs) and voluntary authorized agencies (VAs) on the requirements of the federal Preventing Sex Trafficking and Strengthening Families Act (the Act) [P.L. 113-183] to identify, document, report to law enforcement, and provide appropriate services to children who are sex trafficking victims,<sup>1</sup> or who are at risk of being sex trafficking victims.

## II. Background

On September 29, 2014, President Obama signed the Act [P.L. 113-183] into law, which amended various provisions of Title IV-E of the Social Security Act (SSA). The Act has two primary purposes — to protect and prevent at-risk children and youth from becoming victims of sex trafficking, and to improve the safety, permanency, and well-being outcomes of children and youth involved with the child welfare system. Among other provisions, the Act requires that policies, procedures, and tools for identification, documentation, and response to child victims of sex trafficking, or those at risk of becoming victims, be developed and provide a mechanism for data collection. For more information on the basic provisions of the Act, please see [15-OCFS-INF-03](#).<sup>2</sup> Additional provisions of the Act are addressed in other policy releases. Amendments made to regulations in 18 NYCRR to implement P.L. 113-183 are effective on September 1, 2015.<sup>3</sup>

The Act aims to increase children's permanency resources, normative experiences, and involvement in planning for their future to address some of the vulnerabilities that may assist in preventing sex trafficking or higher risk of victimization.

In October 2014, the U.S. Department of Health and Human Services (DHHS), Administration on Children, Youth and Families (ACYF) issued a summary of the P.L. 113-183 via the Informational Memorandum, ACYF-CB-IM-14-03, which can be found at <http://www.acf.hhs.gov/sites/default/files/cb/im1403.pdf>.

OCFS has been working on the issue of child trafficking and the intersection with child welfare and juvenile justice for several years prior to the enactment of the Act. In 2009, OCFS issued a joint policy with the New York State Office of Temporary and Disability Assistance (OTDA), which can be found at [09-OCFS-ADM-01](#).<sup>4</sup> This policy requires that all LDSSs designate a human trafficking liaison in their district to receive referrals for services for

<sup>1</sup> OCFS recognizes that trafficking victims are survivors. The term victim is used throughout this directive and materials to be compliant with P.L. 113-183.

<sup>2</sup> 15-OCFS-INF-03 *Preventing Sex Trafficking and Strengthening Families Act*  
<http://ocfs.ny.gov/main/policies/external/>

<sup>3</sup> NYS Register, Vol. XXXVII, Issue 24 (June 17, 2015)

<sup>4</sup> 09-OCFS-ADM-01 *New York State Anti-Trafficking Statute*  
[http://ocfs.state.nyenet/policies/external/OCFS\\_2009/](http://ocfs.state.nyenet/policies/external/OCFS_2009/)

state-confirmed human trafficking victims. In addition, OCFS issued an informational letter (INF) [15-OCFS-INF-08](#),<sup>5</sup> to provide basic information on human trafficking to LDSSs and VAs and how the issue intersects with child welfare and other systems.

The Safe Harbour for Exploited Children Act of 2008 (Chapter 569 of the Laws of 2008) provides protections for children who are victims of commercial sexual exploitation and provides for the ability to access specialized services. In 2012, OCFS implemented the Safe Harbour: New York project in five pilot areas across the state, which was expanded to 17 areas in 2015. Through this project, OCFS has been working to develop innovative, sustainable training and advocacy efforts on addressing the issues of commercial sexual exploitation of children (CSEC) and child trafficking for the child welfare system, stakeholder agencies, and first responders within the community. Each project county has an LDSS lead designated and most also have a task force, coalition, team, or workgroup to coordinate Safe Harbour project activities.

### III. Program Implications

Although reliable data on the prevalence of sex trafficking of children in the child welfare system is limited, it appears that many children who are trafficked interact with the child welfare system at some point in their lives. Child welfare service providers are therefore uniquely situated to identify and address issues of children and youth who have been sexually exploited or trafficked.

Though any child or youth can be a victim of sex trafficking, there are certain populations that are more vulnerable. For the purposes of the requirements of the Act, the population that must be addressed are children and youth over whom the state (or LDSS) has responsibility for placement, care, or supervision, and for whom there is reasonable cause to believe the child or youth is, or is at risk of being, a sex trafficking victim. This population includes youth who are:

- In foster care placements;
- Adjudicated as Persons in Need of Supervision (PINS) LDSS cases;
- Adjudicated as a Juvenile Delinquents (JD) LDSS cases;
- Child preventive services cases;
- Child protective cases, including Family Assessment Response (FAR) cases;
- Children who have run away from foster care but are not yet 21 years of age;
- Children who are receiving Chafee Services<sup>6</sup> (including those not in foster care); and
- Some juvenile justice placements.<sup>7</sup>

Child welfare staff should be aware of potential red flags that may indicate that a child is a sex trafficking victim. The presence of a red flag does not mean the child is a victim; rather workers should look for a pattern of red flags when identifying youth who may be a trafficking victim, or at risk of being a victim. Key red flags and vulnerabilities for child sex trafficking include, but are not limited to:

- History of sex abuse
- History of running away or current status as a runaway
- Signs of current physical abuse and/or multiple sexually transmitted diseases

<sup>5</sup> 15-OCFS-INF-08 *Promoting Awareness and Best Practices to Address Human Trafficking*  
<http://ocfs.ny.gov/main/policies/external/>

<sup>6</sup> <http://www.acf.hhs.gov/programs/cb/resource/chafee-foster-care-program>

<sup>7</sup> The requirements on juvenile justice placements with OCFS are addressed through internal policy.

- Unstable home life (youth living with an unstably housed family member)
- Youth with involvement with the child welfare or foster care system
- Inexplicable gifts, getting hair/nails done, clothing, or electronics, such as cell phones, that do not fit the youth's situation
- Presence of, or communication with, an older controlling boyfriend/girlfriend
- Youth with significant substance abuse (youth with drug addictions are sometimes targeted because they can be easily controlled using drugs)
- Withdrawal or lack of interest with previous activities (depression or being forced to spend time with traffickers)
- Gang involvement, especially among girls
- Travel to other states or staying at hotels during a runaway incident.<sup>8</sup>

Identification of victims and those at higher risk is important for several reasons. First, and foremost, once identified, a victim can receive services that are responsive to his or her needs. For those identified as at risk prior to a trafficking incident, services and supports can be put in place to help prevent victimization. In addition to better meeting the needs of trafficking victims and those at risk, identification can assist child welfare and other stakeholder agencies with developing more of an understanding of the scope of the problem, strategies for primary prevention, and amount of services needed to address the issue.

Child sex trafficking victims' service needs vary depending on the individual's unique set of circumstances and experiences. Therefore, it is important that services provided are survivor-centered. In addition, whenever possible, it is best to employ a multi-disciplinary<sup>9</sup> approach with coordination between social service agencies, law enforcement, health services, mental health providers, etc. In some cases, it may be appropriate for the case to be coordinated through the local Child Advocacy Center (CAC). LDSSs should follow their local protocols in reference to case management and coordination. LDSSs and VAs should explore resources that exist locally to provide appropriate services. Types of services a child trafficking victim may need include, but are not limited to:

- Safe housing
- Medical treatment
- Safety planning
- Mental health treatment
- Legal assistance
- Education/vocational assistance
- Survivor peer groups
- Family counseling
- Services to address developmental delays, if applicable
- Trauma-informed rehabilitation (yoga, art, journaling, creative expression, etc.)
- Immigration relief, if applicable.

LDSSs and VAs must carefully assess the needs of child and youth victims, including both short-term, crisis needs and longer-term needs to assist in stabilizing the child and preventing re-victimization. For children who are determined to be at risk of trafficking, but who are not identified as having been victimized, it is important that services are offered that help prevent victimization. Such services should focus on addressing the

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<sup>8</sup> National Center for Missing and Exploited Children, Child Sex Trafficking in America: A Guide for Child Welfare. [http://www.missingkids.com/en\\_US/documents/Fact\\_Sheet\\_Child\\_Welfare.pdf](http://www.missingkids.com/en_US/documents/Fact_Sheet_Child_Welfare.pdf)

<sup>9</sup> This includes Multi-Disciplinary Teams (MDT), as well as task forces, coalitions or other working groups tasked with anti-trafficking work.

child's specific vulnerabilities. In addition to the services listed above, services that may help prevent victimization include transition planning to promote a successful adulthood, and therefore it is crucial that LDSSs and VAs provide appropriate transition planning to older youth leaving care. In addition, promoting normative experiences for youth in foster care through the reasonable and prudent parenting standard may assist with prevention of victimization efforts. More information on the reasonable and prudent parenting standard will be in the policy entitled *Supporting Normative Experiences for Children, Youth, and Young Adults in Foster Care: Applying a Reasonable and Prudent Parent Standard*. Information on transition planning will be in the policy entitled *Transition Planning with Youth for a Successful Discharge*. These policies are a part of the Preventing Sex Trafficking and Strengthening Families Act implementation and will be available in September 2015 at <http://ocfs.ny.gov/main/policies/external/>.

When workers are having conversations on these types of sensitive topics, they are reminded that, in their ongoing casework contacts with children and youth, it is important to be aware of the limits of confidentiality in these discussions and that, similar to the mandated child abuse and maltreatment reporting requirements, certain disclosures of information related to sex trafficking will require law enforcement reporting.

#### IV. Required Action

LDSSs are required to screen those children from the populations listed earlier in the program implications section who are determined to be a child sex trafficking victim, or at risk of being a sex trafficking victim. VAs may complete the sex trafficking screenings and response on behalf of an LDSS. If a child is determined to be a sex trafficking victim, the LDSS or VA is required to report the victimization to law enforcement immediately and in no case later than 24 hours after the child is identified as a victim. Certain information must be documented (see systems instructions section) and reported. For the purposes of this policy, the protocol steps to meet these requirements are provided below and in the attached desk aid.

#### **Identification of Victims and Those at Risk of Being a Victim:**

##### **Child Sex Trafficking Definition:**

The child sex trafficking definition used for identification of victims to be compliant with this law is the federal definition from the Trafficking Victims Protection Act (TVPA). The term "sex trafficking" is defined in the law as "the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act" and "severe forms of trafficking in persons" is defined as: "sex trafficking in which the commercial sex act is induced by force, fraud, or coercion or in which the person induced to perform such act has not attained 18 years of age."<sup>10</sup> **This means that any child under age 18 who is induced to perform a commercial sex act is considered a sex trafficking victim regardless of whether force, fraud, or coercion is present.** A commercial sex act is one where something of value — money, food, clothing, drugs, shelter, protection, or other consideration — is provided in exchange for a sex act. Commercial sex may

<sup>10</sup> The New York State Anti-Trafficking law (Chapter 74 of the Laws of 2007) provides a different definition on sex trafficking for confirmation as a state victim, so some victims may be identified as a victim for the purposes of this policy, but may not qualify to be confirmed via the New York State law.

include a child being prostituted, child pornography, exotic dancing, private sex parties, and other sexual exploitation.<sup>11</sup>

### Identification Tools:

Several tools have been developed to screen or assess for sex trafficking victimization or risk level by various state, federal, and non-governmental agencies. These tools vary in length and focus. For the purpose of compliance with P.L. 113-183 identification requirements, the following tools are being provided:

- [Rapid Indicator Tool to Identify Children Who May Be Sex Trafficking Victims or At Risk of Being a Sex Trafficking Victim](#)
- [Child Sex Trafficking Indicators Tool](#)

These tools were selected to assist workers in the identification process and to promote that workers across New York State are using the same definitions to identify trafficked youth. LDSSs and VAs must use these tools in the manner prescribed in this policy directive; however, use of additional appropriate tools is not prohibited. These tools should be used throughout the life of a case, as new information is learned about the child or if the child's circumstances change.<sup>12</sup>

### Sex Trafficking Screening, Identification, Documentation, and Response Protocol:

For all children, regardless of age, in the care, custody or supervision of an LDSS or OCFS, including children in foster care, child protective (including family assessment response (FAR) cases) and preventive open cases, receiving Chafee services, or on runaway status from foster care up until the age of 21, the following protocol applies:

1. **Quick Screening:** *The Rapid Indicator Tool to Identify Children Who May Be Sex Trafficking Victims or At Risk of Being a Sex Trafficking Victim* must be used for a quick screening to determine if the child is at risk and needs a more comprehensive screening.
  - a. **For cases that are open foster care, child protective (long-term CPS) or child preventive services cases:** the quick screening tool must be completed by the due date of the initial Family Assessment and Service Plan (FASP).
  - b. **For cases that are open child protective cases (including FAR cases):** the quick screening must be completed prior to the investigative or FAR case being closed, whether the case is completed and closed without services or transferred to receive foster care, child protective, or preventive services.
  - c. **For cases that have already completed the initial FASP when this policy is issued:** the screening will need to be completed by the next comprehensive FASP due date.

**Note: The screening can and should be completed prior to the due dates in cases where there is concern that the child is a sex trafficking victim.**

<sup>11</sup> Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386) §102 (b)(2).

<sup>12</sup> Additional screening and assessment tools are under development and, if required for utilization, this ADM will be updated.

2. **Results of Quick Screening:**
  - a. If the quick screening finds that the child **does not** have any indicators that give cause to believe the child or youth is a victim or at risk of being a sex trafficking victim: no further screening is needed at this time.
    - i. If after this screening, a worker learns new information that leads him or her to believe that the child is a victim or at risk, a new screening should be completed at that time.
  - b. If the quick screening finds that the child is either **a victim or at risk** of being a sex trafficking victim: a more comprehensive screening must take place (see step three).
  - c. The results of the quick assessment are documented in CONNECTIONS on the “sex trafficking screening” screen.
3. **Comprehensive Screening:** If the quick screening found that the child is a victim or at risk of being a sex trafficking victim, a comprehensive screening must be done within 30 days.
  - a. The *Child Sex Trafficking Indicators Tool* is provided for this purpose and is designed to assist the worker in determining if the child is a sex trafficking victim, or has no indicators, medium level or high level indicators of being a trafficking victim, or is at risk of being a victim.
    - i. **It is recommended that the worker reach out to the Safe Harbour project’s LDSS lead in his or her county, if the county is participating in the project, for assistance with the comprehensive screening.**
      - For NYC, please contact [child.trafficking@acs.nyc.gov](mailto:child.trafficking@acs.nyc.gov).
    - ii. For non-Safe Harbour project counties, it is recommended that the worker reach out to the human trafficking liaison designated in his or her county or another staff person who is specially trained on sex trafficking or CSEC or follow local protocols.
    - iii. If the child has clinical staff involved in his or her care, that person may be able to assist with the screening.
    - iv. Workers can also reach out to their OCFS regional office county lead to obtain assistance from OCFS.
4. **Results of Comprehensive Screening:**
  - a. If the comprehensive screening finds that the child is a **sex trafficking victim**, a law enforcement referral must be made (see step five).
    - i. It must be documented in the CONNECTIONS “sex trafficking screening” screen that the child is a victim; and
    - ii. If the child is in foster care, the documentation must indicate whether the victimization occurred prior to or while the child was in foster care.
  - b. If the comprehensive screening finds that the child either has **no sex trafficking indicators, a medium level or a high level of indicators**, the case should continue to be monitored, for as long as it is open, based on the indicator level, and services should be put in place to address any indicators present. This result is also documented in CONNECTIONS.
5. **Child Identified as a Sex Trafficking Victim:** When a child is identified as a victim of sex trafficking, the worker must report this to law enforcement **immediately**, and **no later than 24 hours** after identification of the child as a victim. The process to do so is as follows:

- a. The worker completes the *Law Enforcement Report of a Child Sex Trafficking Victim* form provided with this policy and follows the instructions on the form.

**Note: If a child is in immediate danger or at risk of harm, the worker should immediately call 9-1-1.**

- b. The worker **must** document in the “sex trafficking screening” screen in CONNECTIONS that this report to law enforcement has occurred.
  - i. It is recommended that the worker also document the police report number for reference and any actions that occur as a result of the report, if applicable.
- c. If **9-1-1** is called and/or law enforcement is already involved in the case prior to identification as a sex trafficking victim through this protocol, the law enforcement form does not need to be completed but the law enforcement involvement must still be documented in CONNECTIONS.
- d. A protocol is being developed with law enforcement on the handling of these cases.

**Note: Though LDSSs and VAs are required to report when a child is identified to law enforcement as a sex trafficking victim, the child is not required to cooperate with a law enforcement investigation, if one occurs as a result of this report. However, children and youth should be given an opportunity to discuss with law enforcement if they wish.**

- 6. **Victim Services:** Whenever a child is identified as a sex trafficking victim, or at risk of being a sex trafficking victim, the worker is **required** to determine appropriate services for the child. Any referrals for services should be documented in CONNECTIONS similarly to any other services provided.
  - a. The worker should work with the Safe Harbour project lead, for project counties, or the human trafficking liaison at his or her LDSS to determine what services exist in the area.
    - i. Some counties have multi-disciplinary teams, such as task forces, coalitions, or work groups that may be a resource to identify local services.
    - ii. In some cases, the case may qualify to be referred to the local Child Advocacy Center (CAC); this referral is recommended when possible.
- 7. **Ongoing Screenings:** Child sex trafficking screenings **must** be ongoing throughout the life of a case and should occur multiple times as more information about the child and his or her experiences is learned. In addition, sex trafficking screening is required when a child returns from being on runaway status or missing from foster care. This requirement is being addressed in a separate policy. For this reason, LDSSs and VAs will need to determine whether new child trafficking indicators have been identified at each FASP due date for all ongoing foster care, child protective and child preventive services cases.
  - a. For the ongoing screenings, the worker must review the previous child sex trafficking tools used to see if any information needs to be updated and make any changes needed.
    - i. Information may need to be updated based on new information being disclosed by the youth or a new incident occurring with the child, such as the child running away or going missing. (Consult the policy, *Protocols and Procedures for Locating and Responding to Children Missing from Care*, which will be available in September



2015, for more information on what is required when a child runs away or is missing.)

- b. If there are changes to the level of indicators, the worker must document this change in CONNECTIONS and use this information to adjust the child's case plan.
- c. If through this ongoing screening, it is determined that the child meets the definition of a **sex trafficking victim**, the worker must follow steps number four through six in this protocol.

#### **Resources:**

It is strongly recommended that LDSSs and VAs use resources in their area that have specialized training and/or experience in providing services to child sex trafficking victims. It is also recommended that a local resource list be developed for this purpose. These resources may include, but are not limited to:

- Safe Harbour New York Project resources
- Runaway and Homeless Youth Programs
- Domestic Violence Programs
- CACs or other multi-disciplinary teams
- Clinical/therapeutic Programs
- Victim Advocates
- Survivor-led Programs

In addition, workers can receive information on local resources from National Human Trafficking Resource Center (NHTRC) at 1-888-373-7888.

## **V. Systems Implications**

### **CONNECTIONS**

Changes have been made to the Investigative (INV), Family Assessment Response (FAR), and Family Services Stages (FSS) to incorporate documentation of the screening, identification and reporting of instances of sex trafficking to law enforcement. The "sex trafficking screening" screen is being created in CONNECTIONS with an anticipated completion date of December 2015. The FASP changes and INV requiring the screenings are completed are anticipated to be released as part of a future CONNECTIONS modernization build. Further information on the changes will be released when the build is completed.

In the meantime, workers must document the following activities in progress notes in the CONNECTIONS system:

- That a quick screening was completed and the results of that screening.
- If the quick screening indicates that the child may be a sex trafficking victim, or at risk of being a sex trafficking victim:
  - When the comprehensive screening is completed; and
  - The results of the comprehensive screening: whether the child is a victim or has no indicators, medium, or high indicators of potentially being a victim, or at risk of being a victim.
- If the child is determined to be a victim:
  - That the child is a victim of sex trafficking;

- That law enforcement was notified within 24 hours of identification as a victim; and
- If the child is in foster care, whether or not the victimization occurred prior to and/or while in foster care.

## VI. Additional Information

It is recommended that workers use the attachments provided in this policy directive to assist them with the requirements to identify, document, and respond to child sex trafficking victims, or those at risk of being sex trafficking victims, on their caseload.

Dissemination and use of the Desk Aid that accompanies this policy directive is **strongly** encouraged, as it can be used to walk workers through what must be done to be compliant with this policy.

### Policy Guidance:

Sex trafficking is a very complicated issue and assisting children who are victims, or who are at risk, requires a high level of knowledge and sensitivity to the issue. OCFS will be providing training to assist workers in becoming more knowledgeable on what human trafficking is and what is required by workers in assessing, identifying, documenting and responding to child sex trafficking victims as prescribed in this directive. These trainings will be available in September 2015 on the Human Services Learning Center (HSLC) <https://www.hslnys.org/hslc/> and through an "On Demand" internet link in September 2015. Further instructions for accessing these trainings will be contained in the HSLC Training Announcement, which will be released in early September 2015.

The training on the requirements in this policy, entitled *Child Welfare Requirements for Identifying and Working with Sex Trafficking Victims*, will be mandatory. The computer-based training (CBT) entitled, *Human Trafficking/Commercially Sexually Exploited Children (CSEC); An Overview*, will be a prerequisite to the training on the policy and protocol. Current foster care, child protective and preventive staff, and new hires through September 28, 2016, will need to take the course before October 2016. After that, new staff will need to take the course within six months (180 days) of their start date. The mandatory course will count towards CPS in-service training.

In addition, there are plans to provide additional training on human trafficking and to weave this issue into current trainings offered. Workers are strongly encouraged to attend additional trainings and to seek out any additional training or resources on the subject.

There are several products that are being developed through the Safe Harbour: New York project that can also be used as resources:

- *New York State Office of Children and Family Services Child Commercial Sexual Exploitation & Trafficking Rapid Screening Tool (CSEC and Trafficking RST)*
- *The CSEC and Child Trafficking Three-Level System*
- *Responding to Commercially Sexually Exploited and Trafficked Youth: A Practical Guide for Child Welfare Professionals (Handbook)*
- *Responding to Commercially Sexually Exploited and Trafficked Youth: A Blueprint for Systems of Care in New York State (Blueprint)*

In addition, workers should familiarize themselves with the information in [15-OCFS-INF-08](#),<sup>13</sup> which provides recommendations for best practices pertaining to identification of trafficking victims, prevention services for at risk populations, and services and resources available to victims of trafficking. In particular, workers may find the information provided in the best practice guidelines section on:

- Responding to human trafficking;
- Men, boys, and transgender population;
- Language sensitivity;
- Multi-disciplinary approach; and
- Preventing human trafficking.

In New York State there is a process to “confirm” victims of human trafficking, for which OTDA and the Division of Criminal Justice Services (DCJS) are jointly responsible. This process is a referral mechanism to provide specialized assistance to victims as well as a method of collecting data. Victims do not need to be confirmed as victims through this process to qualify for services, but LDSSs and VAs should be aware that some of the children they are working with may be confirmed as victims. For information about the confirmation process and an LDSS’s responsibilities when it receives a referral of a confirmed trafficking victim, please see the directive [09-OCFS-ADM-01](#).<sup>14</sup>

If workers have any questions or need further guidance they should use the contact resources below.

## VII. Contact Information:

### For questions regarding child trafficking, please contact:

The OCFS human trafficking mailbox at: [humantrafficking@ocfs.ny.gov](mailto:humantrafficking@ocfs.ny.gov)

For NYC-specific questions contact: [child.trafficking@acs.nyc.gov](mailto:child.trafficking@acs.nyc.gov)

### For regional-based questions, please contact the appropriate OCFS Office, Division of Child Welfare and Community Services:

Buffalo Regional Office - Dana Whitcomb (716) 847-3145

[Dana.Whitcomb@ocfs.ny.gov](mailto:Dana.Whitcomb@ocfs.ny.gov)

Rochester Regional Office - Karen Buck (585) 238-8201

[Karen.Buck@ocfs.ny.gov](mailto:Karen.Buck@ocfs.ny.gov)

Syracuse Regional Office - Sara Simon (315) 423-1200

[Sara.Simon@ocfs.ny.gov](mailto:Sara.Simon@ocfs.ny.gov)

Albany Regional Office - Kerri Barber (518) 486-7078

[Kerri.Barber@ocfs.ny.gov](mailto:Kerri.Barber@ocfs.ny.gov)

Spring Valley Regional Office - Yolanda Désarmé (845) 708-2499

[Yolanda.Desarme@ocfs.ny.gov](mailto:Yolanda.Desarme@ocfs.ny.gov)

<sup>13</sup> 15-OCFS-INF-08 *Promoting Awareness and Best Practices to Address Human Trafficking*  
[http://ocfs.ny.gov/main/policies/external/OCFS\\_2008/](http://ocfs.ny.gov/main/policies/external/OCFS_2008/)

<sup>14</sup> 09-OCFS-ADM-01 *New York State Anti-Trafficking Statute*  
[http://ocfs.state.nyenet/policies/external/OCFS\\_2009/](http://ocfs.state.nyenet/policies/external/OCFS_2009/)

New York City Regional Office - Raymond Toomer (212) 383-1808

[Raymond.Toomer@ocfs.ny.gov](mailto:Raymond.Toomer@ocfs.ny.gov)

Native American Services - Heather LaForme (716) 847-3123

[Heather.LaForme@ocfs.ny.gov](mailto:Heather.LaForme@ocfs.ny.gov)

Close to Home - New York City - Renee Barbel (212) 383-1841

[Renee.Barbel@ocfs.ny.gov](mailto:Renee.Barbel@ocfs.ny.gov)

Close to Home - New York City - Jewel Brown-Gregory (212) 383-1828

[Jewel.Brown-Gregory@ocfs.ny.gov](mailto:Jewel.Brown-Gregory@ocfs.ny.gov)

Statewide – Madeline Hannan (518) 474-8536

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#### **Other Resources:**

If there is reason to suspect that the child's parent/guardian is involved in the trafficking, mandated reporters must call the New York Statewide Central Register of Child Abuse and Maltreatment (SCR) at 1-800-342-3720.

For additional information on human trafficking in general, including support or referrals, the worker can call the National Human Trafficking Resource Center (NHTRC) at 1-888-373-7888 or text "HELP" or INFO" to BeFree (233733) for free and confidential assistance. The NHTRC also has resources and tools that may be used to assist workers with this work at <http://www.traffickingresourcecenter.org/resources>.

The Child Welfare Capacity Building Collaborative, which is providing technical assistance for the Children's Bureau office of ACF, has a document entitled [Resources to Support the Implementation of the Sex Trafficking Provisions of P.L. 113-183](#) that may be helpful to LDSSs and VAs.

#### **VIII. Effective Date**

This ADM is effective September 1, 2015.

*Thomas R. Brooks*

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#### **Issued By:**

Name: Thomas R. Brooks

Title: Deputy Commissioner

Division/Office: Strategic Planning and Policy Development

## Sex Trafficking Identification, Documentation, and Response Desk Aid

### Sex Trafficking Definition Used:

“Sex trafficking” is defined as “the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act” and “severe forms of trafficking in persons” is defined as: “sex trafficking in which the commercial sex act is induced by force, fraud, or coercion or in which the person induced to perform such act has not attained 18 years of age.” This means that any child under age 18 who is induced to perform a commercial sex act is considered a sex trafficking victim, regardless of whether force, fraud or coercion is present. A commercial sex act is one where something of value — money, food, clothing, drugs, shelter, protection, or other consideration — is provided in exchange for a sex act. Commercial sex may include a child being prostituted, child pornography, exotic dancing, private sex parties, and other sexual exploitation.

### Sex Trafficking Screening, Identification, Documentation, and Response Protocol

For all children, regardless of age, in the care, custody or supervision of a local department of social services (LDSS) or the New York State Office of Children and Family Services (OCFS), including children in foster care, child protective and preventive open cases, receiving Chafee services, or on runaway status from foster care up until the age of 21, the following protocol applies:

1. **Quick Screening:** *The Rapid Indicator Tool to Identify Children Who May Be Sex Trafficking Victims or At Risk of Being a Sex Trafficking Victim* must be used for a quick screening to determine if the child is at risk and needs a more comprehensive screening.
  - a. **For cases that are open foster care or child preventive services cases:** the quick screening tool must be completed by the due date of the initial Family Assessment and Service Plan (FASP).
  - b. **For cases that are open child protective cases (including FAR cases):** the quick screening must be completed prior to the investigative or FAR case being closed, whether the case is completed and closed without services or transferred to receive foster care, child protective, or preventive services.
  - c. **For cases that have already completed the initial FASP when this policy is issued:** the screening will need to be completed by the next comprehensive FASP due date.

***Note: The screening can and should be completed prior to the due dates in cases where there is concern that the child is a sex trafficking victim.***

2. **Results of Quick Screening:**
  - a. If the quick screening finds that the child **does not** have any indicators that give cause to believe he or she is a victim or at risk of being a sex trafficking victim, no further screening is needed at this time.
    - i. If after this screening, a worker learns new information that leads him or her to believe that the child is a victim or at risk, a new screening should be completed at that time.
  - b. If the quick screening finds that the child is either **a victim or at risk** of being a sex trafficking victim, a more comprehensive screening must take place (see step three).

- c. The results of the quick screening are documented in CONNECTIONS on the “sex trafficking screening” screen.
3. **Comprehensive Screening:** If the quick screening found that the child is a victim or at risk of being a sex trafficking victim, a comprehensive screening must be done within 30 days.
- a. The *Child Sex Trafficking Indicators Tool* is provided for this purpose and is designed to assist the worker in determining if the child is a sex trafficking victim, or has no indicators, medium or high level indicators of being a trafficking victim, or at risk of being a victim.
- i. **It is recommended that the worker reach out to the Safe Harbour project’s LDSS lead in his or her county, if the county is participating in the project, for assistance with the comprehensive screening.**
- For NYC, please contact [child.trafficking@acs.nyc.gov](mailto:child.trafficking@acs.nyc.gov).
- ii. For non-Safe Harbour project counties, it is recommended that the worker reach out to the human trafficking liaison designated in his or her county or another staff person who is specially trained on sex trafficking or CSEC or follow local protocols.
- iii. Workers can also reach out to their OCFS regional office county lead to obtain assistance from OCFS.
4. **Results of Comprehensive Screening:**
- a. If the comprehensive screening finds that the child is a **sex trafficking victim**, a law enforcement referral must be made (see step five).
- i. It must be documented in the CONNECTIONS “sex trafficking screening” screen that the child is a victim; and
- ii. If the child is in foster care, the documentation must indicate whether the victimization occurred prior to or while the child was in foster care.
- b. If the comprehensive screening finds that the child either has **no sex trafficking indicators, a medium or high level of indicators**, the case should continue to be monitored, for as long as it is open, based on the indicator level, and services should be put in place to address any indicators present. This result is also documented in CONNECTIONS.
5. **Child Identified as a Sex Trafficking Victim:** When a child is identified as a victim of sex trafficking, the worker must report this to law enforcement **immediately** and **no later than 24 hours** after identification of the child as a victim. The process to do so is as follows:
- a. The worker completes the *Law Enforcement Report of a Child Sex Trafficking Victim* form provided with this policy and follows the instructions on the form.
- When faxing the *Law Enforcement Report of a Child Sex Trafficking Victim* form, please do NOT include any miscellaneous information or the results of the screening tool(s). This will result in the report needing to be retracted, amended and/or re-submitted.**
- Note: If a child is in immediate danger or at risk of harm, the worker should immediately call 9-1-1.**
- b. The worker **must** document in the “sex trafficking screening” screen in CONNECTIONS that this report to law enforcement has occurred.

- i. It is recommended that the worker also document the police report number for reference and any actions that occur as a result of the report, if applicable.
- c. If **9-1-1** is called and/or law enforcement is already involved in the case prior to identification as a sex trafficking victim through this protocol, the law enforcement form does not need to be completed but the law enforcement involvement must still be documented in CONNECTIONS.

***Note: Though LDSSs and VAs are required to report when a child is identified to law enforcement as a sex trafficking victim, the child is not required to cooperate with a law enforcement investigation, if one occurs as a result of this report.***

- 6. **Victim Services:** Whenever a child is identified as a sex trafficking victim, or at risk of being a sex trafficking victim, the worker is **required** to determine appropriate services for the child. Any referrals for services should be documented in CONNECTIONS similarly to any other services provided.
  - a. The worker should work with the Safe Harbour project lead for project counties, or the human trafficking liaison at his or her agency to determine what services exist in the area.
    - i. Some counties have multi-disciplinary teams, such as task forces, coalitions, or work groups that may be a resource to identify local services.
    - ii. In some cases, the case may qualify to be referred to the local Child Advocacy Center (CAC) and this referral is recommended when possible.
- 7. **Ongoing Screenings:** Child sex trafficking screenings **must** be ongoing throughout the life of a case, and should occur multiple times as more information about the child and his or her experiences is learned. In addition, sex trafficking screening is required when a child returns from being on runaway status or missing from foster care. This requirement is being addressed in a separate policy. For this reason, LDSSs and VAs will need to determine whether new child trafficking indicators have been identified at each FASP due date for all ongoing foster care, child protective, and child preventive services cases.
  - a. For the ongoing screening, the worker must review the previous child sex trafficking tools used to see if any information needs to be updated and make any changes needed.
    - i. Information may need to be updated based on new information being disclosed by the youth or a new incident occurring with the child, such as the child running away or going missing (consult the policy, *Protocols and Procedures for Locating and Responding to Children Missing from Care*, which will be available in September 2015, for more information on what is required when a child runs away or is missing).
  - b. If there are changes to the level of indicators, the worker must document this change in CONNECTIONS and use this information to adjust the child's case plan.
  - c. If through this ongoing screening, it is determined that the child meets the definition of a **sex trafficking victim**, the worker must follow steps number four through six in this protocol.

**For questions regarding child trafficking, please contact:**

The Office of Children and Family Services' human trafficking mailbox at:

[humantrafficking@ocfs.ny.gov](mailto:humantrafficking@ocfs.ny.gov)

For NYC-specific child trafficking questions contact: [child.trafficking@acs.nyc.gov](mailto:child.trafficking@acs.nyc.gov)

**Other Resources:**

If there is reason to suspect that the child's parent/guardian is involved in the trafficking, mandated reporters must call the New York Statewide Central Register of Child Abuse and Maltreatment (SCR) at **1-800-342-3720**.

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