1554 RESPONSE TO HUMAN TRAFFICKING - SCREENING, REFERRAL, AND CASE PLANNING	
Chapter: **Case Management Standards for CP and JJ Field Staff**	Section: **Case Management**
New Hampshire Division for Children, Youth and Families Policy Manual Policy Directive: **16-50** Effective Date: **December 2016** Scheduled Review Date:	Approved: Lorraine Bartlett, DCYF Director
Related Statute(s): **RSA 169-A**, **RSA 169-B**, **RSA 169-C**, **RSA 169-D**, **and RSA 633:7** Related Admin Rule(s): Related Federal Regulation(s): **Victims of Trafficking and Violence Protection Act of 2000**, **Trafficking Victims Protection Reauthorization Act of 2013**, **and SSA 471**	Related Form(s): Bridges' Screen(s) and Attachment(s):

The Division for Children, Youth and Families (DCYF) is committed to identifying youth and family members, who become involved with the Division and who have also been victims of human trafficking. Human trafficking, also known as modern day slavery, is a growing crime and concern that cuts across socio-economic, ethnic, gender, and age boundaries; it involves the exploitation of persons for compelled labor or commercial sex acts. A disproportionately high rate of victims of human trafficking have had some prior involvement with the child welfare system. In support of the belief that everyone deserves to be safe, the Division refers possible victims of human trafficking for appropriate services and further investigation by law enforcement. Recognizing the response to Human Trafficking is a collaborative effort, DCYF is a core team member of the New Hampshire Human Trafficking Collaborative Task Force, a victim-centered, trauma-informed, multidisciplinary collaboration of service providers, non-governmental organizations and local, state, and federal law enforcement agencies providing comprehensive services to victims of human trafficking.

Purpose

This policy provides an overview of human trafficking characteristics as well as screening, referral, and case planning activities to recognize and respond to possible human trafficking victims.

Definitions

"Commercial Sex Act" means any sex act because of which anything of value is given, promised to, or received, directly or indirectly, by any person. See RSA 633:6

"Commercial Sexual Exploitation of Children" means the use of any person under the age of 18 for sexual purposes in exchange for cash, or in kind favors; it can occur between child/youth and a customer, the pimp/trafficker, or others (including family members) who profit from children/youth for these purposes. The use of force, fraud, or coercion need not be present.

"CPSW" "CPSW" or **"Child Protective Service Worker"** means an employee of DCYF who is specially trained to work with families referred to the Division pursuant to RSA 169-C, RSA 170-B, RSA 170-C, and RSA 463.

"DCYF" or the **"Division"** means the Department of Health and Human Services' Division for Children, Youth and Families.

"Debt Bondage" means the status or condition of a debtor arising from a pledge by the debtor of his or her personal services or of those of a person under his or her control as a security for debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.

"Department" means the Department of Health and Human Services.

"Harboring" means to receive or hold a person in a place without legal authority.

"Human Trafficking" for the purpose of this policy means, Sex Trafficking, Labor Trafficking, and the Commercial Sexual Exploitation of Children.

"JPPO" or **"Juvenile Probation and Parole Officer"** means an employee of DCYF who exercises the powers and duties as provided for in RSA 170-G: 16, and supervises paroled delinquents pursuant to RSA 170-H.

"Labor Trafficking" means the recruitment, harbouring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purposes of subjection to involuntary servitude, peonage, debt bondage, or slavery.

"Peonage" means the condition whereby someone knowingly holds a victim in a condition of servitude in which the victim is forced to work for the actor against his/her will to pay off a debt by: the use or threat of physical restraint or physical injury, or the use or threat of coercion through law or the legal process.

"Refugee" means a person outside of his or her country of nationality who is unable or unwilling to return because of persecution or a well-founded fear of persecution on account of race, nationality, or membership in a particular social group or political opinion.

"Sex Trafficking" means the recruitment, harboring, transportation, provision, obtaining, patronizing or soliciting of a person for the purposes of a commercial sex act, in which the commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age.

Policy

I. General Provisions:

A. CPSWs/JPPOs shall receive training on human trafficking that addresses the identification, assessment, and provision of comprehensive services to children who are sex traffic victims, including efforts to coordinate with law enforcement and social services agencies.

B. It is rare for child victims of human trafficking to identify themselves as being trafficked and may be brought to the attention of DCYF through the following statutes for initial referrals that are related or unrelated to human trafficking:

1. RSA 169-A – involving the Interstate Compact for Juveniles;

2. RSA 169-B - involving delinquency offense(s);

3. RSA 169-C - involving abuse or neglect; or

4. RSA 169-D - involving a child/youth brought to court for status offenses or other offenses related to the statute.

C. Staff must take a child/youth's entire circumstances into consideration when screening for possible human trafficking victimization.

1. Traffickers may be, or will often pose, as the child/youth's parent, relative caregiver, or legal guardian.

2. Children/youth involved with child welfare and juvenile justice systems as well as youth with a history of running away from home or placement, substance use disorder, and/or a history of illicit drug use are at higher risk for human trafficking.

3. A victim of human trafficking most likely will not disclose if he or she does not feel safe.

4. Trafficking may involve prolonged and repeated trauma resulting in the need for a thorough evaluation and specific services to appropriately address.

5. Elements of force, fraud, or coercion need not be present for child/youth victims of sex trafficking.

A. Youth petitioned to court for a prostitution offense related to trafficking may not be prosecuted for indecent exposure and lewdness under RSA 645:1 or prostitution under RSA 645:2 pursuant to RSA 633:7.

B. The Deputy Compact Administrator for the Interstate Compact for Juveniles, or designee, must be consulted when runaway youth from another state are found in NH, to assist in the return of the youth to his/her home state.

C. Children/youth who run away from home or placement shall be interviewed according to the provisions of policy 1558 Missing Child/Youth.

II. DCYF screens to identify children/youth that may have been trafficked or have a history of trafficking.

A. The CPSW/JPPO shall use knowledge gained from child protective assessments, predispositional investigations, or other assessment protocols or case-related activities to screen for trafficking activities. As applicable to a case, this may include but not be limited to:

1. Face-to-face and other contacts with the child/youth and family;

2. Face-to-face and other contacts with collaterals including, but not limited to, law enforcement, referral sources, parties to the case, and service providers;

3. Completion of the New Hampshire Integrated Assessment (NHIA) in Child Protective Service cases. Including initial completion and repeat completion of individual tools within NHIA;

4. Completion of Pre-Dispositional Reports or Social Studies;

5. Completion of the initial and repeat Structured Assessment of Violence Risk in Youth (SAVRY) in Juvenile Justice Services cases;

6. Completion of the initial and repeat Mental Health Screening Tool; and

7. Procedures pursuant to policy 1558 Missing Child/Youth for youth who return from an absence due to abduction or running away.

B. For further guidance, CPSWs/JPPOs may consult additional screening materials in support of assessment into possible human trafficking victimization as included in the Practice Guidance section of this policy.

III. The CPSW/JPPO should not conduct further investigation into a child/youth's possible history of human trafficking when screening indicates human trafficking.

A. The CPSW/JPPO must:

1. Be receptive to disclosure, however the child/youth should not be pressed to disclose information.

2. Inform their supervisor, the "DHHS: DCYF-Human Trafficking Victims" email account, and the local law enforcement agency before the end of their work hours, of any information that indicates a child/youth may have been trafficked or have a history of being trafficked.

3. Immediately notify the local law enforcement agency if a child/youth is found in imminent risk or danger due to human trafficking.

4. Make a report to Central Intake at 1-800-894-5533 or 603-271-6556 if there is an indication of sex trafficking that has not previously been Assessed for abuse or neglect.

5. Document each episode of alleged human trafficking in the human trafficking tab of the client demographic screen in NH Bridges.

6. Coordinate with his/her supervisor to ensure DCYF administration and legal services are notified whenever an investigation into human trafficking is initiated.

7. Assist in any cooperative efforts to investigate including arranging for an interpreter if the alleged victim does not speak fluent English.

(a) The CPSW/JPPO may access interpreters through the Department's Interpretation Services.

(b) The following shall be considered when requesting an interpreter:

(1) Interpreters should be independent, qualified, and reliable;

(2) The interpreter should have no connection with the trafficker, but the interpreter should understand trafficking if possible; and

(3) Children, adults, neighbors, or friends present at the scene should not be asked to interpret.

B. Further investigation of children/youth who are victims of human trafficking shall proceed jointly and cooperatively by DCYF with the local law enforcement agency and other service providers as appropriate.

1. A referral should be made to the Child Advocacy Center (CAC) to utilize a collaborative team approach in the investigation and follow-up case coordination and services.

   (a) Joint interviews reduce re- traumatization for the child/youth while increasing offender accountability.

   (b) Investigation and follow-up case coordination and services should be assessed on a case-by-case basis with law enforcement or prosecutor in cases involving children/youth for whom a CAC might not be an appropriate referral due to age or other reasons.

2. Whenever possible, trained forensic interviewers that are familiar with human trafficking of children should lead the interview.

3. Consideration for the interview should include:

   (a) Avoiding the use of statements that place blame on the child/youth;

   (b) Several meetings may be required to establish trust and rapport with a victim; and

   (c) Awareness of cultural considerations, and that a child/youth's cultural norms may make disclosure of abuse and/or victimization very difficult for the child

4. When an allegation of abuse/neglect includes human trafficking:

   (a) The assigned CPSW shall contact the local law enforcement agency to report the alleged crime pursuant to policy 1174 Reporting Abuse and Neglect to Law Enforcement.

   (b) DCYF will respond within the priority response time and collaborate to respond jointly with the local law enforcement agency when possible.

   (c) If a child/youth expresses a feeling that it is urgent to disclose details at the time of the initial interview, the CPSW shall assure such information is documented via a video or audio recording.

   (d) DCYF will engage the CAC in planning to interview the child/youth when there is a CAC within their jurisdiction.

      (1) After an initial conversation between DCYF, the CAC, and the local law enforcement agency, it may be determined that due to imminent risk of harm, a minimal facts interview is necessary prior to the in-depth CAC interview.

      (2) An in-depth follow-up interview will take place as soon as possible at a local CAC.

IV. The CPSW/JPPO shall follow applicable DCYF policies for case management and ongoing safety and service needs assessments consistent with the Division's Practice Model Beliefs when working with victims of human trafficking.

A. The CPSW/JPPO shall assess the child/youth's needs and the required response on a case-by-case basis.

1. The service needs of victims of human trafficking may be very complex and require a multidisciplinary approach to address multiple needs.

2. Conditions or circumstances that require services/interventions may include but are not limited to:

(a) Severe trauma;

(b) Medical needs;

(c) Immigration and other legal issues;

(d) Safety concerns;

(e) Shelter and other basic daily needs; and

(f) Financial hardship.

B. Characteristics of effective case planning for trafficking victims include:

1. Providing support to traumatized and confused victims to gain their confidence, lead them to safety, and arrange for protection from their trafficker;

2. Utilizing service and placement providers that can offer a safe environment, treatment and services specializing in the unique needs of trafficking victims that addresses the child/youth's emotional and behavioral stability, utilizes evidenced-based, trauma-informed intensive group and individual therapy, family therapy, and low staff-to-client supervision ratios;

3. Continuous assessment of physical and medical needs throughout the child/youth's involvement with DCYF; and

4. Strict confidentiality to prevent the trafficker from obtaining information on the child/youth's whereabouts.

(a) Residential staff, placement providers, law enforcement agents, DCYF staff, and others who are working with the child/youth must adhere to all state and federal laws governing confidentiality.

(b) Service providers and family identified by the child/youth as supportive must be approved by the CPSW/JPPO to receive information from the investigation into the trafficking of the child/youth.

(c) All necessary measures such as minimizing the number of people directly in contact with the child/youth should be taken to protect the privacy and identity of child/youth victims to ensure their safety and security.

C. Safety for a child/youth subject to human trafficking must be prioritized during case planning, including:

1. Personal safety through activities to ensure a child/youth is no longer subject to the conditions of human trafficking.

(a) This can include discussions with the child/youth to identify needs, and collaboration with non-offending parents/guardians, service providers, local law enforcement agency, and medical/mental health service providers to ensure the child/youth's basic needs are met.

(b) It is critical that shelters and programs for victims of trafficking provide services that are trauma-informed; strengths-based; and culturally, gender-, and developmentally appropriate.

(c) Providers working directly with child/youth trafficking victims should participate in training to meet the needs of this population.

2. Safe shelter in a home, shelter placement, foster placement, relative placement or residential treatment program supports the child/youth in their recovery from human trafficking based upon their assessed needs.

(a) In some cases, child/youth victims are pursued by their pimps, recruiters, and other traffickers after they remain home or have entered shelter or residential treatment programs.

(b) Placement providers must use clear protocols for ensuring a safe environment and appropriate security measures to reduce risks and improve recovery.

3. Providing ongoing protection from the trafficker or others acting on their behalf includes eliminating communication and influence with these individuals, the child/youth's participation in services to support recovery, and participation in prosecution of the trafficker to the extent the child/youth desires.

D. In all cases, a child/youth victim shall receive a comprehensive medical examination as soon as possible, and within 30 days of identification as a victim.

1. This should include a behavioral/mental health screening which may reveal evidence of post-traumatic stress, including memory impairment, anxiety, depression, addictions, panic attacks, or phobias.

2. CPSWs/JPPOs must follow Policy 1195 Medical Services, including an immediate specialized examination of the child/youth, not exceed 72 hours after disclosure of:

(a) Sexual contact within the past 72 hours;

(b) Suicidal ideations/thoughts;

(c) Physical complaints; or

(d) Signs of severe neglect.

E. The CPSW/JPPO shall refer, and introduce in person, a child/youth victim to their Family Violence Prevention Specialist (FVPS); however, the child/youth should be allowed to choose whether or not to speak with the FVPS.

IV. Federal Programs for Non-U.S. Citizen/Foreign National Victims of Human Trafficking.

A. Non-U.S. citizen children/youth who are victims of trafficking may qualify for additional assistance through the U.S. Department of Health and Human Services, Office of Refugee Resettlement (ORR) and/or U.S. Citizenship and Immigration Services (USCIS). All non-citizen children/youth victims and potential victims should therefore be referred to an immigration attorney as part of their services. The CPSW/JPPO shall work with DCYF Administration and the immigration attorney to ensure applicability of these provisions on a case-by-case basis.

1. The determination of services for a non-U.S. citizen child/youth who is a victim of human trafficking is dependent on many factors which differ from situations where trafficking is not an issue.

2. Non-citizen child/youth victims of human trafficking may obtain an Eligibility Letter or an Interim Assistance Letter from the HHS Office of Refugee Resettlement (ORR) and may access benefits and services to the same extent as a refugee.

3. A foreign national child/youth victim of human trafficking with an Eligibility Letter who has no available parent or legal guardian in the United States is eligible for ORR's Unaccompanied Refugee Minors (URM) program.

(a) Eligibility benefits to children/youth who receive an Eligibility Letter may include: Temporary Assistance for Needy Families, Social Security Income, Medicaid, health screening and food stamps, as well as entry refugee social services programs that may include legal services, youth and family services, and child care.

4. Foreign national child/youth victims of human trafficking may be eligible for immigration relief including, but not limited to, a T-Visa or Special Immigrant Juvenile Visa (SIJ)

(a) The T-Visa is a form of relief made available to foreign national victims of human trafficking under the Trafficking Victims Protection Act of 2000. was created to protect women, children and men who are the victims of human trafficking. The T visa allows victims of severe forms of trafficking in persons to remain in the United States and assist federal authorities in the investigation and prosecution of human trafficking cases.

(b) The Special Immigrant Juvenile Visa was established to help foreign national children/youth in the United States who have been abused, abandoned, or neglected.

5. Additionally, a foreign child victim of human trafficking who is not eligible for the URM program may be eligible for ORR's National Human Trafficking Victim Assistance

Program (NHTVAP). The NHTVAP provides funding for comprehensive case management services on a per capita basis to foreign victims of trafficking and potential victims seeking HHS Certification (adults) or an eligibility determination (minors) in any location in the United States. It provides provision of case management, referrals, and emergency assistance and helps victims gain access to housing, employability services, mental health screening and therapy, medical care, and some legal services, supporting them to live free of violence and exploitation..

V. The Division will track the number of children/youth who have been determined to be victims of sex and labor trafficking in Bridges for reporting through the National Child Abuse and Neglect Data System (NCANDS).

Practice Guidance

What are some indicators that a person may have been a victim of human trafficking?

- CPSWs/JPPOs must consider a youth's total circumstances when screening for the possibility of human trafficking. The following list is not exhaustive but contains observations that may indicate an individual is a victim of Human Trafficking. (Be mindful that some indicators may be indicative of concerns other than trafficking dependent on the circumstances);
  - Appear nervous, depressed, anxious, fearful or other signs of psychological distress;
  - Avoid eye contact;
  - Evidence of physical, mental, and/or emotional abuse including physical or sexual assault;
  - Significant changes in physical appearance;
  - Signs of malnourishment;
  - Signs of branding/tattoos;
  - Evidence of a substance use disorder or an addiction not previously present;
  - Shyness and/or submissiveness or conversely defiant and/or combative, an inability to speak on one's behalf, or guarded when speaking;
  - Poor concentration;
  - Show distrust and/or uncooperativeness;
  - Over-sexualized behavior;
  - Not being in possession of identification or travel documents (license, school I.D., passport for foreign youth);
  - Showing evidence of coaching on what to say;
  - Inability to freely communicate with others;
  - Frequent moves or report being in multiple cities;
  - Reporting threats if they do not continue cooperation with the trafficker;
  - Excessive cash on hand, payment to others on a regular basis or working long hours with little pay;
  - Not living with legal guardian or parent;
  - Frequently runs away;
  - Erratic school attendance or enrollment;
  - Having a 'boyfriend' or 'girlfriend' much older than the youth who is controlling; and
  - Showing loyalty and positive feelings towards the trafficker.
- Remember that trafficking can occur anywhere, regardless of socioeconomic status and is found in licit and illicit industries such as but not limited to: hospitality, nail salons, au pairs or nannies, restaurants, magazine crews, agriculture, drug sales and cultivation, pornography, commercial sex including prostitution, stripping, or working in adult clubs.
- Administration for Children guidance on screening for human trafficking may be found here.

I received a call from Homeland Security, why are they calling me?

- The U.S. Department of Homeland Security (DHS) is responsible for investigating human trafficking, arresting traffickers and protecting victims. DHS initiates hundreds of investigations

and makes numerous arrests every year, using a victim-centered approach. DHS also processes immigration relief through Continued Presence (CP), T visas, and U visas to victims of human trafficking and other designated crimes.

- In NH, Homeland Security is our lead law enforcement agency when it comes to investigating human trafficking.
- As the CPSW/JPPO who has been working with the family, Homeland Security will sometimes reach out with questions to complete information that has been identified as necessary in the efforts investigate and prosecute human trafficking cases.

What can be some of the medical needs and mental health symptoms that may be present for victims of human trafficking?

- A study commissioned by the U.S. Department of Health and Human Services outlined that victims of child sex trafficking often suffer from health-related problems including:
  - Physical health problems associated with beatings and rapes, including broken bones and untreated wounds and injuries;
  - Reproductive health problems, including exposure to HIV and other sexually transmitted infections (STIs), fertility issues, and other gynecological diagnoses associated with sexual violence and rape;
  - Mental health problems, including Post Traumatic Stress Disorder (PTSD) and somatic complaints (e.g., headaches, chronic pain), resulting from trauma;
  - Malnutrition; and
  - Alcohol and other drug use, which may be forced by the trafficker or used as a coping mechanism for abuse and trauma, and often leads to addiction.
- The study further identified the following common mental health symptoms reported as a result of repeated abuse:
  - Extreme anxiety and fear;
  - Changed relationships with others (including the inability to trust);
  - Self-destructive behaviors (including suicide attempts);
  - Changed feelings or beliefs about oneself (including profound shame and guilt);
  - Changed perception of the perpetrator (including establishing a traumatic bond); and
  - Despair and hopelessness.

Human trafficking is a complex issue, where can I find additional information?

- The Office on Trafficking in Persons, part of the Administration for Children and Families offers resources on their website. Examples include; the National Human Trafficking Resource Center, the ACF Case Manager Tool, and the Runaway and Homeless Youth Training and Technical Assistance Center.
- The National Human Trafficking Center website is another resource for information about human trafficking response and services, including information about T-Visas.
- The National Human Trafficking Resource Center has published tools to assist with screening youth including the Human Trafficking Assessment for Runaway and Homeless Youth.

Where can I find more information about service providers in New Hampshire addressing human trafficking?

- The Granite State Children's Alliance website has information about the history, mission, partners and access to CACs in New Hampshire.
- The New Hampshire Coalition Against Domestic and Sexual Violence website has information for helping victims of domestic abuse, sexual assault and stalking.
- The University of New Hampshire's, Victim Services Directory website has the Victim's Bill of Rights and support services for victims of felonious crimes committed by adult offenders
- Child and Family Services employs case managers for the specific purpose of working with victims of human trafficking. To learn more visit cfsnh.org