Corrected #17-68-09C: Sex Trafficked Children and Youth Investigative Protocols

TOPIC
Investigative protocols for sex trafficked children and youth.

PURPOSE
Updates for local social service agencies regarding new requirements for a child protection response to reports of children and youth who are known or suspected to be sex trafficked. These reports will be classified as a child maltreatment report of sexual abuse, regardless of relationship to offender. New requirements took effect May 29, 2017. Updates made in this corrected bulletin will take effect immediately.

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SIGNED

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TERMINOLOGY NOTICE

The terminology used to describe people we serve has changed over time. The Minnesota Department of Human Services (DHS) supports the use of "People First" language.
I. Introduction

Recent federal legislation regarding sex trafficking of children and youth includes Public Law 113-183, Preventing Sex Trafficking and Strengthening Families Act, and Public Law 114-22, Justice for Victims of Trafficking Act. The new regulations were issued in accordance with federal requirements from the U.S. Department of Health and Human Services, Administration for Children, Youth and Families.

This bulletin focuses on implementation of Public Law 114-22, Justice for Victims of Trafficking Act, and subsequent Minnesota Statutes, section 626.556, subdivision 2(n), modified in the 2016 legislative session.

Previously, children and youth victims involved in prostitution, now referred to as commercial sexual exploitation, were served by juvenile justice. Through the Minnesota Safe Harbor law, the offense of prostitution was removed from the juvenile justice code. Under this law, children and youth are viewed as victims of sexual exploitation, rather than criminals engaged in prostitution. Individuals of all ages are now considered sex trafficking victims when they are engaged in sexual activity for hire (formerly known as prostitution) in which a third party (not the victim or the buyer) facilitates or benefits from the activity.

Most victims are coerced and manipulated into sex trafficking through a process of grooming. Those who are the most vulnerable are homeless and runaway youth, GLBTQ youth and children in foster care. Emerging Minnesota data estimates suggest that up to 42 percent of child sex trafficking victims served through the Safe Harbor Network of providers are already known to child welfare/protection. [Minnesota Department of Health, 2015 Safe Harbor Year One Evaluation] Nationally, 50 to 90 percent of child victims are known to child welfare. [U.S. Department of Health and Human Services, Administration for Children, Youth and Families, 2013, Guidance to states and services on addressing human trafficking of children and youth in the United States]

A. Changes to federal law

The Justice for Victims of Trafficking Act of 2015, which amended the Child Abuse Prevention and Treatment Act (CAPTA), requires state agencies to add new requirements to their CAPTA plans, and expands the definition of child abuse and neglect. The Act requires state agencies to assure the following provisions and procedures:

- Consider any child who is identified by an agency as a victim of sex trafficking or severe forms of trafficking as a victim of “child abuse and neglect” and “sexual abuse”
- Investigate allegations of children known or suspected as victims of sex trafficking
- Collect data and report the number of children who are victims of sex trafficking as part of the National Child Abuse and Neglect Data System (NCANDS)
- Provide training on identification of and response to sex trafficking for child protection/welfare workers.

B. Minnesota’s definition of sexual abuse

Changes to Minnesota Statutes, section 626.556, subdivision 2(n), were made to comply with requirements in Public Law 114-22, which now states "sexual abuse" means the subjection of a child by a person responsible for the child's care, by a person who has a significant relationship to the child, as defined in Minnesota Statutes,
section 609.341, or by a person in a position of authority, as defined in Minnesota Statutes, section 609.341, subdivision 10, to any act which constitutes a violation of Minnesota Statutes, sections 609.342 (criminal sexual conduct in the first degree), 609.343 (criminal sexual conduct in the second degree), 609.344 (criminal sexual conduct in the third degree), 609.345 (criminal sexual conduct in the fourth degree), or 609.3451 (criminal sexual conduct in the fifth degree). Sexual abuse also includes any act which involves a minor which constitutes a violation of prostitution offenses under Minnesota Statutes, sections 609.321 to 609.324 or 617.246. Effective May 29, 2017, sexual abuse includes all reports of known or suspected child sex trafficking involving a child who is identified as a victim of sex trafficking. Sexual abuse includes child sex trafficking as defined in Minnesota Statutes, section 609.321, subdivisions 7a and 7b. Sexual abuse includes threatened sexual abuse which includes the status of a parent or household member who has committed a violation which requires registration as an offender under Minnesota Statutes, section 243.166, subdivision 1b, paragraph (a) or (b), or required registration under Minnesota Statutes, section 243.166, subdivision 1b, paragraph (a) or (b).

The local welfare agency is responsible for investigating allegations of sexual abuse if an alleged offender is the parent, guardian, sibling, or an individual functioning within the family unit as a person responsible for a child's care, or a person with a significant relationship to a child, if that person resides in a child's household. Effective May 29, 2017, local child welfare agencies are also responsible for investigating when a child is identified as a victim of sex trafficking, regardless of the relationship between the alleged victim and the alleged offender. [Minnesota Statutes, section 626.556, subdivision 3e]

II. Investigative Procedures

Effective May 29, 2017, sexual abuse under Minnesota Statutes, section 626.556, subdivision 2(n), includes all reports of known or suspected sex trafficking involving a child identified as a victim. This includes reports alleging sex trafficking by a non-caregiver/non-family unit individual. More details about screening criteria for known or suspected sex trafficking are in Child Maltreatment Guidelines on Screening, Intake, and Response Path Selection. Guidance on investigative protocols are below.

Even when child victims do not meet the definition of known or suspected sex trafficking, children who are reported to be sexually exploited should be treated as victims of crime. The local welfare agency is mandated by law to provide a child welfare response with appropriate services to a child and family. [Minnesota Statutes, section 626.556, subdivision 10a] This should include an active attempt to make in-person contact with a child and their family by a caseworker knowledgeable of issues related to the needs of sex trafficked or exploited youth, and arrange for necessary services, including connections to the Safe Harbor regional navigator, services, or local advocate expert for additional resources.

A. Intake

General intake procedures outlined in the Child Maltreatment Guidelines on Screening, Intake, and Response Path Selection (Screening Guidelines) must be followed in all reports of child maltreatment, including reports alleging child sex trafficking.
The following questions from the Screening Guidelines may be useful when receiving reports of alleged sex trafficking of a child or youth:

- Last known location of child, as trafficked children are often transient and difficult to locate. Even if a reporter is unsure of a specific address, it is important to ask them to describe the street, house, times child is often in school, child’s cell phone number, hotel, etc.
- Permanent address and present location of child (if different).
- Child’s school.
- Alleged offender’s name, street name/nick name, address of home, work or where they hang out, phone numbers, gender, date of birth, approximate age, race, ethnicity, marital/custodial status and occupation.
- Status of alleged offender(s) as a household member, family member, or in a significant position of authority or non-custodial offender.
  - When an alleged offender is unknown at the time of a report, type “unknown” into the alleged offender description field in the Social Service Information System (SSIS).
  - In allegations involving known or suspected sex trafficking, offenders may be unknown or may be a non-caregiver/non-family unit individual.
- Presence of domestic violence, criminal activity, weapons, or other dangerous activities in the home.
- In calls regarding a runaway or sex trafficked child, include questions regarding maltreatment (e.g., parental failure to protect), whether a youth has disclosed or was found in a sex trafficking situation, whether they were shown or described in an ad for escort or sex act online or otherwise, or whether any law enforcement agencies have been involved in investigation of the alleged trafficking.
- Reporter’s awareness of immediate danger that would pose a safety threat for a child protection assessor or investigator.
- Reporter’s knowledge of safety planning underway, or behaviors of parent/caregiver that demonstrate ability to protect child from immediate danger.
- Whether a child is in immediate danger, and a description of threats to child safety.
- Description of child’s present condition(s) and whether harm was observable or indicated, including the size, coloration and location of observed injuries.
- Whether there has been a medical examination, if so, where.
- ICWA inquiry (any case should be treated as ICWA until ruled out).

Jurisdiction for response to maltreatment reports indicating alleged sex trafficking are the same as outlined in the Minnesota Child Maltreatment Intake, Screening and Response Path Guidelines, and depends on whether child is in imminent danger (see pages 22 and 23 of the Guidelines).
B. Screening

General screening procedures outlined in the Child Maltreatment Guidelines on Screening, Intake, and Response Path Selection must be followed in all reports of child maltreatment, including those alleging child sex trafficking.

When an Indian child’s tribe is known at the point of screening, a tribal representative should be included on the screening team, if available. Active efforts require collaboration and joint efforts to include tribes at the earliest point in making a screening decision and providing ongoing services. [Minnesota Statutes, section 260.762] If a tribal representative is not available within the required timeline, the local county agency must screen a report within the required 24-hour time frame without a child’s tribe, but must notify tribe(s) of screening decisions immediately, or within 24 hours of an agency receiving information when it has reason to believe an Indian child is the subject of a report of maltreatment. The initial contact can be orally, followed by a written report. [Minnesota Statutes, sections 626.556, subdivision 10 (b) (5) and 260.761, subdivision 2]

The following is taken from the Screening Guidelines, as revised in December 2017. When a child or youth is a known or suspected victim of sex trafficking, a child protection investigation must be opened. See attached Appendix A for an overview of sex trafficking screening, including definitions and suggested questions.

Sexual abuse under Minnesota Statutes, section 626.556, subdivision 2(n), includes all reports of known or suspected sex trafficking involving a child. Sex trafficking is defined in Minnesota Statutes, section 609.321, subdivision 7a: “Receiving, recruiting, harboring, providing, or obtaining by any means an individual to aid in the prostitution of the individual; or receiving profit or anything of value, knowing or having reason to know it is derived from an act described in clause (1).” Patrons may not be charged with sex trafficking. [Minnesota Statutes, section 609.322] Sex trafficking requires that a third party, not the purchaser or the victim, facilitate or profit from the sexual act.

The source of information shared by a reporter may make a report clearer and more certain. If, in the course of screening a report of maltreatment, a caseworker answers yes to one or more of the following questions, the report may meet the threshold for known or suspected sex trafficking, has:

- Law enforcement or another person or agency made a report of the child being involved in trafficking?
- The child reported being forced or coerced into sexual activity for the benefit of another person?
- The child been found in a trafficking situation? (See Appendix H for High Risk Indicators that may show a child is in a trafficking situation.)
- The child been found or depicted in an advertisement for escort services or a sex act in a newspaper or online?

Cases of known sex trafficking include allegations in which a youth has disclosed, or a reporter indicates, that a third party (not the child victim or the buyer) has facilitated or financially benefited from an act of prostitution.

Cases of suspected sex trafficking may include allegations that a youth was in a trafficking situation, or was depicted in advertisements for escort services online or
otherwise. These allegations, while less clear than “known sex trafficking” may be “suspected” sex trafficking. [Minnesota Statutes, section 609.321, subdivision 7a]

Agencies should accept and screen all suspected sex trafficking reports in accordance with the screening guidelines and respond appropriately. The screening team, a supervisor or designee, upon reviewing the behavior or situation being reported, should consider whether a reasonable person would conclude a child or youth involved is known or suspected to be a victim of sex trafficking under Minnesota Statutes, section 609.321, subdivision 7a. Use of a sex trafficking multi-disciplinary team (including a youth services or Safe Harbor provider) to screen for trafficking is highly encouraged.

All screening and responses to known or suspected sex trafficking should be trauma-informed, victim-centered and youth-directed, and to the extent practicable, strength-based and culturally responsive. This may include referral to or consultation with specialized Safe Harbor services. [Minnesota Child Maltreatment, Screening and Response Path Guidelines, 2017, pp. 40-41]

Due to the progressive nature of disclosures in sex trafficking cases, it is important to use the totality of information available, which may include a history of reports with similar information that were screened out or unsubstantiated in the past. See attached Appendix B for a list of High Risk Indicators and Red Flags that are common in trafficking situations.

**Sexually exploited youth**

When reports do not rise to the level of known or suspected sex trafficking, they may meet criteria for another form of sexual exploitation. The statutory definition of child sexual abuse [Minnesota Statutes, section 626.556, subdivision 2 (n)] also includes:

- Acts involving a minor which would constitute a violation of prostitution offenses under Minnesota Statutes, sections 609.321 to 609.324 if a youth were an adult.
- The use of a minor in a sexual performance. The definition of sexual performance includes pornographic works involving a minor. [Minnesota Statutes, section 617.246]

Children involved in the above acts are considered sexually exploited youth. The definition of sexually exploited is broader than known or suspected sex trafficking, and includes all commercial (sex in exchange for money, drugs, shelter etc.) and non-commercial sex acts (sexual conduct with no exchange) involving a minor. [Minnesota Statutes, section 260C.007, subdivision 31]

Reports of the above types of maltreatment must be screened in if a parent or household member is involved in maltreatment. If an alleged offender is not a parent or household member, a report may be screened out. Intake/screening staff are encouraged to consult with the county or American Indian Child Welfare Initiative tribal attorney on alleged child maltreatment involving sexually exploited youth as it relates to the definition of sexual abuse, and whether an investigation is required by law for reports of “any act that involves a minor which constitutes a violation of prostitution offenses under Minnesota Statutes, sections 609.321 to 609.324, or 617.246.” [Minnesota Statutes, section 626.556, subdivision 2(n)]

All reports, whether screened in or out by the local social service agency, must be cross-reported to law enforcement. [Minnesota Statutes, section 626.556, subdivision 10(a)] All sexually exploited youth should be considered crime victims and, therefore, must receive an offer of services under a child welfare response. This
includes reports where the alleged offender is not a caregiver or member of the family unit. [Minnesota Statutes, section 626.556, subdivision 10(a)]. Whenever possible, this child welfare response should include an active attempt to make in-person contact with a child and their family by a caseworker knowledgeable of issues related to sex trafficked or exploited youth.

Commercially sexually exploited youth and youth at risk of exploitation are eligible for free Safe Harbor specialized services. Regional navigators can be consulted and receive referrals from child welfare agency staff. They provide consultation, training, and can help navigate access to services, shelter and housing. Sexually exploited youth are also eligible for Safe Harbor-funded shelter and housing placements throughout Minnesota. County funds should be used to cover some placement costs. Access to these placements, services and supports may help to prevent at risk or sexually exploited youth and family members from future trafficking victimization. According to the 2017 Safe Harbor evaluation, all youth felt “more hopeful and better prepared for their future” after participating in Safe Harbor services. [Minnesota Department of Health. (2017). Safe Harbor Evaluation Report 2017, Summary, p. 4] See Coordination section below for more about Safe Harbor.

C. Response path selection

Reports of sex trafficked youth will require a decision whether to screen in and conduct a child protection investigation, regardless of the relationship of an alleged offender to the victim, which includes non-family and non-household members. When there is limited information about an alleged offender or they are unknown, agencies should use the unknown alleged offender description field in SSIS to complete a child maltreatment report.

D. Cross-reporting with law enforcement

Whenever a child maltreatment report includes sex trafficking, sexual exploitation, or other crime victimization of a child, a cross-report to law enforcement is required. [Minnesota Statutes, section 626.556, subdivision 10(a)] This includes reports of an alleged sex trafficking offender who is not a caregiver. Minnesota Statutes, section 626.556, subdivision 10a, states “If the report alleges neglect, physical abuse, or sexual abuse by a person who is not a parent, guardian, sibling, person responsible for the child's care functioning within the family unit, or a person who lives in the child's household and who has a significant relationship to the child, in a setting other than a facility, the local welfare agency shall immediately notify the appropriate law enforcement agency, which shall conduct an investigation of the alleged abuse or neglect if a violation of a criminal statute is alleged.”

In cases involving sexual exploitation or sex trafficking, the maltreatment may have occurred in multiple law enforcement jurisdictions. The agency should use discretion, based on totality of allegations and safety of a child, in determining the appropriate law enforcement agenc(ies) with which to cross-report.

E. Coordination with law enforcement

Any local social services response to child sex trafficking, including child protection and child welfare, must be coordinated with law enforcement. The appropriate law enforcement agenc(ies) and local welfare agency shall
coordinate planning and execution of their respective investigation and assessment efforts to avoid duplication of fact-finding efforts and multiple interviews. Each agency shall prepare a separate report of results of its investigation or assessment. In cases of alleged child maltreatment resulting in death, the local child welfare agency may rely on the fact-finding efforts of a law enforcement investigation to make a determination of whether maltreatment occurred. When necessary, the local welfare agency shall seek authority to remove a child from the custody of a parent, guardian, or adult with whom child is living. [Minnesota Statutes, section 626.556, subdivision 10(b)(5)]

F. Cross-reporting with tribal agencies

When alleged maltreatment occurred on tribal land, the local welfare agency or agency responsible for child protection reports and the local police department or the county sheriff shall immediately notify a tribe's social services agency and tribal law enforcement orally and in writing when a report is received. [Minnesota Statutes, section 626.556, subdivision 10(a)]

G. Child protection investigation

The focus of a child protection investigation involving sex trafficking is to secure safety and provide supportive services that are youth-directed to the extent possible. When a child is located without a parent or legal guardian, efforts to locate and reunite, when possible, should be made.

Imminent danger

Cases involving imminent danger must be responded to immediately. Imminent danger means that a child is threatened with immediate and present maltreatment that is life threatening or likely to result in abandonment, sexual abuse, or serious physical injury. [Minnesota Rule 9560.0214, subpart 12] All cases involving a runaway child, sexually exploited youth or sex trafficked youth are considered imminent danger. In cases of sex trafficked children or youth, law enforcement should be involved as early as possible and increased cross-jurisdiction coordination may be necessary.

Indian Child Welfare Act (ICWA) inquiry

Agency staff should identify whether a child is ICWA eligible. Inquiry should occur immediately when a child comes to the attention of an agency. Inquiry should be made with a child, their parents, custodian, and other appropriate persons, whether there is reason to believe that a child may have lineage to an Indian tribe. Identification of an Indian child in all cases is required and handled as an ICWA case until a tribe(s) has responded that a child is not eligible or not a member. [Minnesota Statutes, section 260.761, subdivision 1] and if a tribe(s) is identified, immediately contact tribe(s) via phone, email and/or facsimile. [Minnesota Statutes, section 260.761, subdivision 2(a)]

See ICWA Manual and ICWA Caseworker Checklist for more information regarding ICWA and Minnesota Indian Family Preservation Act (MIFPA). For information on ICWA and/or MIFPA, contact Shirley Cain, Native American equity policy specialist at 651-431-4708 or email shirley.cain@state.mn.us.
Alleged victim face-to-face contact

Upon receipt of a report, the local welfare agency shall conduct face-to-face contact with a child reported to be maltreated sufficient to complete a safety assessment and ensure their immediate safety. The face-to-face contact with a child shall occur immediately (within 24 hours) after an agency receives information from a reporter if sexual abuse is alleged. [Minnesota Statutes, section 626.556, subdivision 10(j)] The initial contacts with an alleged sex trafficked victim should focus on safety and appropriate safety planning, while building rapport. The adults in these victims’ lives have always wanted something, similar to a child protection investigator who wants them to disclose. Understand that a victim may not be ready to disclose and/or their messages from their traffickers have conditioned them not to disclose through use of fear, coercion and/or loyalty. Careful rapport-building with this understanding is key in interacting with alleged victims of sex trafficking.

It is a local agency’s responsibility to assess, face-to-face, the safety of children involved in an accepted child maltreatment report. This responsibility may not be assumed by law enforcement or another non-child protection agency. If a report alleges a violation of criminal, local law enforcement and the local agency shall coordinate planning and execution of the respective investigation and assessment efforts to avoid duplication of fact-finding efforts and multiple interviews. [Minnesota Statutes, section 626.556, subdivision 10(b)(5)] When a local agency and law enforcement jointly determine that an interview by one person with a child who is reported to be maltreated is in the best interests of a child, and an interview is conducted by law enforcement, it can be substituted in place of a local agency interview. [Minnesota Admin. Rule 9560.0220, subpart 3] It is important to keep in mind that a child may not be willing to disclose, or may not see themselves as being sex trafficked.

When a child is in a Safe Harbor shelter and housing, face-to-face contact should be coordinated with shelter and housing staff. If a child is not in a Safe Harbor shelter and housing, the Safe Harbor navigator, or local expert advocate, can be contacted for consultation and resource options; client data must not be fully disclosed until a release of information is executed. General information about a child’s circumstances can be shared in order to best respond to a situation. The Safe Harbor navigator or other specialized provider or expert must have ongoing responsibility for care of a child in order for information to be shared under Minnesota Statutes, section 626.556, subdivision 10.

The multi-disciplinary team plays a critical role when deciding when forensic interviews are necessary. Attention to trauma for a child victim should be at the forefront in the interview process. It is best practice to coordinate with law enforcement and use a child advocacy center for an interview, or a professional specifically trained on how to conduct effective forensic interviews, when needed. The decision to use a child advocacy center is made by the child protection caseworker or law enforcement officer upon learning a child may be a victim of sexual abuse, or witness to a violent crime. When a forensic interview is indicated, fact gathering from any initial contact with a child victim should be kept to a minimum prior to proceeding with a forensic interview. This is particularly important because it can impact a criminal investigation. If a child undergoes detailed questioning prior to a forensic interview, a forensic interview may be compromised due to repetitive interviews.

When a forensic interview is required, or indicated, it is important to use a multi-disciplinary team that includes child protection, law enforcement, county or tribal attorney, and other stakeholders such as children’s mental health professionals and tribal representatives. Multi-disciplinary teams involved with
forensic interviews should have a written protocol in place that includes clearly defined roles of team members.

During contacts with an alleged victim, take specific notice of the following traits which may indicate human trafficking involvement:

- Language (street slang)
- Branding or tattoos
- Unexplained source of money
- Running away from home for long periods of time
- Unwilling to disclose whereabouts
- Lack of eye contact
- Provocative dress
- Spending a large amount of time with older and controlling persons
- Restrictive communication, and
- Unexplained injuries or signs of abuse.

See attached Appendix B for a list of High Risk Indicators and Red Flags that are common in trafficking situations.

**Primary caregiver interviews**

Upon receipt of a report, the local welfare agency shall conduct face-to-face contact with a child’s primary caregiver sufficient to complete a safety assessment and ensure the immediate safety of a child. Face-to-face contact with the primary caregiver shall occur immediately (within 24 hours) if sexual abuse is alleged. [Minnesota Statutes, section 626.556, subdivision 10(j)]

In cases involving a non-caregiver alleged offender, contact with a primary caregiver(s) should explore their level of knowledge of a child’s involvement in sex trafficking. There is a continuum of knowledge and/or participation that a primary caregiver may have, from not knowing or having any involvement to supporting or actively involved in sex trafficking. When a primary caregiver is involved, or otherwise fails to protect a child, new allegations of child maltreatment must be screened. New allegations screened after initial case opening must be screened, and may be added to an existing SSIS workgroup, or a new workgroup may need to be opened. These decisions must be made on a case by case basis.

For most families, learning their child has been involved in a sex trafficking situation is terrifying and deeply shameful. Services to address this discovery may be warranted.

**Safety planning**

Safety planning should begin immediately, and also may occur at any time during an assessment or investigation, depending on safety threats. It is important to note that sex traffickers may have threatened alleged victims, who may fear for their lives or the lives of others close to them. Whenever possible, safety planning should be done with assistance from Safe Harbor shelter and housing staff, service provider or navigator, or other professional with in-depth knowledge of sex trafficking victimization.
Alleged offender interviews

Law enforcement coordination is paramount in child protection investigations of alleged sex trafficking. Coordination may be required with multiple law enforcement agencies across multiple jurisdictions. Safety of workers, child victim(s) and family members is critical and may be improved through active coordination efforts. While efforts should be collaborative, child protection staff should be aware that a criminal justice investigation is conducted under different statutory authority and has a different purpose, scope and outcome. Increased discussion regarding roles of multi-disciplinary partners may improve outcomes for both investigations and for child victim and family.

If an alleged offender was not already interviewed as the primary caregiver, the local welfare agency shall also conduct a face-to-face interview with an alleged offender in the early stages of an assessment or investigation. At initial contact, a local child welfare agency or agency responsible for assessing or investigating a report, must inform alleged offender of the complaints or allegations made against them in a manner consistent with laws protecting the rights of persons who make reports. An interview with an alleged offender may be postponed if it would jeopardize an active law enforcement investigation. [Minnesota Statutes, section 626.556, subdivision 10(j)] Since coordination with law enforcement is essential in sex trafficking situations, it is important to have ongoing contact among agencies to ensure the safety of all involved, including workers, and avoid duplication of fact-finding efforts and multiple interviews.

The local welfare agency, or agency responsible for assessing or investigating a report, must provide an alleged offender with an opportunity to make a statement. An alleged offender may also submit supporting documentation relevant to an assessment or investigation. [Minnesota Statutes, section 626.556, subdivision 10(i)(2)]

If an alleged offender is a minor, parental permission must be secured to conduct an interview for purposes of a child protection investigation.

If an alleged offender is unknown, efforts should be made to identify the individual(s) responsible throughout an investigation. If at the conclusion of an investigation, the identity of an alleged offender is still unknown, a maltreatment decision can still be made with an unknown offender.

If an alleged offender has been identified, but cannot be located, efforts, in coordination with law enforcement, should be made to locate an alleged offender throughout an investigation. If at the conclusion of an investigation, the identity of an alleged offender is still not known, a maltreatment decision can still be made. All efforts to contact and notify an alleged offender should be clearly outlined in the SSIS case record. A notice of determination letter should be sent to an alleged offender’s last known address.

Forensic interview format

For investigations only, the following interview methods and procedures must be used, whenever possible, when collecting information:

- Audio recordings of all interviews with witnesses and collateral sources, and
- In cases of alleged sexual abuse, audio-video recordings of each interview with an alleged victim and child witnesses.

[Minnesota Statutes, section 626.556, subdivision 10(k)]
Medical exams

Information relevant to an assessment or investigation must be asked for, and may include collateral source information regarding alleged maltreatment and care of a child. Collateral information includes, when relevant, a medical examination of a child and prior medical records relating to alleged maltreatment, or the care of a child maintained by any facility, clinic, or health care professional, and an interview with the treating professionals. [Minnesota Statutes, section 626.556, subdivisions 10i(3)(i) and (ii)]

Medical care, especially procedures such as sexual abuse evaluations, must be conducted with sensitivity towards a traumatized child, including awareness of potential trauma triggers during the examination process, and strategies for responding effectively. Whenever possible, medical examinations should be completed by medical staff trained in these types of evaluations. When a child is at a Safe Harbor shelter and housing, staff will assist in coordinating medical care for a child.

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, fertility issues, and other gynecological diagnoses associated with sexual violence and rape
- Somatic complaints (e.g., headaches, chronic pain), resulting from trauma
- Malnutrition.

Three components are recommended as part of a medical exam, including physical, sexual and substance use. Providers conducting assessments of alleged victims should be encouraged to consider the following.

Physical signs include:

- Routine physical assessment, including vital signs
- Assessment for signs of physical abuse
- Assessment for signs of medical neglect
- Assessment of nutritional status
- A check for tattoos and other markings
- Indicated lab work
- Determination of current medications
- Provision of prescriptions for needed medications.

Sexual signs include:

- Pregnancy test, when appropriate
- STD testing
- Assess for signs of sexual abuse
- Assess birth control needs
- Provision of prescriptions for needed medications.

Substance use signs include:
• Query about substance use history
• Assess for signs of drug use
• Test for recent substance use, when indicated
• Assess for withdrawal symptoms.

Releasing data to mandated reporters

A local social services or child protection agency, or agency responsible for assessing or investigating a report of maltreatment, shall provide relevant private data on individuals obtained under this section to a mandated reporter who made a report and who has an ongoing responsibility for the health, education, or welfare of a child affected by the data, unless the agency determines that providing the data would not be in the best interests of a child. A mandated reporter need not have made the report to be considered a person with ongoing responsibility for the health, education, or welfare of a child affected by the data. [Minnesota Statutes, section 626.556, subdivision 10j] This includes Safe Harbor staff when a child is located in Safe Harbor shelter and housing, other shelter and housing or foster care settings, community organizations, and caseworkers external to a local social services agency working with and having ongoing responsibility for a youth.

No basis for full assessment or investigation

A local welfare agency, or agency responsible for investigating a report, may make a determination of no maltreatment early in an assessment or investigation, close the case and retain immunity, if collected information shows no basis for a full investigation. [Minnesota Statutes, section 626.556, subdivision 10(i); Minnesota Admin. Rule 9560.0220, subpart 6a]

Determinations

A local welfare agency shall conclude a Family Assessment or investigation within 45 days of receipt of a report. The conclusion of an assessment or investigation may be extended to permit completion of a criminal investigation or the receipt of expert information requested within 45 days of receipt of a report. [Minnesota Statutes, section 626.556, subdivision 10e(a)]

After conducting an investigation, a local welfare agency shall make two determinations: Whether maltreatment has occurred, and whether child protective services are needed. No determination of maltreatment shall be made when an alleged offender is a child under age 10. [Minnesota Statutes, section 626.556, subdivision 10e(c)(g)] A determination that child protective services are needed means that the local welfare agency has documented conditions during an assessment or investigation sufficient to cause a child protection worker, as defined in section 626.559, subdivision 1, to conclude that a child is at significant risk of maltreatment if protective intervention is not provided, and that the individuals responsible for a child's care have not taken, or are not likely to take, actions to protect child from maltreatment or risk of maltreatment. [Minnesota Statutes, section 626.556, subdivision 10e(g)]

Determination letters to non-offending parents

Within 10 working days of the conclusion of an investigation, the local welfare agency, or agency responsible for investigating a report, shall notify the parent or guardian of a child of the determination, and a summary of specific reasons for the determination.
In Family Investigations, determination letters should be sent to the non-resident, non-offending legally recognized parent, unless doing so would not be in a child’s best interest. Clear documentation of why this is not in a child’s best interest should be recorded in SSIS.

**Determination letters to offenders**

Within 10 working days of the conclusion of an investigation, the local welfare agency shall notify the person determined to be maltreating a child of the determination, and a summary of specific reasons for the determination. [Minnesota Statutes, section 626.556, subdivision 10f]

**Social Service Information System**

All pertinent data must be recorded in SSIS, including but not limited to, all client and collateral contacts, safety and service plans. A final summary of an investigation should be recorded.

Additionally, reports of sex trafficking that involve only allegations by a “non-caregiver sex trafficker” will continue to be assigned to a Family Investigation track. However, when this is the only relationship entered in the Allegations screen, the Structured Decision Making tools are not appropriate and will not be required.

Public Law 113-183 (Preventing Sex Trafficking and Strengthening Families Act) requires state agencies to report data to the U.S. Department of Health and Human Services regarding sex trafficked youth. Minnesota has developed the Sexually Exploited Youth (SEY) screen in SSIS to meet this requirement. It is under the Person node, but is only visible to agency staff with the security function “Access SEY” assigned to their security role. All child protection staff must be assigned this security role to meet this requirement.

The purpose of the screen is for local social service agency staff to record whether a youth is a sex trafficking victim. The reason for the new screen is that Title IV-E agencies must report annually to the U.S. Department of Health and Human Services the total number of children and youth who are identified as sex trafficking victims. The law requires trafficking data to be added in AFCARS (Adoption and Foster Care Analysis and Reporting System). This screen must be completed on all youth, whether they are in placement or not. This screen must be completed again anytime workers discover new information regarding sex trafficking.

**Sexually exploited youth screen**
III. Provision of Case Management Services

Most victims of child sex trafficking suffer from serious physical and mental health issues. Many victims are subjected to violent physical and sexual behaviors, verbal abuse, derogatory language, and forced consumption of alcohol and other drugs. Many victims experience symptoms indicative of post-traumatic stress disorder, disassociation disorder, depression and other mental health concerns. It is critical that they be placed in a location that can offer specialized services that meet their immediate and long-term needs. These include culturally sensitive and non-judgmental staff, and residents who understand sex trafficking and the effects it has on children and youth. Safe Harbor shelter and housing and other housing programs are placement options that provide these specialized services and are appropriate placement locations for individuals identified as victims of child sex trafficking.

There is a high level of need for comprehensive and intensive therapeutic services. Social service agency staff should collaborate with child, parent/guardian, and the regional navigator to develop an individualized service plan. This plan should address the need for safe housing, physical and mental health services, substance abuse treatment, therapeutic foster homes and other services.

Assessment and services are best provided from a victim-centered perspective. It is critical for individuals who encounter and work with these youth to understand that victims of child sex trafficking may be fearful of talking or cooperating because of abuse from their trafficker. They may be hostile, and/or not willing to tell the whole truth. It is likely they have had troubles in their lives that contributed to being victimized.

Assessment and services should also be considered from a strength-based perspective. Children who have been sex trafficked may have lived in an extremely stressful and traumatizing environment, but many have also developed strong coping skills and may have interests in typical youth activities. It is important to recognize these assets when planning for provision of services.

A shelter and housing placement may be useful, particularly placement in Safe Harbor shelter and housing. This allows children and youth to realize that sex trafficking happens to other children and youth. Provision of mentors in some shelters and housing who left the life provides hope that this can happen for them also. Time in shelter and housing
can also be used to begin treatment in various areas, and ensure providers and clients are a good match before a child is reunited with family, or moves towards another type of permanency.

A. Placing a child in out-of-home care

Any time a child is not living with their parent, legal guardian or custodian, a local agency must assess whether it needs to obtain legal responsibility for placement, care and supervision. This is an individual assessment. County social service agency staff may consult with the county attorney to determine if a county agency has responsibility for placement, care and supervision of a child. [Bulletin 16-68-16C]

To have responsibility for placement, care and supervision of a child, a county/tribal social service agency must take action to gain legal authority for placement services. Legal authority is a court order or voluntary placement agreement (VPA), although a placement may initially be based on a 72-hour emergency hold. For both voluntary and court-ordered placements, an agency must locate the most appropriate facility and least restrictive setting. While considering the need for out-of-home placement for a sex trafficked child or youth, an agency shall consider family, caregivers, or child’s relatives, unless doing so increases safety concerns or endangers their health or impacts well-being. Safe Harbor shelter and housing and other housing programs are also a temporary option for out-of-home care. Consultation with a Safe Harbor navigator may assist an agency in placement decisions based on a child’s best interest. For an Indian child, provisions of the Indian Child Welfare Act and Minnesota Indian Family Preservation Act apply.

In the event that a child or youth is placed in emergency housing, local law enforcement and social services agency staff shall keep the location of the shelter confidential. The location of the shelter and housing should only be disclosed as necessary. The location of a shelter and housing care facility should not be disclosed if doing so places a child’s health and welfare in immediate danger. It is best practice to consult with a child and shelter and housing staff before disclosing the location to anyone, including relatives. (See Resources section for listing of Safe Harbor shelter and housings in Minnesota.)

Federal reimbursement for a portion of the costs of foster care maintenance may be claimed for Title IV-E eligible children in Title IV-E reimbursable facilities. Neither payment nor non-payment of maintenance costs, nor the source of funding, defines a facility as a placement or non-placement.

A sex trafficked child or youth may be eligible for Child Welfare –Targeted Case Management (CW-TCM) when under age 21, on Medical Assistance or MinnesotaCare, and meet one or more of the following criteria outlined in Minnesota Statutes:

- At risk of out-of-home placement, or in placement as defined in Minnesota Statutes, section 260C.212, subdivision 1, or
- At risk of maltreatment, or experiencing maltreatment, as defined in Minnesota Statutes, section 626.556, subdivision 10e, or
- In need of protection or services as defined in Minnesota Statutes, section 260C.007, subdivision 6.
IV. Coordination

A youth may be vulnerable to being sexually exploited due to various circumstances, including but not limited to:

- Lack of familial or social support
- Poverty
- Being homeless or running away
- Experiencing sexual and/or physical violence in the home
- A member of a marginalized population
- Chemical dependency or mental health issues
- Already receiving care in a treatment center, group home or foster care
- Immigration status.

See Appendix B for a list of risk indicators. The Child Safety and Permanency Division, Minnesota Department of Human Services, is in the process of building a collaborative structure with the Minnesota Department of Health, the administrator of the Safe Harbor program, for use with sex trafficked and sexually exploited children and youth also being served by the child protection system.

Child protection professionals should work to develop key partnerships across professions due to the unique needs of sex trafficked youth and their families.

A. Safe Harbor

The Minnesota Department of Health, in partnership with the Minnesota Department of Human Services, has developed the Safe Harbor system. Safe Harbor has developed specialized services for sexually exploited children and youth, including shelter and housing, regional navigators and specialized services. This system is referred to as the No Wrong Door model, in operation since 2014. No Wrong Door is a comprehensive, multi-disciplinary and multi-state agency approach. Access to services and information is available regionally through Safe Harbor navigators. For contact information, see the Safe Harbor website.

The Safe Harbor system is the result of many years of work developing best practices for working with children and youth who suffer from the multiple, daily and long-term trauma caused by sex trafficking and exploitation. It offers a continuum of services specific to sex trafficked and sexually exploited children and youth. Reasons for using the Safe Harbor system of services include:

- Many victims of sex trafficking and sexual exploitation feel deep shame and/or trauma; child or youth may revert to a previous trauma-based skill by running away when forced to disclose in an environment in which they do not feel safe.
- Current information indicates that if a child or youth who has been sex trafficked or exploited receives appropriate services, the rate of running decreases sharply.
- Child or youth may have undergone what they perceive as a negative experience when seeking help in the past. This may influence their ability to accept help and/or trust adults trying to provide assistance.
to them if these adults do not have significant experience working with sex trafficked children and youth.

B. Multi-disciplinary teams

Under Minnesota Statutes, section 626.558, subdivision 2a, an agency may develop a child protection multi-disciplinary team (MDT) to assist the local child welfare agency, law enforcement, or an appropriate private organization, in developing outreach services for sexually exploited children or youth, including homeless, runaway or truant youth who are at risk of sexual exploitation. Additionally, under Minnesota Statutes, section 626.558, subdivision 2, multi-disciplinary child protection teams may provide case consultation, and a case review process in which recommendations are made concerning services to be provided to identified children and families. The use of MDTs is also highly recommended for screening reports regarding sex trafficking of children or youth.

A team should include a representative of a youth intervention program and/or a nonprofit agency serving youth in crisis. In addition, agency staff should collaborate with the regional Safe Harbor navigator to identify and provide comprehensive services, as well as how to deliver these services. Local social service agencies will have case management responsibility for a child or youth if a case is opened in child protection or child welfare.

In 2017, Safe Harbor Protocol Guidelines were issued by the Minnesota Coalition Against Sexual Assault and the Ramsey County Attorney’s Office. These were based on the work of more than 200 stakeholders, including representatives from child welfare agencies. These guidelines can be a resource for child welfare agencies. Work is being done to develop response protocols with the support of MNCASA. Child welfare agency staff are encouraged to actively participate in developing and implementing community protocols.

V. Training

Training will be offered through the Minnesota Child Welfare Training System. Caseworkers responding to child victims of sex trafficking are strongly encouraged to complete this training and to seek ongoing opportunities to learn more about child sex trafficking.

A best practice guide will be developed and released in 2018 to assist and support caseworkers in responding to these reports and providing appropriate services.

VI. Resources

For information regarding Safe Harbor regional navigators, service providers, and shelter and housing and other housing programs, see the Minnesota Department of Health Safe Harbor website.

Day One can access a real-time database showing available housing and shelter, and housing space for youth, and connect them directly to a provider. Day One is available 24/7 for crisis intervention, safety planning and connection to other services if navigators are unavailable (weekend or after hours, etc.) Call Day One at 1-866-223-1111.
The Rapid Consultation system line is coordinated by a department child safety consultant. To access the dedicated toll-free number for the Rapid Consultation system, caseworkers, their supervisors and/or screening team members can call 888-234-1138 to schedule a consultation time. Once the request for consultation is received, a consultation will be scheduled for the earliest time possible, but no later than within 24 hours of receiving the initial request. Child protection caseworkers and their supervisors are encouraged to access Rapid Consultation, as needed, to help guide decision making in challenging case situations.

**Americans with Disabilities Act (ADA) Advisory**

This information is available in accessible formats for people with disabilities by calling (000) 000-0000 (voice) (division's general information phone number) or toll free at (800) 000-0000 (include if available within the division) or by using your preferred relay service. For other information on disability rights and protections, contact the agency’s ADA coordinator.

**Appendix A: Sex Trafficking Screening**

**Definitions**

**Sexually exploited youth**

This is the broadest category, within which known and suspected sex trafficking fit. This category includes all commercial sex acts (sex in exchange for anything of value or a promise of anything of value) and non-commercial sexual abuse (sexual assault with no exchange of anything of value) involving a minor.

[Minnesota Statutes, section 260C.007, subdivision 31 (2016)]

**Suspected or known sex trafficking**

Known or suspected sex trafficking is defined as: “Receiving, recruiting, harboring, providing, or obtaining by any means an individual to aid in the prostitution of the individual; or receiving profit or anything of value, knowing or having reason to know it is derived from an act described in clause (1).” [Minnesota Statutes, section 609.321, subdivision 7a] This act requires a third person, other than a child and the buyer, to be involved through facilitation or receiving profit.
Intake and screening

Identification is the key to proper intake and screening of sex trafficking and sexual exploitation cases.

1. Are you concerned that child(ren) within this report may have exchanged or are potentially being pressured into exchanging a sexual act (including pornography or stripping) for money or services, such as, drugs, alcohol, food, shelter, transportation, protection, etc.?

   Example of potentially being pressured: Online ad for sexual services or other solicitation/offer/ request for a sexual act in exchange for something of value.

2. To your knowledge, is there any other person (other than potential victims) involved in the exchange of sexual act(s), beyond the people engaging or planning to engage in the sexual act?


   Examples of others involved: Recruiting, organizing, making child accessible, advertising child, transporting, profiting from the act. Child could also be profiting from the act.

Accessing Safe Harbor

For Safe Harbor, SEY includes children and youth engaged in or at risk of commercial sexual activity. Connect with the regional navigator to access services, shelter and housing and support. See the MDH Safe Harbor Website, or contact the Day One Hotline at 1-866-223-1111.

Appendix B: High Risk Indicators of Sex Trafficking and Sexual Exploitation

Children with the following indicators are at risk for sexual exploitation and trafficking, and may be eligible for Safe Harbor specialized services. Workers are encouraged to contact the regional Safe Harbor navigator to connect children to services.

These factors do not necessarily mean there is sex trafficking happening, but may be relevant if looked at in relation to a potential trafficking situation. The factors below may also indicate other issues in the life of a child or youth, and should be evaluated within the context of all maltreatment reports and prior history of a child or youth.

High risk indicators

- Unexplained finances and belongings, including:
  - Changes in appearance or possessions with no apparent means to afford them such as hair, nails, clothing, jewelry, makeup, etc.
• Access to money/large amounts of cash, clothes, or other expensive belongings a youth could not afford on their own.
• Multiple cell phones and/or frequent phone number changes.
• Missing for periods of time, including:
  o Missing from home for days at a time and unaccounted for.
  o Repeated absences without explanation (generally missing, skipping class, late for curfew, etc.)
  o Running away from home multiple times.
• Hotel use, including:
  o Multiple hotel cards.
  o Staying in hotels known for trafficking.
  o Pictures taken in hotel rooms.
• Tattoos/brands/markings (may be name of trafficker, cost code, other ways of being marked by a trafficker).
• Exploration commonly associated with sex trading, including:
  o Searching Backpage or other similar applications/websites.
  o Photos/videos used for postings on webpages.
• Older boyfriend or vaguely identified female or older male companion – may be introduced as a relative. May be signs of controlling relationship, i.e., youth is visibly stressed about being in contact with them, checking phone often, etc.
• Association with others known to be involved in trafficking/exploitation/sex trading.
• Unexplained bruising, burns, scars, undernourished, repeated or ongoing illnesses, broken bones, extreme fatigue, etc.
• Trauma symptoms such as hypervigilance, constant agitation, or easily startled.

Other factors to consider

• Past or present involvement in law enforcement stings or investigations related to prostitution, solicitation, or sex trafficking.
• Family members involved in sex or labor trafficking, prostitution, or promotion of prostitution.
• Past or present involvement with specialized Safe Harbor services or other specialized services for sexually exploited youth.
• For foreign-born children, issuance of interim assistance letter or eligibility letter from the Office on Trafficking in Persons.
• History of sex abuse or domestic violence.
• Homeless – may not be formal situation, couch hopping, etc.
• Alcohol/drug use.
• Mental health issues, may be evidence of self-harm, cutting, etc.
• Sexually transmitted infections (STIs): age 13 or younger with positive STI test, repeated STIs or repeated STI testing.
• Gang affiliation or possession of weapons.
• Physical, cognitive, or developmental disability that impairs ability of youth or child.
Americans with Disabilities Act (ADA) Advisory

This information is available in accessible formats for people with disabilities by calling (651) 431-3039 (voice) or by using your preferred relay service. For other information on disability rights and protections, contact the agency’s ADA coordinator.