



State of Florida
Department of Children and Families

Rick Scott
Governor

Mike Carroll
Secretary

DATE: July 14, 2016

TO: Regional Managing Directors
Community-Based Care Lead Agency CEOs
Sheriff's Offices conducting Child Protective Investigations

THROUGH: David L. Fairbanks, Deputy Secretary *df 8-2-16*

FROM: JoShonda Guerrier, Assistant Secretary for Child Welfare *JSG*
Vicki Abrams, Assistant Secretary for Operations *VA*

SUBJECT: CFOP 170-14, Response to the Human Trafficking of Children

PURPOSE: The purpose of this memorandum is to provide notification that the new child welfare operating procedure for Response to the Human Trafficking of Children has been finalized and became effective July 1, 2016. This memo highlights significant changes that went into effect upon publication.

BACKGROUND: The effort to establish a comprehensive set of child welfare operating procedures for the Hotline, Child Protective Investigation staff and Dependency Case Management began early last year resulting in several newly created procedures. In addition, section 409.1754, Florida Statutes, cites administrative requirements for serving child victims of sexual exploitation. The new procedures, as they relate to human trafficked youth, the administrative requirements for serving victims of sexual exploitation, and feedback from Hotline staff, child protective investigators, case management, and other professional disciplines have been incorporated into CFOP 170-14, Response to the Human Trafficking of Children. This replaces CFOP 175-14, Intakes and Investigative Response to the Human Trafficking of Children. Significant changes and additions to the operating procedure include the following:

Responsibilities of the Florida Abuse Hotline

- There are two maltreatment codes - Human Trafficking/CSEC and Human Trafficking Labor with three report types for each: Other, In-home, and Institutional.
- Reports received on children in care alleging human trafficking are no longer handled as foster care referrals but coded with one of the three report types.

1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

Mission: Work in Partnership with Local Communities to Protect the Vulnerable, Promote Strong and Economically Self-Sufficient Families, and Advance Personal and Family Recovery and Resiliency

Responsibilities of the Child Protective Investigator

- All child protective investigators and supervisors who investigate allegations of human trafficking must have the specialized training designation as outlined in section 409.1754, Florida Statutes.
- If Human Trafficking/CSEC or Human Trafficking/Labor is one of the maltreatment codes, the Human Trafficking Screening Tool (HTST) must be administered within 24 hours of identifying one or more of the conditions set forth in the administrative guide of the HTST.
- When there is confirmed or suspicion of human trafficking, a multidisciplinary staffing must be initiated no later than two weeks from the intake date.
- If a child is a confirmed victim of sex trafficking and is being placed into substitute care, that child must have a child placement agreement as outlined in CFOP 170-11 Licensing and Placement.
- Each child protective investigative service center (DCF or sheriff's office) in conjunction with its Regional Family Safety Program Office, must track the number of children screened with the HTST and use the "Screening, Placement and Services for Sexually Exploited Children and Young Adults Reporting Checklist" (incorporated by reference in Chapter 65C-43, F.A.C.) and sent to the Regional Criminal Justice Coordinator monthly, with the final submission by October 5 each year.

Responsibilities of Community-Based Care Lead Agencies and Other Service Providers for Assessment, Placement, and Services for Commercial Sexual Exploitation or Human Trafficking Victims.

- All Dependency Case Managers and Supervisors who have victims of human trafficking on their caseload must have specialized training designation as outlined in section 409.1754, Florida Statutes.
- All services and placement policy and procedures must comply with the new rule Chapter 65C-43, F.A.C. Placement and Services for Sexually Exploited Youth.
- Community children that are confirmed victims of CSEC must be assessed for a placement in a "Safe House".
- The Community-Based Care Lead Agency shall review the cases of all children who are currently placed in substitute care and who have not already been identified as being currently involved in the commercial sex trade for

possible involvement in commercial sex trade by utilizing the indicator list for the HTST outlined in the Human Trafficking Screening Tool Administration Guide. If the child is suspected or confirmed to be a victim of human trafficking, a report should be made to the Florida Abuse Hotline.

- As required by section 409.1754, Florida Statutes, the Community-Based Care Lead Agency shall track the number of assessments completed and the outcome of the assessments, specifically if a safe foster home or safe (group) home was selected for placement, and if not, why not. The “Screening, Placement, and Services for Sexually Exploited Children and Young Adults Reporting Checklist” should be used for collecting this information (Chapter 65C-43, F.A.C). This information must be sent to the Regional Criminal Justice Coordinator monthly, with final submission by October 5 each year.
- All children that are victims of sex trafficking and placed in substitute care must have a child placement agreement as outlined in CFOP 170-11, Licensing and Placement.

To review CFOP 170-14, Response to the Human Trafficking of Children, in its entirety please use the following links on the Department’s Home Page or Center for Child Welfare websites, respectively:

<http://eww.dcf.state.fl.us/asg/Publications.shtml>

<http://centerforchildwelfare.fmhi.usf.edu/HorizontalTab/DeptOperatingProcedures.shtml>

ACTION REQUIRED: Please share this memorandum with all Hotline personnel, child protective investigators and case managers, and ensure the new operating procedure is implemented effective July 1, 2016.

CONTACT INFORMATION: If you require additional information or have any questions, please contact your Regional Human Trafficking Coordinator:

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DEPARTMENT OF
CF OPERATING PROCEDURE
NO. 170-14

CHILDREN AND FAMILIES
TALLAHASSEE, July 1, 2016

RESPONSE TO THE HUMAN TRAFFICKING OF CHILDREN

This operating procedure describes the special requirements for intakes and subsequent actions relating to the commercial sexual exploitation of a child and labor trafficking of children. This procedure replaces CFOP 175-14, Intakes and Investigative Response to the Human Trafficking of Children, dated January 1, 2013 and includes the new requirements cited in Section 409.1754 Florida Statutes, created in the 2014 legislative session; and in the new F.A.C. 65C-43 which became effective January 12, 2016.

This operating procedure establishes the roles and responsibilities of Hotline counselors; Child Protective Investigators; contracted community-based care providers; and sub-contracted service providers in cases of human trafficking of children.

BY DIRECTION OF THE SECRETARY:



JOSHONDA GUERRIER
Assistant Secretary for
Child Welfare

SUMMARY OF REVISED, DELETED, OR ADDED MATERIAL

This operating procedure has been substantially revised to include all requirements for responding to allegations of human trafficking of children.

This operating procedure supersedes CFOP 175-14 dated January 1, 2013.

OPR: Office of Child Welfare

DISTRIBUTION: X: OSES; OSGC; ASGO; Region/Circuit Child Welfare staff.

CF OPERATING PROCEDURE
NO. 170-14

STATE OF FLORIDA
DEPARTMENT OF
CHILDREN AND FAMILIES
TALLAHASSEE, July 1, 2016

CHILD WELFARE

RESPONSE TO THE HUMAN TRAFFICKING OF CHILDREN

1. Purpose. This operating procedure describes the special requirements for intakes and subsequent actions relating to the commercial sexual exploitation of a child and labor trafficking of children. The operating procedure establishes the roles and responsibilities of Hotline counselors; Child Protective Investigators; contracted community-based care providers; and sub-contracted service providers in cases of human trafficking of children.

2. Scope. This operating procedure applies to Department and contracted provider staff involved in child welfare. The term "Department" includes the Florida Abuse Hotline; Child Protective Investigations within the Department and Sheriff's offices; and Community-Based Care Lead Agencies with direct contracts to the Department and their sub-contracted service providers.

3. Authority. This operating procedure includes the new requirements cited in Section 409.1754, Florida Statutes (F.S.), created during the 2014 legislative session; and in the new Chapter 65C-43, Florida Administrative Code (F.A.C.), which became effective January 12, 2016.

a. §39.01(15)(g), F.S.; §39.01(69)(g), F.S.; §39.201, F.S.; §39.301, F.S.; §39.5075, F.S.; §39.524, F.S.; §409.1754, F.S.; §409.9531, F.S.; §787.06, F.S.; §796.035, F.S.; and §796.045, F.S.;

b. 18 U.S.C. §§1581, 1584, 1589-1595; and 22 U.S.C. §7105.

c. Trafficking Victims Protection Act of 2000, PL 106-386, 114 Stat. 1464 (October 28, 2000) and the Trafficking Victims Protection Reauthorization Act of 2013 (Title XII of the Violence Against Women Reauthorization Act of 2013), PL 113-4 (March 7, 2013).

d. Immigration and Nationality Act, §101(a)(15)(T) & (U).

e. 8 CFR 214.11 (T-Visa) & 8 CFR 214.14 (U-Visa).

f. Rules 65C-9.003, (F.A.C.); 65C-30.003, F.A.C.; and 65C-30.007, F.A.C.; and Chapters 65C-28, 65C-29, 65C-30, and 65C-43, F.A.C.

4. Definitions. For the purposes of this operating procedure, the following definitions will apply:

a. Commercial Sex Act. Any sex act where anything of value is given to or received by any person.

This operating procedure supersedes CFOP 175-14 dated January 1, 2013.

OPR: Child Welfare

DISTRIBUTION: X: OSES; OSGC; ASGO; PDRS; Regional Managing Directors; Region Family Safety staff.

b. Commercial Sexual Exploitation of a Child (CSEC). The use of any person under the age of 18 for sexual purposes in exchange for money, goods or services or the promise of money, goods or services. Examples of commercial sexual exploitation include:

(1) Renegade/Survival Sex. There is no third party. There is no pimp. The victim may “broker” exchanges for a sexual act independently. There may be an exchange of a sexual act for money, food, housing, clothing, etc. Any exchange of a sexual act for any tangible thing, or the promise of a tangible thing, is human trafficking.

(2) Pimp Trafficking. There is a third party who is “brokering” the exchanges of the sexual act for a tangible item, typically money. Pimps can be of any age, any gender, and any background.

(3) Gang Trafficking. The trafficking is a source of generating money for the gang, and the gang member is involved in the trafficking of the victim. This might be a local, state, national or transnational gang. A gang is defined as “an association of three or more individuals whose purpose, in part, is to engage in criminal activity.”

(4) Familial Trafficking. This is the use or exchange by a caregiver or the parent of a person under 18 for sexual purposes in exchange for or with the promise of money, goods or services.

c. Debt Bondage. When a person under control of another person promises to pay money owed with his or her labor or through the personal services of a child under his or her control as a security for debt.

d. Force, Fraud or Coercion.

(1) Force involves the use of rape, beatings, confinement and any other actions designed to control victims. Forceful violence is used especially during the early stages of victimization, known as the “seasoning process,” which is used to break victims’ resistance and make them easier to control.

(2) Fraud often involves false offers that induce people into trafficking situations. For example, women and children will reply to advertisements promising jobs as waitresses, maids and dancers, and are then forced into prostitution or domestic servitude. In addition, a teen responding to advertisements of employment by fake charities who disregard labor laws, and the teen ends up peddling (where youth sell cheap goods, such as candy, magazines or other trinkets), often going door-to-door or standing on street corners or in parks, regardless of weather conditions and often without access to food, water or facilities.

(3) Coercion involves threats of serious harm to, or physical restraint of, any person; any scheme, plan or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or the abuse or threatened abuse of the legal process.

e. Harboring. To receive or hold a person in a place without legal authority.

f. Home County. The county where the child’s parent, legal guardian or caregiver lives; or if the child is dependent, the county of dependency jurisdiction.

g. Human Trafficking Screening Tool (HTST) Administration Guide (form CF-FSP 5406, available in DCF Forms). The HTST includes an administrative guide and a list of questions to lead the Child Protective Investigator and/or Community-Based Care Lead Agency’s designated specialized

screeners in gathering information to assist them in identifying victims of human trafficking, determining their needs and selecting appropriate services to meet these needs.

h. Immigrant Child. A person under the age of 18 who is not a U.S. citizen.

i. Induced. To lead or move by persuasion.

j. Labor Trafficking. The recruitment, harboring, transportation, provision or obtaining of a person for labor or services, through the use of force, fraud or coercion, for the purpose of subjecting that person to involuntary servitude, peonage (where someone is held against his/her will to pay off a debt), debt bondage, or slavery. Per s. 787.06 (3), F.S., coercion is not required to be present in labor trafficking cases involving children that have not attained 18 years of age. The Administration of Children and Families Office on Trafficking in Persons August 6, 2012 Fact Sheet provides the following examples of labor trafficking:

(1) Bonded labor, or debt bondage, is probably the least known form of labor trafficking today, and yet it is the most widely used method of enslaving people. Victims become bonded laborers when their labor is demanded as a means of repayment for a loan or service in which its terms and conditions have not been defined or in which the value of the victims' services as reasonably assessed is not applied toward the liquidation of the debt. The value of their work is greater than the original sum of money "borrowed."

(2) Forced labor is a situation in which victims are forced to work against their own will, under the threat of violence or some other form of punishment, their freedom is restricted and a degree of ownership is exerted. Forms of forced labor can include domestic servitude; agricultural labor; sweatshop factory labor; janitorial, food service and other service industry labor; and begging.

(3) Child labor is a form of work that is likely to be hazardous to the health and/or physical, mental, spiritual, moral or social development of children and can interfere with their education. The International Labor Organization estimates worldwide that there are 246 million exploited children aged between 5 and 17 involved in debt bondage, forced recruitment for armed conflict, prostitution, pornography, the illegal drug trade, the illegal arms trade and other illicit activities around the world.

k. Non-Governmental Organization Advocate/Agency. Local service agencies and case managers across the country which help victims of Human Trafficking get assistance, such as housing, medical care, mental health services and referrals for pro bono legal help. These agencies and personnel are not to be confused with the Community-Based Care Lead Agencies or subcontracted providers used to manage Florida's dependency system.

l. Recruitment. The process of enlisting or convincing a person to join with another person for a stated purpose.

m. Refugee. 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, religion, nationality, membership in a particular social group, or political opinion.

n. Repatriation. The act of returning to one's country of origin. In the case of trafficked children, this could also mean reunifying with that child's family.

o. Safe House. A licensed setting that has set aside gender-specific, separate and distinct living quarters for sexually exploited children who have been verified as human trafficking victims and need to reside in a secure residential facility with staff members who are awake 24 hours a day and certified by the Department as outlined in s. 409.1678(1) and (2), F.S.

p. Safe House Assessment. Any comprehensive child assessment that meets all requirements established by s. 409.1754(1), F. S. The Level of Human Trafficking Placement Tool does meet the requirements of a Safe House Assessment tool and is attached to this operating procedure.

q. Servitude. Slavery; the condition where a person is forced to perform labor or services, against his or her will, by another person.

r. Sex Trafficking. The recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.

s. Slavery. The condition where a person is forced to perform labor or services, against his or her will, by another person, or is forced to work without pay or for very little pay.

t. T Visa. A visa created by the Trafficking Victims Protection Act of 2000 (TVPA).

(1) Victims of severe forms of human trafficking are provided relief under U.S. immigration law by the Victims of Trafficking in Persons (T) nonimmigrant visa. This status allows victims of human trafficking to remain in the United States to assist in investigations or prosecutions of human trafficking violators.

(2) Severe form of trafficking in persons (as defined by the TVPA) means:

(a) Sex trafficking in which a commercial sex act is induced by force, fraud or coercion, however a child that has not attained 18 years of age does not require force, fraud or coercion; or,

(b) The recruitment, harboring, transportation, provision or obtaining of a person for labor or services, through the use of force, fraud or coercion, for the purpose of subjecting that person to involuntary servitude, peonage (where someone is held against their will to pay off a debt), debt bondage, or slavery. Per s. 787.06 (3), F.S., coercion is not required to be present in labor trafficking cases involving children that have not attained 18 years of age.

u. Trafficked. The state of a person who is or has been a victim of human trafficking.

v. Trafficking or Human Trafficking. The transporting, soliciting, recruiting, harboring, providing, or obtaining another person for transport.

(1) It is a crime for any person to knowingly engage, or attempt to engage, in human trafficking with the intent or knowledge that the trafficked person will be subjected to forced labor or services; or to benefit financially by receiving anything of value from participation in a venture that has subjected a person to forced labor or services.

(2) Children can be victims of human trafficking regardless of their citizenship, residency, or alien or immigrant status.

w. U Visa. A U visa is a non-immigrant visa for persons who have suffered substantial mental or physical abuse as a result of being the victim of a crime (including human trafficking). The person must be willing to assist law enforcement and government authorities in the investigation or prosecution of the crime. Children are not required to assist law enforcement in any ongoing investigation to be considered eligible for U visa status or issuance. The U.S. Citizenship and Immigration Services grants nonimmigrant status, and the U.S. Department of State issues U visas.

5. Responsibilities of the Florida Abuse Hotline. The Florida Abuse Hotline shall generate an intake for all cases when a child is an alleged victim of Human Trafficking/Commercial Sexual Exploitation of a Child (CSEC) or Human Trafficking/Labor as outlined below.

a. Human Trafficking/Commercial Sexual Exploitation of a Child (CSEC). CSEC is the use of any person under the age of 18 for sexual purposes in exchange for money, goods or services or the promise of money, goods or services. CSEC can include Renegade/Survival Sex, Pimp Trafficking, Gang Trafficking or Familial Trafficking. Only for CSEC allegations, if the identified alleged perpetrator is a minor, he or she will be listed as a victim while an unknown third party (thought to be driving the minor) will be listed as the alleged perpetrator.

(1) There are three report types associated with Human Trafficking/Commercial Sexual Exploitation of a Child (CSEC).

(a) Human Trafficking/CSEC – Other. A report type of “Other” with the maltreatment code of Human Trafficking/CSEC shall be used in those cases when the allegations appear to involve issues associated with commercial sexual exploitation of a child and the alleged perpetrator is unknown or is not considered to be a parent, legal guardian, or caregiver.

(b) Human Trafficking/CSEC – In-Home. A report type of “In-Home” with the maltreatment code of Human Trafficking/CSEC shall be used in those cases when the allegations appear to involve issues associated with commercial sexual exploitation of a child and the alleged perpetrator is a parent, legal guardian, caregiver, or household member not associated with an Institutional Entity.

(c) Human Trafficking/CSEC – Institutional. A report type of “Institutional” with the maltreatment code of Human Trafficking/CSEC shall be used in those cases when the allegations appear to involve issues associated with commercial sexual exploitation of a child and the alleged perpetrator appears to be a parent, legal guardian, or caregiver who is associated with an institutional entity, such as a foster home, group home, school, etc.

(2) Once a child abuse report with the report type of “Other,” “In-Home” or “Institutional” with the maltreatment code of Human Trafficking/CSEC has been created, the following applies:

(a) All pertinent information will be forwarded to law enforcement in a manner that conforms with all requirements associated with s. 39.201(2), F.S.

(b) Response priority shall be based upon the results of the safety assessment.

b. Human Trafficking/Labor Trafficking. Human trafficking/labor trafficking is the recruitment, harboring, transportation, provision or obtaining of a person for labor or services, through the use of force, fraud or coercion, for the purpose of subjecting that person to involuntary servitude, peonage (where someone is held against his/her will to pay off a debt), debt bondage, or slavery. Per s. 787.06(3), F.S., coercion is not required to be present in labor trafficking cases involving children that have not attained 18 years of age.

(1) There are several forms of exploitative practices linked to labor trafficking, including bonded labor, forced labor and child labor.

(a) Human Trafficking/Labor – Other. A report type of “Other” with the maltreatment code of Human Trafficking/Labor shall be used in those cases when the allegations appear to involve issues associated with labor trafficking, slavery, or servitude that do not appear to be sexual in nature, and the alleged perpetrator is unknown or is not considered to be a parent, legal guardian, or caregiver.

(b) Human Trafficking/Labor – In-Home. The report type of “In-Home” with the maltreatment code of Human Trafficking/Labor shall be used in those cases when the allegations appear to involve issues associated with labor trafficking, slavery, or servitude that do not appear to be sexual in nature, and the alleged perpetrator is considered to be a parent, legal guardian, or caregiver not associated with an institutional entity.

(c) Human Trafficking/Labor – Institutional. A report type of “Institutional” with the maltreatment code of Human Trafficking/Labor shall be used in those cases when the allegations appear to involve issues associated with labor trafficking, slavery, or servitude that do not appear to be sexual in nature, and the alleged perpetrator is considered to be a parent, legal guardian, or caregiver who appears to be associated with an institutional entity, such as a foster home, group home, school, etc.

(2) Once a Child Abuse Report with the report type of “Other,” “In-Home” or “Institutional” with the maltreatment code of Human Trafficking/Labor has been created, the following applies:

(a) All pertinent information will be forwarded to law enforcement in a manner that conforms with all requirements associated with s. 39.201(2), F.S.

(b) Response priority shall be based upon the results of the safety assessment.

6. Responsibilities of the Child Protective Investigator (CPI). All Child Protective Investigators and Supervisors (DCF or sheriff’s office) who investigate allegations or suspicions of human trafficking must complete the specialized training as outlined in s. 407.1754, F.S., and Rule 65C-43.005, F.A.C. In addition to the directives provided by Chapter 39, F.S., and Chapters 65C-29 and 65C-43, F.A.C., a Child Protective Investigator will have the following responsibilities associated with allegations of Human Trafficking/Commercial Sexual Exploitation of a Child (CSEC) or Human Trafficking/Labor:

a. If Human Trafficking/CSEC or Human Trafficking/Labor is one of the maltreatment codes contained within an abuse report or added as outlined in paragraph 6.a.(8) of this operating procedure:

(1) The investigator must immediately:

(a) Initiate all local child protective investigative response procedures and protocols associated with a possible allegation of Human Trafficking/CSEC, or Human Trafficking/Labor, including administering the Human Trafficking Screening Tool (HTST) (form CF-FSP 5406, available in DCF Forms) as directed in Chapter 65C-43, F.A.C.

1. The HTST must be administered within 24 hours of identifying one or more conditions set forth in the administrative guide. If the child’s whereabouts are unknown at the time, the HTST shall be administered as soon as contact with the child is made.

2. In addition, if the HTST was administered by another agency or the CPI, a copy of the HTST must be uploaded into the FSFN file cabinet for that child (Image Category: Other; Image Type: Other, then type in “HTST” in the neighboring Image Data field), and the upload and results documented in the investigative case notes.

(b) Contact the appropriate county sheriff or other law enforcement agency, including federal law enforcement authorities for the purposes of determining if:

1. Law enforcement is going to accept the case for criminal investigation.

2. Law enforcement and the child protective investigative entity are going to conduct a coordinated investigation as directed per s. 39.301(2)(c), F.S.

(2) In those cases where law enforcement does not accept the case for criminal investigation or proceeds with an independent investigation, the child protective investigator shall document these decisions within the Florida Safe Families Network (FSFN).

(3) If the alleged victim(s) is not a U.S. citizen, the U.S. Department of Homeland Security/ICE must be notified regardless if the victim(s) has other forms of legal presence. In addition, you must notify the victim's citizenship Consular Office as per CFOP 175-15.

(4) When it is believed or determined that a child is a victim of commercial sexual exploitation and/or labor trafficking and the child is not considered to be a citizen of the United States and is in the country illegally or the child is in the country legally but the child's parent, guardian, or caregiver can no longer care for the child, the Department of Health and Human Services, Office of Refugee Resettlement (HHS/ORR), shall be contacted for the purposes of determining if the child will be placed into the Unaccompanied Refugee Minors (URM) program due to the child being a victim of a severe form of trafficking.

(5) When there is confirmed or suspicion of human trafficking, initiate a multidisciplinary staffing (MDT) as soon as possible but no later than two weeks from receipt of the investigation, that shall include, but not be limited to, child protective investigations, a representative from the community-based care lead agency (CBC), Children's Legal Services, the Regional Criminal Justice Coordinator, law enforcement, Guardian ad Litem, Department of Juvenile Justice, current service providers or immediate eligible service providers, school staff, and Refugee Services or a refugee services provider in those cases when a foreign national victim is involved. A multidisciplinary staffing should be coordinated in or in conjunction with the child victim's home resident county to best provide services and support to the victim and victim's family. The MDT needs to address the level of placement to best meet the child victim's needs. In addition, for the CSEC maltreatment only, if the child is not already placed in a safe house or safe foster home, assess for a safe house or safe foster home placement in coordination with the CBC representative for tracking purposes. MDT attendees, recommendations and outcomes must be documented in FSFN under Meeting type – Multidisciplinary staffing.

(6) If a child is a confirmed victim of sex trafficking and is being placed into substitute care, that child must have a Child Placement Agreement as outlined in CFOP 170-11.

(7) In those cases when a child victim is located in the same county where the maltreatment occurred but not in his/her home resident county, then an out-of-town inquiry (OTI) shall be requested for contact with the family and/or identified collaterals. If the child is returning home or has returned home, a request for transfer should be made within the first two weeks of receiving the investigation.

(8) If the maltreatment codes of Human Trafficking/CSEC or Human Trafficking/Labor have not been selected within the active abuse report but are suspected, the Child Protective Investigator shall add the appropriate maltreatment codes to the report only if the alleged perpetrator is a listed caregiver or household member on the open In-Home report. In all other situations, a new report must be generated through the Abuse Hotline as Other or Institutional, respective to the allegations.

(9) Children who have been identified as being from out-of-state who have absconded, escaped, or run away shall be referred to the Florida Department of Juvenile Justice for the purposes of ensuring that all requirements associated with returning these juveniles to the other state, whenever their return is sought, are met as required by s. 985.801, F.S., Interstate Compact on Juveniles (ICJ). Although the Human Trafficking Screening Tool (form CF-FSP 5406, available in DCF Forms) must be

completed as outlined in the administrative guide included within the Tool, a "Safe House" assessment is not required if the child is returning to his or her home state. If the child is involved with social services in his or her home state, the MDT may be deferred to the home state.

b. When investigating Human Trafficking/CSEC or Human Trafficking/Labor cases, child protective investigators should focus their efforts on:

(1) Determining the legal connection of any individual claiming to be a parent, relative, caregiver, or legal custodian to the child. In many cases, traffickers will present themselves as a parent, relative, caregiver, or legal custodian.

(2) Determining the possible involvement of any confirmed parent, relative, caregiver, or legal custodian in the trafficking of the child.

(3) Assessing the capability of any confirmed parent, relative, caregiver, or legal custodian to provide the child victim the necessary and appropriate level of supervision and care.

(4) Ensuring that any information related to any person who might possibly be involved in the trafficking of any individual is provided to the appropriate law enforcement entity for possible criminal investigation.

(5) Determining the possible connection of your collateral contacts to the trafficking/trafficker of the child. You must document in FSFN the connection of your collateral contact to the child/victim and why you believe that individual is an appropriate collateral for information.

c. Special care should be given when considering placement of a child who is suspected to be a victim of human trafficking with a parent, relative, caregiver or legal custodian until there is a clear determination that the person in question is not a trafficker or allied with the trafficker.

d. If the maltreatment is verified, the Child Protective Investigator must enter the incident date that the trafficking occurred or is thought to have occurred.

e. As outlined in s. 409.1754, F.S., the number of children screened with the HTST must be tracked by the Department and submitted annually to the Legislature. Each child protective investigative service center (DCF or sheriff's office), in conjunction with its Regional Family Safety Program Office, must use the "Screening, Placement and Services for Sexually Exploited Children and Young Adults Reporting Checklist" (form CF-FSP 5413, available in DCF Forms and incorporated by reference in Chapter 65C-43, F.A.C.) and sent to the Regional Criminal Justice Coordinator monthly, with the final submission by October 5 each year.

7. Responsibilities of the Community-Based Care Lead Agencies and Other Service Providers for Assessment, Placement, and Services for Commercial Sexual Exploitation or Human Trafficking Victims.

a. All dependency case managers and supervisors who have victims of human trafficking on their caseload must have completed the specialized Human Trafficking training as outlined in s. 409.1754, F.S., and Rule 65C-43.005, F.A.C.

b. Community-based care lead agencies and their contracted service providers are required to design and deliver services that meet the unique needs of possible and confirmed victims of commercial sexual exploitation who are residing within the foster care system and community children who are placed in safe houses or safe foster homes. The lead agency shall ensure that all sexually exploited children residing in safe houses or safe foster homes or served in residential treatment centers or hospitals pursuant to s. 409.1678(3), F.S., have a case manager and a case plan (form CF-

FSP 5405, available in DCF Forms), regardless if the child is a dependent child as outlined in s. 409.1678(4)(b), F.S. or a community child.

c. In addition to the provisions of s. 409.1678, F.S., each safe house and safe foster home shall establish and maintain a security design that promotes ongoing supervision for the oversight of youth or young adults placed in the home. This safe house or safe foster home shall include, but not be limited to:

(1) Placement security with requirements that include:

- (a) External electronic video monitoring of the facility.
- (b) Alarms on all external doors.
- (c) Emergency response agreements with local law enforcement.

(2) Access to an array of services, consistent with applicable licensing statutes and regulations, and the individually assessed needs of each child, that include at minimum:

- (a) Evidence-based, trauma-informed care.
- (b) Treatment and intervention for sexual assault, including appropriate health care.

(c) Psychosocial skill development, including:

- 1. Resiliency skills;
- 2. Positive youth development services;
- 3. Life skills; and,
- 4. Mentoring.

(d) Education that will transfer back to the child's home school district for credit.

(e) Substance abuse screening and, where necessary, access to treatment.

(f) Recreational therapy and personal development.

(g) Discharge planning that is consistent with services received by the child, at the facility.

(3) Placement policy and procedures shall comply with Chapter 65C-43, F.A.C., and require that:

(a) Cell phones, unmonitored personnel (staff) computers, or other devices that could be used to conduct unsupervised communication with external parties are not allowed. Restricted and supervised access may be allowed based on the child's progress in the program. (The child's progress must be determined by program staff, the child's therapist, the community-based care lead agency and the case manager.)

(b) All client phones, tablets, known social media accounts and computer usage shall be monitored by program staff.

(c) All off-site activities shall be supervised by program staff or, based on the child's progress in the program, by other designated approved adults. (Progress and approval must be determined by program staff, the child's therapist, the community-based care lead agency and the case manager.)

(d) All visitation shall occur off-site at a location other than the "Safe House" placement. All persons the child is allowed to visit must be pre-approved by the case manager.

d. Once a child has been adjudicated dependent or is part of an open child abuse investigation (community child) and is confirmed to be a victim of commercial sexual exploitation, the community-based care lead agency shall:

(1) Assess the child for placement in a "Safe House" environment in a manner that meets all requirements established by s. 39.524(1), 409.1754, and 409.1678, F.S. The Level of Human Trafficking Placement Tool has been identified as a Safe House Assessment tool and is attached to this operating procedure. In addition, all children that are victims of sex trafficking and placed in substitute care must have a Child Placement Agreement as outlined in CFOP 170-11.

(2) All "Safe House" assessments must be updated, at a minimum, every 180 days on an ongoing basis for as long as the child is a confirmed victim in an active non-judicial or judicial case.

(3) Per s. 39.524(2), F.S., the results of any "Safe House" assessment must be included in the next judicial review for the child as completed and updated by the case manager and at each subsequent judicial review for as long as the child is an active participant in an open case where the child is coded as being a confirmed victim of commercial sexual exploitation within FSFN. The court must also be advised in writing of the status of the child's placement, with special reference regarding the stability of the placement and the permanency planning for the child.

(4) Children who fail to participate in the administration of a "Safe House" assessment either through their direct refusal or through their unavailability due to runaway behavior or other similar issues shall have their "Safe House" assessment rescheduled on an ongoing basis. The reason the required "Safe House" assessment has not been completed shall be noted within FSFN.

(5) Explore all possible placement options and safeguards for youth who have a history of recruiting other youth into the commercial sex trade in order to reduce opportunities for possible victimization of other children residing in the same setting.

(6) The reason for not placing a child into a "Safe House" environment must be documented within FSFN in all instances when a child has been adjudicated dependent and the minimum placement requirements for possible consideration for placement into a "Safe House" environment have been met.

(7) Children who have been identified as being from out-of-state who have absconded, escaped or run away shall be referred to the Florida Department of Juvenile Justice for the purpose of ensuring that all requirements associated with returning these juveniles to the other state, whenever their return is sought, as required by s. 985.801, F.S. (Interstate Compact on Juveniles), is completed prior to completing a "Safe House" assessment, or prior to the placement of a child into a "Safe House" environment.

e. When it is believed or determined that a child is a victim of commercial sexual exploitation and/or labor trafficking and the child is not considered to be a citizen of the United States and is in the country illegally or the child is in the country legally but the child's parent, guardian, or caregiver can no longer care for the child, the Department of Health and Human Services, Office of Refugee Resettlement (HHS/ORR), shall be contacted for the purpose of determining if the child will be placed

into the Unaccompanied Refugee Minors Program (URMP) due to the child being a victim of a severe form of trafficking.

f. The community-based care lead agency shall develop internal policies and procedures to ensure the legal rights of children who are possible or confirmed victims of commercial sexual exploitation are protected while still allowing for them to be questioned as part of any ongoing criminal investigation against a possible trafficker.

g. The community-based care lead agency shall review the cases of all children who are currently placed in substitute care, and who have not already been identified as being currently involved in the commercial sex trade, for possible involvement in the commercial sex trade by utilizing the indicator list outlined in the Human Trafficking Screening Tool Administration Guide (form CF-FSP 5406, available in DCF Forms). If the child is suspected or confirmed to be a victim of human trafficking, a report should be made to the Abuse Hotline.

h. As required by s. 409.1754, F.S., the community-based care lead agency shall track the number of assessments completed and the outcome of the assessments, specifically if a safe foster home or safe (group) home was selected for placement, and if not, why not. The "Screening, Placement and Services for Sexually Exploited Children and Young Adults Reporting Checklist" should be used for collecting this information (form CF-FSP 5413, available in DCF Forms and incorporated by reference in Chapter 65C-43, F.A.C.). This information must be sent to the Regional Criminal Justice Coordinator monthly, with the final submission by October 5 each year.

8. Unique Service Options for Non-Citizen Victims of Commercial Sexual Exploitation or Human Trafficking.

a. Determination of Services. The determination of services and placement of a foreign-born child who is a victim of trafficking is dependent on many factors, which differ from situations where trafficking is not an issue.

(1) "Certification" and "Eligibility" are terms used to describe a process the Department of Health and Human Services, Office of Refugee Resettlement (HHS or ORR), uses to officially declare a foreign national eligible to receive benefits. A child does not have to be "certified" but s/he does need to obtain an "eligibility" letter from HHS in order to access a wide range of benefits. (Adults are "certified" and receive a "certification letter." Children are deemed "eligible" and receive an "eligibility letter.")

(2) The process to obtain an eligibility letter should be coordinated with a local non-governmental organization advocate and law enforcement. (Call the National Human Trafficking Resource Center at 1-888-373-7888 for information about local anti-trafficking programs.)

(3) Federal law enforcement will require access to the victim and information from the non-governmental organization advocate before issuing a statement that they believe the child is a victim of "a severe form of trafficking." A child protective investigator cannot make this request on his or her own without the assistance of law enforcement.

(4) Once a law enforcement agency has issued a statement to ORR that a child is believed to be a victim of trafficking, ORR may issue a letter of eligibility. The victim or the victim's advocate may then present the letter to social service providers as proof of eligibility. Benefit-issuing agencies must call the Office on Trafficking in Persons (OTIP) toll-free trafficking victim verification hotline at 1-866-401-5510 to verify the child's eligibility for benefits and inform HHS of the application for benefits.

(5) It is very important to work with an advocacy organization that is familiar with BOTH the victim's rights regarding social services and his/her legal rights. Contact DCF's Refugee Services Program Office at 850-488-3791 for more information about victim rights and possible benefits.

b. Interim Benefits.

(1) The William Wilberforce Trafficking Victims Protection Reauthorization Act (Public Law 110-457), signed into law on December 23, 2008, directs the United States Department of Health and Human Services (HHS), upon receipt of credible information that a child may have been subjected to trafficking in persons, to make a prompt determination if the child is eligible for up to 90 days of interim assistance. Before the end of that period, HHS, in consultation with the United States Department of Justice, Department of Homeland Security and nongovernmental experts, will determine if the child is eligible for long-term assistance. Not later than 24 hours after a Federal, State, or local official discovers that a person who is under 18 years of age, and who is neither a U.S. citizen nor a legal permanent resident may be a victim of trafficking in persons, the official must notify HHS to facilitate the provision of interim assistance.

(2) To request an eligibility letter or interim assistance letter for a foreign child victim of trafficking, please contact a Child Protection Specialist at 202-205-4582 or email Childtrafficking@acf.hhs.gov.

c. Pre-Certification/Pre-Eligibility. Pre-certified/pre-eligible victims of human trafficking residing in the state of Florida who have filed for or are in the process of filing an application for a T Visa or are in the process of seeking certification/eligibility as a victim of human trafficking from ORR may be eligible for existing benefits and services to the same extent as a refugee for a temporary period while they wait for the federal processing or certification/eligibility to be completed. The benefits are comparable to Refugee Cash Assistance (RCA) or Temporary Assistance for Needy Families (TANF); Refugee Medical Assistance (RMA); Supplemental Nutrition Assistance Program (SNAP, formerly known as food stamps); and Refugee Social Service programs. Contact Refugee Services at 850-488-3791 for the contact information of the benefit providers and for more details.

d. Eligibility (Children). Benefits to children who receive an eligibility letter may include: Refugee Cash Assistance (RCA) or Temporary Assistance to Needy Families (TANF); Social Security Income (SSI); Medicaid or Refugee Medical Assistance (RMA); Health Screening; Supplemental Nutrition Assistance Program (SNAP, formerly known as food stamps); Match Grant; as well as entry into Refugee Social Service programs that may include adult education, legal services, employment assistance, youth and family services, and child care. Contact Refugee Services at 850-488-3791 for the contact information of local Refugee Social Service programs or for more details.

e. Unaccompanied Refugee Minor Program (URMP). The Unaccompanied Refugee Minor Program (URMP) is a federally funded foster care placement option for non-U.S. citizen child victims of human trafficking managed by Refugee Services. Children must receive an eligibility letter from ORR and be reclassified to unaccompanied refugee minor status by ORR prior to entering the URMP. A caseworker seeking URMP as a placement option should immediately contact Refugee Services at 850-488-3791 and ask for the child to be reclassified to unaccompanied refugee minor status. Reclassification, for purposes of entering the URMP, can only be initiated by the Director of Refugee Services. Caseworkers will be required to share information about the case/child with Refugee Services. Not all children will be placed in the URMP; if the child is safe and has bonded with a family in mainstream foster care, the Department may not interrupt that placement unless necessary. ORR might also determine that for safety reasons it would be in the best interest of the minor to be relocated to a different state.

f. Repatriation/Reunification. Repatriation/Reunification is available for foreign-born children whose best interest is to return to their home country, and for whom there is not a risk of being re-trafficked.

g. Other Options. CPIs, CBCs, and other interested parties should be aware that an immigrant child who has been a victim of sexual exploitation or other abuses that do not meet the T Visa requirements have other options that may help the child access services such as, but not limited to,:

(1) Special Immigrant Juvenile (SIJ) Status – potential for immigrant children declared dependent.

(2) U Visa – potential for victims of sexual assault, domestic violence, and other “qualifying criminal activity” detailed in the federal regulations.

(3) Violence Against Women Act (VAWA) – used by immigrant children and spouses of U.S. citizens and legal permanent residents who are victims of domestic violence.

Level of Human Trafficking Placement Tool

Age:

Gender:

Status: Community DCF DJJ Crossover

Is youth awaiting DJJ placement? Y N

Client insurance status:

This tool is designed for the user to consider domains that are pertinent to the disposition of human trafficking survivors, including but not limited to commercially sexually exploited youth.

Service options from least to most restrictive should be considered and are suggested in the following schematic. This is suggestive only.

Community/Family outpatient counseling	Community/Family intensive wrap around services	Traditional foster care	Specialized Therapeutic Foster Care CSEC Non CSEC	Group home, non CSEC	Safe House	Residential group care facility, not secured	Locked residential facility (Suitability assessment needed)

Domain 1: Will They Stay Put?

1. Runaway History (with “running” defined as >8 hours, whereabouts unknown):
 - 1- 0-1 Episodes
 - 2- 2 Episodes
 - 3- 3 Episodes
 - 4- 4 and over episodes

2. Foster Care History:
 - 1- No prior foster care placement OR no disruptions in placement due to child’s behavior.
 - 2- No disruptions in placement due to child’s behavior in last six months; Youth open to foster care option.
 - 3- History of multiple failed foster placements; loss of placement due to child’s behavior in last six months.

3. Gang Involvement:
 - 1- No active gang involvement.
 - 2- Suspected affiliation with gang, but no clear signs (tattoos, branding, clothing); no evidence of familial gang involvement.
 - 3- Evidence of familial involvement in gang, but youth denies involvement.
 - 4- Active gang involvement.
4. Pimp Involvement:
 - 1- No close pimp involvement.
 - 2- Associated with pimp but denies emotional attachment.
 - 3- Close pimp involvement; Pimp looking for survivor; Survivor highly attached to pimp, describes pimp as boyfriend; deep bonds with exploiter.
5. Drug Involvement:
 - 1- No, or minimal, drug and alcohol use.
 - 2- Occasional drug use.
 - 3- Regular drug use.
 - 4- Daily narcotic drug use with addiction.

Domain 2: Will They Disrupt?

6. Behavior Status:
 - 1- No daily behavioral outbursts
 - 2- Intermittent behavioral outbursts, can be deescalated
 - 3- Multiple daily behavioral incidents, needs strict individualized behavior plan with high need for consistent and frequent reinforcement and supervision
 - 4- Dangerous acting out; Possible restraint needed; history of fire setting and/or animal cruelty.
7. Psychiatric History:
 - 1- No previous psychiatric history, no medications
 - 2- Psychiatric diagnosis, no medication
 - 3- Psychiatric diagnosis, on psychotropic medication
 - 4- Psychiatric diagnosis, non compliant with psychotropic medication.
8. Danger to Self or Others:
 - 1- No thoughts of suicide or harming others, no history of gestures.
 - 2- Passive suicidal thoughts; passive thoughts of hurting others.
 - 3- Suicidal or homicidal thoughts, no gestures, no plan.

- 4- Actively suicidal or homicidal with gestures; aggressive, assaultive, threatening; actively recruiting peers to go to exploiter.

9. Recruiting:

- 1- **Client not a risk to recruit others into trafficking within the facility.**
- 2- **Client suspecting of recruiting others into trafficking in the past.**
- 3- **Client has a history of recruiting others, has been caught eloping with others out of a placement.**

Domain 3: Are They Ready?

10. Motivation to change:

- 1- **Maintenance:** Maintaining behavior change that is now integrated into the person's life.
- 2- **Action/Willpower:** Making the change and living the new behaviors.
- 3- **Preparation/Determination:** Taking steps and getting ready to change.
- 4- **Contemplation:** Acknowledging that there is a problem but struggling with ambivalence. Weighing pros and cons, and benefits and barriers to change.
- 5- **Pre-contemplation:** Avoidance. Not seeing a problem behavior, or not considering change.

11. Medical Stability:

- 1- No immediate medical concerns.
- 2- Neglected preventive medical issues requiring outpatient attention when possible.
- 3- Chronic medical conditions requiring outpatient care as soon as possible.
- 4- Acute medical illness or trauma requiring immediate medical care.

Domain 4: Is There School, Community, and Family Support?

12. Educational involvement:

- 1- History of consistent school involvement and attendance.
- 2- Consistent school attendance but poor grades/ test scores.
- 3- History of school failure, inconsistent attendance.
- 4- No school involvement, truant or has dropped out of school.

13. Family support:

- 1- Parent/caregiver involved, want child in home, willing to be actively involved in treatment.
- 2- Parent/caregiver involved, regular contact, moderate dysfunction, open to treatment.
- 3- Minimal caregiver involvement, low level of support, marked family dysfunction

4- No parental/caregiver figures involved, or family involved in criminal behavior.

14. Community Support:

- 1- The youth resides in neighborhood with high level of afterschool activities, job opportunities, and recreational choices.
- 2- The youth resides in neighborhood with moderate number of afterschool activities, job opportunities, and recreational choices.
- 3- The youth resides in neighborhood with low opportunity, few choices for recreational activities and jobs.

Domain 5: Placement Location Considerations

15. Legal:

- 1- There is no legal case pending.
- 2- There is a legal case pending and legal/law enforcement needs access to client.

16. Peer Cohort:

- 1- There are no peer issues for placement.
- 2- There are peers involved in the trafficking, and these peers cannot be placed in same setting; peers share exploiter or pimp.

17. Danger:

- 1- There is no consideration of danger in placement. Trafficker is not a threat for any reason.
- 2- Client has been threatened by exploiter, is in danger; exploiter is looking for client.

Other considerations (factors that must be considered in level and location of placement):

Placement decision and reasoning:
