

## Trafficking Subcommittee

### Recommendations to the Normalcy Taskforce

November 2, 2016

This group was formed to make recommendations on the implementation of the [Preventing Sex Trafficking and Strengthening Families Act \[Public Law 113-183\]](#) related to the prevention of trafficking provisions of the act, and how enhancing normalcy for youth in out-of-home placements can prevent trafficking. The group agreed to begin its work by examining prevention for youth who are missing from care or at risk of going missing from care. The group's intent is to share sample best practices with the rest of the system to support the prevention of trafficking for all youth who are system involved or at risk of being trafficked, beginning with best practices for youth who are missing from care.

#### Foundational Principle

1. **All youth in out-of-home placements have the right to be free from exploitation and experience as much normalcy as possible.** The backbone of trafficking prevention efforts should be to increase and promote normalcy. The more normalcy a youth experiences, the more supports will be available to prevent the youth from going missing from care, decrease the amount of time the youth is missing, and ensure that the youth has access to needed services after returning. This foundational principle contains three essential elements:
  - a. **All youth deserve to feel a sense of love, belonging and empowerment.** The experience of youth in out-of-home care is inherently not normal and can alter a youth's expectations for appropriate inter-personal interactions. A youth who feels loved and empowered will have more supports to prevent the youth from becoming a victim of trafficking. Youth deserve relationships with foster parents, providers, and professionals who respect and communicate the youth's worth to them.
  - b. **All youth deserve a safe and affirming home that will allow them to thrive.** Foster homes, case managers, and child welfare workers should be committed to maintaining the dignity of families that may be experiencing crisis. Services to the youth and family should be non-judgmental, trauma informed, culturally competent, and affirming to the identity of children and families, regardless of their sexual orientation, gender identity or expression. Safe and affirming environments can prevent youth from becoming victims of commercial sexual exploitation.
  - c. **All youth deserve to feel empowered to access necessary services, activities and supports without fear of judgement.** Allowing youth this access will help prevent trafficking by increasing the youth's confidence, skills, and fostering trusted relationships with caring adults. While normalcy is the backbone of trafficking, youth need more than access to activities. Youth need a voice that is heard, an environment that empowers them, and the skills to work out conflicts.

#### Recommendations

##### Normalcy is the Backbone to Prevention Efforts

1. **Normalcy activities should go beyond extracurricular activities, and should include acquiring life skills, such as driving, job skills and experience, and social activities such as prom and homecoming dances.** Normalcy activities that provide youth with life skills will allow the youth to create and envision a healthy future. Life skills are necessary for the youth to create a safe and successful life in which the youth has access to education, employment, and healthy friendships and relationships.

2. **Involve the youth’s Strengthening Families Act advisor in notification of a youth who goes missing from care.** Nebraska’s Strengthening Families Act allows a youth to designate an individual as an advisor and advocate for the child with respect to the application of reasonable and prudent parenting standard and for the child on normalcy activities. The agency should immediately notify the advisor when the youth goes missing. The advisor will have significant knowledge about the youth’s interests, values, and relationships, and can help locate the youth.
3. **Stakeholders involved at the individual case level should promote normalcy and have conversations with the youth about his or her interests, hobbies, and relationships.** Getting to know the youth’s hobbies can help in locating the youth when they go missing from care, and create a relationship where the youth feels comfortable and supported in disclosing information. This information can help locate youths who go missing from care and connect them to pro-social activities and beneficial services.
4. **Youth should be able to designate a safe place as a “cool off” place where the youth can go when overwhelmed, triggered, or to prevent a conflict from escalating.** This place could be a neighbor’s house, a family members house, Strengthening Families Act advocates’ house, a public area nearby (such as a library, community center, or local business like a restaurant or gas station), or other safe and appropriate space. Law enforcement or caseworkers would check the designated area before the youth is considered missing from care. Youth may go missing from care not because they want or need a different placement, but because they need to leave the situation to deescalate and cool off. A designated area would prevent youth from going missing from care and help the youth build conflict resolution skills.
5. **Youth designate a “safe word” to indicate to caseworkers and others working directly with the youth that they need a confidential conversation outside of the home.** It is not normal for youth to be unable to have confidential conversations about issues and difficulties with the people that make decisions for them. Youth may feel unsafe discussing their feelings about their foster homes or congregate homes while inside the home. The “safe word” would alert the worker to take the youth outside of the home for a non-judgmental conversation about what the youth is experiencing. Empowering the youth to speak freely and truthfully about their experiences empowers the youth and helps them gain skills and perspective, and can lead to a resolution of any problems in the home.

#### System Change

1. **Promote a change in system culture and practices around youth missing from care from fear based and punitive, to safety and understanding.** Stakeholders should consider each youth missing from care as if the youth were their own child. Purposeful transition from the use of “runaway,” language to “missing youth,” encourages stakeholders to consider the youth’s internal experience of care and reasons for going missing rather than viewing only the youth’s external actions.
2. **Enhance cross-systems information sharing and create a collaborative response to youth who are missing from care.** Most youth who are system involved touch a number of programs, and when a youth goes missing, numerous agencies and systems become involved. Increased information sharing and communication will allow for a faster, more coordinated and effective response to youth who are missing from care.

#### Agency Response

1. **Create a written process for caseworkers when responding to youth who are missing from care that emphasizes the importance of the first twenty-four hours after the youth leaves care.** This process must recognize the importance and urgency of the first twenty-four hours after a youth goes missing. The

process should identify the steps and necessary actions at each step, including when to involve law enforcement and report the youth on the National Missing Children's Registry. A similar written process for the return of youth to care will allow caseworkers to respond quickly in the time immediately following their return, and ensure that the youth receive the services and support they need. The agency will also provide written notice to youth about agency response to youth missing from care, including that information will be shared about them in an effort to find them.

2. **Include wraparound services and supports and focus on creating a safe space where youth can disclose information about the time spent missing from care.** The written process created for caseworkers should be clear that the intention is to support the youth, not to punish, and allow the caseworker to have a flexible response that takes into account the youth's experience, values, strengths, and risk factors. When indicated or necessary, youth should be interviewed from a trained forensic interviewer at a Child Advocacy Center.
3. **Recognize youth who are at high risk for targeted prevention, and the signs of trafficking to create appropriate responses to trafficking and youth missing from care, including the following:**
  - a. Youth who have been sexually abused (studies have estimated upwards of 70%+ of commercially sexually exploited adults were sexually abused as children),
  - b. Youth who are homeless (estimates indicate over 1/3 of homeless youth engage in survival sex), and
  - c. Youth who self-identify as LGBT (lesbian, gay, bisexual, and/or transgender (estimates indicate LGBT youth are 5 times more likely to be trafficked)
  - d. Youth who have been "tagged" with tattoos, brands, or other marks by traffickers.
  - e. Youth who have bruises, track marks, or other unexplained injuries.
  - f. Youth who have sudden changes in appearance, personal hygiene, attitude, interests and social groups.
4. **Offer youth who are "tagged" by traffickers with tattoos, brands, or other marks an opportunity to have the mark removed or covered.** Agencies should explore funding for this service or partnership with local dermatologists or tattoo shops to provide this opportunity. The youth's wishes about removal or covering the mark should be respected, as youth may view the mark as a symbol of survival. Youth should be informed of this option and empowered to make their own decisions about this subject.

#### Agency Process

1. **Create and implement a screening tool to determine if a youth may have been trafficked.** Nebraska Youth Councils should have the opportunity to review the screening tool and provide input, so that the screening criteria reflects the experience of youth. All vulnerable youth are screened for sexual exploitation upon entry into any system.
2. **Provide youth returning from being missing from care access to a confidential and private health screening.** When youth return from being missing from care they are often in need of health screenings, including for sexually transmitted diseases, but can be reluctant to access them because the results will not remain private. This should be offered to youth and required if screening indicates a need. Youth should have a chance to access confidential health services that will not be accessible to everyone who has access to their case file.
3. **Provide youth returning from being missing from care the opportunity to have an honest and open conversation with a non-judgmental, trusted adult to learn the youth's reasons for leaving care.** This conversation should include the reasons the youth left care, the youth's wishes for continued placement

at the placement from which they left, and allow the youth to disclose important information without fear of retribution. Youth will likely not disclose to an individual who is not trusted and does not have a relationship with the youth. Allow the youth to identify the trusted adult to have the conversation, such as a caseworker or the youth's Strengthening Families Act advocate.

4. **Provide youth returning from being missing from care should legal counsel upon returning to care.** Without effective legal representation, a youth who has been trafficked may be criminally charged with a number of offenses, including possession of controlled substances. Competent and trauma informed legal counsel can prevent a youth who has been trafficked from being re-traumatized by punishment. Nebraska statute provides for age of minority as an affirmative defense to the criminal charge of prostitution [[Neb. Rev. Stat. §28-801](#)].
5. **Consider addressing policy barriers within youth serving agencies that prevent youth from accessing information and supports.** Many youth serving agencies and facilities prohibit staff and youth from communicating after the youth leaves care. Loosening this restriction would allow youth to access safe and supportive relationships, information, and resources. Agencies should consider their policies, safety of the staff and youth, and identify a process for youth to remain connected to positive relationships. Agencies may also make the decision to educate the youth on healthy transitions to new service providers and to help the youth prepare for similar transitions later in life, such as transitions in supervisors, co-workers, and relationships.
6. **Comply with reporting requirements in Neb. Rev. Stat. §43-1303.** This section of state law requires the Department of Health and Humans Services, the Office of Probation and ministraton, any child placing agency, or any court to report information to the Foster Care Review Office about youth in out-of-home placements. The information report includes whether any child in any foster care placement is considered a trafficking victim or immune from criminal prosecution due to the affirmative defense of being under the age of eighteen and/or being a victim of trafficking.

#### Agency Data Collection

1. **Stakeholders should utilize a Continuous Quality Improvement process to review data related to youth who go missing from care, or youth who are trafficked. Data collection should include the following:**
  - a. **Areas where trafficking and recruiting occurs should be collected.** This information can allow law enforcement to identify patterns and to assess and prevent the risk of a youth missing from care to become a victim of trafficking. This information will also assist in prevention education system wide, including stakeholders, families, and the public.
  - b. **Where the youth went when they were missing from care, and why the youth went missing from care should be collected.** This measure may be difficult to track, as it requires youth to feel comfortable talking about their experience and inner thoughts and emotions. Collection of this data point will need to be handled with sensitivity and reflect a trusting relationship between a youth and worker.
  - c. **The length of time youth are missing from care in each instance of being missing from care, and whether the length of time missing from care is increasing or decreasing for a youth.** A decrease in the amount of time spent missing from care in each instance is important to discuss with the youth and identify the reasons for the improvement. If the length of time increased, it is likewise imperative to understand what is causing the youth to be gone longer.

- d. **The number of youth who need medical attention when they return to care and the number of youth who receive medical attention when they return to care should be collected.** This measure will also require a close and trusting relationship between the youth and worker.
  - e. **Disparities in the youth that go missing from care.** Data should be collected to determine if disparities exist in the populations that are more likely to go missing from care, including youth of color, gender, and LGBT youth.
  - f. **How often law enforcement receives data on youth missing from care from DHHS should be collected.** This data point will allow systems to determine if communication is prompt and adequate, and make plans for improvement if necessary.
  - g. **Number of placements and length of stay in out-of-home care placements.** This information will allow stakeholders to determine if there is a particular point in time or type of placement that youth are at a heightened risk, or placement types and patterns that reduce risk.
2. **Identify the best practices for collecting the above data.** Many youth who go missing from care are experiencing a difficult time in their lives, and will not want to disclose to a stranger or someone with whom they do not have a pre-existing trusted relationship. Each agency should determine best practices for a de-briefing process when a youth returns from having been missing from care. Best practices should include a screening tool to identify youth who have been trafficked or are at risk of becoming trafficked.
  3. **Analyze data in aggregate by DHHS internally, and jointly with a group of individuals who are knowledgeable about trafficking.** DHHS-CFS currently has a mechanism for internal data review, the Continuous Quality Improvement Process, and plans to collect and analyze data related to trafficking with this process. Data should also be analyzed with external stakeholders who have knowledge about trafficking in Nebraska.
  4. **Review case level data on youth who have gone missing from care using a “red team model” similar to DHHS-CFS alternative response program red team.** This staffing should include a case review and best interest staffing. The purpose should be to find the youth, respond to the youths’ needs upon returning, and determine if the youth’s placement is appropriate. This staffing should be informed by youth voice and wishes. These cases should also be considered for staffing in 1184 MDT teams.
  5. **Maintain an accurate and up-to-date picture on file of all state wards on the Nebraska Family Online Client User System (NFOCUS).** This will allow for communication about youth missing from care to include a picture, to assist in the immediate return of the youth to care. DHHS should consider a process to ensure that the photo is kept up-to-date, such as requiring a new picture on the youth’s birthday, at the start of the school year, or when the youth’s appearance changes.
  6. **Create efficiencies in sharing information across systems by removing barriers, sharing data while maintaining privacy, enhancing cross system communications, and strengthening partnerships with communities on out of state borders.**
    - a. **Remove system barriers to expedite action and increase communication.** Agencies should put processes into place so that when youth missing from care move between counties, system response is not delayed and youth can be returned as quickly as possible. Additional barriers relate to the age of majority. When a youth who is eighteen years old goes missing from care and crosses state borders, often the law enforcement in the other state are unable to help return the youth, due to laws related to the age of majority.
    - b. **Share information about youth missing from care immediately while maintaining privacy.** All youth who are missing from care deserve an immediate and urgent response that gets their information out as quickly as possible. Though youth privacy is important, urgent action is

imperative to maintaining the youth's safety. Agencies should identify how much information can be shared without infringing on the youth's privacy, and share as much relevant information as possible.

- c. **Enhance cross system communications.** DHHS will notify other agencies, including schools, law enforcement, juvenile justice agencies, and juvenile probation officers, other places that the youth frequents, including places such as the YMCA, community centers, and the youth's work. DHHS-CFS should notify third parties as much as possible while maintaining respect for the youth's privacy.
- d. **Strengthen partnerships with communities across State of Nebraska borders where youth are likely to cross the state border.** Strengthening relations with these communities will assist in returning youth who have gone missing from care and crossed state lines. These partnerships should include reciprocal notice of youth who have gone missing from care, and communication between agencies and organizations that youth missing from care often access. Possible solutions include creating a Memorandum of Understanding (MOU) with neighboring states, or addressing this issue within the Interstate Compact on the Placement of Children.

### Training

1. **Train youth, caregivers, and public on prevention of trafficking.** Education for youth on trafficking should include general education, information on who to call and what their options are if they or someone they know have been trafficked. Training for public, parents, caregivers, and individuals who work with youth should include the signs and indicators of trafficking and recruitment.
2. **Train foster parents and caregivers on Reasonable Prudent Parenting Standard (RPPS) activities that include a wide spectrum of involvement such as employment, various support groups and youth councils, normalcy for youth that have experienced trauma, and identifying high risk factors for trafficking.** RPPS should be presented as more than just access to activities, but access to skills, career building, and empowerment for youth with the ultimate goal of creating normalcy for the youth. Caregivers should understand the trauma and triggers that may create barriers to normalcy when not addressed. Many youth who go missing from care do so in response to a trauma trigger in the home. Education on active listening, involvement of youth voice, crisis intervention, creating a youth engaged environment, trauma informed care, and trauma triggers can prevent youth from going missing and allow youth the opportunity to access RPPS activities and experience normalcy.
3. **Foster parents should be required by licensing standards to attend a human trafficking continuing education course within the first year of service.** This will allow foster parents to identify and respond to signs and indicators of trafficking and recruitment, and keep youth safe and free from exploitation.

### Youth Bill of Rights

1. **Include in the Youth Bill of Rights that youth have the right to be looked for and missed when they go missing from care, and include a notice to youth about agency response to youth missing from care, including that information will be shared about them in an effort to find them.** Youth in out-of-home placements can feel like a case number, and including this right and notice in the Bill of Rights shows youth that they are cared about, even when absent, and that they are worth being missed and looked for by family, stakeholders, and the public.