

# STANDARD FOR REPORTING AND RESPONDING TO RUNAWAY YOUTH, MISSING YOUTH, AND SEX TRAFFICKING VICTIMS

## PURPOSE

The purpose of this standard is to provide direction and guidance to Child and Family Services (CFS) programs regarding reporting and responding requirements for runaway youth, missing youth, and incidents of sex trafficking. This standard is intended to achieve statewide consistency in the development and application of CFS core services and will be implemented in the context of all-applicable laws, rules and policies. This standard will also provide a measurement for program accountability.

## INTRODUCTION

*The President signed the Preventing Sex Trafficking and Strengthening Families Act, Public Law (P.L. 113-183) into law on September 29, 2014. The law amends the title IV-E foster care program to address **sex trafficking**, limits another planned permanency living arrangement (APPLA) as a plan for youth, **locating and responding to children who run away from foster care**, and reauthorizes and amends Family Connections Grants and the Adoption Incentives Program.*

State child welfare agencies are required to:

- Develop and implement specific protocols for expeditiously locating any child missing from foster care;
- Determine the primary factors that contributed to the child's running away or otherwise being absent from care, and to the extent possible and appropriate, respond to those factors in current and subsequent placements;
- Determine the child's experiences while absent from care, including screening the child to determine if the child is a possible sex trafficking victim
- Report such related information as required by Health and Human Services (HHS); and
- In no case later than 24 hours after receiving information on missing or abducted children or youth report to law enforcement for entry into the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation (FBI) and to the National Center for Missing and Exploited Children.

## TERMS

**1. Commercial Sexual Exploitation of Children (CSEC):** Occurs when individuals buy, trade, or sell sexual acts with a child. Sex trafficking is the recruitment, harboring, transportation, provision, or obtaining of a person for the purposes of a commercial sex act. Children who are involved in the commercial sex industry are viewed as victims of severe forms of trafficking in persons, which is sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age. A commercial sex act is any sex act on account of which anything of value is given to or received by any person. (HR4980 “Preventing Sex trafficking and Strengthening Families Act”)

**2. Homeless:** An individual who lacks housing. (HR4980 “Preventing Sex trafficking and Strengthening Families Act”)

**3. Missing Child:** Any individual less than 18 years of age whose whereabouts are unknown to such individual's legal custodian. (According to 42 USCS § 5772 [Title 42. The Public Health and Welfare; Chapter 72. Juvenile Justice and Delinquency Prevention; Missing Children] )

**4. Severe Forms of Trafficking in Persons:** The term “severe forms of trafficking in persons” means: (Section 103 (9) (a) “The Trafficking Victims Protection Act of 2000”)

- a. Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; 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 subjection to the involuntary servitude, peonage, debt bondage, or slavery.

**5. Sex Trafficking:** The term “sex trafficking” means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act. (Section 103 (9) (a) “The Trafficking Victims Protection Act of 2000”)

**6. Runaway Child:** A child who willfully leaves the residence of a parent or guardian without the permission of the parent, caregiver, or guardian. (HR4980 “Preventing Sex trafficking and Strengthening Families Act”)

**7. Victim of a Severe Form of Trafficking:** The term “victim of a severe form of trafficking” means a person subject to an act or practice described in term (4).

**8. Victim of Trafficking:** The term “victim of trafficking” means a person subjected to an act or practice described in term (4) or (5).

## IMPLEMENTING THE STANDARD

### **I. When a Child or Youth is Missing or has Run away from Care**

#### **A. Notification**

If a child in CFS custody runs away, or is discovered to be missing from care and the child's whereabouts are unknown, the child's worker must notify the following parties:

##### Immediately:

- Local law enforcement
- The child's biological parents, unless they cannot be found or parental rights have been terminated.

##### Within 24 hours:

- The child's attorney
- The child's guardian ad litem
- The National Center for Missing and Exploited Children (NCMEC) at the 24-hour call center: 1-800-THE LOST (1-800-843-5678) or at <http://cmfc.missingkids.org> and obtain a reference number
- The child's probation or parole officer if involved with Juvenile Probation or the Idaho Department Juvenile Corrections

If the worker believes that a child has unwillingly left foster care or has been removed by an unauthorized person, the CFS social worker requests that the child be placed on the Amber Alert System when making the report to law enforcement. Local law enforcement officials will work with CFS to decide if Amber Alert criteria are met, and will activate the Amber Alert Network, if appropriate.

#### **B. Efforts to Locate**

The CFS social worker must continue ongoing efforts to locate any child missing from placement and must actively search for the child until the child is found. Ongoing efforts may include; contacting relatives and friends, utilizing social media and contacting schools and community programs in which the child may have participated.

No later than the next business day from when the child was reported missing the CFS social worker must follow up with the National Center for Missing and Exploited Children (NCMEC) at the 24-hour call center: 1-800-THE-LOST (1-800-843-5678) or by making a report electronically <http://cmfc.missingkids.org>.

The CFS social worker must remain in contact with law enforcement and National Center for Missing and Exploited Children (NCMEC) (if applicable) on a weekly basis until the child is located.

### **C. Documentation**

When a child is missing and/or is known to be on the run a Critical Incident Report must be completed. In addition, iCARE must be updated to reflect the youth is on the run using the iCARE placement screen (Placement > In/Out tab > add narrative). The CFS social worker must document all efforts to locate the child, in the iCARE placement screen narrative on a weekly basis until the child is located.

### **D. Child Located**

When information is received regarding the possible location of a missing child, the CFS social worker must staff the case with a supervisor immediately. The supervisor will assist in determining the most appropriate course of action in order to assess the child's safety.

## **II. When a Missing Child Returns to Care**

### **Notifications**

If a child in CFS custody returns to foster care after being reported to law enforcement as a runaway or missing person the child's CFS social worker will ensure the appropriate law enforcement officials are notified immediately, but no later than 24 hours from when the CFS social worker was notified of the child's return to foster care. If the child has been placed on the Amber Alert System, CFS social worker shall notify law enforcement officials within one hour of the child's return.

No later than 24 hours from when the child returns to foster care, the child's CFS social worker must:

- Update the Critical Incident Report
- Update the placement narrative in iCARE
- Notify the child's attorney
- Notify the guardian ad litem
- Notify the child's parents, unless they: cannot be found or have had their parental rights terminated
- Notify the National Center for Missing and Exploited Children (NCMEC), and
- Notify the child's probation or parole officer if involved with Juvenile Probation or the Idaho Department Juvenile Corrections

The CFS social worker must interview the child as soon as appropriate to determine:

- The reasons why the child ran away or was absent from care; the child's experiences while absent, including screening to determine if the child was a sex or labor trafficking victim.
- If the interview identifies reasons why the child ran away or was absent from care, the CFS social worker must, to the extent possible, address those factors in the child's current and future placements.

If the child indicates or reports to the caseworker or a caregiver that he or she was of a victim of any crime, including being a victim of sex trafficking, the CFS social worker must report the information to law enforcement immediately, but no later than 24 hours.

### **III. Screening for Sex and Human Trafficking Victimization**

#### **A. Interviewing**

Interviewing children following an absence from foster care (missing or abducted) or during initial or ongoing safety assessment can help to identify victims of child abuse and/or neglect as well as human trafficking, gain insight into their victimization experiences, and understand their individual service needs. This is especially challenging as many victims of child sex trafficking do not view themselves as a victim.

Below is a list of suggested questions to be asked of all children who were on missing status or abducted and have been recovered. The type and order of the questions should be tailored to individual situations and amended to enhance their effectiveness and support of the child.

- What made you leave your current placement?
- What made you decide to return to care? (if applicable)
- While you were gone, how did you survive?
- How did you eat, sleep, and have money to take care of yourself?
- While you were gone, where were the places you went and where did you stay?
- Did you get to see your old friends or did you make new friends?
- Were you able to talk to your family while you were gone?
- Were there experiences you weren't prepared for or didn't know how to handle?
- Who helped you while you were gone?
- What type of help was offered?
- Did you have to do anything in return for this help?
- Were you allowed to leave the place you were staying? Did someone try to stop you from leaving?
- Were you being made to do things that you do not want to do?
- Were you ever threatened with anything if you tried to leave?
- Did anyone ever force you to do something physically or sexually that you didn't feel comfortable doing?
- Were you ever physically abused (shoved, slapped, hit, kicked, scratched, punched, burned, etc.) by anyone?
- Were you ever sexually abused (sexual assault/unwanted touching, rape, sexual exploitation, etc.) by anyone?
- Did anyone take pictures of you?
- Were there any objects or weapons used against you or others?

- Did anyone ever give you alcohol, drugs or medications

## **B. Documentation**

States are federally required to document and report to the U.S. Department of Health and Human Services all incidents of sex and/or human trafficking of foster children; which occurred before the child entered foster care or any incidents that occurred while in foster care. Documentation in iCARE for all children identified as being victims of sex and/or human trafficking will be located in the iCare Personal Profile screen. (Person Profile > Removal Episode >Trafficking tab).

## **IV. Resources for Human Trafficking**

*Conducting Good Return Interviews with Young People Who Runaway* is an interview guide for a return interview that is an example of in-depth conversation with a young person who has run away.

[http://www.childrensociety.org.uk/sites/default/files/tcs/runaway\\_return\\_interviews.pdf](http://www.childrensociety.org.uk/sites/default/files/tcs/runaway_return_interviews.pdf)

*Screening for Human Trafficking* This manual is intended primarily for victim service agency staff and other social service providers. The screening questions can help agency staff to identify victims of human trafficking and help trafficking victims obtain the protection and services they need

<http://www.vera.org/sites/default/files/resources/downloads/human-trafficking-identification-tool-and-user-guidelines.pdf>

**Any action taken not consistent with this standard must be pre-approved by the FACS Division Administrator or designee. The action, rationale and approval must be documented in the file.**