


<b>Policy Number:</b>	SSA #23-02
<b>Policy Title:</b>	<b>Trafficking Response in Child Welfare</b>
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<b>Approved By:</b>	Dr. Alger M. Studstill, Jr.  Executive Director Social Services Administration
<b>Revision Date(s):</b>	November 6, 2023, <b>January 30, 2024</b> Technical enhancement for IV-E State Plan
<b>Supersedes:</b>	<b>SSA#14-13, SSA-CW#17-16, SSA-CW#18-10</b>
<b>Originating Office:</b>	Protection, Preservation, and Prevention Unit
<b>Required Actions:</b>	Address the Child Welfare Response to Trafficking
<b>Key Words:</b>	Human Trafficking, Sex Trafficking, Labor Trafficking, Regional Navigator
<b>Related Federal Law</b>	Trafficking Victims Protection Act of 2000, as amended; Preventing Sex Trafficking and Strengthening Families Act of 2014; Justice for Victims of Trafficking Act of 2015; Child Abuse Prevention and Treatment Act
<b>Related State Laws</b>	Crim. Law Art. §§ 3-1102, 3-1202; Family Law Art. §§ 5-701, 5-704.3, 5-704.4, 5-706, Md. Ann. Code
<b>COMAR</b>	07.02.07
<b>Title IV-E State Plan Implications?</b>	Yes

## PURPOSE AND SUMMARY

This policy provides direction to LDSS to prevent human trafficking and provide services to child victims of human trafficking and older youth for whom the State agency has responsibility for placement, care, or supervision. Federal and State laws have focused particularly on vulnerable children, including those involved in all aspects of child welfare. Children involved with child welfare services are at an increased risk of trafficking.

The policy applies to all child welfare staff working with cases involving allegations of sex trafficking or labor trafficking involving a child or of a young adult for whom the State agency has responsibility for placement, care, or supervision.

This policy supersedes and replaces policies SSA CW #14-13 (Management of After-Hours Human Sex Trafficking), SSA CW #17-16 (Sex Trafficking Victims), and SSA CW #18-10 (Identification, Reporting, Management, and Training Related to Sex Trafficking Victims).

## RELATED LAWS AND REGULATIONS

Several federal and State laws establish requirements for screening, service provision, reporting, training, and data collection by the child welfare system to further protect children and youth from human trafficking. The Justice for Victims of Trafficking Act<sup>1</sup> requires child welfare agencies to consider sex trafficking to be a form of child sexual abuse;<sup>2</sup> to require mandated reporters to notify child welfare agencies of sex trafficking allegations; and to report sex trafficking data to the NCANDS. The Preventing Sex Trafficking and Strengthening Families Act<sup>3</sup> requires child welfare agencies to identify children who are, or at risk of becoming, victims of sex trafficking; to develop protocols to screen missing or abducted children for sex trafficking; and to coordinate appropriate services with law enforcement, juvenile justice, and other social services agencies. The Trafficking Victims Protection Act (TVPA),<sup>4</sup> as amended, established federal law to prevent trafficking and to protect trafficking victims, and requires the Department to notify federal officials of allegations that foreign nationals may have experienced trafficking. Some federal funding provided through the Child Abuse Prevention and Treatment Act (CAPTA)<sup>5</sup> is now contingent upon compliance with certain anti-sex trafficking provisions. In addition, the Family First Prevention Services Act<sup>6</sup> was amended to permit child welfare agencies to claim extended reimbursements for placements of certain sex trafficking victims in some supportive services placements.

Maryland modified its statutory definition of child sexual abuse to include sex trafficking by any individual.<sup>7</sup> The General Assembly also enacted the Child Sex Trafficking Screening and Services Act<sup>8</sup> which designated regional navigators to provide services to victims and potential victims of sex trafficking; required local departments and law enforcement officials to notify the regional navigators of suspected reports of sex trafficking; mandated that child protective services investigations include screening for sex trafficking; and required the Department to submit reports of child sex trafficking cases to the General Assembly. The

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<sup>1</sup> P.L. 114-22

<sup>2</sup> [42 USC 5106g\(b\)\(1\)](#)

<sup>3</sup> P.L. 113-183

<sup>4</sup> P. L. 106-386

<sup>5</sup> [42 U.S.C § 5106a\(b\)\(2\)\(B\)\(xxiv - xxv\)](#)

<sup>6</sup> P.L 115-123

<sup>7</sup> Md. Code Ann., [Fam. Law Art. § 5-701\(y\)\(2\)](#)

<sup>8</sup> [Fam. Law Art. § 5-704.3](#)

Anti-Exploitation Act of 2019 made labor trafficking a crime with penalties including up to 25 years of incarceration.<sup>9</sup>

## DEFINITIONS

Child: Any person under the age of 18.<sup>10</sup>

Commercial Sex Act: Means any sex act on account of which anything of value is given to or received by any person,<sup>11</sup> and includes acts induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age.<sup>12</sup>

Foster Care: Means 24-hour substitute care for children placed away from their parents or guardians and for whom the state has placement and care responsibility.<sup>13</sup> This includes, but is not limited to, placements in foster family homes, formal and informal kinship homes, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes.

Human Trafficking (HT): Any act or practice that is defined as labor trafficking or sex trafficking.

Labor Trafficking: Under Maryland *criminal law*, labor trafficking is knowingly taking, placing, harboring, persuading, inducing, or enticing another by force, fraud, or coercion to provide services or labor; or receiving a benefit or thing of value from the provision of services or labor by another that was induced by force, fraud, or coercion<sup>14</sup>. Under federal law this includes severe forms of trafficking in persons, which encompasses 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 involuntary servitude, peonage, debt bondage, or slavery.<sup>15</sup>

Non-Pimp-Controlled Trafficking: Trafficking of a child under the age of 18 who is involved in commercial sex acts without the control of a pimp; sometimes referred to as “survival sex.”

Pimp: An individual who provides the services of another individual for commercial sex acts and shares in the profits of the individual’s activities.

Pimp-Controlled Trafficking: Trafficking in which a pimp controls the actions of the child or benefits from the proceeds of sex trafficking.

Regional Navigator: A provider of services designated by a grantee of the Safe Harbor Regional Navigator Grant Program to support the provision of services for youth victims of sex trafficking.<sup>16</sup>

Sex Trafficking: The recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act. This definition encompasses instances where a child or youth engages in sex in exchange for money or anything of value, as well as activities like stripping or participating in pornography. It also includes severe forms of trafficking in persons where a commercial sex

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<sup>9</sup> [Crim. Law Art. § 3-1202](#)

<sup>10</sup> [COMAR 07.02.07.02](#)

<sup>11</sup> [22 U.S.C § 7102\(4\)](#)

<sup>12</sup> [22 U.S.C § 7102\(11\)\(A\)](#)

<sup>13</sup> [COMAR 07.02.11.03B\(22\)](#)

<sup>14</sup> [Criminal Law Art. § 3-1202\(a\)](#)

<sup>15</sup> [22 U.S.C § 7102\(11\)\(B\)](#)

<sup>16</sup> [Fam. Law Art. § 5-704.4\(5\)](#)

act is induced by force, fraud, or coercion, or when the person induced to engage in such an act is under the age of 18.<sup>17</sup>

Young Adult: An individual between 18 and 21 years old for whom the State agency has responsibility for placement, care, or supervision, and individuals between 18 and 23 years old receiving Chafee program services.

Youth: Any person between the ages of 14 and 21 years old.<sup>18</sup>

## **PROCEDURES AND TIMEFRAMES**

### Training of Child Welfare Staff

All child welfare workers are required to complete the training on sex trafficking provided through DHS learning office (or an equivalent program offered by another entity). The training completed must include topics that address identifying, assessing, and providing comprehensive services for children and young adults who are sex trafficking victims.

LDSS will be responsible for ensuring that all child welfare workers attend training. SSA staff collect data on staff training as required by CAPTA.<sup>19</sup>

### Screening Reports

#### Sex Trafficking:

When the CPS screener receives a report (from the community, law enforcement, another DSS unit, a child, etc.) of suspected child sex trafficking, the report must be screened in as a sex abuse/sex trafficking case regardless of whether the child's activity is pimp-controlled.

Reports that do not contain sufficient information to constitute a case of suspected sex trafficking but suggest that the child is at risk of being sexually trafficked may be accepted as Risk of Harm (ROH) cases for assessment.

#### Labor Trafficking:

When the CPS screener receives a report (from the community, law enforcement, the child, etc.) regarding a child believed to be a victim of labor trafficking, the CPS screener must evaluate whether the child was harmed or placed at a substantial risk of harm and whether the other elements of a neglect or abuse determination are demonstrated. If so, the CPS screener may screen in the labor trafficking report for an investigative response (IR) as either neglect or abuse. See [Trafficking Guidance](#) for more information on screening.

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<sup>17</sup> [22 U.S.C § 7102\(11-12\)](#)

<sup>18</sup> [COMAR 07.02.11.03\(72\)](#)

<sup>19</sup> [42 U.S.C §5106\(b\)\(2\)\(B\)\(xxv\)](#)

## Trafficking Screening

When a child is placed in out-of-home care, the worker must record in the electronic system of record if the child is a victim of sex trafficking either at the time of removal<sup>20</sup> or had been a victim of sex trafficking before the current out-of-home care episode,<sup>21</sup> following the requirements in the [AFCARS guide](#).<sup>22</sup> If at any time during the out-of-home care episode a child or young adult is a victim of sex trafficking, this also needs to be documented following the requirements of AFCARS.

An LDSS must screen any child or young adult with whom the LDSS is currently working for trafficking:

- 1) If there is reason to believe the child or young adult has been trafficked or is at a substantial risk of trafficking;<sup>23</sup> or
- 2) When the child or young adult has been located after running away or otherwise been missing.<sup>24</sup>

The trafficking screening protocol is as follows:

- 1) The LDSS will complete the screening using the Quick Youth Indicators Tool (QYIT) when it is available in the electronic system of record. Until the QYIT is available in the electronic system of record, workers may continue using the current screening tool in the system or fill out the QYIT and upload the completed QYIT to the system.
- 2) In the case where a LDSS locates a child or young adult who ran away or otherwise could not be found, the worker may need to interview the child or young adult more than once to gather the information necessary to identify trafficking or the risk of trafficking.<sup>25</sup>
- 3) The screening tool's effectiveness depends on a sensitive approach that includes building trust, ensuring safety, and meeting the legal, social, and health needs of the child or young adult.

## Screening Tool Identifies a Possible Trafficking Victim

- 1) If, after finishing the screening process, a worker suspects trafficking, the worker must take the following actions:
  - a) Report to the CPS screening, regardless of whether the victim is a child or young adult; and
  - b) Report immediately, and in no case later than 24 hours after receiving information on a child or young adult has been identified as being a sex trafficking victim, to law enforcement, if this wasn't done during the CPS investigation.<sup>26</sup>
- 2) The screening unit will document the information in the electronic system of record so that Maryland is able to report all trafficking cases as required by CAPTA. In the event that the LDSS has screened in a CPS case based on something other than trafficking, and the worker finds reason to

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<sup>20</sup> [45 CFR § 1355.441\(4\)\(xxviii\)](#)

<sup>21</sup> [45 CFR § 1355.441\(5\)](#)

<sup>22</sup> [AFCARS 2.0 "Technical Bulletin #20" Issued October 29, 2020. Revised November 29, 2022.](#)

<sup>23</sup> [42 U.S.C. 671\(a\)\(9\)\(i\)](#)

<sup>24</sup> [42 U.S.C. 671\(a\)\(35\)\(A\)\(iii\)](#)

<sup>25</sup> [42 U.S.C. 671\(a\)\(35\)\(A\)\(iii\)](#)

<sup>26</sup> [42 U.S.C. 671\(a\)\(34\)\(A\)](#)

believe that the child or young adult has been trafficked or is at a substantial risk of being trafficked, the worker must alert CPS screening.

- 3) If the worker cannot identify a specific jurisdiction where trafficking occurred, the worker will make a report to the LDSS where the child or young adult resides. For a child or young adult in foster care the LDSS will make a report where the child or young adult is placed.
- 4) In the case of sex trafficking, the worker must make a report to the CPS Screening unit even if the child or young adult appears not to have had a pimp. Consistent with federal requirements and Maryland statute, a child who has been involved in a commercial sex act is considered a victim of child sexual abuse.<sup>27</sup>
- 5) The LDSS must refer and document any referral of a child or young adult whom it suspects has been the victim of sex trafficking to the Regional Navigator for services in the jurisdiction where the trafficking occurred or where the child or young adult is a resident.<sup>28</sup>

#### Screening Tool Does Not Identify a Possible Trafficking Victim

If the trafficking screening does not identify a child or young adult as a victim of trafficking, but the worker believes the child or young adult may be “at risk” of trafficking, the worker may refer the child or young adult to the Regional Navigator for additional assistance.

#### Investigation

##### Sex Trafficking Investigations:

The LDSS should investigate alleged sexual abuse as prescribed by Maryland statute and regulations, observing all timeframes. This includes immediately notifying law enforcement of any report accepted for a CPS response.<sup>29</sup>

##### Labor Trafficking Investigations:

The LDSS should investigate any labor trafficking allegations that constitute suspected child abuse or neglect as prescribed by Maryland statute and regulations, observing all timeframes. This includes immediately notifying law enforcement of any report accepted for a CPS response.<sup>30</sup>

##### Young Adult Trafficking Investigations:

When a young adult is suspected of being a victim of labor or sex Trafficking. The worker responsible for the young adult must immediately, and not later than 24 hours from the time the LDSS is notified:<sup>31</sup>

1) Complete the Quick Youth Indicators for Trafficking (QYIT) tool when it is available in the electronic system of record. Until the QYIT is available in the electronic system of record, workers may continue using the current screening tool in the system or fill out the QYIT and upload the completed QYIT to the system;

<sup>27</sup> [22 U.S.C. § 7102\(11\)](#), [34 U.S.C. § 20302\(4\)](#) and [Fam. Law Art. § 5-701\(y\)\(2\)](#)

<sup>28</sup> [Fam. Law 5-704.3](#)

<sup>29</sup> [COMAR 07.02.07.05](#) and [42 U.S.C. 671\(a\)\(34\)\(A\)](#)

<sup>30</sup> [COMAR 07.02.07.05](#)

<sup>31</sup> [42 U.S.C. 671\(a\)\(35\)\(B\)](#)

2) Make a report to the local LDSS. The screening unit should record all the details of the report

and check “sex or labor trafficking” on the referral but screen out the CPS report due to the individual being over 18. The LDSS will still need to provide appropriate services, referrals, and resources to the young adult in foster care;

3) Contact the police to make them aware of the suspected allegations; and

4) Make a referral to the Regional Navigators Program.

### **Alignment with Practice Model and Desired Outcomes**

Child Welfare caseworkers and professionals play a critical role in the identification of child trafficking victims and traffickers, and ensuring immediate services and support for victims. This policy aligns with the Integrated Practice Model (IPM) in that the policy prompts a comprehensive trauma-informed response to allegations of child trafficking screening, services, safety planning, and teaming. This policy promotes the core IPM values of Collaboration, Advocacy, Respect, and Empowerment.

### **Documentation**

The LDSS must document all services delivered to a child in the electronic system of record. When the QYIT screening tool is built into the electronic system of record, workers should use the QYIT for all trafficking screening. Until that time, the LDSS may use the current tool or use the QYIT and upload it into the system.

### **Confidentiality**

All reports and cases of sex or labor trafficking remain confidential as described in [COMAR 07.02.07.21](#).

### **Forms**

[Quick Youth Indicators for Trafficking \(QYIT\) tool](#)

### **Related Information**

A list of Regional Navigators with contact information by coverage area can be found on the [Governor’s Office of Crime Prevention, Youth, and Victim Services website](#).

### QUICK YOUTH INDICATORS FOR TRAFFICKING (QYIT)

**Instructions:** Record the youth's responses below (Yes, No, Skip). If the youth does not respond or skips the question, provide a narrative.

- A "Yes" to any of the 4 questions means trafficking is likely. A referral to a regional navigator is required by law in Maryland to assure services are located for the identified victim or likely victim.
- A skip suggests the need for additional monitoring. If there are additional indicators for concerns a referral should be made for services and/or to the regional navigator.

1. It is not uncommon for young people to stay in work situations that are risky or even dangerous, simply because they have no other options. <b><i>Have you ever worked, or done other things, in a place that made you feel scared or unsafe?</i></b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Skip
Narrative:	
2. Sometimes people are prevented from leaving an unfair or unsafe work situation by their employers. <b><i>Have you ever been afraid to leave or quit a work situation due to fears of violence or threats of harm to yourself or your family?</i></b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Skip
Narrative:	
3. Sometimes young people who are homeless or who have difficulties with their families have very few options to survive or fulfill their basic needs, such as food and shelter. <b><i>Have you ever received anything in exchange for sex (e.g. a place to stay, gifts, or food)?</i></b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Skip
Narrative:	
4. Sometimes employers don't want people to know about the kind of work they have young employees doing. To protect themselves, they ask their employees to lie about the kind of work they are involved in. <b><i>Have you ever worked for someone who asked you to lie while speaking to others about the work you do?</i></b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Skip
Narrative:	

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 Assessor's Name

Signature

Date

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 Supervisor's Name

Signature

Date

Adapted from: Covenant House New Jersey Quick Youth Indicators for Trafficking (QYIT) Chisolm-Straker, Makini. (2019). "Screening for Human Trafficking Among Homeless Young Adults." Children and Youth Services Review. DHS/SSA/3038/March 2023