



Bulletin

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OF INTEREST TO

County Directors

Social Services Supervisors
and Staff

Tribal Social Services
Directors and Staff

ACTION/DUE DATE

Review and prepare for
implementation

EXPIRATION DATE

August 15, 2016

Safe Harbor: Protecting Minnesota's Youth from Sexual Exploitation

TOPIC

Protecting Minnesota's Youth from Sexual Exploitation

PURPOSE

Provide background and information on protecting and offering comprehensive services to Minnesota youth who have been sexually exploited. Minnesota Statutes, sections 260C.007, subdivision 31, and 145.4716.

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TERMINOLOGY NOTICE

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

I. Introduction

This bulletin provides information regarding protecting and offering services to youth who have been sexually exploited in Minnesota. A sexually exploited youth includes, but is not limited to, an individual who is alleged to have engaged in conduct which would, if committed by an adult, violate any federal, state, or local law relating to being hired, offering to be hired, or agreeing to be hired by another individual to engage in sexual penetration or sexual conduct. Minnesota Statutes, section 260C.007.

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

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

A. Minnesota Safe Harbor Act

Minnesota has, in the past, arrested and prosecuted youth for prostitution. This legal framework views juveniles used in prostitution as criminals. Safe Harbor laws shift the paradigm for at risk and sexually exploited youth, viewing them as crime victims rather than criminals. Safe Harbor laws are designed to exempt children from prostitution arrest and prosecution, train law enforcement and community members on how to identify and assist victims, increase penalties for traffickers, and promote development of a statewide system of care.

In 2011, Minnesota passed Safe Harbor for Sexually Exploited Youth legislation that decriminalized prostitution offenses for youth under age 18. In 2013, Minnesota authorized funds to house sexually exploited youth; conduct statewide trainings that will help communities identify and assist these juveniles; and to hire a statewide director and regional navigators as recommended in the “No Wrong Door Report: A Comprehensive Approach to Safe Harbor for Minnesota’s Sexually Exploited Youth.” The “No Wrong Door” report was created collaboratively by prosecutors, public safety officials, public health professionals, child protection workers and service providers to outline a statewide social service model for commercially sexually exploited youth.

1. Safe Harbor Law:

- Treats youth with dignity and respect, and directs them to appropriate supportive services, including shelter and housing
- Excludes sexually exploited youth under age 18 from the definition of delinquent child
- Adds the definition of sexually exploited youth to Minnesota's child protection codes
- Increases the penalties against commercial sex abusers or purchasers
- Directs the commissioner of Minnesota Department of Public Safety to devise a victim-centered, statewide response for sexually exploited youth.

2. No Wrong Door

No Wrong Door is a comprehensive, multidisciplinary, and multi-agency approach. It will ensure community partners across Minnesota have the knowledge, skills and resources to effectively identify sexually exploited and at-risk youth.

II. Reporting Process

A. Mandated Reporting

The Reporting of Maltreatment of Minors Act, Minnesota Statutes, section 626.556 , mandates reporting by a professional, or the professional's delegate, maltreatment of a minor. The act defines maltreatment as physical abuse, sexual abuse, neglect and threatened injury, including threatened sexual abuse.

Allegations of child maltreatment may be reported to the local county or tribal social service agency, local police or sheriff departments, or certain state agencies. The law requires the agency receiving an allegation of child maltreatment to cross-notify specific other governmental agencies upon accepting an allegation as a report of child maltreatment. Therefore, whether an initial allegation is received by a county/tribal social service agency or a local law enforcement agency, it is required to notify the other agency of a report.

B. Agency Screening Process

1. When an allegation of sexual exploitation is made to a local child welfare agency, it should: assess the case and determine whether it should be screened in based on allegations of abuse, neglect, sexual abuse or threatened sexual abuse.
2. If the alleged maltreater is a parent, guardian, or individual within the family unit responsible for the child's care, or in sexual abuse cases, an individual who has a significant relationship to the child when residing in the child's household or by a sibling, the county or tribal agency will screen an allegation as a report and assign to Family Investigation.

3. For all cases not screened in for the above reasons, and/or non-caregiver cases, the county or tribal agency is required to offer appropriate services to the child and family.
4. For all reported cases of sexually exploited youth, the county or tribal agency should provide the youth and/or his or her parents/guardians with contact information for their regional Safe Harbor navigator.
5. Cross report with law enforcement.

C. Assessment

If a child is reported in need of protective services because they are alleged to be sexually exploited, local social service agencies should consider the following:

- Assessing a child's safety, trauma exposure, and need for services
- Developing and implementing a safety plan for a child
- Offering services to a child, parent, guardian or custodian
- Determining whether the exploiter has access to the child
- Deciding if a child needs to be placed in a secure facility or shelter care facility for their safety
- Determining the medical needs of a child
- Notifying the parent, guardian, or custodian as soon as possible, unless there is a reason to believe that a child would be endangered
- Connect with regional navigator
- Referral to law enforcement.

D. Available Services

Most victims of child sex trafficking suffer from serious physical and mental health issues. Many victims are subjected to violent physical and sexual behaviors, verbal abuse, derogatory language, and forced consumption of alcohol or other drugs. Many of the victims experience symptoms indicative of post-traumatic stress disorder, dissociation disorder, depression and other mental health concerns. Therefore, it is imperative that victims be provided trauma-informed care and services. Victims are also at risk of contracting sexually transmitted diseases and may need legal services to access legal protections and navigate the legal system.

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

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

consider and respect this history and get them the support they need. Agency staff may encounter these youth numerous times and should continue to build trust and rapport. While this can be difficult, it is crucial in getting sexually exploited youth the necessary assistance and services they need.

III. Additional Guidance

A. Documentation

Agency staff should identify and document in agency records each child who is identified as being a victim of child sex trafficking.

Agencies should document in Social Service Information System (SSIS) case notes when a youth is identified as a victim of sex trafficking. Documentation should also occur within the structured decision making Safety Assessment tool and/or any ongoing safety plans developed with a youth/family. Further documentation should also be included in case plans so it is clear that services are structured to meet that youth's specific needs.

If a case is screened out and referred to a regional navigator and law enforcement, if necessary, documentation should occur in the narrative section of the Intake.

B. Placing a Child

While considering the need for out-of-home-placement for a sexually exploited child or youth, an agency shall consider family, caregivers, or child's relatives, unless doing so increases safety concerns or endangers their health or impacts well-being. Safe Harbor shelter is also a temporary option for out-of-home care.

C. Disclosure of Shelter Location

In the event that a child or youth is placed in emergency housing, local law enforcement and social services agency shall keep the location of the shelter confidential. The location of the shelter should only be disclosed as necessary. The location of the shelter care facility should not be disclosed if doing so places a child's health and welfare in immediate endangerment. It is best practice to consult with the child and shelter staff before disclosing the location.

D. Multidisciplinary Child Protection Team Approach

Under Minnesota Statutes, section 626.558, an agency shall develop a multidisciplinary child protection team to assist the local welfare agency, law enforcement, or an appropriate private organization in developing outreach services for sexually exploited youth, including homeless, runaway, and truant youth who are at risk of sexual exploitation. Under Minnesota Statutes, section 626.558, subdivision 2, multidisciplinary child protection team may provide case consultation, and a case review process in which recommendations are

made concerning services to be provided to identified children and families. The team must include a representative of a youth intervention program, or one representative of a nonprofit agency serving youth in crisis. In addition, agency staff should collaborate with the regional Safe Harbor navigator to identify and provide comprehensive services.

E. Preventing Sex Trafficking for Youth in Foster Care

Youth living in foster care homes, group homes, and other congregate settings, are especially vulnerable to sexual exploitation. Studies on domestic sex trafficked victims and youth used in prostitution reveal that many victims report a history of physical and sexual abuse at home, including while in the foster care system. Victims of child sex trafficking report being recruited outside schools, group homes and shopping malls. Therefore, the identity of youth at risk of sex trafficking must be protected.

Youth living in foster care should be screened for sex trafficking risk if a child:

- Has a history of running away
- Was physically and sexually abused at home
- Expresses interest in an older adult or is in a relationship with an older man/woman
- Has history of or are currently placed in a group home, residential treatment, shelters, and/or other congregate care settings
- Has unexplained shopping trips and acquires such things as expensive jewelry, clothing or a cell phone
- Frequents internet sites known for commercial sex, such as Backpage, Myspace and Craigslist
- Contracts one or more untreated sexually transmitted diseases/infections
- Acquires tattoos, cutting or burn marks, which could be a sign of branding.

Foster providers should be prudent in decisions regarding access to developmentally appropriate items, activities, and online activities for a child or youth.

If a child or youth is identified as a victim of human trafficking, the responsible agency shall report this immediately to law enforcement authorities. Be conscious that many youth are not aware of and do not self-identify as sex trafficking victims.

F. Runaway Youth

Children or youth who run away are particularly vulnerable to sex trafficking. In the case of a runaway youth, the SSIS workgroup should *not* be discharged and closed until such time that diligent efforts have been exhausted to locate the youth. An agency should locate a child by collaborating with local law enforcement. The agency should:

- Advise foster care or facility providers to immediately inform the agency upon learning a child or youth has run away from their home or facility
- Immediately call local law enforcement and provide a child's name, date of birth, height, weight and description of any other unique identifiers, such as eyeglasses and braces. Tell them when child was missing and what clothing

- s/he was wearing.
- Call the National Center for Missing and Exploited children at 1-800-843-5678
 - Request law enforcement immediately enter the child or youth's name and identifying information into the FBI's **National Crime Information Center Missing Person File**
 - Enter the child as a run-away in SSIS on the placement screen, to ensure agency communication regarding a youth's placement status
 - Search regularly for the child or youth at places s/he frequents
 - Consider contacting individuals who the child may contact for assistance while on the run to encourage them to help the child return to foster care
 - Determine potential factors associated with youth running away from foster care, such as reason for entry in care, length of stay in care, type of placement, and other factors that may have contributed to the youth's running behavior
 - Develop a safety plan when runaway concerns exist. This may include who the youth can contact if they are feeling unsafe/wanting to run, safe places or locations the child can go temporarily, alternatives to running away (e.g., taking a walk, talking with a friend, being alone, etc.)
 - Do not close the case.

For children or youth who are at risk of running away, or with a history of running away, agencies should:

- Involve the child in seeking a desired placement
- Document ongoing and unsuccessful efforts made by the agency to return the child home or secure placement with a relative, legal guardian, or an adoptive parent
- Develop a permanency plan in consultation with a child or youth, when appropriate.

IV. Regional Navigators

Minnesota Statutes, section 145.4717, directed the Minnesota Department of Health to create regional navigators during calendar year 2014, which include:

- American Indian Navigator: Down on Violence Everyday
White Earth, Minn.
Crisis line: 1-800-830-3683
<http://whiteearthdove.com/>
Website address for the American Indian Regional Navigator
- Northeast: Program to Aid Victims of Sexual Assault
Duluth, Minn.
218-726-1442
Crisis line: 218-726-1931
<http://www.pavsa.org/>
Website address for the Northeast Regional Navigator

- Northwest: Support within Reach
Bemidji, Minn.
218-444-9524
<http://www.supportwithinreach.org/>
Website address for the Northwest Regional Navigator
- Central: Heartland Girls Ranch
Benson, Minn.
320-843-4815
<http://heartlandgirlsranh.org/>
Website address for the Central Regional Navigator
- Metro-East: Breaking Free
St Paul, Minn.
651-645-6557
<http://www.breakingfree.net/>
Website address for the Metro-east Regional Navigator
- Metro-West: The Link
Minneapolis, Minn.
612-767-4467
<http://www.thelinkmn.org/>
Website address for the Metro-west Regional Navigator
- Southwest: Southwest Crisis Center
Worthington, Minn.
1-800-376-4311
<http://www.mnswcc.org/>
Website address for the Southwest Regional Navigator
- Day One: Providing services to all victims of domestic violence, sexual assault, or sexual trafficking: 1-866-223-1111

Day One can access a real-time database showing available housing and shelter space for a youth and then connect the youth directly to a provider. Day One is available 24/7 for crisis intervention, safety planning and connection to other services if navigators are unavailable (weekend or after hours, etc.)

V. Shelters for Sexually Exploited Youth

Short-term emergency housing may be an essential component in keeping the victims safe from the perpetrators. Currently, there are four shelters in Minnesota for sexually exploited youth.

- Breaking Free
Provides five units of housing in St. Paul, Minn. for 16 and 17 year old youth through a transitional living program model.
651-645-6557

- Heartland Girls' Ranch
Provides longer-term supportive housing in Benson, Minn. for up to 80 youth.
320- 843-4815
- Life House
Provides two emergency housing shelter beds in Duluth, Minn. for youth.
218- 722-7431
- The Link
Provides six emergency shelter beds for youth in the metro area.
612- 871-1607
- 180 Degrees Safe & Sound Shelter for Girls
Provides shelter to girls who have been sexually exploited or trafficked
612-813-5000

Americans with Disabilities Act (ADA) Advisory

This information is available in accessible formats for people with disabilities by calling (651) 431-3530 (voice) or toll free at (800) 627-3529 or by using your preferred relay service. For other information on disability rights and protections, contact the agency's ADA coordinator.