



DEPARTMENT OF  
HUMAN SERVICES

# **Minnesota's Best Practice Response to Human Trafficking and Sexual Exploitation of Children and Youth**

**A guide for county and tribal  
child welfare agencies**

**December 2022**



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## **I. Introduction, purpose, and scope of the best practice guide on human trafficking and exploitation of children and youth in Minnesota**

There are two forms of human trafficking in the U.S., sex and labor. Both types of human trafficking affect Minnesota children, youth and families. Since May 29, 2017, federal and state law requires child protection to investigate all reports of known or suspected sex trafficking of a minor.

This practice guide primarily addresses the child welfare system response to human trafficking and sexual exploitation of children ages 17 and younger; it also includes discussion of child welfare response for youth ages 18 through 24 transitioning to adulthood. This guide may use the terms children or youth, depending on whether an individual is a minor or older youth. This guidance was developed to be inclusive of children and youth of all genders, nationalities, races, cultural backgrounds, political status, tribal affiliation, ability or disability, for implementation in both rural and urban areas.

This practice guide complements and coincides with [Minnesota's Safe Harbor response](#) to exploited and trafficked youth. Safe Harbor is the framework for the statewide response to sexually exploited and trafficked youth, including those at risk of exploitation or trafficking. The Minnesota Department of Health, in partnership with the Minnesota Department of Human Services (department), leads the Safe Harbor response network. Safe Harbor developed specialized services for sexually exploited children and youth, as well as those at risk for trafficking and exploitation.

The corresponding tools in the appendix were developed by department staff in collaboration with the [Child Trafficking and Exploitation Work Group](#), a multi-disciplinary team of more than 250 stakeholders from local, state, federal, tribal, and non-governmental agencies. The guide, revised and republished in 2022, reflects changes in federal and state law and policy, most notably related to implementation of the Family First Prevention Services Act.<sup>1</sup> Department staff appreciates the dedication and contributions made by survivor subject matter experts, youth and professionals, statewide from 2015 to 2022 to develop effective practices, policies and resources.

### **Key definitions**

The terms human trafficking, sex trafficking, labor trafficking, sexual exploitation, commercial sexual exploitation and youth at risk of trafficking and exploitation have specific meanings used in relation to certain requirements

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<sup>1</sup> Family First Prevention Services Act of 2018, Pub. Law 115-123

and practice. The following definitions are used throughout the practice guide, explained in detail in Section III: Intake and screening.

**Commercial sexual exploitation**<sup>2</sup> means the exchange of or promise to exchange something of value for sexual contact or penetration.

**Sexual exploitation of youth** includes commercial sexual exploitation and non-commercial sexual abuse. [Minn. Stat. 260C.007, subd. 31]

**Sex trafficking** is defined by Minnesota law as the act of a third party, not the purchaser or victim, facilitating or profiting from a commercial sex act performed by another person. [Minn. Stat. 609.321-609.322] Under federal law, sex trafficking is defined differently as a severe form of trafficking in persons. Federal law does not require that a third party be the trafficker.

**Severe form of trafficking in persons** is defined under federal law as:

(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) Recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. [22 U.S.C. 7102(9)]

**Labor trafficking** is defined by Minnesota law as facilitating or profiting from services performed as a result of debt bondage, force or threats of force, abuse of the legal process, or blackmail. [Minn. Stat. 609.281, subd. 5]

## Purpose and scope of best practice guide

Federal legislation regarding sex trafficking of children and youth includes [Public Law 113-183](#), Preventing Sex Trafficking and Strengthening Families Act; [Public Law 114-22](#), Justice for Victims of Trafficking Act; and [Public Law 115-123](#), Family First Prevention Services Act. This practice guide is published in accordance with federal requirements from the U.S. Department of Health and Human Services, Administration for Children, Youth and Families, with reference to the primary federal anti-trafficking law, Trafficking Victims Protection Act.

Previously, the juvenile justice system responded to child and youth victims of commercial sexual exploitation. Through the Minnesota Safe Harbor law, the offense of prostitution was removed from the juvenile justice code. Since the law went into effect in 2014, children and youth are treated as victims of commercial sexual exploitation, rather than offenders or delinquents. Children and youth who experience any type of sexual exploitation should be treated as victims and survivors, not perpetrators, for illegal acts related to commercial

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<sup>2</sup> This term will be used throughout the practice guide instead of the term *prostitution* due to the connotation of the word and stigma many survivors experience when *prostitution* or *prostitute* are used. The meaning of commercial sexual exploitation conforms to the meaning of prostitution under Minn. Stat. 609.321 and the meaning of sex trafficking under 22 U.S.C. 7102 (11)(A) and (12).

sexual exploitation. In Minnesota, individuals of all ages are now considered sex trafficking victims when there is commercial sexual activity in which a third party (not the victim or the buyer) facilitates or benefits from the activity.

The guide was developed to support county and tribal child welfare caseworkers and supervisors as they engage with children, youth, and families who experience human trafficking (sex or labor), or sexual exploitation. Children and youth who experience trafficking or exploitation commonly feel lack of trust towards adults, including systems professionals. They may not identify themselves as a victim of trafficking or exploitation. They may be afraid to talk about what happened due to lack of trust of the system or threats of retaliation by the trafficker. For these and other reasons, building rapport can take a long time; successful engagement may require patience. Even if a child or youth never shares information about trafficking or exploitation, access to appropriate services is essential.

This practice guide can be used in conjunction with other tools developed by Safe Harbor, such as the Minnesota Youth Trafficking and Exploitation Identification toolkit, useful in providing guidance about starting conversations with youth about trafficking and exploitation. See Section XI: Resources.

**Goals of the best practice response to human trafficking and sexual exploitation** are as follows, to:

- Be responsive to specific needs of trafficked or exploited children and youth, their families, caregivers, and support systems throughout the child welfare response. This includes efforts to prevent trafficking and exploitation by reducing individual, family and community risk. See Practice pointer 1.1.
- Achieve effective collaboration with Safe Harbor No Wrong Door and all levels of law enforcement responses (local, county, state, federal and tribal) in dual investigations of sex and labor trafficking or sexual exploitation. This includes applying a more survivor- and trauma-informed process of interviewing victims to limit the number of times children and youth are interviewed about trafficking or exploitation victimization, and coordinating service delivery.
- Create a nimble, flexible, and discretionary set of tools, guidance, and requirements that allows space for county and tribal staff to creatively meet individual safety needs, while achieving a level of consistency to reduce discrepancies and disparities in the response statewide.
- Inform and train all child welfare caseworkers and supervisors to accurately identify, report, assess, and coordinate comprehensive services and responses to trafficked or exploited youth, their families, caregivers and support system.
- Develop and support implementation of a specialized response for trafficked and exploited youth based on best practices that mitigate the potential for unintended consequences of youth and family participation in the child welfare system.

**Practice pointer**

**1.1:**

*“Be more respectful and talk to them more about goals and activities that can keep them motivated.”*

Voices of Safe Harbor  
(December 2015).

This comprehensive guide integrates current child welfare practice, survivor subject matter expert input, multi-disciplinary coordination, and legal requirements. It begins with a section on intersectionality and disproportionality (II), including response for American Indian youth and families (A), and foreign national youth (B). The remainder is organized chronologically by stages of the child welfare process: Intake and screening, investigation or child welfare response, case management, placement and permanency. The last sections discuss prevention and resiliency, professional well-being, and resources for response. Youth in the child welfare system are at high risk for sex or labor trafficking and sexual exploitation; prevention should be emphasized and integrated in all aspects of child welfare services and responses.

This guide will reference broader guidance from department policies. See XIII: References. All guidance is based on requirements in [Minn. Stat. 260E, Reporting of Maltreatment of Minors Act](#).

## **II. Intersectionality and disproportionality**

While any child or youth from any demographic could experience trafficking or exploitation, research indicates an over-representation of children of color. Due to systemic racism, oppression, and bias, American Indian, African American, Latinx, and children of two or more races disproportionately are victims of sex trafficking or sexual exploitation. Research also shows that LGBTQIA+ children (as high as one in three alleged victims), foreign nationals, and children with disabilities are at high risk for human trafficking (sex or labor) and exploitation. See Section XII: References. When youth have multiple identities that lead to marginalization and oppression, society's response to their identities, including lack of basic supports, leads to marginalization and oppression, allowing for inequitable treatment. This intersectionality may also make it more challenging for youth to access appropriate, helpful, and culturally responsive services because providers are ill equipped to respond to their needs.

Historic and current systemic racism and discriminatory practices cause added trauma that harm and isolate youth, which can lead to increased risk for trafficking or exploitation. Some current practices of law enforcement and child protection mimic historical colonization tools against families and communities of color, which leads to fear of law enforcement and reluctance to access child welfare help or services. Systemic oppression causes generational harm to families and communities and can create family behaviors symptomatic of trauma. At the same time, extended family connections and cultural belonging in the community can be integral to healing and well-being. It is crucial that caseworkers approach families and children from different backgrounds with cultural humility as they learn protective capacities and needs of families. Cultural humility means that, rather than making assumptions about cultural practices, language use, placement needs, or service referrals, caseworkers and supervisors should ask questions that are culturally humble, requiring deep listening, and not making assumptions based on culture. The [Safe Harbor Protocol Guidelines](#) (chapter 4: Cultural considerations), and the [Cultural Orientation Center](#), provide background to improve cultural responsiveness. See Section XI: Resources.

There are distinct legal needs and resources that child welfare caseworkers and supervisors must be aware of for American Indian and foreign national youth experiencing trafficking or exploitation, as explained below.

### **A. American Indian youth and families**

In Minnesota and throughout the U.S., there is long-standing historical trauma, including colonization and forced removal of American Indian children through the government, which included child welfare policy and practices allowing for permanent disconnection from families and tribal communities through termination of parental rights and closed adoptions. Sexual violence and sex trafficking have been prevalent as a direct result of forced removal and relocation to boarding schools in American Indian communities for generations, still impacting parents and children today. In recent years, the Missing and Murdered Indigenous Relatives movement has increased attention to ongoing kidnapping, abuse, and murder of women, girls, men, boys and two-spirit individuals from their communities, as well as gaps in systems response when individuals disappear. See Section XI: Resources for information on Missing and Murdered Indigenous Relatives Office.

Often, because of repeated systems failure, youth and families may not typically disclose victimization due to mistrust of government workers. Given this complex, traumatic background, when working with American Indian youth who experienced trafficking or exploitation, caseworkers should spend significant time on building trust and rapport with youth and families, as well as their tribal communities. This allows caseworkers to authentically listen to youth and recognize a family's strengths. Caseworkers should strengthen their understanding of and relationships with American Indian communities.

For American Indian youth who experience trafficking or exploitation, one of the greatest needs after exiting a trafficking situation is rebuilding their sense of belonging, identity, and role within their community. Caseworkers can support this by partnering with children, youth, and families to incorporate community-connectedness as a strategy through mentoring, traditional healing practices, and community-based supports, in youth's and family's safety plan or case plan. If youth or family wants support from their tribal community, best practice is to connect them with traditional healing supports, even if not enrolled tribal members.

Tribal affiliation is a political status, not just a racial category. This means that enrolled tribal members possess specific rights and protections afforded by their political status. American Indians may be enrolled members or eligible for enrollment in one of the 11 federally recognized tribes in Minnesota, or any of the 573 federally recognized tribes throughout the U.S. They may also be part of a community that is not federally recognized as a tribe. American Indian families live throughout Minnesota. The majority live in urban areas and may receive services through urban organizations or in greater Minnesota, while others live on reservations and receive services from a tribe.

### **Requirements under ICWA and MIFPA**

Congress passed the Indian Child Welfare Act (ICWA) in 1978, with the expressed intent to "protect the best interests of Indian children and to promote the stability and security of Indian tribes and families." [25 U.S.C. § 1902] The Minnesota Indian Family Preservation Act (MIFPA) adds additional requirements when working with Indian children and families. The Minnesota Tribal/State Agreement (TSA) is between the department and the 11 federally recognized tribes, helping to guide local county agencies with ICWA/MIFPA implementation. See the [ICWA/MIFPA resources](#) link.

If agency staff has reason to believe children are Indian, all protections of ICWA/MIFPA apply until all tribe/s have responded that child/ren is/are not eligible for membership, [C.F.R §23.107(b)(2)] or determination by a court that ICWA does not apply.

During screening, investigation, and ongoing case management, agencies shall follow all ICWA, MIFPA, and Bureau of Indian Affairs (BIA) requirements. This section explains active efforts. Inquiry and notice are discussed in Section III: Intake and screening. This section does not encompass the entirety of MIFPA and ICWA requirements.

Caseworkers must make active efforts throughout the course of their involvement with American Indian children and families. Active efforts include, but are not limited to, acknowledging traditional helping and healing systems of Indian children's tribe, and using these systems as the core to help and heal Indian children and families. [Minn. Stat. § 260.762, subd. 1; see also Minn. Stat. § 260.762, subd. 3]

An important component of active efforts is involvement of Indian children's family and kin. Local child welfare agencies shall:



1. Work with Indian children's tribe and family to develop an alternative plan to out-of-home placement
2. Before making decisions that may affect Indian children's safety and well-being, or when contemplating out-of-home placement of Indian children, seek guidance from their tribe regarding family structure (including placement preferences), how families can seek help, what family and tribal resources are available, and barriers families face that could threaten preservation, and
3. Request participation of Indian children's tribe at the earliest possible time, and request tribe's active participation throughout a case. [Minn. Stat. 260.762, subd. 2]

## Relevant state and federal laws, regulations and guidelines

Minnesota Indian Family Preservation Act [Minn. Stat. 260.751 – 260.835]

Indian Child Welfare Act [25 U.S. Code 1901 – 1923]

The 2016 Bureau of Indian Affairs regulations for Indian Child Welfare Act proceedings [25 Code of Federal Regulations (CFR), part 23]

The 2016 BIA Guidelines for State Courts and Agencies in Indian Child Custody Proceedings.

For technical assistance regarding ICWA/MIFPA, email: [DHS.ICWA.MIFPA@state.mn.us](mailto:DHS.ICWA.MIFPA@state.mn.us).

## B. Foreign national youth

Foreign national youth who experienced sex or labor trafficking are eligible to apply for benefits and services to the same extent as a refugee under federal law. A federal reporting process enables these minors to receive Interim Assistance and Eligibility letters, allowing them to apply for benefits. All state, local, and federal officials are **required to report** these youth to the Office on Trafficking in Persons **within 24 hours of identification**; this requirement extends to all state, county, and tribal child welfare caseworkers and supervisors.

Foreign national youth are persons under age 18 who are not U.S. citizens or lawful permanent residents.

Services and supports are available for any foreign national youth who may have experienced a *severe form of trafficking in persons*, as defined in federal law, in any location and at any time until age 18. In Minnesota, within 24 hours of identifying a potential trafficking concern for a foreign national youth, local child welfare agencies have an obligation under the federal Trafficking Victims Protection Act (TVPA) to notify the Administration for Children and Families, Office of Trafficking in Persons (OTIP), requesting assistance for youth. [22 U.S.C. 7105(b)] Agencies must use case notes in the Social Service Information System (SSIS) to keep a record of notifications and responses from OTIP. This requirement applies to all current and future family investigations of both sex and labor trafficking involving foreign national youth.

The OTIP referral is solely to provide minor foreign nationals access to benefits and services. A youth's personal identifiable information is not shared by OTIP with other federal agencies, unless youth requests an interview with law enforcement. If OTIP determines that youth is a victim of trafficking under the TVPA, they are entitled to benefits and services to the same extent as a refugee and referred for comprehensive case management services.

## Steps for notifying the Office on Trafficking in Persons

There is a specific process to report minor foreign national trafficking victims, which serves as a request for federal assistance in securing benefits and support. See Practice pointer 2.1.

### Referrals for services

After a youth's referral to OTIP, a federally funded case manager through the [Trafficking Victims Assistance Program \(T-VAP\)](#) may be assigned by OTIP to administer emergency financial assistance and help secure access to public benefits and immigration services.

Foreign national victims of sex or labor trafficking should be referred for immigration services, specifically legal representation, either through the local child welfare agency or assigned T-VAP case manager. If requested by youth, family, or their immigration attorney, child welfare agencies may have authority to provide documentation that could assist youth or their family in pursuing immigration status based on a youth being a victim of human trafficking (sex or labor). That documentation relates to applications for U and T visas. As a victim of human trafficking, youth may be eligible to apply for a U visa (for victims of crimes, including trafficking for sex or labor), or a T visa (for victims of sex or labor trafficking). Under federal law, child protection staff are authorized to provide certifications for U visa applicants and endorsements for T visa applicants, under certain circumstances.

In addition to connecting youth with immigration representation, other potential resources include utilizing local law enforcement and federal partners like the Federal Bureau of Investigation and Homeland Security Investigation. Both federal agencies have victim assistance personnel skilled in working with this victim population and assist with locating resources. These agencies can apply for Continued Presence on behalf of trafficking victims. Continued Presence (CP), a temporary immigration status provided to victims of human trafficking, can provide stability and protection to victims of trafficking while a law enforcement investigation and prosecution are ongoing. When working with minor foreign national victims of sex or labor trafficking, a collaborative effort is useful to address the need for benefits and immigration status.

When working with minor foreign national victims, child welfare caseworkers should consult with their supervisor and county attorney and/or tribal representative. The department's human trafficking child protection coordinators provide technical assistance, consultation and training. See Section XI: Resources.

## III. Intake and screening

Children do not often self-identify as victims of trafficking or exploitation. There may be underlying concerns of trafficking or sexual exploitation in reports to child protection, even when a child has not disclosed.

### Practice pointer 2.1: OTIP reporting process: Request for assistance (RFA)

1. Complete the RFA through the [Shepherd case management system](#). If needing to discuss a case with OTIP child protection specialists, call during business hours (9:00 a.m. to 5:00 p.m. ET) at 202-205-4582, or [ChildTrafficking@acf.hhs.gov](mailto:ChildTrafficking@acf.hhs.gov).
2. While a case is pending, provide updated information or check the status of the referral on the Requests page in the case management system.

See [OTIP website](#) for information.

## A. Mandated reporting

### Sex trafficking and sexual exploitation

Known or suspected sex trafficking of youth is a mandated report, regardless of whether the third party sex trafficker is a caregiver. When reporters have reason to suspect that a third party may have been involved, a report must be made to child protection intake.

Sexual exploitation is not a mandated report unless an alleged offender is a caregiver, which includes parents, siblings, and household members in a caregiving role. See [Minnesota Child Maltreatment Intake, Screening and Response Path Guidelines \(state.mn.us\)](#), pages 44-48. Sometimes it can be difficult to know whether a third party facilitated or profited from a youth's victimization through a commercial sex act. Even if a reporter suspects there could be a third party, but is unsure, it is strongly recommended they make a mandated report. All sexual exploitation of children should be reported to law enforcement.

See the [Resource Guide for Mandated Reporters of Child Protection Concerns](#) for guidance on mandated reporting. The department has [online training](#) on mandated reporting, that includes guidance on when and how to report sex trafficking and sexual exploitation.<sup>3</sup> If mandatory or voluntary reporters are unsure of whether to make a report, they can call the local child welfare agency.

### Labor trafficking

Labor trafficking is not a specific form of child maltreatment outlined in state law or policy, thus is not a mandated report in Minnesota. Labor trafficking typically involves use of force or threat of force, blackmail, debt, or substandard working conditions, such as very long hours or unpaid wages. Labor trafficking often overlaps with other forms of child maltreatment, including neglect (educational, medical, failure to protect, or provide for basic needs); physical abuse; threatened injury; or sexual abuse. Although labor trafficking is not a form of child maltreatment under Minnesota law, all child labor trafficking is a crime and must be reported to law enforcement; child and youth victims of labor trafficking are eligible for voluntary child welfare services. See Practice pointer 3.1.

**Practice pointer 3.1:**  
Labor trafficking is a serious crime, causing trauma to victims. All alleged victims should be connected to trauma-informed services.

## B. Child protection intake and screening

Some mandated or voluntary reporters may have specific concerns regarding trafficking or exploitation, while others may have general concerns about a child. Child welfare intake staff need to listen for indicators of sex trafficking, sexual exploitation, or labor trafficking, even when these concerns are not the primary

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<sup>3</sup> Trainings are available for mandated reporters and the child welfare workforce. In 2023, training specifically for service providers will be released at the same link.

reason for a report. By recognizing indicators, child welfare intake workers can ask detailed questions to gather enough information about potential trafficking or exploitation for an agency to make a screening decision. The screening flowchart and tool in Appendix A assists agency staff in recognizing indicators and screening for sex trafficking and sexual exploitation. Minnesota's definition of youth at risk for sex trafficking and commercial sexual exploitation, developed for implementation of the Family First Prevention Services Act, may also be used to help identify risk factors, but these risk factors alone should never be used to make screening decisions. Use of this definition is discussed in Section VII: Placement. See Appendix F for the definition of youth at risk of sex trafficking or commercial sexual exploitation.

At the point of intake, agency staff should inquire about whether there is reason to believe a child may have lineage to an Indian tribe. Inquiry should occur immediately when child comes to the attention of an agency. Inquiry is required to be made of reporters, child/ren, parents, custodians, and other appropriate persons. [Minn. Stat. 260.761, subd. 1] See Section II: Intersectionality and disproportionality (A: Working with American Indian youth and families).

All reports of sex trafficking, sexual exploitation and labor trafficking must be cross-reported to the appropriate law enforcement agency within 24 hours of receiving information. Refer to the [Minnesota Child Maltreatment Intake, Screening and Response Path Guidelines \(state.mn.us\)](https://state.mn.us/minnesota-child-maltreatment-intake-screening-and-response-path-guidelines) for guidance on screening child maltreatment reports. To satisfy the cross-reporting obligation, local child welfare agencies should report to law enforcement where an incident occurred (if known), or as established in agency protocol.

For reports of trafficking or exploitation occurring in multiple jurisdictions, with multiple alleged offenders or alleged victims, local social service agencies may find multi-jurisdictional or statewide law enforcement human trafficking task forces to be helpful. Information on law enforcement task forces is in the resources section. See Section IV: Investigation, coordination with law enforcement subsection for guidance on collaborating with law enforcement.

### **Screening for sex trafficking and sexual exploitation**

All reports of sex trafficking, including those involving non-caregiver or unknown alleged offenders, should be screened in for Family Investigation. Sex trafficking is defined in Minnesota as a commercial sex act that a third party facilitates or profits from. A commercial sex act is sexual contact in exchange for something of value. A third party must be someone other than alleged child victim or purchaser of a sex act. Sex trafficking by a third party includes someone making arrangements or supplying things like cell phone, condoms, or a location with the intent that a commercial sex act takes place. It includes situations where someone other than alleged victim gets money or anything of value in exchange for sex acts.

Sexual exploitation has a broader definition than sex trafficking. In addition to sex trafficking, sexual exploitation also includes sexual performance, pornography, sexual conduct with minors, and commercial sexual exploitation without third party involvement. [Minn. Stat. 260C.007, subd. 31] Sexual exploitation of children may happen primarily or completely online through social media, but may also happen through peers or to meet basic needs. Reports of sexual exploitation involving caregiver alleged offenders should be screened in for Family Investigation. Reports of sexual exploitation involving non-caregiver alleged offenders should be screened out for Family Investigation and referred for a voluntary child welfare response, as described in [Engaging Families in Voluntary Child Welfare Services Practice](#). All screened out reports are to be cross-reported with law enforcement. Even if a report of sexual exploitation is screened out for Family

Investigation, a CHIPS petition may still be filed on the basis of sexual exploitation. [Minn. Stat. 260C.007, subd. 6(11) and subd. 31] Refer to the [Minnesota Child Maltreatment Intake, Screening and Response Path Guidelines \(state.mn.us\)](https://state.mn.us/minnesota-child-maltreatment-intake-screening-and-response-path-guidelines) for guidance on screening child maltreatment reports. Agency staff may consult with their county attorney and/or tribal representative for questions regarding screening decisions. The department's Child Safety Rapid Consultation service may also be a resource for help with difficult screening decisions. See Section XI: Resources.

All reporters alleging trafficking or exploitation should be provided with contact information for the Safe Harbor Regional Navigator. Intake and screening staff should be familiar with the [Safe Harbor services map](#) that provides contact information and service areas for Safe Harbor regional navigators statewide. See Practice pointer 3.2.

The [Child Protection Sex Trafficking and Sexual Exploitation Intake Tool](#) (Appendix A) should be used to guide child welfare supervisors, intake and screening staff, and screening teams in determining whether a report meets criteria for sex trafficking or sexual exploitation. The tool has an intake flowchart, glossary of terms, and a list of common indicators of sex trafficking and sexual exploitation. This tool should not be a substitute for the discretion of agency staff or guidance from the county attorney and/or tribal representative. When using the tool, its completion should be documented in child's maltreatment report (description of need section) in the SSIS.

**Practice pointer 3.2:**  
When reports of possible sex or labor trafficking or sexual exploitation are screened out, reporters should be provided with the Safe Harbor regional navigator contact information. This may help connect the youth with services, identify more information, and prevent future human trafficking.

When completing the SSIS child maltreatment report allegation detail in a sex trafficking allegation, the alleged offender relationship must be indicated as *non-caregiver sex trafficker* when an alleged offender is not a parent, sibling, or household member in a caregiving role. However, when completing this screen with the allegation detail of *sexual exploitation or prostitution*, alleged offender relationship of *non-caregiver sex trafficker* is not applicable because the allegation detail is not *sex trafficked*. If there is limited information about an alleged offender, or they are unknown, agency staff should use the unknown alleged offender description field in SSIS to complete a child maltreatment report.

Over the first five years (2017 – 2022) of Minnesota's required child protection response to all reports of sex trafficking, only 14% of sex trafficking reports involved non-caregiver alleged offenders, while 43% involved unknown alleged offenders. The remaining reports involved alleged offenders who were parents, caregivers, or household members.<sup>4</sup> This indicates that family-based sex trafficking was the most commonly reported type of child sex trafficking in Minnesota during this period. See Section XI: Resources for information about interfamilial and intergenerational trafficking involving parents and other relatives.

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<sup>4</sup> All data based on county documentation in the Social Service Information System. Reports of sex trafficking often include more than one alleged offender, resulting in percentages over 100.

## Screening for labor trafficking

When new reports of child maltreatment are screened, screeners may find indicators of labor trafficking. These indicators are in Appendix B: [Identifying and responding to child victims of labor trafficking](#).

The primary indicator screening teams should look for is a child being forced, threatened, or compelled to work for another person. Work can include both formal employment and informal or illegal activities. Alleged offenders may be a parent, guardian, sibling, or other related or unrelated caregiver; they may also be a peer, acquaintance or employer. Remember that labor trafficking often overlaps with sex trafficking, sexual exploitation, neglect, and physical abuse because of the force and coercion used by traffickers.

After identifying an indicator of labor trafficking, screeners or assigned workers should attempt to ask additional questions to conduct a labor trafficking screening. The suggested screening questions are in Appendix B: [Identifying and responding to child victims of labor trafficking](#). Screeners, screening teams, or assigned workers may complete the tool.

Completion of the labor trafficking tool should be documented in the intake summary, or a case note in SSIS; positive responses should be clearly identified in notes. If the tool reveals labor trafficking, these concerns should be referred for a child welfare response, if no other allegation of maltreatment. If other allegations of maltreatment are identified and screened in for investigation or assessment, the safety threats which caused labor trafficking should be addressed in the response. See Section V: Child Welfare Response. Refer to Section II (B) Working with foreign national minors for guidance on requirements when foreign national minors are identified as possible victims of sex or labor trafficking.

## IV. Investigations

Reports of known or suspected sex trafficking of children require a Family Investigation, regardless of the relationship of an alleged offender to a victim, including non-family and non-household members. For an overview of practices summarized in this section, see [Sex trafficking as a form of child maltreatment: A brief guide for child protection supervisors and investigators](#). Reports of sexual exploitation with caregivers, household members, persons in a position of authority, or those with a significant relationship to a child as the alleged offender also require a Family Investigation. Reports of labor trafficking do not require a Family Investigation, although labor trafficking may relate to other maltreatment being investigated. See Section VI: Case management for guidance on service needs when labor trafficking is identified during a Family Investigation into allegations of maltreatment. Section IV: Investigations covers investigations of all sex trafficking reports and sexual exploitation involving caregiver alleged offenders.

### A. Coordination with law enforcement

All child protection responses to sex trafficking must be coordinated with law enforcement. [Minn. Stat. 260E.14, subd. 5(a)] Coordination may be required with multiple law enforcement agencies across multiple jurisdictions. The safety of workers, child victim/s, and family members is critical and may be improved through active coordination efforts. See Practice pointer 4.1.

While efforts should be collaborative, child protection investigators should be aware that law enforcement investigations are conducted under different statutory authority with a different purpose, scope and



outcome. Increased discussion regarding roles of multi-disciplinary partners may improve outcomes for both investigations, and for victims and their families.

**Practice pointer 4.1: Law enforcement coordination**

Common areas for coordination with law enforcement can be broken down into immediate response and ongoing coordination. These include:

- Cross-reporting all allegations of child sex trafficking received by any county or tribal child welfare agency, or any law enforcement agency within 24 hours of receipt of report.
- Coordinating the planning and execution of respective investigations to avoid duplication of fact-finding efforts. Each agency prepares a separate report of results of its investigation.
- Jointly assessing and responding to immediate safety concerns for alleged child victim and family.
- Minimizing the number of duplicative interviews of alleged child victims by conducting a joint interview by a trained forensic interviewer, whenever possible, or use a child advocacy center (CAC).
- Coordinating joint interviews of primary caregivers and alleged offenders.

When there is an active law enforcement investigation, child protection workers may postpone alleged offender interviews until law enforcement is able to jointly interview alleged offender. The 45-day investigation timeline may be extended if law enforcement requests postponement of alleged offender interview.

Statewide, regional, or local human trafficking task forces may be helpful resources. When trafficking is multi-jurisdictional or involves multiple alleged offenders or victims, child protection and law enforcement may want to consult with the Bureau of Criminal Apprehension (BCA) Human Trafficking Task Force. If trafficking occurred on a reservation, or if an alleged offender or victim is American Indian, it may be helpful to contact the tribal TRUST task force members. See Section XI: Resources.

## **B. Initial face-to-face contact with alleged child victim**

Upon receipt of reports, child protection investigators shall make face-to-face contact with children reported to be maltreated and their primary caregivers. Agencies are not required to provide notice to parents or caregivers prior to making contact with children. Contact with alleged child victims and primary caregivers should be sufficient to assess immediate safety of a child. [Minn. Stat. 260E.20, subd. 2(a)]

Face-to-face contact with alleged child victims shall occur immediately (within 24 hours) after an agency receives information from reporters if sexual abuse, including sex trafficking, is alleged. Contact may be postponed for up to five days if one of the following statutory exceptions applies: (a) Child is residing in a location that is confirmed to restrict contact with the alleged offender, as established in guidelines issued by the commissioner, or (b) The local welfare agency is pursuing a court order for the child's caregiver to produce the child for questioning. [Minn. Stat. 260E.20, subd. 2(b)]

See bulletin #21-68-18, [Statutory exceptions for face-to-face contact](#) for more information. The contact responsibility cannot be assumed by law enforcement, other child welfare staff, or another non-child protection agency. It is best practice to connect youth with the Safe Harbor regional navigator, supportive service providers, or advocates as soon as possible. Guidance on face-to-face contact is in [Minnesota's Best Practices on Family Assessment and Family Investigation](#).

Initial contacts between assigned child protection workers and alleged sex trafficking or sexual exploitation victims should focus on safety and meeting basic needs, while building rapport. It is not necessary, nor is it best practice, to conduct a formal interview of alleged child or youth victims at initial meetings. There may be times when initial face-to-face contact includes a forensic interview when coordinated with law enforcement or a child advocacy center. See Practice pointer 4.2.

**Practice pointer 4.2:** Alleged victims may not be ready to disclose, or their traffickers have conditioned them not to disclose through use of fear, coercion or loyalty. Obtaining a disclosure by alleged child victims of sex trafficking or sexual exploitation is not the primary goal of these investigations.

## C. Safety assessment and safety planning

Caseworkers have responsibility to assess the safety of children throughout the life of a case, taking steps to help keep them safe. In cases of reported sex trafficking or sexual exploitation, initial safety assessments should be in coordination with law enforcement, whenever possible. The Structured Decision Making (SDM) Safety Assessment must be completed for all Family Investigations.

[Safety Assessment and Safety Planning Considerations](#) in Appendix E is a resource for caseworkers when discussing safety and creating a safety plan with children and families who may have experienced sex trafficking, sexual exploitation or labor trafficking. This tool provides a safety plan template for cases of trafficking or exploitation, as well as a list of immediate safety threats and considerations.

Safety is physical, emotional, and psychological. Safety planning should begin immediately when a safety threat is identified and continue throughout the life of a case. Each victim faces different safety threats that change as circumstances change. Safety plans must respond to the unique circumstances of a case.

Parents or caregivers may also have experienced trafficking or exploitation in the past, or may currently be victims of sex or labor trafficking, exploitation, or other forms of abuse such as domestic violence. If so, safety planning with youth and their family should also consider concerns regarding parents' or caregiver's safety. If parents or caregivers are not involved as alleged offenders in sex trafficking or sexual exploitation allegations, safety planning should focus on maintaining safety and well-being of family unit. In cases involving domestic violence against a parent or caregiver, caseworkers should refer to [Minnesota's Best Practice Guide for the Co-occurrence of Child Maltreatment and Domestic Violence \(state.mn.us\)](#) and its specific safety planning guidance for domestic violence cases. This enhances safety for both youth and parents or caregivers by promoting protective factors and connecting them with services and supports. See Section XI for resources on intergenerational trafficking.

Safety plans are collaborative, individualized plans developed between caseworkers, youth, and caregivers intended to address practical steps and options to enhance safety in the event of future incidents. Creating a safety plan is a collaborative effort; youth are participants in — not recipients of — a plan. Whenever possible, safety planning should be done with assistance from an advocate, Safe Harbor service provider, regional navigator, or other professional with knowledge of sex trafficking or sexual exploitation victimization and safety. If a child is placed in a Safe Harbor shelter or housing program, or other out-of-home placement, staff or caregivers should be involved with or made aware of the safety plan.



In all cases of sex or labor trafficking and sexual exploitation, caseworkers should evaluate safety threats and risk regarding youth's physical and emotional needs, as well as level of access a trafficker or exploiter has to them. It is important for caseworkers to work with youth and families to identify protective capacities. In other situations, safety threats may not be reduced through safety planning; an out-of-home placement or change of placement may be necessary. Whenever possible, protective parents and caregivers should be supported in keeping their child or youth victim at home or in the community with relative or kin placements. See Section VII: Placement.

Whether a child or youth is placed out of the home or not, caseworkers, multi-disciplinary teams (MDT), courts, and caregivers should make every effort to protect the privacy, identity, and location of victims of trafficking or exploitation to maintain their safety.

## D. Interviews

### Alleged child victim interviews

If a report alleges a violation of criminal statute, local law enforcement and the local tribal or child welfare agency shall coordinate planning and execution of the respective investigation and assessment efforts to avoid duplication of multiple fact-finding interviews. [Minn. Stat., section 260E.20, subd. 1(b)] Remember that youth may not want to talk, or they may not see themselves as being sex trafficked or sexually exploited. Be patient, as victims should never be forced to talk if they are not ready.

Child or youth victims may be interviewed *without providing notice to parents or caregivers*. [Minn. Stat., section 260E.22, subd. 2] For safety reasons, interviews of alleged child or youth victims of sex trafficking should always take place outside of the presence of alleged offenders. Remember there are times when parents or caregivers are involved in or aware of the trafficking, even when they are not named as alleged offenders. See [Minnesota's Best Practices on Family Assessment and Family Investigation](#) for guidance on interviews.

All forms of human trafficking (sex and labor) and exploitation are traumatic for children. Child protection investigators should be aware of the potential trauma caused by trafficking and exploitation, as well as impacts of this complex trauma. It is best practice to conduct interviews by professionals trained in forensic interviewing and human trafficking (sex and labor). Child advocacy centers are resources for forensic interviews of children or youth of any age who disclose sex trafficking or sexual exploitation; single or multi-session extended interviews can be individualized in many CACs to meet victim's needs. Caseworkers should follow their agency's internal protocols for forensic interviews. See Practice pointer 4.3.

**Practice pointer 4.3:**  
Trauma-informed practice requires caseworkers to avoid multiple interviews and examinations of victims, which may prolong or exacerbate their trauma.

Use of a multi-disciplinary team (MDT) is recommended during investigations of sex trafficking or sexual exploitation. MDTs can play a critical role in deciding when forensic interviews of alleged child victims are necessary. MDTs should include child protection, law enforcement, county attorney, and/or tribal representative, Safe Harbor regional navigator, specialized service providers such as rape crisis or domestic violence advocates, or other stakeholders such as mental and medical health professionals and CAC staff.

MDTs involved with investigations should have written protocols for cases of trafficking and exploitation. See Section IV(F): Coordinated response.

For all cases of alleged sexual abuse agencies shall make an audio-video recording of each interview with alleged victims. [Minn. Stat., section 260E.22, subd. 6(b)(2); Minn. Admin. Rule 9560.0220, subp. 3(E)]

### **Primary caregiver interviews**

Upon receipt of reports, child welfare agencies shall conduct face-to-face contact with the child's primary caregiver sufficient to complete a safety assessment and ensure immediate safety of the child. Face-to-face contact with the primary caregiver shall occur immediately (within 24 hours) if sexual abuse, including sex trafficking or sexual exploitation, is alleged. [Minn. Stat., section 260E.20, subd. 2(b)]

In cases involving a non-caregiver or unknown alleged offender, interviews with primary caregiver/s should explore their level of knowledge of a youth's involvement in sex trafficking. There is a continuum of knowledge and/or participation that primary caregivers may have, from not knowing or not being involved, to supporting or being actively involved in sex trafficking. When a primary caregiver is involved, or fails to protect a child from a trafficker, new allegations of child maltreatment must be reported to intake for screening. If screened in, these allegations may be added to an existing SSIS workgroup, or a new workgroup may need to be opened. See [Minnesota's Best Practices on Family Assessment and Family Investigation](#).

For many families, learning their child has experienced sex trafficking or sexual exploitation can be a terrifying, traumatic, and even shameful process. Parents or caregivers may experience secondary trauma when their child is trafficked or exploited. Parents or caregivers may also have experienced trafficking or exploitation in the past, or may currently be victims themselves. Child welfare agencies should compassionately provide supportive services to family members to address these concerns, which may include connecting them with Safe Harbor regional navigators, or supportive services, mental health support or advocacy. See Section XI for resources on supporting families experiencing intergenerational trafficking.

### **Alleged offender interviews**

Law enforcement coordination is paramount in child protection investigations of sex trafficking, especially regarding alleged offender interviews. If law enforcement is investigating the same allegations of trafficking, child welfare agencies shall make every effort to work with them to coordinate all communication with the alleged offender, including but not limited to, conducting joint interviews with law enforcement. For information on alleged offender interviews, see [Minnesota's Best Practices on Family Assessment and Family Investigation](#).

Alleged offender interviews are often the most complicated part of non-caregiver sex trafficking investigations. A list of considerations that agency staff may want to discuss with law enforcement and/or their county attorney and/or tribal representative when preparing to contact a non-caregiver sex trafficking alleged offender include:

- Possibility of compromising a current criminal investigation or potential criminal investigation
- Impact on the safety of alleged victims, their family or caregivers, or caseworkers
- Potential impact on the safety of any other unknown or known victims and their families

- Whether the alleged offender interview may provide necessary information for an investigation or enhance the safety of children, or whether the purpose is solely to make a maltreatment determination and close an investigation.

Regardless of an alleged offender's relationship to the victims, child welfare agencies shall do each of the following:

- Inform the alleged offender of the allegations made against them at the initial contact. This should be done without revealing the identity of reporter or any confidential law enforcement investigative data.
- Offer a face-to-face interview investigation if the alleged offender is willing to be interviewed. If a minor, it is best practice for agency staff to seek parental permission before interviewing the alleged offender. Interviews with an alleged offender may be postponed if it would jeopardize an active law enforcement investigation. [Minn. Stat., section 260E.20, subd. 2(c)] Alleged offenders may also submit supporting documentation relevant to an assessment or investigation. [Minn. Stat., section 260E.20, subd. 2(d)]
- If the alleged offender is unknown, efforts should be made to identify the individual/s responsible throughout an investigation. If the alleged offender is identified, but cannot be located, efforts, in coordination with law enforcement, should be made to locate them throughout an investigation. All efforts to identify, contact, and notify an alleged offender should be clearly documented in SSIS case records.

## **E. County attorney and/or tribal representative consultation**

Local child welfare agency staff should consult with their county attorney and/or tribal representative during the course of an investigation to determine if it is appropriate to file a petition alleging a child is in need of protection or services (CHIPS), if any of the following apply: (a) Voluntary services may not provide sufficient protection and support for a child, or (b) Family does not engage in safety planning or recommended plan for child protective or child welfare services, and their child continues to be exploited or trafficked. Minn. Stat., section 260E.27]

A Child in Need of Protection or Services (CHIPS) petition may also be filed by the county attorney and/or tribal representative on the basis of a child being a sexually exploited youth. [Minn. Stat. 260C.007, subd. 6(11)] Consultation with the county attorney and/or tribal representative may also be necessary when deciding on placement, and when making determinations at the conclusion of an investigation. Refer to [Minnesota's Best Practices on Family Assessment and Family Investigation](#), Appendix D, for when consultation may be necessary.

## **F. Coordinated response**

It is important to coordinate early and often with Safe Harbor regional navigators, as well as medical and mental health professionals able to meet individual needs of a victim. It is highly recommended that victims and their families be referred to county or tribal child welfare case management as soon as possible. See Section VI: Case management.

### **Safe Harbor**

When caseworkers are assigned sex trafficking or sexual exploitation investigations, one of the first steps should be contacting the Safe Harbor regional navigator to consult on resources. These individuals serve as

regional points of contact on sex trafficking and sexual exploitation issues for children and youth, up to age 24. This may be done by inquiring about services for a hypothetical victim, providing a more detailed description of service needs for an undisclosed victim, or if a release of information is signed, caseworkers may begin coordinating a specific response with the regional navigator. For contact information, the service referral map is on the [Safe Harbor website](#).

Safe Harbor has developed specialized services for sexually exploited and at-risk children and youth up to age 24, including shelter, housing and outreach, 11 regional navigators, and statewide specialized services. This system is referred to as the No Wrong Door model, in which youth can access help regardless of how contact is made. For investigations, engagement with Safe Harbor could include initial consultation with the regional navigator; inviting Safe Harbor participation on agency's case consultation MDT; and, when appropriate, referring youth and their family to relevant Safe Harbor services, shelter or housing.

Having a response protocol for sexually exploited or trafficked youth is critical to improving investigations and providing services. Protocols may be created within a child protection or CAC MDT, local child welfare agency, and/or local or regional community response. The Ramsey County Attorney's Office, the Sexual Violence Justice Institute, and Minnesota Coalition Against Sexual Assault (MNCASA), issued Safe Harbor Protocol Guidelines in 2017; revised Safe Harbor Protocol Guidelines were published in 2020, with additional revisions in 2021. The guidelines were based on the work of more than 200 stakeholders and serve as a resource for child welfare agencies. Child welfare agencies are encouraged to work with their regional navigators to participate in developing and implementing community protocols. See Section XI: Resources.

## **Medical and mental health response**

During an investigation, child welfare agencies may request information about medical and mental health care the youth received. This includes collateral source information about alleged maltreatment and health care for youth. Information may include, when relevant, a medical exam, and prior medical or mental health records relating to alleged maltreatment, or care of child maintained by any facility, clinic, or health care professional, and an interview with treating professionals. [Minn. Stat., section 260E.20, subd. 3(d)(3)]

Child victims of sex trafficking or sexual exploitation should be referred for culturally responsive medical and mental health evaluations and appropriate treatment as early as possible. Chemical dependency services may also be necessary to address dependency concerns or withdrawal.

Access to medical and mental health providers trained in providing treatment and services for children who experienced trafficking and exploitation may be a barrier in some parts of the state. Safe Harbor regional navigators may help to provide referrals for medical or mental health services specific to the location and needs of a child that could include CACs in medical settings or in partnership with medical providers.

*Medical care is critical after youth have been sex trafficked or sexually exploited; these victims often suffer from health-related problems, including:*

- Physical health problems associated with physical and sexual assault, including broken bones or untreated injuries
- Pregnancy or sexual health concerns, including exposure to HIV and other sexually transmitted infections, fertility issues, and other diagnoses associated with sexual violence and assault
- Somatic complaints (e.g., headaches, chronic pain, fatigue), resulting from untreated mental health concerns and sleep deprivation

- Malnutrition
- Untreated chronic health conditions
- Chemical dependency, including possible withdrawal symptoms
- Mental health concerns, including PTSD, suicidal ideation/attempt, depression, anxiety, etc.

Mental health services and/or other culturally specific healing services are essential for children healing from sex trafficking or sexual exploitation. See Section VI: Case management, on referring to and coordinating with medical and mental health responses.

## G. Making determinations

### No basis for full investigation

Local child welfare agencies, or agency responsible for investigating a maltreatment report, may make a determination of no maltreatment early in an assessment or investigation, close the case and retain immunity, if collected information shows no basis for a full investigation. [Minn. Stat., section 260E.24, subd. 3(c); Minn. Admin. Rule 9560.0220, subp. 6a] In sex trafficking investigations, this includes situations where there is not enough information to identify a youth, or third-party facilitating sex acts. The fact that an alleged victim is missing or has run away is not sufficient circumstance for an agency to determine there is no basis for a full investigation. Agency staff should consult with their county attorney and/or tribal representative before discontinuing an investigation of sex trafficking or sexual exploitation.

### Final determinations

After conducting an investigation, local child welfare agencies make two determinations, whether: (a) Maltreatment has occurred, and (b) Child protective services are needed.

#### Maltreatment determination

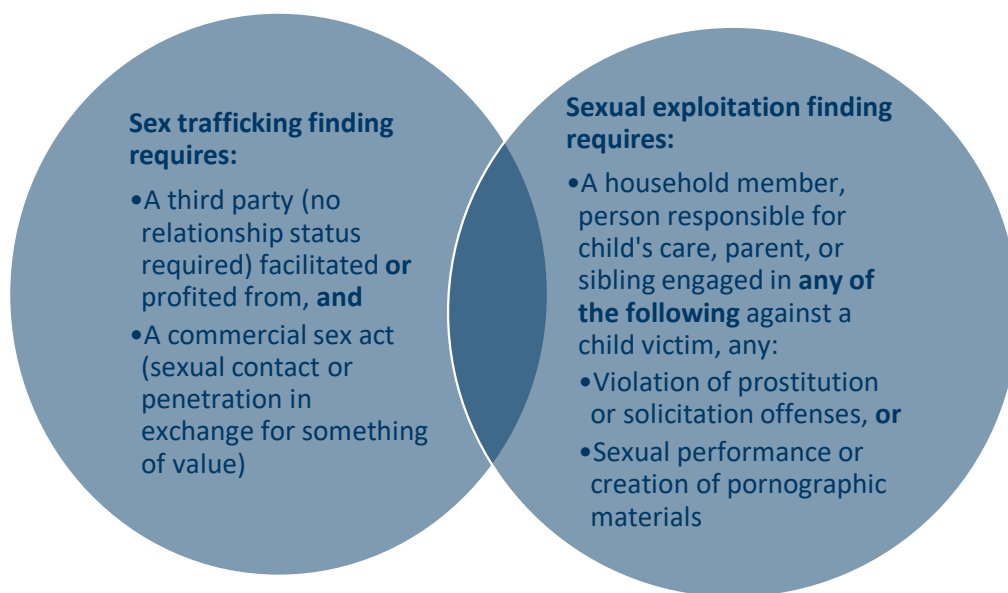
Refer to [Minnesota's Best Practices for Family Assessment and Family Investigation](#) for guidance on making a maltreatment determination. The following information is adapted to apply to investigations of sex trafficking or sexual exploitation.

Determinations are made based on a preponderance of evidence of facts pertaining to an allegation of sex trafficking or sexual exploitation. Preponderance of evidence is defined as evidence in support of facts more convincing and have a greater probability of truth than evidence opposing the facts (51% or more). No determination of maltreatment shall be made when an alleged offender is a child under age 10. [Minn. Stat., section 260E.24, subd. 3(b)] A determination can be made against an unknown alleged offender. See Practice pointer 4.4.

Supervisory or team consultation is strongly encouraged when making maltreatment determinations.

#### Practice pointer 4.4:

If, at the conclusion of an investigation, the identity of the alleged offender or their location is still unknown, a maltreatment decision can still be



*Facts related to trafficking or exploitation are gathered from the following sources (not an exhaustive list):*

- Interviews (child, caregiver, alleged offender, and collateral sources)
- Physical evidence (photographs of injuries, weapons, other items collected by law enforcement)
- Digital media (texts, chats, postings, images or videos)
- Records (medical, school, psychological)
- Law enforcement investigation data or other documentation.

If an agency is aware that an alleged offender has children and there is a determination of sex trafficking, a report of threatened sexual abuse is made to the child welfare agency in the jurisdiction where the alleged offender's children reside.

When an agency determines, as part of a maltreatment investigation that a child was subjected to egregious harm, as defined in Minn. Stat. 260C.007, subd. 14, agency staff shall consult with the county attorney about filing a termination of parental rights petition. Egregious harm may include sex trafficking, and some conduct within sexual exploitation, when a parent is the alleged offender.

When maltreatment is determined, the level of severity is entered in SSIS. A table listing the definitions of severity of maltreatment is in [Minnesota's Best Practices for Family Assessment and Family Investigation](#). Most sex trafficking and sexual exploitation will fall into the **serious** level of severity, unless death or a near fatality resulted from maltreatment.

### **Determination of services**

A determination that protective services are needed means a child welfare agency documented conditions in an investigation sufficient to cause caseworkers to conclude a child is at significant risk of maltreatment if protective intervention is not provided; and the individuals responsible for the child's care have not taken, or are not likely to take actions to protect them from maltreatment or risk of maltreatment. [Minn. Stat., section 260E.24, subd. 3(a)(2)]

In cases of sex trafficking with a non-caregiver alleged offender, caseworkers may determine that ongoing case management services are needed, but there are no protection or safety concerns in the home. In this situation, case management services may be provided through child welfare. If safety threats are identified, and parents or caregivers are unwilling or unable to address them, it may be determined that child protection services are needed.

## H. Closing an investigation workgroup

Child welfare agencies shall conclude Family Investigations within 45 days of receipt of a report. The conclusion of an investigation may be extended to permit completion of a criminal investigation, or receipt of expert information requested within 45 days of receipt of a report. [Minn. Stat., section 260E.24, subd. 1] An active criminal investigation may cause an agency to postpone alleged offender interviews. See Section IV (D) on interviewing alleged offenders.

In addition to sending determination letters, a final summary must be sent to the individual/s who reported the maltreatment, unless not in a child's best interest; SSIS documentation must be completed.

### Determination letter to non-offending parent

Within 10 working days of the conclusion of an investigation, child welfare agency or agency responsible for investigating a report, shall notify the parent or guardian of a determination, and a summary of specific reasons for the determination.

Determination letters should also be sent to non-resident, non-offending legally recognized parents, unless doing so would not be in children's best interest. A decision not to send a determination letter, and why it would not be in children's best interest, should be clearly documented in SSIS.

### Determination letters to offenders

Within 10 working days of the conclusion of an investigation, the local child welfare agency should notify person/s determined to be maltreating a child of a determination, and a summary of specific reasons for the determination. [Minn. Stat., section 260E.24, subd. 5(a)]

Even though these letters are required by law, giving non-caregiver alleged offenders a letter of this nature may pose additional safety concerns for children, families, caseworkers, and other individuals. Coordination with the county attorney and law enforcement is highly recommended and should include discussion of when letters can be sent, what the content should be, and how it should be sent. See Practice pointer 4.5. Before sending a letter, notify youth and caregivers so they can be prepared for safety threats or attempted contact by the alleged offender. This event may affect youth's and family's safety plan. See Appendix D: [Youth exploitation or trafficking safety plan](#).

**Practice pointer 4.5:**  
When writing these letters, carefully consider specific details included, considering any concerns about safety, or the integrity of ongoing law enforcement investigations.

### Social Service Information System documentation

All pertinent data must be recorded in SSIS, including but not limited to, all client and collateral contacts, safety and service plans. A final summary of investigations should also be documented.



## Sexually exploited youth and sex trafficked youth (SEY/STY) screen

Public Law 113-183 (Preventing Sex Trafficking and Strengthening Families Act) requires state agencies to report data to the U.S. Department of Health and Human Services regarding sex trafficked youth. Department staff developed the Sexually Exploited Youth/Sex Trafficked Youth folder for data entry in SSIS to meet this requirement, and updated the SEY/STY screen to reflect changes in federal and state laws. There are two screens within the folder, SEY/STY screen and At Risk screen. To comply with requirements of the Family First Prevention Services Act, the At Risk Youth screen was added in 2021 to this SSIS folder. This screen is required when children go into out-of-home placement in a congregate care setting, but is not required at the conclusion of an investigation. See Section VII: Placement.

The purpose of the SEY/STY screen is for local child welfare agency staff to record whether a youth is a sex trafficking victim under federal law (engaged in a commercial sex act whether a third party was involved or not), or under state law (commercial sex act with third party involvement). This SSIS screen must be completed on all youth, regardless if they are in placement or not. This screen must be completed again anytime workers discover new information that a youth may have engaged in commercial sex.

The SEY/STY screen, shown below, is a folder under the **Person** node. Each question should be answered so the screen can be completed before closing a case. The updated screen in SSIS Version 20.1 looks like the one below:

SEY/STY

1. Has the child ever been a victim of commercial sexual exploitation (per federal law)?

☐ Yes ☐ No <sup>9</sup>

2. Has the child ever been a victim of sex trafficking which involves a third party (per Minnesota law)?

☐ Yes ☐ No

3. Date of mandated report to law enforcement:

4. Has the child ever been in Foster Care?

☐ Yes ☐ No

5. Was the child a victim **prior to** entering foster care for the most recent continuous placement?

☐ Yes ☐ No

6. Was the child a victim **while in** foster care during the most recent continuous placement?

☐ Yes ☐ No

Comments:

Date Information Gathered:

Worker:

Create Date:

Finalized Date:

There are a number of resources to assist workers with documentation related to human trafficking (sex or labor), sexual exploitation and risk. See Section XI: Resources for a list of videos and the SSIS job aid.



## V. Child welfare response to sexual exploitation and labor trafficking

Crime victims reported to child welfare agencies must receive an offer of child welfare services. [Minn. Stat. section 260E.12, subd. 1(d)] Children alleged to have experienced sexual exploitation or labor trafficking are crime victims in Minnesota; child welfare agencies must offer them voluntary services. Reports of sexual exploitation with an alleged offender of parents, caregiver or household member must be screened in for a child protection response. Sexual exploitation is traumatic for children and their families. They often experience similar needs and safety concerns as children experiencing sex trafficking. Labor trafficking can be dangerous and cause mental and physical health concerns. The service needs of both sexually exploited and labor trafficked youth are outlined in Section VI: Case management.

### A. Child welfare assessment

If a report is received that child has experienced sexual exploitation or labor trafficking by a non-caregiver, and no other maltreatment is reported, it is best practice that they be referred for a child welfare assessment. The assessments for sexual exploitation or labor trafficking should be completed face to face with the child and family because it is critical to assess safety. Child welfare assessments are a way for agencies to assess strengths and needs, and determine what services may be needed.

Youth and family participation in child welfare assessments is voluntary. During an assessment, caseworkers must inquire about American Indian heritage and follow ICWA and MIFPA guidelines throughout a case. Voluntary child welfare services can help to prevent sex or labor trafficking. For information on voluntary child welfare services see [Engaging Families in Voluntary Child Welfare Services Practice Guide](#). See Section IX: Prevention and building resiliency.

### B. Child welfare case management

Following a child welfare assessment or child protection investigation, agencies may offer families voluntary case management services. If a referral was not made to the Safe Harbor regional navigators or supportive services, the child or youth should be referred after obtaining informed consent. Other referrals could be made to the Parent Support Outreach Program (PSOP), children's mental health, or other case management such as developmental disabilities, if appropriate. Child welfare services vary statewide, depending on the agency. See section VI: Case management.

## VI. Case management and service planning with trafficked or exploited youth and their families

By referring youth to case management, child welfare agencies help connect them and their family to services and supports in the community, while providing support beyond a Family Investigation or child welfare assessment. Refer to case management as soon as possible. Safety is an ongoing concern for those who experience trafficking and exploitation, but can only be addressed in the context of a trusting

relationship. See Practice pointer 6.1. Caseworkers should continue to assess safety collaboratively, and if applicable, the child's and family's safety plans should be updated during case management. See Appendix D: [Youth Exploitation or Trafficking Safety Plan](#).

Case management services may be offered through child protection or child welfare. Youth may be referred for child welfare case management following an assessment for sexual exploitation or labor trafficking, or after a Family Investigation. At completion of an investigation, caseworkers may determine there are no child protection concerns with parents or caregivers, but they could benefit from ongoing case management services. In these cases, services should be open under child welfare case management; children or families could also be referred to community-based services.

**Practice pointer 6.1:**

*"I feel like you need to know for sure that you can trust the person with what you tell them."*

Voices of Safe Harbor

Child Welfare – Targeted Case Management (CW – TCM) may be claimed for children and youth victims of sexual exploitation, sex or labor trafficking, or at risk of trafficking or exploitation if they meet CW – TCM eligibility requirements. Information on claiming reimbursement for case management services for sexually exploited or trafficked youth is in [bulletin #22-68-13](#); general information on CW – TCM is in the [CW – TCM Provider Manual](#). Eligibility is determined by county or tribal child welfare agency assessments based on Minn. Statutes. [Minn. Stats. 260C.212, subd. 1; 260E.03, subd. 12; or 260C.007, subd. 6]

Various case plans may be applicable or required based on needs, and type of child welfare or child protection case. A variety of in-home case management service plans are available for either child protection or child welfare case management. In-home service plans must be completed within 30 days of opening a workgroup in SSIS for case management. If youth is placed out of home, an out-of-home placement plan outlining child's and family's service needs is required within 30 days of placement. See Section VII: Placement. For adoption-specific service planning requirements, see Section VIII: Permanency.

Coordination with community-based case management services is critical. In addition to community-based services, youth may be receiving other county or tribal services, such as children's mental health or disability services, requiring a different case plan and coordination of services. Specific programs may be available for youth and their family based on various situations, such as Education and Training Vouchers (ETV); Successful Transitions to Adulthood for Youth (STAY, formerly SELF) funds for independent living skills for youth ages 14-25; Healthy Transition to Adulthood (HTA); Minor Parenting Services; or Parent Support Outreach Program. For extended foster care, see Section VII: Placement.

## **A. Service referral and coordination**

Many youth who experienced trafficking or exploitation may have endured physical, sexual or emotional abuse, as well as substance use. Substance use is especially prevalent among male children and youth who have been trafficked or exploited, that could occur before, during and after abuse. See Section XII: References. It is critical that all survivors of human trafficking (sex or labor), and sexual exploitation have access to specialized services that meet immediate and long-term needs. This includes culturally sensitive, trauma-informed, and non-judgmental service providers who understand trafficking and exploitation. Support should also focus on building resiliency, accessing human trafficking prevention education, and promoting protective factors to help mitigate negative experiences from past and ongoing traumatic experiences. See Section IX: Prevention and building resiliency.

When making referrals to community-based services, it is important to explain to youth and family all services available, potential benefits, how to access them, and how caseworkers can help connect families to services. Before referring, caseworkers must secure consent through a release of information.

When cases are opened in case management, assigned caseworkers should contact the [Safe Harbor regional navigator](#) as soon as possible after informed consent is obtained. These professionals serve as regional points of contact on sex trafficking and exploitation issues and resources for caseworkers, youth, and families during case management and service planning. Regional navigators and other Safe Harbor providers may have already had contact with youth or their family.

All services are best provided from a youth-directed, person-centered, and strength-based perspective. When working with youth who were trafficked or exploited, best practice is to first work on relationships with them and their family, involving them in determining the best resources and services. Privacy and continued building of trust are crucial. It is important to be respectful to youth. This includes being transparent with youth about what information caseworkers must share with their parents or caregivers. Caseworkers should collaborate with youth and their family to determine additional services.

There is frequently a need for comprehensive and intensive therapeutic services. Child welfare agency staff should collaborate with youth, parents/guardian, and other professionals involved with a family to develop an individualized service plan using the appropriate case plan. Case plans may address a need for safe housing, medical and mental health services, substance abuse treatment, cultural- or identity-specific services, and other appropriate community-based services, as needed.

Coordination among county services is essential. For children and youth who experienced trafficking or exploitation a referral to children's mental health case management may help to address ongoing mental health needs. Securing support from children's mental health case management may help families access additional supports such as community-based outpatient treatment, waived services, or other supports to help the youth and their family in the community. Children's mental health case management may be helpful for the youth if residential treatment is necessary. Children's mental health crisis response may also be helpful to supplement other response systems the child or youth and their family are already accessing. See Section XI: Resources on accessing mental health supports.

A set of key questions serve as best practice standards when choosing providers and making referrals for

**Practice pointer 6.1: Key questions prior to making referrals.** When making service referrals, consider the following:

- Has youth been given a choice, and do they feel comfortable with provider/s?
- Are services and providers culturally, gender- and language-specific, if desired?
- Will services or resources be holistic for youth and their families?
- Does agency staff or provider/s understand the dynamics of trafficking and exploitation, as well as working with youth and families who experienced it?

youth and families who experienced trafficking or exploitation. See Practice pointer 6.1. Appendix E: [Service Planning with Exploited or Trafficked Youth](#) gives an overview of common needs for victims of sex trafficking or sexual exploitation, including education and employment, medical and behavioral health, legal rights, victim advocacy, connections and supports for youth and family, survivor advocacy and peer mentoring, and Safe Harbor services.

## **Coordination and consultation with survivor subject matter experts**

Survivors of sex or labor trafficking or sexual exploitation are subject matter experts on trafficking and exploitation. An important part of service planning and coordination when providing case management for a sex or labor trafficked or sexually exploited youth may be to offer connections with survivors of trafficking and/or exploitation who provide advocacy, mentoring, education, and other supports through a service provider organization. Many Safe Harbor providers may have survivors on staff to provide these supports. To consult with and coordinate with a survivor providing services for youth or child, caseworkers must have informed consent. A subject matter expert not working for a service provider may be limited in their ability to provide confidential support.

Survivors of trafficking and/or exploitation may also serve as subject matter experts and participate in multi-disciplinary teams and case consultation to support caseworkers, youth and families. In that capacity, they may provide helpful consultation and training for agency staff and community members seeking to develop more trauma-informed, survivor-informed, effective protocols, policies or practices in responding to trafficking and exploitation.

## **Service referral and coordination for youth experiencing labor trafficking**

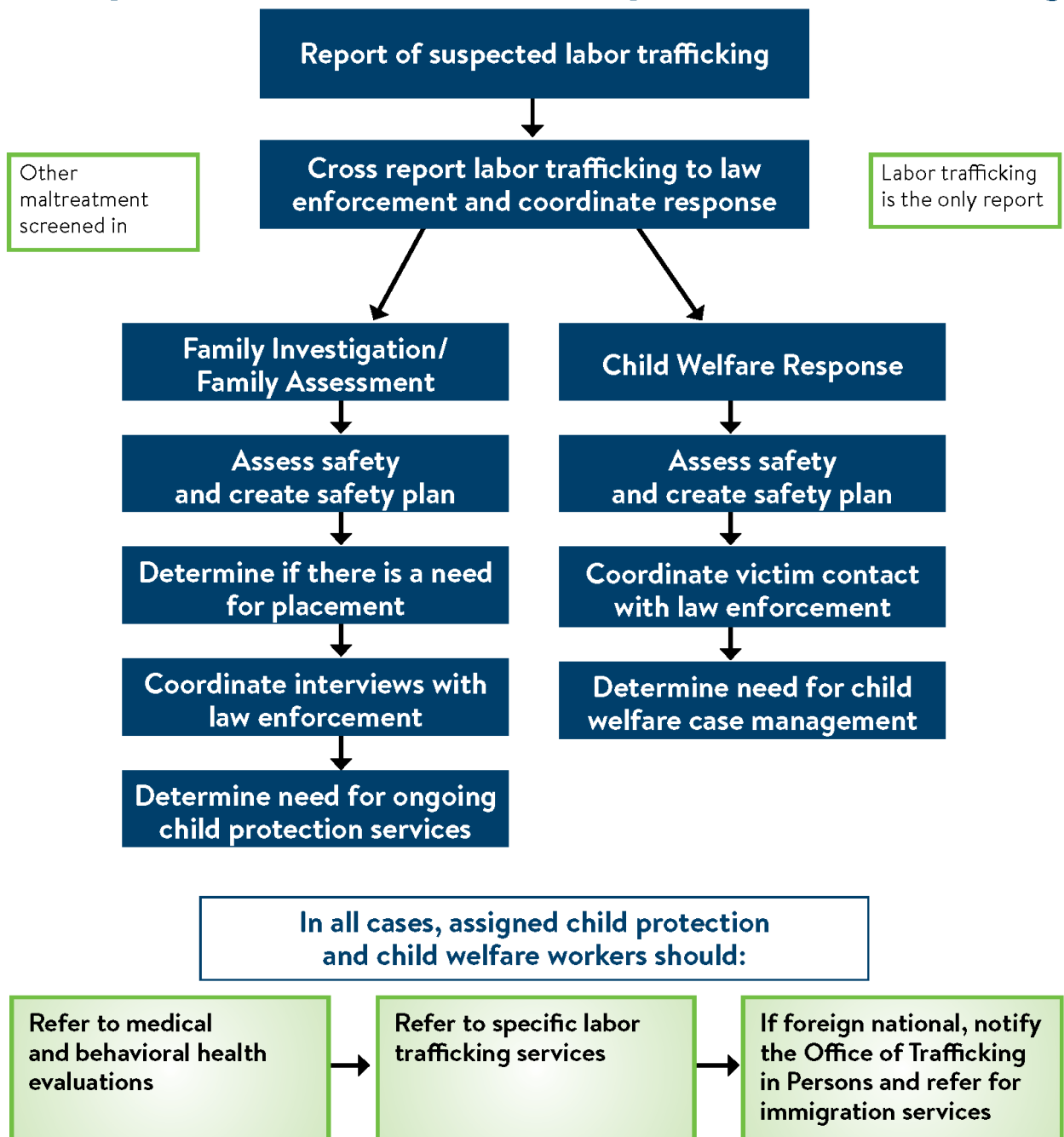
Child protection and child welfare responses involving labor trafficking should focus on securing safety and providing supportive services to children and their families.

Youth subjected to labor trafficking often experience significant trauma and may fear repercussions by their trafficker if they become involved with services. These youth often have unstable or exploitative housing situations (living with their trafficker) and may need alternative living arrangements, which could include out-of-home placement. If residing with anyone other than their parents or legal guardian, child welfare agencies should assess safety to decide if placement is necessary. See Section VII: Placement. Children and youth experiencing labor trafficking meet Minnesota's definition of *youth at risk for sex trafficking or commercial sexual exploitation*, and may be eligible for placement in a specialized residential program serving at-risk youth. See Appendix F.

The chart below illustrates key components that may be present in a labor trafficking case. If labor trafficking is suspected during an open Family Investigation or Family Assessment, consider its impact on safety planning, placement, interviews, and ongoing child protection services. If no other maltreatment is identified, an in-person child welfare assessment is recommended. The child welfare response optimally would include consultation with a multi-disciplinary team or informal multi-disciplinary partners. The response should be coordinated with law enforcement prior to initial contact with youth.

All victims of labor trafficking should be referred to medical and mental health care, as well as services such as legal representation, victim advocacy, case management and housing. Caseworkers should reach out to the Safe Harbor regional navigator and access supportive services for labor trafficked children.

# Child protection and child welfare responses to labor trafficking



## Identification and disclosure in ongoing case management

If new information is learned about allegations of abuse or neglect, including sex trafficking or sexual exploitation involving caregivers or household members, this must be reported to child protection intake. The following guidance is from [Minnesota's Best Practices for Family Assessment and Family Investigation](#):

If a case is in case management, any new child maltreatment reports must be documented in an Intake workgroup and screened accordingly. Efforts to screen a new report with the ongoing caseworker and their supervisor/manager should be made. If screened in for assessment or investigation, a new Assessment workgroup to address the new allegation/s should be opened. All contacts should be

completed in the workgroup, including a new adult interview, a new child observation/interview, and use of Structured Decision Making instruments (if applicable), based on new allegations.

When working with victims of trafficking or exploitation, it may take weeks, months, or even years for a youth to self-identify or talk about their experience. If caseworkers have concerns of sex or labor trafficking or exploitation, use of the [Minnesota Department of Health](#) identification tool that assesses trafficking and exploitation of children and youth is highly recommended. See Section XI: Resources.

## **B. Closing the case management workgroup**

Before closing the case management workgroup, ensure the youth and family are connected with community resources and have contact information for supportive services. Caseworkers should review with the youth and family whether the safety threats were addressed, that they are connected with resources, and they know whom to contact for help or support.

The workgroup may not be closed if child is missing from out-of-home placement. See Section VII: Placement on responding when youth go missing from care. Also, see Appendix C: [Runaway Debriefing Form](#) for talking with children after they are located. The Runaway Debriefing form is in SSIS in **Chronology** under **Documents** as a Template. After an interview, the SEY screen in SSIS should be updated if new information is learned. See Section VII (F): Youth missing from care.

## **VII. Placement of trafficked or exploited youth**

Determining if placement is necessary for a sex or labor trafficked, sexually exploited, or at-risk youth can be complicated because their parents or caregivers may not be the alleged offenders. When a parent/s or caregiver is identified as an alleged offender in a sex or labor trafficking or sexual exploitation situation, caseworkers are required to assess safety of children in the home and, when necessary, consider placement options in their best interest. When parents or caregivers are alleged offenders, Structured Decision Making (SDM) tools are required. In cases of sex or labor trafficking or exploitation, safety considerations and safety plan in Appendix D: [Youth Exploitation or Trafficking Safety Plan](#) should be used to help assess safety in relation to trafficking or exploitation. When a youth's safety is threatened, placement may be necessary regardless of the relationship to alleged offender.

Caseworkers have a duty to ensure placement prevention, including reasonable, or active efforts for an Indian child or youth. Reasonable efforts to prevent placement means the agency tried to prevent placement of children in foster care by working with their family to develop and implement a safety plan individualized to the children's needs and their family, and may include support persons from the children's extended family, kin network, and community. [Minn. Stat. 260.012] See Section IV (C): Safety assessment and safety planning, and Appendix E: Safety Assessment and Safety Planning Considerations. Active efforts to prevent placement of Indian children includes acknowledging traditional helping and healing systems of an Indian child's tribe and using these systems as the core to help and heal Indian children and their families. [Minn. Stat. 260.762] Agency staff should assess a noncustodial parent's ability to provide day-to-day care for their child, and where appropriate, provide services necessary to enable them to safely provide care for their child/ren. [Minn. Stats. 260.012 (e)(2); 260C.219]

Maintaining connections to safe and appropriate family, community, supportive services, and culture is important for youth in out-of-home placement, supporting healing from trauma caused by trafficking, exploitation, and other forms of maltreatment. Safe Harbor regional navigators and supportive services are critical partners in providing a specialized response for youth who experienced trafficking or exploitation. Maintaining ongoing connections for youth helps to support a sense of belonging, which is critical to social-emotional development and healing.

### **Family First Prevention Services Act**

The Family First Prevention Services Act (FFPSA) is intended to reduce out-of-home placement in residential settings, keeping children and youth in their homes, families and communities. FFPSA went into effect in Minnesota on Sept. 30, 2021. It created new federal financial support for placement prevention services for eligible children at risk of out-of-home placement. When out-of-home placement is necessary in a children's residential program or foster residence setting, for a county or tribal agency to claim federal Title IV-E reimbursement for eligible placement costs, a facility must meet new program certification requirements and approved by the department. FFPSA creates specific requirements for qualified residential treatment programs (Q RTP), and other specialized residential settings for eligible children/youth, including:

- Pregnant or parenting youth (PPY)
- Victim or youth at risk of sex trafficking or commercial sexual exploitation (ST/CSE/At Risk), or
- Supervised independent living settings (SILS).

Minnesota facilities must demonstrate they meet specialized requirements and obtain certification by the department's Licensing Division. [Minn. Stat. 245A.25] For Title IV-E claiming, facilities must be approved by the department's Child Safety and Permanency Division. Placement in children's residential programs certified to serve ST/CSE/At Risk youth is outlined in subsection C: Placement decisions. See the department's [Safe Harbor website](#) and [Family First Prevention Services Act website](#).

## **A. Emergency placement**

Some out-of-home placements begin as an emergency, known as immediate custody. Law enforcement and juvenile court have authority to take immediate custody of a minor. Law enforcement may place children on a 72-hour hold if they find them in circumstances that endanger their health or safety. [Minn. Stat. 260C.175, subd. 1] Law enforcement must notify parents/custodians, and children age 10 or older, that they may request to place children with relatives. Children taken into custody must be placed in the least restrictive setting consistent with their health and welfare, and in the closest proximity to their family as possible. If no placement is available with relatives, placement may be in a shelter facility or with a foster family [Minn. Stat. 260C.181, subd. 2]

Coordination between law enforcement and the local child welfare agency is critical in coordinating emergency placement of minors identified as alleged victims of sex or labor trafficking or sexual exploitation, or at-risk youth. When collaborating with law enforcement or court to make a placement decision, the Safe Harbor regional navigators, the Youth Services Network app, or the Day One Crisis Line are resources. See Subsection C: Placement decisions and Section XI: Resources.



Emergency placement decisions should be based on what is known about a youth and available options at that time. Safety concerns related to a youth's status of being trafficked or exploited should be considered as early as possible prior to placement. Whenever possible, youth who are recovered from a situation of

**Practice pointer 7.1:** Under values of the [Safe Harbor No Wrong Door model](#), “youth should not be made to feel afraid, isolated or trapped.” [No Wrong Door, January 2013, p. 8] Within the child welfare field this means that youth who experience trafficking or exploitation should be involved in the placement decision-making process, when appropriate, and should not be placed in detention centers if not charged with a crime.

sex or labor trafficking or exploitation should be given choice in their placement, and provided with access to medical and mental health services as soon as possible. See Practice pointer 7.1.

At times, the best placement option for trafficked, exploited, or at-risk youth may be with relatives. Relatives include persons related to child by blood, marriage, or adoption; legal parents/guardian, or custodian of child's siblings; or individual who is an important friend of child or their parents or custodian, including individuals with whom child has resided or had significant contact, or has a significant relationship to the child or their parents or custodian. [Minn. Stat. 260C.007, subd. 27] Relative of an Indian child means a

person who is a member of the Indian child's family as defined in the Indian Child Welfare Act of 1978. [Minn. Stat. 260C.007, subd. 26b] Procedures for emergency relative placement of youth apply for trafficked or exploited youth. [Minn. Stat. 245A.035]

Shelter facilities, including Safe Harbor shelters, are placement options frequently used for sex trafficked, commercially sexually exploited, or at-risk youth due to their higher safety needs or when a relative or non-relative foster placement is not available. As discussed below, there are multiple shelter facilities in Minnesota certified to specialize in serving sex trafficked, commercially sexually exploited, and at-risk youth. If a youth is placed in an emergency shelter, local law enforcement and child welfare agency staff shall keep the location of the shelter confidential. The location should only be disclosed as necessary. The location of a shelter should not be disclosed if doing so places a youth's health or welfare in immediate danger. It is best practice to consult with youth and shelter staff before disclosing a location to anyone other than non-offending parents or caregivers.

## B. Placement authority

To have responsibility for placement, care, and supervision of a youth, a county or tribal child welfare agency must have legal authority for out-of-home placement.

Legal authority for out-of-home placement may be obtained through a 72-hour emergency law enforcement hold, a court order following a petition, emergency protective care request, or a voluntary placement agreement (VPA). When agency staff and parents or caregivers are considering entering into a VPA, agency staff must provide applicable notice to parents considering voluntary placement; this includes rights and responsibilities, in addition to potential financial costs to parents. VPAs are an agreement between parents and tribal or child welfare agency. There are several types, as follows:

- [Voluntary Out-of-home Placement Agreement – Non-Indian Child](#) (DHS-1776) [Minn. Stat. 260C.227]
- [Voluntary Out-of-home Placement Agreement Consent – Indian Child](#) (DHS- 3374) [Minn. Stat. 260C.227]



- [Voluntary Placement Agreement for Treatment – Non-American Indian Child](#) (DHS-5727) [Minn. Stat. 260D]
- [Voluntary Placement Agreement for Treatment – Indian Child](#) (DHS- 5726) [Minn. Stat. 260D]
- [Voluntary Foster Care Agreement for Youth Ages 18-21](#) (DHS- 6248) [Minn. Stat. 260C.451]

When utilizing a VPA, local child welfare agencies must inform parents or guardian of responsibilities and rights while their children are in out-of-home placement. [Minn. Stat. 260C.219] This includes providing the appropriate notice to parents or guardians, as follows: [Minn. Stat. 260C.219, subd. 2]

- [Notice to parent or legal custodians considering voluntary placement of a child](#) (DHS-4277A)
- [Notice to parent considering voluntary placement of an Indian child](#) (DHS-4277B)

Agencies must have legal authority and placements must be accurately entered in SSIS. Title IV-E protections and requirements apply to all children/youth, regardless of individual eligibility for Title IV-E reimbursement. The [Adoption and Foster Care Analysis and Reporting System Social Service Information System Placement Guide](#) is a resource regarding AFGARS requirements. See Section XI: Resources.

## C. Making placement decisions

When creating individualized plans to keep youth safe, service and placement options should be considered from least to most restrictive. All services and placements will be most effective if providers are trained in working with youth who experienced trafficking or exploitation. All caregivers and providers who care for sex trafficked, commercially sexually exploited, or at-risk youth are strongly encouraged to complete the department's online training on [Supporting Sex Trafficked, Exploited or At Risk youth in specialized residential settings](#).

For trafficked or exploited youth entering placement, caseworkers should discuss options with them, giving as many choices in their placement as possible; this promotes healing and self-determination, and may decrease chances of them absenting from placement. Youth should be involved at a level that is appropriate based on age and developmental ability. [Minn. Stat. 260C.212 (b)]

When considering the need for out-of-home placement for sex trafficked, commercially sexually exploited, or at-risk youth, agency staff shall first consider adult relatives or identified kin. Relative search and notices are required, unless there are safety concerns and the court relieved the agency of this requirement. [Minn. Stat. 260C.212, subd. 2] Relatives include those related to youth through blood, marriage or adoption; the parents or guardians of child's siblings; or others with whom the child has resided or had significant contact, or who has a significant relationship to the child or their parents or custodian. [Minn. Stat. 260C.007, subd. 27] For American Indian children, *relative* is defined in the Indian Child Welfare Act. [25 U.S.C., section 1903, paras. (2), (6), (9)] The department's forthcoming Relative Search, Notice and Engagement practice guide provides requirements, best practices and resources.

For American Indian youth, placements shall be made strictly according to placement preferences of the Indian Child Welfare Act, [25 U.S.C. § 1915] including active efforts to prevent out-of-home placement. All provisions of the Indian Child Welfare Act and Minnesota Indian Family Preservation Act apply when working with American Indian youth and families, including when considering placement and child/youth's best interest. The [Indian Children Welfare Manual](#) provides a comprehensive summary of applicable federal and state requirements and policies. See Section XI: Resources. Child welfare agency staff should

consider the impact of historical trauma in the American Indian community due to forced separation and removal from their home, culture and community.

The Best Interests Factors should be carefully considered, based on youth's individual needs, in making decisions on where to place them. [Minn. Stat. 260C.212, subd. 2(b)] For sex or labor trafficked or exploited youth, the following considerations may apply:

<b>Best interest factor [Minn. Stat. 260C.212, subd. 2(b)]</b>	<b>Considerations for trafficked or exploited youth</b>	<b>Questions to ask</b>
1. Youth's current functioning and behaviors	Includes history and risk of absenting from placement and risk of recruiting or grooming other youth, or being recruited or groomed in previous placement.  Consider the youth's mental and/or chemical health needs, and if the placement can meet those needs. Consider whether the youth have a disability and their accessibility needs in placement.	How likely is it the youth will absent certain placements, and where do they want to live?  Has the youth ever recruited other youth into trafficking or exploitation? How much does trafficker still control youth's actions, and will the youth recruit others?
2. Medical needs of youth	Youth may not have had access to medical treatment, or denied access due to trafficking or exploitation. Medical attention includes physical, mental and chemical health. See Medical and mental health care in the Case management section.	Does the youth have specific medical needs that should be met? Is there need for: <ul style="list-style-type: none"> <li>• Immediate medical attention in a hospital setting (physical, mental health, chemical dependency)?</li> <li>• A higher level of care to meet specific mental health or chemical dependency needs?</li> <li>• Additional assessment or evaluation to determine appropriate placement?</li> </ul>
5. Youth's history and past experience	Includes current and past experiences of sex trafficking, sexual exploitation, labor trafficking, sexual abuse, and other forms of maltreatment that may have caused trauma to the	Does youth recognize they were a victim of exploitation or trafficking? What impact has trauma had on their current functioning?  Based on risk factors, would human trafficking education be helpful for the youth?

Best interest factor [Minn. Stat. 260C.212, subd. 2(b)]	Considerations for trafficked or exploited youth	Questions to ask
	youth. Risk for future trafficking or exploitation.  Youth's history of placement.	Due to youth's current or past experiences, would they benefit from placement in a setting with staff trained on trafficking and exploitation?  Ask youth if placement has gone well in the past, and if they want to return. Do they feel safe there?
6. Youth's religious and cultural needs	Youth's self-identification regarding gender, sexual orientation and culture. Assess youth's desire to seek services specific to these needs.	Does a placement meet the identity and cultural needs the youth identifies? Does the youth feel safe connecting to their culture?
7. Youth's connection with a community, school, and faith community	For safety reasons, it may not be preferable to keep the youth in the same school or community. It is important to know if a trafficker or others involved in the trafficking or exploitation situation will have access to the youth if they stay in the same community.	Does youth have strong supports in the community that they should stay connected to?  Is the youth involved in an investigation, prosecution, or other court process in a specific geographic region? If so, is it best for them to stay close or be further away from the proceedings?
9. Youth's current and long-term needs regarding relationships with parents, siblings, relatives, and other caretakers	Assess whether there are safe and appropriate parents, caregivers, siblings, or other community supports the youth should stay connected with.	Will there be barriers to youth maintaining these relationships, i.e., transportation, distance or communication? If necessary, are siblings able to be placed together?

### ***Specialized residential settings for sex trafficked, commercially sexually exploited or at-risk youth***

After placement with relatives or family foster home are considered, certified specialized ST/CSE/At Risk settings, including Safe Harbor shelter and housing programs, may be placement options because they offer specialized services for youth who experienced sex trafficking, sexual exploitation, or at risk. If youth was labor trafficked and sex trafficked or sexually exploited, it may be appropriate to refer them to a Safe Harbor shelter and housing program. A variety of program models are available statewide, including short-term shelters and

residential treatment programs for minors, shelter, and transitional independent living for ages 16-24. When child welfare agencies place minors in a Safe Harbor shelter or housing program, they must have placement authority and are responsible for payments for placement. See [Frequently Asked Questions](#) and [information forms](#) on Safe Harbor shelter and housing programs.

This section of the practice guide replaces the previous policy bulletin #21-68-13, Family First Prevention Services Act: Youth victims or at risk of sex trafficking or commercial sexual exploitation, and specialized placements. Most requirements for out-of-home placements remain in effect after implementation of Family First. However, there are changes and new options for placements in residential programs specializing in serving youth who were or at risk of being sex trafficked or commercially sexually exploited. See Appendix G: [FFPSA Specialized Residential Settings Overview: Youth who experienced or at risk of sex trafficking or commercial sexual exploitation](#).

Specialized settings must be licensed and certified by the department's Licensing Division according to statutory requirements. [Minn. Stat. 245A.25, subd. 5] Certified specialized settings serving ST/CSE/At Risk youth must:

- Have a trauma-informed model of care [Minn. Stat. 245A.25, subd. 3] designed to meet the needs of youth who were or are at risk of becoming victims of sex trafficking or commercial sexual exploitation
- Offer a safe settings designed to prevent ongoing and future trafficking of youth
- Provide equitable, culturally responsive, and individualized services to youth
- Assist youth with accessing medical, mental health, legal, advocacy, and family services based on youth's individual needs
- Provide each youth with relevant educational, life skills, and employment supports based on the youth's individual needs
- Offer trafficking prevention education curriculum and support for youth at risk of future sex trafficking or commercial sexual exploitation
- Engage with discharge planning for youth and families
- Maintain a service delivery plan to describe how the program provides required services, and
- Ensure that each direct contact staff completes human trafficking training.

### Identifying eligible youth

Responsible local child welfare agencies may claim Title IV-E reimbursement for eligible children or youth placed in certified and approved ST/CSE/At Risk settings *only* if local county or tribal child welfare agency identifies and documents in SSIS child or youth as being:

- Sex trafficked
- Commercially sexually exploited, or
- At risk of being sex trafficked or commercially sexually exploited.

An explanation of definitions is below, along with consideration for using these definitions to identify children and youth for placement in a specialized setting. It is highly recommended that all youth in out-of-home placement be screened to determine whether they may meet definitions of sex trafficking, commercial sexual exploitation or at-risk youth. See Practice pointer 7.2.

#### **Practice pointer 7.2:**

Efforts to identify children and youth as potential victims or at risk for sex trafficking, or commercial sexual exploitation, be executed in ways that does not re-traumatize, stigmatize, or violate privacy of children or youth, or their families.

### **Definition of sex trafficking**

Sex trafficking is defined in Minnesota as the act of a third party, not the purchaser or the victim, facilitating or profiting from a commercial sex act performed by another person. [Minn. Stats., section 609.321-609.322] Sex trafficking is a type of sexual exploitation of youth, included in Minnesota's child protection laws. [Minn. Stat. § 260C.007, subd. 31 (4)] See Section III: Intake and screening, and Appendix A: Child/youth identified as experiencing sex trafficking, currently or in the past, is eligible for reimbursement of placement in a specialized setting for ST/CSE or at-risk youth.

### **Definition of commercial sexual exploitation**

Children and youth who currently or previously experienced commercial sexual exploitation are eligible for placement in a specialized setting for ST/CSE or at-risk youth. Commercial sexual exploitation occurs when a minor engages in sexual activity in exchange for anything of value. It does not include sexual activity, sexual performances, or sexual images not exchanged for something of value. The broader definition of sexually exploited youth is in Minn. Stat., section 260C.007, subd. 31. Commercial sexual exploitation is the term used in Minnesota for the federal definition of sex trafficking. [22 U.S. C. 7102 (11)(A) and (12)] See Section III: Intake and screening, and Appendix A.

### **Definition of youth at risk of sex trafficking and commercial sexual exploitation**

The term *youth at risk of sex trafficking or commercial sexual exploitation* is not defined in state or federal law. Department staff worked with a broad cross-section of stakeholders to define which youth are at risk for sex trafficking or commercial sexual exploitation. The definition in Appendix F **must** be used by child welfare agencies when determining which youth are eligible for reimbursement for placement in a specialized setting for ST/CSE or at-risk youth. See Appendix F for a [guide to the at-risk definition](#).

The at-risk definition is organized into primary risk factors that indicate a higher level of risk, and secondary risk factors that indicate risk when two or more are present. Primary and secondary risk factors are not listed in order of priority or level of risk. When using the at-risk definition to assess youth, child welfare workers should evaluate all risk factors and consider additional information justifying that a youth is at risk of sex trafficking or commercial sexual exploitation. It is important for child welfare workers to consider the presence of protective factors, culturally specific circumstances, and marginalization of youth that may cause experiences of societal oppression.

American Indian, Black, and other youth of color, as well as those who identify as LGBTQIA+ or gender non-binary, disproportionately experience trafficking and exploitation. When determining whether youth is at risk, it is important to consider intersectionality of cultural identity and oppression, and how such factors contribute to higher risk for trafficking and exploitation, while not making assumptions about whether youth meets the at-risk definition based on their identity; rather, always conduct an individualized assessment of risk for specific youth.

## Process and documentation requirements for certified specialized settings for ST/CSE/At Risk youth

Prior to, or during the first two weeks of out-of-home placement, child welfare workers should use the definitions above to identify whether youth experienced or is at risk for sex trafficking, or commercial sexual exploitation. See Section XI: Resources, for access to resources after Family First implementation.

Effective Sept. 30, 2021, information about possible exploitation, trafficking and risk is gathered and documented in SSIS for every child/youth entering out-of-home placement. This information must always be documented when a child/youth is placed in a specialized setting for ST/CSE/At Risk youth.

Caseworkers should **not** use the at risk definition as a checklist to ask questions of the youth. It is

**Practice pointer 7.3:** When making safety and placement decisions, keep in mind that many youth may feel shame or stigma about what happened. Identifying youth as trafficked, exploited, or at risk should not be viewed as labelling them.

important that caseworkers are able to determine whether youth meets the definitions of sex trafficking, commercial sexual exploitation, or at risk. When identifying youth at risk, caseworkers should assess all primary and secondary risk factors. This is done by using a combination of reviewing information in Social Service Information System records, collateral contacts, and engaging youth and family to learn whether youth may meet definitions. Find information about previous victimization entered in SSIS in the SEY/STY screen, or in child maltreatment reports with allegations of sex trafficking or sexual exploitation. See Practice pointer 7.3.

Unless a mandated report to child protection intake is required, maintain information in strict confidence. It should only be shared with collaborative partners with a signed release of information, and when necessary for service delivery or safety of youth. This information helps the placing agency have a full picture of the needs of a child/youth, and will help agency staff to work with them to make the most appropriate placement decisions.

It is essential that caseworkers take the required training on sex trafficking, sexual exploitation, and risk to identify whether a child/youth meets these definitions. See Section XI: Training and resources.

A specialized ST/CSE/At Risk setting can be identified through the department's [Licensing Look Up](#) under License types, Children's residential facilities and child foster residence settings, and check for approval on the [Title IV-E Approved programs list](#) on the Family First website. If child/youth is placed in a certified ST/CSE/At Risk setting, proper documentation for placement in a specialized setting includes the following three-step process:

- Complete SEY/STY/At Risk screens with updated information.
- When creating a new placement location on the continuous placement screen, select **sex trafficked, commercially sexually exploited, or at risk** as reason for placement. Use the [Adoption and Foster Care Analysis and Reporting System Social Service Information System, Placement Guide](#) as a resource regarding AFGARS requirements.
- After selecting the above reason for placement, use the **Action** menu and select **Add Existing SEY/STY/At Risk** Link. Select from drop-down boxes and click OK.

The [SSIS Job Aid](#) on documenting trafficking, exploitation, and risk provides guidance for caseworkers, and how-to videos on [Minnesota Child Welfare Training Academy website](#). The department's Title IV-E

trainers provide technical assistance on documentation for Title IV-E reimbursement, including placement in specialized residential settings. See Section XI: Resources.

Agencies are not required to convene a juvenile treatment screening team when placing youth identified as experiencing or at risk for sex trafficking or commercial sexual exploitation in a residential facility with a ST/CSE/At Risk certification. [Minn. Stat. § 260C.157, subd. 3] Likewise, the Qualified Residential Treatment Program (Q RTP) requirements **do not apply**, such as a qualified individual assessment, engaging a family permanency team, and more frequent judicial reviews of placements. Instead, caseworkers should continue to follow agency protocols in making placement decisions.

#### D. Requirements when youth are in out-of-home placement

When youth are in out-of-home placement under custody, care, and control of a child welfare agency, federal and state requirements ensure youth's needs are met, and that they are only placed out of home as long as necessary. The goals of the child welfare system are safety, well-being and permanency. All three are key requirements for out-of-home placement of trafficked or exploited youth.

When youth are placed out-of-home, a reason for removal must be selected in SSIS when entering placements. Whether or not the youth is being placed in a specialized ST/CSE/At Risk setting, the reason **alleged sex trafficking** should be selected when a youth is being removed due to sex trafficking or sexual exploitation. Use the [Adoption and Foster Care Analysis and Reporting System Social Service Information System Placement Guide](#) as a resource regarding AFGARS federally required data collection system [Title IV-E, section 479, Social Security Act] codified in [45 Code of Federal Regulations \(CFR\), § 1355.40](#). Data includes case-level information collected from state and tribal Title IV-E agencies on children entering and exiting foster care, and adopted with involvement of a Title IV-E agency. See Section XI: Resources.

Caseworkers must have at least one monthly face-to-face contact with children outside the presence of their parent/s, foster parent/s or facility staff, with the majority of visits occurring in the home or residential setting. [Minn. Stat., section 260C.212 4a] This ensures safe placements for children in the least restrictive, most family-like settings. [The Caseworker and child visits best practice guide](#) identifies best practice to support improved frequency and quality of caseworker visits with children and youth in out-of-home placement. See Section XI: Resources.

During the time a youth is in out-of-home placement, visitation with parents, caregivers, and siblings is essential for children's well-being, unless there are identified safety concerns and the court relieved the agency of this requirement. Visitation maintains and supports the parent-child relationship necessary for successful reunification. Visitation is vital for a youth in maintaining family relationships and cultural connections, which have life-long significance for children. Visitation can also maintain relationships with siblings and others who have a significant role in children's lives. See Section XI: Resources.

Caseworkers work with youth and their family to create an out-of-home placement plan within 30 days. [Minn. Stat. 260C.212, subd. 1] The out-of-home placement plan was revised in 2021 to incorporate new requirements related to placement in residential programs, that includes optional areas to complete regarding services and needs related to sex trafficking, commercial sexual exploitation and risk. A copy of



the out-of-home placement plan must be provided to the person or program providing out-of-home care for the child or youth. A copy of the placement authority should also be given to them.

The out-of-home placement plan is part of the court record, therefore, is publicly available. This is true for court-ordered and voluntary placements once court reviews commence. Because sex trafficking and sexual exploitation are forms of sexual abuse, child welfare agency staff should consult with their county attorney's office about how to identify victims in documents filed in court (e.g., Child 1), and confidential forms or documents that also need to be filed. For youth over age 14, an independent living plan is also required, developed in consultation with youth. [Minn. Stat. 260C.212, subd. 12]

### **Youth transitioning from care**

A 180-day transition plan is required for youth discharged from foster care at age 18 or older. The responsible local child welfare agency must develop this personalized transition plan with youth. It must be developed and executed immediately prior to the expected date of discharge from foster care. [Minn. Stat. 260C.203 (f)]

Youth ages 18 to 21 may be eligible for extended foster care if they were in out-of-home placement immediately prior to their 18<sup>th</sup> birthday through chapters 260C or 260D, and meet certain criteria. [\[Minn. Stat. 260C.451\]](#) For extended foster care, the definition of child includes those ages 21 and under. One type of extended foster care setting is supervised independent living. Youth that choose not to participate in extended foster care may still have an opportunity to re-engage if they decide to participate later.

Youth who experienced trafficking or exploitation and are in extended foster care, including supervised independent living, may have an elevated need for specialized services. Safe Harbor specialized services, regional navigators, housing and shelter are available for youth up to age 24. Caseworkers working with transitioning youth should connect them with applicable services and engage them in ongoing safety planning. See Appendix D: [Youth Exploitation or Trafficking Safety Plan](#), and Appendix E: [Service Planning with Trafficked or Exploited Youth](#).

For youth transitioning out of foster care to extended foster care or other residence or eligible services, it is critical to be aware of the potential need for mandated reporting if youth is experiencing trafficking or exploitation. Youth ages 18 to 21 in extended foster care meet the statutory definition of vulnerable adults, as they are receiving services required to be licensed by the department under chapter 245A. [Minn. Stat. section 626.5572, subd. 21] Youth in supervised independent living arrangements that are not licensed settings, however, are not necessarily considered vulnerable adults.

Sexual exploitation, sex and labor trafficking, and financial exploitation are all forms of maltreatment of vulnerable adults under Minn. Stat. section 626.5572, and are mandated reports if abuse is suspected to have occurred or is occurring. Reports of suspected maltreatment of vulnerable adults are made to the Minnesota Adult Abuse Reporting Center (MAARC) by calling 1-844-880-1574, or entering reports online using MAARC's web-based reporting form at [www.mn.gov/dhs/reportadultabuse/](http://www.mn.gov/dhs/reportadultabuse/).



## E. Response when youth go missing from care

Children and youth in out-of-home placement are at higher risk for becoming sex trafficked or commercially sexually exploited, as are youth who experience homelessness and lack adult connections and supervision. For children and youth who go missing from foster care, the risk of trafficking or exploitation is even higher. The federal Preventing Sex Trafficking and Strengthening Families Act of 2013 requires child welfare agencies to work on preventing sex trafficking by improving responses when youth run away from placement. [\[Public Law 113-183\]](#) Minnesota Statute 260C.212, subd. 13, requires agencies to complete certain requirements in the following checklist, explained in Practice pointer 7.4.

This subsection discusses the connection between state and federal requirements and best practices related to working with youth who experience sex trafficking, exploitation, and risk. While these steps are required for youth missing from care, caseworkers may also seek to prevent trafficking and exploitation by providing voluntary services to youth. This may include services for youth who have gone missing from home, have high levels of truancy, have unmet mental health needs, or who are [at risk for sex trafficking or commercial sexual exploitation](#). Caseworkers may also support families by helping them access resources at the National Center for Missing and Exploited Children (NCMEC), and through state and local law enforcement to safely locate their child.

### **Practice pointer 7.4: Checklist for when youth go missing from care**

*Immediate actions when youth is identified as missing (under 24 hours):*

- Report to local law enforcement
- Report to the National Center for Missing and Exploited Children (NCMEC)
- Inform parents or legal custodians the youth is missing
- If applicable, inform appropriate Tribal representatives.

*While youth is missing:*

- Document unauthorized absence in SSIS
- Collaborate with law enforcement, NCMEC, service providers and family to locate youth
- Do not close the placement workgroup.

*When youth is found and returned to care:*

- Have a debriefing conversation, utilizing the [Runaway Debriefing Form](#), within 24 hours with youth to understand what happened while missing, including screening for potential sex trafficking and commercial sexual exploitation.
- Upload the Runaway Debriefing form to SSIS and check the box in the continuous placement screen to indicate completion of form.
- If youth discloses they experienced sex trafficking, commercial sexual exploitation, or is at risk for trafficking or exploitation, a new SEY/STY screen must be completed within 31 days of returning to care if new information is learned; new information about sex trafficking or sexual exploitation must be reported to child protection intake and law enforcement.
- If youth experienced trafficking or exploitation, caseworkers should obtain a release of information and refer to a Safe Harbor regional navigator or other specialized services, medical and mental health care. Update safety plan and out-of-home placement plan.
- Determine most appropriate placement location. If placing in specialized residential program for ST/CSE/ At Risk youth, complete SEY/STY or At Risk screen in first two weeks of placement.

See [Best practice for responding to youth who run away from foster care](#) for specific guidance.

## Collaboration while searching for missing youth and preparing for their return

State law requires caseworkers to *expeditiously locate* children missing from foster care. [Minn. Stat. 260C.212, subd. 13(a)] While each situation is unique, it is often helpful to begin by talking with parents or caregivers of the youth, communicating with individuals at the placement the youth left from, reviewing the youth's safety plan, and talking with current service providers. Reporting to, and coordination with, law enforcement and NCMEC are key resources in searching for the youth.

The statewide Safe Harbor response network of regional navigators, supportive service providers, shelter/housing providers, tribal partners, and community response protocol teams may be an essential resource when trying to locate a youth who was or is at risk of sex trafficking. This is especially true when the youth has an existing relationship with Safe Harbor providers.

To fully collaborate with partners, it is important to be prepared for the possibility that a youth in foster care may go missing, whether or not they have previously been identified as experiencing trafficking or exploitation. This preparation could be critical in locating them promptly and safely. Caseworkers can prepare by having updated releases signed for key partners, such as past or present caregivers and residential providers; developing a run prevention and safety plans with the youth, family and other supports like residential providers; having a recent photo of the youth and description of visual characteristics; speaking with youth, parents, and the current out-of-home caregiver regarding actions that will be taken if the youth goes missing. When attempting to locate a youth, it is important to be aware that some individuals, including family or friends, may have been involved in possible trafficking or exploitation in the past. Additionally, youth's friends and family may have helpful information.

Caseworkers also should collaboratively plan for the youth's return. While the youth is missing, the agency may not close the workgroup associated with the out-of-home placement without exhaustive efforts: "The local social services agency shall not discharge a child from foster care or close the social services case until diligent efforts have been exhausted to locate the child, and the court terminates the agency's jurisdiction." [Minn. Stat. 260C.212, subd. 13 (c)] Caseworkers should consult with their supervisor and county attorney and/or tribal representative when making decisions about agency jurisdiction.

When a youth goes missing from an out-of-home placement, the caseworker is required to document the absence in the **Placement/Location/Absence** folder under the **Permanency** tab in SSIS. Caseworkers should document in SSIS case notes all efforts to locate youth, including ongoing consultation with their supervisor, law enforcement and NCMEC. Caseworkers should prepare for the youth's return by coordinating resources for placement, services and safety. See [Best practice for responding to youth who run away from foster care](#).

## Working with law enforcement and the National Center for Missing and Exploited Children

Caseworkers are required to immediately report to local law enforcement when a youth goes missing from care. This should happen within 24 hours from when the caseworker learns that the youth is missing. [Minn. Stat. 260C.212, subd. 13 (b)] Caseworkers may also make a report to the Minnesota Bureau of Criminal Apprehension's Missing and Unidentified Persons Clearinghouse, which may be able to assist with locating the child/youth. See Section XI: Resources.

In addition to coordinating with law enforcement, federal and state law requires caseworkers to immediately report to the National Center for Missing and Exploited Children. [Minn. Stat. 260C.212,

subd. 13 (b)] See Practice pointer 7.5. NCMEC has specialized regional teams providing assistance in locating missing children/youth and potentially exploited. They collaborates with local child welfare caseworkers to support efforts locally and can leverage national and state resources that may assist in finding the youth. See Section XI: Resources.

**Practice pointer 7.5: Reporting to NCMEC**

To report a missing child or youth, family and caseworkers can call 1-800-THE-LOST or visit <http://www.missingkids.org>.

Caseworkers can also use the web-reporting form: <https://www.missingkids.org/theissues/missingfromcare>. Reports of online sexual exploitation of a child can be made at <https://report.cybertip.org/>.

**Response after youth is located**

After the youth is located, caseworkers must promptly assess their safety and needs. This includes discussing factors that led to leaving their placement, as well as exploring what happened while the youth was missing. Caseworkers are shall screen youth for new sex trafficking or commercial sexual exploitation that may have occurred during the time they were missing. [Minn. Stat. 260C.212, subd. 13 (d)-(e)]

Caseworkers must complete the [Runaway Debriefing Form](#) (Appendix C) after a conversation with the youth. This document should be completed and documented in SSIS. Potential sex trafficking or commercial sexual exploitation needs to be reported to law enforcement, who may wish to investigate. Caseworkers are also responsible to report information learned about possible sex trafficking involving any alleged offender and sexual exploitation involving caregivers to child protection intake. See Section III: Screening and intake, and Appendix A: Screening for sex trafficking and sexual exploitation.

All *new information* about sex trafficking or commercial sexual exploitation must be documented in the SEY/STY/At Risk screen in SSIS. The date the caseworker report possible sex trafficking or commercial sexual exploitation to law enforcement must also be noted in the screen. If the youth is returning to out-of-home placement, caseworkers should ensure they identify whether the youth meets [Minnesota's definition of youth at risk of sex trafficking and commercial sexual exploitation](#). See Appendix F. Any information learned about possible trafficking, exploitation, or risk should be used to help make placement decisions after the youth is located, which may include placement in a specialized setting for sex trafficking, commercially sexually exploited, and at-risk youth. See subsection C.

**F. Cross-jurisdictional placements**

The Interstate Compact on the Placement of Children (ICPC) may apply in cases involving youth who may, based on their experience of being trafficked or exploited, require placement in another state. Laws protect the best interests of youth placed outside of Minnesota, and also those placed in Minnesota in foster care, adoption, or a residential facility. See Practice pointer 7.6.

**Practice pointer 7.6: Contacting Minnesota ICPC**

Minnesota Department of Human Services  
P.O. Box 64247  
St. Paul, MN 55164-0247  
Fax: 651-431-7628  
[mn.icpc@state.mn.us](mailto:mn.icpc@state.mn.us)

Child welfare agency staff should consult with the Minnesota ICPC office for questions or technical assistance regarding the ICPC process.

Circumstances in which ICPC may be relevant include, but not limited to, placement of Minnesota youth in another state for residential treatment, as well as youth:

- Under another state's child protection jurisdiction placed in Minnesota for treatment or safety reasons
- Under another state's child protection jurisdiction reported as being trafficked in Minnesota (or taken into emergency custody by law enforcement)
- From Minnesota reported or found trafficked in another state
- From Minnesota who was trafficked and, due to safety reasons, needs to be placed with relatives out of state
- Placed in Minnesota with a relative or other caregiver, and a Minnesota county agency is providing supervision.

## VIII. Permanency for trafficked or exploited youth

This section outlines the processes and requirements for obtaining permanency for trafficked or exploited youth. There are four permanency options for youth when reunification is not an option, including kinship adoption, non-relative adoption, transfer of permanent legal and physical custody to a relative (TPLPC), or permanent custody to an agency. Deciding which permanency option to pursue for a trafficked or exploited youth should be based on their needs and wishes (especially for older youth), as well as agency recommendations based on placement history, safety, and relevant circumstances.

### A. Recruitment of adoptive families

The three types of recruitment for adoptive families include:

- **General recruitment** – public awareness methods, such as the public facing State Adoption Exchange (SAE), to raise awareness of children under guardianship of the commissioner waiting for adoptive families. SAE verification must be submitted to the department by caseworkers through SSIS within 45 days of children becoming legally free for adoption. [Minn. Stat. 260C.605, subd. 1(d)(3)(iv)(A)] Some youth who experienced sex trafficking may be in the process of diagnostic assessments and may be eligible for a deferral. It may not be appropriate to post photos of trafficked or exploited youth on the SAE due to safety reasons.
- **Targeted recruitment** – efforts are data-driven and attempt to develop an available pool of adoptive and foster families who reflect children available for adoption.
- **Child-specific recruitment** – engagement in recruitment activities specific to child/ren, such as relative/kin searches, descriptions of a child and photos, and outreach to organizations associated with a specific child's needs. When creating a child-specific recruitment plans, caseworkers or recruiters should consider the following: How recently a youth experienced trafficking or exploitation, their trauma experiences, current strengths, and need for services. Some child-specific recruitment activities may not be appropriate based on the youth's experiences and history.

### Identifying and building safety networks

Youth with limited connections to safe and healthy adults are especially vulnerable for trafficking or exploitation. Developing permanent connections is an important part of building resiliency; evaluate and build upon children's current connections and supports.

Although building permanent connections is an important component of recruitment services, it is a complex task. When seeking connections from a youth's family and history, recruiters need to ensure that all contacts are safe. In many trafficking cases, someone within a youth's circle of contacts has engaged them in trafficking. Caseworkers need to ensure permanent connections focus on safety.

An effective way to ensure a recruitment plan is safe for youth is to engage the entire permanency team in recruitment efforts. These teams will have knowledge of those who were deemed unsafe, providing valuable feedback for recruitment plans. Each case is different, and it might be appropriate to ask youth who they feel would not be a safe contact.

### **Communication with prospective adoptive families**

Prospective adoptive families need to know youth's experience with trafficking at some point in the adoption process to be able to meet their needs. This information may not yet be disclosed by the youth or confirmed by the caseworker until after a youth is matched with a prospective adoptive family. Caseworkers should talk with youth about what information to share with a prospective adoptive family, and how to share it. Depending on youth, it may be important to include a therapist in conversations. An adoptive family will need to be aware that recovery from trauma and trafficking may be lifelong.

Adoptive families should ensure they obtain the education and training necessary to be able to meet the needs of youth to be placed in their home. Recruiters and permanency teams should be aware of training or education prospective adoptive families can take to best prepare them to meet the needs of these youth. Families being matched with youth who experienced trafficking or exploitation, or who are at risk of trafficking or exploitation, should be encouraged to take the department's [online training on specialized care for trafficked, exploited and at risk youth](#). Information about the training is in Section XI. All pre-adoptive families may benefit from taking this training.

## **B. Adoption placement decisions**

When making adoptive placement decisions for children under guardianship of the commissioner, county agency staff must consider relatives, siblings, and the best interest factors outlined in Minn. Stat., section 260C.212, subd. 2 (b). County agency staff have an added layer of complexity when making adoption placement decisions for youth who were trafficked or exploited.

### **Relatives**

Caseworkers must consider adoptive placement with relatives and kin before deciding to place a youth with non-relatives. However, it is possible a youth's relatives or kin exploited or trafficked them. In these cases, those relatives or kin must not be considered a placement option. County agency staff should ask the court to exclude specific relatives who pose a safety threat for a youth from the relative search, consideration, and engagement process. In no instance should staff request a blanket exclusion of all relatives from the relative search. Even if staff determines one or more relatives were involved in a youth's trafficking or exploitation, there may be other relatives who would be positive contacts; the best adoptive placement for them.

## **Siblings**

Siblings must be placed together for adoption whenever possible. When considering placement with siblings for adoption, county agency staff should consider the impact this may have on a youth who was trafficked or exploited and their siblings. This includes asking:

- Were any of the youth's siblings involved in trafficking or exploitation?
- Could placing siblings together create risk for recruitment into trafficking or exploitation?
- Would placing siblings together be a protective factor for a youth who was trafficked or exploited by promoting stability and healing?

Depending on the outcome of this consideration, it may be appropriate to request court approval of a county agency's sibling separation proposal involving a youth who was trafficked or exploited. [Minn. Stats. 260C.613, subd. 3, and 260C.617]

## **Best interest factors**

County agency staff must make adoptive placements based on individualized determinations of children's needs, using the 10 best interest factors in Minn. Stat. 260C.212, subd. 2(b), and how a prospective adoptive family is able and willing to meet those needs. See Section VII: Placement, for analyzing best interest factors. A youth's trafficking or exploitation history cannot be overcome in the short term. It is a lifelong process that adoptive families need to support and understand.

For Indian children, staff must also consider their best interests under the Minnesota Indian Family Preservation Act. For Indian children eligible under the federal Indian Child Welfare Act, staff must ensure placements follow its adoptive placement preference order. [25 U.S.C. §1915 (a)]

## **C. Transition planning for permanency**

Transition plans for youth who experienced trafficking should include safety and crisis planning, and resource implementation. Transition plans need to balance youth's independence and safety. A key component in making this balance successful is to include youth in planning, if appropriate. For example, does youth identify specific guidelines that helped to keep them safe in the past, or that could help ease their transition into an adoptive or kinship placement? Involving youth in safety planning helps them to understand why boundaries will be in place, making the transition to an adoptive home more successful.

If a youth experienced trafficking in the past, often their current placement is engaging in strategies to ensure they are safe and their needs are met. Permanency teams should consider strategies that can be continued in an adoptive home. It is important to consider the needs of youth beyond strategies used in the home. Permanency teams should reference Appendix D: [Youth Exploitation or Trafficking Safety Plan](#) for assessing safety and creating safety plans with youth and pre-adoptive family.

## **Crisis planning**

Crisis planning is a key component of transition plans for youth, especially if they experienced trafficking. If the youth was missing in the past, this could be a risk factor for trafficking, so their family should have a plan in place if this happens. Does the youth have resources or individuals they can contact if they feel like

they want to leave? Does the family know whom to contact if the youth goes missing, including law enforcement, NCMEC, caseworker, service providers or friends? It is important that transition plans include resources for any crisis that could occur.

### **Foster care payments and adoption assistance**

During transition planning, permanency teams should be mindful about discussions of foster care payments and adoption assistance. Often, trafficked or exploited youth are highly aware they were used for financial gain. It is important to be mindful of how permanency teams discuss financial aspects of an adoptive placement. Information should not be withheld from the youth, but it is important to explain the purpose of foster care payments or adoption assistance so they understand or ask questions.

### **Placement supports**

Resources are another important component of transition plans. If a family identifies indicators that a youth may be recruited or enticed into trafficking again, do they know whom to contact? Does family know about Safe Harbor resources and other supports for youth? Permanency teams should ensure families have the education necessary to meet the needs of youth and continue to offer potential resources to help support families. Resources may include respite care and specialized support available through the MN Adopt Helpline. [Safe Harbor regional navigators](#) are a resource for adoptive families needing specialized services, prevention education and training.

## **IX. Prevention and building resiliency**

This guide focuses on the child welfare response for alleged child victims. However, child welfare agencies have opportunities at every phase of response to use a prevention lens and practice early interventions with youth and families at risk of exploitation or trafficking. Child welfare staff can use their expertise in working with at-risk youth, collaborating with multi-disciplinary partners, and connecting with community-based services to help build trafficking-resistant communities. A trafficking-resistant community makes strategic investments to ensure that systems are not only working towards protection of victims and at-risk youth, but also utilizes practices and policies that prevent trafficking and exploitation.

Unaddressed trauma can cause harm across generations. See Section II: Intersectionality and disparities. Child welfare agencies may help prevent trafficking and exploitation by providing voluntary child welfare services for youth who have individual, familial, or community risk factors. These risk factors may include high rates of truancy or running away from home or placement, ongoing parent and child conflict in the home, unmet mental health needs of a child, involvement with the juvenile justice or child welfare systems, and family involvement in trafficking or commercial sex. See [definition of youth at risk of sex trafficking and commercial sexual exploitation](#) for a list of risk factors.

In addition to providing services for youth and families at risk of trafficking or exploitation, caseworkers should engage both in strengthening protective factors, particularly through case management and safety planning. According to the Capacity Building Center for States, “protective factors are conditions or attributes of individuals, families, communities, or the larger society that reduce risk and promote healthy



development and well-being of children and families, today and in the future.” [2016] The five individual and family protective factors in the Strengthening Families model are parental resilience, social connections, knowledge of parenting and child development, social and emotional competence of children and concrete support in times of need. [Browne, 2014]

Cultural and community methods of healing are strong protective capacities that build resiliency and prevent trafficking. The social connections protective factor is especially important for both prevention and recovery from trafficking and exploitation. Strengthening the social connections of youth and families through building family, community, and peer support promotes a sense of belonging and self-value that protects youth from trafficking and exploitation. Many youth who experienced trauma at an individual or familial level are also members of communities having experienced long-term oppression, historical trauma, or experience discrimination based on race, gender identity, sexual orientation, ability or disability, economic status, national origin, religion, or other factors. Connecting and collaborating with communities most impacted by these harms help strengthen protective factors at both the individual and community levels, resulting in a more effective child welfare response.

## **X. Professional well-being**

Direct child welfare work with youth and families involved in human trafficking or exploitation involves exposure of front-line staff to client pain, suffering and trauma. As a result, workers are susceptible to experiences of secondary stress, often referred to as secondary traumatic stress, compassion fatigue, or vicarious trauma (STS/CF/VT). Workers may also experience moral injury, a somewhat related cognitive-emotional response to situations that violate one’s personal moral or ethical beliefs.

It is imperative in work with sex or labor trafficking and exploitation that workers and child welfare agency administrators are aware of the risk of secondary stress inherent in this work, and that both groups are intentional about addressing this challenging aspect of the day-to-day work. Self-care strategies are important in establishing a baseline of personal resilience, critical to worker well-being. However, such strategies alone are often ineffective in preventing or mediating STS/CF/VT. Among strategies effective in addressing STS/CF/VT are timely and regular debriefings, reflective supervision, and an agency culture that promotes and supports workers’ emotional health and well-being.

Underlying any effective response to STS/CF/VT is the commitment of child welfare agencies and administrators to recognize the critical nature of this dynamic, and provide ongoing support to individual, supervisory, and organizational strategies to address this. Recognizing the impact on caseworkers ensures protection for youth in their care by improving workers’ emotional health and well-being.

## **XI. Training, assistance and resources**

### **A. Training and technical assistance**

Child welfare agency staff may contact the department’s Rapid Consultation at 1-888-234-1138, or the human trafficking child protection coordinators at [DHS.Safeharbor@state.mn.us](mailto:DHS.Safeharbor@state.mn.us) for technical assistance or information on identifying and responding to trafficking and exploitation.

All staff with child protection duties under Minnesota law are required to complete training on human trafficking and sexual exploitation. [Minn. Stat. section 260E.36] This training is through the Minnesota Child Welfare Training Academy, with a focus on identification of trafficking and exploitation, investigation of reports of sex trafficking, and coordinated service delivery. For information and to register, visit <https://mnchildwelfaretraining.com/>.

Under changes related to FFPSA, all direct contact staff working in certified residential settings for ST/CSE/At Risk youth are required by statute to complete a commissioner-approved training. Online training is comprised of 12 sub-modules, taking less than four hours to complete. It is available for residential staff, and recommended for anyone working closely with or providing care for trafficked, exploited or at-risk youth. See [Family First Prevention Services Act training / Minnesota Department of Human Services \(mn.gov\)](#).

More advanced training for those working directly with trafficked, exploited or at-risk youth is available through the department and other sources. Online webinars and trainings are available through the department, the Minnesota Department of Health, and Safe Harbor regional navigators. For training offered through the Minnesota Department of Health, see <https://www.health.state.mn.us/communities/safeharbor/>, or contact the Safe Harbor training coordinator at [health.safeharbor@state.mn.us](mailto:health.safeharbor@state.mn.us).

### **Additional training opportunities**

**Health, Education, Advocacy, Linkage (HEAL):** The HEAL Education and Training Committee focuses on educating health care providers about trafficking and making relevant, evidence-based training resources more accessible: <https://healtrafficking.org/webinars/>.

**Minnesota Department of Health (MDH):** Online training for health care providers, free, self-paced; go to the MDH E-Learning Center, once registered search for **human trafficking**: <https://www.health.state.mn.us/about/tools/learningcenter.html>.

**Minnesota Youth Trafficking and Exploitation Identification Tool and Guide (MYTEI):** The Minnesota Department of Health published the MYTEI tool and guide to help professionals working with youth to identify and respond to youth who may have experienced trafficking and exploitation. The MYTEI tool and guide are accessed after completing an online training. See: <https://www.health.state.mn.us/communities/safeharbor/communities/mytei.html> for information and to request access to training and tool.

**MNAdopt online webinar:** *Human trafficking and sexual exploitation: Basics for foster and adoptive families*, available online for free through MN Adopt. This webinar gives caregivers focused on foster, pre-adoptive, and adoptive families an overview of how to identify trafficking and exploitation, including grooming and recruitment behavior. Participants also learn about mandated reporting and the Safe Harbor response in Minnesota. Training discusses assessing safety and risk, and engaging youth while working toward normalcy in the home. Register and watch at: <https://www.mnadopt.org/product/20190624-webinar-human-trafficking-and-sexual-exploitation-basics-for-foster-and-adoptive-families/>.

**National Human Trafficking Training and Technical Assistance Center (NHTTAC):** Is part of the U.S. Department of Health and Human Services, Office of Trafficking in Persons, provides training and technical assistance. NHTTAC offers these resources through SOAR: <https://nhttac.acf.hhs.gov/home>.

**National Center for Missing and Exploited Children:** Provides free training, technical assistance, and resources to child welfare professionals, law enforcement, and others who investigate cases of missing and exploited children: <http://www.missingkids.com/ourwork/training>.

**Office for Victims of Crime – Faces of Human Trafficking:** The series is intended to be used for outreach and education efforts of service providers, law enforcement, prosecutors, and others in the community. It includes information about sex and labor trafficking, multi-disciplinary approaches to serving victims of human trafficking, effective victim services, victims' legal needs, and voices of survivors: <https://ovc.ncjrs.gov/humantrafficking/publicawareness.html>

**SOAR:** Offered through NHTTAC, SOAR is a nationally recognized and accredited training program for professionals, organizations, and communities working in health care, behavioral health, public health, and other social service settings: <https://nhttac.acf.hhs.gov/soar>.

## **B. Resources for response**

Resources caseworkers can refer to or consult are below. For youth who experienced human trafficking or sexual exploitation, prioritizing safety and meeting their immediate needs for medical care, food, shelter, and clothing is paramount. There are widespread gaps in housing and emergency assistance for sex and labor trafficking victims statewide. Safe Harbor regional navigators can assist in finding services, including shelter and housing; the department's human trafficking child protection coordinators are available for case consultation and coordination. Included in this section are a series of SSIS- and FFPSA-related trainings and resources.

### **General resources**

**Administration for Children and Families, Office of Trafficking in Persons:** Contact the child protection specialists at [ChildTrafficking@acf.hhs.gov](mailto:ChildTrafficking@acf.hhs.gov), or 202-205-4582 (9:00 a.m. to 5:00 p.m. EST, Monday to Friday). Access information about the response and resources for foreign national minor victims of trafficking: <http://www.acf.hhs.gov/otip/victim-assistance/eligibility-letters>

**Minnesota Children's Alliance:** A map of all child advocacy centers and contact information: <https://minnesotachildrensalliance.org/centers/>.

**Minnesota children's mental health crisis response:** Crisis teams of mental health professionals provide stabilization and intervention services. Available by phone 24 hours a day, seven days a week. County- and tribal-specific contact information: <https://mn.gov/dhs/people-we-serve/people-with-disabilities/health-care/childrens-mental-health/resources/crisis-contacts.jsp>.

**Minnesota Crime Victims Reparations Board:** Victims of crime, including sex or labor trafficking and their families in Minnesota, may be eligible for financial help for losses incurred because of a crime. Phone 651-201-1733. For an application and eligibility requirements, visit: <https://dps.mn.gov/divisions/ojp/help-for-crime-victims/Pages/crime-victims-reparations.aspx>

**Minnesota Department of Health, Safe Harbor:** For information on the Safe Harbor network, see: [www.health.state.mn.us/injury/topic/safeharbor/](http://www.health.state.mn.us/injury/topic/safeharbor/). The referral map for services, regional navigators, shelter and housing, is on the website. The Minnesota Day One Crisis Hotline is 1-866-223-1111.

**Minnesota Department of Human Services, Safe Harbor:** Visit [www.mn.gov/dhs/safe-harbor](http://www.mn.gov/dhs/safe-harbor) for information on the response to trafficking and exploitation of youth, or contact [DHS.Safeharbor@State.mn.us](mailto:DHS.Safeharbor@State.mn.us)

**Minnesota Missing and Murdered Indigenous Relatives (MMIR):** Through the Minnesota Department of Public Safety, Office of Justice Programs, MMIR works to implement recommendations of the Missing and Murdered Indigenous Women Task Force found in the report to the legislature: [MMIWR Strategic Planning FNL.pdf \(mn.gov\)](http://mmiwr.org/FNL.pdf); visit <https://dps.mn.gov/divisions/ojp/Pages/missing-murdered-indigenous-relatives-office.aspx> for information.

**National Center for Missing and Exploited Children (NCMEC):** Is a national clearinghouse and resource center for missing and exploited children. To report a child missing or be connected to NCMEC's resources, call 1-800-THE-LOST (1-800-843-5678). Child welfare professionals can use the web-reporting form: <https://www.missingkids.org/theissues/missingfromcare>. NCMEC provides case management, missing child posters, specialized analytical assistance for law enforcement, resources and support for families, and recovery planning support for professionals. Reports of online exploitation of a child or child sexual abuse material can be made at <https://report.cybertip.org/>. Visit <http://www.missingkids.org> for specialized training requests, resources for families and professionals, and to request assistance.

**National Human Trafficking Hotline:** Phone 1-888-373-7888 (24 hours, seven days a week), or text HELP to 233733 (BeFree); open 2 p.m. – 10 p.m. CST.

## **Cultural responsiveness**

**Child Welfare Information Gateway:** Introduction to resources on culturally specific approaches for child welfare agencies at: <https://www.childwelfare.gov/topics/systemwide/cultural/>.

**Cultural Orientation Center:** Information and access to resources from the Cultural Orientation Resource Center at <http://www.culturalorientation.net/>.

**Center for the Study of Social Policy and Kirwan Institute:** Implicit Racial Bias 101: Exploring Implicit Bias in Child Protection: <https://kirwaninstitute.osu.edu/implicit-bias-101>

**National Human Trafficking Training and Technical Assistance Center:** The impact and opportunities to partner in responding to the human trafficking of American Indian children, youth and families: [Combating Human Trafficking in Native Communities | The Administration for Children and Families \(hhs.gov\)](http://www.hhs.gov/combating-human-trafficking-in-native-communities/).

## **Resources for child welfare response, FFPSA and SSIS**

**Child Welfare Information Gateway:** Administration for Children and Families. High-level overview of human trafficking: <https://www.childwelfare.gov/topics/systemwide/trafficking/>.

**Minnesota Child Welfare Training Academy (MCWTA):** All Minnesota county and tribal staff with child protection duties are required to complete training on sex trafficking and sexual exploitation. Required training and information is on the MCWTA website: <https://mnchildwelfaretraining.com/>.

**Minnesota Child Maltreatment Intake, Screening, and Response Path Guidelines:**

<https://edocs.dhs.state.mn.us/lfserver/Public/DHS-5144-ENG> .

**Minnesota Department of Human Services:** Adoption and Foster Care Analysis and Reporting System, Social Service Information System Placement Guide: <https://edocs.dhs.state.mn.us/lfserver/Public/DHS-8119C-ENG>.

**Minnesota Department of Human Services:** Best Practice for the Co-occurrence of Maltreatment and Domestic Violence: <https://edocs.dhs.state.mn.us/lfserver/Public/DHS-3490-ENG> .

**Minnesota Department of Human Services:** Best Practices for Family Assessment and Family Investigation:

<https://edocs.dhs.state.mn.us/lfserver/Public/DHS-7059-ENG>.

**Minnesota Department of Human Services:** Best Practice for Responding to Youth Who Run Away From Care:

<https://edocs.dhs.state.mn.us/lfserver/Public/DHS-8015-ENG>.

**Minnesota Department of Human Services:** Caseworker and Child Visits Best Practice Guide:

<https://edocs.dhs.state.mn.us/lfserver/Public/DHS-7987-ENG>.

**Minnesota Department of Human Services:** Child and Family Visitation: A Practice Guide to Support Lasting Reunification and Preserving Family Connections for Children in Foster Care:

<https://edocs.dhs.state.mn.us/lfserver/Legacy/DHS-5552-ENG>.

**Minnesota Department of Human Services:** Family First Prevention Services Act Resources, policies and links with updates and announcements about the implementation of FFPSA in Minnesota:

[https://www.dhs.state.mn.us/main/idcplg?IdcService=GET\\_DYNAMIC\\_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=DHS-321316](https://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=DHS-321316).

**Minnesota Department of Human Services:** Indian Child Welfare Policies and Procedures:

<https://mn.gov/dhs/partners-and-providers/policies-procedures/indian-child-welfare/>.

**MNCWTA Family First Prevention Services Act:** Child welfare training academy information, training and resource page, including webinars, SSIS coffee talks, and additional resources regarding FFPSA implementation in Minnesota: <https://mnchildwelfaretraining.com/more/ffpsa>.

**MNCWTA SSIS:** Webinar on documenting ST/CSE/At Risk Placements in SSIS:

<https://mndhs.h5p.com/content/1291651244100609058>.

**SSIS Job Aid on Documentation:** Trafficking, Exploitation and At Risk Data Entry in SSIS:

[https://www.dhs.state.mn.us/main/idcplg?IdcService=GET\\_FILE&RevisionSelectionMethod=LatestReleased&Revision=1&allowInterrupt=1&noSaveAs=1&dDocName=dhs-329081](https://www.dhs.state.mn.us/main/idcplg?IdcService=GET_FILE&RevisionSelectionMethod=LatestReleased&Revision=1&allowInterrupt=1&noSaveAs=1&dDocName=dhs-329081).

**Law enforcement response**

**Minnesota Human Trafficking Investigators Task Force:** Contact the Bureau of Criminal Apprehension (BCA) for a statewide law enforcement response at 651-793-7000 for the BCA 24/7 Operations Center, unless an emergency, then call 911 immediately. Ask for the Human Trafficking Task Force. Information can be sent by email to [bca.tips@state.mn.us](mailto:bca.tips@state.mn.us); not answered after hours or weekends.

**Minnesota Missing and Unidentified Persons Clearinghouse:** Provides assistance in locating missing and endangered children and adults across Minnesota. Contact manager Jason Mielke at the Minnesota Department of Public Safety. Phone: 651-793-1118; email [Jason.mielke@state.mn.us](mailto:Jason.mielke@state.mn.us).

**Tribes United Against Sex Trafficking (TRUST):** Partnered with the BCA, TRUST may respond when there is tribal affiliation. Your Call Minnesota: <https://yourcallmn.org>. Report suspected sex trafficking at 877-996-6222, or text 'HELP' to 233722.

**Homeland Security Investigations hotline:** Contact 866-347-2423. Investigators or supervisors can ask to speak to the trafficking group supervisor and the victim assistance specialist.

**U.S. Department of Homeland Security:** For guidance on how to provide documentation for U or T visas. See U and T visa Law Enforcement Resource Guide for federal, state, local, tribal, and territorial law enforcement, prosecutors, judges, and other government agencies at [www.dhs.gov/publication/u-visa-law-enforcement-certification-resource-guide](http://www.dhs.gov/publication/u-visa-law-enforcement-certification-resource-guide).

### Multi-disciplinary protocols

**Minnesota Coalition Against Sexual Assault (MNCASA):** Safe Harbor Protocol Guidelines: <https://mncasa.org/tools/safe-harbor-protocol-guidelines/>.

**Safe Harbor Protocol Formation Starter Kit:** <https://mncasa.org/tools/safe-harbor-protocol-team-formation-starter-kit-a-guide-for-new-teams/>.

**Safe Harbor Protocol Writing Guidebook:** <https://mncasa.org/tools/safe-harbor-protocol-writing-guidebook/>.

**Labor trafficking response protocols: Advocates for Human Rights:** For labor trafficking response protocol development; see the Labor Trafficking Protocol Guidelines: [http://www.theadvocatesforhumanrights.org/labor\\_trafficking\\_protocol\\_guidelines](http://www.theadvocatesforhumanrights.org/labor_trafficking_protocol_guidelines).

**Minnesota Department of Public Safety:** Minnesota Labor Trafficking Protocol for Law Enforcement: <https://dps.mn.gov/divisions/bca/bca-divisions/investigations/Documents/Minnesota-Labor-Trafficking-Protocol-for-Law-Enforcement.pdf>.

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Love et al. (2018) Justice in Their Own Words: Perceptions and Experiences of (In)Justice among Human Trafficking Survivors. Urban Institute at: [https://www.urban.org/sites/default/files/publication/97351/justice\\_in\\_their\\_own\\_words.pdf](https://www.urban.org/sites/default/files/publication/97351/justice_in_their_own_words.pdf).

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## Appendix A. Child protection screening and intake flowchart



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### Child protection screening of sexual exploitation and sex trafficking

Screeners or screening teams should use the screening flowchart tool on page 2 when it is believed that reporters may be sharing information regarding sex trafficking or sexual exploitation. In combination with supervisory discretion, this tool can help determine if reports meet criteria, and which response path to select. Screen in all sex trafficking reports for child protection investigation regardless of child's relationship to alleged offender. [\[Minn. Stat., section 260E.03\]](#) Screen out sexual exploitation reports involving non-caregiver alleged offenders and refer for a child welfare response.

#### Terms used in this tool:

**Exchange for anything of value:** Trading money, drugs, shelter, food, protection, etc.

**Facilitate:** Receiving or obtaining (getting from someone), recruiting (inviting, asking), grooming (befriending, talking into, persuading), harboring (keeping in a place), providing (bringing).

**MAARC:** Minnesota Adult Abuse Reporting Center (1-844-880-1574).

**Pornography:** Depiction of actual or simulated sexual conduct. [\[Minn. Stat. 617.246 subd. 1\(f\)\]](#)

**Profit:** Receiving money or anything of value, which may include drugs, alcohol, food, shelter or transportation.

**Regional navigator:** Regional point of contact for sexual exploitation and sex trafficking, including connecting exploited, trafficked, or at-risk youth with appropriate services, outreach or education.

**Sexual assault:** Non-consensual sexual contact or certain sexual conduct between an adult and child. [\[Minn. Stat. 609.342-609.345\]](#)

**Sexual contact or penetration:** Intentional touching of one's intimate parts, or any intrusion into body openings. [\[Minn. Stat. 609.341, subd. 11 and 12\]](#)

**Sexual exploitation:** Includes all commercial sex acts and non-commercial sexual abuse. [\[Minn. Stat. 260C.007 subd. 31\]](#)

**Sexual performance:** Any play, dance, or other exhibition presented before an audience or for purposes of visual or mechanical reproduction that uses a minor to depict actual or simulated sexual conduct. [\[Minn. Stat. 617.246, subd. 1\(d\)\]](#)

**Sex trafficking:** The act of a third party, not the purchaser or victim, facilitating or profiting from a commercial sex act performed by another person. [\[Minn. Stat. 609.321 -609.322\]](#)

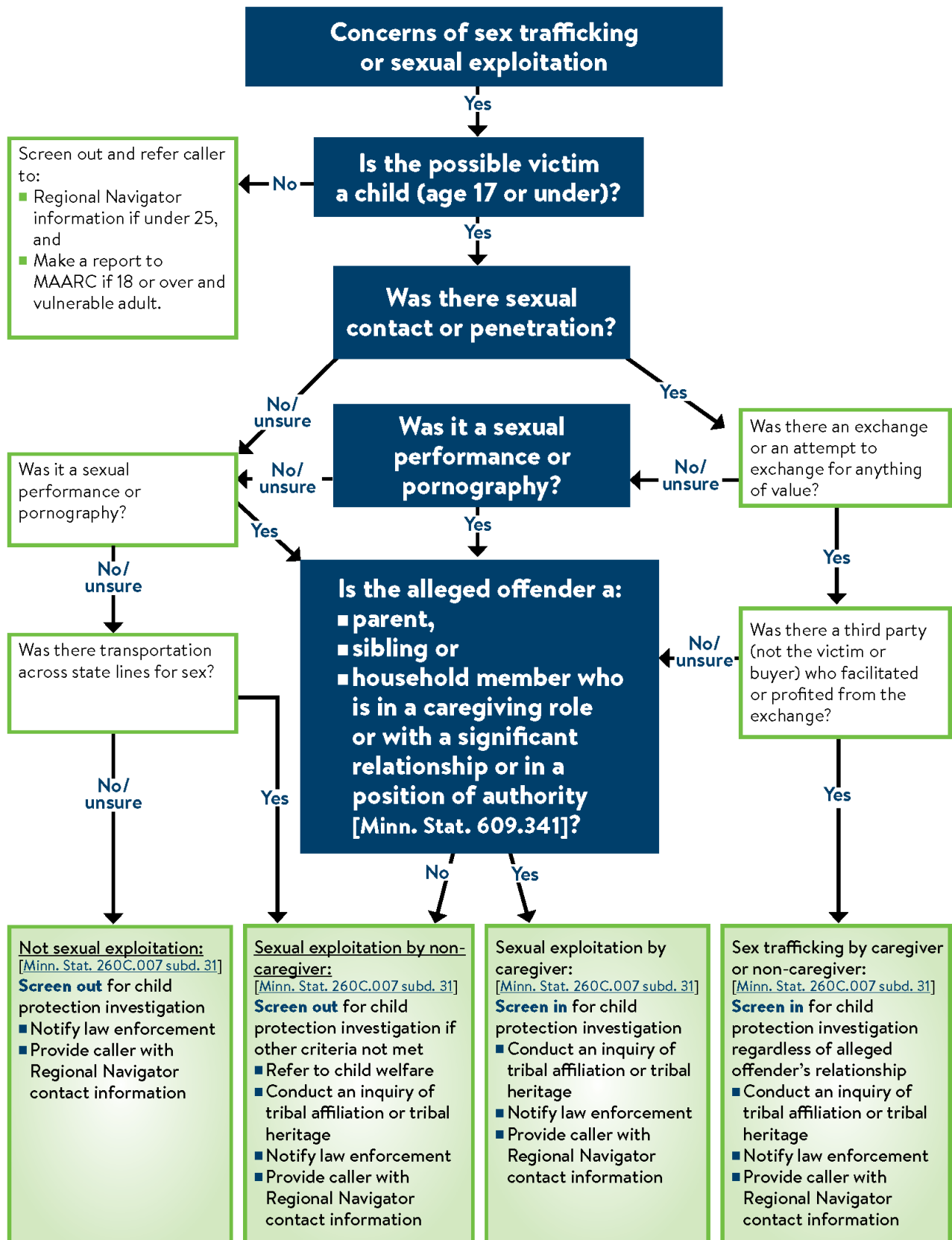
#### Indicators of sexual exploitation or trafficking

Each situation is unique; indicators alone should not be used to make a screening determination. These include:

- Youth missing from home for an extended time and unaccounted for; running away multiple times; kicked out of their home
- Signs of a controlling relationship or intimate partner violence
- Change in youths access to money without explanation; clothes or other expensive belongings youth could not afford on their own
- Youth's use of social media and apps commonly associated with sex trading
- Having multiple hotel cards, staying in hotels known for trafficking, pictures taken in hotel rooms
- Branding tattoos or markings; may be name of trafficker or other ways of being marked by a trafficker
- Youth associating with others known to be involved in trafficking, exploitation or sex trading
- Family members involved in sex or labor trafficking, prostitution, or promotion of prostitution
- Youth involvement in law enforcement stings or investigations related to prostitution, solicitation or sex trafficking.



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(This page includes all of the necessary information for accessibility purposes regarding the chart on previous page)

## Appendix B. Labor Trafficking Screening Tool



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### Identifying and responding to labor trafficking of children

#### What is labor trafficking?

Labor trafficking is when a person is compelled to work for the benefit of another person by use of force, threats, intimidation, blackmail or debt bondage [[Minn. Stat. 609.281, subd. 5](#); [22 U.S.C. 7102\(9\)\(B\)](#).] Work includes formal employment and informal services including illegal activities.

#### How can child welfare staff identify labor trafficking?

Early identification of sex and labor trafficking is the key to establishing the local child welfare agency response, and connecting children and families to services. Many children experience labor trafficking at the same time as sex trafficking or other maltreatment. The indicators below are common signs that a child may be experiencing labor trafficking. The screening tool provided on the back of this document should be completed whenever indicators of labor trafficking are present.

#### What is the child welfare system response to labor trafficking?

Labor trafficking is not a mandated report in Minnesota. However, labor trafficking is a serious crime and can be very dangerous for children. When labor trafficking is identified, consider immediate safety risks and cross report to law enforcement. All victims of labor trafficking should be offered voluntary child welfare services. Visit [www.mn.gov/dhs/safe-harbor](http://www.mn.gov/dhs/safe-harbor) for more guidance on the child welfare system response.

#### Indicators of a child at risk for labor trafficking

Victims may be any gender or race/ethnicity, or have any immigration status. They may be experiencing any of the following:

- Can't move freely or not allowed to come and go at will
- Accompanied by a person who speaks for them
- Not permitted to use phone or other communications, especially if restricted from contacting family
- Someone controls their transportation
- Unsure of day, date, month or year
- Frequent moves or doesn't know where they live
- Unusual living/work space (may include tinted windows, security cameras, barbed wire, people sleeping/living at worksite)
- Wears the same clothes over and over, or routinely wears clothes not in season
- Not in control of personal identification
- Someone else controls their money or collects their earnings from work
- Explanation of work situation doesn't make sense; seems scripted
- Seems afraid to answer questions
- Fearful of employer
- Long work hours; exhausted; hungry
- Owes a debt to employer
- Foreign national children who are living with people who are not their parents or guardians, and their relationship is unclear

**See signs? Continue to the labor trafficking screening tool on the other side of this page.**

## Labor trafficking screening tool

The screening tool consists of two questions. The first question is about whether the child is working for someone else and the second is about whether the child has been compelled to work. If the answer to both questions is yes, the child in question may be a victim of labor trafficking. The screening tool is intended for the screener, screening team, assigned worker or supervisor to use in reviewing information known about a child who shows signs of labor trafficking. It should not be used to conduct an interview of a child or family, nor is it intended as a self-assessment. Document responses to both questions in the Social Service Information System (SSIS).

### 1. Is the alleged victim providing labor or services for another person?

☐ Yes ☐ No ☐ Unsure

#### Examples:

- The alleged victim is formally employed by the alleged trafficker.
- The alleged victim is formally employed by another person and the alleged trafficker is benefiting.
- The alleged victim is engaged in illegal activities for the benefit of the alleged trafficker, such as theft, panhandling, drug trafficking or identity theft.
- The alleged victim provides informal services for the benefit of the alleged trafficker, such as babysitting, housework, home health care, day labor or working “off the books.”

### 2. Does the alleged victim appear to be compelled in any way to provide the labor or services?

☐ Yes ☐ No ☐ Unsure

#### Examples:

- The alleged victim cannot access their personal documents.

- The alleged victim owes money to their boss, the person who hired them, the person who is housing them or the person who helped them find the job, and are unable to reduce their debt through reasonable work. For instance, when money is taken directly from their pay to cover a debt or for travel, and the amount they owe increases or does not decrease.
- The alleged victim is afraid something bad will happen to them or someone else if they stop providing the labor or services. This includes actual or threatened physical harm or death, loss of housing and blackmail.
- The alleged victim is physically confined, monitored or isolated to keep them working.
- The alleged victim has been threatened with legal consequences such as arrest, immigration enforcement actions, reports to child protection, or other civil actions.
- The alleged victim is providing labor or services as a result of a false promise of a benefit such as pay, education, immigration status or a better life.
- A close emotional or familial relationship is being used to manipulate the alleged victim into providing labor or services (beyond standard family relationships and expectations).

## Appendix C. Runaway Debriefing Form



CHILDREN AND FAMILY SERVICES - CHILD SAFETY AND PERMANENCY



### Runaway Debriefing Form

This form must be completed by the assigned worker within 24 hours of the youth's return after running away from a placement. Prioritize safety and meeting any unmet immediate needs of the youth. The answers to the questions from this form should help the worker determine the most appropriate placement for the youth.

YOUTH NAME		CASEWORKER NAME	
DATE MISSING FROM	DATE RETURNED		DATE OF DEBRIEFING
DATE UPLOADED INTO SSIS		DATE SEY SCREEN COMPLETED	
What type of placement authority does the county have for the youth? (72-hour hold, court-order, Voluntary Placement Agreement)			
How was the youth located or returned to care?			

#### Discussion questions for youth

1. Do you feel safe to talk right now? If not, what would help you feel safe?
2. Can you tell me more about how you returned?
3. What was going on before you left?

4. Can you tell me about what would have kept you from leaving?
5. I am curious about your patterns of leaving. What have you noticed? What is the longest time you have been gone?
6. Did you tell anyone or did anyone help you make your plan to leave? If so, tell me more about that.
7. Can you tell me about where you went and what did when you left? (A typical day? School attendance?)
8. Can you tell me about where you stayed or slept most of the time when you were gone?
9. How did you get food or other necessities while you were gone?
10. Were you hurt or injured in any way while you were gone?




10a. Did you get medical care anywhere while you were gone? Is there anything you want to see a doctor for now?
10b. Are you worried about pregnancy or sexually transmitted infections?
11. When you were gone, did anyone touch you in a way that you did not like or that made you uncomfortable? Has anything like that happened to you any other time?
12. Sometimes people do sexual things to get food, a place to stay or something else. Did anything like that happen to you?
12a. If so, did anyone else help arrange it or get anything for it, like money, drugs or something else?
13. Did you use drugs or alcohol while you were away? When was the last time you used?
14. What was the best thing about being away? And what was the worst?

<p>15. <i>(If the youth has a child and had the child with them while missing)</i> How did you care for your child while you were gone, and does your child need anything right now?</p>
<p>16. Is there an adult (like someone at school, a probation officer, an advocate or a friend's parent) that you trust and could talk to if you feel like you want to leave again? If so, would you mind telling me who?</p>
<p>17. Is there anything that I or someone else could do right now to help you feel safe or to keep you from leaving again?</p>

## Approval and documentation

CASEWORKER'S SIGNATURE	DATE
SUPERVISOR'S SIGNATURE	DATE



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## Appendix D. Youth Exploitation or Trafficking Safety Plan

Clear Form



### Youth Exploitation or Trafficking Safety Plan

<p>Specific safety concerns regarding trafficking or exploitation:</p>  <p>Other immediate safety concerns:</p>	<p>What have the youth and/or their family done to address safety concerns?</p>
<p>What is going well for the youth and/or their family?</p>	<p>Who does the youth and/or their family identify as a support? (Contact information)</p>
<p>What other agencies or community supports are available?</p>	<p>Next steps (who, what, when, where) to address current safety concerns:</p>
<p>Signatures and phone numbers of participants:</p> <hr/> <hr/> <hr/> <hr/>	<p><b>Crisis and specialized service phone numbers</b></p> <p><b>Emergency:</b> 911</p> <p><b>County mental health crisis or after hours phone:</b> _____ (24 hours)</p> <p><b>Mental health crisis text line:</b> Text "MN" to 741741 (24 hours)</p> <p><b>Safe Harbor Regional Navigator:</b> _____</p> <p><b>National Human Trafficking Hotline:</b> 888-373-7888 (24 hours)</p> <p><b>Day One Crisis Hotline:</b> 1-866-233-1111 (24 hours)</p> <p><b>National Center for Missing and Exploited Children:</b> 1-800-843-5678</p> <p><b>Other:</b> _____</p>

Page 1 of 2

## Considerations for Safety Assessment and Planning with Sexually Exploited or Trafficked Youth

**Instructions:** The questions below are considerations to guide child welfare/child protection case workers before completing a safety plan with a youth and/or their family, caregiver or other supports. These considerations are intended as a reference and should not be given directly to a youth or their family. See [www.mn.gov/dhs/safe-harbor](http://www.mn.gov/dhs/safe-harbor) for information about child welfare system response for trafficked or exploited youth.

### Immediate Safety Concerns

1. Is the youth currently missing from home or care? If yes, how long have they been missing? Does the youth stay in contact with people when missing, and if so who and how? Have they been reported as missing (law enforcement and National Center for Missing and Exploited Children)?
2. Is the youth currently at risk of harm to self or others?
3. Does the youth need immediate medical care? Have other medical needs been met recently?
4. Are the youth's basic immediate needs met? (Consider whether they are hungry, thirsty, need clothes, a shower, or safe place to stay.)
5. What other needs are unmet? (This includes language, culture or identity support, or sense of belonging.)
6. Does the youth feel safe in their current situation? (Includes housing, work, school, community, social media, etc.)
7. To what degree does the youth identify themselves as being trafficked or exploited? To what degree do their caregivers identify the youth as being trafficked or exploited?
8. Is the youth in contact with the alleged offender? How is that contact made?
9. Does the trafficker or exploiter know the current location of the youth and their caregivers?
10. Is there a current or past Order For Protection, Harassment Restraining Order or Domestic Abuse No Contact Order in effect for the youth and/or family members?

### Considerations for assessing safety and developing a safety plan

#### General safety planning questions

1. What is going well for the youth, their family and/or caregivers right now? What are the major concerns?
2. What has worked to keep the youth safe so far? What are the youth's or caregiver's skills regarding safety?
3. Who is supportive of the youth and caregivers? Who can be contacted for help and how can they be contacted?
4. How can caseworkers help support youth and caregivers, and connect them with the services they need to stay safe?
5. If there is tension at home/out-of-home placement, what may work for caregivers or supports to reduce tension?
6. What else can be done to help prevent other safety concerns from happening?

#### Safety planning questions for trafficking or exploitation

1. If alleged offender knows the youth's current location or has contact with them, what steps can their family take to help keep them and family members safe?
2. Who can the youth tell, and how will they contact them, if they are contacted by alleged offender? Is the youth willing to talk with someone about their situation?
3. If youth is in a trafficking situation or is exploited, how can they keep themselves safe? What specific steps can be taken to protect against identified threats or risks?



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## Appendix E: Service planning with trafficked or exploited youth



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### Service planning with trafficked or exploited youth

The service needs and strengths of each youth are unique for each individual. Every family has different protective factors and provides their own strength-based support. Service planning for sex trafficked or exploited youth may include any of the following.

#### 1. Safe Harbor response

- a. Connection to the Regional Navigator or supportive services
- b. Support groups and survivor mentoring/peer support for trafficked or exploited youth
- c. Shelter and housing
- d. Sex trafficking and exploitation prevention education

#### 2. Education, livelihood and transportation

- a. Education (school attendance/truancy, Individual Education Plan or 504 plan, school setting and education goals)
- b. Life skills training
- c. Employment (determining job skills and needed training, help with getting a job)
- d. Financial support
- e. Transportation availability/options

#### 3. Medical, mental and behavioral health

- a. Mental health support for youth (individual and family therapy, crisis support, Children's Therapeutic Services and Supports)
- b. Connection to culturally specific and traditional spiritual healing
- c. Medical care (insurance coverage, primary care doctor, reproductive health, long-acting reversible contraception, sexually transmitted infection testing and treatment, preventive care, pre-exposure prophylaxis for HIV, chronic and acute conditions, dental, optometry, transgender-specific health care)
- d. Chemical dependency treatment (including medication-assisted treatment of opioid use via buprenorphine, services for withdrawal symptoms, inpatient treatment and others)

#### 4. Support for parents and family members

- a. Mental health support (individual or family therapy, wraparound services, support groups)

#### 5. Legal rights

- a. Legal representation for youth (civil, delinquency/criminal, immigration, guardian ad litem)
- b. Minnesota Crime Victims Reparations
- c. Criminal justice system-related advocacy, such as access to restitution

#### 6. Victim advocacy and witness coordination

- a. Advocacy for child and family
- b. Providing both legal advocacy within prosecutor's office and community-based advocacy

#### 7. Connections, belonging, and normal youth development

- a. Caregiving that promotes normalcy, including determining interests, hobbies, cultivating strengths, developmentally appropriate goals, and positive youth development activities
- b. Connection to culturally specific supports in the community
- c. Social support, belonging, pro-social skills, connection to family and/or community

#### 8. Access to vital documents and credit

- a. Credit checks, help with resolving identity theft concerns
- b. Access to Social Security card, birth certificate, identity and immigration documents

#### 9. Specialized responses

- a. Disability services (specialized services or case management, access to Supplemental Security Income, accessibility)
- b. Trafficking-related eligibility or interim assistance letter, access to Trafficking Victim Assistance Program funding, and case management (foreign nationals)

## Appendix F. Placement eligibility guide for identifying youth at risk of sex trafficking or commercial sexual exploitation

DHS-7641C-ENG 7-22



Individuals featured are models. Use of this image is for illustrative purposes only and are not affiliated with the subject matter.

### Placement eligibility guide for identifying youth at risk of sex trafficking or commercial sexual exploitation

This guide is a tool for child welfare staff to help identify youth who may benefit from out-of-home placement in specialized settings designed to meet the needs of youth who have been, or at risk for sex trafficking or commercial sexual exploitation. It assists workers in assessing criteria meeting definitions below. When identifying youth at risk, staff should assess all primary and secondary risk factors, appropriately documenting in the Social Service Information System (SSIS). This guide is not intended to be used for interviewing youth or their families.

Full definitions and information about identification and eligibility regarding specialized residential placement are in [Minnesota's Best Practice Response to Human Trafficking and Sexual Exploitation of Children and Youth: A guide for county and tribal child welfare agencies](#) (section VII).

#### Youth at risk of sex trafficking or commercial sexual exploitation

Black, indigenous, and youth of color, as well as those who identify as LGBTQ or gender non-binary, disproportionately experience trafficking and exploitation. When determining if youth are at risk, consider the intersectionality of cultural identity, societal oppression, and how these factors can contribute to higher risk for sex trafficking or exploitation. Youth under age 21 are at risk for sex trafficking if they meet primary or secondary risk factors below.

#### Primary risk factors

Youth are at risk of sex trafficking if they have **one or more** of the three primary risk factors, a history of or currently:

1. Experiencing forms of sexual exploitation, including pornography or sexual performance (commercial or non-commercial)

2. Connected to family members or other individuals who are or were sexually exploited, or who buy or sell sex, or
3. Experiencing labor trafficking or exploitation, or wage theft.

#### Secondary risk factors

Youth who have **two or more** of the following secondary factors are at risk for trafficking and exploitation, even if no primary risk factors are present, history of or currently:

4. Alleged to be a victim of child maltreatment as defined by [Minn. Stat. 260E](#), or other similar law (such as sexual or physical abuse, or neglect)
5. Experiencing trauma such as sexual, physical, or emotional abuse, intimate partner, or caregiver violence
6. Experiencing homelessness, including youth kicked out of their home
7. Lacking a long-lasting supportive relationship with at least one safe and trustworthy adult
8. Experiencing prior out-of-home placement (with or without child welfare involvement)
9. Experiencing substance abuse disorders
10. Experiencing parental substance use, domestic violence, or other forms of violence in the home, parent or family involvement in the criminal legal system
11. Has known or suspected gang affiliation
12. Engaging in truancy or running away, or
13. Involved with juvenile legal system or law enforcement.

