

**DSS ADMINISTRATIVE LETTER
CHILD WELFARE SERVICES CWS-AL-02-2014**

TO: COUNTY DIRECTORS OF SOCIAL SERVICES

ATTENTION: CHILD WELFARE PROGRAM ADMINISTRATORS, MANAGERS,
SUPERVISORS, AND SOCIAL WORKERS

DATE: JULY 1, 2014

SUBJECT: SAFE HARBOR FOR VICTIMS OF HUMAN TRAFFICKING

EFFECTIVE: IMMEDIATELY

I. Intent and Background

The purpose of this Administrative Letter is to provide information regarding the development of a child welfare response to child trafficking in North Carolina. Under North Carolina law, human trafficking as defined in G.S. § 14-43.11, (<http://www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=14-43.11>) occurs when a person knowingly (or in reckless disregard of the consequences of the action) recruits, entices, harbors, transports, provides, or obtains by any means another person with the intent that the other person be held in involuntary servitude or sexual servitude. This also includes a person who willfully (or with the same reckless disregard of the consequences of the action) causes a minor to be held in involuntary servitude or sexual servitude.

Involuntary servitude (sometimes also referred to as labor trafficking) as defined in G.S. § 14-43.12 (<http://www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=14-43.12>) occurs when a person knowingly (or in reckless disregard of the consequences of the action) holds another for the purposes of involuntary labor or servitude. A victim of labor trafficking is an individual who works for another individual against his or her will as a result of force, coercion, or imprisonment, regardless of whether the individual is paid for the labor. The term involuntary servitude is used in reference to any type of slavery, peonage, or compulsory labor for the satisfaction of debts. Two essential elements of involuntary servitude are compulsion to act against one's will and some form of labor for another person. Imprisonment without forced labor is not involuntary servitude.

Sexual servitude as defined in G.S. § 14-43.13 (<http://www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=14-43.13>) occurs when a person knowingly (or in reckless disregard of the consequences of the action) subjects or maintains another in sexual servitude. A victim of sexual servitude is a person who provides sexual services and who, because of the use of force or a threat, is not free to stop providing sexual services or to leave the place or area where the person provides sexual services.

Administrative Letter CWS-AL-05-12 (http://info.dhhs.state.nc.us/olm/manuals/dss/csm-05/man/CWS_AL-05-12.pdf) explained that, effective December 1, 2012, with the passage of Session Law 2012-153 (S 910), a child whose parent, guardian, custodian, or caretaker has sold or attempts to sell them in violation of G.S. § 14-43.14 (<http://www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=14-43.14>) is an abused juvenile under G.S. § 7B-101(1) (<http://www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=7b-101>).

During this most recent session, the General Assembly passed additional anti-human trafficking legislation that directly impacts the child welfare system. Session Law 2013-368 (SB 683) entitled *Safe Harbor for Victims of Human Trafficking* which became effective October 1, 2013 is briefly explained in Administrative Letter CWS-AL-03-13 (<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-05/man/CWS->

[AL-03-13.pdf](#)). That Administrative Letter, dated September 17, 2013, informs county child welfare agencies of a provision that requires law enforcement officers throughout the state to report allegations of human trafficking and/or sexual servitude under G.S. § 14-43.13 (<http://www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=14-43.13>) to county child welfare agencies when they have taken a juvenile into protective custody as an undisciplined juvenile. Additionally, this legislation made further changes to G.S. § 7B-101(1) by including in its definition a juvenile whose parent, guardian, custodian, or caretaker, “commits or allows to be committed an offense under G.S. 14-43.11 (human trafficking), G.S. 14-43.12 (involuntary servitude), or G.S. 14-43.13 (sexual servitude) against the child.”

II. Implications for Child Welfare Policy and Practice

With the passage of Session Law 2012-153 (S 910), which expanded the definition of abused juvenile and the passage of Session Law 2013-368 (SB 683), that requires law enforcement officers, in certain instances, to make child protective services reports of involuntary or sexual servitude; child welfare workers are likely to encounter an increasing number of cases that involve some aspect human trafficking. When child welfare agencies receive reports from law enforcement or other individuals alleging human trafficking of children, a thorough intake interview is imperative. In the absence of a screening tool or specific intake questions on human trafficking and exploitation, intake workers should consider utilizing the physical and sexual abuse and even, possibly, the physical injury screening tools currently found in *Child Welfare Services Manual Chapter VIII; Section 1407 – Structured Intake* (<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-60/man/pdf%20docs/CS1407.pdf>). These tools may help more clearly determine whether child protective services intervention is warranted in an allegation of a child being trafficked. While specific questions and structured intake tools regarding human trafficking are not currently found in the Structured Intake policy, these changes will be incorporated into future updates.

Intake workers and supervisors or administrators should be aware that the child welfare agency may receive reports of children being trafficked by persons who do not fall under the definition of parent, guardian, custodian, or caretaker as defined by G.S. § 7B-101(3) (<http://www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=7b-101>). In these situations it would not be appropriate to accept the report as human trafficking abuse if the child’s parent, guardian, custodian, or caretaker is not involved in and/or does not have knowledge that trafficking is occurring. However, even if the trafficker does not meet the caretaker definition, other concerns may exist that compel the county child welfare agency to explore whether the report meets criteria for acceptance (for instance, if the youth is unattended the dependency screening tool should be completed).

The DSS-5104 Report to Central Registry (<http://info.dhhs.state.nc.us/olm/forms/dss/dss-5104.pdf>) has been amended and now includes “Human Trafficking” as both a possible entry for *Maltreatment Type Reported* (Field 29) and a possible entry for *Maltreatment Type Found* (Field 32) under the ABUSE headings for those fields. The “Human Trafficking” indicator box on the DSS-5104 should be used to capture reports accepted for allegations of and case decision findings of human trafficking whether the specific type of trafficking was involuntary servitude and/or sexual servitude. It should be noted that if a case decision is made that a child is a victim of human trafficking and that the caretaker for that child is the perpetrator of that specific type of abuse, the Responsible Individuals List (RIL) process is triggered by this finding. Additional information on the RIL can be located in the *Child Welfare Services Manual Chapter VIII; Section 1427* (<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-60/man/pdf%20docs/CS1427.pdf>).

III. Additional Information

Human trafficking, whether sexual or labor trafficking, has the potential to manifest itself with multiple indicators. Child welfare workers, particularly intake workers, should be aware of certain signs that could indicate (but are not definitive of) human trafficking.

Possible Indicators of Trafficking

<p>Behavioral:</p> <ul style="list-style-type: none"> • Child/Youth has a significantly older, controlling, or abusive boyfriend/girlfriend; • Child/Youth is fearful, anxious, depressed, submissive, tense or nervous; • Child/Youth avoids eye contact, has numerous inconsistencies in his/her story; Child/Youth exhibits a sudden or dramatic change in behavior; • Multiple delinquent charges, school attendance issues; • Chronic runaway episodes; • Substance abuse issues 	<p>Environmental - Working/Living Conditions:</p> <ul style="list-style-type: none"> • Multiple people living in one house; • Child/Youth is isolated, not allowed to participate in community activities or interact with others; • Homelessness; • Child/Youth's communication is restricted; • Child/Youth does not/cannot speak for themselves; • Child/Youth works excessively long or unusual hours, is unpaid, paid very little, or only paid through tips; • At work the child/youth is not allowed to take breaks or suffers under unusual restrictions
<p>Physical:</p> <ul style="list-style-type: none"> • Signs of trauma (physical or other); • Special indelible marks or tattoos; • Child/youth lacks healthcare, appears malnourished, or shows signs of torture, physical restraint, confinement, or deprivation; • Untreated sexually transmitted infections 	<p>Other:</p> <ul style="list-style-type: none"> • Anyone under the age of 18 years old involved in a commercial sex act; • Child/youth travels with older adult person who is not a parent, guardian, custodian, or caretaker; • Child/youth owes a debt and is unable to pay it off; • History of trauma in family of origin, or history of involvement in the child welfare system; • Reporter indicates that a child/youth has a "boyfriend"/"girlfriend" that they are making money for, or makes any reference to a "pimp;" • Reporter uses descriptors like "slave", "slave like" or "he/she is treated like a slave," or talks about the child being "sold"

With the exception of the indicator in the "Other" category which states, "anyone under the age of 18 years old involved in a commercial sex act" the observation of one or more of these indicators does not conclusively determine whether a child or youth is being trafficked. A child/youth who exhibits one or more of these indicators may be a victim of trafficking or at risk of being trafficked. However, it is also recognized that it is possible the child/youth may be experiencing some other form of maltreatment or life circumstances that are unrelated to trafficking. These indicators are meant solely to provide child welfare workers information about situations that, if described during a child protective services intake, warrant deeper, more focused questions to determine whether trafficking or another form of maltreatment is present.

Questions about the screening or assessment of child maltreatment reports that involve human trafficking should be directed to the Child Welfare Services Policy Team or to the Children's Program Representatives.

Sincerely,



Kevin Kelley, Section Chief
Child Welfare Services

cc: Wayne Black
Hank Bowers
Child Welfare Services Team Leaders