

DATE 10-03-2018

CHANGE NOTICE

CWS-CN-05-2018

MANUAL: Modified Manual – CPS Intake, CPS Assessments, and Cross-Function Topic

CHANGE NO: 05-2018

ATTENTION: Child Welfare Directors, Program Administrators, Supervisors, and Social Workers

RE: Revision to Modified Manual – CPS Intake, CPS Assessments, and creation of Cross-Function Topic: Human Trafficking

EFFECTIVE DATE: November 1, 2018

INTENT:

This letter is to inform county child welfare agencies that child welfare policy regarding human trafficking has been updated to reflect the provisions of Session Law 2018-68 (House Bill 776) *Adoption and Juvenile Law Changes* and Session Law 2018-75 (Senate Bill 162) *Human Trafficking and Restorative Justice*. This legislation amended G.S. 7B-101 definitions of abused juvenile and neglected juvenile to include any juvenile who is found to be a minor victim of human trafficking under G.S. 14-43.15. This definition applies even when the perpetrator is not a parent, guardian, custodian, or caretaker. Per this statutory change, a child who is a victim of human trafficking is an abused and neglected juvenile regardless of his or her relationship to the perpetrator.

SPECIFIC CHANGES

Changes to CPS Intake policy include:

- Establishing Authority to Intervene - Protocol and guidance on establishing the authority to intervene in human trafficking cases. A child who is a victim of human trafficking is an abused and neglected juvenile, regardless of his or her relationship to the perpetrator.
- Protocol on completing the Human Trafficking section of the Child Protective Services Structured Intake Report Form (DSS-1402).
- Protocol on engaging the reporter in obtaining information about a parent, guardian, custodian, or caretaker's protective capacity, willingness to take protective action, and role in the trafficking of the child when the parent/caretaker has not been identified as the perpetrator.
- Guidance on gathering information during CPS Intake on reports of children who have moved from another country to the United States without a family member, as these children may be trafficked or at risk of being trafficked.

- Guidance on gathering information during CPS Intake on reports of children who have run away from home or whose parent, guardian, custodian, or caretaker is absent, as these children may be trafficked or at risk of being trafficked.
- Determination of Response Approach - Protocol that states the Investigative Assessment response must be assigned to reports accepted for allegations of human trafficking.
- Reporter Notification - Protocol and guidance regarding when and how to provide human trafficking information and resources to reporters.
- Human Trafficking Screening Tool - Revisions to the screening tool questions to clarify and bring consistency in screening decisions.

Changes to CPS Assessment policy include:

- Addition of Human Trafficking section under CPS Assessments: Family & Investigative Assessments: Special Categories of CPS Assessments. This section includes:
 - Protocol stating that the requirements of a CPS assessment are not altered when a report involves human trafficking and that child welfare workers must assess safety and risk of human trafficking victims within the context of North Carolina child welfare policy and practice. However, additional requirements in all child welfare cases involving suspected or confirmed human trafficking of a child are in the Cross-Function Topic: Human Trafficking.
 - Guidance on assessing the circumstances of the case with consideration to the known risk factors and indicators of human trafficking.
 - Protocol on the use of assessment tools, including the North Carolina Safety Assessment DSS-5231.
 - Protocol on collaborating with human trafficking victim service organizations and advocates to address safety issues.
 - Protocol on making a case decision of human trafficking. Including that if a child is found to be a victim of sexual servitude under G.S. 14-43.13, sexual abuse must be one of the maltreatment types found.
 - Protocol on determining the role of the parent, guardian, custodian, or caretaker.

Creation of a Cross-Function Topic on Human Trafficking. This section applies to all child welfare cases. This section includes:

- Information on the legal basis for child welfare system response to human trafficking.
- Federal and State legal definitions of the terms severe forms of trafficking in persons, commercial sex act, human trafficking, involuntary servitude, sexual servitude, abused

juveniles, and neglected juvenile.

- Protocol stating that a child who is sold, traded, or exchanged for sex or labor is an abused and neglected juvenile.
- Guidance on known risk factors and indicators of human trafficking.
- Protocol on required notifications and verifications.
- Protocol and guidance on safety considerations.
- Protocol and guidance on determining and utilizing appropriate resources.
- Protocol and guidance on the role of the parent, guardian, custodian or caretaker.

INSTRUCTIONS

The Human Trafficking Policy is currently a stand-alone document. It will be incorporated into the Modified Manual to be released at a later date. The Human Trafficking Policy is effective November 1, 2018.

If you have any questions regarding the policy related to these changes, please contact Erin Conner at 919-527-6351 or erin.conner@dhhs.nc.gov, or your Children's Program Representative.

Sincerely,



Lisa Cauley, Deputy Director

Child Welfare Services

Cc: Michael Becketts, Assistant Secretary for Human Services
Kristin O'Connor, Section Chief for Policy and Programs
Teresa Strom, Local Support Team Manager
Kathy Dobbs, Staff Development Team Manager