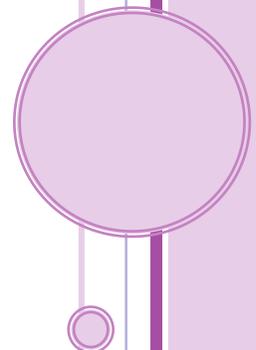


TRAFFICKING  
SUBCOMMITTEE OF  
THE NEBRASKA  
STRENGTHENING  
FAMILIES ACT  
COMMITTEE

*Report to the Nebraska Strengthening Families Act  
Committee*

November 2017



# Strengthening Families Act Committee

## 2017 Annual Report

Foundational Principle: All youth in out-of-home placements deserve to be free from exploitation and experience as much normalcy as possible.

### Priorities

Priority 1: Strengthen the system to minimize victimization for system involved youth.

Priority 2: Monitor and make recommendations to ensure that the implementation of the Federal and State Strengthening Families Acts support the prevention of trafficking.

Priority 3: Creating and supporting collaborative approaches to trafficking.

For more information or to get involved, please visit [childrens.nebraska.gov](http://childrens.nebraska.gov), or email [necc.contact@nebraska.gov](mailto:necc.contact@nebraska.gov).

# TRAFFICKING SUBCOMMITTEE OF THE NEBRASKA STRENGTHENING FAMILIES ACT COMMITTEE

All youth in Nebraska deserve to be free from exploitation and experience as much normalcy as possible to help them reach their full potential in a safe and healthy community. Research consistently shows that when youth enter into out-of-home placements, they are vulnerable to becoming victims of trafficking. Nebraska's dedication to the well-being of its children and the safety of its communities shows in recent legislative changes and stakeholder initiatives to repent and respond to this crime and support the victims.

The Trafficking Subcommittee has served since 2016 as a forum for stakeholders to create innovative solutions to prevent and respond to trafficking among youth in out-of-home placements. This complex issue requires stakeholders to work together to improve outcomes for children. The Trafficking subcommittee affirms the recommendations of its [2016 Report](#), and offers this report as a thoughtful contribution to promoting the below priorities:

1. Strengthen the system to minimize victimization for system-involved youth.
2. Monitor and make recommendations to ensure that the implementation of the Federal and State Strengthening Families Acts support the prevention of trafficking.
3. Creating and supporting collaborative approaches to trafficking response and prevention.

## STRENGTHEN THE SYSTEM TO MINIMIZE VICTIMIZATION FOR SYSTEM INVOLVED YOUTH

Youth in out-of-home placements are part of Nebraska's future, and need a strong system of support to build their well-being. Nebraska's state agencies, child serving agencies and out-of-home placements are dedicated to helping the children and youth they serve reach their full potential. Strengthening these entities to support youth who have been or are at risk of being trafficked supports Nebraska's communities by giving youth a chance to live free from exploitation. Nebraska has reflected its dedication to strengthening its system through recent legislative changes, and the Trafficking Subcommittee has identified the following recommendations to strengthen they system to respond through culture, policies, and stakeholder action.

### System-wide Culture Change

The system must embrace the culture that all youth in out-of-home placements should be treated as stakeholders want their own children treated; that youth missing from care need trauma informed and compassionate responses; and that normalcy is the backbone of preventing trafficking.

#### 1. Youth are Treated as Stakeholders Own Children

Stakeholders treat children in the system as their own children. Out-of-home placements are inherently not normal and can alter a youth's expectations for appropriate interpersonal interactions, leaving them vulnerable to the exploitation of a trafficker. When youth feel love and belonging they do not need to seek it from sources that may exploit this vulnerability. Youth deserve relationships with foster parents, providers, and professionals who respect and communicate the youth's worth to them.

## 2. Promote Culture Change around Youth Missing from Care

System culture and practices around youth missing from care must shift from punitive to trauma informed and safety focused. The focus should be on understanding youth, the push that created a vulnerability for them to go missing from care, and where they went during the time they were missing. The appropriate response cannot be identified if stakeholders do not understand why the youth went missing or what services to provide after returning from being missing.

## 3. Normalcy is the Backbone of Prevention

Normalcy activities should go beyond extracurricular activities, and should include acquiring life skills, such as driving, jobs skills and experience, and social activities such as prom and homecoming dances. These activities help youth acquire the skills they need, envision a safe and healthy future, and meet and foster supportive connections with safe adults and peers. These opportunities also allow youth to see model behavior in setting boundaries and witnessing examples of social norms.

## 4. Public Education

The public must be educated and vigilant about the signs and risks of trafficking. When members of the public are empowered to identify and respond to trafficking, youth can have an opportunity to receive the supports they need as quickly as possible. Human trafficking education should be integrated into education on domestic and intimate partner violence, child abuse and neglect, and crimes of power and control. Members of the public must be able to identify the trafficking of minors, and understand it as child maltreatment that requires reporting to law enforcement and the Child Abuse and Neglect Hotline.

## Collaborative Solutions for Placement Challenges

When a youth who is in out-of-home placement is trafficked, the system faces additional challenges in finding a supportive placement for the youth. Youth need a home where their caregivers can understand the complex issues that arise when a youth has been trafficked, advocate for the youth's needs, and provide treatment level care if needed. Nebraska is currently lacking in treatment level placements, so the system must come together to create innovative solutions for these vulnerable youth.

### 1. Foster Parent Support

Child placing agency and DHHS-CFS staff must have access to the training they need to identify and support foster parents who can provide placement to this vulnerable population. Because trafficked youth often have complex needs and may need protection from a trafficker, foster parents need special skills to keep these youth safely in the home. Agency staff must be able to assess the different strengths that foster parents have, and place youth with needs that match their strengths in their homes. When foster parents with these skills are identified and empowered to support youth who are trafficked, it is more likely that youth can safely stay in their placements and heal from the inside out from the trauma they experienced.

### 2. Least Restrictive, Least Intrusive Placements

Youth who have been trafficked or are at high risk of being trafficked should be served in the youth's own home with supports when at all possible. If such a youth requires out-of-home placement, they should be placed in accordance with this evidence based principle or the least restrictive and least intrusive placement. These youth need safe settings where they can be supervised to prevent a

trafficker from gaining access. The Trafficking Subcommittee will continue work to identify and support placements for youth who have been or are at high risk of trafficking, so that they can be served in the least restrictive and least intrusive setting.

### 3. Treatment Level Placements

The Nebraska Children’s Commission should work with the Department of Health and Human Services, the Administrative Office of Probation, providers, families, and other stakeholders to make recommendations on a treatment level out-of-home placement for youth who have been victims of trafficking. This trauma informed level of care should include a multi-disciplinary team and individualized treatment. The funding source should allow youth to receive treatment as long as needed.

## Workforce Support

Caseworkers are an essential part of the child welfare system, and often have close connections to the youth and their family. When caseworkers are supported and have access to the information and resources they need, it can dramatically reduce a youth’s chance of going missing from care and decrease the amount of time before they are found.

### 1. Caseworker Access to Timely and Accurate Information

DHHS-CFS has an important role in minimizing trafficking risk along with its partner and communities. The Subcommittee strongly supports strengthening caseworker’s access to timely information about a youth across systems. Caseworkers need to have access to the information they need about the youth to respond to changes in behavior and appearance that may indicate a risk of trafficking victimization. Information about the youth’s daily routine and interests will allow caseworkers to contact safe spaces such as schools, a youth’s job, or recreational activity spaces to locate the youth as quickly as possible.

### 2. Workforce Support and Caseloads

DHHS-CFS and workers must have resources to partner with system stakeholders to wrap supports around a trafficked youth. In addition to external partnerships and resources, caseworkers must experience internal supports, including adequate staff support and caseloads. While specific workforce recommendations are outside the scope of this group, the Trafficking Subcommittee supports efforts to champion the role of child welfare caseworkers.

## Legal System Support

Attorneys, whether as a Guardian ad Litem in a child welfare case or a defense attorney in a juvenile justice case, play an essential role as the youth’s advocate. An attorney who is trained to advocate for a trafficked youth can connect the youth to the needed resources and prevent unnecessary trauma.

### 1. Education Opportunities for Legal Parties

The Nebraska State Bar Association and the Nebraska Supreme Court should create and promote Continued Legal Education (CLEs) related to trafficking, including common legal issues experienced by trafficked victims, defending a victim of trafficking, and identifying risk factors and signs of trafficking victimization in clients.

## 2. Defense Attorneys

Defense attorneys play a crucial role in advocating for their client. The State of Nebraska has made important strides to protect children by recognizing that trafficking is a defense to a charge of prostitution. However, youth may be at risk of being charged with other offenses that relate to being trafficked, such as a substance possession related charge. Defense attorneys must be able to recognize the signs of trafficking as powerful advocates for youth to get the help they need.

## 3. Sealing, Expungement, and Vacatur

Sealing, expungement, and vacatur of records are extremely important for youth or adults who have received a criminal record for either prostitution, or a collateral offense related to being trafficked. These individuals need a remedy for the criminal record that may impact their ability to receive an education, enter the workforce, or meet their goals. The Trafficking Subcommittee will join with current efforts to implement best practice in Nebraska related to criminal records.

## RECOMMENDED SYSTEM PRACTICES TO PREVENT MISSING YOUTH

Youth who go missing from care are especially vulnerable to trafficking. When a youth goes missing from care, they are often without shelter, financial resources, or emotional support. Traffickers exploit youth who lack these resources with promises of employment, a place to stay, or love and support. Preventing a youth from going missing prevents the trafficker from having this opportunity and access to the youth. The group strongly recommends the two practices below to keep youth in their placements.

### “Cooling off” Spaces

DHHS-CFS and the Administrative Office of Probation should establish a process for the youth to work with caseworker or probation officer, foster parents, biological parents (if applicable), Strengthening Families Act Advisor/Advocate (if youth is child welfare involved) to create a plan to prevent youth from going missing from care. Youth should have the opportunity to designate a space to “cool off” if the youth is feeling overwhelmed, dealing with traumatic memories, or needing help to deal with conflict. Youth can work with their team to designate a place, like a gas station, neighbor’s house, or other safe area. If they go to this location, they can avoid law enforcement being called and can return to the home after a brief cooling-off period.

### Code Word for Professionals

DHHS caseworkers, probation officers, guardians ad litem, defense attorneys, and other direct care workers should have youth designate a “code word” to indicate that they need a confidential and private conversation. It is not normal for youth to be unable to have confidential conversations about issues and difficulties with the people that make decisions for them. Youth may feel unsafe discussing their feelings about their foster homes or congregate homes while inside the home. The “code word” would alert the professional to take the youth outside of the home for a non-judgmental conversation about what the youth is experiencing. When youth can speak freely and truthfully about their experiences this empowers them, helps them gain skills and perspective, and can lead to a resolution of any problems in the home or placement.

## MONITOR AND MAKE RECOMMENDATIONS TO ENSURE THAT THE IMPLEMENTATION OF THE FEDERAL AND STATE STRENGTHENING FAMILIES ACTS SUPPORT THE PREVENTION OF TRAFFICKING

The State and Federal Strengthening Families Acts provide powerful tools for foster parents, caseworkers, and system stakeholders to prevent and respond to trafficking. Recommendations to strengthen implementation include:

### Normalcy Activities

Normalcy activities should go beyond extracurricular activities, and should include acquiring life skills, such as driving, job skills and experience, and social activities such as prom and homecoming dances. Normalcy activities that provide youth with life skills will allow the youth to create and envision a healthy future. Life skills are necessary for the youth to create a safe and successful life in which the youth has access to education, employment, and healthy friendships and relationships.

### Strengthening Families Act Advisor

The Strengthening Families Act Advocate/Advisor can advocate for the youth's normalcy and the application of the Reasonable and Prudent Parenting Standard. This advocate should be provided with the information or training necessary to use normalcy to prevent the risk of trafficking.

### Foster Parent Training

The Subcommittee continues to recommend that DHHS-CFS ensures that foster parents are adequately trained to respond to signs and risk factors of trafficking victimization. Nebraska Statute was amended to require this training for foster parents, and DHHS-CFS has created a training and has begun the process of educating foster parents. The Subcommittee commends DHHS-CFS for this important initiative, and the Subcommittee along with its individual members are available as a resource for trafficking related training initiatives.

### Language in Policies and Practices

Language at all levels of the system should reflect that youth who are trafficked are victims, and do not make an affirmative choice to participate. Traffickers use psychological, emotional, and physical abuse to make the victims ashamed and guilty. Traffickers intimidate victims by telling them that if they speak up, they will be arrested for prostitution, keeping the victim silent and in fear. The system must unequivocally place the blame squarely on the traffickers and buyers by ending the practice of referring to minor victims as "prostitutes" and using the accurate term "trafficking victim." The state of Nebraska has recognized this by changing the language of Neb. Rev. Stat. §28-801.01 to codify that trafficked individuals are victims. The Subcommittee urges all agencies, including law enforcement agencies to adopt this language and remove all references to "minor or child prostitutes" or construes trafficking victims as prostitutes.

### Collaborative Response to Youth Missing from Care

Ensure that appropriate third parties are able to receive information and photographs of youth who are state wards or under the supervision of the Administrative Office of Probation. Appropriate third parties should include youth serving organizations, street outreach, homeless shelters, agencies that serve young adults and children, hospitals, child placing agencies, and child caring agencies. This should be included in statute if necessary and any regulations promulgated related to this section.

## CREATING AND SUPPORTING COLLABORATIVE APPROACHES TO TRAFFICKING PREVENTION AND RESPONSE

Agencies can partner together to create innovative solutions to the challenge of trafficking. All points in the system must be trauma informed and trained to identify and respond to signs of trafficking. There is no way to determine in advance which door a trafficked youth will enter. There is no way to determine with whom the youth will feel safe enough with to disclose. These youth often have complex needs that will require systems to work together. Creating opportunities to collaborate and share information is necessary to prevent and respond to trafficking.

### Establish a Collaborative Process for System Response to Trafficking Reports

Youth subjected to trafficking experience long term mental and physical health problems in addition to the problems that are inherent in the trafficking victimization. When a victim leaves the trafficking situation, the experience can continue to decrease life span outcomes without the proper support. The mental and physical trauma requires treatment beyond emergency services. When the trauma is treated, survivors can live fulfilling and productive lives.

Youth who have been trafficked enter different points of the system in different ways. Youth also often do not disclose immediately after the victimization. Since it is difficult to plan for what part of the system a trafficked youth will enter and when they will disclose, the system must design a coherent response and clear action steps for stakeholders to respond to suspected or disclosed trafficking.

As Nebraska increases its efforts around this important issue, multiple agencies are designing their responses. A youth will disclose when they are ready, and it is essential that every agency has a policy and procedure to respond internally, and to integrate existing external supports.

1. Trafficking education must be integrated into existing trainings so that the public recognizes the trafficking of minors as child maltreatment and reports the maltreatment to law enforcement or the Nebraska Child Abuse and Neglect Hotline.
2. One agency or organization is designated as a centralized point to receive and coordinate the response to trafficked minors, regardless of whether the trafficker is a caregiver or a third-party. **The Trafficking Subcommittee strongly recommends that the system design or designate a centralized agency or organization to receive reports and coordinate the response of trafficked minors.**
3. A process is established for collection of pre-screening tools that are completed, including collection and data analysis of the information received, and coordinated response to the youth who is the subject of the screening tool regardless of their current system involvement. This centralized agency or organization receives information from law enforcement or any other stakeholder who has completed a pre-screening that indicates trafficking or a high risk of trafficking, and is empowered to reach out to the youth and the family to offer support.
4. A free flow of information is established within the boundaries of existing state and federal privacy laws that allows a coordinated and system-wide response to youth who have been trafficked or are at high risk. Information can be discussed at a traditional multi-disciplinary team meeting (also called LB1184 Teams) to ensure that law enforcement and DHHS are working together in the best interest of the child or youth and their family.

## Creative Case Staffing Trafficking Response

Stakeholders have created a Creative Case Staffing process where multiple agencies come together and identify solutions without breaching client privacy. These staffings should continue to occur to develop responses and provide assistance to youth who are victims of trafficking, and promote awareness of trafficking signs and risks. Stakeholders understand that trafficking victims face their own sets of challenges, and existing policy and practice may not address these needs.

## Nebraska Human Trafficking Task Force

The Trafficking Subcommittee supports the Nebraska Human Trafficking Task Force in creating a base training curriculum for law enforcement to respond to trafficking in the state. Communities and children are safer when law enforcement has the tools to identify a trafficking situation. In addition to the training for law enforcement, the Nebraska Human Trafficking Task Force has engaged in significant amounts of collaborative work in creating a statewide official pre-screening tool and in in-depth screening tool. The subcommittee supports the work of the Child Advocacy Centers, and Nebraska Human Trafficking Task Force as they develop these tools, collect and analyze the data, and supports DHHS and law enforcement as they implement screening tools.

## Collaboration for Prevention

Establish a coordinated response for youth who are missing from their homes and are not involved in the child welfare or juvenile justice systems. Currently, a hotline intake procedure does not exist for youth who go missing from their own homes. Law enforcement agencies, the Crime Commission, the Administrative Office of Probation, and the Department of Health and Human Services should work together to create a process to respond to and capture data about this population.

## Collaborative Response to Hotline Calls

The group endorses the procedures in [Appendix C](#) for DHHS-CFS response when a hotline call alleges that a child or youth is victim of trafficking. This requires collaboration between HHS and law enforcement, and the attachment clearly defines roles and procedures. This attachment has been reviewed and approved by the Attorney General of the State of Nebraska. It is essential that this process be followed even when the trafficker is a third party perpetrator or is not living in the home.

## System Wide Data Sharing

The National Center for Missing and Exploited Children (NCMEC) should be an essential partner to state and county level agencies. NCMEC collects data on missing youth, and partnership should be fully explored. Additionally, Multi-Disciplinary Teams should be included in discussion and decisions related to data sharing so that these Teams have the information needed to respond to the trafficking of youth.

Data sharing amongst agencies within Nebraska must be a central part of statewide response to trafficking. Several data and information sharing endeavors are occurring, and the Trafficking Subcommittee commends these efforts and recommends they continue:

1. The Department of Health and Human Services and the Administrative Office of Probation send information related to human trafficking victims in their custody (DHHS) or under their supervision (AOP) to the Foster Care Review Office for data analysis and review.

2. The Children and Juvenile Data Feasibility Study will create a preliminary report on statutory changes to create a data warehouse. The Trafficking Subcommittee supports the creation of a cross systems data warehouse to allow for a thorough analysis of data related to trafficking.
3. The Subcommittee reaffirms the data recommended for cross-system collection and analysis in its 2016 report, attached as [Appendix D](#).

## Legislation to Promote Collaboration in the Successful Transition to Adulthood

The Legislature should pass LB179 to allow partnership between the Department of Health and Human Services and the Administrative Office of Probation to support juvenile justice youth who are aging out of their out-of-home placement without a safe home. If these youth do not receive the support they need, they will be unable to successfully transition to adulthood and will be at high risk of trafficking.

## COLLABORATIVE EFFORTS OF THE TRAFFICKING SUBCOMMITTEE

### State Agency Support

The Trafficking Subcommittee regularly communicates and collaborates with state agencies DHHS-CFS, The Administrative Office of Probation, and the Foster Care Review Office to gather and share information about trafficking response. Each agency is instrumental in preventing trafficking and has been thoroughly engaged with efforts. The Subcommittee remains available as a resource and partner to state agencies addressing trafficking prevention and response.

### Strengthening Families Act Advisor/Advocate

The Subcommittee is partnering with the Another Planned Permanent Living Arrangement (APPLA) Subcommittee to identify roles for the Strengthening Families Act Advocate that act as advisors and advocates for the Reasonable and Prudent Parenting Act Standard on behalf of youth in child welfare out-of-home placements. The groups will create recommendations to help Strengthening Families Act advisor/advocates support normalcy, prevent trafficking, and help youth successfully transition to adulthood. Recommendations will be available in 2018.

### Prevention for Native American Youth

The subcommittee has identified Native American youth as an important population. The group will pursue partnerships with the tribes and the ICWA coalition to support these youth.

### Education and Prevention

The group is exploring the Department of Education as a partner to identify numbers of homeless youth for prevention efforts. The group will also explore training for educators and trafficking prevention education for students.

## **MATRIX SUMMARY OF STRATEGIES**

The Trafficking Subcommittee developed action strategies that support the priorities identified at the beginning of this report:

Priorities:

1. Strengthen system to minimize victimization for system-involved youth.
2. Monitor and make recommendations to ensure that the implementation of the Federal and State Strengthening Families Acts support the prevention of trafficking.
3. Creating and supporting collaborative approaches to trafficking response and prevention.

In what follows, the recommendations presented in the Trafficking Subcommittee final report are grouped according to the priorities that comprise the Trafficking Subcommittee's larger, overarching systemic goals.

For each objective, the Trafficking subcommittee considered the following during its discussions regarding implementation strategies:

Legislation: Answers the question whether legislation is required to accomplish the objective.

Trafficking Subcommittee Priorities: Identifies which Trafficking Subcommittee priority the objective/recommendation supports. 1 = Strengthen the system to minimize victimization for system-involved youth; 2= Monitor and make recommendations to ensure that the implementation of the Federal and State Strengthening Families Acts support the prevention of trafficking; and 3= Creating and supporting collaborative approaches to trafficking response and prevention.

### **STRENGTHEN THE SYSTEM TO MINIMIZE VICTIMIZATION FOR SYSTEM INVOLVED YOUTH**

The entire child welfare and juvenile justice system must be strengthened to be able to prevent and respond to trafficking. Placements, foster parents, caseworkers, and processes must all reflect the commitment to vulnerable youth.

<b>STRENGTHEN THE SYSTEM</b>		
Strategy	Legislation	Priority
Youth are treated as stakeholders' own children.	No	1
System culture and practices around youth missing from care must shift from punitive to trauma informed and safety focused.	No	1
Normalcy activities should go beyond extracurricular activities, and should include acquiring life skills, such as driving, jobs skills and experience, and social activities such as prom and homecoming dances.	No	1
Agency staff must have access to the training they need to identify and support foster parents who can provide placement to this vulnerable population. Because trafficked youth often have complex needs and may need protection from a trafficker, foster parents need special skills to keep these youth safely in the home.	No	1
Members of the public must be able to identify the trafficking of minors, and understand it as child maltreatment that requires reporting to law enforcement or the Child Abuse and Neglect Hotline.	No	1
Agency staff must be able to assess the different strengths that foster parents have, and place youth with needs that match their strengths in their homes. When foster parents with these skills are identified and empowered to support youth who are trafficked, it is more likely that youth can safely stay in their placements and enter into a loving family home.	No	1, 3
Youth who have been trafficked or are at high risk of being trafficked should be served in their own homes when possible. If such a youth requires out-of-home placement, they should be placed in accordance with the evidence based principle of the least restrictive and least intrusive placement.	No	1
The Nebraska Children's Commission should work with the Department of Health and Human Services, the Administrative Office of Probation, providers, families, and other stakeholders to make recommendations on a treatment level out-of-home placement for youth who have been victims of trafficking.	No	1, 3
The Subcommittee strongly supports strengthening caseworker's access to timely information about a youth across systems. Caseworkers need to have access to the information they need about the youth to respond to changes in behavior and appearance that may indicate a risk of trafficking victimization.	No	1, 2, 3

<b>STRENGTHEN THE SYSTEM</b>		
Strategy	Legislation	Priority
DHHS and workers must have resources to partner with system stakeholders to wrap supports around a trafficked youth. In addition to external partnerships and resources, caseworkers must experience internal supports, including adequate staff support and caseloads.	Need for Legislation Under Review by Workforce Workgroup	1, 2, 3
The Nebraska State Bar Association and the Nebraska Supreme Court should create and promote CLEs related to trafficking, including common legal issues experienced by trafficked victims, defending a victim of trafficking, and identifying risk factors and signs of trafficking victimization in clients.	No	1, 3
Defense attorneys must be able to recognize the signs of trafficking as powerful advocates for youth to get the help they need.	No	1, 3
Sealing, expungement, and vacatur is extremely important for youth or adults who have received a criminal record for either prostitution, or a collateral offense related to being trafficked. These individuals need a remedy for the criminal record that may impact their ability to receive an education, enter the workforce, or meet their goals. The Trafficking Subcommittee will join will join with current efforts to implement best practice in Nebraska related to criminal records.	Need for Legislation Under Review	1, 3
DHHS and Probation should establish a process for the youth to work with caseworker or probation officer, foster parents, biological parents (if applicable), Strengthening Families Act Advisor/Advocate (if youth is child welfare involved) to create a plan to prevent youth from going missing from care. Youth should have the opportunity to designate a space to “cool off” if the youth is feeling overwhelmed, dealing with traumatic memories, or needing help to deal with conflict.	Need for Legislation Under Review	1, 2, 3
DHHS caseworkers, probation officers, guardians ad litem, defense attorneys, and other direct care workers should have youth designate a “code word” to indicate that they need a confidential and private conversation.	No	1, 2, 3

**MONITOR AND MAKE RECOMMENDATIONS TO ENSURE THAT THE  
IMPLEMENTATION OF THE FEDERAL AND STATE STRENGTHENING FAMILIES ACT  
SUPPORT THE PREVENTION OF TRAFFICKING**

The Subcommittee is dedicated to monitoring the implementation of the State and Federal Strengthening Families Acts to support the prevention of trafficking. Normalcy and the Reasonable and Prudent Parenting Standard are tools that can prevent youth from being trafficked by keeping them safe and healthy in family like environments.

<b>INTESIVE AND ONGOING EFFORTS</b>		
Strategy	Legislation	Priority
Normalcy activities should go beyond extracurricular activities, and should include acquiring life skills, such as driving, job skills and experience, and social activities such as prom and homecoming dances.	No	1, 2
The Strengthening Families Act Advocate/Advisor can advocate for the youth’s normalcy and the application of the Reasonable and Prudent Parenting Standard. This advocate should be provided with the information or training necessary to use normalcy to prevent the risk of trafficking.	No	1, 2
The Subcommittee commends DHHS-CFS for training foster parents related to trafficking and the Subcommittee along with its individual members are available as a resource for trafficking related training initiatives.	No	1, 2, 3
The Subcommittee urges all agencies, including law enforcement agencies to adopt this language and remove all references to “minor or child prostitutes” or construes trafficking victims as prostitutes.	Need for Legislation Under Review	1, 2
Ensure that appropriate third parties are able to receive information and photographs of youth who are state wards or under the supervision of the Administrative Office of Probation.	Need for Legislation Under Review	1, 2, 3

**CREATING AND SUPPORTING COLLABORATIVE APPROACHES TO TRAFFICKING  
PREVENTION AND RESPONSE**

Trafficking is a complex problem that requires systems to work together to address it. The Subcommittee is committed to serving as a forum and a resource for collaborative and innovative solutions.

<b>STRENGTHEN THE SYSTEM</b>		
Strategy	Legislation	Priority
Trafficking education must be integrated into existing trainings so that the public recognizes the trafficking of minors as child maltreatment and reports the maltreatment to law enforcement or the Nebraska Child Abuse and Neglect Hotline.	No	1, 3
One agency or organization is designated as a centralized point to receive and coordinate the response to trafficked minors.	Need for Legislation Under Review	1, 3
A process is established for collection of pre-screening tools that are completed, including collection and data analysis of the information receive, and coordinated response to the youth who is the subject of the screening tool. This centralized agency receives information from law enforcement or any other stakeholder who has completed a pre-screening that indicates trafficking or a high risk of trafficking, and is empowered to reach out to the youth the family to offer support.	Need for Legislation Under Review	1, 3
A free flow of information is established within the boundaries of state and federal privacy laws that allows a coordinated and system-wide response to youth who have been trafficked or are at high risk of becoming trafficked.	Need for Legislation Under Review	1, 3
Stakeholders have created a Creative Case Staffing process where multiple agencies come together and identity solutions without breaching client privacy. These staffings should continue to occur to develop responses and provide assistance to youth who are victims of trafficking, and promote awareness of trafficking signs and risks.	No	1, 3
The Trafficking Subcommittee supports the Nebraska Human Trafficking Task Force in creating a base training curriculum for law enforcement to respond to trafficking in the state.	No	1, 3
In addition to the training for law enforcement, the Nebraska Human Trafficking Task Force has engaged in significant amounts of collaborative work in creating a statewide official screening tool and in in-depth screening tool. The subcommittee supports the work of the Nebraska Human Trafficking Task Force as they develop these tools, collect and analyze the data, and supports DHHS and law enforcement as they implement screening tools.	No	1, 3
Establish a coordinated response for youth who are missing from their homes and are not involved in the child welfare or juvenile justice systems.	Need for Legislation Under Review	1, 3
The National Center for Missing and Exploited Children (NCMEC) should be an essential partner to state and county level agencies.	Need for Legislation Under Review	1, 3

<b>STRENGTHEN THE SYSTEM</b>		
Strategy	Legislation	Priority
Multi-Disciplinary Teams should be included in discussion and decisions related to data sharing so that these Teams have the information needed to respond to the trafficking of youth.	Need for Legislation Under Review	1, 3
Data sharing amongst agencies within Nebraska must be a central part of statewide response to trafficking. Several data and information sharing endeavors are occurring, and the Trafficking Subcommittee commends these efforts and recommends they continue.	Need for Legislation Under Review	1, 3
The Legislature should pass LB179 to allow partnership between the Department of Health and Human Services and the Administrative Office of Probation to support juvenile justice youth who are aging out of their out-of-home placement without a safe home.	Yes	1, 3
The Subcommittee remains available as a resource and partner to state agencies addressing trafficking prevention and response.	No	1, 2, 3
The Subcommittee is partnering with the Another Planned Permanent Living Arrangement (APPLA) Subcommittee to identify roles for the Strengthening Families Act Advocate that act as advisors and advocates for the Reasonable and Prudent Parenting Act Standard on behalf of youth in child welfare out-of-home placements.	No	1, 2, 3
The subcommittee has identified Native American youth as an important population. The group will pursue partnerships with the tribes and the ICWA coalition to support these youth.	Need for Legislation Under Review	1, 2, 3
The group is exploring the Department of Education as a partner to identify numbers of homeless youth for prevention efforts. The group will also explore training for educators and trafficking prevention education for students.	Need for Legislation Under Review	1, 3

## TRAFFICKING SUBCOMMITTEE MEMBERSHIP

Member Name	Title and Organization
Erin Aliano (Co-Chair)	<b>Special Projects Coordinator</b> Nebraska Alliance of Child Advocacy Centers
Raevin Bigelow	<b>Youth Advocate</b> , Project Everlast
Ivy Bloom	<b>Program Specialist</b> , DHHS, Division of Children and Family Services
Deanna Brakhage	<b>Program Specialist, Bridge to Independence</b> , DHHS, Division of Children and Family Services
Becca Brune	<b>Child Welfare Program Associate</b> , Nebraska Appleseed
Gary Burke	<b>County Attorney</b> , Dundy County
Terry Clark	<b>Professor of political science and the director of the graduate program in international relations (INR)</b> , Creighton University
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Process of Neb. Rev. Stat. 28-801 for Law Enforcement  
A collaborative process of keeping a juvenile trafficking victim safe not detained



A person under eighteen years of age...shall be immune from prosecution for a prostitution charge (trafficking victim)

A Law Enforcement Officer shall immediately report an allegation of trafficking of a child (28-831)...

...to the DHHS which shall commence an investigation within 24 hours under the Child Protection and Family Safety Act (28-710).

This process should happen regardless if the perpetrator is a caretaker or a third party.  
If the case is not accepted by DHHS, please contact your local CAC Coordinator for case review referral to the Investigative Team.

## Trafficking Subcommittee

### Recommendations to the Normalcy Taskforce

November 2, 2016

This group was formed to make recommendations on the implementation of the [Preventing Sex Trafficking and Strengthening Families Act \[Public Law 113-183\]](#) related to the prevention of trafficking provisions of the act, and how enhancing normalcy for youth in out-of-home placements can prevent trafficking. The group agreed to begin its work by examining prevention for youth who are missing from care or at risk of going missing from care. The group's intent is to share sample best practices with the rest of the system to support the prevention of trafficking for all youth who are system involved or at risk of being trafficked, beginning with best practices for youth who are missing from care.

### Foundational Principle

1. **All youth in out-of-home placements have the right to be free from exploitation and experience as much normalcy as possible.** The backbone of trafficking prevention efforts should be to increase and promote normalcy. The more normalcy a youth experiences, the more supports will be available to prevent the youth from going missing from care, decrease the amount of time the youth is missing, and ensure that the youth has access to needed services after returning. This foundational principle contains three essential elements:
  - a. **All youth deserve to feel a sense of love, belonging and empowerment.** The experience of youth in out-of-home care is inherently not normal and can alter a youth's expectations for appropriate interpersonal interactions. A youth who feels loved and empowered will have more supports to prevent the youth from becoming a victim of trafficking. Youth deserve relationships with foster parents, providers, and professionals who respect and communicate the youth's worth to them.
  - b. **All youth deserve a safe and affirming home that will allow them to thrive.** Foster homes, case managers, and child welfare workers should be committed to maintaining the dignity of families that may be experiencing crisis. Services to the youth and family should be non-judgmental, trauma informed, culturally competent, and affirming to the identity of children and families, regardless of their sexual orientation, gender identity or expression. Safe and affirming environments can prevent youth from becoming victims of commercial sexual exploitation.
  - c. **All youth deserve to feel empowered to access necessary services, activities and supports without fear of judgement.** Allowing youth this access will help prevent trafficking by increasing the youth's confidence, skills, and fostering trusted relationships with caring adults. While normalcy is the backbone of trafficking, youth need more than access to activities. Youth need a voice that is heard, an environment that empowers them, and the skills to work out conflicts.

### Recommendations

#### Normalcy is the Backbone to Prevention Efforts

1. **Normalcy activities should go beyond extracurricular activities, and should include acquiring life skills, such as driving, job skills and experience, and social activities such as prom and homecoming dances.** Normalcy activities that provide youth with life skills will allow the youth to create and envision a

healthy future. Life skills are necessary for the youth to create a safe and successful life in which the youth has access to education, employment, and healthy friendships and relationships.

2. **Involve the youth’s Strengthening Families Act advisor in notification of a youth who goes missing from care.** Nebraska’s Strengthening Families Act allows a youth to designate an individual as an advisor and advocate for the child with respect to the application of reasonable and prudent parenting standard and for the child on normalcy activities. The agency should immediately notify the advisor when the youth goes missing. The advisor will have significant knowledge about the youth’s interests, values, and relationships, and can help locate the youth.
3. **Stakeholders involved at the individual case level should promote normalcy and have conversations with the youth about his or her interests, hobbies, and relationships.** Getting to know the youth’s hobbies can help in locating the youth when they go missing from care, and create a relationship where the youth feels comfortable and supported in disclosing information. This information can help locate youths who go missing from care and connect them to pro-social activities and beneficial services.
4. **Youth should be able to designate a safe place as a “cool off” place where the youth can go when overwhelmed, triggered, or to prevent a conflict from escalating.** This place could be a neighbor’s house, a family members house, Strengthening Families Act advocates’ house, a public area nearby (such as a library, community center, or local business like a restaurant or gas station), or other safe and appropriate space. Law enforcement or caseworkers would check the designated area before the youth is considered missing from care. Youth may go missing from care not because they want or need a different placement, but because they need to leave the situation to deescalate and cool off. A designated area would prevent youth from going missing from care and help the youth build conflict resolution skills.
5. **Youth designate a “safe word” to indicate to caseworkers and others working directly with the youth that they need a confidential conversation outside of the home.** It is not normal for youth to be unable to have confidential conversations about issues and difficulties with the people that make decisions for them. Youth may feel unsafe discussing their feelings about their foster homes or congregate homes while inside the home. The “safe word” would alert the worker to take the youth outside of the home for a non-judgmental conversation about what the youth is experiencing. Empowering the youth to speak freely and truthfully about their experiences empowers the youth and helps them gain skills and perspective, and can lead to a resolution of any problems in the home.

#### System Change

1. **Promote a change in system culture and practices around youth missing from care from fear based and punitive, to safety and understanding.** Stakeholders should consider each youth missing from care as if the youth were their own child. Purposeful transition from the use of “runaway,” language to “missing youth,” encourages stakeholders to consider the youth’s internal experience of care and reasons for going missing rather than viewing only the youth’s external actions.
2. **Enhance cross-systems information sharing and create a collaborative response to youth who are missing from care.** Most youth who are system involved touch a number of programs, and when a youth goes missing, numerous agencies and systems become involved. Increased information sharing and communication will allow for a faster, more coordinated and effective response to youth who are missing from care.

### Agency Response

1. **Create a written process for caseworkers when responding to youth who are missing from care that emphasizes the importance of the first twenty-four hours after the youth leaves care.** This process must recognize the importance and urgency of the first twenty-four hours after a youth goes missing. The process should identify the steps and necessary actions at each step, including when to involve law enforcement and report the youth on the National Missing Children’s Registry. A similar written process for the return of youth to care will allow caseworkers to respond quickly in the time immediately following their return, and ensure that the youth receive the services and support they need. The agency will also provide written notice to youth about agency response to youth missing from care, including that information will be shared about them in an effort to find them.
2. **Include wraparound services and supports and focus on creating a safe space where youth can disclose information about the time spent missing from care.** The written process created for caseworkers should be clear that the intention is to support the youth, not to punish, and allow the caseworker to have a flexible response that takes into account the youth’s experience, values, strengths, and risk factors. When indicated or necessary, youth should be interviewed from a trained forensic interviewer at a Child Advocacy Center.
3. **Recognize youth who are at high risk for targeted prevention, and the signs of trafficking to create appropriate responses to trafficking and youth missing from care, including the following:**
  - a. Youth who have been sexually abused (studies have estimated upwards of 70%+ of commercially sexually exploited adults were sexually abused as children)
  - b. Youth who are homeless (estimates indicate over 1/3 of homeless youth engage in survival sex)
  - c. Youth who self-identify as LGBT (lesbian, gay, bisexual, and/or transgender (estimates indicate LGBT youth are 5 times more likely to be trafficked)
  - d. Youth who have been “tagged” with tattoos, brands, or other marks by traffickers
  - e. Youth who have bruises, track marks, or other unexplained injuries
  - f. Youth who have sudden changes in appearance, personal hygiene, attitude, interests and social groups
4. **Offer youth who are “tagged” by traffickers with tattoos, brands, or other marks an opportunity to have the mark removed or covered.** Agencies should explore funding for this service or partnership with local dermatologists or tattoo shops to provide this opportunity. The youth’s wishes about removal or covering the mark should be respected, as youth may view the mark as a symbol of survival. Youth should be informed of this option and empowered to make their own decisions about this subject.

### Agency Process

1. **Create and implement a screening tool to determine if a youth may have been trafficked.** Nebraska Youth Councils should have the opportunity to review the screening tool and provide input, so that the screening criteria reflects the experience of youth. All vulnerable youth are screened for sexual exploitation upon entry into any system.
2. **Provide youth returning from being missing from care access to a confidential and private health screening.** When youth return from being missing from care they are often in need of health screenings, including for sexually transmitted diseases, but can be reluctant to access them because the results will not

remain private. This should be offered to youth and required if screening indicates a need. Youth should have a chance to access confidential health services that will not be accessible to everyone who has access to their case file.

3. **Provide youth returning from being missing from care the opportunity to have an honest and open conversation with a non-judgmental, trusted adult to learn the youth's reasons for leaving care.** This conversation should include the reasons the youth left care, the youth's wishes for continued placement at the placement from which they left, and allow the youth to disclose important information without fear of retribution. Youth will likely not disclose to an individual who is not trusted and does not have a relationship with the youth. Allow the youth to identify the trusted adult to have the conversation, such as a caseworker or the youth's Strengthening Families Act advocate.
4. **Provide youth returning from being missing from care should legal counsel upon returning to care.** Without effective legal representation, a youth who has been trafficked may be criminally charged with a number of offenses, including possession of controlled substances. Competent and trauma informed legal counsel can prevent a youth who has been trafficked from being re-traumatized by punishment. Nebraska statute provides for age of minority as an affirmative defense to the criminal charge of prostitution [[Neb. Rev. Stat. §28-801](#)].
5. **Consider addressing policy barriers within youth serving agencies that prevent youth from accessing information and supports.** Many youth serving agencies and facilities prohibit staff and youth from communicating after the youth leaves care. Loosening this restriction would allow youth to access safe and supportive relationships, information, and resources. Agencies should consider their policies, safety of the staff and youth, and identify a process for youth to remain connected to positive relationships. Agencies may also make the decision to educate the youth on healthy transitions to new service providers and to help the youth prepare for similar transitions later in life, such as transitions in supervisors, co-workers, and relationships.
6. **Comply with reporting requirements in Neb. Rev. Stat. §43-1303.** This section of state law requires the Department of Health and Humans Services, the Office of Probation and ministration, any child placing agency, or any court to report information to the Foster Care Review Office about youth in out-of-home placements. The information report includes whether any child in any foster care placement is considered a trafficking victim or immune from criminal prosecution due to the affirmative defense of being under the age of eighteen and/or being a victim of trafficking.

#### Agency Data Collection

1. **Stakeholders should utilize a Continuous Quality Improvement process to review data related to youth who go missing from care, or youth who are trafficked. Data collection should include the following:**
  - a. **Areas where trafficking and recruiting occurs should be collected.** This information can allow law enforcement to identify patterns and to assess and prevent the risk of a youth missing from care to become a victim of trafficking. This information will also assist in prevention education system wide, including stakeholders, families, and the public.
  - b. **Where the youth went when they were missing from care, and why the youth went missing from care should be collected.** This measure may be difficult to track, as it requires youth to feel comfortable talking about their experience and inner thoughts and emotions. Collection of this data

point will need to be handled with sensitivity and reflect a trusting relationship between a youth and worker.

- c. **The length of time youth are missing from care in each instance of being missing from care, and whether the length of time missing from care is increasing or decreasing for a youth.** A decrease in the amount of time spent missing from care in each instance is important to discuss with the youth and identify the reasons for the improvement. If the length of time increased, it is likewise imperative to understand what is causing the youth to be gone longer.
  - d. **The number of youth who need medical attention when they return to care and the number of youth who receive medical attention when they return to care should be collected.** This measure will also require a close and trusting relationship between the youth and worker.
  - e. **Disparities in the youth that go missing from care.** Data should be collected to determine if disparities exist in the populations that are more likely to go missing from care, including youth of color, gender, and LGBT youth.
  - f. **How often law enforcement receives data on youth missing from care from DHHS should be collected.** This data point will allow systems to determine if communication is prompt and adequate, and make plans for improvement if necessary.
  - g. **Number of placements and length of stay in out-of-home care placements.** This information will allow stakeholders to determine if there is a particular point in time or type of placement that youth are at a heightened risk, or placement types and patterns that reduce risk.
2. **Identify the best practices for collecting the above data.** Many youth who go missing from care are experiencing a difficult time in their lives, and will not want to disclose to a stranger or someone with whom they do not have a pre-existing trusted relationship. Each agency should determine best practices for a debriefing process when a youth returns from having been missing from care. Best practices should include a screening tool to identify youth who have been trafficked or are at risk of becoming trafficked.
  3. **Analyze data in aggregate by DHHS internally, and jointly with a group of individuals who are knowledgeable about trafficking.** DHHS-CFS currently has a mechanism for internal data review, the Continuous Quality Improvement Process, and plans to collect and analyze data related to trafficking with this process. Data should also be analyzed with external stakeholders who have knowledge about trafficking in Nebraska.
  4. **Review case level data on youth who have gone missing from care using a “red team model” similar to DHHS-CFS alternative response program red team.** This staffing should include a case review and best interest staffing. The purpose should be to find the youth, respond to the youths’ needs upon returning, and determine if the youth’s placement is appropriate. This staffing should be informed by youth voice and wishes. These cases should also be considered for staffing in 1184 MDT teams.
  5. **Maintain an accurate and up-to-date picture on file of all state wards on the Nebraska Family Online Client User System (NFOCUS).** This will allow for communication about youth missing from care to include a picture, to assist in the immediate return of the youth to care. DHHS should consider a process to ensure

that the photo is kept up-to-date, such as requiring a new picture on the youth's birthday, at the start of the school year, or when the youth's appearance changes.

6. **Create efficiencies in sharing information across systems by removing barriers, sharing data while maintaining privacy, enhancing cross system communications, and strengthening partnerships with communities on out of state borders.**
  - a. **Remove system barriers to expedite action and increase communication.** Agencies should put processes into place so that when youth missing from care move between counties, system response is not delayed and youth can be returned as quickly as possible. Additional barriers relate to the age of majority. When a youth who is eighteen years old goes missing from care and crosses state borders, often the law enforcement in the other state are unable to help return the youth, due to laws related to the age of majority.
  - b. **Share information about youth missing from care immediately while maintaining privacy.** All youth who are missing from care deserve an immediate and urgent response that gets their information out as quickly as possible. Though youth privacy is important, urgent action is imperative to maintaining the youth's safety. Agencies should identify how much information can be shared without infringing on the youth's privacy, and share as much relevant information as possible.
  - c. **Enhance cross system communications.** DHHS will notify other agencies, including schools, law enforcement, juvenile justice agencies, and juvenile probation officers, other places that the youth frequents, including places such as the YMCA, community centers, and the youth's work. DHHS-CFS should notify third parties as much as possible while maintaining respect for the youth's privacy.
  - d. **Strengthen partnerships with communities across State of Nebraska borders where youth are likely to cross the state border.** Strengthening relations with these communities will assist in returning youth who have gone missing from care and crossed state lines. These partnerships should include reciprocal notice of youth who have gone missing from care, and communication between agencies and organizations that youth missing from care often access. Possible solutions include creating a Memorandum of Understanding (MOU) with neighboring states, or addressing this issue within the Interstate Compact on the Placement of Children.

### Training

1. **Train youth, caregivers, and public on prevention of trafficking.** Education for youth on trafficking should include general education, information on who to call and what their options are if they or someone they know have been trafficked. Training for public, parents, caregivers, and individuals who work with youth should include the signs and indicators of trafficking and recruitment.
2. **Train foster parents and caregivers on Reasonable Prudent Parenting Standard (RPPS) activities that include a wide spectrum of involvement such as employment, various support groups and youth councils, normalcy for youth that have experienced trauma, and identifying high risk factors for trafficking.** RPPS should be presented as more than just access to activities, but access to skills, career building, and empowerment for youth with the ultimate goal of creating normalcy for the youth. Caregivers should understand the trauma and triggers that may create barriers to normalcy when not addressed. Many youth who go missing from care do so in response to a trauma trigger in the home. Education on active listening,

involvement of youth voice, crisis intervention, creating a youth engaged environment, trauma informed care, and trauma triggers can prevent youth from going missing and allow youth the opportunity to access RPPS activities and experience normalcy.

3. **Foster parents should be required by licensing standards to attend a human trafficking continuing education course within the first year of service.** This will allow foster parents to identify and respond to signs and indicators of trafficking and recruitment, and keep youth safe and free from exploitation.

#### Youth Bill of Rights

1. **Include in the Youth Bill of Rights that youth have the right to be looked for and missed when they go missing from care, and include a notice to youth about agency response to youth missing from care, including that information will be shared about them in an effort to find them.** Youth in out-of-home placements can feel like a case number, and including this right and notice in the Bill of Rights shows youth that they are cared about, even when absent, and that they are worth being missed and looked for by family, stakeholders, and the public.