

# The Preventing Sex Trafficking and Strengthening Families Act

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# HR 4980 (2014)

- Background
- Oregon implementation
  - HB 2908
    - Permanency planning
    - Reasonable and prudent parent standard
    - Youth age 14 and up
  - DHS Rules
    - In addition to topics above, address sex trafficking
- Overlapping state legislation
  - SB 501 (State funded guardianship assistance)
  - HB 2980 (Extracurricular activities)
  - HB 2232 (Runaway and homeless youth)
  - HB 2205 (Fund to End Commercial Sexual Exploitation of Children)

# Overview

Sex Trafficking

Permanency planning

Reasonable and prudent parent standard

Youth 14 and older

# Sex Trafficking: DHS

- Identify and provide services. DHS must develop a plan to identify, document and determine appropriate services for children who are, or are at risk of, being sex trafficked by 10/1/15.  
42 U.S.C. §671(a)(9)(C)
  - DHS must implement plan by 10/1/16.
- Runaway children: DHS must develop and implement protocols by 10/1/15 for: 42 U.S.C. §671(a)(35)(A)
  - Expeditiously locating any child missing from foster care;
  - Determining the child's experiences while absent, including screening for sex trafficking;
  - Reporting this information to the federal government.



# Sex Trafficking: DHS

- New DHS reporting requirements (by 10/1/16): 42 U.S.C. §671(a)(35)(B)
  - Sex trafficking victim. Report to law enforcement immediately after receiving information that a child has been sex trafficked.
  - Missing or abducted children. DHS must report immediately to:
    - Law enforcement authorities for entry into the National Criminal Information Center database (FBI); and
    - National Center for Missing and Exploited Children
  - Sex trafficking data in the Adoption and Foster Care Analysis and Reporting System.
    - DHS to report annually the number of children in foster care who are identified as victims.

# Sex Trafficking: Courts

- Local response
  - Multi-Disciplinary Teams/DOJ Victims Services
  - Model courts
- Runaway youth
  - Notice to court and parties (under development)
- Review of services (10/1/16)
  - Screening
  - Placement
  - Prevention, intervention

# Permanency Planning

Another Planned Permanent Living Arrangement  
Placement with a Fit and Willing Relative  
Guardianship



# APPLA

- Limited to children age 16 and up. (10/1/15) ORS 419B.476(5)(b)(E); ORS 419A.004(2)
- Acceptable permanency plans for children under the age of 16 include:
  - Reunification
  - Adoption
  - Guardianship
  - Placement with a fit and willing relative



# APPLA: DHS

- Before the plan may be changed to APPLA:
  - DHS must document intensive, ongoing efforts to return child home, secure placement with a fit and willing relative (including adult siblings), a legal guardian or an adoptive parent. 42 U.S.C. §675A(a)(1)



# APPLA: Court's role

- DHS shall implement procedures to ensure the court asks the child about the desired permanency outcome for the child. 42 U.S.C. §675A(a)(2)(A)
  - What efforts have been made for the child to be present at the hearing?
  - Does the child understand his/her permanency options?
  - Are there alternative ways for the child to be heard?
- Court must make judicial determination explaining why APPLA is the best permanency plan, and provide compelling reasons why it's not in the child's best interest to be in a higher level plan. U.S.C. §675A(a)(2)(B)

# Placement with a Fit and Willing Relative

- Separate and distinct permanency plan in ORS 419B.476(5).
- Who may serve as “relative”?
  - Plan may be changed before a resource is identified.
  - OAR 413-070-1010(1) & (2) allows child to be placed with person meeting the definition of relative or a person:
    - with a caregiver relationship under ORS 419B.116(1) for the child placed in DHS custody,
    - who is placed in foster care through the Office of Developmental Disabilities Services.



# Placement with a Fit and Willing Relative

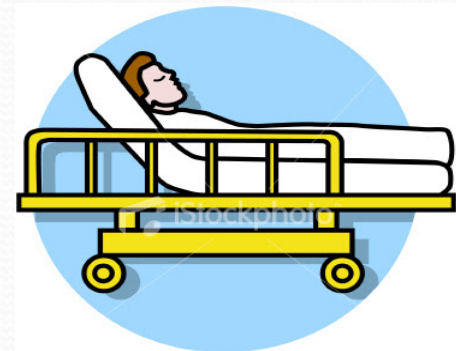
- Agreement required.
  - Placement with a Fit and Willing Agreement to be signed within a reasonable time after court approves plan and relative resource has been approved. OAR 413-070-1020(7)
  - Relative must make permanent commitment to care for the child and agree that this is a lifelong commitment.





# Guardianship: Death or Incapacity

- Death or Incapacity:
  - Successor guardian: Effective 10/1/14
    - May be designated in the guardianship assistance agreement at any time prior to the incapacity or death of the guardian.
      - Allows successor guardian to receive Title IV-E guardianship assistance on behalf of the child without being a relative.
      - DHS will conduct a background check (criminal and DHS records) and will notify the court if the child will not be eligible for guardianship assistance.



# Guardianship: Death or Incapacity

- Order appointing guardian must be modified under ORS 419B.368(2) before DHS will approve new guardianship assistance agreement with successor guardian.
  - May modify if in the child's best interests. Court shall consider (ORS 419B.368(5)(a))
    - Ward's emotional and developmental needs
    - Ward's need to maintain existing attachments and relationships
    - Ward's health and safety
    - Ward's wishes
- Vacating the original order appointing guardian will require that the child be re-qualified under Title IVE if DHS is granted legal custody



# Guardianship Funding

- State funded guardianship assistance: ORS 418.330; ORS 418.335
  - SB 501 allows DHS to use state funds for guardianship assistance. OAR 413-070-0917(2):
    - Child must not be eligible for Title IV-E
    - Proposed guardian must meet DHS definition of relative
      - For purposes of guardianship, this includes a foster parent who has cared for the child 12 out of the last 24 months. OAR 413-070-0000(78)(e)
    - Additional requirements: OAR 413-070-0917(2)(b)
      - U.S. citizen or qualified non-citizen
      - Removed by voluntary placement, or judicial determination (contrary to welfare)
      - Strong attachment to proposed guardian
      - Resided in guardian's home for past six (or 12) months.



# Siblings

- Notice required to parent of siblings.
  - Within 30 days of the child's entry into care, requires DHS to provide notice to a parent of a sibling, when the parent has legal custody of the sibling. 42 U.S.C. 671(a)(29)
- New definition.
  - Redefines sibling to include individuals who would have been considered siblings except for a termination or other disruption of parental rights. 42 U.S.C. 675(12); OAR 413-010-0310(9)
- Effective 10/1/14



# Reasonable and Prudent Parent

Federal requirements  
State implementation



# Reasonable and Prudent Parent (Federal Law)

- Defined:

- Standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child to participate in extracurricular, enrichment, cultural and social activities. 42 U.S.C. 675(10)(A); ORS 419A.004(21)

- Requirements in federal law:

- Foster parent training
- DHS documentation regarding steps to ensure the standard is being followed and the child has appropriate opportunities
- Court and administrative review findings when child in APPLA

# Reasonable and Prudent Parent (State law)

- Defined.

- “Reasonable and prudent parent standard” added to ORS 419A.004 (21).

- Court report.

- DHS must report on steps to ensure the substitute care provider is following the reasonable and prudent parent standard, and that the child has regular, ongoing opportunities to engage in age-appropriate, or developmentally appropriate activities. ORS 419B.443(g)

- Findings.

- Requires juvenile court and CRB to make a finding whether DHS efforts are sufficient when child is age 16 and up and in an APPLA plan. ORS 419B.476(5)(g)(B) (permanency); ORS 419B.449(3)(e) (review); ORS 419A.116(1)(j) (CRB)

Effective 10/1/15



# House Bill 2890

- One activity required.
  - Requires the substitute care provider to provide opportunity for child to participate in at least one extracurricular activity.
    - Summer camp or religious services alone aren't sufficient.
- Payment.
  - DHS and substitute care provider shall confer to determine who is responsible for payment.
- Effective 1/1/16





# Court and CRB Findings

- Model Review and Permanency Judgments can be downloaded at the JCIP website:

<http://courts.oregon.gov/OJD/OSCA/cpsd/courtimprovement/jcip/Pages/Model-Forms.aspx>

- The court finds DHS \_\_\_ has \_\_\_ has not taken sufficient steps to ensure that the ward's substitute care provider is following the reasonable and prudent parent standard and the ward has regular, ongoing opportunities to engage in age-appropriate or developmentally appropriate activities.

# Considerations

- What opportunities is the child currently being provided?
- When did the caseworker consult with the provider and child about activities?
- Are there any activities the child is interested in?
- Are there barriers to participation (such as funding or transportation) and what is being done to address these?

# Children Age 14 and Older

Case Planning

Transition to successful adulthood

Credit reports

Bill of rights





# Age 14 and Older: Case Planning

- Case planning: 42 U.S.C. 675(5)(c)(iv); OAR 413-040-0010(3)
  - Child may choose up to 2 members of case planning team (who are not foster parent or caseworker)
    - ✦ State may reject an individual if there is good cause to believe the person would not act in child's best interests
    - ✦ One individual may act as child's advisor and advocate with respect to the application of the reasonable and prudent parent standard
  - Effective 10/1/15

# Transition Planning

- Starts at age 14.
  - Transition planning starts at 14, regardless of permanency plan: 42 U.S.C. 675(5)(c)(i); ORS 419B.343(3)
  - “Transition to successful adulthood” replaces “independent living”
  - Consultation required.
    - As with the case plan, the transition plan must be developed in consultation with the youth and, at the option of the youth, with up to two members of the case planning team. 42 U.S.C. 675(5)(1)(B).





# Credit Reports

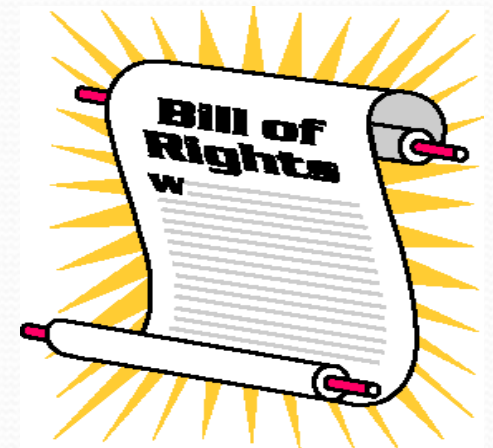
- Annual credit reports:
  - DHS must run annually starting at age 14. 42 U.S.C. 675(5)(I)
  - Child must receive assistance in interpreting and resolving inaccuracies in report.





# Rights

- Rights:
  - Case plan must include a document that describes the child's rights and a signed acknowledgment by the child that s/he has received it and it has been explained in an age-appropriate way. 42 U.S.C. 675A(b); ORS 418.201(5)(d); OAR 413-040-0010(1)(j)(A) & (B)
  - New brochure for youth age 14 and up.



# Model Permanency Judgment: Transition Planning Findings

     **Plan review not required:**

     **Plan review required:**

     the child is 14 years or older.

     The comprehensive plan      **is adequate**      **is not adequate** to ensure the child's transition to a successful adulthood.

     DHS      **has**      **has not** offered appropriate services pursuant to the comprehensive plan and      **has**      **has not** involved the child in the development of the comprehensive plan.

DHS is ordered to modify the comprehensive plan and/or the development of the plan as follows: \_\_\_\_\_

# Questions?

- Megan Hassen, Juvenile and Family Court Programs, Oregon Judicial Department, 503.986.6403, [megan.e.hassen@ojd.state.or.us](mailto:megan.e.hassen@ojd.state.or.us)
- Kathy Prouty, Child Permanency Program Manager, Oregon Department of Human Services, 503.947.5358, [kathy.prouty@state.or.us](mailto:kathy.prouty@state.or.us)





# H.R. 4980: Preventing Sex Trafficking And Strengthening Families Act

## HB 2908: Oregon's Implementation Bill



House Resolution (H.R.) 4980, the Preventing Sex Trafficking and Strengthening Families Act, was passed by Congress and signed by President Obama on September 29, 2014. The law, in part, amends Title IV-E of the Social Security Act relating to the case planning and case review requirements for children in substitute care. Pursuant to Title IV-E of the Social Security Act, Oregon receives foster care payment reimbursement for eligible children provided the requirements of federal law are maintained. H.R. 4980 contains several mandates that states must adopt; some portions of H.R. 4980 will be enacted through DHS policy and rule changes, but some must be made in statute. Oregon House Bill 2908 brings Oregon statutes into compliance with the federal HR 4980 and ensures that case planning and case reviews remain in compliance with Title IV-E of the Social Security Act.

Effective October 1, 2015, HB 2908 makes the following changes to Oregon statutes:

### Definitions. ORS 419A.004.

- *Reasonable and Prudent Parent Standard.* This standard is defined as the careful and sensible parental decisions that maintain the health, safety, and best interests of a child used by a substitute care provider when determining whether to allow a child to participate in extracurricular, enrichment, cultural, and social activities.
- *Age Appropriate or Developmentally Appropriate Activities.* Activities that are generally accepted as suitable for children of the same chronological age or level of maturity or that are developmentally appropriate for a child.

### DHS Court Reporting Requirements. ORS 419B.443.

- DHS shall include in their regular court reports the steps DHS is taking to ensure the substitute care provider is following the reasonable and prudent parent standard, and ensuring the child has regular, ongoing opportunities to engage in age- appropriate or developmentally appropriate activities.

### DHS Case Planning. ORS 419B.343.

- DHS case planning includes transition planning for children age 14 and up. This includes the requirement that the case plans include a document that described the rights of the child and a signed acknowledgement by the child that he or she has received a copy of the document and that the contents of the document have been explained in an age-appropriate manner.

### Review Requirements. ORS 419A.116 and ORS 419B.449.

- For a child 16 years of age or older with a permanency plan of APPLA, citizen review boards and the court will make a finding as to the steps DHS is taking to ensure that the substitute care provider is following the reasonable and prudent parent standard and that the child has regular, ongoing opportunities to engage in age appropriate/developmentally appropriate activities.

### Permanency Hearings. ORS 419B.476.

- The court will review the comprehensive transition planning for all children age 14 and up.
- The permanency plan of APPLA is only available to children age 16 and up. The court must ask the child about the child's desired permanency outcome.
- "Placement with a fit and willing relative" is a separate permanency plan that the court may designate. The statute change clarifies that this is a legally recognized plan, separate and distinct from guardianship and adoption.

## All Foster Youth

**Child Welfare.** HB 2908 requires DHS to ensure that substitute care providers follow the reasonable and prudent parent standard and that children have regular, ongoing opportunities to engage in age-appropriate or developmentally appropriate activities.

DHS court reports will include the steps that DHS is taking to ensure that the prudent parent standard is being met and the opportunities the child has to engage in activities.

In order to implement the requirements of H.R. 4980, DHS will need to support foster parents in terms of time, funding and logistical assistance to ensure that children have access to extracurricular activities.

Residential programs that contract with DHS will need to have on-site at least one official designated as caregiver for a particular child who is authorized and trained to apply the reasonable and prudent parent standard to decisions involving the child's participation in age- or developmentally-appropriate activities.

**Courts.** HB 2908 clarifies that "Placement with a fit and willing relative" is a legally recognized plan that the court may designate. If the court determines that the permanency plan should be placement with a fit and willing relative, the court must make a determination of why reunification, adoption, or guardianship is not appropriate.

## Foster Youth Age 14+

**Child Welfare.** Comprehensive transition planning, T1 and T2, is required for all youth age 14 and older.

H.R. 4980 gives foster youth age 14 or older the authority to participate in the development of their own case plan and transition planning for successful adulthood. The youth may select 2 members of the planning team, and may select one member of the planning team to be designated as the youth's advisor and advocate with respect to the application of the reasonable and prudent parent standard.

HB 2908 changes the term "independent living" to "successful adulthood."

HB 2908 requires that a case plan include a document describing the rights of the youth with respect to education, health, visitation, and court participation, e.g. *Oregon Foster Children's Bill of Rights*. The case plan will also include a signed acknowledgement by the youth that the document was provided and that the contents have been explained.

H.R. 4980 requires that DHS run annual credit reports on foster youth age 14 or older.

**Courts.** HB 2908 requires the court to review the comprehensive transition planning for all youth age 14 and older. The court makes findings as to the transition plan's adequacy, whether appropriate services have been offered, and whether DHS has involved the youth in developing the plan.

## Foster Youth Age 16+

**Child Welfare.** DHS must document at each permanency hearing the "intensive, ongoing, unsuccessful efforts" to implement one of the other permanency plans (reunification, adoption, guardianship, or placement with a fit and willing relative), including utilization of search technology to find biological family members.

**Courts.** HB 2908 limits the plan of APPLA to youth age 16 or older.

HB 2908 adds a requirement that the court asks the youth about the youth's desired permanency outcome.

**Courts/Citizen Review Board:** If the youth's permanency plan is APPLA, HB 2908 requires the court and CRB to make a finding as to whether DHS has ensured that the substitute caregiver is following the reasonable and prudent parent standard and whether the youth has opportunities to engage in age- or developmentally-appropriate activities.

## Successor Guardianship Frequently Asked Questions

1. Q: *In the event of the death or incapacity of a legal guardian, does the child who is eligible for guardianship assistance payments continue his or her eligibility after a successor guardian is appointed by the court?*

A. No. In order for a child to remain eligible for guardianship assistance payments, all of the following must occur:

- The successor legal guardian must be named in the guardianship assistance agreement prior to the death or incapacity of the guardian.
- The successor legal guardian and the Department must negotiate and enter into a written guardianship assistance agreement.
- The successor legal guardian and other adults living in the successor legal guardian's home must pass a fingerprint based criminal and child welfare background check conducted by the Department. The background check criteria is the same criteria used to approve foster and adoptive applicants when the child is in the Department's custody.

2. Q: *What happens if the proposed successor guardian or another adult living in the home does not pass a background check?*

A: The Department will notify the court of the results of the background check and that the child will not be eligible to receive guardianship assistance payments. With a signed release of information from the subject individual, the Department will verbally share the results of the background check with the court.

3. Q: *How is incapacity determined?*

A: The Department determines incapacity. The Department has defined incapacity as "a physical or mental illness, or impairment that reduces substantially or eliminates the individual's ability to support, care for, or meet the needs of the child and is expected to be permanent". Because the Department alone determines eligibility, the Department will confirm whether a person meets this definition.

4. Q: *Will the successor guardian be required to complete an approved home study in order to be eligible to receive guardianship assistance?*



A: No. A home study is not a requirement in order for the child to remain eligible for guardianship assistance payments.

5. Q: *Does the successor guardian need to meet the relative definition in the same way the original guardian must in order for the child to remain eligible for guardianship assistance payments?*

A: No. The relative definition applies only to the original guardian when the child is still in the care and custody of the department. The successor guardian does not need to meet the relative definition.

6. Q: *May a successor guardian also name a successor guardian in his or her guardianship assistance agreement?*

A: Yes.

7. Q: *When will the successor guardian receive their first guardianship assistance payment?*

A: The first guardianship assistance payment will start when all the following requirements are met:

- the department determines the original guardian has died or meets the definition of incapacity,
- it is determined the successor guardian was named in the original guardian's guardianship assistance agreement,
- a background check on the successor guardian and adult members of the household has been approved,
- the successor guardian has negotiated their guardianship assistance payment with the department, and
- the successor guardian has been appointed guardian by the court.

## HOW DO I MAKE SURE I AM INCLUDED IN PLANNING FOR MY FUTURE?

It is very important that you take part in planning your future. It is, after all, your life. Talk to your caseworker and your team (including your foster parents) about your wishes, goals and any concerns you may have. Being involved in your own transition planning and knowing what your resources and options are helps your ideas, wants and needs be heard. Your team and supportive adults can assist you in reaching your goals. When you are 14 years old or older, you should go over the goals on your transition plan (also known as the T2) every six months until you leave foster care. For additional information, go to [www.dhs.state.or.us/policy/childwelfare/manual\\_1/i-b235.pdf](http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-b235.pdf)

[www.dhs.state.or.us/caf/safety\\_model/procedure\\_manual/appendices/ch4-app/4-18.pdf](http://www.dhs.state.or.us/caf/safety_model/procedure_manual/appendices/ch4-app/4-18.pdf);

[www.oregon.gov/dhs/children/fostercare/docs/transitiontoolkitchecklist.pdf](http://www.oregon.gov/dhs/children/fostercare/docs/transitiontoolkitchecklist.pdf) and

[www.fosterclub.com/transition/article/transition-toolkit](http://www.fosterclub.com/transition/article/transition-toolkit)

## DID YOU KNOW THAT YOU HAVE CERTAIN RIGHTS WHILE YOU ARE IN FOSTER CARE, AND THERE IS SOMEONE IN THE GOVERNOR'S OFFICE TO HELP YOU IF YOU HAVE PROBLEMS?

Look for the "Oregon Foster Children's Bill of Rights" posted in your foster parent's home or residential facility. That poster will review your rights while in foster care.

Your caseworker will give you a copy of the bill of rights within 60 days of your placement in foster/substitute care. You and your caseworker will review the bill of rights.

Here are some other resources to contact if you have concerns about your care or that your rights or needs are not being respected:

**Youth Empowerment & Safety (Y.E.S.) line:** 1-855-840-6036

**Foster Care Ombudsman Office:** [www.oregon.gov/dhs/aboutdhs/Pages/fostercare-ombudsman.aspx](http://www.oregon.gov/dhs/aboutdhs/Pages/fostercare-ombudsman.aspx)



This document can be provided upon request in an alternate format for individuals with disabilities or in a language other than English for people with limited English skills. To request this publication in another format or language, contact 503-378-3486 or 503-378-3523 for TTY.

DHS 9018 (05/2015)

## OREGON FOSTER CHILDREN'S BILL OF RIGHTS

# AS A CHILD OR YOUTH IN FOSTER CARE, HOW DO I...?



## DID YOU KNOW THAT AS A YOUTH IN FOSTER CARE, YOU HAVE CERTAIN RIGHTS?

We hope that whether you are about to be placed or have been in foster care for a while, you will find the information helpful. The pamphlet gives you some how to's and necessary information to help you with your transition to adulthood. You will also find some helpful links and resources.

Your caseworker and other members of your team can also help. Your "team" may consist of your caseworker, CASA, attorney, foster parent, ILP Provider, or any other Supportive Adult you would like to include.

## HOW DO I GET A BANK ACCOUNT WHILE I AM IN FOSTER CARE?

**Rules can really vary** so it is best to check with your local bank or credit union in your community. For example, some credit unions may allow a youth to open a savings account at age 12 or older with or without a parent's or guardian's permission; you must have acceptable identification (see below for examples) and a minimum deposit. The amount of deposit can vary depending on the type of account.

Your caseworker and other members of your team can help you by making sure you have **at least** the following documents:

- ★ Your Social Security card with matching name and number;
- ★ Your birth certificate;
- ★ A driver's license, other form of Oregon identification or a lawful permanent resident (LPR) card.

For additional information and tips on managing your money wisely, budgeting, credit and other financial advice:

**Teens can check out:** [www.handsonbanking.org/htdocs/en/t/](http://www.handsonbanking.org/htdocs/en/t/)

**Young adults can check out:** [www.handsonbanking.org/htdocs/en/y/](http://www.handsonbanking.org/htdocs/en/y/)

## HOW DO I GET A DRIVER'S LICENSE IF I AM UNDER 18 AND IN FOSTER CARE?

Your caseworker and team should agree that you are ready for this big responsibility. You will find a great tool to help you with that decision at [www.dhs.state.or.us/caf/safety\\_model/procedure\\_manual/ch04/ch4-section33.pdf](http://www.dhs.state.or.us/caf/safety_model/procedure_manual/ch04/ch4-section33.pdf).

Here's another handy resource to use with your caseworker:

[www.dhs.state.or.us/caf/safety\\_model/procedure\\_manual/appendices/ch4-app/4-29.pdf](http://www.dhs.state.or.us/caf/safety_model/procedure_manual/appendices/ch4-app/4-29.pdf).

**If you are in the care and custody of DHS, you will need permission from the agency (DHS program manager or branch designee- usually the branch manager) to get your driver's permit and/or license.** The following link has all of the requirements for obtaining a driver's permit or driver's license: [www.oregon.gov/odot/dmv/teen/pages/license.aspx](http://www.oregon.gov/odot/dmv/teen/pages/license.aspx)

In addition, here is a link to a DMV guide that helps walk you through the process: [www.dhs.state.or.us/caf/safety\\_model/procedure\\_manual/appendices/ch4-app/4-28.pdf](http://www.dhs.state.or.us/caf/safety_model/procedure_manual/appendices/ch4-app/4-28.pdf)

You can develop the safe driving skills to get a driver's license by taking a driver's education course. Financial assistance may be available to help with those costs. However, you must be covered by insurance on the car you will be driving and DHS is **not** responsible for insurance premiums.

## IF I WANT TO, CAN I STAY IN FOSTER CARE AFTER TURNING 18?

It may be possible to remain in care after you turn age 18. Talk to your caseworker and your team (including the judge) about your options. Your own participation in planning for your transition and future will help ensure your ideas and dreams are being heard and can receive assistance and supports to reach your educational, independent living skills and housing goals. To access services after you leave foster care, you will need to go to the local DHS Child Welfare office and request "voluntary services."

## HOW DO I ACCESS THE TUITION AND FEE WAIVER?

The Free Application for Federal Student Aid (FAFSA) at [www.fafsa.ed.gov](http://www.fafsa.ed.gov) is used as the application for Oregon's Foster Youth Tuition and Fee Waiver. To qualify, you must meet both foster care and higher education requirements.

For the foster care eligibility requirements, you must:

- ★ Have been in foster care under the care and custody of Oregon's DHS Child Welfare or one of Oregon's nine federally recognized tribes' child welfare for at least 180 days after age 14; AND
- ★ Not leave foster care and custody prior to your 16th birthday.

For the higher education requirements, you must:

- ★ Enroll at one of Oregon's public colleges or universities for undergraduate studies;

- ★ Qualify for financial aid;
- ★ Complete 30 hours of volunteer activities (to maintain eligibility for the waiver in year two and the following years).

**Note:** You need to enroll prior to age 25. If you are still in the program at age 25, you can continue receiving the waiver until you have met the equivalent of four years of undergraduate studies (as long as you are making satisfactory progress).

For additional information, go to [www.oregon.gov/dhs/children/fostercare/ILP/Pages/Financial-Aid.aspx](http://www.oregon.gov/dhs/children/fostercare/ILP/Pages/Financial-Aid.aspx).

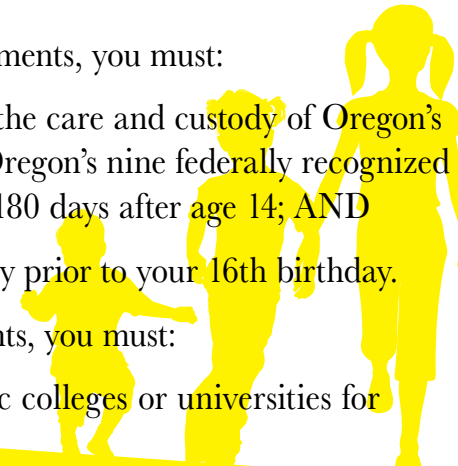
## HOW DO I GET A COPY OF MY CREDIT REPORT?

Talk to your caseworker and your team. Federal law requires DHS to provide credit reports to you as a youth in DHS's **legal custody** beginning at age 16 and every year after that until you are no longer in the legal custody of DHS. DHS is also required to help youth in foster care identify and resolve any issues on your credit report. Be sure you have a copy of your Social Security card and birth certificate; the credit bureaus require this identification to help resolve any credit issues. For more information about youth credit and resources, go to [www.aecf.org/~media/Pubs/Topics/Child%20Welfare%20Permanence/Other/YouthandCredit/YouthandCredit.pdf](http://www.aecf.org/~media/Pubs/Topics/Child%20Welfare%20Permanence/Other/YouthandCredit/YouthandCredit.pdf).

## HOW DO I GET MEDICAL, DENTAL, VISION AND MENTAL HEALTH CARE SERVICES OR OTHER TREATMENT (INCLUDING SERVICES AND TREATMENTS AVAILABLE WITHOUT THE CONSENT OF MY PARENT, FOSTER PARENT OR CASEWORKER)?

If you are in foster care, you have an Oregon Health Plan (OHP) medical card. OHP covers these services. If you are 14 years of age or older, you are legally **allowed** to obtain **some** medical treatment without your parents' or caseworker's consent. However, it is a good idea to talk to your caseworker and/or foster parent about any questions or concerns you may have. For more information, go to **OHA Minor Rights: Access and Consent to Health Care Guide and ORS 109.610-109.685 (Rights of Minors):** & <http://public.health.oregon.gov/HealthyPeopleFamilies/Youth/Documents/MinorConsent2012.pdf> & [www.oregon.gov/blsw/pdfs/chapter\\_109\\_rights\\_of\\_minors.pdf](http://www.oregon.gov/blsw/pdfs/chapter_109_rights_of_minors.pdf)

If you are 18 or older and aging out of Oregon state or tribal foster care, you are eligible for the Former Foster Care Youth Medical (FFCYM) Program that ends at age 26. For more information, go to: [www.oregon.gov/dhs/children/fostercare/ILP/Pages/Resources.aspx](http://www.oregon.gov/dhs/children/fostercare/ILP/Pages/Resources.aspx) (Health Care menu option).







# Missing Children, State Care, and Child Sex Trafficking

Engaging the Judiciary in Building  
a Collaborative Response

## ACKNOWLEDGEMENTS

*Missing Children, State Care, and Child Sex Trafficking: Engaging the Judiciary in Building a Collaborative Response*

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# INTRODUCTION

One out of every six runaways reported to the National Center for Missing & Exploited Children® (NCMEC) in 2014 was likely a victim of sex trafficking.<sup>1</sup> Traffickers constantly seek out opportunities to engage with and exploit vulnerable youth, and runaways are particularly vulnerable. Juvenile and family court judges have an enormous responsibility for the children and youth under their court's jurisdiction. This includes ensuring safety, well-being, permanency, and rehabilitation for victims of child abuse and neglect and for youth involved in juvenile justice proceedings. When these already vulnerable children run away or go missing from a placement, the stakes are very high. Every moment counts and judges can take action to prevent exploitation by acting swiftly and collaboratively.

Growing understanding of the links between child welfare or juvenile justice involvement, domestic child sex trafficking, and children who run away or go missing from court-ordered placements has led to the question: **"What steps can a judge take when a child runs away or goes missing from care?"** This technical assistance brief is intended to educate judges about steps to be taken to assist in the location and recovery efforts for children missing from care by ensuring the legal guardians, social workers, and child advocates within child serving agencies are aware of and engage assistance from the National Center for Missing & Exploited Children on behalf of these endangered missing children.

The National Center for Missing & Exploited Children® was established in 1984 as a

private, nonprofit 501(c)(3) organization. From 1984 through 2014 NCMEC has assisted law enforcement in the recovery of more than 200,000 children. NCMEC stands ready to work with each jurisdiction and local community to discuss ways to serve as a valuable resource in your effort to protect children. Today **NCMEC is authorized by the U.S. Congress to perform 22 specific programs and services including but not limited to (42 U.S.C. § 5773):**

- 1) Operate the official national resource center and information clearinghouse for missing and exploited children.
- 2) Operate a national 24-hour toll-free telephone line by which individuals may report information regarding the location of any missing child.
- 3) Provide technical assistance and training to law enforcement agencies, State and local governments, elements of the criminal justice system, public and private nonprofit agencies, and individuals in the prevention, investigation, prosecution, and treatment of cases involving missing and exploited children.
- 4) Provide assistance to families and law enforcement agencies in locating and recovering missing and exploited children, both nationally and, in cooperation with the Department of State, internationally.
- 5) Provide analytical support and technical assistance to law enforcement agencies through searching public records databases in locating and recovering missing and exploited children and helping to locate and identify abductors.

<sup>1</sup> National Center for Missing & Exploited Children (2015). Case Analysis Division.



- 6) Operate a cyber tipline to provide online users and electronic service providers an effective means of reporting Internet-related child sexual exploitation.
- 7) Assist the efforts of law enforcement agencies in coordinating with child welfare agencies to respond to foster children missing from the State welfare system.
- 8) Provide technical assistance to law enforcement agencies and first responders in identifying, locating, and recovering victims of, and children at risk for, child sex trafficking.

In 2012 NCJFCJ received funding from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) of the U.S. Department of Justice (DOJ) to develop training and judicial practice tools to better identify and serve victims of domestic child sex trafficking (DCST). Under this grant the NCJFCJ began work to raise awareness of the issue of DCST among juvenile and family court judges and build collaborative relationships with organizations such as the Rights4Girls, Shared Hope International, and National Center for Missing & Exploited Children.

As part of this work NCJFCJ hosted a community roundtable meeting of judges and subject matter experts to discuss the role the courts can play in addressing the needs of victims of DCST. Time was spent discussing the vulnerability of youth in care and the common scenario of youth running away from placements and subsequently becoming victims of domestic child sex trafficking. This technical assistance brief is a product of that community roundtable meeting. It addresses one of the critical

issues raised at that meeting, which is evaluating and proposing effective prevention and victim support service strategies for underage victims and survivors of DCST.

## **INTERSECTIONS OF JUVENILE JUSTICE AND CHILD WELFARE SYSTEMS, MISSING CHILDREN, AND DOMESTIC CHILD SEX TRAFFICKING**

Between 100,000 and 300,000 youth are “at risk” for commercial sexual exploitation annually in the United States.<sup>2</sup> In addition, approximately 1.6 million children run away every year in the United States.<sup>3</sup> Children who run away are at high risk of child sexual exploitation due to their mental, physical, and financial vulnerability.<sup>4</sup> Youth who have had contact with the child welfare system are at a higher risk for commercial sexual exploitation than children who have not had involvement in the child welfare system.<sup>5</sup> Studies have also found 70 percent to 90 percent of commercially sexually exploited youth have a prior history of child sexual abuse.<sup>6</sup> Traffickers are known to target youth shelters, group homes, and foster care facilities as locations for

2 Estes, R., & Weiner, N. (2001). *Commercial Sexual Exploitation of Children in the U.S., Canada, and Mexico*. University of Pennsylvania.

3 National Runaway Safeline, (2012). Retrieved from <http://www.1800runaway.org/faq/#>.

4 Shared Hope International, (2009).

5 Shared Hope International, (2009). *National Report on Domestic Minor Sex Trafficking: America's Prostituted Children*. Washington, D.C.

6 Bagley, C. & Young, L. (1987). “Juvenile Prostitution and Child Sexual Abuse: A Controlled Study.” *Canadian Journal of Community Mental Health*. See also Council for Prostitution Alternatives, (1991). *Annual Report*. Portland, Oregon. See also Murphy, P. (1993). *Making Connections: Women, Work, and Abuse*. Paul M. Deutsch Press, Florida.

# DANGERS FACING MISSING CHILDREN:

PHYSICAL VIOLENCE	UNTREATED MENTAL HEALTH ISSUES	DISCONNECTED FROM EDUCATION
SEXUAL VIOLENCE	UNTREATED MEDICAL ISSUES	ENGAGED IN ILLEGAL ACTIVITY
STIS/HIV	GANGS	MALNUTRITION
UNWANTED PREGNANCY	SEX TRAFFICKING	DRUGS/ ALCOHOL ABUSE

recruitment of vulnerable children.<sup>7</sup> These statistics are evidence running away from court-ordered care or placements can put children at increased risk for domestic child sex trafficking, but judges can take an active role in preventing victimization and recovering children.

## REPORTING MISSING CHILDREN – EVERY MOMENT COUNTS

Federal law defines a “missing child” as “any individual less than 18 years of age whose whereabouts are unknown to such individual’s legal custodian.”<sup>8</sup>

<sup>7</sup> Los Angeles County Juvenile Delinquency Collaborative, (2012). *Los Angeles County Juvenile Delinquency Collaborative STAR Court Data, Assessment of Open Cases in November 2012*, page 58.

<sup>8</sup> 42 U.S.C. § 5772.

Regardless of the reason why a child goes missing, federal law **prohibits** law enforcement agencies from establishing or maintaining a waiting period before accepting a missing child report.<sup>9</sup>

Federal law also **requires** law enforcement agencies to enter the missing child’s information into the Federal Bureau of Investigation’s (FBI) National Crime Information Center (NCIC) database and state law enforcement system database within two hours of receiving a missing child report.

Furthermore, on September 29, 2014, President Obama signed the Preventing Sex Trafficking and Strengthening Families Act into law. In addition to a variety of measures aimed at increased identification,

<sup>9</sup> 42 U.S.C. § 5780.

prevention and response to children in care who are at-risk for sex trafficking, Section 104 specifically adds two new requirements for state child welfare agencies to report missing youth to law enforcement within 24 hours for entry into the National Crime Information Center and also separately to the National Center for Missing & Exploited Children. These two reporting requirements are effective within two years of enactment of the law.”

The National Center for Missing & Exploited Children has always been able to receive reports from legal guardians responsible for children missing from state care. However, for a variety of reasons, including potential confidentiality concerns and incomplete awareness of NCMEC’s resources, children missing from care have not been consistently reported to NCMEC in the past. As of April 2015, three states and one large county child welfare agency – Florida, Illinois, Texas and Los Angeles County in California – have established relationships with NCMEC to report children missing from care directly to NCMEC. The recent passage of the Preventing Sex Trafficking and Strengthening Families Act closes this gap by requiring all child welfare agencies to develop policies and procedures including making a report to NCMEC.

While the law allows for a two year period to develop and implement these reporting measures, judges and court officials can play an important role in immediately advising and developing a framework for a more coordinated response among law enforcement and juvenile justice and child welfare agencies. Together stakeholders can dispel commonly persisting misconceptions and define roles and responsibilities to

streamline coordination and act quickly when there is a report of a missing child.

According to the Child Welfare League of America, a child is considered missing from a foster placement if “he or she is not in the physical custody of the child welfare agency or the person or institution with whom/which the agency placed the child. The whereabouts of the missing child may be known or unknown.”<sup>10</sup> This umbrella category includes children who have run away and are abducted from foster care. Children may also go missing from juvenile justice settings or from home while under court monitoring. The moment children go missing, they are at risk for a myriad of significant and life-threatening dangers. In response, child serving agencies and judges should prioritize and utilize every resource and effort available to them with the goal of quickly locating all missing children and returning them to a safer environment, which includes immediately reporting the child missing to law enforcement and then contacting NCMEC for additional resources. And judges should consider the specific suggestions listed below as a roadmap for building such collaborations, if not already found within their jurisdictions, and maximizing collective resources in order to offer the best protection for these vulnerable children.

## WHAT JUDGES CAN DO

Both at the individual case level and the community level, judges can establish swift action when children go missing from care by ensuring a coordinated response is in place. While some jurisdictions may

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10 *Child Welfare League of America Best Practice Guidelines: Children Missing from Care*. Washington, D.C., page 1 (2005).



consider running away from placement a change in the child's status and require a hearing other jurisdictions may wait until the next scheduled court hearing to update the judiciary. Judges should ensure local child welfare and juvenile justice policies include requesting a court hearing immediately when a child is missing from placement. Judges may consider some of the following actions, depending on their jurisdiction's particular laws, to encourage diligent efforts are being undertaken to locate a missing child:

**Require agencies** take a current photograph of the child and maintain an easily accessible electronic copy within agency records.

**Issue an order requiring the agency with whom the child was placed take the following steps when a child goes missing:**

- Report immediately to law enforcement if the child goes missing from placement or runs away and provide documentation of the report to the court;
- Provide the following information to law enforcement with the report, the child's:
  - o Name;
  - o Date of birth;
  - o Height and weight;
  - o Description including any other unique identifiers such as tattoos, body piercings, eyeglasses, and/or braces;
  - o Clothing worn when went missing or was last seen; and

- o Current photograph.

- Ensure law enforcement authorities immediately enter the child's name and identifying information into the FBI's NCIC Missing Person File. Provide documentation of such to the court.

**Judges can issue individual orders to social workers or juvenile justice workers or a standing order in their jurisdiction to report children missing from care to NCMEC**, which is available 24 hours a day.

Reports can be made to  
**1-800-THE-LOST (1-800-843-5678).**

As mentioned previously, the recent passing of the federal Preventing Sex Trafficking and Strengthening Families Act into law requires child welfare agencies to report children missing from care to NCMEC. However, the law also allows for a two-year implementation timeframe with a deadline of October 2016. Judges can assist with issuing individual orders until their local child welfare agency officially adjusts their internal policy to comply with this federal requirement. Additionally, following the deadline, judges can play an important role in ensuring all children missing from care have been reported to law enforcement and separately to NCMEC and the child welfare agency remains in compliance with this federal statute.

In the interim, such orders should clearly include the release of the child's photo for purposes of creating a missing child poster. NCMEC does not include information on a missing child poster indicating the child is in state care or has any history of abuse, neglect, or involvement in the juvenile or child welfare systems. When the child's legal

guardian calls into NCMEC, in addition to sharing the same information listed above for the law enforcement report, additionally helpful information includes:

- Child’s cell phone number;
- Social networking sites the child is active on; and
- Information about friends or companions with whom the child may have gone missing.

**Order agencies to take updated photographs of a child who returns to care from a runaway episode**, so any new physical attributes — including tattoos, piercings, hairstyles — are documented. Photos should be taken under conditions promoting the safety of the child so as not to re-traumatize children.

**Consider requiring safety assessments of suspected sex trafficking victims are completed when a child returns.**

If applicable, judges can require the assessment be done prior to authorizing a transfer under the interstate compact, which facilitates the return of children found in another state to their state of residence. Additional considerations include:

- Assessment of immediate and long-term services needed by the victim;
- Coordination of trauma-informed and specialized services, particularly between the state where a child is located and where he or she was in care;
- Assessment of facility or home safety from which the child went missing; and
- Consideration of a safety plan to address the special dynamics of recruitment of a

child for trafficking purposes.

**Judges may consider continuing the child’s child welfare or juvenile justice placement even for children who reach the age of majority and are still missing or are missing for long periods of time, so those children can easily access services if and when they are located.** It may be

possible in some jurisdictions for judges to deny the request of child welfare or juvenile justice agencies to discontinue the placement or custody of a missing child based on either the length of missing episode or their aging out of the system while missing. In some jurisdictions, an agency is required to exhaust all efforts to find the child, including making a report to NCMEC before the child’s 18th birthday. In these missing children cases NCMEC is an important safety net as their case will not be closed and NCMEC will continue to search for these children until they are recovered – even if the child remains missing after reaching the age of 18.

**Ensure communication and collaboration.**

Some child welfare and juvenile justice agencies have expressed concern about how the obligation to report children to NCMEC impacts their obligations to protect that child’s confidentiality. NCMEC has established policies respecting confidentiality while sharing vital information relating to locating and recovering missing children. Most state child welfare laws and policies will require agencies caring for children make all reasonable efforts or efforts in the child’s best interest to assist with the location of a child missing from care. This kind of language allows state agencies responsible for missing children the discretion to report missing children and

release the child's photo and information when there is a valid protective purpose satisfying the applicable legal purposes. Judges can reduce or remove any barriers confidentiality may propose by setting clear expectations and meeting with stakeholders regarding any issues they may have.

## **WHEN A CHILD GOES MISSING FROM CARE: WHAT JUDGES NEED TO KNOW ABOUT HOW NCMEC WORKS**

Children in foster care or juvenile detention are some of the most vulnerable to child traffickers. Judges presiding over juvenile justice and child welfare cases can play an important role in creating a better safety net for this vulnerable population of children by ensuring the free services of NCMEC are engaged. When children go missing, NCMEC employs a wide array of resources to assist law enforcement, families, and legal guardians in location and recovery efforts. While most juvenile justice and child welfare agencies routinely report children missing from care to law enforcement, they may not know reporting missing children to NCMEC can increase the likelihood they will be found.<sup>11</sup> Of missing child cases reported to NCMEC since 1990, approximately 97 percent had been resolved as of the end of 2014. However, NCMEC can only assist when law enforcement or the child's legal guardian calls NCMEC and reports the missing child.

When child welfare is acting as the legal

guardian in a child's life, should that child go missing, NCMEC stands ready and willing to employ all available resources in supporting the search efforts of the child welfare agency in addition to law enforcement. Within the child welfare system there may be multiple individuals who have important information about the child to share such as social workers, foster parents, and group home staff. Working together to collect every piece of helpful information NCMEC case managers can assist child welfare agencies in strengthening their response for locating and recovering missing children. Additionally all information about historic and active missing child cases is maintained in NCMEC's Missing Child Database. All past missing child information and case notes are reviewed to see if they can provide a window into the location of the active missing child. This can be especially helpful as social workers and law enforcement may be newly assigned or have changed since the last missing incident. It's important to note, while NCMEC case managers remain in constant contact with the legal guardian, NCMEC is restricted from providing analytical information to anyone other than the assigned or searching law enforcement agency.

Once the missing child is reported, NCMEC takes the following steps. An NCMEC case management team is assigned to coordinate all resources available through NCMEC to assist with identifying and recovering missing children. NCMEC analysts will conduct comprehensive searches for all information provided about the missing child, companions, or potential offenders. While law enforcement is actively searching for missing children, NCMEC's

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<sup>11</sup> As noted earlier NCMEC receives automatic reports from child welfare agencies of all children missing from foster care in three states, Florida, Illinois, Texas, and one jurisdiction in Los Angeles County, California. A formal agreement is not necessary for a child welfare or juvenile justice agency to make reports to NCMEC.



role includes providing analytical and technical assistance. The agency responsible for the missing child can also benefit from additional resources available to parents and guardians through NCMEC, including support services and referral assistance.

NCMEC supports the search efforts of law enforcement in the jurisdiction where the child went missing and broadens the safety net for recovery beyond that jurisdiction. Missing children do not always remain within the jurisdiction where they originally go missing. This is especially true in cases of children who are exploited through online enticement or targeted by sex traffickers where traffickers may move their victims from city to city or even across state lines to evade detection by law enforcement. NCMEC can support law enforcement in identifying online information indicating any travel or movement outside of the missing location and connect law enforcement resources in relevant jurisdictions. NCMEC has established contacts with law enforcement professionals in every state who work specifically on child recovery and can assist with aligning these efforts in the most efficient way for law enforcement and safest way for the child.

After the legal guardian has reported the child missing to law enforcement and NCMEC, any noncustodial individual can call NCMEC 24 hours a day to provide additional information about the missing child case.<sup>12</sup> Additional helpful information

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12 NCMEC is dedicated to upholding the highest level of safety and confidentiality for the missing child. Information provided by individuals who are not the legal guardian or law enforcement will be received and processed; however, NCMEC will not provide information or case updates to these individuals. Outgoing information from NCMEC is communicated only to legal guardians and law enforcement.

can include names of friends in the community or group home the child is close with or may be missing with, additional phone numbers, social networking sites the child uses, information about companions such as boyfriends or girlfriends, and names of places the child frequents or possibly hangs out.

Every runaway incident matters to NCMEC no matter how long the child has been missing. Information about the child and circumstances surrounding the incident, or past incidents, can provide a current set of indicators to assist with the child's recovery. Additionally, once an intake has been completed on a child and the information is entered into NCMEC's system, the child is never forgotten. NCMEC will continue to assist in the search until the child is found. This can be especially important for children who are missing from care because missing children do not "age out" of the services NCMEC provides. In these situations NCMEC case managers continue to be an advocate for the child and provide ongoing support for law enforcement's efforts until the child is recovered regardless of whether the child turns 18 while missing.

## **JUDICIAL LEADERSHIP TO BUILD A COLLABORATIVE RESPONSE**

Addressing child sex trafficking is a high-priority issue for the National Council of Juvenile and Family Court Judges and National Center for Missing & Exploited Children, because children who have been reported missing and are under the oversight of a judge, are often also at risk of being exploited. It is imperative a coordinated response be put in place, as it is the responsibility of multiple

systems, national and local organizations to establish a better safety net for children involved in the child welfare and juvenile justice systems.

Judges can play a leadership role to bring stakeholders together including child welfare and juvenile justice agencies and law enforcement to review their policies to determine how NCMEC and other local and national organizations can be included as a crucial resource in their efforts to bring children home safely. It is the responsibility of all agencies and organizations dedicated to protecting children to expand conversations in an effort to connect systems, eliminate barriers, and streamline responses when a child is missing. When we fail to communicate and share information that can lead to the protection and recovery of a child, we create gaps allowing

traffickers and other offenders to target and exploit these vulnerable children. Judges have the oversight role to minimize or diminish these gaps by acting with urgency and developing a coordinated response when children go missing from care.

The National Center for Missing & Exploited Children along with the National Council of Juvenile and Family Court Judges stand ready to engage in any further conversations with members of the judiciary about the development of model policies and procedures based on the recommendations in this brief. We look forward to providing ongoing technical assistance, as requested.

## ABOUT THE NATIONAL CENTER FOR MISSING & EXPLOITED CHILDREN (NCMEC)

As the national clearinghouse for missing and sexually exploited children, NCMEC possesses the unique ability to connect information about potential victims and offenders in multiple states or locations by leveraging the information available in internal missing child cases and CyberTipline® reports. Since traffickers can be transient, this link analysis resource

can be helpful in connecting information about both potential victims and offenders to other ongoing cases, as well as other missing children. Searches can also be conducted to assist law enforcement who may be working the same case in different jurisdictions with deconfliction. The two systems unique to NCMEC are its Missing Children Database and CyberTipline.

## NCMEC RESOURCES AT A GLANCE



NCMEC maintains a database of information about every missing child reported to its Call Center. This comprehensive database includes information about the child, details of the missing/runaway incident, recovery

information, law enforcement updates and important medical needs, endangerments and physical descriptors — including photos. These historical profiles are reviewed and added to the database every time the child is reported missing



to NCMEC. The streamlining and maintenance of this information in the missing children database can greatly assist in the recovery of children because information is readily available to the legal guardian and law enforcement.

The CyberTipline is an online reporting mechanism created for the public and electronic service providers to report incidents of child sexual exploitation.

The CyberTipline receives approximately 10,000 to 12,000 reports of apparent child victimization every week. More specifically, child sex trafficking analysts process more

than 800 reports a month pertaining to possible child sex trafficking. The analysts utilize their specialized skills and access to multiple public records databases to add information to the CyberTipline reports and provide reports to law enforcement for review. All reports are archived and searched against incoming reports to see if connections can be made between online child victimization and a missing child.

## **ABOUT THE NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES (NCJFCJ)**

The NCJFCJ was established in 1937 when a group of judges came together looking to improve the effectiveness of the nation's juvenile courts to address the issues of:

- Child abuse and neglect;
- Adoption and foster care;
- Juvenile justice;
- Family violence;
- Victims of juvenile offenders;
- Military issues;
- Alcohol and drug abuse;
- Termination of parental rights;
- Custody and visitation; and
- Minority issues.

One of the largest and oldest judicial membership organizations in the nation,

the NCJFCJ serves an estimated 30,000 professionals in the juvenile and family justice system including judges, referees, commissioners, court masters and administrators, social and mental health workers, police, and probation officers.

For those involved with juvenile, family, and domestic violence cases, the NCJFCJ provides the resources, knowledge, and training to improve the lives of families and children seeking justice. NCJFCJ resources include:

- Cutting-edge training;
- Wide-ranging technical assistance;
- Research to assist family courts; and
- Unique advanced degree programs for judges and other court professionals offered in conjunction with the University of Nevada, Reno, and the National Judicial College.





Child/young adult's name:	
Person ID number:	Date:
Case number:	Caseworker completing form:

## Determination of Sex Trafficking Victim Status

### Confirmed victim (if yes to one or more of the following)

	Yes	No
Has the child self-reported engaging in sexual activity or sexually explicit performance for the monetary or in-kind benefit of another person?	<input type="checkbox"/>	<input type="checkbox"/>
Has the young adult self-reported being forced or coerced into sexual activity or sexually explicit performance for the monetary or in-kind benefit of another person?	<input type="checkbox"/>	<input type="checkbox"/>
Has law enforcement confirmed through an investigation that the child or young adult has been sexually trafficked?	<input type="checkbox"/>	<input type="checkbox"/>
Has the child self-reported "consensual" participation in a sexual act in exchange for shelter, transportation, drugs, alcohol, money or other item(s) of value?	<input type="checkbox"/>	<input type="checkbox"/>
<b>If confirmed victim, answer the following question(s):</b>	<b>Yes</b>	<b>No</b>
Is the child/young adult in substitute care?	<input type="checkbox"/>	<input type="checkbox"/>
<b>If yes</b> , does the information support that the first victimization was prior to entering substitute care? (Answer <b>No</b> if first victimization was while in substitute care.)	<input type="checkbox"/>	<input type="checkbox"/>

### At Risk (if yes to one or more of the following)

	Yes	No
Does the child/young adult have a self-disclosed or reported history of multiple and/or anonymous sex partners?	<input type="checkbox"/>	<input type="checkbox"/>
Does the child/young adult have a history of multiple/chronic sexually transmitted disease?	<input type="checkbox"/>	<input type="checkbox"/>
Has the child/young adult used the internet for posting sexually explicit material?	<input type="checkbox"/>	<input type="checkbox"/>
Have there been confirmed or reported uses of hotels for parties or sexual encounters?	<input type="checkbox"/>	<input type="checkbox"/>
Does the child/young adult have family connections to sex trafficking?	<input type="checkbox"/>	<input type="checkbox"/>
Has gang affiliation been disclosed, reported or suspected?	<input type="checkbox"/>	<input type="checkbox"/>

### At Risk (if yes to two or more of the following)

	Yes	No
Does the child/young adult have unaccounted for injuries or suspicious tattoos?	<input type="checkbox"/>	<input type="checkbox"/>
Does the child/young adult have a history of multiple runs?	<input type="checkbox"/>	<input type="checkbox"/>
Has the child/young adult been in possession of money, cell phone, hotel keys or other items that cannot be explained or accounted for?	<input type="checkbox"/>	<input type="checkbox"/>
Is the child/young adult in a relationship with a significantly older partner?	<input type="checkbox"/>	<input type="checkbox"/>
Is the child/young adult unable or unwilling to provide information about a boyfriend/girlfriend or sex partners?	<input type="checkbox"/>	<input type="checkbox"/>



Child/young adult's name:

Date:

Person ID number:

Case number:

Caseworker completing form:

## Instructions

1. The Determination of Sex Trafficking Victim Status tool is to be completed by the caseworker after a missing child or young adult has been located.
2. Actions to be completed when a caseworker identifies the following:
  - a. **Confirmed victim:** A report is to be made to a screener about any new incident of child abuse or neglect. Refer to Child Welfare procedure manual section related to providing services to a child/young adult identified as a sex trafficking victim for next steps; the case plan is to be revised as indicated.
  - b. **At risk:** refer to Child Welfare procedure manual section related to providing services to a child/young adult identified as a sex trafficking victim for next steps; the case plan is to be revised as indicated.
  - c. **Not confirmed victim or at risk:** While a change in the case plan is not required, follow-up may be needed to address the issues that originally triggered a suspicion of sex trafficking.

## Related Definitions

1. **“Child”** means a person under 18 years of age.
2. **“Coercion”** means threats of serious harm to, or physical restraint of, any person; any scheme, plan or pattern of intended to cause a person to believe that failure to perform an act would result in serious harm to, or physical restraint against, any person; or the abuse or threatened abuse of the legal process.
3. **“Commercial sex act”** means any sex act where anything of value is given to or received by any person.
4. **“Force”** means the use of any form of physical force, including rape, beatings and confinement to control victims.
5. **“Sex trafficking”** means the recruitment, harboring, transportation, provision, or obtaining of a person under the age of 18 for the purpose of a commercial sex act or the recruitment, harboring, transportation, provision, or obtaining of a person over the age of 18 using force, fraud, or coercion for the purpose of a commercial sex act.
6. **“Sexually explicit performance”** means a live, recorded, broadcast (including internet) or public act or show intended to arouse or satisfy the sexual desires or appeal to the excessive sexual interests of customers.
7. **“Young adult”** means a person aged 18 through 20.



Child/young adult's name:	
Person ID number:	Date of birth:
Date plan created:	Case number:

## Run Prevention Plan

**Primary caregiver's name:** \_\_\_\_\_

### Risk level for child/young adult to run

Check all that apply:

- |  |  |
|--|--|
| <input type="checkbox"/> Identified as high risk to run<br><input type="checkbox"/> Child/young adult ran for the first time<br><input type="checkbox"/> Other identified reasons ( <i>describe below</i> )<br>_____ | <input type="checkbox"/> Child/young adult has run multiple times in last three months<br><input type="checkbox"/> Child/young adult has multiple runs a month |
|--|--|

### Action plan and strategies

The Run Prevention Plan needs to be realistic, collaboratively developed and achievable by the caregiver and child/young adult.

**Prevention strategies:** (*please list*)

These are targeted interventions developed based on information gathered from the child/young adult during the run debriefing. Suggested strategies for developing a plan can come from the Child Welfare procedure manual, staffings and team meetings.

\_\_\_\_\_

**Monitoring needs:** (*please list*)

This could be an agreement between the child/young adult and caregiver to have periodic (*every two hours*) check-ins and updates from the child/young adult throughout the day if the child/young adult feels like running again and wants to discuss their feelings with caregiver.

\_\_\_\_\_

**Other prevention options:** (*please list*)

The child/young adult may have suggestions on what would deter him or her from running.

\_\_\_\_\_

## Primary caregiver and child/young adult's support needs

List support needs: (*i.e. counseling and support services*)

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## Signatures

This plan must be developed, reviewed and agreed upon with the child/young adult, and the child/young adult's caregiver. By signing this form, the caregiver and child/young adult agree with the plan that has been collaboratively developed and to follow the plan to the best of their ability. A signed copy will be given to the child/young adult and the caregiver and the original placed in the child/young adult's case file.

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Child/young adult's signature

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Printed child/young adult's name

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Caregiver's signature

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Printed caregiver's name

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Caseworker's signature

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Printed caseworker's name





## Youth Court Questionnaire - under 19

This questionnaire was designed as a way for you to inform the judge handling your case of your specific situation. The information you provide is strictly voluntary. The more details you share, the better the judge is able to make the best decision in your case. However, you do not have to answer every question.

To make sure this questionnaire gets to the proper judge:

1. Send it online at [hearmyvoice.throughtheeyes.org](http://hearmyvoice.throughtheeyes.org) **(Coming Soon!)**
2. Give it to your Guardian Ad Litem (GAL) or Court Appointed Special Advocate (CASA) volunteer
3. Bring it to your next hearing
4. Mail it to the Clerk of the Court in your city or county

Under current law, the judge, your mother and/or father, Guardian Ad Litem, caseworker and the county attorney are allowed to view your answers.

The judge handling your case may ask questions regarding the information you provide.

**If you have questions or need assistance in completing the questionnaire, contact Project Everlast at 402.384.4670 or [crockwell@nebraskachildren.org](mailto:crockwell@nebraskachildren.org).**

# Youth Court Information

## General Information

\_\_\_\_\_  
First Name

\_\_\_\_\_  
Last Name

\_\_\_\_\_  
Age

\_\_\_\_\_  
Today's Date

\_\_\_\_\_  
Court Location (City and/or County)

\_\_\_\_\_  
Judge's Name (if known)

List the name(s) of anyone who helped you fill out this form and their connection to you

## Current Situation

Are you satisfied with your current placement?     Yes     No

If no, why not?

Where would you want to live and why?

Do you feel safe at your current placement?     Yes     No

If no, who or what makes you feel unsafe?

Are your basic needs being met (getting enough to eat, having enough clothing, etc.)?     Yes     No

If no, explain

Describe any current dental or physical health problems

If you have any dental or health problems, are you receiving treatment?     Yes     No

If no, why not?

Describe any current mental health problems (depression, anxiety, attention problems, thoughts of hurting yourself, problems sleeping or eating, etc.)

Are you in counseling/therapy?  Yes  No

If you are attending therapy, is it helpful?  Yes  No

If no, why not?

Do you take medicine?  Yes  No

If yes, do you know what it's for?  Yes  No

If yes, what?

Are you currently attending school?  Yes  No

If no, why are you not in school?

If yes, which school?

If yes, how are things going? What are some of the things you like doing?

Are you participating in extracurricular activities (sports, band, art club, etc.)?  Yes  No

If no, why not? Is there something getting in the way?

If yes, what are you doing and how is it going?

Are you currently working?  Yes  No

If no, why not?

If yes, where are you working, how often and how is it going?

### Case Information

Which of these people/groups have you seen or talked to in the last month:  Mom  Dad  Foster Parents  Sibling(s)

CASA Volunteer  GAL  Caseworker  Therapist or Counselor  Teacher(s)

Is there someone you're not talking to who you want to be?  Yes  No

If yes, explain

A **Team Meeting** is a gathering of the Department of Health and Human Services (DHHS) or the foster care agency, your family and you to discuss services that will be provided.

Do you attend your team meetings?  Yes  No  Sometimes

If no, why not?

Do you feel comfortable speaking at team meetings?  Yes  No

If no, what makes you uncomfortable?

Do you feel that your concerns are being addressed?  Yes  No  Sometimes

If no, explain

A **Case Plan** is a document that DHHS or foster care agency makes and updates regularly. It includes the services provided to you and your family, and says what needs to happen to reach the goals.

Have you received a copy of your most recent case plan?  Yes  No  Sometimes

If yes, who gave you the copy?

If not, when is the last time you got a copy of the case plan?

Do you understand the case plan?  Yes  No

Do you have questions about your case plan?  Yes  No

If yes, what questions?



A **GAL Report** is a document written by the Guardian ad Litem, who is an attorney representing you and your best interests, to update the court on your case.

Do you receive a copy of the GAL report?  Yes  No  Sometimes

If not or sometimes, when did you last get a GAL report?

Do you understand the GAL report?  Yes  No  Sometimes

If not, does your Guardian ad Litem explain it to you?  Yes  No  Sometimes

In a **Court Hearing**, the judge makes the major decisions about you by looking at the progress of you and your parent(s) to make sure you are safe and being provided for.

Have you been to a court hearing before?  Yes  No

If not, why not?

Do you know when court hearings are happening?  Yes  No

Is there someone who explains what will be happening at your court hearing?  Yes  No  Sometimes

If yes or sometimes, who explains the hearing to you?

Do you want to attend more court hearings?  Yes  No

A **Court Order** is a written order from the judge after the court hearing.

Do you receive copies of your Court Orders?  Yes  No  Sometimes

If not, do you want a copy of your Court Orders?  Yes  No

Would you like the opportunity to speak to the judge in court?  Yes  No

What would you like to talk about?

Is there anyone you want attending your next court hearing?

Are you uncomfortable with certain people attending your hearing?  Yes  No

If yes, who and why?

An **Independent Living Plan** is a written plan to prepare for living on your own once you have left foster care. The plan may include goals for completing education, finding a job, finding affordable housing, managing your money, etc. If you are over 16, you should have a plan.

Do you have an Independent Living Transition Plan?  Yes  No  I don't know

Have you been part of creating the plan?  Yes  No

Do you feel like you are being prepared to become an adult?  Yes  No

What could you use help with?

### Personal Concerns/Goals

What is your biggest concern with how things are going?

What are your plans for your future?

How can the judge or other people in your case help you with your goals?

What else would you like the court to know?

Is there something you would prefer to share with someone in private?  Yes  No

# Run Debrief



Name of child/young adult: \_\_\_\_\_ Person I.D.: \_\_\_\_\_

Interviewer (if different from caseworker): \_\_\_\_\_

Dates missing: from \_\_\_\_\_ to \_\_\_\_\_ Date of debriefing: \_\_\_\_\_

Returned:  voluntarily  via law enforcement

## Interview

This interview may be conducted by the child/young adult's caseworker, caregiver or other professional per the child/young adult's choice.

1. What do you need right now to feel safe?

\_\_\_\_\_

2. Who should we contact to let them know you are safe?

\_\_\_\_\_

3. What made you decide to leave your placement?

- |  |  |
|--|--|
| <input type="checkbox"/> to be with friends                | <input type="checkbox"/> to get away from caregiver                  |
| <input type="checkbox"/> to see parents                    | <input type="checkbox"/> conflict with program                       |
| <input type="checkbox"/> to live with parents/other family | <input type="checkbox"/> did not mean to run — just got mad and left |
| <input type="checkbox"/> to see other family members       | <input type="checkbox"/> school problems                             |
| <input type="checkbox"/> to see girlfriend/boyfriend       | <input type="checkbox"/> to get high/to drink alcohol                |
| <input type="checkbox"/> not feeling safe in placement     | <input type="checkbox"/> to have some excitement                     |
| <input type="checkbox"/> somebody asked or told me to      | <input type="checkbox"/> other: _____                                |

4. Was there anything that staff/caregiver or your caseworker could have done to make it easier for you to stay?

\_\_\_\_\_

5. Did you have a plan about how to take care of yourself and did it work out?

\_\_\_\_\_

6. Where did you stay when you were gone?

- |   |  |
|---|--|
| <input type="checkbox"/> friend's house       | <input type="checkbox"/> With other youth      |
| <input type="checkbox"/> streets              | <input type="checkbox"/> With strangers        |
| <input type="checkbox"/> parents              | <input type="checkbox"/> another adult's house |
| <input type="checkbox"/> other family members | <input type="checkbox"/> boyfriend/girlfriend  |
| <input type="checkbox"/> shelter/hostel       | <input type="checkbox"/> other: _____          |

7. What did you hope would happen when you left?

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What did you think would actually happen?

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8. What did you do while you were gone?

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Were you safe?  Yes  No

How did you get food/money?

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9. How is your health?

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Have you eaten lately?  Yes  No

Were you involved in anything that put you at risk (*e.g., sexual activity, physical or sexual assault*)?

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10. What made you decide to return?

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11. How can I help you or what would help you stay?

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12. Do you need any services, supports or medical care?  Yes  No

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13. Did you feel involved in the planning for your life when you left?  Yes  No

14. What do you want to see happen in your life in the next 3 months?

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15. Is there anything else you would like to share that has not been asked?

Yes  No

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