

Public Comments relating to the National Advisory Committee on the Sex Trafficking of Children and Youth in the United States held on May 5, 2021

Comments from the U.S. Committee for Refugees and Immigrants

While working with our local service providers to help eligible foreign national minor survivors of sex and labor trafficking access the Trafficking Victim Assistance Program, we are encountering challenges in ensuring foreign national minors have access to safe, supportive placements after experiencing placement breakdowns with their caregiver. Some of these challenges include, but are not limited to, state laws mandating child welfare organizations pursue family reunification or family preservation when it may not be in the child's best interest; state laws not defining labor trafficking as a form of abuse or neglect limiting state welfare agencies from pursuing investigations; limited understanding of the needs of foreign national minor survivors of trafficking and unaccompanied children's experiences and family dynamics once they are reunited with their caregivers in the U.S.; and minors' mistrust of state welfare agencies. Our primary concern is for minors to have a safe, stable, culturally appropriate placement away from their trafficker.

Comments from NAC Consultation Calls flagged by Committee Members

Is there any timeline or process for federal agencies to respond to the federal recommendations?

Will ACF be issuing an IM to state child welfare agencies notifying them of the needs to implement these recommendations similar to the IM's that were issued after passage of PL 113-183 and PL 114-22?

Also, will ACF have human trafficking as an area of focus on the next round of federal Child and Family Service Reviews?



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April 30, 2021

The National Advisory Committee on the Sex Trafficking of Children and Youth in the United States

Office on Trafficking in Persons
Administration for Children and Families
330 C Street, S.W.
Washington, D.C. 20201

SUBJECT: NATIONAL ADVISORY COMMITTEE ON THE SEX TRAFFICKING OF CHILDREN AND YOUTH IN THE UNITED STATES BEST PRACTICES AND RECOMMENDATIONS FOR STATES REPORT

Dear National Advisory Committee on the Sex Trafficking of Children and Youth in the United States members:

The California Department of Social Services (CDSS) would like to thank you for your time and efforts in developing and issuing the Best Practices and Recommendations for States Report. The report is evidence of the vast knowledge, expertise and care this committee holds for minor victims of sex trafficking. In particular, Section 5 on housing was noteworthy given the comprehensive recommendations made regarding the need for a continuum of housing options that can meet a child or youth wherever they are in their stage of healing. The focus on adequate training, specialized placements and shelters, and necessity for each state to identify gaps was thoughtful and poignant.

The report in its entirety was comprehensive and robust and we are grateful not only for the opportunity to participate in the State Self-Assessment Survey, but also for the opportunity to provide comments. Below are some additional considerations the CDSS would like to provide:

- While Section 4 entitled Service Provision is very comprehensive, the use of a harm reduction approach is not mentioned. Harm reduction is not yet evidence based, but it is evidence informed and has demonstrated success when utilized while serving children and youth who have experienced sex trafficking. Harm reduction allows the service provider to meet the youth where they are, focusing on a safer versus safest approach creating more authentic engagement- all necessary to effectively support a youth in their healing. More importantly, harm reduction is a practice that can and should be utilized by all disciplines. From law enforcement officers recovering youth in an operation to a bench officer issuing

an order in a court room, harm reduction is essential for any service provider to know and use.

- The report recommends counties have a local multidisciplinary team (MDT) or participate in a statewide MDT to address macro issues and systemic barriers. The call-out of a statewide MDT we feel should be a specific recommendation in and of itself. The use of a statewide MDT serves to identify barriers and challenges that impact every county, creating a vital bridge between state level policy and local level practice. More importantly, statewide MDT's will assist in evaluating cross discipline collaboration, identifying solutions to improve and enhance coordination of care.
- There are several mentions of the frequency at which children and youth who experience sex trafficking go missing and/or runaway. The recommendations surrounding reporting and intervention are important; however, one recommendation perhaps missing is a universal definition of what missing from care, commonly referred to as "AWOL" means. Several service providers may define missing from care/leaving placement differently and thus this impacts how/when they report. Further, children and youth leaving placement is a very natural occurrence. Not only is it a common aspect of healing, but also a common aspect of adolescent development. For some youth, a walk to the local coffee shop without permission may be cause for a call to law enforcement and the subsequent generation of a warrant. In some instances, further law enforcement involvement could cause more harm than good and create more trauma for a youth. A universal definition would create consistency and transparency in practice.
- The report would also benefit from a recommendation ensuring all child and youth serving agencies review and revise any policies and procedures related to sex trafficking on a consistent basis to assess for current strategies and trends and account for the ever-evolving dynamics of sex trafficking.
- Additional emphasis on mandating partnership with local tribes should be included to ensure collaboration and enhanced coordination of care.

Thank you for the opportunity to comment. If you have any questions, please contact Kelly Winston in the Child Welfare Policy and Program Development Bureau at (916) 651-6100 or CSECprogram@dss.ca.gov.

Sincerely,

ANGIE SCHWARTZ
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