



TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES

COMMISSIONER
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Human Trafficking of Domestic Minors

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Human Trafficking

Human trafficking involves the exploitation and control of one human by another for profit. According to the United Nations Office on Drugs and Crime, human trafficking is a \$32 billion per year industry.¹ The federal definition of human trafficking included in the Trafficking Victims Protection Act of 2000 is:

- A. Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion or in which the person induced to perform such act has not attained 18 years of age; or
- B. The recruitment, harboring, transportation, provision or obtaining of a person for labor or services, through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

Texas was one of the first two states in the country to enact laws that criminalize human trafficking.² Texas defines "Trafficking of Persons" in Texas Penal Code, Section 20A.02, and includes separate definitions for labor trafficking and sex trafficking. The statute also makes distinctions for trafficking of an adult and a minor. Texas, with numerous major cities, access to the border, and a major interstate highway running through it, has become a central hub for human trafficking in the United States. The U.S. Department of Justice identified Interstate 10 Highway as one of the most heavily traveled routes for human trafficking in the country and estimates that as many as one in five victims passed through Texas.³

In recent years, there has been increased awareness of a large number of children who are U.S. citizens and are being trafficked. The National Center for Missing and Exploited Children estimates that there are at least 100,000 U.S. being trafficked.⁴ The majority of American victims who become sexually trafficked are runaways and homeless youth. Identifying and tracking these children who are trafficked can be challenging, in part because these youth do not often self-identify, or they come into the child protection system for other reasons and are not identified as trafficking victims. Between 2009 and 2011, 768 human trafficking victims were reported in Texas, including 183 children (FBI Innocence Lost Task Force). On a typical

¹ *Human trafficking: organized crime and the multibillion dollar sale of people*

<http://www.unodc.org/unodc/en/frontpage/2012/July/human-trafficking -organized-crime-and-the-multibillion-dollar-sale-of-people.html>

² Report of the Texas Advisory Committee to the U.S. Commission on Civil Rights.

<http://www.usccr.gov/pubs/TX HT Report--ver%2050--FINAL.pdf>

³The Texas Response to Human Trafficking, Office of Attorney General Report to the 81st Legislature

https://www.texasattorneygeneral.gov/AG_Publications/pdfs/human_trafficking_2008.pdf

⁴ Ernie Allen, former President and CEO of NCMEC. Testimony to the Institute of Medicine of the National Academies Committee on Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States (Jan. 4, 2012)

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weekend night in Texas, an estimated 130 youth under the age of 18 years old are commercially sexually exploited through internet classified sex ads.⁵

Who is a Victim of Trafficking?

The population at greatest risk of being trafficked includes runaways, homeless, and at-risk youth. They almost always have an unstable home environment and a history of being sexually abused.⁶ Once out on the street, one out of every three teens will be approached about prostitution within 48 hours of leaving home.⁷ Trafficking victims can be recruited by friends, family or supposed boyfriends.

DFPS Role in Addressing Human Trafficking

The role of the Texas Department of Family Protective Services (DFPS) is to protect the unprotected, and DFPS is committed to continued collaboration with agency partners to protect children and address the issue of trafficking in Texas.

Residential Child Care Licensing (RCCL)

Residential Child Care Licensing (RCCL), a division of DFPS, is responsible for the regulation of all child-care operations, including general residential operations (GROs) and child placing agencies (CPAs). RCCL licenses, and inspects, and investigates the allegations of abuse and neglect of children in these operations for compliance with the law and state minimum standards.

In response to legislation passed during the 83rd Regular Session of the Texas Legislature, DFPS has developed new minimum standards that will apply to GROs and CPAs that provide comprehensive services to victims of human trafficking. Currently, there are two GROs and one CPA providing comprehensive services to victims of human trafficking. These recommended standards were developed with input from providers, stakeholders, and other state agencies, who indicated that trafficking victims normally require numerous types of additional services. These new recommended standards will be presented to the DFPS Council at the July 2014 meeting and will be published for public comment. If these rules are adopted, they would be effective December 1, 2014. The recommendations will include:

- Increased staffing because of the intensive nature of long-term treatment for trafficking victims, including a tendency to try and run from the placement;
- Focused training for employees regarding the complex trauma experienced by trafficking victims;

⁵ "Adolescent Girls in the Texas Sex Trade, Tracking Study Results for August, 2011." Shapiro Group for Dallas Women's Federation. <http://www.dallaswomensfdn.org/file/site-documents/TSG-DWF-CSEC-Tracking-Report---Aug-2011.pdf>

⁶ The National Center for Missing and Exploited Children reports that 60 percent of identified child trafficking victims were either in foster care or a group home setting when they ran away. John Ryan, President and CEO of NCMEC. Testimony to the Human Resources House Sub-Committee on Ways and Means (Oct. 23, 2013)

⁷ [National Incidence Studies of Missing, Abducted, Runaway and Throwaway Children (*NISMART-2*), (2002). *Office of Juvenile Justice and Delinquency Programs, U.S. Department of Justice*.]

- More enhanced security and confidentiality policies to protect trafficking victims and the employees;
- Additional medical and mental health requirements to help the trafficking victims deal with the trauma they have experienced, including:
 - A medical screening;
 - A screening for infectious diseases;
 - Alcohol and substance abuse screening, and if appropriate, assessment;
 - Behavioral health assessment; and
 - Individual therapy.

DFPS adopted rules that were effective on March 1 in response to legislation passed during the 83rd Session to make the location of a "victims of trafficking shelter center" and information pertaining to an individual who was provided services at such a shelter confidential.

Statewide Intake

Alleged child abuse and neglect is reported to the DFPS centralized intake system, also known as Statewide Intake (SWI). This system serves as the front door to DFPS programs, including Child Protective Services (CPS). SWI processes all reports of abuse, neglect, or exploitation and then routes those reports that meet the statutory definition of abuse or neglect to the appropriate local program office. In 2013, SWI received a total of 229,334 reports of alleged child abuse or neglect. CPS has statutory authority to investigate allegations of abuse and neglect committed by a person who is a parent, managing or possessory conservator, foster parent, a member of the child's family or household, or someone who acts in the traditional role or caretaker of a child.⁸

Intakes alleging the trafficking of a minor by a person responsible for the child's care, custody, or welfare, are assessed by SWI, following the same procedures as for other reports of alleged abuse or neglect. Staff reviews the allegations to determine whether the alleged maltreatment meets the definition of child abuse or neglect by a person responsible for the child's care, custody, or welfare and, if so, forwards the report to CPS for initiation of an investigation. SWI sends a copy of all CPS intakes to local law enforcement. When someone reports information on child trafficking that does not meet the statutory definition of abuse/neglect, an Information and Referral (I&R) Report is generated and sent to law enforcement.

SWI has engaged in a series of meetings with CPS to develop training for intake specialists on how to identify both sex trafficking and labor trafficking. The training will be presented to SWI staff this summer.

To keep up with how teens communicate, DFPS' Texas Youth and Runaway Hotline launched a new service on April 1, 2014, wherein teens and families have the capability to text or live chat with the Hotline. Hotline telephone counselors work closely with the statewide Services to At-Risk Youth and Families (STAR) Program. The STAR providers offer services, including:

- 24-hour crisis intervention,

⁸ Texas Family Code, Section 261.001(5). This definition also includes school personnel or volunteers at schools.

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- short-term emergency residential care for youth,
- individual, group, and family counseling,
- skills-based training for youth and parents, and
- follow-up services.

Child Protective Services (CPS)

Effective in August 2014, DFPS will have the ability to collect data on human and labor trafficking in its Information Management Protecting Adults and Children in Texas (IMPACT) System, which is used by staff to record casework related activities. Currently, data is not collected on human trafficking in the IMPACT system; however, beginning in August, DFPS caseworkers will have a way to designate in IMPACT that the investigative case involves sex trafficking. The changes will allow CPS to collect this data more easily.

While in foster care, if a youth discloses being trafficked (prior to or after entering foster care), a report is made to law enforcement. In addition, caseworkers take the necessary actions to assess the child and arrange appropriate services to address the needs of the child. Interventions, such as a forensic interviewing with child advocacy center (CAC) or medical exams, are performed in coordination with law enforcement.

A Texas Teen Conference will be held in Denton, Texas, on July 8-10, 2014, for an estimated 150 youth in foster care who are ages 16 to 21. The conference features motivational speakers and workshops focusing on transitioning youth topics. Human Trafficking "Traps of a Trafficker" workshops will be provided (1 for males and 1 for females) by Traffick911, a 501(c)(3) charitable organization that is committed to stopping the buying and selling of America's children.

The Regional Preparation for Adult Living (PAL) staff has begun to provide information on:

- Prevention/awareness materials for staff and children/youth that may include websites, handouts, webinars, videos, etc.;
- Victim assistance information and primary contact information;
- Any trainings available to staff; and
- Aging-Out Seminar presenter information for youth.

This information will be posted on the Texas Youth Connection website (<https://www.dfps.state.tx.us/txyouth/>) and Facebook page as a Human Trafficking resource website for youth, young adults, staff, and stakeholders by the end of the summer.

Because Texas is a large state, often best practices occur regionally and then are replicated throughout the state. Within CPS, Special Investigators (SIs) in San Antonio have taken the lead on developing protocols for recovering runaways before they fall prey to traffickers. As SIs are all previous law enforcement officers who are familiar with the system of reporting and searching for runaways from a law enforcement standpoint, they established a regional policy regarding the search of runways, enlisting the assistance of the SIs. Since then, the task of searching for runaways has been added to the statewide list for SI duties. The SIs are conducting

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training throughout the region on runaways and identifying victims of trafficking, and they enlist the expertise of local, state and federal law enforcement to also make presentations. The coordination of efforts between CPS and law enforcement has assisted in the quicker, safer return of children.

Foster Care

If a child in DFPS conservatorship cannot be located:

- In accordance with Texas Family Code 264.123 and DPFS policy, the child's CPS caseworker must notify the appropriate parties within 24 hours of the child going missing from care.
- If the caseworker believes that a child has unwillingly left the substitute care placement or has been removed by an unauthorized person, the worker requests that the child be placed on the Amber Alert System when making the report to law enforcement.
- Further, caseworkers are required to continue efforts to locate the child the child remains on runaway status and maintain contact with law enforcement.

Pursuant to a new policy update issued November 18, 2013, all CPS staff were educated about the above obligations and that they should also make a referral to a CPS Special Investigator, as well as to notify the National Center for Missing and Exploited Children (NCMEC) at 1-800-THE-LOST or at <http://www.missingkids.com> when a child goes missing from care.

Challenges and barriers to serving the full spectrum of minor trafficking victims within the CPS system

In examining the evolving role of child welfare in the prevention of human trafficking, limitations and challenges exist.

DFPS will continue to have discussions and coordinate with law enforcement, other state agencies, including juvenile justice, and stakeholders on how to utilize and leverage the resources provided by each remains a challenge. The focus and mandates of CPS have traditionally been protecting children in familial settings and preserving the family unit as much as possible. In most instances of human trafficking of minors, the perpetrator is not a member of the child's household and therefore is not responsible for the child's care, custody or welfare. However, these children are in need of protection.

To ensure their safety, many trafficking victims need residential services with additional security requirements and intensive treatment services designed to address the victims' unique needs.

CPS can provide residential services to children if CPS assumes managing conservatorship of the child. The grounds for assuming managing conservatorship focus on the immediate safety of the child in the home of the child's traditional caregiver. As previously discussed, this is not the circumstance for most trafficking victims.

Nationwide, there are fewer than one dozen private shelters with the training, funding and space to specifically serve children and teens who have been involved with domestic sex trafficking. There are currently two licensed general residential operations in Texas.

Collaboration, Awareness and Education

Collaboration is key to ensuring best results when protecting children. Below are some highlights of recent activities and partnerships DFPS has been part of relating to domestic minor sex trafficking:

- Staff worked with stakeholders to establish minimum standards for placement in GROs and CPAs;
- CPS Director of Investigations Angela Goodwin provided a series of trainings to regional leadership staff on the agency's role in preventing human trafficking;
- Staff worked with DPS to present their award-winning Interdiction for the Protection of Children Training, a program designed to educate troopers on looking for signs of trafficking, smuggling, and abuse;
- State Office and Houston area leadership staff presented to the U.S. Attorney's Office Victim Service Providers and the Human Trafficking Rescue Alliance on the agency's role in preventing human trafficking.⁹;

In May of 2014, the heads of DFPS, the Department of State Health Services, and the Department of Public Safety met to discuss ways to work together to address the growing issue of sex trafficking of minors.

In addition to these actions, DFPS staff work with a variety of organizations focused on this issue such as the Department of Public Safety's Missing Person Clearinghouse and the National Center for Missing and Exploited Children. Local partnerships are also important in these efforts. For example, Harris County Juvenile Court Judge Mike Schneider established a Growing Independence, Restoring Lives (GIRLS) Court run by Associate Judge Angela Ellis. GIRLS Court offers teenage girls the chance to see that the entire community cares about their rehabilitation. CPS is one of many entities working in partnership with the Court, brought in to address the needs of girls who have been or are vulnerable to sex trafficking.

DFPS is a member of the Texas Human Trafficking Task Force and is looking forward to the recommendations that the Task Force will be making regarding appropriate and effective training of CPS investigators, conservatorship workers, and foster care workers to recognize the signs and symptoms of what can make a child vulnerable to being trafficked, and what services these children need.

⁹ The Human Trafficking Rescue Alliance was formed with the intent of bringing together law enforcement and social service providers. The law enforcement agencies represented on the task force are: Houston Police Department, U.S. Department of Homeland Security Immigration & Customs Enforcement (ICE), the Federal Bureau of Investigation (FBI), Texas Alcoholic Beverage Commission (TABC), DPS, and the Harris County Sheriff's Office

Conclusion

Human trafficking is a serious problem in Texas as well as the United States. It robs children of their innocence and has devastating effects on their mental and physical well-being. DFPS acknowledges that there is still much work to be done by all to identify, protect, and house this vulnerable population. In Texas, child welfare is working with law enforcement and other agency partners and nonprofit organizations to address the complex issues involving the trafficking of minors.