

<b>31.10 Combating Commercial Sexual Exploitation of Minors</b>	
<b>Application:</b> All Department of Children's Services Child Protective Services Employees and Special Investigations Unit Employees	
<b>Authority:</b> TCA: §37-1-102, 37-1-401 et seq, 37-1-601 et seq, 37-5-105 (3), 37-5-106, 39-13-309, 22 USC§ 7105, Preventing Sex Trafficking and Strengthening Families Act, Public Law Number 113-183 (2014)	<b>Standards: COA:</b> PA-CFS 6.04, PA-CFS 12.02,10; PA-JJCM 6.01
<b>Commissioner:</b>	<b>Date:</b>
Original Effective Date: Current Effective Date: 05/25/22	Supersedes: 31.10 04/09/21 Last Review Date: 05/25/22
<b>Glossary:</b> <ul style="list-style-type: none"> <li>◆ Single point of contact <ul style="list-style-type: none"> <li>○ Designated agencies forming the Tennessee Counter-Trafficking Alliance that specialize in providing direct services and referrals to community services to victims/survivors of human trafficking who frequently work with DCS and the TBI. The agency for each county can be found at: <a href="https://www.tncountertraffickingalliance.org/">https://www.tncountertraffickingalliance.org/</a></li> </ul> </li> <li>◆ Anti-Trafficking Prevention Program(s) <ul style="list-style-type: none"> <li>○ Programs designed to education youth and mitigate vulnerabilities exploited by traffickers. These programs can be connected through the Single Points of Contacts <a href="https://www.tncountertraffickingalliance.org/">https://www.tncountertraffickingalliance.org/</a> through the National Human Trafficking Hotline Referral Directory <a href="https://humantraffickinghotline.org/en/find-local-services">https://humantraffickinghotline.org/en/find-local-services</a>).</li> </ul> </li> <li>◆ Commercial Sexual Exploitation of a Minor (CSEM): <ul style="list-style-type: none"> <li>○ The use of any person under the age of eighteen (18) as defined in <a href="#">Work Aid 1, CPS Categories and Definitions of Abuse/Neglect</a> Section C, numbers one (1) and two (2): Child Sexual Abuse- in exchange for anything of value either directly or indirectly. Force, threat or coercion is not a factor for CSEM. Also referred to as human trafficking or sex trafficking.</li> </ul> </li> </ul>	

### Policy Statement:

Human trafficking of children, known in Tennessee as the Commercial Sexual Exploitation of Minors (CSEM), is a heightened form of child abuse requiring specialized interventions. The identification and service provision are the responsibility of all units within DCS in coordination with anti-trafficking organizations and law enforcement.

**Purpose:**

To ensure that all children and youth who are identified as being or is at risk of human trafficking are assessed and connected with specialized services to address the multiple traumas associated with this form of victimization.

**Procedures:**

**A. Notification of Commercial Sexual Exploitation of a Minor (All DCS Staff)**

1. All DCS staff immediately report to the Child Abuse Hotline any time a child/youth is suspected or identified as being a victim of commercially sexually exploitation also known as sex trafficking, unless:
  - a) The DCS staff is a Child Protection Services Case Manager (CM) with an open case opened less than thirty (30) days without an approved classification, at which time the DCS staff confers with the CPS supervisor to determine whether to add an allegation of sexual abuse (if not already alleged) and to select the CSEM indicator on the allegations tab in TFACTS; or
  - b) The DCS staff is a Child Protection Services Case Manager (CM) with an open case opened less than thirty (30) days without an approved classification and it is determined to transfer the case to a CM working severe abuse investigations.

**Note:** Refer to DCS Policy [14.1, Child Abuse Hotline](#), for screening decisions for referrals. Allegations of CSEM are always treated as severe abuse and are always worked in conjunction with a child sexual abuse allegation.

2. The DCS Staff who identifies or suspects a child/youth of being trafficked reports the allegation to the Tennessee Bureau of Investigation's (TBI) Tennessee Human Trafficking Hotline via email ([tbi.tnhth@tn.gov](mailto:tbi.tnhth@tn.gov)) or by phone (855-55-TNHTH) immediately or within twenty-four (24) hours with supervisory approval.
3. The DCS Staff who identifies or suspects a child/youth of being trafficked contacts a designated Single Point of Contact non-government organization that specializes in commercial sexual exploitation within twenty-four (24) hours or immediately if the supervisor deems immediate collaboration is necessary.
4. Per federal mandate, the DCS Staff who identifies or suspects a child/youth of being trafficked notifies the Office of Tracking in Persons (OTIP) by emailing [ChildTrafficking@acf.hhs.gov](mailto:ChildTrafficking@acf.hhs.gov) or calling 202-205-4582 within twenty-four (24) hours after discovering a foreign national child/youth under the age of eighteen (18) who may be a victim of CSEM to facilitate the provision of assistance. To the extent possible, the worker should provide the child's name, age, location, and county of

origin; location of exploitation and suspected form of trafficking along with point of contact information for the worker or supervisor.

**Note:** Notifications must be documented in TFACTS.

**B. Child Protective Services Cases Involving Commercial Exploitation of a Minor (CSEM)**

In addition to investigative tasks associated with a child sexual abuse allegation as provided for in DCS Policies [14.7, Multi-Disciplinary Team: Child Protective Investigation Team](#) and [14.6, Child Protective Services Case Tasks and Responsibilities](#), the following is required when the case involves CSEM (refer to [Child Protectives Services Tasks Manual](#)):

1. The CPS CM notifies the CPS supervisor immediately.
2. The CPS CM confirms and documents whether the notifications to the Tennessee Bureau of Investigation's (TBI) Tennessee Human Trafficking Hotline, Single Point of Contact and OTIP occurred. If not, the allegations are to be reported immediately or within twenty-four (24) hours if their supervisor deems necessary.
3. The CPS CM convenes the Child Protection Investigative Team (CPIT) to determine the method of investigation in collaboration with CPIT partners. The following decisions are made in consultation with CPIT partners:
  - ◆ Determine if local law enforcement or the TBI is the lead law enforcement agency during the investigation.
  - ◆ Collaborate with the lead law enforcement agency on the investigation to determine if any Amber Alerts, Missing Persons, Absconder or Runaway Reports have been made in relation to the alleged child victim (ACV).
  - ◆ Request from law enforcement a National Crime Information Center (NCIC) records check regarding the ACV to determine if the ACV may be under the supervision of another state's jurisdiction. The check may also obtain additional information regarding safety concerns that may affect placement decisions of the ACV.
  - ◆ Determine with the District Attorney's (DA) office, investigating law enforcement agency and the Child Advocacy Center (CAC), the method (minimal facts, forensic interview, extended forensic interview) and timing of interviewing the alleged child victim (ACV), including who is conducting the interview. This determination takes into consideration:
    - The immediate need to assess the safety and risk of the ACV to determine proper placement;
    - Gathering evidence in a legally defensible manner;

- The capacity of the ACV to provide information; and
  - The location to ensure safe transportation of the ACV.
- 4. The CPS CM maintains ongoing collaboration with the designated Single Point of Contact non-governmental organization specialized in CSEM at least monthly.
- 5. The CPS CM collects information about the ACV including:
  - ◆ Age;
  - ◆ History and risk of running away;
  - ◆ Longest time on run away;
  - ◆ Length of time sexually exploited;
  - ◆ History of involvement with juvenile court or law enforcement;
  - ◆ Use of social media for sexual exploitation;
  - ◆ Receptiveness, cooperation, and perception of the sexual abuse/exploitation;
  - ◆ Mode of entry to sexual exploitation;
  - ◆ Type of sexual exploitation endured;
  - ◆ Sexual orientation; Refer to DCS Policy **20.20, *Guidelines for Managing Children/Youth in DCS Custody Related to Sexual Orientation, Gender Identity and Expression***;
  - ◆ History and presence of alcohol and/or drug abuse;
  - ◆ History of trauma endured including the threat, force, or fear imposed by the alleged perpetrator (AP);
  - ◆ Use of terminology that indicates sexual exploitation;
  - ◆ Current or past gang involvement; and
  - ◆ Presence of any tattoos, brands, or signifiers of ties to a trafficker or trafficking group.

**Note:** It may not be possible or in the child's best interest to collect all the above information during the initial interview or directly from the child as it may increase the trauma to the child. Use of collaterals, witnesses and other evidentiary sources should be explored in a trauma informed, survivor centered model.

- 6. In collaboration with CPIT and other assigned DCS Case Manager (CM) and assigned supervisor, determine the need for a medical exam.
- 7. To ensure the physical health and provide information for the care of the ACV, the CPSI consults with a medical provider on the timing of a medical evaluation or forensic medical evaluation to include potential reduction of sexually transmitted infections and/or other health needs. Barring good cause, the CPS CM refers the ACV for a forensic medical evaluation immediately and no less than seventy-two (72) hours if:
  - ◆ A sexual act occurred within the last twenty-four (24) hours;

- ◆ Any child/youth who has been on a runaway episode more than 24 hours; and/or
- ◆ Any child/youth who reports sexual assault, physical assault, and/or intravenous drug use.

**Note:** The child/youth may choose to refuse a medical evaluation but should be taken to a health care provider regardless so the child/youth may discuss the decision with a medical professional. See [Protocol for Medical Evaluations for Runaways and/ or Commercial Sexual Exploitation of Minor \(CSEM\)](#) and [Protocol for Health Services for Trafficked Youth.](#)

8. The CPS CM collects information about the ACV's caregivers including:
  - ◆ The name and custodial status of each parent;
  - ◆ Verified identity and location of current custodian; and
  - ◆ Length of time in the caregivers custody.
9. When conducting an investigation, the home environment is assessed in which the ACV resides or may be returning when the ACV is suspected of or has been previously trafficked. The home assessment includes the identification of:
  - ◆ Any abuse or neglect issues, including those that:
    - Facilitated the ACV's decision to leave the home, if applicable;
    - Permitted the AP access to the ACV;
    - Indicated active or passive participation in the CSEM by the parent/caregiver;
  - ◆ The ability of the parent/caregiver to care for the ACV;
  - ◆ The ability of the parent/caregiver to enforce restrictions on social media, computer, and telephone use;
  - ◆ The ability of the parent/caregiver to limit association with specific individuals; and
  - ◆ The ability of the parent/caregiver to appropriately prevent the ACV from running away.

**Note:** Also Refer to [\*\*Safety Notice: Creating a Safe Environment for Youth Survivors of Exploitation.\*\*](#)

10. If the home is not determined to be safe for the ACV, then alternatives may be considered under DCS Policies [14.13, Non-Custodial Immediate Protection Agreements](#) and [14.14, Removal: Safety and Permanency Considerations](#) up to and including removal of the child into state custody.
11. The CPS CM consults with their supervisor throughout the investigative process to evaluate appropriate action steps.

12. The CPS CM documents all evidence collected from the interview(s) and the forensic medical evaluation in TFACTS.

### **C. Family Support Services Cases Involving CSEM**

In addition to tasks provided for in DCS Policy [14.18, Family Support Services Program](#), the following is required when the case involves CSEM:

- a) The FSSW reviews prior DCS case and/or juvenile court involvement for safety issues and service provision to address CSEM.
- b) When receiving a case through a case transfer, the transferring DCS staff (e.g. CPS, Foster Care) and FSSW and FSS TL discuss:
  - ◆ The child and family's' current cooperation with services and/or law enforcement, and recognition of the sexual exploitation.
  - ◆ The services provided to the child and family in regard to CSEM and underlying vulnerabilities to exploitation including information from the designated Single Point of Contact non-government organization specialized in CSEM providing services.
  - ◆ Specific measures in place to reduce identified safety concerns and risks to the child and family including:
    - Restrictions on social media, computer and telephone use;
    - Restrictions on associations with specific individuals;
    - Known trauma triggers of the child; and/or
    - Locations the child is likely to frequent in the event of a runaway episode.
  - ◆ Upcoming court dates and status of any court actions.
- c) The FSSW ensures human trafficking focused services continue and/or are initiated by collaborating with the designated Single Point of Contact non-governmental organization that specializes in commercial sexual exploitation of minors by:
  - ◆ Receiving monthly updates on service provision; and
  - ◆ Including a representative from the organization/designee in the CFTM and Permanency Plan process.

### **D. Foster Care Cases Involving CSEM**

In addition to tasks provided for in other DCS Policies, the Foster Care Family Support Worker (FSW) completes the following tasks when the case involves CSEM:

1. Determines through on-going assessment during visits to the child's placement whether the current or potential placement will be able to provide a safe and stable environment for the child by evaluating the following:

- ◆ Whether the physical location of the placement presents a risk of the trafficker regaining physical control of the child and/or of the child running away back to a trafficker. See **Safety Notice: Creating Safe Environments for Youth Survivors of Exploitation.**
  - ◆ Whether in consultation with the DCS Attorney to determine if a petition restricting or discontinuing contact and/or communication between the child(ren) and their parent(s)/custodian(s) should be filed when the parent/custodian took part in or failed to protect the child from trafficking.
  - ◆ Whether the placement is equipped to address behaviors by the child that present a risk to themselves or others. See DCS Policy **31.18 Safety Planning for High-Risk Behaviors in Children and Youth in DCS Custody.**
  - ◆ Prior disruptions.
2. Reviews prior DCS case and/or juvenile court involvement for safety issues and service provision to address CSEM.
- ◆ When receiving a case through a case transfer, the transferring DCS staff (e.g. CPS, FSS) and FSW and Foster Care Team Leader (TL) discuss:
    - The child and family's' current cooperation with services and law enforcement, and recognition of the sexual exploitation;
    - The services provided to the child and family with regards to CSEM including information of the designated Single Point of Contact nongovernment organization specialized in providing services to victims of CSEM;
    - Specific measures in place to reduce identified safety concerns and risks to the child and family including:
      - Restrictions on social media, computer and telephone use;
      - Restrictions on associations with specific individuals;
      - Known trauma triggers of the child; and/or
      - Locations the child is likely to frequent in the event of a runaway episode.
    - Upcoming court dates and status of any court actions;
  - ◆ The FSW ensures human trafficking focused services continue and/or are initiated by collaborating with a designated Single Point of Contact nongovernmental organization that specializes in serving victims of commercial sexual exploitation of minors by:
    - Receiving updates on service provision every two weeks for the first three months of custody and monthly thereafter; and
    - Including a representative from the organization/designee in the CFTM and Permanency Plan process.

3. In addition to the requirements of DCS Policy [21.14 Serving the Educational Needs of the Child/Youth](#), the FSW and Regional Education Specialist considers the following:
  - ◆ The safety of the child in the school setting;
  - ◆ Possible access to the child by the trafficker; and
  - ◆ The use of school as a means to run away.
4. When a child is recovered from a runaway episode, the FSW follows DCS Policy [31.2 Responsibilities Regarding Runaways, Absconders and Escapees](#) and the associated protocol; Protocol for Reporting Runaways, Absconders and Escapees.
  - ◆ The FSW refers to the [Protocol for Health Services for Trafficked Youth](#) to ensure that the medical and health needs are accurately identified, and treatment is offered.

#### **E. Juvenile Justice Cases Involving CSEM**

1. The Juvenile Service Worker (JSW) reviews prior DCS case and/or juvenile court involvement for safety issues and service provision to address CSEM.
2. Determines through on-going assessment during visits to the child's placement whether the current or potential placement will be able to provide a safe and stable environment for the child by evaluating the following:
  - ◆ Whether the physical location of the placement presents a risk of the trafficker regaining physical control of the child and/or of the child running away back to their trafficker. See **Safety Notice: Creating Safe Environments for Youth Survivors of Exploitation.**
  - ◆ Whether contact and/or communication between the child(ren) and their parent(s)/custodian(s) should be restricted or discontinued when the parent/custodian took part in or failed to protect the child from trafficking.
  - ◆ The placement is equipped to address behaviors by the child that present a risk to themselves or others. See DCS Policy [31.18 Safety Planning for High-Risk Behaviors in Children and Youth in DCS Custody.](#)
3. When receiving a case with open DCS involvement, the transferring DCS staff (e.g. CPS, Foster Care) and JSW and Juvenile Justice (JJ) Team Leader (TL) discuss:
  - ◆ The child and family's current cooperation with services and law enforcement, and recognition of the sexual exploitation.
  - ◆ The services provided to the child and family with regards to CSEM including information of the designated Single Point of Contact non-government organization specialized in CSEM providing services.
  - ◆ Specific measures in place to reduce identified safety concerns and risks to the child and family including:



- Restrictions on social media, computer and telephone use;
  - Restrictions on associations with specific individuals;
  - Known trauma triggers of the child;
  - Locations the child is likely to frequent in the event of a runaway episode; and/or
  - Upcoming court dates and status of any court actions.
4. The JSW ensures human trafficking focused services continue and/or are initiated by collaborating with a designated Single Point of Contact non-governmental organization that specializes in commercial sexual exploitation of minors by:
- ◆ Receiving updates on service provision every two weeks for the first three months of custody and monthly thereafter; and
5. Including a representative from the organization/designee in the CFTM and when a child is recovered from a runaway episode, the JSW follows DCS Policy [31.2 Responsibilities Regarding Runaways, Absconders and Escapees](#) and the associated protocol, [Protocol for Reporting Runaways, Absconders and Escapees](#).
- ◆ The JSW refers to the [Protocol for Health Services for Trafficked Youth](#) to ensure that the medical and health needs are accurately identified, and treatment is offered.
6. In addition to the requirements of DCS Policy [21.14, Serving the Educational Needs of the Child/Youth](#), the JSW and Regional Education Specialist consider the following:
- ◆ The safety of the child in the school setting;
  - ◆ Possible access to the child by the trafficker;
  - ◆ The use of school as a means to run away.

**Note:** This policy also applies to children under DCS supervision through the Interstate Compact for Juveniles.

#### **F. Placement of Children for All Cases Involving CSEM**

Staff seeking to identify a custodial or non-custodial out-of-home placement for the child determines whether the current or potential placement is able to provide a safe and stable environment for the child by evaluating the following:

- ◆ Whether the physical location of the placement presents a risk of the trafficker regaining physical control of the child and/or of the child running away back to a trafficker. See [\*\*Safety Notice: Creating Safe Environments for Youth Survivors of Exploitation\*\*](#);

- ◆ Whether the placement is equipped to address behaviors by the child that present a risk to themselves or others. See DCS Policy [31.18, Safety Planning for High-Risk Behaviors in Children and Youth in DCS Custody](#);
- ◆ Prior disruptions; and
- ◆ Information gathered from community partners including law enforcement pertaining to any safety concerns with the placement.

#### **G. Safety Considerations for All Cases Involving CSEM**

Accurately and expediently assessing immediate safety and the potential for unsafe recurrences are a primary function of the Department's work with families. Youth exhibit vulnerabilities due to their life experiences, abuse/neglect and other trauma. The Family Advocacy Support Tool (FAST) and the Child and Adolescent Needs (CANS) Assessments both provide workers with an indication when these factors increase the risk of exploitation by traffickers. For those situations when CSEM is not identified or already suspected, DCS staff are to take the following steps based on the outcomes of the FAST and/or CANS:

1. Non-Custodial Cases/FAST Assessment - Disclosure by a child or the identification of a child as a victim of CSEM is considered a change of circumstance requiring the FAST to be updated.
  - a) When the FAST provides a CSEM output of Moderate Risk, the assigned DCS staff ensures that:
    - ◆ Services are identified to mitigate the risk of possible future exploitation.
  - b) When the FAST provides a CSEM output of High Risk, the assigned DCS staff ensures that they:
    - ◆ Consult with the DCS Regional Psychologist no later than three (3) business days from the date of approval; and
    - ◆ Contact an anti-trafficking prevention program no later than five (5) business days of the FAST Approval in addition to services identified to mitigate vulnerabilities from identified risks.
2. Custodial and Juvenile Justice Cases/CANS Assessment – Disclosure by a child or the identification of a child as a victim of CSEM is considered a change of circumstance requiring the CANS to be updated.
  - a) When the CANS provides a CSEM output of Moderate Risk, the assigned DCS staff ensures that they:
    - ◆ Consult with the DCS Regional Psychologist no later than ten (10) business days.
    - ◆ Provide services identified to mitigate the risk of possible future exploitation.
  - b) High Risk:

- ◆ Consult with the DCS Regional Psychologist/CANS Consultant no later than three (3) business days;
- ◆ Contact a Single Point of Contact non-governmental organization that specializes in commercial sexual exploitation of minors must be contacted no later than seven (7) days of the CANS Approval in addition to services identified to mitigate vulnerabilities from identified risks; and
- ◆ Follows the procedures outlined in DCS Policy [\*\*31.18, Safety Planning for High-Risk Behaviors in Children and Youth in DCS Custody.\*\*](#)

The following are Safety Notices designed to support knowledge in specific safety-related domains:

- ◆ **Safety Notice: Significance and Supports for Interviewing Children**
- ◆ **Safety Notice: Creating a Safe Environment for Youth Survivors of Exploitation**

**Forms:**

None

**Collateral Documents:**

[\*\*14.1, Child Abuse Hotline\*\*](#)

[\*\*14.7, Multi-Disciplinary Team: Child Protection Investigation Team\*\*](#)

[\*\*14.6, Child Protective Services Case Tasks and Responsibilities\*\*](#)

[\*\*14.13, Non-Custodial Immediate Protection Agreements\*\*](#)

[\*\*14.14, Removal: Safety and Permanency Considerations\*\*](#)

[\*\*14.18, Family Support Services Program\*\*](#)

**20.20, Guidelines for Managing Children/Youth in DCS Custody Related to Sexual Orientation, Gender Identity and Expression**

[\*\*21.14 Serving the Educational Needs of the Child/Youth\*\*](#)

[\*\*31.2 Responsibilities Regarding Runaways, Absconders and Escapees\*\*](#)

[\*\*31.18, Safety Planning for High-Risk Behaviors in Children and Youth in DCS Custody\*\*](#)

[\*\*Work Aid 1: CPS Categories and Definitions of Child Abuse/ Neglect\*\*](#)

[\*\*Child Protective Services Tasks Manual\*\*](#)

[\*Protocol for Completion of the Family Advocacy and Support Tool \(FAST\)\*](#)

[\*Protocol for Medical Evaluations for Runaways or Commercial Sexual Exploitation of Minor \(CSEM\)\*](#)

[\*Protocol for Health Services for Trafficked Youth\*](#)

[\*Protocol for Reporting Runaways, Absconders and Escapees\*](#)

[\*Safety Notice: Significance and Supports for Interviewing Children\*](#)

[\*Safety Notice: Beyond the Minimal Facts Interview\*](#)

[\*Safety Notice: Conducting an Efficient and Effective History Search\*](#)

[\*Safety Notice: Creating Safe Environments for Youth Survivors of Exploitation\*](#)