

# Protocol for Serving Child Victims of Human Trafficking in Ohio

August 2017



This Protocol was developed in collaboration by Governor Kasich's Ohio Human Trafficking Task Force, Attorney General Mike DeWine's Human Trafficking Commission, the Ohio Network of Children's Advocacy Centers and the Ohio Network of Anti-Trafficking Coalitions.





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***Appendix A: Guidance from Ohio Attorney General Michael DeWine to the Ohio Department of Job & Family Services in regard to missing children in custody and reporting requirements***

***Human Trafficking is a form modern-day slavery where people profit from the control and exploitation of others. The trafficking of children constitutes a severe form of child abuse and neglect. All children and youth who are exploited should have access to services, regardless of background and county or country of origin.***

## History

In 2013, in response to the changing landscape of human trafficking policy and coordinated response efforts in Ohio, a group of anti-trafficking and child welfare advocates from around the state convened to build a protocol of Ohio's youth-serving systems that intersect with minor victims of human trafficking. The protocol created by this group was disseminated throughout Ohio by the Governor's Ohio Human Trafficking Task Force and the Attorney General's Ohio Human Trafficking Commission.



Since 2013, Ohio's efforts to combat human trafficking have continued to evolve. The passage of the End Demand Act in 2014 extended additional protections to victims. Communities and courts throughout the state are now implementing Safe Harbor protections for minor victims. With support from the Ohio Department of Job and Family Services, the [Ohio Network of Children's Advocacy Centers](#) have taken a leadership role in identifying and serving children who have been trafficked throughout the state. The number and geographic coverage of anti-human trafficking coalitions throughout Ohio has increased significantly. As of August 2017, there are 25 anti-trafficking coalitions throughout Ohio.



To access the pictured human trafficking trainings, visit the [Ohio Child Welfare Training Program](#).

In response to the changing landscape of service providers and coalitions, and an increased understanding of community needs and access to more coordinated services from state agencies, in 2015, a group of anti-trafficking stakeholders came together to update and expand the 2013 child response protocol. Through a series of meetings in 2016, the advocates (credited below) developed this Child Response Protocol Toolkit for those serving minor victims and survivors in Ohio.



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## Purpose of the Toolkit

The Child Response Protocol Toolkit is designed to equip Ohio's communities with tools to support a coordinated response to sex and/or labor trafficking of youth. This toolkit provides a series of preferred practices to assist communities in creating collaborative, survivor-centered interventions. There are many ways that this toolkit can be used, including:

- Bringing key stakeholders together to customize the toolkit for their local collaborative response;
- Identifying key stakeholders involved in the local collaborative response;
- Learning the red flags and indicators of human trafficking; and,
- Identifying and supporting vulnerable youth and providing them with appropriate assistance.

## What if a Minor Victim is Identified Before a Community is Prepared to Respond?

If a local response protocol has not been developed, in the event of an immediate need, the following contacts may be helpful:

- If someone is in immediate danger, call 911.
- The trafficking of minors falls under Ohio's child abuse mandated reporting laws. Any suspected trafficking of a minor should be reported to the county child welfare office or to local law enforcement.<sup>1</sup>
  - The Childhelp National Child Abuse Hotline can help you find the appropriate number for the county in which the incident is taking place **(1-800-4-A-CHILD)**.
- The 24-hour National Human Trafficking Hotline **(1-888-373-7888)** can assist with locating human trafficking victim advocates and law enforcement in your region.
- If you are calling to report a missing or runaway child, contact the National Center for Missing and Exploited Children at **1-800-843-5678** (1-800-THE-LOST).

**Any mandated reporter in Ohio must report suspected cases of juvenile human trafficking to either child welfare or local law enforcement.** For a list of professionals mandated to report child abuse in Ohio, visit <http://codes.ohio.gov/orc/2151.421>.

## A Note about Language

This toolkit uses the terms “victim” and “survivor” to refer to someone who has been trafficked in sex and/or labor settings. The term “victim” is commonly used in the context of the criminal justice system. Throughout this toolkit, the term “victim” may be used in this context, or used to refer to someone who is currently being trafficked. The term “survivor” is used to refer to an individual who was previously trafficked.

However, we recognize that individuals who are currently experiencing exploitation are in fact survivors, as they are surviving each day through their strength and determination. Additionally, each survivor's journey is unique and unlikely to fit into these simple categories. We understand that the best way to determine the appropriate reference to a person impacted by human trafficking is to ask his or her terminology preference.

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<sup>1</sup> Ohio Revised Code Section 2151.421, “Reporting child abuse or neglect.”



## What is Human Trafficking?

The excerpt below from Polaris' National Human Trafficking Hotline website<sup>2</sup> defines human trafficking as:

Human trafficking is a form of modern-day slavery in which traffickers use force, fraud, or coercion to control victims for the purpose of engaging in commercial sex acts or labor services against his/her will.

Sex trafficking has been found in a wide variety of venues within the sex industry, including residential brothels, escort services, fake massage businesses, strip clubs, and street prostitution.

Labor trafficking has been found in diverse labor settings including domestic work, small businesses, large farms, and factories.

Human trafficking is a crime involving the exploitation of someone for the purposes of compelled labor or a commercial sex act through the use of force, fraud, or coercion. Human trafficking affects individuals across the world, including here in the United States, and is commonly regarded as one of the most pressing human rights issues of our time. Human trafficking affects every community in the United States across age, gender, ethnicity, and socio-economic background.

**Sex trafficking** is the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purposes of a commercial sex act, in which the commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age (22 USC § 7102).

**Labor trafficking** is the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purposes of subjection to involuntary servitude, peonage, debt bondage, or slavery, (22 USC § 7102).

It is important to note that a commercial sex act is the exchange of any sex act, including but not limited to prostitution, stripping or pornography, for anything of value. While money is an obvious example of “something of value,” other examples include drugs, food or shelter. Homeless and runaway youth who are under the age of 18 and trading sex to meet their basic needs are considered victims of sex trafficking under the federal definition.

Regarding labor trafficking, if an individual initially agrees to perform the work and later withdraws consent and is then forced to continue to perform the work, the service becomes involuntary and a form of human trafficking. In the same vein, if an individual receives wages for his or her work but is unable to leave the situation, the service is considered involuntary.

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<sup>2</sup> <https://humantraffickinghotline.org/type-trafficking/human-trafficking>



## Who are the Traffickers?

Traffickers can be anyone. They can be male, female, family members, including parents and guardians, friends or someone posing as a romantic partner. Recruiters may be very similar to their potential victims in age and circumstances.

The National Human Trafficking Hotline's description of a trafficker<sup>3</sup> was developed from data collected from hotline calls throughout the United States. See the definition below:

A wide range of criminals, including individual pimps, family operations, small businesses, loose-knit decentralized criminal networks, and international organized criminal operations, can be human traffickers. Often the traffickers and their victims share the same national, ethnic, or cultural background, allowing the trafficker to better understand and exploit the vulnerabilities of their victims. Traffickers can be foreign nationals and U.S. citizens, males and females, family members, intimate partners, acquaintances, and strangers. Based on human trafficking cases that have been identified by the National Human Trafficking Hotline, examples of traffickers may include:

- Brothel and fake massage business owners and managers
- Employers of domestic servants
- Gangs and criminal networks
- Growers and crew leaders in agriculture
- Intimate partners/family members
- Labor brokers
- Factory owners and corporations
- Pimps
- Small business owners and managers

## Identifying Trafficked Youth

The success of a community's youth human trafficking response protocol is dependent on its capacity to recognize the signs of sex and labor trafficking and engage potentially trafficked youth. Ideally, all members of a community, regardless of their role, should be prepared to recognize red flags of human trafficking and know how to report suspected instances of trafficking.

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<sup>3</sup> <https://humantraffickinghotline.org/what-human-trafficking/human-trafficking/traffickers>





Red Flags and Indicators of the Trafficking of Youth

	RED FLAGS FOR EITHER SEX OR LABOR TRAFFICKING	RED FLAGS COMMON TO SEX TRAFFICKING	RED FLAGS COMMON TO LABOR TRAFFICKING
PHYSICAL	<ul style="list-style-type: none"><li>▪ Signs of physical abuse and/or evidence of lack of appropriate medical care</li><li>▪ Poor dental hygiene/lack of dental care</li><li>▪ Malnourished, hungry, thirsty</li><li>▪ Exhausted for age (e.g.: dark circles under eyes)</li><li>▪ Wounds, lesions, bruises</li><li>▪ Intoxicated or evidence of drug/alcohol abuse</li><li>▪ Over-sexualized behavior</li><li>▪ Branding/tattoos</li><li>▪ Burns/chemical burns related to machinery</li><li>▪ Repetitive stress injuries</li></ul>	<ul style="list-style-type: none"><li>▪ Over-sexualized behavior</li><li>▪ Branding/tattoos</li></ul>	<ul style="list-style-type: none"><li>▪ Burns/chemical burns related to machinery</li><li>▪ Repetitive stress injuries</li></ul>
SOCIAL	<ul style="list-style-type: none"><li>▪ Violence, drug abuse, alcoholism in home</li><li>▪ Prior history of sexual or physical abuse</li><li>▪ Guardianship by unrelated person</li><li>▪ Older, controlling significant other</li><li>▪ Runaway and/or homeless</li><li>▪ No form of ID/documentation</li><li>▪ Limited/no English proficiency</li><li>▪ Unsure of address or inconsistencies in describing where they live/go to school</li><li>▪ Not speaking for one's self and/or signs of being controlled</li><li>▪ Evidence of being unable to move and/or unable to leave job</li><li>▪ History of STDs, multiple sexual partners</li><li>▪ Possession of items outside their or their family's income level</li></ul>	<ul style="list-style-type: none"><li>▪ History of STDs, multiple sexual partners</li><li>▪ Possession of items outside their or their family's income level</li></ul>	
PSYCHOLOGICAL	<ul style="list-style-type: none"><li>▪ Expresses fear: of not returning home on time, of losing job, of caregiver, of significant other</li><li>▪ Depression, suicidal ideation and/or history of suicide attempt</li><li>▪ Lack of eye contact or dulled emotions</li></ul>		
LEGAL	<ul style="list-style-type: none"><li>▪ Charges: Truancy, theft (esp. of basic necessities), multiple curfew violations, prostitution, solicitation, drug/alcohol charges</li><li>▪ Circumstances of arrest: High risk location (e.g.: hotels and restaurants known for human trafficking incidents, truck stops, massage parlors, etc.)</li><li>▪ If foreign national, limited English proficiency</li><li>▪ If foreign national, no form of ID/documentation</li></ul>	<ul style="list-style-type: none"><li>▪ Circumstances of arrest: High risk location (e.g.: hotels and restaurants known for human trafficking incidents, truck stops, massage parlors, etc.)</li><li>▪ Condoms, pre-paid credit cards, large amount of cash, hotel keys, fake ID</li><li>▪ Items found on person: Multiple cell phones, list of names (likely sex buyers)</li></ul>	<ul style="list-style-type: none"><li>▪ If foreign national, no form of ID/documentation</li><li>▪ If foreign national, limited English proficiency</li></ul>



## Screening for Human Trafficking

Who should screen for trafficking? While any citizen should be prepared to identify the signs of human trafficking, a more in-depth human trafficking screening may be necessary to gather evidence for an investigation and build a treatment plan.

In-depth screens should be conducted by a trained professional from a youth-serving system, such as child advocacy centers, human trafficking victim services providers, legal providers, child welfare, law enforcement, juvenile courts, Ohio Department of Youth Services' facilities, and others. Please see the Human Trafficking Response Partners Section on page 15 for additional guidance on screening youth.

When building a local response system for minor victims of trafficking, it is important for communities to discuss where, when and how screening for human trafficking will take place. It is recommended that communities identify the organizations or entities that will be responsible for formal screening of minor victims and develop protocols for how and when suspected victims are linked with screeners. **Regardless of who performs this function, it is important that the professionals conducting screenings are trauma trained interviewers, ideally trained forensic interviewers.** Please visit the Ohio Network of Children's Advocacy Centers' online resources at <http://www.oncac.org/> for more information about trained forensic interviewers in your community.

## Implementing Ohio's Safe Harbor Law


In 2012, Ohio passed the Safe Harbor Act (H.B. 262), creating the opportunity for minor victims identified through the juvenile justice system to access diversion programs and treatment services. The description below outlines the statutory provisions created in 2012 that Ohio's communities should implement to assist trafficked youth in the juvenile court system.

### OHIO SAFE HARBOR JUVENILE DIVERSION: ORC Ann. § 2152.021

This section of Ohio law allows juvenile courts to hold complaints in abeyance (a state of temporary disuse or suspension) in favor of diversion programming in several circumstances:

- A child is charged with an act that, if charged as an adult, would be a violation of Ohio Revised Code (ORC) § 2907.24 (solicitation), ORC § 2907.241 (loitering to engage in solicitation), or ORC § 2907.25 (prostitution).
- The court has a "reason to believe" (relatively low standard that is comparable to reasonable suspicion) that a child may be a victim of trafficking (pursuant to ORC § 2705.32, regardless of whether anyone has been convicted or charged under that statute) and the act charged is related to the child's trafficking or exploitation.

If any of the above applies, then the court shall promptly appoint a Guardian Ad Litem, who is not the child's attorney, who may make recommendations that are in the child's best interest. The court is not required to hold a hearing to determine if the child qualifies for diversion or to appoint a Guardian Ad Litem. However, if the court does hold a hearing, the prosecuting attorney has the right to participate in that hearing, as well as make recommendations and objections. Any statement made by the child at that hearing shall not be used against the child in any subsequent proceeding.



If the child qualifies for diversion, and if the child agrees to participate, then a party moves the court to place the case in abeyance pursuant to this statute for 90 days. If the court denies the motion for abeyance, the court will proceed on the complaint. If the court grants the motion and holds the complaint in abeyance, the court may make any orders regarding placement, services, supervision, diversion actions and conditions of abeyance. These orders can include, but are not limited to, engagement in trauma-based behavioral health services or education activities that the court considers appropriate and in the best interest of the child. The child has 90 days to engage in services, supervision or diversion actions as ordered.

If the child participates and complies with orders to the court's satisfaction, at the end of the 90-day period, the court shall dismiss, seal and expunge the case. If the child does not participate to the court's satisfaction, then the court (by motion or otherwise) may extend a second, and then a third 90-day period, to allow the child to participate. If, after no more than 270 days, the child has not participated to the court's satisfaction or if the child chooses to stop participating, then the court will proceed upon the complaint.

Safe Harbor programs are growing in Ohio's communities. Counties seeking to implement Safe Harbor through their juvenile courts can use the following resources as a starting place:

- The [Summit County Juvenile Court's program manual](#) (can be used as a sample protocol)
- The Ohio Supreme Court's [benchcard](#) for juvenile courts

## Building a Local Child Response Protocol

This section of the toolkit is designed to help communities identify key partners and outline partner roles in responding to minor victims of human trafficking. Because every community is different, the organizations or entities fulfilling the roles may differ from place to place. However, ***the most effective protocols are built around a set of shared values and characteristics.***

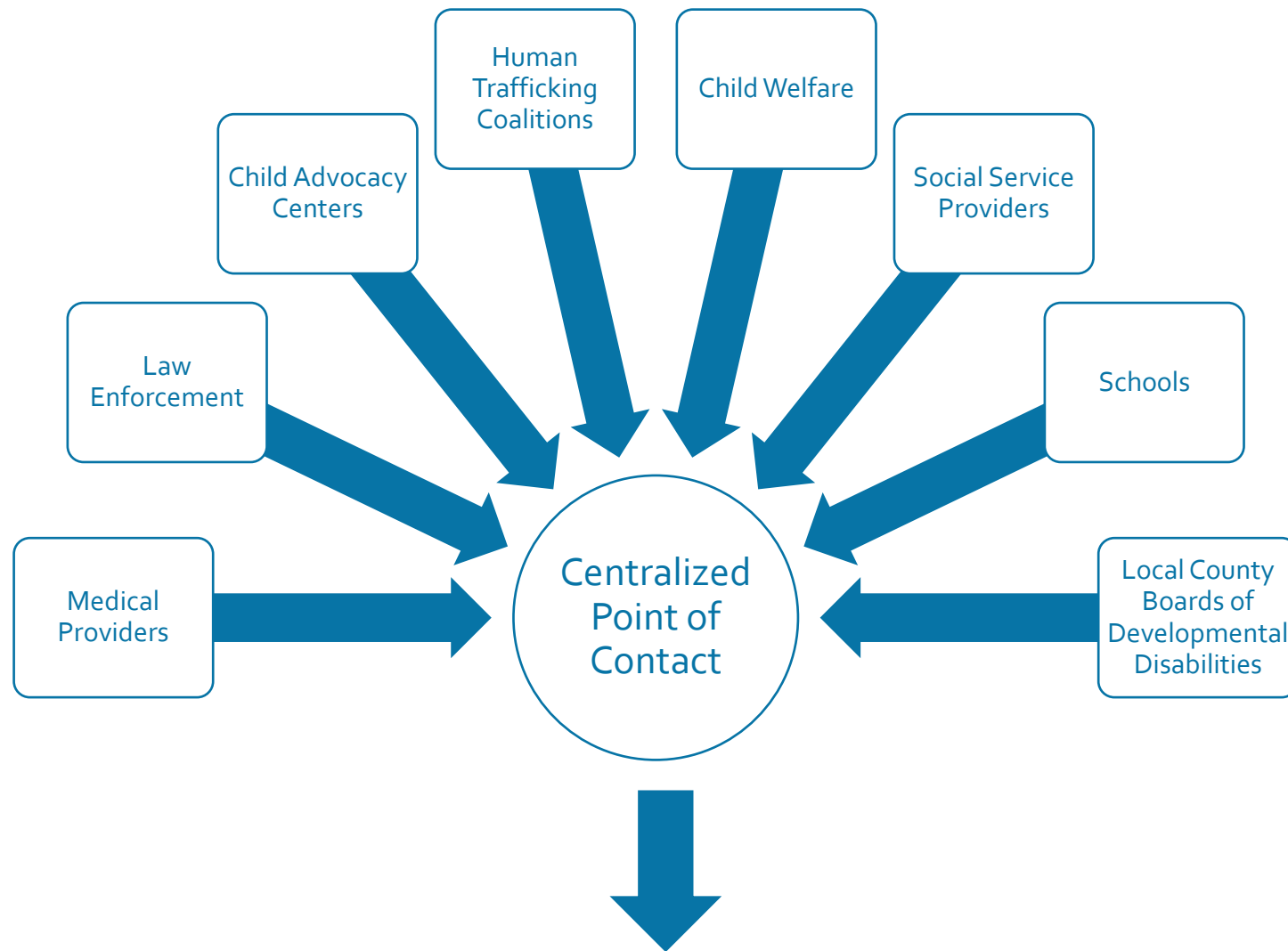
### Characteristics of Effective Response Protocols

1. Commitment to providing survivor-centered, trauma-informed services
2. Commitment to seeking and utilizing survivor input
3. Coordination of partners through a multidisciplinary team approach
4. Identification of a centralized point of contact to streamline the survivor's access to needed services and facilitate team service delivery
5. Inclusion of a diverse group of providers to ensure that all survivors, including foreign national, male, individuals living with developmental disabilities and LGBTQ survivors, have access to effective and culturally competent services

The diagram on pages 11-12 provides a sample template protocol that communities can customize for their unique situations. Following the diagram are brief explanations of the role each listed provider or community partner can and/or should play in identifying and serving minor victims of trafficking.

## Ohio's Response Protocol for Child Victims of Human Trafficking

### Survivor Identification and Engagement




## Comprehensive Care

### Centralized Point of Contact (POC) Responsibilities

1. Mobilize Other Relevant Systems to Ensure Coordinated Care
  - Law Enforcement
  - Child Welfare
  - Child Advocacy Center
  - Human Trafficking Coalition-Comprehensive Services Provider
  - Legal Services
2. Ensure that human trafficking survivors' immediate, short-term and long-term needs are met through the community's coordinated system of care, which may vary based on the services in the area. Needs are individual but may include the following:

Immediate/Short-Term	Long-Term	
<ul style="list-style-type: none"><li>▪ Linkage to Comprehensive Case Management</li><li>▪ Basic Needs</li><li>▪ Medical Care/SANE Exam: Child Advocacy Center</li><li>▪ Detox Services</li><li>▪ Safe Housing/Placement</li><li>▪ Legal Services</li><li>▪ Interpretation/Translation</li><li>▪ Acute Mental Health</li></ul>	<ul style="list-style-type: none"><li>▪ Counseling/Therapy</li><li>▪ Addiction Treatment</li><li>▪ Legal Services</li><li>▪ Immigration Services</li><li>▪ Residential Treatment</li><li>▪ Family Reunification</li></ul>	<ul style="list-style-type: none"><li>▪ Medical Care</li><li>▪ Safe Permanent Housing</li><li>▪ Education</li><li>▪ Job Training</li><li>▪ Mentoring</li><li>▪ Community/Culturally-Specific Support</li></ul>

For examples of protocols currently in use in Ohio, visit <http://humantrafficking.ohio.gov/response.html>.



The Survivor Identification and Engagement section of the diagram illustrates the many sectors of the community where minor victims may be identified. Regardless of where a victim is identified, it is important that communities identify one or more **Centralized Point(s) of Contact (POC)** to coordinate care for the survivor.

Depending on the partners involved, the POC may vary by community, and in some communities, there may be more than one POC depending on which agencies are involved in serving the youth. A classic example is a survivor who is involved with the Juvenile Court and also being served by a Child Advocacy Center (CAC). In some communities, the local human trafficking coalition and/or local human trafficking victim services providers may coordinate with the CAC to provide community-based comprehensive services. In communities without a CAC, a human trafficking victim services provider may serve as the POC.

If the child is involved in the juvenile justice system, and Safe Harbor is the driving force behind care coordination, it is likely that the juvenile court will serve as the POC. In communities without a Safe Harbor response, Juvenile Court is unlikely to serve as the care coordinator for minor victims.

The Comprehensive Care section of the protocol diagram outlines the role of the POC and the types of services the POC may need to mobilize to address the survivor's immediate, short term and long term needs. Ideally, the POC should remain engaged with the survivor throughout his or her healing process, to provide a constant resource before, during and after a survivor engages with the various service providers. Continuity of care is an important support and is particularly critical in the event that a survivor exits a program's services before completion, leaves a residential program or loses contact with a program. The POC's role may decrease in prominence while the survivor is being actively served by another partner, but the POC should continue and be prepared to step forward if needed.

### Trauma and Trauma Informed Care

There is not significant research on the specific impact that trauma has on child trafficking survivors; however, research can be utilized by examining other forms of child victimization.<sup>4,5,6,7</sup>

Trauma is the unique individual experience of an event or enduring condition in which:

- The individual's ability to integrate his or her emotional experience is overwhelmed or
- The individual experiences a threat to life, bodily integrity, or sanity.

**Extreme fear, terror or horror + a lack of control OR a perceived lack of control = Trauma**

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<sup>4</sup> Heide, K.M., & Solomon, E.P. (2006). Biology, childhood trauma, and murder: Rethinking justice. *International Journal of Law and Psychiatry*, 29, 220-233.

<sup>5</sup> Teicher, M.H. (2000, October 1). Wounds that time won't heal: The neurobiology of child abuse. *Cerebrum*. <http://www.dana.org/Cerebrum/Default.aspx?id=39364>.

<sup>6</sup> Scaer, R.C. (2001). *The body bears the burden: Trauma, dissociation, and disease*. New York: Haworth.

<sup>7</sup> Smith, L, Healy, S., Vardaman, M., & Snow, A. (2009, May). The national report on domestic minor sex trafficking: America's prostituted children. Shared Hope International. [https://sharedhope.org/wp-content/uploads/2012/09/SHI\\_National\\_Report\\_on\\_DMST\\_2009.pdf](https://sharedhope.org/wp-content/uploads/2012/09/SHI_National_Report_on_DMST_2009.pdf).





The trauma experiences of trafficked youth impact the way that the brain functions. Trafficked youth may experience:

- Fear
- Memory impairments
- Difficulty with emotion
- Inability to feel empathy toward others
- Diminished sense of self

Due to these changes, survivors respond in a variety of ways. Many survivors exhibit behaviors such as:

- Appearing hostile or unwilling to get help
- Distrustful of authority
- Jumpy, anxious or fearful
- Having unrealistic expectations
- Inconsistent stories
- Trauma bonding with trafficker

Professionals in the community should respond to this trauma by incorporating trauma informed care practices into their agency or organization. “It is important to focus on the strengths and resilience factors of the trauma survivors, rather than the traditional deficit approach to treatment.”<sup>8</sup> Trauma informed care responds in a way that asks, “What happened to you?” rather than “What is wrong with you?” The key principles of trauma informed care are as follows:

- **Awareness:** Everyone knows the role of trauma
- **Safety:** Ensuring physical and emotional safety
- **Trustworthiness:** Maximizing trustworthiness, making tasks clear, and maintaining appropriate boundaries
- **Choice:** Respect and prioritize youth choice and control
- **Collaboration:** Maximizing collaboration and sharing of power with youth
- **Empowerment:** Prioritizing youth empowerment and skill-building

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<sup>8</sup> Lurigio, A., Hidalgo, J., & Parks, J. (2011). Mental health services and issues for child survivors of human trafficking and exploitation. Outcomes of the Proceedings of the National Conference on Child Trafficking and Exploitation in the United States Convened at Loyola University Chicago, School of Law September 22-23, 2010.  
[http://www.luc.edu/media/lucedu/chrc/pdfs/Conference\\_Outcome\\_Document\\_2011.pdf](http://www.luc.edu/media/lucedu/chrc/pdfs/Conference_Outcome_Document_2011.pdf).



## Human Trafficking Response Partners

This section provides a brief description of the roles various partners may play in assisting minor survivors of human trafficking.

### Anti-Human Trafficking Coalitions

Anti-human trafficking coalitions are networks of collaborative partners working together to combat human trafficking in a community. Although coalitions may differ by community, they typically promote a local response to protect victims and at-risk individuals, prosecute offenders, and prevent the crime from occurring in the first place.<sup>9</sup> The U.S. Department of State's Office to Monitor and Combat Trafficking in Persons considers the 4P model as the most effective framework for combating human trafficking.

Through coalition PARTNERSHIPS,<sup>10</sup>

- PREVENTION and public awareness efforts spread the word, leading to identification of victims as people learn the red flags and survivors come forward seeking help;
- PROTECTION and support for healing is provided to survivors through social services;
- PROSECUTION of traffickers is much easier with cooperative witnesses, and these prosecutions make big headlines. This raises public awareness and compels decision-makers to prioritize the issue, resulting in more cohesive prevention efforts.

Human trafficking coalitions often serve as the coordinator for their community's human trafficking response protocols, bringing together a variety of collaborative partners to form a continuum of care for trafficked persons. For a map of Ohio's human trafficking coalitions and contact information, visit <http://humantrafficking.ohio.gov/coalitions.html>.

### Case Management/Care Coordinator/Victim Advocate

Comprehensive case management is considered to be the recommended practice for helping survivors of human trafficking heal and restore their lives.<sup>11, 12, 13, 14</sup> In the Comprehensive Services Model, collaborative partners work together to engage with survivors and provide case management from the initial departure of the situation until the survivor is stable and thriving. In the model, the case manager walks alongside the survivor, helping to mobilize the services the survivor needs to meet his or her immediate, short term and long term needs.

Although each survivor's situation is unique, case managers typically work in partnership with survivors to assess, plan, implement, coordinate, monitor, and evaluate the services required to meet the participant's needs. In the Comprehensive Services Model, case managers assist survivors in connecting them with

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<sup>9</sup> Ohio Governor's Human Trafficking Task Force. (n.d.). *Building a Coalition Response to Human Trafficking in Your Community*. Retrieved from [http://humantrafficking.ohio.gov/links/Ohios\\_Coalition\\_Model\\_January\\_2015.pdf](http://humantrafficking.ohio.gov/links/Ohios_Coalition_Model_January_2015.pdf).


<sup>10</sup> U.S. Department of State Office to Monitor and Combat Trafficking in Persons. (n.d.). *3Ps: Prosecution, Protection, and Prevention*. Retrieved from <http://www.state.gov/j/tip/3p/index.htm>.

<sup>11</sup> DeHart, D. (2011) *Achieving Excellence: Model Standards for Serving Victims & Survivors of Crime*.

<sup>12</sup> Caliber. (2007). *Evaluation of comprehensive services for victims of human trafficking: Key findings and lessons learned*. U.S. Department of Justice.

<sup>13</sup> Clawson, H. J., & Dutch, N. (n.d.). *Case management and the victims of human trafficking: A critical service for client success*. U.S. Department of Health and Human Services.

<sup>14</sup> Clawson, H. J., Dutch, N. M., Salomon, A., & Grace, L. G. (2009). *Study of HHS Programs Serving Human Trafficking Victims: Final Report*. N.p.: U.S. Department of Health and Human Services.



services such as legal representation, mental health services, primary health services, interpreter/translation services, employment, literacy and life skills services, refugee services, housing assistance and others. Additionally, case managers provide support and assistance with court proceedings.

### Child Advocacy Center

A Child Advocacy Center (CAC) is an organization created as a “one-stop” approach to child abuse. CACs utilize a multi-disciplinary approach to child abuse investigations in order to reduce duplication, trauma on the child, and increase likelihood for prosecution. At a CAC, a child will have a forensic interview conducted by a trained professional and depending on the CAC model, a medical exam. A CAC assessment can be conducted with all forms of maltreatment and/or exposure to violence to include cases of human trafficking. Visit <http://www.oncac.org/> for more details.

### Child Welfare

Ohio's public children services agencies (PCSAs) are required to assess and investigate reports of abuse, neglect, or dependency. The PCSA will complete an assessment and, if necessary, work with the family to develop a case plan identifying the services necessary to reduce risk to the child and prevent the abuse or neglect from occurring again. In instances where it is found that children cannot remain safe in their own homes, the PCSA will work with the local court system to remove them and find an alternative safe placement.<sup>15</sup> Visit <http://jfs.ohio.gov/ocf/index.stm> for more information on Ohio's public children services agencies.

### Guardian Ad Litem

A Guardian Ad Litem (GAL) is an attorney or lay volunteer appointed in juvenile cases where the perspective of the child's best interest must be presented to the court. A GAL examines all factors within the child's life and presents the court with recommendations for what is in the child's best interest.<sup>16</sup> This includes where the child should live, any services the child may need, who should have contact with the child, etc. GALs are appointed in every child welfare proceeding, as well as cases under the Safe Harbor statute. Unlike counsel for the child (who represents the child's wishes) in juvenile cases, the GAL presents his or her observation of the child's best interests which can include contrary opinions to what the child or his or her parents want in terms of resolution or outcomes.

For more information about the legal role and authority of Guardians Ad Litem, visit the Ohio Supreme Court's website at <http://www.supremecourt.ohio.gov/GAL/default.asp>.

### Magistrate

In Ohio, a magistrate is appointed by a judge to serve as a judicial officer in certain court proceedings. Magistrates are able to hear juvenile cases involving delinquency, abuse, dependency or neglect. A magistrate's decision is an action on behalf of a judge; it is a binding decision unless there are grounds to challenge it.<sup>17</sup>

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<sup>15</sup> Ohio Department of Job and Family Services. Office of Families and Children, Child Protective Services. <https://jfs.ohio.gov/ocf/childprotectiveservices.stm>

<sup>16</sup> Ohio Revised Code Section 2151.281, “Guardian ad litem.”

<sup>17</sup> Ohio State Bar Association. <https://www.ohiobar.org/ForPublic/Resources/LawYouCanUse/Pages/LawYouCanUse-364.aspx>. 2016.



## Multidisciplinary Team

A multidisciplinary team (MDT) is a network of professionals working together toward a common goal. For example, children's advocacy centers use the MDT approach when conducting child abuse investigations to reduce duplication, trauma on the child, and increase likelihood for prosecution.<sup>18</sup> This network of professionals can include a forensic interviewer, mental health professional, medical professional, law enforcement, child protection worker, victim advocate, or others as necessary or deemed appropriate for any particular case.

## Forensic Interviewer

A forensic interview is a multidisciplinary process that utilizes structured conversation to elicit detailed information about possible maltreatment a child may have experienced or witnessed. Forensic interviews are typically conducted at a child advocacy center by specially trained interviewers from child welfare, law enforcement or the child advocacy center.

The purposes of a forensic interview are to obtain information from a child that may be helpful when:

- Conducting a criminal investigation;
- Assessing the safety of the child's living arrangements;
- Obtaining information that will either corroborate or refute allegations or suspicions of abuse and neglect; and
- Assessing the need for medical and/or mental health treatment.

Forensic interviews are recorded and multiple agencies can participate in or observe the forensic interview. This multidisciplinary response reduces the number of child interviews, thereby reducing the risk of re-traumatization and improves evidence quality to better hold alleged perpetrators accountable.

Some children, including those with developmental considerations, may benefit from a multi-session structured interview known as an Extended Forensic Interview.<sup>19</sup> This model recognizes that some children may need more than one session to talk about allegations of abuse and increases the number of interview sessions with the child to as many as four.

## County Boards of Developmental Disabilities

County Boards of Developmental Disabilities are a crucial component when providing services to survivors living with developmental disabilities. County Boards of Developmental Disabilities can provide case management, ongoing support, advocacy services, referrals, and recommendations that can help serve survivors. Collaboration between agencies is key to ensuring the survivor receives holistic services that are appropriate. County boards frequently work with community agencies such as: children's advocacy centers, children services agencies, law enforcement, prosecutors, victim advocates, schools, and mental health agencies. The Ohio Department of Developmental Disabilities also serves as a resource for investigations through its Major Unusual Incidents Section which includes trafficking cases.

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<sup>18</sup> National Children's Advocacy Center. <http://www.nationalcac.org/multidisciplinary-team/>. 2017.

<sup>19</sup> National Children's Advocacy Center. <http://www.nationalcac.org/extended-forensic-interview-training/>. 2017.



## Probation

Probation is a potential disposition for juvenile offenders (i.e. sentence) that assigns a juvenile probation officer who creates, with the family, an individualized treatment plan. These plans include referrals for the youth to connect with service providers and also monitor the youth's compliance with court orders. Probation orders can include placement of the youth on an electronic monitor, participation in counseling, attending school, obeying their parents, or any other requirements set by the court.

## Public Defender

A public defender is an attorney appointed to represent an individual in court when the person cannot afford to hire private counsel. Many victims of human trafficking are charged with criminal offenses directly related to their trafficking experience, thus they need a defense attorney to avoid criminal convictions or juvenile dispositions. Public defenders can advocate for a survivor's interest in criminal proceedings and help him or her navigate the criminal justice system.

## Victim Advocate


Victim advocates are professionals trained to support victims of crime. Advocates offer victims information, emotional support, and assistance with finding resources and filling out paperwork. Advocates can attend court with victims for emotional support and can be especially valuable for human trafficking survivors when they testify against a trafficker. Victim advocates may also contact organizations, such as criminal justice or social service agencies, to get help or information for victims. Some advocates staff crisis hotlines, run support groups, or provide in-person counseling.

## Youth Detention

The Ohio Department of Youth Services (ODYS) is the juvenile justice agency for the state of Ohio. ODYS is statutorily mandated to confine felony offenders, ages 10 to 21, who have been adjudicated and committed by one of Ohio's 88 county juvenile courts. During their stay with ODYS, youth are engaged in programming that is designed to address their criminological and behavioral needs. Each of the ODYS facilities also operates a year-round school that offers general curriculum as well as vocation opportunities. Youth detention is a possibility for juveniles adjudicated on felony offenses. Detention is also available in lower-level cases on an individualized basis where the court finds that the youth is a danger to herself/himself or others, the youth does not appear for court, or has no one to care for her/him. For more information on the Ohio Department of Youth Services visit <http://dys.ohio.gov/>.

## Connecting with Local Law Enforcement

Law enforcement (LE) will first ensure the minor victim is safe and out of immediate danger. Once the immediate danger is no longer an issue, law enforcement will begin to work with medical professionals, crime victim assistants, and social service providers to ensure any evidence of crimes committed against the minor can be secured and documented. This may be evidence found in the minor victim's possession at the time of identification or after working with other professionals to set up a forensic interview. Law enforcement's goals are both to ensure the safety and well-being of the minor victim, while also working on a potential criminal case against the traffickers.



Here are some factors to consider when working with law enforcement:

- If you are not already working with your local law enforcement agency, it is important to reach out to your local chief of police and sheriff for the best phone number to use. This will typically be a non-emergency number, unless someone is in immediate danger. Some agencies will give you a vice contact or the direct line for their Detective Bureau. It is always best to consult your local LE agency to determine what they are most comfortable with.
- Some law enforcement agencies in the state are already working with social services to set up a protocol response for when victims are identified. This can include anything from having a direct contact person when a potential victim is identified or having an advocate on staff at the LE agency who responds with LE to potential cases of trafficking. Let LE know what services your agency can provide and how you can tailor your staff and availability to fit their needs and comfort level. Be aware that LE agencies may already have a protocol in place for identifying and working with juvenile victims of trafficking. It is important that current protocols are taken into consideration and are made part of the conversation when discussing how to best serve juvenile victims of human trafficking.

There are many human trafficking resources available to support law enforcement officers. The Ohio Attorney General's Office provides training resources for law enforcement through the Ohio Peace Officer Training Academy (OPOTA). Click [here](#) for more information. Additionally, the Governor's Ohio Human Trafficking Task Force has made available a [pinch card for law enforcement](#) with red flags and information on how to identify instances of human trafficking.

### Accessing Training on Human Trafficking

Ohio has a wealth of human trafficking training opportunities available in a variety of formats:

- The Governor's Ohio Human Trafficking Task Force has developed an online human trafficking training. To access the training and receive one free continuing education credit for select state Boards and Commissions, visit <https://www.apps.das.ohio.gov/HT/>
- To request a human trafficking speaker for any part of the state, visit <http://humantrafficking.ohio.gov/speaker.html>.
- Ohio's human trafficking coalitions frequently conduct free human trafficking training throughout their communities. To access an interactive map and contact information for Ohio's human trafficking coalitions, visit <http://humantrafficking.ohio.gov/coalitions.html>.
- The National Human Trafficking Hotline's website, <https://humantraffickinghotline.org/about-nhtc/what-we-do>, also hosts a wealth of information, fact sheets, webinars and other educational resources.





## Additional Resources

### Screening Tools

The following screening tools may be useful for communities developing a response protocol.

*Ohio Human Trafficking Task Force Screening Tool, June 2013.*

<http://humantrafficking.ohio.gov/links/Screening-Tool.pdf>

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*Vera Institute of Justice (June 2014). Screening for Human Trafficking: Guidelines for Administering the Trafficking Victim Identification Tool (TVIT).*

[https://storage.googleapis.com/vera-web-assets/downloads/Publications/out-of-the-shadows-identification-of-victims-of-human-trafficking/legacy\\_downloads/human-trafficking-identification-tool-and-user-guidelines.pdf](https://storage.googleapis.com/vera-web-assets/downloads/Publications/out-of-the-shadows-identification-of-victims-of-human-trafficking/legacy_downloads/human-trafficking-identification-tool-and-user-guidelines.pdf)

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*National Human Trafficking Resource Center Comprehensive Human Trafficking Assessment.*

<http://www.traffickingresourcecenter.org/sites/default/files/Comprehensive%20Trafficking%20Assessment.pdf>

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*Screening Tool for Human Trafficking among runaway/homeless youth. Covenant House, New York.*

<https://humantraffickinghotline.org/sites/default/files/Homelessness%2C%20Survival%20Sex%2C%20and%20Human%20Trafficking%20-%20Covenant%20House%20NY.pdf>

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*Ohio Department of Developmental Disabilities Easy Read Guides.*

Do You Feel Safe at Home?

<http://dodd.ohio.gov/IndividualFamilies/MyDODD/Documents/safe%20at%20home%20ERV.2.pdf>

Do You Feel Safe at Work?

<http://dodd.ohio.gov/IndividualFamilies/MyDODD/Documents/safe%20at%20work%20ERV2.pdf>

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### Resources for Foreign National Youth

Should a victim be a foreign national youth, there are various agencies that can help provide additional resources. The U.S. Department of Health and Human Services can refer you to the closest Office of Refugee Resettlement (ORR) sub-grantee that serves foreign national human trafficking victims in the area. If there is not an ORR sub-grantee in your area, the National Human Trafficking Hotline should be able to direct you to the closest human trafficking coalition or other service provider who can assist.

If this is an unaccompanied minor, it is recommended that you also contact the local child welfare agency to assist in determining a safe placement.

Foreign national victims of trafficking are entitled to victim services, health insurance, legal residency and other benefits. It is recommended that one contacts a lawyer familiar with immigration laws and the available visas (T-visa, U-visa, and Special Juvenile Status visa) to advocate for the victim and begin the process of determining the most appropriate immigration remedy for the identified victim.

For more information about the resources available to foreign national victims, visit

<https://www.acf.hhs.gov/otip/victim-assistance/services-available-to-victims-of-trafficking>.



## Referral List for Immigration Cases

*Community Refugee and Immigration Services and Translation Services:*

<http://www.crisohio.org/legal-services/>

1925 E. Dublin Granville Rd. Suite 102  
Columbus, Ohio 43229

Clients must be seen initially through Intake. Intake is on a first come, first served basis and only occurs on Tuesdays and Thursdays. Maximum of 13 people per Intake; 10 people are seen between 9 a.m. and 12 p.m.; additional three people are seen between 3 p.m. and 4:30 pm. Intake consultation fee is \$20.00 in cash.

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*ABLE: Advocates for Basic Legal Equality:*

<http://able.law.org>

ABLE Dayton  
130 W. Second St. Suite 700 East  
Dayton, Ohio 45402

ABLE Toledo  
525 Jefferson Ave. Suite 300  
Toledo, Ohio 43604

On consultation days, individuals can come to the office and obtain limited legal advice regarding their immigration concerns without an appointment. Consultations are handled on a first come, first served basis. Legal help is available to immigrants throughout ABLE's 32-county service area, with the exception of agricultural workers. Migrant workers throughout the state of Ohio can seek assistance at no cost through ABLE's Migrant Farmworker Program.

ABLE Toledo: Every Tuesday from 9 a.m. to 1 p.m. or by appointment.

ABLE Dayton: By appointment only.

To make a consultation appointment in either office, please call 1-800-837-0814.

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*Legal Aid Society of Western Ohio (LAWO):*

<http://www.ablelaw.org/lawo-services/agricultural-worker-immigrant-lawo>

To reach any office (Dayton, Defiance, Lima, Springfield or Toledo) dial 937-228-8088.

LAWO works to protect the rights of agricultural workers who come to Ohio each growing season. Agricultural workers are faced with a number of problems, including finding adequate and affordable housing, locating health and social services, and getting paid a fair wage for their work. Many agricultural workers find it difficult to follow complicated governmental procedures dealing with immigration laws, food stamps, and driver's license problems. Due to language barriers, LAWO staff work with clients on both the translation and application of benefit programs. Advocates not only work to resolve a client's immediate problem, but also provide education on the legal process and their rights and obligations.



*Legal Aid Society of Cleveland:*

<https://lasclev.org/get-help/immigration/>

1223 West Sixth St.  
Cleveland, Ohio 44113

Legal Aid Society of Cleveland helps clients get more stable immigration status in the United States. Legal Aid serves domestic violence survivors, victims of trafficking and other serious crimes, and detainees.

- **Spanish** dial: 216-586-3190
- **Arabic** dial: 216-586-3191
- **Mandarin** dial: 216-586-3192
- **French** dial: 216-586-3193
- **Vietnamese** dial: 216-586-3194
- **Russian** dial: 216-586-3195
- **Swahili** dial: 216-586-3196
- Any other language dial: 888-817-3777

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*Legal Aid Society of Southwest Ohio & Legal Aid Society of Greater Cincinnati:*

<http://www.lasswo.org/>

215 E. 9<sup>th</sup> St. Suite 500  
Cincinnati, Ohio 45202

Legal Aid Society of Southwest Ohio, LLC, provides legal representation, information, advice and referral for people in need of legal help. They are affiliated with the Legal Aid Society of Greater Cincinnati and also coordinate services with the Volunteer Lawyers Project. Immigration legal assistance is available. The best way to identify whether an office can assist you is to call 513- 241-9400 or Toll Free 1-800-582-2682. The offices serve Butler, Warren, Clinton, Hamilton, Clermont, Highland and Brown Counties.

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*Catholic Charities Diocese of Cleveland Immigration Legal Services:*

<http://ccdoble.org/program/immigration-legal-services>

Migration & Refugee Services  
St. Augustine Towers  
7800 Detroit Ave.  
Cleveland, Ohio 44102

Please call 216-939-3769 to schedule an appointment for a consultation. Clients are charged nominal service fees, which may be reduced or waived according to financial need. The consultation fee is \$40. Additional fees may be required depending on the service requested. At the conclusion of the consultation, clients will be informed of all the services that will be performed by the agency and the fees required.



## Helpful Definitions When Serving LGBTQ Youth

<i>Gender</i>	Refers to the attitudes, feelings, and behaviors that a given culture associates with a person's sex.
<i>Gender Identity</i>	Sense of oneself as male, female or another gender.
<i>Gender expression</i>	The manner in which people convey their internal gender identity. Both transgender and non-transgender individuals may have a gender expression that does not conform to sex stereotypes.
<i>Sexual Orientation</i>	A person's romantic and/or sexual attraction to other people, or lack thereof.
<i>Transgender person</i>	An individual whose gender identity is not congruent with the sex that individual was assigned at birth. Individuals may self-identify to indicate their identified gender category.
<i>Transgender male</i>	These individuals are assigned female at birth but identify as men.
<i>Transgender female</i>	These individuals are assigned male at birth but identify as women.
<i>Genderqueer/Non-Binary</i>	Some individuals identify as neither male nor female, or some combination of male or female. There are a number of terms these individuals may use to describe their gender, including genderqueer, non-binary and gender fluid.

## Trauma Informed Care Resources

### **Child Trauma Academy**

The Child Trauma Academy strives to improve the lives of high-risk children through service, research, and education. Free online learning modules are available at <http://www.childtraumaacademy.com/index.html>.

### **Creating Trauma-Sensitive Schools to Improve Learning: A Response to Intervention (RTI) Model**

This site provides a variety of resources to help schools become more trauma-sensitive. The links provide a list of commonly asked questions with responses, an annotated list of high-quality resources, and a PowerPoint presentation with detailed speaker notes that can be used in a building in-service. Learn more at <https://dpi.wi.gov/sspw/mental-health/trauma>.

### **National Association of State Mental Health Program Directors (NASMHPD)**

This site offers valuable information about CMHS's (Center for Mental Health Services) National Center for Trauma-Informed Care (NCTIC). It offers resources such as publications, reports, webinars, and other tools. Learn more at <https://www.nasmhpd.org/>.


### **National Child Traumatic Stress Network**

The National Child Traumatic Stress Network aims to improve access to care, treatment, and services for traumatized children and teens. Its site offers a wealth of information geared toward children, including numerous webinars. Learn more at <http://www.nctsn.org/>.

### **Oregon Health Services—Trauma-Informed and Trauma-Specific Services**

This site provides valuable links to policy samples, screening tools, presentations, publications, and other trauma-related web links. Learn more at <http://www.oregon.gov/oha/hsd/amh/pages/index.aspx>.

### **Substance Abuse and Mental Health Services Administration (SAMHSA) National Center for Trauma-Informed Care (NCTIC)**



NCTIC provides training for staff, consumers, and others to facilitate trauma informed care in a range of service systems. A useful list of national hotlines, referral resources, and support services can be found at <https://www.samhsa.gov/nctic/resources>.

### **Trauma Center at Justice Resource Institute**

The Trauma Center is a program of Justice Resource Institute (JRI), a nonprofit organization that offers hope to children and adults who are at risk of not receiving effective services essential to their safety, progress, and/or survival. The center offers education, research, events, publications, and other resources. Learn more at <https://jri.org/>.

### **Resources for Individuals Who are Deaf**

#### *DeafPhoenix*

All of DeafPhoenix's staff members are Deaf. If you are using a regular telephone/cell phone to call, please be aware you will automatically be connected to a Video Relay Service interpreter. This is a free service, and you do not need to do anything differently. VRS interpreters, as with all other sign language interpreters, are required to maintain confidentiality. The interpreter will facilitate communication between you and the DeafPhoenix staff (or, you may be prompted to leave a message if they are not available at the moment).

Video Phone: 614-515-2477  
Hours: Monday-Friday, 9:30 a.m. - 5 p.m.  
Email: [info@phoenixdiversity.org](mailto:info@phoenixdiversity.org)  
Mailing Address: DeafPhoenix  
P.O. Box 360385  
Columbus, OH 43236

#### *DeafPhoenix Crisis Hotline*

Video Phone: 614-450-1262  
Hours: Monday-Friday, 9:30 a.m. - 5 p.m.

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#### *Deaf World Against Violence Everywhere (DWAVE)*

Video Phone: 614-678-5476  
Mailing Address: Deaf World Against Violence Everywhere  
P.O. Box 1286  
Worthington, OH 43085



**MIKE DEWINE**  
— ★ OHIO ATTORNEY GENERAL ★ —

Opinions Section  
Office 614-752-6417  
Fax 614-466-0013

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Columbus, Ohio 43215  
[www.OhioAttorneyGeneral.gov](http://www.OhioAttorneyGeneral.gov)

June 28, 2017

OPINION NO. 2017-019

Cynthia C. Dungey, Director  
Ohio Department of Job and Family Services  
30 East Broad Street  
Columbus, Ohio 43215

Dear Director Dungey:

You have requested an opinion whether a county public children services agency (“PCSA”) may furnish to a local law enforcement agency a photograph of a child in the custody of the PCSA that is or may be missing.<sup>1</sup> R.C. 5153.16(A)(23) requires a PCSA to “[f]ile a missing child report with a local law enforcement agency upon becoming aware that a child in the custody of the [PCSA] is or may be missing.” The confidentiality of information and records generated or possessed by a PCSA in the course of its provision of children services is thoroughly protected by various federal and state laws and regulations. Accordingly, you ask whether a PCSA may furnish to a local law enforcement agency a photograph of a missing child when filing a missing child report pursuant to R.C. 5153.16(A)(23).

Each county in the state of Ohio is required to have a PCSA that “assume[s] the powers and duties of the children services function ... for a county.”<sup>2</sup> R.C. 5153.01(A); *see also* R.C. 5153.02. The provisions in R.C. Chapter 5153 confer upon a PCSA numerous, varied duties and responsibilities related to the provision of public or protective services for children. 2016 Op. Att’y Gen. No. 2016-027, at 2-311. A PCSA shall, among other things, investigate child abuse allegations, R.C. 5153.16(A)(1), accept custody of children committed to the PCSA by a court exercising juvenile jurisdiction, R.C. 5153.16(A)(3), provide specified social services, R.C. 5153.16(A)(4), (5), acquire and operate a county children’s home, R.C. 5153.16(A)(10), and

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<sup>1</sup> A public children services agency (PCSA) may obtain temporary or permanent custody of a child pursuant to agreements, R.C. 5103.15, or through court processes, R.C. 2151.353(A)(2) (if a child is adjudicated an abused, neglected, or dependent child, the juvenile court may commit the child to the temporary custody of a PCSA for placement in a foster home). *See also* R.C. 5153.16(A)(3) (a public children services agency shall accept custody of children committed to the agency by a court exercising juvenile jurisdiction).

<sup>2</sup> A PCSA may be a county children services board, a county department of job and family services, or an entity designated under R.C. 307.981. R.C. 5153.02(A)-(C).



administer federal funds provided for county children services, R.C. 5153.16(A)(14), (A)(20).<sup>3</sup> A PCSA also is required to prepare and maintain a case plan for any child of which it has temporary or permanent custody, R.C. 2151.412(A)(2), and to enter into the uniform statewide automated child welfare information system (“SACWIS”)<sup>4</sup> any information related to children and families that state or federal law requires a PCSA to maintain, 13 Ohio Admin. Code 5101:2- 33-23(A) (2016-2017 Supplement). *See also* R.C. 5101.13(A) (SACWIS shall contain records regarding (1) “[i]nvestigations of children and families, and children’s care in out-of-home care, in accordance with [R.C. 2151.421] and [R.C. 5153.16],” (2) “[c]are and treatment provided to children and families,” and (3) “[a]ny other information related to children and families that state or federal law, regulation, or rule requires the [department of job and family services] or a [PCSA] to maintain”).

Generally, information and records prepared or maintained by a PCSA are confidential.<sup>5</sup> *See, e.g.*, R.C. 2151.421(I)(1) (reports of child abuse or neglect made to a PCSA under this section are confidential, subject to certain exceptions); R.C. 5101.131 (information contained in SACWIS is confidential); R.C. 5153.17 (written records prepared and kept by a PCSA are confidential); 13 Ohio Admin. Code 5101:2-33-21(A) (2016-2017 Supplement) (“[e]ach referral, assessment/investigation and provision of services related to reports of child abuse, neglect, dependency, or family in need of services ... is confidential. Information contained in

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<sup>3</sup> R.C. 5153.16(A)(14) requires a PCSA to “[a]dminister funds provided under Title IV-E of the ‘Social Security Act,’ 94 Stat. 501 (1980), 42 U.S.C.A. 671, as amended, in accordance with rules adopted under [R.C. 5101.141].” Title IV-E authorizes federal reimbursement for a portion of the state’s cost of providing foster care and adoption assistance programs. *See Weaver v. Ohio Dep’t of Job & Family Servs.*, 153 Ohio App. 3d 331, 794 N.E.2d 92, 2003-Ohio-3827, at ¶4 (“[t]he Title IV-E Adoption Assistance Program set forth in Section 670 et seq., Title 42, U.S. Code, provides financial support for children who are adopted and have special needs”); 1987 Op. Att’y Gen. No. 87-105, at 2-700 (recognizing that Title IV-E authorizes federal reimbursement for a portion of the state’s cost of providing foster care). R.C. 5153.16(A)(20) requires a PCSA to administer “a Title IV-A program identified under [R.C. 5101.80(A)(4)(c) or (g) that the department of job and family services provides for the [PCSA] to administer under the department’s supervision pursuant to [R.C. 5101.801].”

<sup>4</sup> The uniform statewide automated child welfare information system (“SACWIS”) is established by the Ohio Department of Job and Family Services (“ODJFS”) pursuant to R.C. 5101.13.

<sup>5</sup> Confidential records prepared or maintained by a PCSA are not subject to inspection and copying under the public records law. *See* R.C. 149.43(A)(v) (“public record” does not include records the release of which are prohibited by state or federal law). Also, information contained in SACWIS is not subject to disclosure pursuant to R.C. 1347.08, which governs the confidentiality and disclosure of information contained in personal information systems. R.C. 1347.08(F)(10) (recognizing that R.C. 1347.08 does not apply to records contained in SACWIS).

[SACWIS] is confidential pursuant to [R.C. 5101.131]”); 5101:2-33-23(B) (2016-2017 Supplement) (“[a]ll case records prepared, maintained, and permanently kept by the PCSA are confidential”); 5101:2-33-70 (2016-2017 Supplement) (information in SACWIS is confidential); *see also* 42 U.S.C.A. § 671(a)(8) (Thomson Reuters 2017) (to be eligible for federal assistance for foster care and adoption assistance programs, a state is required to have a plan that “provides safeguards which restrict the use of or disclosure of information concerning individuals assisted [under such a plan]”); § 671(a)(20)(B)(iii) (Thomson Reuters 2017) (to be eligible for federal assistance for state foster care and adoption assistance programs, a state is required to have a plan that “ha[s] in place safeguards to prevent the unauthorized disclosure of information in any child abuse and neglect registry maintained by the State, and to prevent any such information obtained” for purposes of criminal records checks for any prospective foster or adoptive parent “from being used for a purpose other than the conducting of background checks in foster or adoptive placement cases”); § 5106a(b)(2)(B)(viii) (Thomson Reuters 2012) (the governor of a state that receives federal grants for child abuse or neglect prevention and treatment programs must provide assurances that the state has a law that preserves the confidentiality of records in order to protect the rights of the child and the child’s parents or guardians); 45 C.F.R. § 205.50(a)(1)(i)(A)-(G) (2016) (a state plan for financial assistance under Titles IV-A, IV-E, and IV-B of the Social Security Act must provide that the use or disclosure of information concerning applicants and recipients will be limited to only specific purposes);<sup>6</sup> 45 C.F.R. § 1355.21(a) (2015) (requiring state plans for federal financial assistance under Titles IV-E and IV-B of the Social Security Act to provide for safeguards on the use and disclosure of information which meet the requirements contained in 42 U.S.C.A. § 671(a)(8)).

A PCSA may disclose confidential information and records in specified limited circumstances. The authority of a PCSA to disclose confidential information and records is set forth in rule 5101:2-33-21. *See* rule 5101:2-33-23(B) (“[a]ccess to PCSA case records and the release of PCSA case record information shall be conducted pursuant to and in accordance with the requirements outlined in rule 5101:2-33-21 of the Administrative Code”); rule 5101:2-33-70(C) (“[t]he data in SACWIS is confidential and release of any child welfare information shall be pursuant to rule 5101:2-33-21 of the Administrative Code”); rule 5101:2-36-12(A) (“[t]he provisions of rule 5101:2-33-21 of the Administrative Code regarding confidentiality apply to all cross-referrals of child abuse and/or neglect required by this rule”); rule 5101:2-36-13(D)(4) (authorizing a PCSA to release certain confidential information to a children’s services agency in another state pursuant to rule 5101:2-33-21); rule 5101:2-42-90(C)(3) (authorizing a PCSA to provide a child’s prior history of maltreatment with caregivers receiving a child in a substitute or respite care setting pursuant to rule 5101:2-33-21).

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<sup>6</sup> On its face, 45 C.F.R. § 205.50(a) only regulates state plans for financial assistance under Title IV-A of the Social Security Act. However, 45 C.F.R. § 1355.30(p)(3) applies 45 C.F.R. § 205.50 to state plans for assistance under Titles IV-E and IV-B of the Social Security Act. *See also* 45 C.F.R. § 1355.21(b) (requiring plans for assistance under Titles IV-E and IV-B to provide for compliance with the regulations applicable to a state as listed in 45 C.F.R. § 1355.50).

Division (G)(1) of rule 5101:2-33-21 states that a PCSA “shall promptly disseminate all information determined to be relevant”<sup>7</sup> to any federal, state, or local “[l]aw enforcement officials” investigating “a report of a missing child.” The word “shall” imposes a mandatory duty upon a PCSA to disseminate the information described in rule 5101:2-33-21(G)(1). *See Dep’t of Liquor Control v. Sons of Italy Lodge 0917*, 65 Ohio St. 3d 532, 534, 605 N.E.2d 368 (1992) (“[i]t is axiomatic that when it is used in a statute, the word ‘shall’ denotes that compliance with the commands of that statute is *mandatory*” (emphasis in original)). Therefore, pursuant to rule 5101:2-33-21(G)(1), a PCSA is required to furnish a photograph of a missing child to a local law enforcement agency investigating a report of a missing child if the photograph is “information determined to be relevant,” as that phrase is used in rule 5101:2-33-21(G).

Rule 5101:2-33-21 governs the confidentiality and dissemination of “[i]nformation contained in [SACWIS],” rule 5101:2-33-21(A); *see also* rule 5101:2-33-70(C), as well as “PCSA case records and ... PCSA case record information,” rule 5101:2-33-23(B). Thus, when rule 5101:2-33-21 authorizes the dissemination of “information,” the term “information” includes information contained in SACWIS, PCSA case records, and PCSA case record information. “Case record,” as used in rule 5101:2-33-23, means “the permanent documentation of the assessment/investigation and the provision of social services to families and children maintained as hard copy files, electronic files, or as a combination of both.” 13 Ohio Admin. Code 5101:2-1-01(B)(44) (2016-2017 Supplement). Various administrative regulations require a PCSA to take and maintain photographs of children in its custody as part of a PCSA’s “assessment/investigation and ... provision of social services to families and children.” *See, e.g.*, 13 Ohio Admin. Code 5101:2-5-10(A)-(B) (2016-2017 Supplement) (requiring an agency that provides “twenty-four hour out-of-home care for a child” to “maintain a case record of each child” which includes maintaining “an annually updated color photograph” of the child at a central office location);<sup>8</sup> 5101:2-36-03(R)(1) (2016-2017 Supplement) (requiring a PCSA to take any other actions necessary to assess safety and risk to a child in conducting an intra-familial child abuse and/or neglect assessment/investigation in response to a child abuse and/or neglect report, including, but not limited to, taking photographs of areas of trauma on the child’s body); 5101:2-42-67(A)(8) (2016-2017 Supplement) (requiring a PCSA to prepare a lifebook for a child in substitute care that includes photos and other information). A photograph of a child in the custody of a PCSA also may be contained in SACWIS. *See* R.C. 5101.13(A)(1)-(3) (SACWIS

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<sup>7</sup> Rule 5101:2-33-21(G)(1) requires a PCSA to disseminate information determined to be relevant, with the exception of the information described in rule 5101:2-33-21(E). Rule 5101:2-33-21(E) prohibits a PCSA from releasing “the identities of the referent/reporter, and any person providing information during the course of an assessment/investigation ... to any party without the written consent of the individual(s) involved, except to those individuals outlined in paragraph (F) of [rule 5101:2-33-21].”

<sup>8</sup> Division (B)(11) of 13 Ohio Admin. Code 5101:2-1-01 defines “[a]gency” for the purpose of 13 Ohio Admin. Code Chapter 5101:2-5 to include a PCSA.

contains records regarding “[i]nvestigations of children and families, and children’s care in out-of-home care, in accordance with [R.C. 2151.421] and [R.C. 5153.16],” “[c]are and treatment provided to children and families,” and “[a]ny other information related to children and families that state or federal law, regulation, or rule requires [the department of job and family services] or a [PCSA] to maintain”); rule 5101:2-33-23(A) (“[t]he [PCSA] shall record case information in [SACWIS]. Case information that cannot be recorded in SACWIS shall be maintained as hard copy files, electronic files or as a combination of both”). Therefore, a photograph of a child in the custody of a PCSA that is taken or maintained by the PCSA as part of its “assessment/investigation and ... provision of social services to families and children” or that is contained in SACWIS is included within the meaning of “information,” as that term is used in rule 5101:2-33-21(G).<sup>9</sup>

That the term “information,” as used in rule 5101:2-33-21(G)(1), includes a photograph of a child about whom a missing child report has been filed finds support in the definition of “information” in R.C. 2901.30(A)(1). R.C. 2901.30 addresses the responsibilities of a law enforcement agency in receiving and investigating a missing child report. Pursuant to R.C. 2901.30(E), a PCSA is required, “[u]pon request from a law enforcement agency,” to “grant the law enforcement agency access to all information concerning a missing child that the agency possesses that may be relevant to the law enforcement agency in investigating a missing child report concerning that child.” R.C. 2901.30(A)(1) defines the term “information” to mean “information that can be integrated into the computer system and that relates to the physical or

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<sup>9</sup> The provisions in 13 Ohio Admin. Code 5101:2-33-21 regarding the dissemination of PCSA case records and information and information contained in SACWIS implement federal and state laws and regulations that govern the confidentiality of information and records prepared or maintained by a PCSA. *See, e.g.*, 42 U.S.C.A. § 671(a)(8), (a)(9) (Thomson Reuters 2017) (to be eligible for federal assistance for state foster care and adoption assistance programs, a state is required to have a plan that authorizes the disclosure of information to appropriate authorities with respect to a child that is at risk of being a sex trafficking victim as a result of running away from foster care); § 671(a)(35)(A)(i), (a)(35)(B) (Thomson Reuters 2017) (a state that receives federal assistance for state foster care and adoption assistance programs shall implement protocols for “expeditiously locating any child missing from foster care” and to report information on missing children to “law enforcement authorities for entry into the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation”); 45 C.F.R. § 205.50(a)(1)(i)(G) (2016) (a state plan for financial assistance under Title IV-A of the Social Security Act must provide that dissemination of information concerning applicants and recipients will be limited to “[t]he reporting to the appropriate agency or official of information on known or suspected instances of physical or mental injury, sexual abuse or exploitation, or negligent treatment or maltreatment of a child receiving aid under circumstances which indicate that the child’s health or welfare is threatened”); R.C. 5101.132(A)(2) (a person may access information from SACWIS in a manner and to the extent authorized by rules adopted by ODJFS); R.C. 5101.134(C) (a PCSA shall implement and use information in SACWIS in accordance with rules adopted by ODJFS).

mental description of a minor ... and other information that could assist in identifying a minor including, but not limited to, ... photographs.”

Accordingly, based upon the foregoing, we conclude that a PCSA that files a missing child report pursuant to R.C. 5153.16(A)(23) has a mandatory duty under 13 Ohio Admin. Code 5101:2-33-21(G)(1) to furnish a photograph of the missing child to the local law enforcement agency responsible for investigating the report when the photograph is determined to be relevant to the investigation<sup>10</sup> and is either contained in the statewide automated child welfare information system established by the Ohio Department of Job and Family Services pursuant to R.C. 5101.13 or taken or maintained by the PCSA as part of its “assessment/investigation and ... provision of social services to families and children.”<sup>11</sup>

### **Conclusion**

Based on the foregoing, it is my opinion, and you are hereby advised that a county public children services agency that files a missing child report pursuant to R.C. 5153.16(A)(23) has a mandatory duty under 13 Ohio Admin. Code 5101:2-33-21(G)(1) (2016-2017 Supplement) to furnish a photograph of the missing child to the local law enforcement agency responsible for investigating the report when the photograph is determined to be relevant to the investigation and is either contained in the statewide automated child welfare information system established by the Ohio Department of Job and Family Services pursuant to R.C. 5101.13 or taken or

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<sup>10</sup> We are unable to imagine a circumstance in which a photograph of a missing child would not be relevant to an investigation regarding the missing child. Nevertheless, factual determinations cannot be made by an opinion of the Attorney General. *See generally* 2009 Op. Att’y Gen. No. 2009-002, at 2-12 (“a question of fact ... cannot be resolved by means of an opinion of the Attorney General”). Thus, it remains the responsibility of local authorities to determine whether a photograph of a missing child is relevant to an investigation regarding that missing child.

<sup>11</sup> Even if a PCSA were not required under rule 5101:2-33-21(G)(1) to furnish a photograph of a missing child to a local law enforcement agency investigating a missing child report filed by the PCSA pursuant to R.C. 5153.16(A)(23), rule 5101:2-33-21(H)(1)-(3) authorize a PCSA to disclose “all information it determines to be relevant to an individual or agency, with written authorization from the PCSA director, when it is believed to be in the best interest of,” among others, a child that is the subject of a report possessed by the PCSA, an alleged child victim, a child who is an alleged perpetrator, or “[a]ny child residing within, or participating in an activity conducted by an out-of-home care setting when necessary to protect children in that setting.”

Cynthia C. Dungey, Director

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maintained by the public children services agency as part of its “assessment/investigation and ... provision of social services to families and children.”

Very respectfully yours,

A handwritten signature in dark blue ink, reading "Michael Dewine". The signature is fluid and cursive, with the first name "Michael" and last name "Dewine" clearly distinguishable.

MICHAEL DEWINE  
Ohio Attorney General