



# Office of Children and Family Services

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## Administrative Directive

<b>Transmittal:</b>	19-OCFS-ADM-11
<b>To:</b>	Commissioners of Social Services Executive Directors of Voluntary Authorized Agencies
<b>Issuing Division/Office:</b>	Division of Youth Development and Partnerships for Success
<b>Date:</b>	August 26, 2019
<b>Subject:</b>	<b>Sex Trafficking Allegation</b>
<b>Suggested Distribution:</b>	Advantage Afterschool Program Administrators Child Advocacy Centers / Multi-Disciplinary Teams Child Care Providers Child Protective Services Supervisors Child Welfare Supervisors Commissioners of Social Services Community Multi-Services Offices CONNECTIONS Implementation Coordinators Detention Administrators Directors of Social Services DJJOY Facilities Foster Care Supervisors Municipal Youth Bureaus Runaway and Homeless Youth Programs Staff Development Coordinators
<b>Contact Person(s):</b>	See Section VI
<b>Attachments:</b>	None

### Filing References

Previous ADMs/INFs	Releases Cancelled	NYS Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
15-OCFS-ADM-16, 09-OCFS-ADM-01, 15-OCFS-INF-08, 10-OCFS-LCM-09			Public Law (P.L.) 114-22, New York Penal Law §230.34 - Sex Trafficking	NYS Child Protective Services Manual, Chapter 6	

## I. Purpose

The purpose of this Administrative Directive (ADM) is to inform local departments of social services (LDSSs) of a new allegation related to child abuse and maltreatment: sex trafficking. This allegation has been added to the list of potential allegations in CONNECTIONS (CONNX); it can be selected as an allegation at the New York Statewide Central Register of Child Abuse and Maltreatment (SCR), or added to an investigation by the LDSS.

## II. Background

On May 29, 2015, President Barack Obama signed Public Law (P.L.) 114-22, the [Justice for Victims of Trafficking Act of 2015](#). This bill amended the Child Abuse Prevention and Treatment Act (CAPTA). The amendment requires that states amend their current definitions of child abuse and neglect to include victims of sex trafficking. Specifically, it requires that states make a finding of "child abuse and neglect" and "sexual abuse" if the child is also found to be a victim of sex trafficking. To further comply with this amendment, states are required, to the maximum extent possible, to collect and report the number of children who are victims of sex trafficking as part of the National Child Abuse and Neglect Data System (NCANDS).

Historically the New York State Office of Children and Family Services (OCFS) CONNX system included sex trafficking as an allegation within the allegation of sexual abuse. In other words, there was not a separate or distinct allegation of sex trafficking, making reporting on the number of children found to have been trafficked for sex difficult. To promote compliance with CAPTA, and to better serve children alleged to have been sex trafficked, OCFS has added sex trafficking as a separate allegation in CONNX.

## III. Program Implications

The OCFS definition of sex trafficking is based on the federal definition. The term "sex trafficking" is defined in the federal Trafficking Victims Protection Act (TVPA) as "the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act." "Severe forms of trafficking in persons" is defined as "sex trafficking in which the commercial sex act is induced by force, fraud, or coercion or in which the person induced to perform such act has not attained 18 years of age." A commercial sex act is one where something of value — money, food, clothing, drugs, shelter, protection, or other consideration — is provided in exchange for a sex act. Commercial sex may include a child being prostituted, child pornography, exotic dancing, private sex parties, and other sexual exploitation.

By definition, sex trafficking is an abuse allegation, and must be reported to law enforcement immediately. A referral to the local multidisciplinary team (MDT)/ Child Advocacy Center (CAC), where available, is required and constitutes a law enforcement report.

**If the answer to any of the questions below is yes, and there is a person legally responsible (PLR) involved, then a report for sex trafficking must be reported to the SCR.**

- Is there reason to suspect a child is engaging in commercial sex act(s) where something of value is received by a PLR?
- Is there reason to suspect a child is being prostituted or trafficked by a PLR?
- Is there reason to suspect a child is trading sex for a place to stay, food, drugs, or anything of value, and is there a PLR who is benefiting from such an arrangement?
- Is there reason to suspect a child is involved in the sex industry (working in strip clubs, private sex parties, etc.) and that the PLR is benefitting from the child's involvement?
- Are there photos or videos of a child being victimized and/or being used to advertise the child for sexual purposes (Facebook, Snapchat, Instagram, Craigslist, etc.) that are being used by the PLR to promote the child's involvement in commercial sex?
- Has law enforcement referred a child for services instead of arresting for prostitution, or was a child arrested on prostitution related charges and there was suspected PLR involvement?
- Has someone witnessed a child engage in a commercial sex act and does that person have a reasonable cause to suspect that the PLR was involved in the act?

If there is a reasonable cause to suspect a child is being trafficked for sex and the PLR is aware of the sex trafficking and not attempting to intervene the SCR must also be called, however a different allegation may be applied.

#### **IV. Required Action**

All mandated reporters who have a reasonable cause to suspect a child is being trafficked for sex must make a report to the SCR. LDSSs will receive these reports with the allegation of sex trafficking and will conduct an investigation led by the MDT/CAC where available.

#### **V. Systems Implications**

None

#### **VI. Contacts**

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## **VII. Effective Date**

This ADM is effective immediately.

*/s/ Nina Aledort, Ph.D.*

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### **Issued by:**

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Title: Deputy Commissioner

Division/Office: Youth Development and Partnerships for Success