

To: DCF/DMCPS Administrator
DCF Area Administrators
Child Placing Agency Directors
Child Welfare Agency Directors
County Departments of Community Programs Directors
County Departments of Developmental Disabilities Services Directors
County Departments of Human Services Directors
County Departments of Social Services Directors
Group Home Providers
Tribal Social Service/Indian Child Welfare Directors
Private Child Placing Agencies
Residential Care Center Providers
Shelter Care Providers
Tribal Chairpersons

From: Fredi-Ellen Bove 
Administrator

Re: Child Sex Trafficking CPS Response

PURPOSE

The intent of this memo is to notify agencies of changes to the *Child Protective Services (CPS) Access & Initial Assessment Standards* regarding Access Reports and Initial Assessments that involve allegations of child sexual abuse related to sex trafficking by non-caregivers.

BACKGROUND

Currently, CPS agencies are permitted, but not required, to investigate reports of abuse or neglect by an alleged maltreater who is a non-caregiver. Beginning on May 29, 2017, federal Public Law 114-22 requires states to investigate all cases of alleged child sex trafficking, regardless of the type of relationship between alleged victims of child sex trafficking and alleged maltreaters. As a result, 2015 Wisconsin Act 367 was enacted, which aligns state statute with the new federal legislation related to child sex trafficking.

Specifically, 2015 Act 367 requires local CPS agencies to initiate a diligent investigation of any allegation involving a child who is alleged to have been sex trafficked or sexually exploited, regardless of the child's relationship to the alleged maltreater(s). In addition, Act 367 requires law enforcement to report all suspected cases of sex trafficking of a minor to the local CPS agency.

This memo outlines the practice requirements and guidance regarding the CPS response to allegations of sex trafficking to align with this state and federal mandate. These practice requirements and related guidance were developed through a collaborative process that included state staff, tribal representatives, county stakeholders, law enforcement, and service providers through a series of working group meetings held in the summer and fall of 2016.

POLICY AND PROCEDURE REQUIREMENTS

Effective May 29, 2017, local CPS agencies are required to initiate diligent investigations involving allegations of child sex trafficking by a non-caregiver, in accordance with 2015 Wisconsin Act 367. Many requirements surrounding receipt, screening, and documentation of an Access Report remain the same, however *Chapter 6: The Screening Decision* of the *CPS Access & Initial Assessment Standards* has been updated to reflect the federal and state mandate to investigate all allegations of child sex trafficking.

Additional guidance related to CPS practices in these cases is included in a newly-created *Appendix 9: Guidance for Cases Involving Sex Trafficking of Children (CPS Access & Initial Assessment Standards)*. This appendix should be referenced when receiving reports and documenting allegations that may involve child sex trafficking.

It is important to note that there are no changes to the *Non-Caregiver Investigation Standard (Chapter 19, CPS Access & Initial Assessment Standards)*. Non-caregiver Initial Assessments will be conducted in accordance with existing standards; however CPS staff should consult the newly added *Appendix 9: Guidance for Cases Involving Sex Trafficking of Children* of the *CPS Access & Initial Assessment Standards* to guide critical thinking when working with children alleged to have been sex trafficked or otherwise sexually exploited. *Appendix 2: Substantiating the Different Types of Maltreatment* of the *CPS Access & Initial Assessment Standards* has also been updated to reflect the addition of child sex trafficking as a subcategory of sexual abuse.

eWiSACWIS DOCUMENTATION

In order to most accurately describe the nature of child sexual abuse victimization that occurs when a child is trafficked, an eWiSACWIS allegation description of “Sex Trafficking” has been added. The description of “Sexual Exploitation” will remain as a description. Prostitution has been removed as a maltreatment description in eWiSACWIS, as it does not properly describe the nature of a child’s victimization as a form of sexual abuse. The newly created *Appendix 9: Guidance for Cases Involving Sex Trafficking of Children (CPS Access & Initial Assessment Standards)* provides definitions and additional guidance related to choosing the appropriate allegation description.

TRAINING

DCF staff will be making in-person presentations at regional meetings the next several months to further support integrating these new requirements and guidance into practice. In addition, the Division has created a pre-recorded webinar for use at the local agency level to orient CPS staff and supervisors to the state and federal law, new Access and Initial Assessments practice requirements and functionality in eWiSACWIS (link provided below).

Additionally, CPS staff and supervisors responsible for Access or Initial Assessment functions will be expected to participate in the sex trafficking training, developed by Wisconsin Child Welfare Professional Development System in collaboration with the Wisconsin Anti-Human Trafficking Task Force Training workgroup. This sex trafficking training will be made available to all child welfare and youth justice workers in 2017, as well.

ACTION SUMMARY

Revision to the *CPS Access & Initial Assessment Standards*, regarding the receiving, screening and investigation of alleged sex trafficking cases by a non-caregiver, and eWiSACWIS functionality, will be effective May 29, 2017. The link to the updated version of the CPS Access and Initial Assessment Standards is attached, as well as an “in brief” version of the CPS Access and Initial Assessment Standards which contains only the sections of the Standards affected by the new legislation. The “in brief” version of the Standards highlights the modified sections within the Standards.

The Division very much appreciates the significant efforts made by local CPS agencies to protect children who are at risk of or are victims of child maltreatment and looks forward to working with local CPS agencies to improve the quality, consistency, and effectiveness in our state’s ability to serve those children who are vulnerable to or have experienced sex trafficking.

REGIONAL OFFICE CONTACT: DCF Area Administrator

CENTRAL OFFICE CONTACT: Child Welfare Program and Policy Analyst
Bureau of Safety and Well-Being
(608) 422-6957

MEMO WEB SITE: <https://dcf.wisconsin.gov/cwportal/policy>

Attachments

- *In Brief Excerpts of CPS Access & Initial Assessment Standards (May 2017)*
- *CPS Access and Initial Assessment Standards can be found at*
<https://dcf.wisconsin.gov/files/cwportal/policy/pdf/access-ia-standards.pdf>

Access and Initial Assessment Standards Inbrief Excerpts

VLC.1. Criteria for Screening Out an Access Report

- The alleged victim is 18 years of age or older, or
- There is insufficient information to identify and locate the child or family, or
- The allegations, even if true, would not meet the statutory definitions of abuse or neglect and do not describe behavior or conditions that constitute a threat of abuse or neglect in the future (See *Appendix 1: Statutory Definitions of Abuse and Neglect*), or
- The report of alleged abuse is by a person who is not a “caregiver” as defined in s. 48.981(1)(am), Stats. and the agency has decided to not investigate such reports, **except in reports alleging Sex Trafficking of a Child (s. 948.051, Stats.) by an individual in a non-caregiving role [48.981(3)(a)2.bm., Stats.]**.

Except when one individual is in a caregiving role, reports of sexual contact, as defined in *Appendix 1: Statutory Definitions of Abuse and Neglect*, between peers can be screened out under the following circumstances:

- There is no allegation of assault, coercion, exploitation, or other condition consistent with s. 940.225, Stats.
- The minor’s sexual activity with a peer is developmentally normal and does not create a suspicion that he or she is exhibiting behaviors as a result of being sexually abused by another person.

Chapter 19: Non-Caregiver Investigation Standard

XIX.A. Applicability of the Non-Caregiver Investigation

CPS agencies have discretion in investigating reports of alleged child maltreatment by a person who is not a caregiver as defined in s. 48.981(1)(am), Stats., **except in cases of alleged child sex trafficking, s.48.02(1)(cm)**. When reports of alleged child maltreatment by a non-caregiver are received, agencies that do investigate these reports must comply with the requirements of this Standard and statutes.

Access and Initial Assessment Standards Inbrief Excerpts

Appendix 2: Substantiating Different Types of Maltreatment

Sexual abuse is also defined in the statutes as:

1) “A violation of s. 948.05, Stats.” [Ref. s. 48.02(1)(c), Stats.] This section addresses “sexual exploitation of a child.”

In order to substantiate that a violation of s. 948.05, Stats., occurred, the worker will have information that establishes all of the following:

- that the child is under the age of 18, and
- that the child was persuaded, induced, employed, used, enticed, or coerced by another person to engage in sexually explicit conduct for the purpose of photographing, filming, videotaping, recording the sounds of or displaying the conduct in any way, or
- that the child was photographed, filmed, or videotaped engaged in sexually explicit conduct or the sounds of that conduct recorded or the conduct displayed in any other way.

2) “Permitting, allowing or encouraging a child to violate s. 944.30, Stats.,”. [Ref. s. 48.02(1)(d), Stats.] This section addresses prostitution.

In order to substantiate that a child was allowed to violate s. 944.30, Stats., the worker must have information that establishes all of the following:

- the child involved is under the age of 18, and
- the child was permitted, allowed, or encouraged by another person to engage in prostitution.

3) “A violation of s. 948.055, Stats.” [Ref. s. 48.02(1)(e), Stats.] This section addresses intentionally causing a child to view or listen to sexual activity.

In order to substantiate that a violation of s. 948.055, Stats., occurred, the worker will have information that establishes all of the following:

- the child involved is under the age of 18, and
- another person intentionally caused the child to view or listen to sexually explicit conduct, and
- the person did so for the purpose of sexually arousing or gratifying the actor or humiliating or degrading the child.

4) “A violation of s. 948.10, Stats.” [Ref. s. 48.02(1)(f), Stats.]. This section addresses exposing the genitals or pubic area to a child or causing a child to expose genitals or pubic area.

In order to substantiate that a violation of s. 948.10, Stats., occurred, the worker must have information that establishes all of the following:

- the child involved is under the age of 18, and

Access and Initial Assessment Standards Inbrief Excerpts

- another person caused the child to expose genitals or pubic area or exposed genitals or pubic area to the child, and
- the person did so for the purpose of sexual arousal or sexual gratification, and
- the child was not the defendant's spouse.

5) "A violation of s. 948.051, Stats." [Ref. 48.02(1)(cm), Stats.]. This section addresses the sex trafficking of a child.

In order to substantiate that a violation of s. 948.051, Stats., occurred, the worker will have information that establishes all of the following:

- the child involved is under the age of 18, and
- another person recruited, enticed, provided, obtained, harbored, transported, patronized, or solicits or knowingly attempts to do the aforementioned things, and
- the person did so for the purpose of commercial sex acts.

NOTE: There are additional types of sexual crimes against children which are described in Ch. 948, but which are not cross-referenced under s.48.02(1), Stats., as abuse. They are still crimes, however, and may be dealt with by the law enforcement and criminal justice system.

Appendix 9: Guidance for Cases Involving Sex Trafficking of Children

This appendix can be found in the CPS Access and Initial Assessment Standards, effective May 2017 at the following link: <https://dcf.wisconsin.gov/cwportal/policy>