

**Overview of MA Safe Harbor Provisions:
Policy in the Best Interest of Minor Victims of Trafficking**

Five Elements of the Safe Harbor Law in Massachusetts

- 1) Defines sexually exploited child:** Sexual exploitation of children is *child abuse*.
 - a. Presumes that a sexually exploited child is not committing a crime, but is a victim of exploitation and is presumed to be a child requiring assistance (CRA) or in need of the care and protection of the state.
 - b. Defines a “sexually exploited child” to include any person under the age of 18 who: is a victim of sex trafficking as defined under federal law; or who engages in conduct described as sex for a fee or in exchange for food, shelter, clothing, education or care; is a victim of being induced into prostitution, or engages in acts of common street walking or common night walking, all as defined under Massachusetts’s law.
 - c. Requires that all mandated reporters file a report of suspected abuse and neglect (51A) on behalf of child victims of commercial sexual exploitation.

- 2) Amends Child Requiring Assistance:** CRA definition expanded to include sexually exploited child

- 3) Diverts Child Victims from Criminalization:** Diverts minor victims of commercial sexual exploitation from delinquency proceedings to supportive services.
 - a. Authorizes the court to hold a hearing to determine whether the case should be handled as a delinquency proceeding or as a child requiring assistance (CRA) or a care and protection petition. If a child is not in substantial compliance with court orders pursuant to a CRA or care and protection case, the court may re-initiate the delinquency case.

- 4) Provides Services:** Requires “appropriate services” to assist in the planning and care of victims. These services include: shelter, advocacy, medical care, counseling and aid the child in preventing/ending exploitation.
 - a. Directs the department of children and families, in collaboration with the department of mental health and other appropriate state agencies to provide services to sexually exploited children.

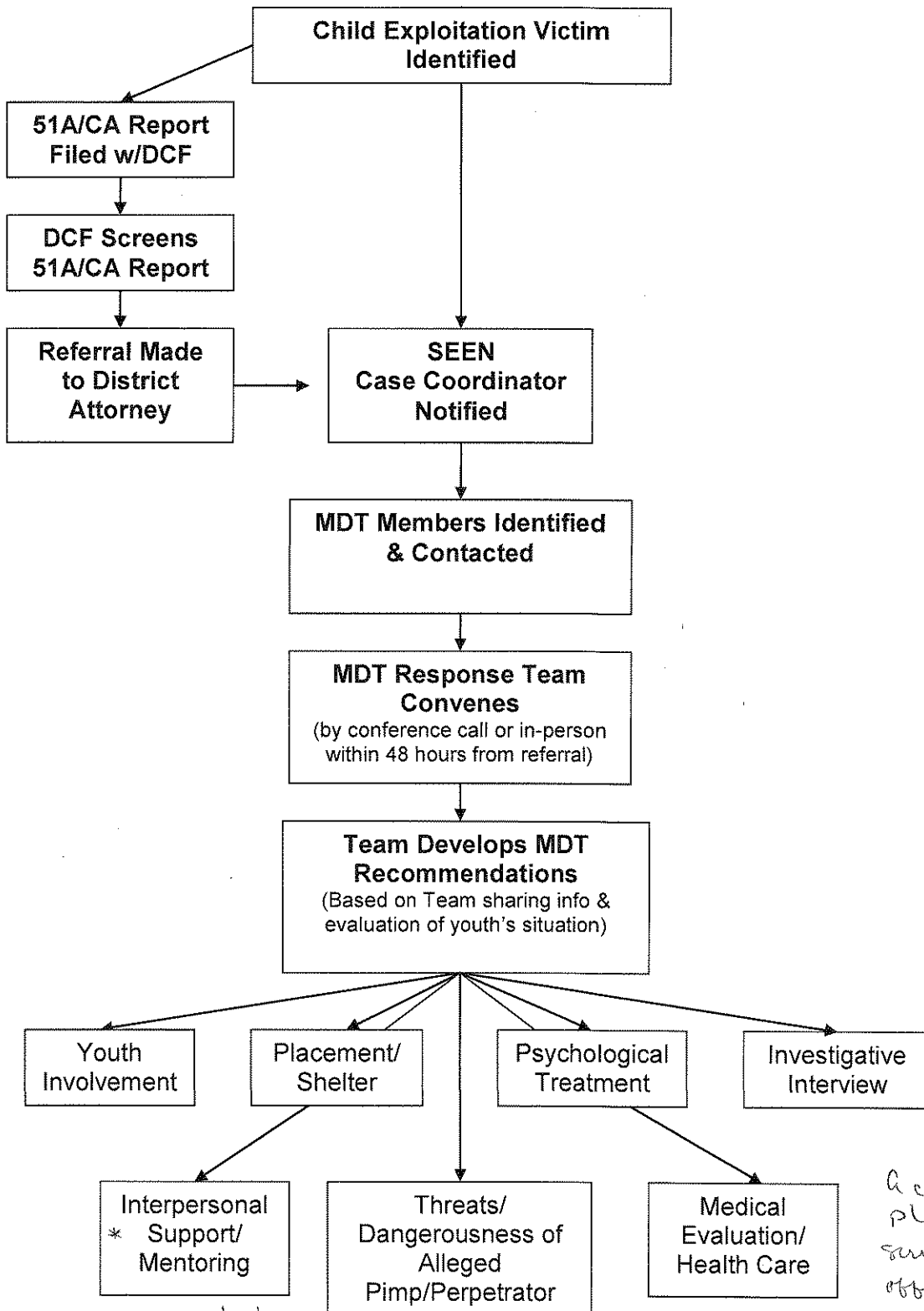
- 5) Multidisciplinary Coordination:**
 - a. Requires DCF to immediately report commercial sexual exploitation of children to the district attorney and law enforcement.
 - b. Requires a team of professionals, including members of the police department, social service providers, the department of children and families; and the district attorney’s office, and others to convene in order to cooperatively assess the needs of the child and recommend a plan for services.

Commercial Sexual Exploitation of Children (CSEC):
Identification and Response in Hampden County
2/27/15

Baystate Health
Whitney Ave Conference Center
361 Whitney Avenue Holyoke, MA 01040

- 8:00-8:15 Registration
- 8:15-8:30 **Welcome**
Paul Fitzsimons- Deputy Commissioner DCF
Anthony Gulluni, Esq- Hampden County District Attorney
Barry Sarvet, MD- Chief of Child Psychiatry/ Vice Chair of Psychiatry- Baystate Medical Center
- 8:30-10:45
- Social Media, online safety and awareness
 -Ian Smythe, Special Agent, Federal Bureau of Investigation
- Prosecuting Child Sexual Exploitation Crimes in the state of Massachusetts:
 Information Sharing & Reporting
 -Jane Mulqueen, Esq., Chief of Special Victims Unit Hampden County Assistant District Attorney,
- Prosecuting Child Sexual Exploitation Crimes In The Federal Justice System: Federal child sexual
 exploitation offenses, warning signs of child sexual exploitation, and disclosures under the Health
 Insurance Portability and Accountability Act (HIPAA) Privacy Rule.
 -Steve Breslow, Assistant US Attorney
- Sexual Exploitation in Western Massachusetts and Victimology
 -Ian Smythe, Special Agent, Federal Bureau of Investigation
- 10:45-11:00 Break
- 11:00-11:30 Clinical Considerations
 -Jessica Wozniak, PsyD
 Clinical Research & Development Manager- The Family Advocacy Center Baystate Medical Center
- 11:30-12:00 Mandated Reporting in the Context of Child Sexual Exploitation
 -Andrew Rome, Esq.
 General Counsel Department of Children and Families
- 12:00-12:30 Questions/ Wrap Up/ Evaluation

SUPPORT TO END EXPLOITATION NOW (SEEN) Child Exploitation – Multi Disciplinary Response Model



** Super important*

A comprehensive plan, safety, services - offender accountability

HAMPDEN COUNTY COALITION TO IDENTIFY AND PREVENT COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN CSEC MDT RESPONSE PROTOCOL

ONGOING CSEC TRAINING IN HAMPDEN COUNTY WILL BE ESSENTIAL TO

(1) INCREASE KNOWLEDGE OF COMMERCIAL SEXUAL EXPLOITATION (CSEC); AND

(2) PROVIDE INFORMATION ABOUT HOW TO RESPOND TO CSEC

- More (and ongoing) training will be needed to increase knowledge and understanding about CSEC to professionals throughout the community
- Once the Hampden County Protocol is developed and adopted, it will be important to introduce the protocol to partners throughout the community

SCREENING & IDENTIFICATION

- Who conducts screening:
 - All partners will screen for CSEC in their respective settings (universal screening)
- How is screening conducted?
 - Overarching principle: Screening should be trauma-informed
 - Partners will apply knowledge of risk factors and indicators
 - Possible future use of a screening tool
Family Advocacy Center has been developing a screening tool for the emergency department. "If yes to certain factors, file 51A, refer to CAC".
- Scope of questioning:
 - Ideally, the scope of questioning during screening should be limited to minimal facts.
 - For future discussion: Will screening include the question, "Have you ever exchanged sex for food, shelter, clothing, or anything of value?"
- Documentation:
 - 51A should be filed with DCF when CSEC is suspected
 - Each agency should also document according to their agency practice

REPORTING

- Per MGL c. 119 s.51A, reports of suspected sexual exploitation of a child should be filed with DCF
- Timeframe: 51A should be filed as soon as possible (same day/within 24 hours)
- Contact DCF before contacting parent; DCF may have additional information that will be helpful.
 - 51A should be filed by phone; followed by written report
 - Information to include in report: concerns, observations, information that may identify alleged offenders, action taken/steps taken to protect youth, services in place.
 - Possibility of using DCF's "pilot" enhanced screening for CSEC and 51A documentation
- DCF will immediately notify law enforcement and the district attorney
 - Timeframe for law enforcement notification (define immediate)?
 - Notification will be made by phone (to _____) and by secure email (to _____).
 - Consider use of phone and text for urgent matters.
- QUESTION: Will DCF also notify the CSEC Case Coordinator?