

FACT SHEET: Commercial Sexual Exploitation of Children

Foster youth are at heightened risk for commercial sexual exploitation.¹ This fact sheet summarizes some of the key federal and local laws available to protect and support this vulnerable population.

Trafficking Victims Protection Act²

- Definition includes “any sex trafficking in which a commercial sex act is induced by force, fraud, coercion, or in which the person induced to perform such act has not attained 18 years of age.”
 - Does not require transport across borders.
 - Minors are *per se* victims; they cannot “consent” to trafficking.
- Establishes the T-visa as path to permanent residency in the United States.
- Mandates restitution to victims of human trafficking.
- Creates a legal avenue for victims to sue perpetrators for civil damages.

Preventing Sex Trafficking and Strengthening Families Act³

- CFSA must develop policies and procedures for identifying, documenting, and providing services for CSEC (or suspected CSEC) youth.
- CFSA must inform law enforcement within 24 hours of receiving information on any child or youth who has been identified as a sex trafficking victim.
- CFSA must develop and implement protocols for locating runaway youth and determining the child’s experiences while absent from foster care, including screening for CSEC.

Sex Trafficking of Children Prevention Amendment Act of 2014⁴

- Immunity: protects CSEC victims from prosecution; however, they may still be arrested for other related violations, such as runaway behaviors or curfew violations.
- Requires MPD & CFSA to report to “critically missing” youth and those missing for 30+ days to the National Center for Missing and Exploited Children.
- Requires MPD to refer suspected victims to local services and CFSA.
- Requires CFSA to screen, identify, and determine services for CSEC or suspected CSEC youth.

¹ Some reports estimate that more than half of trafficked youth have touched the child welfare system. *Human Rights Project for Girls: Child Welfare and Domestic Child Sex Trafficking*, Rights4Girls, <http://www.rights4girls.org/current-campaign/uploads/child%20welfare%20and%20child%20trafficking.pdf>.

² Trafficking Victims Protection Act of 2000, 22 U.S.C. §§ 2151n, 2152d, 7101-7110 (2012).

³ Preventing Sex Trafficking and Strengthening Families Act of 2014, Pub. L. No. 113-183, 128 Stat. 1919 (codified in scattered sections of 42 U.S.C.).

⁴ Sex Trafficking of Children Prevention Amendment Act of 2014, 62 D.C. Reg. 479 (Jan. 16, 2015).

- Mandatory reporters may now file a missing person report with the police.
- Training: Requires CSEC-specific training for MPD, CFSA and DYRS.

Child Neglect and Sex Trafficking Temporary Amendment Act of 2018⁵

- Includes the federal definition of child sex trafficking into the Title 4 definition of abused and neglected child.
- Requires CFSA to investigate allegations of child sex trafficking regardless of the relationship between the alleged perpetrator and the child.
- Requires mandated reporters to report suspicions of child sex trafficking regardless of the relationship between the alleged perpetrator and the child.

Witness Advocacy

- Child victims may be called to testify as witnesses in criminal proceedings.
- Criminal courts have the authority to appoint a GAL to protect the child witness.⁶
- Advocates may consider motions for testimonial accommodations for the child witness.⁷ Such motions should be filed under seal using only the child's initials.
- Defendant's counsel may subpoena the child witness's confidential records; if appointed, advocated can respond and protect unmerited disclosures.

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⁵ Child Neglect and Sex Trafficking Temporary Amendment Act of 2018, 65 DC Regs 3769 (June 5, 2018).

⁶ See, e.g., Nelson v. United States, 649 A.2d 301, 307 (appointing counsel for the complaining child witness to assert medical-records privilege on the child's behalf). Federal courts have similarly recognized the importance of appointing guardians ad litem to represent child victims and child witnesses. See 18 U.S.C. § 3509 (2006) (authorizing appointment of guardians ad litem to advocate for child victims and child witnesses).

⁷ Hicks-Bey v. United States, 649 A.2d 569, 574 (D.C. 1994) (adopting the standard set forth by the Supreme Court in Maryland v. Craig, which permits a child to testify with procedural modifications).

FACT SHEET: GAL's Advocacy Checklist for Youth in Abscondence

Youth in abscondence face varied levels of risk depending on their age, mental health, physical health, and access to material resources. This fact sheet summarizes some of the key laws, policies, and inquiries that GALs may use to mitigate risk and advocate for missing youth.

Statutes

Preventing Sex Trafficking and Strengthening Families Act¹

- Federal law requires CFSA to develop policies and procedures for identifying, documenting, and providing services for CSEC (or suspected CSEC) youth.
- CFSA must inform law enforcement within 24 hours of receiving information on any child or youth who has been identified as a sex trafficking victim.

Sex Trafficking of Children Prevention Amendment Act of 2014²

- Requires MPD & CFSA to report "critically missing" youth and those missing for 30+ days to the National Center for Missing and Exploited Children (NCMEC).
- Mandatory reporters may file a missing person report with the police.

Comprehensive Youth Justice Amendment Act of 2016³

- Prohibits the secure detention of status offenders; some sections not yet in effect (awaiting budget approval).

Child Neglect and Sex Trafficking Temporary Amendment Act of 2018⁴

- Includes the federal definition of child sex trafficking into local definitions of abused and neglected child.
- Requires CFSA to investigate allegations of child sex trafficking regardless of the relationship between the alleged perpetrator and the child.
- Requires mandated reporters to report suspicions of child sex trafficking regardless of the relationship between the alleged perpetrator and the child.

Government Policies

CFSA Policy: Missing/ Absconded Children⁵

- The foster parent should file a police report one hour after the child is determined to be missing.

¹ Preventing Sex Trafficking and Strengthening Families Act of 2014, Pub. L. No. 113-183, 128 Stat. 1919 (codified in scattered sections of 42 U.S.C.).

² Sex Trafficking of Children Prevention Amendment Act of 2014, 62 D.C. Reg. 479 (Jan. 16, 2015).

³ Comprehensive Youth Justice Amendment Act, 63 D.C. Reg. 15312 (Dec. 16, 2016).

⁴ Child Neglect and Sex Trafficking Temporary Amendment Act of 2018, 65 DC Regs 3769 (June 5, 2018).

⁵ Available at: http://cfsa.dc.gov/sites/default/files/dc/sites/cfsa/publication/attachments/Program%20-%20Missing%20or%20Absconded%20Children%20%28final%29_1.pdf

- The assigned social worker should:
 - Immediately notify the CFSA Hotline, law enforcement, parents, “significant relatives,” the AAG, GAL, judge, other appropriate team members about the child’s absence;
 - Make personal efforts to locate the child (contacting former foster parents, school, hospitals, etc.) and request additional assistance from the CFSA Absconder Team;
 - Initiate a custody order through FACES; and
 - Convene a Child-Locator Staffing, including family, the GAL, and other relevant team members, within one week if the child is deemed “high-risk”.⁶
- The absence worker should make efforts to locate the child, including contacting family members, peers, school staff, past caregivers, the neighborhood where the child is from, law enforcement, homeless shelters, and juvenile and adult detention centers. All efforts to locate the child should be documented in FACES.
- Once the child has returned, the social worker must immediately assess the child’s safety, notify parties of the child’s return, request to withdraw the custody order, and determine the most appropriate placement for the child “based on his or her safety and well-being and the circumstances which led to the child being missing.”

CFSA Administrative Issuance: Commercial Sexual Exploitation (CSEC) Identification and Response⁷

- The social worker should determine the primary factors that contributed to the absence and document that information in FACES.
- When a youth returns from absence, the Healthy Horizons nurse practitioner conducts a medical screening, including an assessment to determine if the youth participated in commercial sexual exploitation/sex trafficking activities and an STI screen.
- When it is determined that a youth has returned from absence/runaway (does not include curfew violators) for the fourth or greater time, the social worker shall convene an internal CSEC meeting to include their Supervisor, Program Manager, CFSA Trauma Coach, CFSA Placement, CFSA Nurse Care Manager, the foster parent or caregiver, the AAG, the GAL and MPD.

⁶ A missing child is “High Risk” if he or she: is age 12 or younger; has one or more serious health conditions that require treatment or ongoing care (including prescription medications) that without which would cause serious harm to the child; is pregnant and there is a concern that the unborn child or children in her care may be at risk; is parenting and the infant/child is believed to be with him or her and there are concerns regarding the safety of the infant child; has emotional problems that require treatment and without treatment the child is believed to be a danger to themselves or others; has a developmental disability that impairs the child’s ability to care for her/himself; has a serious documented alcohol and/or substance abuse problem and could be a danger to self or others.; is absent under circumstances inconsistent with his or her established patterns of behavior and this absence cannot be readily explained (i.e., is believed to have been abducted).

⁷ Available at: [https://cfsa.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/AI%20-%20Sex%20Trafficking%20Identification%20and%20Response%20\(final%202017\).docx.pdf](https://cfsa.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/AI%20-%20Sex%20Trafficking%20Identification%20and%20Response%20(final%202017).docx.pdf)

Metropolitan Police Department (MPD) General Order 304.03: Missing Person Reports⁸

- For all cases involving “critical missing” youth, MPD must prepare and circulate missing persons fliers via email and through media outlets.⁹
- Youth missing from CFSA placements should be transported to CFSA, not arrested.

GAL’s Key Inquiries

Safety plan with client before abscondence

- Ask for phone, email or social media info early and often.
- For clients who are at risk of absconding, explore back-up plans:
 - Where do you usually go to feel safe?
 - Who do you feel most comfortable talking to on the team?
 - Who is a friend/relative I can contact to reach you in an emergency?
 - If I can’t reach you, will you call me at a regular time? (Ex. every Monday at 4pm)
 - Do you know how to access critical services (Ex. birth control, medication refills)?
- Explain the bounds of GAL’s confidentiality and what steps you may or may not take if client contacts you while in abscondence.
- Provide additional client counseling for teen parents who must ensure safe arrangements for their own children.

Continued advocacy while client is in abscondence

- Does the youth have any special needs, health risks, or history of unsafe or illegal behaviors?
- Is the youth considered “high risk” pursuant to CFSA Policy or “critical missing” pursuant to MPD General Order?

⁸ Available at: https://go.mpdonline.com/GO/GO_304_03.pdf

⁹ A youth is “critical missing” if they are under fifteen years old or based on other considerations such as:

- (1) Whether the missing person is mentally incapacitated or is a mental health consumer;
- (2) Whether the missing person is drug dependent (e.g., the person requires prescribed medication or is dependent on an illegal controlled substance, and the dependency is potentially life threatening);
- (3) Whether the missing person is a patient who presents an imminent danger to him/herself or others and is verified missing from a hospital or institution;
- (4) Whether the missing person is in a life threatening situation;
- (5) Whether the missing person is in the company of person(s) who could endanger the missing person’s welfare;
- (6) Whether there is real or suspected danger of foul play;
- (7) Whether the absence is inconsistent with the missing person’s established pattern of behavior and the deviation cannot be readily explained;
- (8) Whether there are other circumstances involved in the disappearance that cause the Watch Commander to conclude that the missing person should be considered at-risk; and
- (9) Whether the person has been missing before (i.e., there is a pattern of missing person reports for the subject).

- Has the case been assigned to CFSA's Absconder Unit? What efforts are being made?
- Has a custody order been issued?
- What efforts is MPD making to find your client?
- Has the National Center for Missing and Exploited Children (NCMEC) been contacted?
- Has the youth's family been contacted? Peers? Romantic partners?
- Has the Agency visited client's common hangouts (neighborhoods, school)?
- Has the youth absconded before? If so, where did he/she go?
- Has anyone made efforts to communicate via social media?
- Will the client meet in a neutral location to discuss pros/ cons of returning from abscondence?

Advocacy after a client has returned from abscondence

- Ensure that the Agency requests custody order to be quashed.
- Interview client to understand their reasons for absconding and any risks or traumas that may have resulted during that time. Explore whether a new placement should be considered.
- Confirm that the youth has been screened at Healthy Horizons and referred for a full physical and STD check, if appropriate.
- Request that CFSA convene a meeting to understand reasons for abscondence, address any trauma that may have occurred, and make plan to prevent future abscondences.

Additional Resources

- National Center for Missing and Exploited Children (NCMEC):
 - http://www.missingkids.com/content/dam/ncmec/en_us/NCMEC%20CST%20fact%20sheet%20for%20Child%20Welfare_June%202017.pdf
- Office of Juvenile Justice Delinquency and Prevention (OJJDP):
 - <https://www.ojjdp.gov/pubs/childmissing/ch1.html>
- Amber Alert:
 - <https://www.amberalert.gov/>
 - https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/DC_amberalertplan.pdf

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Trauma Informed Courtrooms¹

Focus on safety

- Minimizing courtroom stressors (loud noises, yelling)
- Child-friendly waiting areas
- Avoid shackling

Focus on Self-Determination

- Promote multiple opportunities for expression of youth's stated interest
- Empower youth to choose who is part of their team
- Even small choices are helpful

Promote Confidentiality

- Consider how much the caregiver is legally entitled to know
- JSF files can be subpoenaed by outside parties
- Redact evaluations and other sensitive documents before sharing with others
- The American Bar Association has produced a resource to navigate confidentiality issues²

Words and Demeanor

- Remain calm and non-judgmental
- Express that you care/are worried
- Don't expect the truth the first time.
- Terminology and cultural sensitivity are important
- There is no such thing as a "child prostitute"!
- Avoid inappropriate labels and encourage proper terms

Treatment of Youth

- Refer to by name as opposed to Respondent
- Hold bench conferences when necessary
- Give youth an opportunity to share
- Encourage youth to attend hearings

Focus on Prevention

- Address risk factors before they turn into warning signs
- Talk to clients about boundaries and community risks on a regular basis
- Every interaction with a team member is an opportunity to educate

Emphasize Continued Learning for Professionals

- The nature of CSEC is continuing evolving. Trauma-informed professionals should stay up to date on new trends and interventions, and share that information with their colleagues!

¹ "Why Trauma-Informed Courts are Important." Juvenile Justice Information Exchange. Available at: <http://jjie.org/2016/10/03/why-trauma-informed-courts-are-important/321540/>

² The ABA has produced a helpful resource: http://www.americanbar.org/content/dam/aba/un categorized/cdsv-related/Advocate_Confidentiality_Chart_2_2014.authcheckdam.pdf

Local Statutes and Policies

The following local statutes and agency policies (see links below) can be referenced when advocating for child survivors of commercial sexual exploitation.

1. [Sex Trafficking of Children Prevention Amendment Act of 2014](#) (2015)
2. [Comprehensive Youth Justice Amendment Act of 2016](#) (2016)
3. [Child Neglect and Sex Trafficking Temporary Amendment Act of 2018](#) (2018)
4. [Metropolitan Police Department General Order: Missing Person Reports](#) (2012)
5. [Child and Family Services Agency Administrative Issuance: Commercial Sexual Exploitation and Sex Trafficking Identification and Response](#) (2017)
6. [Child and Family Services Agency Policy: Missing or Absconded Children](#) (2013)

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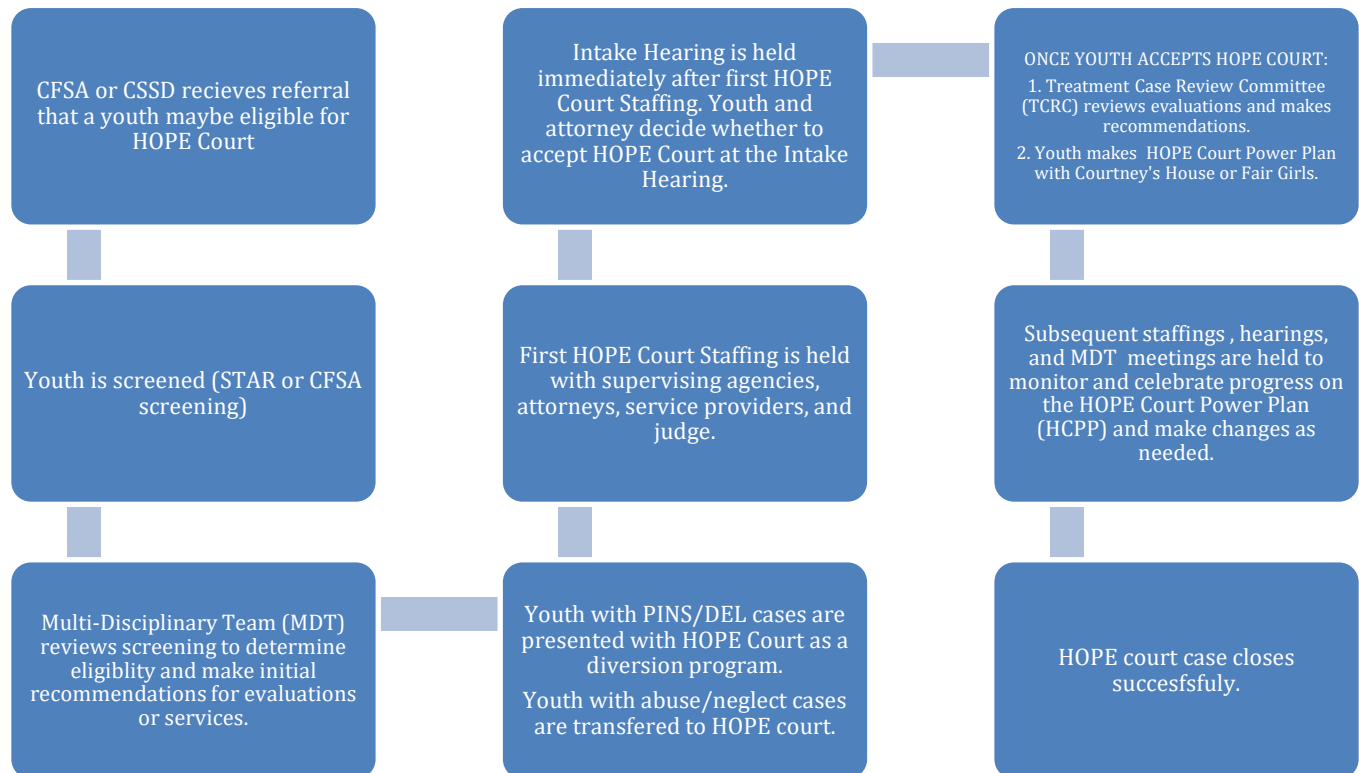
FACT SHEET: HOPE Court

In 2018, the DC Superior Court launched a specialized court in the family division that is designed to respond to the unique needs of youth who are identified as being at an increased risk of being sexually exploited. This court is called HOPE Court (**H**ere **O**pportunities **P**repare you for **E**xcellence).

What is HOPE Court?

- HOPE Court is a trauma informed court that follows a treatment-court philosophy. The goal of the court is to:
 - Enhance youth involvement in treatment planning and at court
 - Celebrate youth successes
 - Create an atmosphere where youth feel empowered to troubleshoot situations with their team
 - Ensure youth are supported by team members who are trained/educated on the unique needs, realities, and resilience of CSEC survivors
 - Foster faster connection to services
 - Improve communication and accountability amongst the youth's team members
- Any youth with a delinquency, PINS, or child abuse/neglect case is eligible to be considered for participation in HOPE court.

What is the typical life cycle of HOPE Court cases?



When is HOPE Court?

- HOPE Court cases have hearings and staffings on either Monday or Wednesday.
 - Staffings are 20 minute meetings for attorneys and professionals to review progress, discuss current issues, and establish accountability measures. Each youth's staffing occurs immediate prior to their hearing.
 - Hearings are approximately 30 minutes long and primarily focus on the youth. They are an opportunity for the youth to share their goals, give feedback on what is working for them, and suggest changes to their HOPE Court Power Plan.

What is Unique about HOPE Court cases?

- Celebrates youth success
- Incentivizes positive development
- Holds team members accountable
- Acknowledges abscondance as part of the process; monitors search efforts; and prepares for return
- Provides youth with PINS/ DEL cases a way to divert or dismiss their case or close their probation early
- Provides referrals to providers who have been trained on CSEC issues

Contact Information

- Cases related to PINS/Delinquency
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**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
FAMILY COURT
DIRECTIVE 2-2018**

HOPE Court: Protocol for Youth Involved with Child and Family Services Agency

On January 29, 2018, the D.C. Superior Court established the HOPE Court Calendar, in an effort to serve the significant number of juveniles who exhibit behaviors as a result of commercial sexual exploitation of children (CSEC). Many of these juveniles appear before judicial officers in the District of Columbia Superior Court's Family Court not only in the delinquency and persons in need of supervision (PINS) cases, but also in child welfare system matters.

The Child and Family Services Agency (CFSA) is responsible for receiving and responding to reports of child abuse and neglect. When necessary, CFSA may remove a child from his or her home, and the Office of the Attorney General Child Protection Sections, initiate a case in the Family Court through the filing of a petition. The Court, in its role of *parens patriae*, monitors the family with a focus on permanency planning to comply with federal law and the best interests of the child.

CFSA plays a unique role for CSEC involved youth because of their access to services and the relationship built between families and social workers. CFSA has an internal process for screening children for possible CSEC involvement. CFSA may be able to identify CSEC issues early on or throughout the life of a case. Given the particular needs of CSEC involved youth, HOPE Court provides an opportunity for tailored planning and services, to ultimately reduce CSEC involvement for youth in the child welfare system.

Accordingly, on April 24, 2018, it is directed that the following procedures and efforts are initiated for HOPE Court neglect and dual jacketed cases:

The HOPE Court shall be administered in accordance with the attached neglect protocol.

Courtney's House, Fair Girls, and other service providers as the HOPE Court may utilize, may receive otherwise confidential information so that they can participate in all phases of the HOPE Court program.

This directive shall take effect on April 30, 2018.



Carol Ann Dalton
Presiding Judge of the Family Court

Date: April 24, 2018

HOPE Court Protocol for Children in the Child Welfare System

I. Schedule

HOPE Court cases will be heard on Monday and Wednesday. For each case, the staffing will occur first, with the hearing immediately following. Neglect (NEG) cases will be scheduled on the alternate weeks from Person in Need of Supervision (PINS) and Delinquency (DEL) cases.

II. Referral Process

When a new NEG or existing NEG case is a confirmed¹ Commercial Sexual Exploitation of Children (CSEC) youth, the case will be referred to HOPE Court, post disposition. For existing cases with CSEC concerns, any party may make a request to the NEG Judge to transfer the case to HOPE Court. The NEG Judge may also initiate a transfer to HOPE Court. The Presiding Judge of the Family Court will issue a certification order within 14 days. Prior to entering HOPE Court, the NEG Judge may consider ordering any necessary evaluations recommended by Office of Well Being Case Review (OWB) or Multi-Disciplinary Team (MDT). The NEG case will be scheduled on the next available time on the HOPE Court (NEG) calendar. If there is more than one child in the NEG case, only the child with CSEC concerns will be certified to HOPE Court.

III. Office of Well Being Case Review

The Child and Family Services Agency (CFSA) has an internal process for assessing the CSEC risk level of any youth regardless of involvement with HOPE Court. The OWB Case Review occurs every Tuesday from 10 a.m. to 12 p.m. Meeting participants discuss CSEC concerns, risk levels, and make treatment and case recommendations.

Participants

The OWB Case Review participants are:

OWB Staff
CFSA Social Worker and Supervisor
Mental Health Providers and Professionals
Anti-Trafficking Organizations (e.g. Courtney's House)
Guardian ad litem
Department of Behavioral Health Coordinator
Other government agencies, as appropriate

¹ Confirmed is defined as 1) Disclosure by the youth; 2) Open MPD case; 3) Substantiated allegation of CSEC; or 4) CSEC expert identifies youth as CSEC Youth.

Purpose and Recommendations of OWB Case Reviews

OWB case reviews shall exchange information between service providers, discuss initiation of or barriers to services, link the youth to anti-trafficking organizations, discuss placement considerations, and the youth's safety. Referrals will be made to the MDT to alert those participants of the identified CSEC concerns to ensure collaborations amongst the stakeholders. CFSA and the Child Protection Sections CSEC AAG (CSEC AAG) will participate in MDT meetings to provide case updates and recommendations from the OWB Case Review.

IV. Multi-Disciplinary Team (MDT)

The MDT coordinates stakeholders from all agencies listed below to collaborate and exchange information related to youth with CSEC concerns. The MDT also refers youth to HOPE Court when appropriate.

Participants

The MDT participants are:

Office of the Attorney General (OAG) Child Protection Sections (CPS) and Juvenile Specialty Courts Unit
Child and Family Services Agency (CFSA)
Court Social Services Division (CSSD)/Child Guidance Clinic (CGC)
Department of Youth Rehabilitation Services (DYRS)
Children's National Medical Center (CNMC)
Metropolitan Police Department (MPD)
Department of Behavioral Health (DBH)
Safe Shores, Child Advocacy Center (CAC)
FAIR Girls
Courtney's House

Other government agencies, as appropriate

Frequency of MDT Meetings

The MDT will meet the 2nd and 4th Tuesday of every month. CFSA and the CSEC AAG will participate in both meetings to provide case updates and recommendations. On the 2nd Tuesday, participants will discuss HOPE Court referrals via a telephone conference, unless another method is decided upon. If the meeting is by telephone conference, then the participants will call (712) 770-4079 Passcode: 321934. On the 4th Tuesday of the month, participants will meet at the CAC, located at 429 O street NW, Washington D.C. 20001, unless another method or location is decided upon.

Emergency reviews can be scheduled as needed and will be conducted via telephone.

Recommendations

MDT participants will share information regarding the youth and any warning signs or potential involvement in CSEC. MDT recommendations may include, but are not limited to, a medical appointment, referral to a CSEC service provider, linkage to a Core Service Agency (CSA), forensic interview, substance abuse referral, and a mental health evaluation (psychological, psychiatric, or psycho-educational evaluations). Recommendations are disseminated to members of the MDT.

Agreeing to follow OWB or the MDT recommendations is not a requirement for entering HOPE Court. They are suggestions for getting services started before the initial intake hearing. Some youth will already be engaged in the recommended services. Upon entry into HOPE Court, the Sex Trafficking Assessment Review (STAR) may be administered with the assistance of the Child Guidance Clinic.

Legal Requirements

All youth with CSEC concerns with an open NEG case, are eligible for HOPE Court. A youth may be referred for consideration to HOPE Court throughout the pendency of the youth's NEG case. If the youth is part of a larger sibling set, only the youth with CSEC concerns will be referred to HOPE Court. All NEG/DEL and NEG/PINS cases will follow the legal requirements outlined in the Juvenile HOPE Court protocol.

V. Neglect/Delinquency Dual Jacket Cases

When a youth has an open delinquency and neglect case, CSSD will take the lead in reaching out to the parties and scheduling appointments. CFSA and CSSD will work together to ensure that the needs of the youth and their families are met and clear agency responsibilities and follow up will be established at the staffings. CFSA, however, will take the lead on permanency planning.

VI. Neglect/PINS Dual Jacket Cases

When a youth has an open PINS and neglect case, CFSA will take the lead in reaching out to the parties and scheduling appointments. CFSA and CSSD will work together to ensure that the needs of the youth and their families are met and clear agency responsibilities and follow up will be established at the staffing.

VII. Treatment Case Review Committee (TCRC)

Purpose and Structure

The Treatment Case Review Committee (TCRC) is a meeting that links the youth to a specific Core Service Agency (CSA) for the recommended services. The TCRC will meet every Thursday from 12:00 p.m. to 1:00 p.m. If updated evaluations are available, the NEG

social worker presents the youth to the committee and a recommendation for services will commence. If evaluations are pending, the TCRC will convene once the evaluations and reports are complete. The TCRC may occur several weeks into a youth's initial entry into HOPE Court depending on the frequency of abscondence and completion of evaluations. The TCRC Recommendations will be issued via email within two business days of the review. Once TCRC Recommendations are received, the NEG social worker shall submit the necessary therapeutic referrals. Please note, this meeting only occurs one time for each youth and the NEG social worker may participate in the TCRC via teleconference.

Participants

The TCRC participants are:

CGC

NEG Social Worker

DBH

Core Service Agency (CSA) services providers

Courtney's House or FAIR Girls

Other identified service providers as appropriate

VIII. HOPE Court Case Plan (HCCP)

The existing CFSA case plan is the initial Hope Court Case Plan (HCCP), which shall include the following: 1) recommendations from the OWB case review; 2) recommendations from the MDT; 3) goals established by the youth with the assigned anti-trafficking organization; 4) the youth's Goals Worksheet; and 5) recommendations from the TCRC. This plan will be fluid and can readily be added to or modified throughout the course of the case. The youth will be offered a variety of services and can select which service(s) will be most helpful to him or her. The plan shall include a mental health component. The youth will be highly encouraged to participate in at least one therapeutic component with the understanding that the level of the youth's engagement may vary throughout the pendency of the case.

IX. Case Staffings

Purpose and Structure

Case staffings will provide parties and case staffing participants an opportunity to review each youth's progress, discuss any current issues and concerns, and evaluate or re-evaluate existing accountability measures prior to the hearing. Case staffing participants will also agree on at least one positive accomplishment by the youth that they will provide to the judge at the hearing. Staffings streamline the hearings and allow the focus of the hearings to be a conversation between the youth and the court. Staffings are closed, confidential, and held off the record. Youth are not present at the staffings.

Participants at the staffings:

DBH and its providers
HOPE Court Program Coordinator
CSEC AAG
CFSA Social Worker
CSSD/Clinician, if applicable
GAL and Counsel for Youth, if applicable
Education Attorney, if assigned
Counsel for the Parents
JUV/PINs AAG, If appropriate
FAIR Girls and/or Courtney's House or Other Community Providers
HOPE Court Judge

Staffings will be scheduled for 20 minutes each and the parties are strongly encouraged to meet this timeframe. The parties will prioritize the HOPE Court staffings and hearings over other court obligations. It is encouraged that all parties participate in person. Parties unable to participate in person may call in as necessary.

Court Report

The CFSA social worker will send an interim court report to the judge and staffing participants within 24 hours prior to the scheduled staffing.

Staffing Form

The staffing form will serve as a guide for parties to discuss current information, urgent matters, and issues that need to be raised in the hearing. The staffing form will include any follow up assignments for staffing participants to accomplish prior to the hearing which will be scheduled during the hearing. The AAG participating in the staffing will update the form in real time and will distribute to the parties. The staffing form will become part of the case file.

X. Hearings

Intake Hearing

At the first hearing, the youth will be introduced to staffing participants and the HOPE Court Coordinator will provide an overview of the program. The HOPE Court Judge will explain the HCCP process and the youth will receive their personal Goals Worksheet.

The youth will complete the Goal Worksheet as soon as possible after the initial hearing. The youth will decide who they want to have help them complete the form (ex. GAL, social worker, or parent/foster parent). This form will be used when the social worker and youth are creating the case plan.

Each youth's HCCP is expected to vary, and ideally reflect the youth's individual life values, experiences, and expectations. Although a youth's stated goals may not be directly related to his or her behavioral health or CSEC service needs, the HOPE Court team will acknowledge each of the youth's strengths and assist him or her to incorporate the stated goals into the HOPE Court case plan.

Each youth should be given a HOPE Court Starter Pack which may include backpack, journal or notebook, calendar, pens, and stress ball.

The HOPE Court Judge shall also order the parents to participate in any additional services that are deemed necessary. In addition, the Court shall consider all statutory requirements under neglect (ex. placement, goal, reasonable efforts, and contrary to welfare).

Status Hearings

The youth will be invited to have a dialogue in court. The youth should be asked to update the court concerning what has gone well in the last review period and discuss any issues or concerns. Parents will be provided an opportunity to speak. The remaining parties and staffing participants will make any necessary representations on the record. The judge shall endeavor to conclude the hearing on a positive note. If a milestone has been reached, and it is appropriate and available, the judge will give the youth an incentive item.

The frequency of the hearings will be decided by the judge, after hearing the staffing participants' recommendation, on an individual basis, but will likely be held every two (2) to six (6) weeks. Status Hearings will not be held for youth in abscondence; however, regular staffings will continue until the youth returns.

The HOPE Court judge will address all other neglect matters regarding the youth in accordance with the Adoption and Safe Families Act of 1997, as amended and all relevant D.C. laws and rules governing abuse and neglect.

Evaluation of Progress

The youth will make good faith effort to engage in the selected services from the goal worksheet in conjunction with the HCCP. If a particular service is not a good fit for the youth, he or she will be given an opportunity to explain why and help propose an amendment to the HCCP. The HCCP can be evaluated and updated at any time. Once permanency is achieved, the CFSA social worker, the DBH Service Provider, and CSSD (if involved), in consultation with FAIR Girls and/or Courtney's House will develop the transition/after-care plan. The team will begin creating the transition/after-care plan shortly after the youth is engaged in HOPE Court. The CFSA social worker shall incorporate the transition/after-care plan in the youth and/or family case plan. The transition/after-care plan will be revised periodically and finalized prior to case closure. The CFSA social worker will update the case plans accordingly. The goal of the plan is to ensure that adequate supports and sustained progress will continue once the case is closed. The transition/after-care plan should be finalized and discussed within the final two to three HOPE Court staffings and hearings.

HOPE Court and the team members acknowledge that given the extent of trauma of the youth, participation in services and achievement of goals may vary. As such, the neglect matter will remain with the court until permanency is achieved; however, if the youth is consistently opposed to participating in HOPE Court, the youth's NEG case will be certified back to the NEG Judge.

XI. Case Closure

A case will close when permanency is achieved or when the youth turns 21 and ages out of care. Prior to achieving permanency and closing a case, the youth's goals and accomplishments will be acknowledged. The court may have a case closure hearing to celebrate as applicable to the achievements of the youth and permanency.

If a dual jacketed youth is unsuccessful in accordance with the HOPE Court Protocol for Person in Need of Supervision and Delinquency, the youth will remain in HOPE Court pursuant to the HOPE Court Protocol for Neglected Children.

XII. Overall Conceptual Framework – (See endnote)

XIII. Amendments

This Protocol may be amended by agreement of the affected agencies.

Overall Conceptual Framework

Process of Engagement	Description	Services Offered	Incentives	Conditions
Orientation	Youth decides goals; completes evaluations; learns about HOPE Court program; CFSA Family Group Conference/Family Team Meeting (if not already done); pre-enrollment work and services	Courtney's House, Fair Girls Trauma Focused-Cognitive Behavioral Therapy (TF-CBT) Community Based Intervention (CBI)	Rewards for: Improved Attendance Improved grades Extracurricular engagement or excellence	Curfew Frequency of Custody Order Request Attendance and Report Card
Service Connection	Youth helps develop and create the treatment plan with the multidisciplinary treatment team	Community Support Worker (CSW) Family Functional Therapy (FFT) Multi-systemic Therapy (MST)	Individualized milestone identified by the youth	Youth Transition Plan Engagement Mental Health Treatment
Action	Begins regularly attending and engaging in services or otherwise demonstrating stages of change; create transition plan as case closure approaches	Office of Youth Empowerment Services Grief Counseling Educational Advocate Placement Services Tutoring		Other requirements set by court

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
FAMILY COURT
DIRECTIVE 1-2018**

HOPE Court

In the District of Columbia, there are a significant number of juveniles who exhibit behaviors as a result of commercial sexual exploitation of children (CSEC). Many of these juveniles appear before judicial officers in the District of Columbia Superior Court's Family Court. Juveniles involved with CSEC are often at risk of re-entering the system, thus potentially increasing their contacts with the court. Recognizing the importance of reducing juvenile's CSEC involvement and in an effort to improve the juvenile's functioning in the home, school, and community came the development of Here Opportunities Prepare you for Excellence (HOPE) Court.

HOPE Court, with the support of the Office of the Attorney General for the District of Columbia, Department of Behavioral Health, Court Social Services Division, Child and Family Services Agency, Courtney's House, Fair Girls, Rights4Girls, the Public Defender Service, and representatives of the defense bar, will connect eligible and suitable juveniles and their parent, guardian, or custodian and intensely monitor engagement with services designed to reduce CSEC involvement and provide care and rehabilitation for delinquent and status offender youth.

Accordingly, as of January 29, 2018, it is directed that the following procedures and efforts are initiated for HOPE Court:

A HOPE Court calendar is established and matters will be heard by a judge with Juvenile Behavioral Diversion Program (JDBP) experience and training in CSEC, who currently presides over a JDBP calendar. All judges presiding over Family Court Calendars where juvenile matters are assigned may certify appropriate cases to the HOPE Court.

The HOPE Court shall be administered in accordance with the attached Protocol, which provides a detailed description of the program.

Courtney's House, Fair Girls, Rights4Girls, and other service providers as the HOPE Court may utilize, may receive otherwise confidential information so that they can participate in all phases of the HOPE Court program.

This directive shall take effect on January 29, 2018.



Carol Ann Dalton
Presiding Judge of the Family Court

Date: January 26, 2018

HOPE Court Protocol for Person in Need of Supervision and Delinquency Cases

I. Schedule

HOPE Court cases will be heard on Monday and Wednesday afternoons. Case staffings will occur in the morning from 9:00 am to 12:30 pm. Hearings will occur the same day as the case staffing. The hearings will be held from 1:30 pm to 4:00 pm. Person in Need of Supervision (PINS) and Delinquency (DEL) cases will be scheduled on alternate weeks from Neglect cases.

I. Referral Process (see corresponding flow chart)

When a new DEL or PINS case is initiated or an existing PINS or DEL case is identified as having Commercial Sexual Exploitation of Children (CSEC) concerns or red flags, Court Social Services Division's (CSSD) Child Guidance Clinic will administer the CSSD Sex Trafficking Assessment Review (STAR) screening tool.

If the youth scores MODERATE HIGH or HIGH on the STAR screening and/or if CSEC red flags are identified, the youth will be referred to the Multi-Disciplinary Team (MDT)¹ to determine eligibility for HOPE Court. If MDT finds the youth not eligible for HOPE Court or if the youth declines to participate in HOPE Court, he or she will remain assigned to his or her original calendar. A referral can be made by the Probation Officer (PO), counsel for youth, Assistant Attorney General (AAG), or a service provider. A referral shall be made on a referral form and emailed to hopereferrals@safeshores.org with a copy to hope.juvenile@dc.gov.

II. Multi-Disciplinary Team (MDT)

Participants

The MDT participants are:

Office of the Attorney General (OAG) Juvenile Specialty Courts Unit and Child Protection Section
Court Social Services Division (CSSD)/Child Guidance Clinic (CGC)
Child and Family Services Agency (CFSA)
Department of Youth Rehabilitative Services (DYRS)
Children's National Medical Center (CNMC)
Metropolitan Police Department (MPD)
Department of Behavioral Health (DBH)
Safe Shores, Child Advocacy Center (CAC)
FAIR Girls
Courtney's House
Rights4Girls

Other government agencies, as appropriate.

¹ See section III.

A previously assigned CSSD or CFSA worker may participate in the referral review for a youth for whom they were assigned.

Frequency of MDT Meetings

The MDT will meet the 2nd and 4th Tuesday of every month. On the 2nd Tuesday, participants will discuss HOPE Court referrals via a telephone conference, unless another method is decided upon. If the meeting is by telephone conference then the participants will call (712) 770-4079 Passcode: 321934. On the 4th Tuesday of the month, participants will meet at the CAC, located at 429 O street NW, Washington D.C. 20001, unless another method or location is decided upon.

Emergency reviews can be scheduled as needed and will be conducted via telephone. (e.g. To comply with the speedy trial act, a youth's case can be reviewed for HOPE Court on an emergency basis if the youth is detained.)

Eligibility and Recommendations

MDT participants will share information regarding the youth and any warning signs or potential involvement in CSEC. Youth who are known to be a victim of trafficking will be found eligible for admission to HOPE Court, as well as youth who are at a high risk of being trafficked. If eligibility is determined, a notification form will be completed by the OAG Juvenile Section MDT representative and sent to the assigned AAG. The assigned AAG will send it to the counsel for the youth. The notification form will include the eligibility decision, MDT recommendations, and a plea offer, if appropriate.

MDT recommendations may include, but are not limited to, a medical appointment, referral to a CSEC service provider, linkage to a Core Service Agency (CSA), forensic interview, substance abuse referral, and psychological, psychiatric, or psycho-educational evaluations.

If the youth is found ineligible for HOPE Court or, if the youth declines participation, that youth will remain on their assigned delinquency or PINS calendar. The youth may be reconsidered if additional CSEC concerns are raised. Participation in HOPE Court is voluntary.

Legal Requirements

All non-commitment PINS and DEL cases are eligible for HOPE Court. They may be admitted pre-plea, post-plea, or as a condition of probation. OAG has developed guidelines for pre and post plea cases. Each case will be examined individually by the AAG to determine if a plea offer is appropriate.

If the youth agrees to a plea, the assigned AAG will request an expedited hearing for the original calendar judge to take the plea and then certify the case to HOPE Court. The initial HOPE Court hearing will be scheduled for the next available day on the HOPE Court calendar. The DEL or PINS judge will consider ordering any necessary evaluations recommended by MDT and determine

conditions of release. The youth will sign a notice to return for their next hearing before the HOPE Court Judge.

OAG agrees that the youth's statements relating to this agreement and any statements made while the youth is in a pre-HOPE Court forensic interview or as part of HOPE Court will not be used against the youth except for impeachment purposes at trial in the related case or for perjury. This confidentiality provision is limited to use immunity. However, the youth could nevertheless be prosecuted for any offense that may be the subject of their statements by evidence that is already known to OAG, through investigations based upon derivative use of the statements, or from any other independently obtained evidence.

III. Delinquency/Neglect Dual Jacket Supervision

When a youth has an open delinquency and neglect case, CSSD will take the lead in reaching out to the parties and scheduling appointments. CSSD and CFSA will work together to ensure that the needs of the youth and their families are met and clear agency responsibilities and follow up will be established at the staffings. CFSA, however, will take the lead on permanency planning.

IV. Neglect/PINS Dual Jacket Supervision

When a youth has an open PINS and neglect case, CFSA will take the lead in reaching out to the parties and scheduling appointments. CSSD and CFSA will work together to ensure that the needs of the youth and their families are met and clear agency responsibilities and follow up will be established at the staffings.

V. Treatment Case Review Committee – (TCRC)

Once a youth has agreed to participate in HOPE Court, OAG will notify the TCRC. If up to date evaluations are available, the youth will be scheduled for the next TCRC meeting and recommendations for services will commence. If evaluations are pending, the TCRC will convene once the evaluations and reports are complete. TCRC will meet every Thursday from 12:00 pm to 1:00 pm, unless another day or time is agreed upon.

TCRC Participants include:

CSSD/CGC

DBH

Core Service Agency (CSA) services providers

FAIR Girls and/or Courtney's House

Other identified service providers as appropriate.

The TCRC Recommendations will be issued to the youth's lawyer and assigned AAG via email within 2 business days of the review. Once TCRC recommendations are received, a Family Group Conference (FGC) will be convened by CSSD to include a CSA, if assigned, and CFSA, if appropriate. If a CSA has not yet been assigned, the DBH will assist with enrollment. At the FGC, recommendations from the TCRC and the youth's Goals Worksheet should be combined to create

the HOPE Court Service Plan. Note that the development of the HOPE Court Service Plan may occur several weeks into a youth's initial entry into HOPE Court depending on abscondences, whether evaluations are being completed, or other factors.

VI. HOPE Court Power Plan (HCPP)

The HCPP will be created in a FGC and shall include the youth's input. This plan will be fluid and can readily be added to or modified throughout the course of the case. The youth will be offered a variety of services and can select which service(s) will be most helpful to him or her. The plan is created by combining the TCRC's recommendations and the youth's Goals Worksheet. The plan shall include a mental health component.

VII. Case Staffings

Purpose and Structure

Case staffings will provide parties and case staffing participants an opportunity to review each youth's progress, discuss any current issues and concerns, and evaluate or re-evaluate existing accountability measures prior to the hearing. Case staffing participants will also agree on at least one positive accomplishment by the youth that they will provide to the judge to mention at the hearing. Staffings streamline the hearings and allow the focus of the hearings to be a conversation between the youth and the court. Staffings are closed and confidential proceedings. Youth are not present at the staffings.

Participants at the staffings:

DBH and its providers
HOPE Court Program Coordinator
CSSD/Clinician
Counsel for youth
Education Attorney, if assigned
OAG
FAIR Girls and/or Courtney's House
CFSA Social Worker and CPS AAG, if CFSA involvement
HOPE Court Judge.

Staffings will be scheduled for 20 minutes each and the parties will endeavor to meet this timeframe. The parties will avoid other conflicts during HOPE Court scheduled staffings. It is encouraged that all parties participate in person. Parties unable to participate in person may call in.

Court Report

CSSD will send the court reports to the judge and staffing participants, with a copy to hope.juvenile@dc.gov, 24 hours prior to the scheduled staffing.

Staffing Form

The staffing form will serve as a guide for parties to discuss current information, urgent matters, and issues that need to be raised in the hearing. The staffing form will include any follow up assignments for staffing participants to accomplish prior to the hearing which will be scheduled at that afternoon's hearing. The AAG participating in the staffing will update the form in real time and send a copy to the court room clerk to distribute to the parties at the hearing that afternoon. The staffing form will become part of the court file.

VIII. Hearings

Intake Hearing

At the first hearing, the youth will be introduced to staffing participants and be provided an overview of the program. The youth will review and complete the contract with his or her attorney. The court will explain the HCPP process and the youth will receive their personal Goal Worksheet.

The youth will complete the worksheet prior to the next scheduled hearing. The youth will decide who they want to have help them complete the form (ex. PO, SW, Attorney). This form will be used in conjunction with the TCRC's recommendation when the youth and team create the Service Plan.

Each youth's HCPP is expected to vary, and ideally reflect the youth's individual life values, experiences, and desires. Although a youth's stated goals may not be directly related to his or her behavioral health or CSEC service needs, the HOPE Court team will acknowledge each of the youth's assets and assist him or her to incorporate the stated goals into the HOPE Court service plan.

Each youth should be given a HOPE Court Starter Pack which may include backpack, journal or notebook, calendar, pens, and stress ball.

The court should consider issuing a Parent Participation Order (PPO). In addition, any required evaluations and conditions of release should be ordered.

Status Hearings

Format

The youth will be invited to have a dialogue in court. The youth should be asked to update the court concerning what has gone well in the last review period and discuss any issues or concerns. Parents will be provided an opportunity to speak. The remaining parties and staffing participants will make any necessary representations on the record. The judge shall endeavor to conclude the hearing on a positive note. If a milestone has been reached, and it is appropriate and available, the judge will give the youth an incentive item.

The frequency of the hearings will be decided by the judge, after hearing the staffing participants' recommendation, on an individual basis, but will likely be held every two (2) to six (6) weeks.

Evaluation of Progress

The youth will begin the selected services and make good faith efforts to engage with them. If a particular service is not a good fit for the youth, he or she will be given an opportunity to explain why and help propose an amendment to the HCPP. The HCPP can be evaluated and updated at any time. FAIR Girls and/or Courtney's House and the DBH Service Provider will help develop the transition/after-care plan in consultation with CSSD and CFSA, if appropriate. They will begin creating the transition/after-care plan shortly after the youth is engaged in HOPE Court. The transition/after-care plan will be revised periodically and finalized prior to case closure. The goal of the plan is to ensure that adequate supports and sustained progress will continue once the case is closed. The transition/after-care plan should be finalized and discussed within the final 2 to 3 HOPE Court staffings and hearings.

Incentives to Acknowledge Milestones

Incentives are not completely tied to behavior and compliance with services and/or conditions of release. Rather incentives are given when goals and major milestones are achieved to incentivize the youth's development and provide for accountability. Incentives may include certificates (noting accomplishments/milestones), books, movie tickets, gift cards, or other items available to the court.

IX. Case Closure

Prior to closing a case the youth's goals and accomplishments should be evaluated. Success in the program is measured by compliance with supervision, reduction of recidivism, and demonstration of a good faith engagement in services, including human trafficking related services provided to empower youth. Non-success occurs when the judge determines that a youth either consistently fails to make a good faith effort to participate in the treatment and therapeutic activities agreed upon in the HCPP or fails to meet their court ordered obligations such that it is unlikely that HOPE Court will rehabilitate the youth for the charged offense.²

Case Resolution

Youth entering the program Pre-Plea – Upon successful completion of the program OAG will dismiss the case pursuant to Juvenile Rule 48(a).

Youth entering the program Post-Plea – Upon successful completion of the program the defense will move the court to permit the plea to be withdrawn and OAG will dismiss the case pursuant to Juvenile Rule 48(a).

Youth entering the program as a Condition of Probation – Upon successful completion of the program CSSD may close the case early pursuant to D.C. Code § 16-2322 (a)(3) assuming that the statutory requirements have been met.

² It is expected that participating HOPE Court youth may have challenges including, participation in court and with services providers. As a victim centered program, the HOPE Court stakeholders will take this into consideration prior to considering certifying the youth's case back to their previous calendar judge.

Youth who are not successful in the HOPE Court may, after a hearing commenced on OAG motion or *sua sponte* by the court, be certified back to their previous calendar.

Graduation

The youth should be given graduation gift(s), court certificate, and a letter from OAG. Graduations will be celebrated in court on an individual basis.

X. Overall Conceptual Framework – (See endnote)

XI. Amendments

This Protocol may be amended by agreement of the affected agencies.

Overall Conceptual Framework

Non-linear Phase	Description	Services Offered	Incentives	Conditions
Orientation	Youth decides goals; completes evaluations; learns about HOPE court program; CSSD Family Group Conference (if not already done); pre-contemplative work and services	Courtney's House Fair Girls Trauma Focused-Cognitive Behavioral Therapy (TF-CBT) Community Based Intervention (CBI)	Rewards for: Improved Attendance Improved grades Extracurricular engagement or excellence	Curfew Frequency of PO visits Attendance Card Balance and Restorative Justice Drop-In Center (BARJ)
Service Connection	Youth helps develop and create the treatment plan with the multidisciplinary treatment team	Community Support Worker (CSW) Family Functional Therapy (FFT)	Individualized milestone important to the youth	Electronic Monitoring
Action	Begins regularly attending and engaging in services or otherwise demonstrating; create transition plan as graduation approaches	Multisystemic Therapy (MST) Grief Counseling Educational Advocate Credible Messenger Mentoring Tutoring Workforce Development		Mental Health Treatment Other requirements set by court