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|  | GEORGIA DIVISION OF FAMILY AND CHILDREN SERVICES CHILD WELFARE POLICY MANUAL | | | |
| | Chapter: | (20) Special Circumstances | Effective Date: | March 2023 |
| | Policy Title: | Short Term Emergency Care (Human Trafficking) | | |
| Policy Number: | 20.9 | Previous Policy #: | 5.13 | |

CODES/REFERENCES

O.C.G.A. § 15-11-130 Emergency Care and Supervision of Child Without Court Order; Immunity
O.C.G.A. § 15-11-130.1 Referral to Victim Assistance Organizations of Child Suspected of Being a Victim of Sexual Exploitation or Trafficking
O.C.G.A. §16-12-100 Sexual Exploitation of Children; Reporting Violation; Forfeiture; Penalties
O.C.G.A. § 19-7-5 Reporting of Child Abuse and Neglect
O.C.G.A. § 49-5-8 Powers and Duties of the Department
O.C.G.A. § 49-5-40 Definitions; Confidentiality of Records; Restricted Access to Records
O.C.G.A. § 49-5-41 Persons and Agencies Permitted to Access Records
Public Law (PL) 104-191 Health Insurance Portability and Accountability Act (HIPAA) of 1996
PL 113-183 Preventing Sex Trafficking and Strengthening Families Act of 2014

REQUIREMENTS

The Division of Family and Children Services (DFCS) shall:

1. At its discretion, provide emergency care and supervision to a child without seeking a court order for a period not to exceed seven calendar days when the child is a victim of human trafficking (labor or sexual servitude) and one or more of the following circumstances apply:
 - a. The child’s legal residence is outside of Georgia and contact with the state’s child welfare agency will be or has been initiated for transfer of custody or contact has been made with the legal custodian(s) to regain physical custody of the child.
 - b. The child is a national of another country (someone other than a U.S. citizen or U.S. permanent or temporary legal resident alien) and contact will be initiated with the consulate where the child has citizenship to facilitate the child’s return to his/her country of origin.
 - c. There is concern that the child will return to the human trafficking situation and a secure facility is required and will be available within seven calendar days.
2. Obtain approval from the County Director/Designee to accept a STEC.
3. Execute the STEC using the Emergency Care and Supervision of Child Without a Court Order (Authorization).
4. Allow the legal custodian to designate a caregiver to assume care and supervision of the child, at any time during the seven calendar days STEC (Human Trafficking) period.
5. Refer the child to an available victim assistance organization, as certified by the Criminal Justice Coordinating Council for comprehensive trauma-informed services to address sexual exploitation or trafficking for labor or sexual servitude.
6. Immediately contact the legal custodian or agency to facilitate the transfer of custody of the child.

7. Complete a diligent search to identify and locate persons who may be considered as a placement for the child while the child is in foster care (see policy [19.20 Case Management: Diligent Search](#)).
8. Conduct an investigation in accordance with policy [5.1 Investigations: Conducting an Investigation](#).
NOTE: Human trafficking is a form of maltreatment, therefore an investigation must be conducted within the Special Circumstance Short Term Emergency Care (Human Trafficking) unless there is an active or previously conducted investigation concerning the human trafficking allegations.
9. Terminate the STEC (Human Trafficking) agreement within seven calendar days of executing the STEC via the Emergency Care and Supervision of Child Without a Court Order (Termination) form, when:
 - a. The legal custodian or designated caregiver is able to assume care and supervision of the child; or
 - b. DFCS obtained temporary legal custody of the child through Juvenile Court.
10. Release the child to the person having custody at the time the STEC (Human Trafficking) agreement was executed or the designated caregiver (person or facility), at any time during the seven calendar days and upon terminating the STEC agreement.
11. Initiate legal intervention seeking temporary legal custody of the child through Juvenile Court when:
 - c. The legal custodian or the designated caregiver is unable to assume care for the child prior to the expiration of the seven calendar days STEC period (see policy [17.1 Legal: The Juvenile Court Process](#)); and/or
 - d. DFCS determined that there is an issue of child abuse.
12. Adhere to Health Insurance Portability and Accountability Act and confidentiality provisions outlined in policies [2.5 Information Management: Health Insurance Portability and Accountability Act \(HIPAA\)](#) and [2.6 Information Management: Confidentiality/Safeguarding Information](#).
13. Document case activities in Georgia SHINES within 72 hours of the occurrence.
14. Work in conjunction with the parent to contact the National Center for Missing and Exploited Children (NCMEC) to report the child has been located when a missing person report was filed with the NCMEC (see policy [19.22 Case Management: Missing Children](#)).
15. Complete the Special Circumstance Short Term Emergency Care (Human Trafficking) within 45 calendar days of the receipt of the intake report.
16. Immediately report any new, known, or suspected instances of child abuse to the CPS Intake Communications Center (CICC) as outlined in policy [3.24 Intake: Mandated Reporters](#).

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| <h2>PROCEDURES</h2> |
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The SSCM will:

1. Participate in a supervisor staffing:
 - a. Discuss the human trafficking situation (Labor or Sexual Servitude).
 - b. Confirm the request meets the criteria for a STEC (Human Trafficking).
 - c. Determine if there an active or completed child protective services (CPS) investigation concerning the current allegations of human trafficking.
 - d. Discuss the parents' role in the human trafficking.

- e. Discuss if a secure facility has been selected for the child.
 - f. Explore next steps.
2. Contact the reporter for clarification and/or additional information, as needed.
 3. Arrange for language assistance (interpreter and/or translation services) for individuals identified as limited English proficient (LEP) and auxiliary aids for sensory impaired individuals in accordance with policy [1.4 Administration: Non-Discriminatory Child Welfare Practices](#).
 4. Explain to the legal custodian and/or requestor (as applicable):
 - a. DFCS' obligation to maintain confidentiality and safeguard information to prevent unauthorized disclosure:
 - i. Personal information provided during STEC will be kept confidential (see policy [2.6 Information Management: Confidentiality/Safeguarding Information](#)).
 - ii. DFCS cannot share protected health information (PHI) with any person, agency, or contractor without prior written authorization from the owner of the PHI, unless otherwise permitted by law. Provide a copy of the HIPAA Notice of Privacy Practices and obtain signature(s) (see policy [2.5 Information Management: Health Insurance Portability and Accountability Act \(HIPAA\)](#)).
 - iii. The type of information that will be maintained in the DFCS case record and of the information that can and cannot be released to the parent/guardian upon request. Provide a copy of the Notice of Case Record Information Available to Parents/Guardians and obtain signatures (see policy [2.10 Information Management: JJ v Ledbetter Parent or Guardian Request for Information](#)).
 - b. The parameters of the STEC (Human Trafficking) agreement:
 - i. DFCS is allowed to provide emergency care and supervision to any child without seeking a court order when the child is a victim of human trafficking (labor or sexual servitude).
 - ii. STEC must be terminated within seven calendar days;
 - iii. At any time during the seven calendar days, allows the authorization of a designated caregiver to provide care and supervision to the child, permitting DFCS to release the child to the designated caregiver; and
 - iv. DFCS is required to seek temporary legal custody of the child through Juvenile Court if the legal custodian or designated facility does not assume custody of the child within seven calendar days.
 - c. Develop a plan with the legal custodian to regain physical custody of the child or transfer the child to a secure facility within the seven calendar days, as applicable. If the child will be entering a secure facility, obtain the facility information and verify the arrangement prior to executing the STEC (Human Trafficking) agreement.
 - d. Request the legal custodian complete an Authorization for Release of Information (ROI) when it is necessary in accordance with policy [2.6 Information Management: Confidentiality/ Safeguarding Information](#).
 - e. Gather information about each child:
 - i. Demographic information (name, date of birth, social security number)
 - ii. Any medical conditions or allergies, including any that require immediate attention
 - iii. Any medication(s) the child is taking

- iv. Health insurance coverage and plan information
 - v. Where the child attends school
 - vi. State of legal residence or country of origin
5. Interview the individuals who provided emergency aid to the child (i.e., emergency medical technician (EMT), law enforcement, or healthcare professionals) or who may have additional well-being information.
 6. Interview and observe each child to assess health and general well-being, including:
 - a. Any medical conditions or allergies, including any that require immediate attention
 - b. Medication(s) taken
 - c. Any health insurance coverage and plan information
 - d. For school age, what school does he/she attend
 - e. Their understanding of the situation
 - f. Any kin who can provide care and supervision
 7. Consult with the SSS and discuss the information gathered:
 - a. Confirm the request meets STEC (Human Trafficking) criteria
 - b. Discuss the plan to ensure care and supervision for each child within seven calendar days.
 - c. Discuss the assessment of the general well-being and health of each child.
 - d. Discuss services that can support the family.
 - e. Determine next steps.
 8. Obtain approval from the County Director/Designee to initiate a STEC (Human Trafficking) agreement.
 9. Execute the STEC (Human Trafficking) agreement by completing the Emergency Care and Supervision of Child Without a Court Order (Authorization) form:
 - a. Document the information on any designated caregiver (person or facility).
 - b. Obtain the signatures of the legal custodian (if applicable), witness, and County Director/Designee.
 - c. Provide a copy of the fully executed Emergency Care and Supervision of Child Without a Court Order (Authorization) form to the legal custodian.
 10. Document the STEC (Human Trafficking) in Georgia SHINES:
 - a. Upload the executed Emergency Care and Supervision of Child Without a Court Order (Authorization) into External Documentation.
 - b. Complete the Custody Tab generating the FCC stage.
 11. Arrange for a placement in accordance with policy [10.1 Foster Care: Placement of a Child](#).
 12. Participate in the case transfer process in accordance policy [19.4 Case Management: Case Transfer](#).
 13. Obtain a medical evaluation for the child in accordance with the Human Trafficking Statewide Case Management Protocol.
 14. Arrange individualized services to address the identified needs, including referring the child to an available victim assistance organization in accordance with policy [19.17 Case Management: Service Provision](#).
 15. Immediately (24 hours) contact the following (as applicable) to facilitate the transfer of custody of the child within seven calendar days:
 - a. Legal custodian
 - b. The child welfare agency in the state of the child's legal residence
 - c. Designated secure facility
 - d. The consulate where the child has citizenship if the child is a foreign national in

- accordance with policy [10.17 Foster Care: Service Needs of an Immigrant Child](#).
16. Conduct an investigation in accordance with policy [5.1 Investigations: Conducting an Investigation](#) into the human trafficking allegations.
 17. Terminate the STEC (Human Trafficking) agreement using the Emergency Care and Supervision of Child Without a Court Order (Termination) form:
 - a. If the child will be released to the legal custodian:
 - i. Have the legal custodian complete the Release to Physical and Legal Custodian section of the Emergency Care and Supervision of Child Without a Court Order (Termination) form.
 - ii. Release the child to the person having custody at the time the STEC agreement was executed.
 - b. If the child will be released to a designated caregiver (person or facility) or child welfare agency in the state of the child's legal residence:
 - i. In conjunction with the designated caregiver or child welfare representative, complete the Authorize Release to Designated Caregiver (Person or Facility) section of the Emergency Care and Supervision of Child Without a Court Order (Termination) form.
 - ii. Obtain a copy of the designated caregivers or child welfare representative's picture identification.
 - iii. Immediately notify the legal custodian of the transfer of custody to the designated caregiver or child welfare agency.
 - c. Provide a copy of the executed Emergency Care and Supervision of Child Without a Court Order (Termination).
 - d. Upload the executed Emergency Care and Supervision of Child Without a Court Order (Termination) form to Georgia SHINES External Documentation.
NOTE: This may be completed by the permanency SSCM.
 18. Submit the Special Circumstance Short Term Emergency Care (Human Trafficking) to the SSS for approval within 45 calendar days from the receipt of the intake report.
 19. Close the foster care case in Georgia SHINES in accordance with policy [10.26 Foster Care: Case Closure](#) when the child was released to the legal custodian, designated caregiver, or child welfare agency in the state of the child's legal residence.
NOTE: This may be completed by the permanency SSCM.

The SSS will:

1. Conduct a staffing with the SSCM prior to the initial contact to:
 - a. Discuss the human trafficking situation (labor or sexual servitude).
 - b. Confirm the request meets the criteria for a STEC (Human Trafficking).
 - c. Determine if there an active or completed child protective services (CPS) investigation concerning the current allegations of human trafficking.
 - d. Discuss the parent(s) role in the human trafficking.
 - e. Discuss if a secure facility has been selected for the child.
 - f. Explore next steps.
2. Document the supervisor staffing in Georgia SHINES within 72 hours of occurrence (see policy [19.6 Case Management: Supervisor Staffing](#)).
3. Oversee the execution of the STEC (Human Trafficking) agreement:
 - a. Ensure approval is obtained from the County Director/Designee.
 - b. Review the Emergency Care and Supervision of Child Without a Court Order

- (Authorization) form for accuracy.
- c. Verify the STEC (Human Trafficking) is documented in Georgia SHINES.
 - i. The executed Emergency Care and Supervision of Child Without a Court Order (Authorization) is uploaded to External Documentation.
 - ii. The Custody Tab in is completed generating the FCC stage.
 - iii. Review and approve Legal Actions
 4. Assist the SSCM in arranging a placement for the child in accordance with policy [10.1 Foster Care: Placement of a Child](#).
 5. Ensure immediate contact is established the following (as applicable) to expedite the transfer of custody:
 - a. Legal custodian
 - b. Child welfare agency in the state of the child’s legal residence
 - c. Designated secure facility
 - d. Consulate where the child has citizenship if the child is a foreign national in accordance with policy [10.17 Foster Care: Service Needs of an Immigrant Child](#).
 6. Ensure an investigation is conducted as outlined in policy [5.1 Investigations: Conducting an Investigation](#) into the allegations of human trafficking.
 7. Ensure the SSCM working in accordance with the Human Trafficking Statewide Case Management Protocol.
 8. Participate in the case transfer process in accordance with policy [19.4 Case Management: Case Transfer](#).
 9. Ensure the STEC (Human Trafficking) agreement is terminated, within the seven calendar days:
 - a. Ensure child is immediately released to the person having custody at the time the STEC agreement was executed, designated caregiver (person or facility), or child welfare agency in the state of the child’s legal residence.
 - b. Review the Emergency Care and Supervision of Child Without a Court Order (Termination) form for accuracy.
 - c. Verify the STEC (Human Trafficking) termination is documented in Georgia SHINES.
 - i. The Emergency Care and Supervision of Child Without a Court Order (Termination) is uploaded to External Documentation.
 - ii. Review and approve Legal Actions

NOTE: This step may be completed by the permanency SSS.
 10. Ensure legal intervention is initiated seeking temporary legal custody of the child through Juvenile Court when the legal custodian or designated caregiver is unable to assume care for the child prior to expiration of the seven calendar days STEC period or there is an issue of child abuse (see policy [17.1 Legal: The Juvenile Court Process](#)).
 11. Review the submitted Special Circumstance Short Term Emergency (Human Trafficking) and make an approval decision in Georgia SHINES within 45 calendar days of receipt of the intake report.
 12. Close the foster care case in Georgia SHINES in accordance with policy [10.26 Foster Care: Case Closure](#). when the child was released to the legal custodian, designated caregiver, or child welfare agency in the state of the child’s legal residence.

NOTE: This will be completed by the permanency SSS.

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| PRACTICE GUIDANCE |
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DFCS is legally authorized to provide emergency care and supervision to any child without

seeking a court order for a period not to exceed seven calendar days when the child is a victim of human trafficking (labor or sexual servitude) and one or more of the following circumstances apply:

1. The child's legal residence is outside of Georgia and contact with the state's child welfare agency will be or has been initiated for transfer of custody or contact has been made with the parent(s) to regain physical custody of the child.
2. The child is a national of another country (someone other than a U.S. citizen or U.S. permanent or temporary legal resident alien) and contact will be initiated with the consulate where the child has citizenship to facilitate the child's return to his/her country of origin.
3. There is concern that the child will return to the human trafficking situation and a secure facility is required and will be available within seven calendar days.

Any person who has knowledge of the human trafficking and has reason to believe it's true can make a request for STEC (Human Trafficking). However, prior to executing a STEC (Human Trafficking) DFCS must determine the circumstances meet the criteria for a Special Circumstance STEC (Human Trafficking). Human trafficking is a form of maltreatment; therefore, an investigation must be conducted within the Special Circumstance Short Term Emergency Care (Human Trafficking) unless there is an active or previously conducted investigation concerning the human trafficking allegations. The investigation is not required to be concluded or substantiated to determine the child is a human trafficking victim; the child's or law enforcement's confirmation is sufficient to qualify the child as a victim for the purposes of STEC (Human Trafficking).

Once executed, the STEC (Human Trafficking) agreement gives DFCS the same rights and powers regarding the child as the parent, including the authority to consent to medical care. At any point, during the even calendar day STEC period, the legal custodian may authorize a designated caregiver. A designated caregiver is a person or facility who will assume care and supervision of the child. The legal custodian may designate whomever he/she wishes as a caregiver of the child. The child can be released to the person having custody at the time the child was taken into DFCS custody or the designated caregiver, at any time during the seven days STEC period. Upon releasing the child terminate the STEC (Human Trafficking) agreement by completing the Emergency Care and Supervision of a Child Without a Court Order (Termination) form to relieve DFCS of custody and all responsibility for the child.

When the parent(s), designated caregiver (person or facility), or child welfare agency in the state of the child's legal residence is unable to assume care and supervision of the child within seven calendar days of executing STEC (Human Trafficking) agreement, DFCS is required to file a dependency petition in Juvenile Court seeking temporary legal custody of the child (see policy [17.1 Legal: The Juvenile Court Process](#)).

STEC Human Trafficking/Child is a Resident of Another State

When DFCS accepts a STEC (Human Trafficking) when the child is residence of another state contact should immediately be made with the state's child welfare agency to arrange for the transfer of custody or with the child's parents to regain physical custody of the child.

STEC Human Trafficking/Child is a Foreign National of Another Country

When DFCS accepts a STEC (Human Trafficking) when the child is a foreign national contact

should immediately be made with the consulate where the child has citizenship in accordance with policy [10.17 Foster Care: Service Needs of an Immigrant Child](#) to arrange for the transfer of custody to repatriate the child.

STEC Human Trafficking/ Secure Facility Required

For DFCS to accept a STEC (Human Trafficking) request when there is concern that the child will return to the human trafficking situation, the designated caregiver must be a secure facility where the child has a confirmed acceptance or is expected to be enrolled within seven calendar days. However, at any time during the seven calendar days the legal custodian can request the child be returned to him/her or to a designated caregiver (person of facility). During the seven days, actively work with the parent in accordance with the Human Trafficking Case Management Statewide Protocol to enroll the child in the designated secure facility.

FORMS AND TOOLS

[Emergency Care and Supervision of Child Without a Court Order \(Authorization\)](#)
[Emergency Care and Supervision of Child Without a Court Order \(Authorization\) \(Spanish\)](#)
[Emergency Care and Supervision of Child Without a Court Order \(Termination\)](#)
[Emergency Care and Supervision of Child Without a Court Order \(Termination\) \(Spanish\)](#)
[Human Trafficking Case Management Statewide Protocol](#)
[Notice of Case Record Information Available to Parents/Guardians](#)
[Notice of Case Record Information Available to Parents/Guardians \(Spanish\)](#)
[Notice of Privacy Practices](#)
[Notice of Privacy Practices \(Spanish\)](#)