



Office of Children and Family Services

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Informational Letter

Transmittal:	17-OCFS-INF-09
To:	Commissioners of Social Services Executive Directors of Voluntary Authorized Agencies
Issuing Division/Office:	CWCS – Bureau of Vulnerable Populations
Date:	December 21, 2017
Subject:	Changes to the OCFS-3922 Law Enforcement Report of a Child Sex Trafficking Victim Form
Suggested Distribution:	Directors of Social Services Child Protective and Preventive Services Supervisors Child Welfare Supervisors Foster Care and Adoption Supervisors Staff Development Coordinators CONNECTIONS Implementation Coordinators Directors of CMSOs and DJJOY facilities
Contact Person(s):	Any questions concerning this release should be directed to HumanTrafficking@ocfs.ny.gov or (518) 474-4110.
Attachments:	Attachment 1: <i>OCFS-3922 Law Enforcement Report of a Child Sex Trafficking Victim Form (7/2017)</i>

Filing References, if applicable (*check on these –be sure that are correct and there are no typos*)

Previous ADMs/INFs	Releases Cancelled	NYS Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
15-OCFS-ADM-16		18 NYCRR 431.8(b)(3)(iii)	22 U.S.C. §7102 42 U.S.C. §§671 – 679b P.L. 113-183		

I. Purpose

The purpose of this New York State Office of Children and Family Services (OCFS) Informational Letter (INF) is to inform local departments of social services (LDSSs) and voluntary authorized agencies (VAs) of changes to form OCFS-3922 attached to the *Requirements to Identify, Document, Report, and Provide Services to Child Sex Trafficking Victims* policy ([15-OCFS-ADM-16](#)). The OCFS-3922 *Law Enforcement Report of a Child Sex Trafficking Victim* form is required under 15-OCFS-ADM-16 paragraph IV when identification of a child sex trafficking has been determined and no known law enforcement involvement in the trafficking case is known. This form has been updated to reflect changes to clarify procedure developed in partnership with the New York State Police and the New York City Police Department. The new form went into effect October 1, 2017.

II. Background

On September 29, 2014, President Obama signed the Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183) [hereinafter referred to as the “Act”] into law, which amended various provisions of Title IV - E of the Social Security Act (SSA). The Act has two primary purposes – to protect at-risk children and youth and prevent them from becoming victims of sex trafficking; and to improve the safety, permanency outcomes, and well-being of children and youth involved with the child welfare system. Among other provisions, the Act requires that policies, procedures, and tools for identification, documentation, and response to child victims of sex trafficking, or those at risk of becoming victims, be developed. In response to the Act, OCFS issued [15-OCFS-ADM-16](#). For more information on the basic provisions of the Act, please see [15-OCFS-INF-03](#).

III. Program Implications

The law enforcement notification form has been updated to provide clarity and to capture information that supports an efficient and appropriate response from law enforcement. A summary of these changes is provided below:

1. **Page 1** includes four questions to help workers determine whether submission of form OCFS-3922 is necessary.
 - a. Question 1 identifies the child as a youth under age 21 in families with open child welfare and juvenile justice cases, including CPS investigations, foster care placements, FAR supports, etc. It does not include youth in detention or Runaway Homeless Youth programs, unless there is additional involvement in child welfare or juvenile justice as defined in [15-OCFS-ADM-16](#).
 - b. Question 2 asks whether the youth is currently absent from care. This form is not to be used to notify law enforcement of a missing person; those reports are made to local police precincts and must be made in accordance with *Protocols and Procedures for Locating and Responding to Children and Youth Missing From Foster Care and Non-Foster Care*

([16-OCFS-ADM-09](#)). However, a youth who is absent from care should still be reported to law enforcement if he or she is known to be a victim as defined in [15-OCFS-ADM-16](#).

- c. Question 3 asks about the criteria listed on form [OCFS-3920](#) that are used to make an identification of a victim. This will confirm the notification to law enforcement, which is required and provides law enforcement with additional information about the youth's victimization.
- d. Question 4 is designed to identify whether a law enforcement agency with investigative responsibility is already involved in the youth's case to respond to the youth's trafficking victimization. Such agencies may include:
 - local law enforcement;
 - state law enforcement;
 - federal law enforcement;
 - law enforcement connected to a Child Advocacy Center or Multi-Disciplinary Team (CAC/MDT); or
 - Department of Labor investigators.

It does **not** include:

- probation departments; and
- law enforcement involvement where the youth is considered an alleged perpetrator.

If each of the four questions is answered in a way that meets the requirements outlined in [15-OCFS-ADM-16](#), complete the remainder of the form and submit the form as specified in the Next Steps section on the last page of the form.

2. **Pages 2 and 3** contain four sections providing the detailed information needed by law enforcement: Youth Information, Trafficking Situation, Person Completing This Form, and Next Steps. Changes in these sections are summarized as follows:

a. Youth Information:

- i. Basic identifying and demographic information is collected. Additional options for the youth's gender are included.
- ii. Additional fields are added to capture relevant detail about the youth's common whereabouts and social media presence. Complete this section with as much information as possible. If fields are unknown, leave them blank.

b. Trafficking Situation:

- i. Space for a narrative to describe what is known about the trafficking situation. Workers must complete this section to the best of their ability.

- ii. This 'yes' or 'no' question is now included to assess the youth's current safety. If you believe trafficking is ongoing, indicate 'yes.' If you believe the trafficking occurred in the past but is not a current safety concern, indicate 'no.'
 - iii. Space has been added to provide information known about the alleged perpetrator(s) so that law enforcement can investigate. Provide as much information as possible. If information is unknown, leave the fields blank.
 - iv. A field has been added to indicate whether the Statewide Central Register of Child Abuse and Maltreatment has been notified (if applicable).
- c. Person Completing This Form:
- i. These fields are **required**. This section captures information about the worker and the worker's supervisor so that law enforcement can contact them for follow up as necessary.
- d. Next Steps:
- i. This section details the process for submitting the Law Enforcement Report and printing a copy for the youth's file. This process has not changed.

IV. Contacts

For questions about reporting victims to law enforcement, or for more details about child sex trafficking, please refer to [15-OCFS-ADM-16](#) or contact humantrafficking@ocfs.ny.gov

/s/ Laura Velez

Issued By:

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