CHAPTER 30. STANDARDS AND CRITERIA FOR ADULT VICTIMS OF HUMAN TRAFFICKING PROGRAMS

SUBCHAPTER 1. GENERAL PROVISIONS

75:30-1-1. Purpose

This chapter sets forth the rules, including standards and criteria, used in certifying programs and shelters for adult victims/survivors of human ~~sex~~ trafficking pursuant to 74 O.S. § 18p-6. Human ~~sex~~ trafficking occurs when:

(1) Recruiting, enticing, harboring, maintaining, transporting, providing or obtaining, by any means, another person through deception, force, fraud, threat or coercion for purposes of engaging the person in a commercial sex act~~,~~;

(2) Recruiting, enticing, harboring, maintaining, transporting, providing, purchasing or obtaining, by any means, a minor in a commercial sex act~~,~~; ~~or~~

(3) Recruiting, enticing, harboring, maintaining, transporting, providing or obtaining, by any means, another person through deception, force, fraud, threat or coercion for purposes of engaging the person in labor;

~~(3)~~(4) Benefiting, financially or by receiving anything of value, from participating in a venture that has engaged in an act of trafficking for commercial sex~~.~~; or

(5) Benefiting, financially or by receiving anything of value, from participating in a venture that has engaged in an act of human trafficking for labor.

75:30-1-1.1. Application of Chapter 30 to Minors

(a) Under state and federal law, the use of a minor in commercial sexual activity constitutes a severe form of trafficking, regardless of the presence or absence of force, fraud, or coercion.

(b) Certified adult ~~sex~~ trafficking victim service providers may provide emergency temporary services to minor victims of sex trafficking, in collaboration with the minor's guardian and, where an open case exists or the minor is in custody of the Child Protective Services Division of the Oklahoma Department of Human Services.

(c) Minors may also be victims of labor trafficking. A minor shall be considered a victim of labor trafficking when the minor is recruited, harbored, transported, provided, obtained, or maintained for labor or services through force, fraud, coercion, threats, deception, or other means prohibited by applicable state or federal human trafficking law.

~~(c)~~(d) Emergency temporary services include but are not limited to medical care, housing, food, clothing, advocacy, and case management. Such services may include, as appropriate:

(1) Support and education for guardians, foster parents, congregate care providers, and direct service providers to increase their capacity to recognize and respond to the trauma of sex trafficking using a trauma-informed approach;

(2) Consultation and guidance for licensed providers and multidisciplinary teams to ensure treatment goals and case planning objectives are trauma-informed and responsive to the impact of trafficking, not geared toward delinquent behavior; or

(3) Case management and advocacy services that address trafficking-related risk factors, support safety and recovery, and promote coordination across agencies in the best interest of the minor.

~~(d)~~(e) Providers shall comply with all mandatory reporting and protective custody requirements under state law.

~~(e)~~(f) Certified providers may provide residential services to minor mothers as permitted by Title 74, Section 18p-4 of the Oklahoma Statutes.

~~(f)~~(g) These provisions shall be read in conjunction with all applicable requirements for certification, including but not limited to applications, fees, program standards, and administrative sanctions in accordance with chapter 1 of this title.

75:30-1-1.2. Mission and underlying philosophy

(a) The mission of the standards and criteria for programs serving adult victims of human ~~sex~~ trafficking is to eliminate the crime in the State of Oklahoma.

(b) The philosophy underlying the standards and criteria for victims of human ~~sex~~ trafficking is that:

(1) All persons have the right to live without fear, abuse, oppression and violence;

(2) No one deserves to be victimized by assaultive or abusive behavior;

(3) Survivors should be treated with dignity and respect;

(4) All people involved in violent crimes are affected, including victims, children, families, partners, friends, the community, and perpetrators;

(5) Perpetrators must be held accountable for their behavior;

(6) A coordinated community response is the best approach to eliminating human ~~sex~~ trafficking in Oklahoma;

(7) Safety for the victims/survivors and their dependents is the primary focus of intervention and services;

(8) Intervention and services shall be based upon the safety and well-being of individuals and communities. Services to victims are provided in a non-judgmental, non-coercive, trauma-informed environment; and

(9) Participation in victim/survivor services is voluntary and based on self-determined needs, preferences and values.

75:30-1-2. Definitions

The following words or terms, when used in this Chapter, shall have the defined meaning, unless the context clearly indicates otherwise:

"Admission" means to accept a client for services or treatment.

"Advocacy" means the assistance provided which supports, supplements, intervenes and/or links the client and their dependents with the appropriate service components to encourage self-determination, autonomy, physical and emotional safety, and to offer information that will support independence. This can be viewed as a combination of active listening and facilitating personal problem solving along with researching options of action, safety planning, community outreach and education; it may include medical, dental, financial, employment, legal and housing assistance.

"Advocate" means a person, who offers clients appropriate services.

"Assessment" means an appropriate course of assistance based on a face-to-face formal screening.

"Behavioral health professional" means either licensed or under supervision for licensure as a Licensed Professional Counselor, Licensed Marriage and Family Therapist, Licensed Behavioral Practitioner, Licensed Clinical Social Worker, psychiatrist or psychologist with clients in individual, group or family settings to promote positive emotional or behavioral change. A practicum student or intern in an accredited graduate program in preparation for one of the above licenses may provide counseling to victims of domestic violence, sexual assault, human trafficking or stalking and their dependents.

"Business day" shall mean a calendar day other than a Saturday, Sunday, or state holiday. In computing any period of time where the last day would fall on a Saturday, Sunday, or state holiday, the period shall run until 5:00 P.M. of the next business day.

"Case consultation" means review of a client's case by the primary service provider and other program personnel, consultants or both.

"Case management" means a professional practice in which the service recipient is a partner, to the greatest extent possible, in assessing needs, defining desired outcomes, obtaining services, treatments, and supports, and in preventing and managing crisis. Case management is a central service that includes: explanation of social services, service system advocacy, basic case coordination, assessments, and service plan development. It may also include transportation, translation, emotional support and counseling depending upon the training and resources of the case manager.

"Case manager" means someone with experience serving victims of crime, human trafficking victims, refugees, immigrants, crime victims or other related populations. Ideally, they will have received specific training to serve trafficking victims. The Case Manager will ensure that victims receive the services they need and facilitate access to community services.

"Certification" means a process that the Department of Health and Human Services, Office of Refugee Resettlement (HHS or ORR) uses to officially say that a person is a victim of a severe form of human trafficking. Advocates assisting victims of human trafficking can assist in the certification process by informing victims of their rights generally, and working with law enforcement and attorneys to ensure that they understand and advocate for the victim's individual needs once certified.

"Certified adult victims of human trafficking program" means a status which is granted to an entity by the Oklahoma Attorney General, and indicates approval to offer program facilities and/or services pursuant to 74 O.S. § 18p-6.

"Child" or **"Children"** means any unmarried individual from birth to eighteen years of age.

"Children's activities" means direct child contact that is temporary in nature and is not intended to address the effects of human trafficking, sexual assault/abuse and trauma on children i.e. special events such as Christmas parties, Easter egg hunts, that is supervised by program personnel or volunteers.

"Children's services" means direct child contact that is intended to address the effects of human trafficking, sexual assault/abuse and trauma on children including but not limited to intake, needs assessment, groups, advocacy and any other service related to human trafficking, sexual assault/abuse and trauma.

"Client" means an adult individual who has applied for, is receiving or has received assistance or services of a certified sexual assault program for adult victims of human trafficking.

"Client ID" means a program's discreet numerical or letter identifier stored in a master client index system. No identifying information such as initials, age, date of birth, sex, or gender shall be part of the client ID.

"Client record" includes, but is not limited to, all communication, records and information on an individual client.

"Coercion" means compelling, forcing, or intimidating a person to act by:

(A) Threats of harm or physical restraining against any person

(B) Any act, scheme, plan, or pattern intended to cause a person to believe that performing or failing to perform, an act would result in serious physical, financial, or emotional harm or distress to or physical restraint against any person,

(C) The abuse or threatened abuse of the law or legal process,

(D) Knowingly destroying, concealing, removing, confiscating or possessing any actual or purported passport, labor or immigration document, including but no limited to a driver license or birth certificate, of another person.

(E) Facilitating or controlling a person’s access to any addictive or controlled substance other than for legal medical purposes

(F) Blackmail,

(G) Demanding or claiming money, goods, or any other thing of value from or on behalf of a prostituted person where such demand or claim arises from or is directly related to the act of prostitution

(H) Determining, dictating or setting the times at which another person will be available to engage in an act of prostitution with a third party

(I) Determining, dictating, or setting the places at which another person will be available for solicitation of, or to engage in prostitution with a third party

(J) Determining, dictating or setting the places at which another person will reside for purposes of making such person available to engage in an act of prostitution with a third party.

"Commercial sex" means any form of commercial sexual activity such as sexually explicit performances, prostitution, participation in the production of pornography, performance in a strip club, or exotic dancing or display.

"Community" means the people, groups, agencies or other facilities within the locality served by the program.

"Contract" means a formal document adopted by the governing authority of the program and any other organization, agency, or individual that specifies services, personnel or space to be provided to the program and the monies to be expended in exchange.

"Court advocate" means a qualified, trained staff or volunteer whose duties are to offer assistance to victims and any dependents in legal matters relevant to their situation. A Court Advocate provides court

advocacy through support, information, assistance, safety planning, accompaniment and intervention with any aspect of the civil or criminal legal system on behalf of a victim of human trafficking. Court Advocates shall not act as licensed attorneys and are not permitted to give legal advice, unless such person is a licensed attorney in the state of Oklahoma.

"Counseling" means face-to-face or virtual therapeutic session with one-on-one interaction between a licensed behavioral health professional and an individual to promote emotional and/or behavioral change focused on victim safety and perpetrator accountability. Those individuals providing professional therapy to adult/child victims/survivors of human trafficking as a result of sexual violence understand that victims of trafficking may exhibit depression, post-traumatic stress disorder, memory problems, fear, suspicion, rape trauma syndrome and physical distress as a result of the psychological stress, such as headaches, stomach aches, chest pain and numbing of parts of the body. Interviews requiring them to recount their experiences can trigger these behaviors. Initially, many victims may be more comfortable with less formal, supportive counseling or "conversations" (not counseling) geared toward immediate problem solving, adjusting to life at the center and coping with loneliness and isolation from their communities.

"Crisis intervention" means short-term, immediate assistance and advocacy given by phone, ~~virtually~~secure electronic virtual platform, or in person to adult victims of human trafficking. Crisis intervention services include but are not limited to assessing dangerousness, safety planning, information about available legal remedies, establishing rapport and communication, identifying major problems, exploring feelings and providing support, exploring possible alternatives, and/or formulating an action plan and follow-up measures.

"Critical incident" means an occurrence or set of events inconsistent with the routine operation of the facility, or the routine care of a client. Critical incidents specifically include but are not necessarily limited to the following: adverse drug events; self-destructive behavior; deaths and injuries to clients, personnel, volunteers and visitors; incidents involving medication; neglect or abuse of a client; fire; unauthorized disclosure of information; damage to or theft of property belonging to a client or the facility; other unexpected occurrences; or events potentially subject to litigation. A critical incident may involve multiple individuals or results.

"Cultural diversity" means the spectrum of differences that exists among groups of people with definable and unique cultural backgrounds.

"Danger assessment" or **"threat assessment"** means, for the purposes of human trafficking, a tool to determine the level and immediacy of threat posed to a victim or at risk person who may be currently or threat in the future of being labor or sex trafficked. There is currently no single tool prescribed in Oklahoma for assessing danger or threat in regards to human trafficking specifically. Certified service providers in Oklahoma have leeway to determine the best tool to use specifically with the victim at the time of the assessment. The OAG or other governing body may, in the future, prescribe an assessment protocol specifically for human trafficking.

"Debt bondage" means the status or condition of a debtor arising from a pledge by the debtor of his or her personal services or of those of a person under his or her control as a security for debt if the value of those services as reasonably assesses is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.

"Direct services" means services delivered by a qualified staff member or volunteer, in direct contact with a client including telephone or other electronic contact.

"Director" means the person hired by the governing authority to direct all the activities of the organization.

"Documentation" means the provision of written, dated and authenticated evidence to substantiate compliance with standards, e.g., minutes of meetings, memoranda, schedules, notices, logs, records, policies, procedures, announcements, correspondence, services, and photographs.

"Education" means the dissemination of relevant information specifically focused on increasing the awareness of the community and the receptivity and sensitivity to human trafficking problems and services and may include a systematic presentation of selected information to impart knowledge or instructions, to increase understanding of specific issues or programs, to examine attitude or behaviors and stimulate social action or community support of the program and its clients.

"Emergency services" or **"crisis services"** means a twenty-four (24) hour capability for danger assessment, intervention and resolution of a client crisis or emergency that is provided in response to

unanticipated, unscheduled emergencies requiring prompt intervention.

"Emergency transportation" means transportation for a victim of human trafficking to a secured identified location at which emergency services or crisis services can be offered.

"Executive director" or **"Chief executive officer"** or **"CEO"** means the person in charge of a facility as defined in this section.

"Facility" means the physical location(s) of a certified program governed by this Chapter.

"Family" means the children, spouse, parents, brothers, sisters, other relatives, foster parents, guardians and others who perform the roles and functions of family members in the lives of clients.

"Field-based recovery operations" means a multidisciplinary operation conducted in the community or other field settings for the purpose of identifying, recovering, and connecting potential victims of human trafficking with victim-centered services.

"Governing authority" means a group of persons having the legal authority, and final responsibility for the operations and functions of the entire certified adult victims of human trafficking program, or program facilities, in and of all geographical locations and administrative divisions.

"Group counseling" means a face-to-face or virtual therapeutic session with a group of adult/child victims/survivors to promote emotional or behavioral change. Those individuals providing professional therapy to victims/survivors of human trafficking must be prepared to provide education and information about:

(A) Physical and emotional safety;

(B) How perpetrators maintain control and dominance over their victims;

(C) The need to hold perpetrators accountable for their actions; and

(D) The recognition that individuals victimized are not responsible for a perpetrator's violent behavior, and the role of society in perpetuating violence against women and the social change necessary to eliminate violence against women, including the elimination of discrimination based on race, color, gender, sexual orientation, age, disabilities, economic or educational status, religion or national origin.

"Guardian" means an individual who has been given the legal authority for managing the affairs of another individual.

"Human trafficking" means modern-day slavery that includes, but is not limited to, extreme exploitation and the denial of freedom or liberty of an individual for purposes of deriving benefit from that individual's commercial sex act, also referred to as sex trafficking or human trafficking for commercial sex, or labor, also referred to as labor trafficking or human trafficking for labor.

"Indirect services" means services delivered by a staff member or volunteer, that does not involve direct services with a client or client's child.

"Initial contact" means a person's first contact with the program or facility requesting information or service by telephone or in person.

"Intake" means an interaction intended to discover what has happened, determine what the crisis is, assess dangerousness indicators, do safety planning, and/or establish the immediate needs of adult victims and any dependents of human trafficking to determine appropriate services and referrals. This includes interaction with an individual determined to be appropriate for ongoing service in order to obtain basic demographic information, gather vital information on the adult and the children, orient the victim/survivor to the program, program rules, and, if applicable, the facilities. Cultural needs should also be identified at this time.

"Labor trafficking" or **"Human trafficking for labor"** means recruiting, enticing, harboring, maintaining, transporting, providing or obtaining, by any means, another person through deception, force, fraud, threat or coercion for purposes of engaging the person in labor, or benefiting, financially or by receiving anything of value, from participating in a venture that has engaged in an act of human trafficking for labor.

"Language interpretation" means activities that involve a client who is deaf or hearing impaired or has limited English proficiency requiring an interpreter for a staff member or volunteers to offer services.

"Licensure" means the official or legal permission to persons or health facilities meeting qualifications to engage in a given occupation or use a particular title.

"Medical care" means those diagnostic and treatment services which can only be provided or supervised by a licensed physician.

"Medication" means any drug that is legally in the possession of the client, his/her children, or a person seeking admittance to the program facilities or his/her children; this definition includes prescription

medications and medications available for legal purchase without a prescription.
"Mental health services" means a range of diagnostic, therapeutic, and rehabilitative services used in treating mental illness or emotional disorders, including substance abuse.
"Neglect" means failing to provide adequate personal care or maintenance, or access to medical care which results or may result in physical or mental injury or harm to a client.
"OAG" means the Office of the Oklahoma Attorney General.
"Objectives" means a specific statement of planned accomplishments or results which are quantitative, qualitative, time-limited and realistic.
"Operation" means that clients are receiving services offered by the program.
"Personnel record" means a file containing the employment history and actions relevant to individual personnel and volunteer activities within an organization such as application, evaluation, salary data, job description, citations, credentials, etc.
"Persons with special needs" means persons with a condition which is considered a disability or impairment under the American with Disabilities Act of 1990 and the Americans with Disabilities Act Amendments Act of 2008 including, but not limited to the deaf and hard of hearing, blind, physically disabled, developmentally disabled, persons with disabling illness, persons with mental illness.
"Policies" means statements of program intent, strategy, principle, or rules for providing effective and ethical services.
"Primary victim" means a client who has experienced human trafficking or the consequences of the crimes first hand.
"Private organization" means a nonprofit entity certified by OAG that provides support services to adult victims of human trafficking.
"Procedures" means the standard methods by which policies are implemented.
"Program" means a set of activities designed and structured to achieve specific objectives relative to the needs of the clients.
"Program evaluation" means the documented assessment activities, performed internally or externally, of a program or a service and its governing authority, staff, volunteers, activities and planning process to determine whether program goals are met, staff, volunteers, and activities are effective, and what effect, if any a program or service has on the problem which it was created to address or on the population which it was created to serve.
"Program goals" means broad general statements of purpose or intent.
"Qualified staff" means someone who has met the criteria for provision of direct services set forth in 75:30-11-12.
"Release" means consent to the release of confidential or privileged information that is informed, written and reasonably time-limited.
"Referral" means information disseminated and/or coordinated access to agency and community services to meet victim's/survivor's and their dependents identified needs.
"Safety planning" means the process of working with the victim/survivor to develop tools in advance of potential abuse or violence for the immediate and long term safety of the victim/survivor. The plans should be based on the individual's situation and should include the safety needs of dependents. In some cases, human trafficking victims may face danger from organized crime, and the levels of danger depend on a host of factors including how much a victim's testimony can harm the perpetrators and how violent and extensive a human trafficking organization may be. Additional risks may include isolation due to inability to speak English and distrust of law enforcement and the criminal justice system and unfamiliarity with ways to seek help and safety.
"Screening" means the process of determining, preliminarily, the nature and extent of an individual's problem in order to establish the service needs. At a minimum, a screening shall include a brief personal history related to victimization, a review of the individual's strengths and resources, risk factors and referral needs.
"Secondary victim" means a person with a relationship with the primary victim.
"Self determination" means the right to make one's own choices.
"Service agreement" means a written agreement between two or more service agencies and individual service providers defining the roles and responsibilities of each party. The purpose of service

agreements is to promote coordination and integration of service programs for the purpose of curbing fragmentation and unnecessary service duplication in order to assure a continuation of services.

"Service note" means the documentation of the time, date, location and description of services offered or provided, and signature, including electronic signature of staff or volunteer offering or providing the services.

"Service plan" means a plan of action developed and agreed upon by the client and service provider that contains service appropriate goals and objectives for the client.

"Sexual assault" means a range of behaviors, including but not limited to rape, attempted rape, sexual battery, human trafficking, sexual abuse of children, sodomy and sexual harassment.

"Sexual assault services" means personal advocacy and support services provided to adult victims of human ~~sex~~ trafficking in settings such as law enforcement, medical settings or program offices.

"Sex trafficking" or **"Human trafficking for commercial sex"** ~~means recruiting, enticing, harboring, maintaining, transporting, providing or obtaining, by any means, another person through deception, force, fraud, threat or coercion for purposes of engaging the person in a commercial sex act, or benefiting, financially or by receiving anything of value, from participating in a venture that has engaged in an act of human sex trafficking for commercial sex~~means the same as "human trafficking for commercial sex" as defined in title 21, section 748 of the Oklahoma Statutes.

"Residential program services" means a certified residential living arrangement in a secure setting with support and advocacy services provided by qualified staff, for adult victims of sexual assault as a result of human trafficking and their dependents.

"Staff" means personnel who function with a defined role within the program whether full-time, part-time or contracted.

"Substance abuse services" means the assessment and treatment of diagnosable substance abuse and dependence disorders, as defined by current DSM criteria, by qualified alcohol and drug treatment professionals.

"Support" or **"Supportive services"** means the provision of direct services to victims and their dependents for the purposes of preventing further violence, helping such victims to gain access to civil and criminal courts and other community services, facilitating the efforts of such victims to make decisions concerning their lives in the interest of safety, and assisting such victims in healing from the effects of human ~~sex~~ trafficking.

"Transitional living services" means temporary, independent living programs with support services provided by the staff or volunteers of the sponsoring human trafficking program. These services are extensions of human trafficking shelter services to victims of human trafficking and their dependents. These services permit victims to develop their financial capacity and other means to live independently.

"Trauma-informed services" means a service approach that recognizes the impact of trauma and acknowledges the role of trauma in the lives of victims/survivors and their dependents.

"Universal precautions for transmission of infectious diseases" means those guidelines promulgated by the U.S. Occupational Health and Safety Administration which are designed to prevent the transmission of Human Immunodeficiency Virus, hepatitis and other infectious diseases.

"Update" means a dated and signed review of a report, plan or program with or without revision.

"VASU" means the Victim Advocacy and Services Unit of the Office of the Attorney General.

"Victim" menas a person against whom an act of human trafficking has been committed.

"Voluntary services" means a program shall not mandate participation in supportive services as a condition of program facility residency or emergency services.

"Volunteer" means any person who is not on the program's payroll, but provides either indirect or direct services and fulfills a defined role within the program and includes interns and practicum students.

"Waiver" means the agreed-to relinquishing or abandonment of a right to maintain a privilege provided under federal or Oklahoma law.

SUBCHAPTER 3. PROGRAMS FOR ADULT VICTIMS/ SURVIVORS OF HUMAN TRAFFICKING

75:30-3-1.1. Crisis intervention services

(a) All certified human trafficking programs shall offer crisis intervention services including, but not limited to:

(1) Twenty-four (24) hour crisis telephone services either operated solely by the program or in collaboration with other certified programs, and shall be staffed by trained staff or volunteers, and provide 24-hour immediate, direct access to crisis advocates. Pagers, answering machines or answering services that do not offer immediate access to a crisis advocate shall not be sufficient to meet this requirement;

(2) Provide access to services or providers who can conduct screenings for immediate needs including safety; ~~medical~~health care services, including screening for tuberculosis, sexually transmitted diseases, HIV, Hepatitis B and Hepatitis C, vaccinations/immunizations, medical treatment for physical injuries, workplace or occupational injuries, exposure to hazardous substances, and dental care; mental health; substance abuse; and status including eligibility for other services and HHS or ORR certification;

(3) Emergency housing such as hotel or motel available for victim and any dependent(s);

(4) Arrangement for safe program facilities, food, clothing, and incidentals needed by victim and any dependent(s) as soon as practical;

(5) Provide protection if the safety of the victim is at risk or if there is a danger of additional harm by recapture of the victim by a perpetrator, including: taking measures to protect human trafficking victims and their family members from intimidation and threats of reprisals and ensuring that the names and identifying information of human trafficking victims and their family members are not disclosed to the public;

(6) The program shall provide transportation or access to transportation for necessary or emergency services. This shall not require service providers to be placed in a situation that could result in injury;

(7) Assignment or referral to Case Manager or program equivalent, e.g., advocate, lead advocate, etc.;

(8) Provision of advocacy and referral to assist the victims in obtaining needed services or resources;

(9) Follow-up services shall be offered to all victims if victim safety is not compromised;

(10) Crisis intervention or support services, case management or referral for case management, advocacy, and victim recovery services. These programs shall minimally either directly provide or make provision for the following services:

(11) Life and job skills training;

(12) Establishment of contact with families of victims if appropriate and desired by the client;

(13) Advocacy services, both in person and by telephone or other electronic means, either in the locations of other community services and systems, or in the program's offices to assist with obtaining certification and public benefits;

(14) A resource document of local, area, ~~or~~ state, and federal resources to facilitate referrals for clients for longer term counseling and housing, employment, and legal services, particularly time-sensitive legal assistance from an attorney;

(15) The agency shall maintain an updated list of identified behavioral health professionals in the community who treat clients with trauma related to human trafficking as well as victims who need additional mental health or substance abuse services; and

(16) Provide referral to legal assistance~~,~~ and information about their rights ~~and translation services as necessary.~~including, as applicable, assistance relating to employment and labor rights, criminal and civil matters, family law, protective orders, expungement, and other victim-related legal needs, and provide meaning language accesss through qualified interpretation and translation services as necessary;

(17) Programs serving victims of labor trafficking shall offer or facilitate access to education regarding workplace and labor rights, and advocacy for employment-related concerns, including, as applicable, unpaid or withheld wages, employment or recruitment agreements, workplace safety, workers' compensation, and other labor rights violations, as well as strategies to reduce vulnerability to future labor exploitation or re-trafficking.

(b) Compliance with this Section shall be determined by a review of the program's policies and procedures, service agreements, on-site observation, client and staff interviews and/or other supporting documentation.

75:30-3-1.2. ~~Court advocacy services~~Field-based recovery operations

~~(a) All certified programs shall provide assistance to victims and their dependents in legal matters relevant to their situation. Court advocacy services include provision of information, support, assistance, safety planning, accompaniment and intervention with any aspect of the civil or criminal legal system on behalf of a victim of human trafficking. Court advocacy services must be provided by qualified, trained staff members or volunteers.~~

~~(b) Advocacy services must both be in person or by telephone, either in the location of other community locations and systems, or in the program's offices. Other locations include but are not limited to those necessary to provide court advocacy services to clients.~~

~~(c) Compliance with this Section shall be determined by a review of policies and procedures, client files and personnel files.~~

(a) Programs may participate in field-based recovery operations as defined in this Chapter.

(b) Certified program staff may offer crisis intervention, advocacy, safety planning, screening, transportation, emergency shelter access, resource navigation, and other appropriate victim-centered services in the field or immediately following contact.

(c) Participation in program services shall remain voluntary, and advocates shall maintain confidentiality protections as required by law.

(d) Programs who elect to participate in field-based recovery operations shall ensure that victims or survivors are informed of available services regardless of whether they choose to engage with law enforcement, cooperate in an investigation, or participate in criminal proceedings.

(e) Compliance with this section shall be determined by a review of policies and procedures, service agreements, client and staff interviews, client files or other supporting documentation.

75:30-3-1.3. Court advocacy services

(a) All certified programs shall provide assistance to victims and their dependents in legal matters relevant to their situation. Court advocacy services include provision of information, support, assistance, safety planning, accompaniment and intervention with any aspect of the civil or criminal legal system on behalf of a victim of human trafficking. Court advocacy services must be provided by qualified, trained staff members or volunteers.

(b) Advocacy services must both be in person or by telephone, either in the location of other community locations and systems, or in the program's offices. Other locations include but are not limited to those necessary to provide court advocacy services to clients.

(c) Compliance with this section shall be determined by a review of policies and procedures, client files and personnel files.

SUBCHAPTER 5. CLIENT RECORDS AND CONFIDENTIALITY

75:30-5-2. Client records

(a) A certified program shall have and maintain a master client index system containing the client's name, and the program's discreet numerical or letter identifier. No identifying information such as initials, age, year of birth or gender shall be part of the client ID. The client ID used in any electronic or paper recordkeeping system shall consist solely of the program's discreet identifier and shall be maintained in a manner consistent with applicable federal and state confidentiality requirements, including the confidentiality provisions of the Violence Against Women Act (VAWA), and any provisions referenced in Section 4 of this Subchapter.

(b) A certified program shall have written policies and procedures for correcting errors on record material by lining through, initialing the error, and inserting the correct material either above the error or at the end of the entry. Further, the policies and procedures shall forbid the use of "white-out" or any action which obliterates the error.

(c) Electronic records, electronic communications, databases, text messaging, email communications, and other forms of electronic storage, transmission, and communication of client information shall be maintained in a manner consistent with applicable federal and state confidentiality requirements such as those referenced in Section 4 of this Subchapter.

~~(c)~~(d) Compliance with this ~~Section~~section shall be determined by on-site observation, client records and any other supporting program documentation.

75:30-5-3. Record content - general

(a) Client records for both residential and non-residential clients shall contain, at a minimum, the following information:

(1) Intake and screening information:

(A) Client's name;

(B) Date of initial contact/intake;

(C) Pertinent medical information, including substance abuse;

(D) Emergency contact information, if ~~applicable~~voluntarily provided by the client;

(E) History/nature of abuse including an evidence-based dangerousness assessment, if applicable and safety planning, screening for medical, mental health and substance abuse, status including eligibility for other services and HHS or ORR certification; and

(F) Perpetrator(s) information, if known.

(2) Service notes, which shall minimally include:

(A) The date, location, start time, duration and description of services provided delineated by time spent and service code, if applicable, or documentation of referral to other services or case management; and

(B) ~~The signature of staff or volunteer providing the services or referral~~Documentation identifying the staff member or volunteer providing the service, including an electronic signature, user identification, or written signature, as applicable.

(3) Service plan focusing on victim safety and well-being which shall minimally include:

(A) Goals and objectives of the client, which shall be developed and agreed upon between the client and staff or volunteer, and

(B) Service plans and their updates shall be signed and dated by the client and staff.

(4) Exit information, which shall minimally include:

(A) Documentation that the client participated in planning for his or her exit from the program;

(B) The reasons for the client's exit or departure; and

(C) Client and staff or volunteer dated signatures or an explanation if staff were unable to obtain the client's signature.

(b) Each client record entry shall be legible, dated, and ~~signed by the staff member or volunteer making the entry~~attributable to the staff member or volunteer making the entry through an electronic signature, user identification, written signature, or other Program-approved method.

(c) Programs shall not contact any emergency contact of a client without the client's informed, written, and time limited authorization.

~~(c)~~(d) Compliance with this Section shall be determined by a review of program policies and procedures; review of the client records for content; or other supporting program documentation.

75:30-5-3.1. Record content - service specific

(a) Client records for specific services shall conform to the following:

(1) **Shelter Program Facility Services:**

(A) On a client's entry to the ~~program facility~~shelter, staff or a ~~volunteers~~volunteer shall record the client's name, any emergency contact ~~person(s), if applicable, known allergies~~information voluntarily provided by the client, and any ~~referrals~~referral for medical or emergency services. ~~This information may be a part of the full intake interview if the full intake is done on entering the program facility. Assessing client's safety planning shall also be done at the time of the full intake~~;

(B) Program clients shall have the full intake interview and screening completed within fourteen (14) days of entry into the program facilities, including program-operated shelters and emergency hotel stays;

(C) Service plans shall be offered within thirty (30) business days of client's entry to the program facilities and at the client's discretion;
(D) The service plan shall be reviewed and updated at least every two (2) weeks;
(E) The client's service plan shall include components which address the needs of each child accompanying the client;
(F) The service plan shall include safety issues for the client and children; and
(G) A daily note.;
(H) Emergency contacts shall not be contacted without a client's informed, written, and time-limted authorization.
(I) If a client declines to participate in the intake process, staff or a volunteer shall document the offer of services.

(2) **Crisis Intervention Services:**

(A) All face-to-face and virtual contacts with clients are documented and contacts with persons not receiving additional services shall be offered and documentedcrisis intervention contacts, whether provided in person, by telephone, text message, chat platform, video platform, email, or other electronic means, shall be documented. Documentation shall minimally include the following:

(i) Staff/Volunteer Name and signature;
(ii) Date, time, lengthduration, and location of interventionmethod of contact;
(iii) Safety Planning based on risk;
(iv) Client's name, age, race, county of residence, and contact numberdemographic and contact information, if givenvoluntarily provided;
(v) Protective order information, if applicable;
(vi) Other Personnelpersonnel involved such as police, hospital, etc, if applicable;
(vii) Summary of contact including visible injuries, treatment and services requested and provided; and
(viii) Follow up services shall be offered to all victims, if victim safety is not compromised, when appropriate and consistent with client safety; and
(ix) Outcome.

(B) All telephone contacts shall be documented. Documentation shall minimally include the following:

(i) Staff/Volunteer name;
(ii) Date, time and length of call;
(iii) Safety planning based on risk;
(iv) Caller's name and contact number, if given; However, no caller shall be required to give a name, phone number or any other identifying information as a condition to receive information about human trafficking services;
(v) Summary of the call including services needed; and
(vi) Outcome.

(C) Contact information is kept by the program.
(D) Clients to be transported to program facilities shall be screened before the shelter referral is made. If the client is in immediate danger, no safe housing is available, or appropriate screenings are conducted by other parties which the certified program has approved to do screenings, this screening may be initially waived. If the screening is waived, documentation shall reflect the reason(s) and the notification of such to the progam facility.

(3) **Counseling, Support and Advocacy Services:**

(A) An assessment of the client's needs, including culturally specific needs shall be completed by the third (3rd) counseling or advocacy session;
(B) A service plan shall be completed by the fifth (5th) advocacy or counseling session; and
(C) A service plan review and update shall be completed at a minimum of once every six (6) months.

(4) **Transitional Living Services:** A service plan including safety issues for the client and dependents shall be developed within five (5) business days of the client moving in.

(b) Where required information is not obtained, efforts to comply with the requirements of this subsection shall be documented in the client record.
(c) Compliance with this Section shall be determined by a review of client records, policies and procedures, call logs, and/or other supporting documentation.

SUBCHAPTER 11. PERSONNEL AND VOLUNTEERS

PART 5. TRAINING

75:30-11-12. Orientation - general, personnel and volunteers
(a) Personnel and volunteers must receive specific training to understand the unique needs of human trafficking victims.
(b) A certified program shall provide a minimum of forty (40) hours of orientation training that incorporates the use of adult learning techniques (i.e., scenarios, role playing) to familiarize new personnel and volunteers providing direct services with the program which includes, but is not limited to:

(1) Program goals and services of each service component;
(2) Program policy and procedures;
(3) Confidentiality, to include verbal confidentiality whether inside or outside the facility and client records;
(4) Facility safety and disaster plans;
(5) First aid kits and fire extinguishers, their location, contents and use;
(6) Universal precautions;
(7) Learning interviewing skills and techniques for working with victims of human trafficking including:
(A) Hotline calls from trafficking victims and active and empathetic listening techniques; and
(B) Safety planning for human trafficking victims;
(8) Vicarious trauma and self-care;
(9) Client rights;
(10) Power and control tactics in human trafficking;
(11) Dynamics and impact of sexual assault;
(12) Dynamics and impact of human trafficking;
(13) Behavioral health issues related to human trafficking including but not limited to:
(A) Cultural information about victims coming from the world of human trafficking to a "normal" world;
(B) Effects of trauma, including high risk behaviors, adaptive survival strategies and coping skills; and
(C) Trauma triggers.
(14) Documentation of services;
(15) Sexual abuse within the family (i.e., incest, sibling abuse, marital and domestic relationship rapes);
(16) Sexual assault outside the family (stranger, non-stranger, abuse by professionals, sexual harassment and bullying);
(17) Commercial sexual exploitation (i.e., prostitution, trafficking, pornography, escort services, and massage parlors);
(18) Underserved client populations (i.e., males, victims of the same gender, bisexual or transgender, non-English speaking, undocumented immigrants, victims with cognitive disabilities, or who are deaf or hard of hearing) or other disability as defined by the Americans with Disabilities Act and the Americans with Disabilities Act Amendments Act of 2008; and
(19) Topics to increase skills to identify Post-traumatic Stress Disorder (PTSD) as it relates to rape trauma, self injury and alcohol and substance use.
(20) Training on professional ethics and boundaries necessary for working with trauma survivors.

(21) Understanding legal needs of human trafficking victims, including ~~dynamics involved in the prosecution of persons who commit human trafficking~~criminalization of trafficking victims, victims charged with offenses arising from their trafficking situation, and available criminal or civil remedies and referrals.
(22) Labor trafficking, including debt bondage, wage theft, document confiscation, immigration-related coercion, recruitment fraud, etc.
(23) Trauma informed care and special considerations for victims of ~~sex~~human trafficking.
(24) Intersection of domestic violence and human trafficking, including coercive control, trauma attachment, and the ways trafficking may occur within intimate partner or family relationships.

(c) Staff and volunteers providing indirect services and children's activities are required to complete orientation as prescribed by the executive director or CEO which shall include training on confidentiality and facility safety and disaster plans.
(d) Orientation for personnel must take place within thirty (30) days of employment or prior to unsupervised direct client contact and services. Volunteer orientation must occur within six (6) months or prior to unsupervised, direct client contact and services. The executive director or CEO of a facility may waive orientation training if it is documented that the staff or volunteer has completed the requisite program training within the past year.
(e) Compliance with this Section shall be determined by a review of the written policies and procedures, and personnel and volunteer training manuals and records.

75:30-11-15. Personnel training~~,~~ for transitional living services

(a) Prior to providing any direct services, all transitional living services personnel shall receive the prescribed orientation training in Section 12 of this Subchapter.
(b) Compliance with this Section shall be determined by:
(1) Review of program's policies and procedures;
(2) Review of program's training records and other provided documentation of staff or volunteer training; and
(3) Review of personnel records.

75:30-11-16. Personnel training~~, Court Advocates~~ for court advocates

(a) Prior to providing services, Court Advocates shall receive the prescribed orientation training, and training in the following:
(1) Protective orders (i.e., the requirements for obtaining an ex parte emergency protective order and permanent protective order and an understanding of what happens after a protective order is issued);
(2) Full faith and credit;
(3) The court process including safety planning during this time; and
(4) At least three (3) hours of accompanied court time with a trained court advocate that includes observation of an ex parte emergency protective order hearing and a final protective order hearing.
(b) Compliance with this Section shall be determined by:
(1) Review of program's policies and procedures;
(2) Review of program's training records and other provided documentation of staff or volunteer training; and
(3) Review of personnel records.

75:30-11-17. Personnel training~~,~~ for children's services

(a) Prior to providing any direct services, children's services personnel shall receive the prescribed orientation training and minimally have one (1) year employment or volunteer experience in a child care or service related field, or an equivalent combination of education, training and experience in child care or development issues.
(b) Compliance with this Section shall be determined by:
(1) Review of program's policies and procedures;
(2) Review of program's training records and other provided documentation of staff or volunteers training; and
(3) Review of personnel or volunteer records.

75:30-11-18. Personnel training for field-based recovery operations

(a) Prior to providing any direct services, personnel participating in field-based recovery operations shall receive the prescribed orientation training and minimally have one year employment or volunteer experience in a service-related field, or an equivalent combination of education, training and experience in advocacy.

(b) Compliance with this Section shall be determined by:

(1) Review of program's policies and procedures;

(2) Review of program's training records and other provided documentation of staff or volunteers training; and

(3) Review of personnel or volunteer records.