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March 27, 2023

Senator Joseph Baldacci, Chair  
Representative Michele Meyer, Chair  
Members, Joint Standing Committee on Health and Human Services  
100 State House Station  
Augusta, ME 04333-0100

Senator Baldacci, Representative Meyer, and Members of the Joint Standing Committee on Health and Human Services:

This letter is to provide information regarding the Department's opposition to LD 1092, which has been retitled as *An Act to Prevent the Commercial Sexual Exploitation of Children in the State*. The goal of this bill is to provide a coordinated, child-centered approach to addressing suspected sexual abuse and child sexual exploitation, reducing trauma, and connecting youths and their families more rapidly and effectively with the services they need to begin healing and prevent further harm.

OCFS supports this goal, but we do not support this bill because this work is already being done. OCFS's Violence Prevention Program administers a contract with the Maine Coalition Against Sexual Assault (MECASA) and included in that contract is funding for the Children's Advocacy Centers (CACs). Beyond the coordinated approach to criminal and child protective investigations of alleged sexual abuse of children, one of the primary roles of the CAC is to provide coordinated and streamlined referrals, support, and follow-up for the victim and their family. As stated in the report, "Increased prosecution rates and more effective services for children and family members are examples of the benefits created by CAC's innovative approach to responding to child sexual abuse. In calendar year 2022, the CACs provided over 3,300 hours of family advocacy for victims and their families."

This bill would propose additional efforts focused solely on commercial sexual exploitation of children (CSEC), including a program in the Department dedicated to CSEC and specific grants to providers to add additional staff dedicated to work regarding CSEC. OCFS is already undertaking significant efforts to address CSEC in Maine. OCFS has a specific child welfare policy on [Human Trafficking and Commercial Sexual Exploitation of Children](#) which was updated in February of 2022 with input and recommendations made by MECASA and other providers. Under that policy, OCFS child welfare staff at Intake and in the districts have specific policy expectations to screen for and address known or suspected trafficking and exploitation.

In the 130<sup>th</sup> Legislature, OCFS introduced LD 837 which, in part, amended the definition of abuse or neglect in the Child and Family Services and Child Protection Act to ensure that the definition captured CSEC regardless of whether the trafficking is perpetrated by a "person responsible for the child" (as defined in statute). This gives OCFS additional authority to become

involved in known or suspected CSEC and was a change supported by MECASA and recommended by the University of Southern Maine in their Findings and Recommendations of research they conducted on the State's response to CSEC. I have attached those recommendations to this letter for your reference and note that none of those recommendations include the approach proposed in LD 1092.

LD 1092 would require grants to providers to support the hiring of five and a half new positions and includes funding of \$467,500 per year to support those grants. OCFS would question whether that funding is sufficient to provide for salary, benefits, and other costs associated with this number of new positions, if passed.

MECASA and the CACs receive \$2,353,000 per year to meet the needs of victims of sexual abuse and exploitation, including CSEC. According to the Maine Sex Trafficking and Exploitation Network, which is a network supported by MECASA, "Sexual Assault and Domestic Violence Programs around the state engage in support to people who have experienced sex trafficking at all ages. Advocates can help connect survivors to a network of support including therapy, support groups, case management, and survivor networks. Some programs also facilitate prevention programs, including a program for at-risk girls called My Life My Choice." OCFS also funds MCEVDV and the Domestic Violence Programs statewide.

We wanted you to be aware of the above information as you consider this bill going forward. If you have any further questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "Todd A. Landry". The signature is written in a cursive style with a large, sweeping initial "T".

Dr. Todd A. Landry, Director,  
Office of Child and Family Services

## Muskie Findings and Recommendations

### 1. Policy - DHHS policy and screening tool need some improvement.

- Update [Policy IV. D-2B. Human Trafficking and Commercial Sexual Exploitation](#) language and screening tool to provide less subjective interpretation.
  - Ambiguity with use of “confirmed” “suspected victim” and “human trafficking” is problematic.
  - Thresholds for confirmed, high risk, moderate risk, and at risk need to be recalibrated, and any case of moderate risk should be referred to a children’s advocacy center (CAC).
  - Social media and use of internet and other electronic communications to lure, entice, or purchase sex acts are missing from risk factors.
- Provide OCFS practice guidance for the timelines, protocols, and procedures for “See by 24” that does not align with the CSEC/HT screening protocol.

### 2. Legislation - Maine’s child welfare statute is not in alignment with the federal [Justice for Victims of Trafficking Act of 2015](#) requirements. Maine Revised Statute 22, section 4002, is not broad enough to include commercial sexual exploitation of children by third party, non-familial offenders.

- Propose legislation to ensure state law enables child welfare staff to respond to all cases of suspected CSEC so all children are thoroughly assessed, eligible for protections, and have access to resources.
  - Sample language available from [Shared Hope International recommendations](#) and Massachusetts state law.

### 3. Training - Child welfare workers indicated a need for more training. Assessment workers employed between one and five years were the most likely not to remember being trained on how to respond to suspected HT/CSEC.

- Continue mandatory training for all child welfare personnel on HT/CSEC via Foundations Training.
- Add training for child welfare personnel at one year employment mark, and then annually to include data trends and case reviews.
- Implement evaluation tool for each training session to be shared with trainers.
- Increase awareness of HT/CSEC and knowledge about statutes, policy, identification, and screening tools, and resources by including in Mandated Reporter training curriculum provided by OCFS.
- Increase awareness of HT/CSEC and knowledge about statutes, policy, identification, screening tools, and resources through CAC training of MDT responders.

Research Services on Child Welfare Identification and  
Response to the Commercial Sexual Exploitation of Children in Maine

**4. Implementation of policy - Identification of HT/CSEC survivors is underreported and suggests a need for specialized case assessment.**

- Designate specialists within intake and each OCFS district office to consult on case management, policies, and procedures.
- Improve tracking of HT/CSEC in MACWIS and AFCARS, noting additional AFCARS screen was added, but there was some discrepancy in data share. Also, there is not “a button” to push to indicate CAC referral, which would be useful for data analytics. MACWIS likely migrating to a new platform soon and referral to CAC should be noted.
- Collaborate with CAC on a broader range of suspected cases, with special attention to cases involving neglect, runaway and homeless youth, and other higher risk cases beyond those noted as suspected sexual abuse.

**5. Children’s advocacy centers - A CAC system response is the preferred method but not consistent statewide.**

- Create a specialized CSEC protocol and tracking system of cases (with preference for a designated, localized CSEC coordinator position as funding allows) at all CACs statewide.
- Share CAC tools developed to track law enforcement and DHHS referrals, per National Children’s Alliance requirements, to promote efficiencies in data tracking and promising practices.
- Formalize process for CAC to conduct needs assessment with at risk children for interventions, resources, and follow-up procedures.

**6. Systemic changes in the multidisciplinary disciplinary team (MDT) response are needed.**

- Implement District Attorney (DA) tracking of HT/CSEC case outcomes and create a model policy for standardized approach.
- Provide training for DA’s office staff to learn about CSEC/HT and resources (perhaps adding CLE credit to incentivize training).
- Revisit DA reporting from OCFS staff, noting that MACWIS data indicated referrals to DA is not 100%. Consider tracking back to the local CAC, as the convener of MDT team, and to coordinate resources.
- DHHS, CAC, and MDT should prioritize collaboration with anti-trafficking resources in the community, including Preble Street and housing placements, and evaluate contract service providers based on their capacity to provide culturally sensitive and specialized services to survivors of HT/CSEC.