

**FALLING THROUGH THE CRACKS: THE CHALLENGES OF PREVENTION AND IDENTIFICATION IN CHILD TRAFFICKING AND PRIVATE RE-HOMING**

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**HEARING**

BEFORE THE

SUBCOMMITTEE ON CHILDREN AND FAMILIES

OF THE

COMMITTEE ON HEALTH, EDUCATION,  
LABOR, AND PENSIONS

UNITED STATES SENATE

ONE HUNDRED THIRTEENTH CONGRESS

SECOND SESSION

ON

EXAMINING THE CHALLENGES OF PREVENTION AND IDENTIFICATION  
IN CHILD TRAFFICKING AND PRIVATE RE-HOMING

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JULY 8, 2014

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**FALLING THROUGH THE CRACKS: THE CHALLENGES OF PREVENTION AND IDENTIFICATION IN CHILD TRAFFICKING AND PRIVATE RE-HOMING**

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**TUESDAY, JULY 8, 2014**

U.S. SENATE,  
SUBCOMMITTEE ON CHILDREN AND FAMILIES,  
COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS,  
*Washington, DC.*

The subcommittee met, pursuant to notice, at 10 a.m., in room SD-430, Dirksen Senate Office Building, Hon. Kay Hagan, chairman of the subcommittee, presiding.

Present: Senators Hagan, Casey, Murphy, and Enzi.

OPENING STATEMENT OF SENATOR HAGAN

Senator HAGAN. Good morning, everyone. The Senate Subcommittee on Children and Families will now come to order. Today's hearing is titled, "Falling Through the Cracks: The Challenges of Prevention and Identification in Child Trafficking and Private Re-Homing". I want to thank all of our witnesses who are here today to testify.

I look forward to hearing your testimony. I know many of you have traveled many miles to get here. So I do appreciate your attendance.

I also want to thank our Ranking Member, Senator Enzi, for joining me today to address these very important issues that we're going to be discussing in the hearing today.

We are here to discuss the significant challenges that we face in the effort to prevent child trafficking and private re-homing and to identify and support the children who have been victims of these types of abuse. Too many child victims today are going unidentified, misidentified, or underreported.

As we will see, one of the reasons for this is the lack of education and training for our educators, who many times are on the front line and see these children; our healthcare providers, who see these children as they present for a number of reasons; and our social workers. However, with appropriate guidance, these dedicated professionals can play a critical role, both by helping to prevent these practices and by offering potentially lifesaving assistance to those children who need it the most.

There are thousands of children—some accounts show up to 300,000—that are being trafficked here in the United States. These young victims are often hidden in plain sight, and in many cases

they are actually still attending school, which makes it particularly important that our educators can recognize the signs of a trafficking victim and then respond accordingly.

This can be hard to fathom. It was really hard for me, personally. The average age of a child trafficking victim in the United States is between 11 years old to 14 years old. These are very young, vulnerable children. Girls at this age are particularly vulnerable. They may face trouble at home and then become susceptible to pressure from their peers or by manipulation by a trafficker.

This happened to a young girl from a town in coastal North Carolina. She was attending school during the day, but in the evenings, a man who she believed was her boyfriend was actually selling her to other men for sex, often multiple times each night. It was not until she was actually questioned at school one day that authorities found lingerie in her book bag, and her story then came to light.

That is why it is so critical that our educators understand this horrific problem and recognize the signs in youth that they work with every day. They can help make our students aware of the dangers and then educate them so they are not so vulnerable.

Similarly, our healthcare providers need to have appropriate guidelines and screening practices to recognize trafficking victims in their care. As we're going to hear today, the healthcare response needs to be further developed to address the shortage of education and training for our providers.

But even if professionals are aware of the problem, they face additional challenges when working with trafficked patients. These victims are often hesitant to disclose their experiences for fear of repercussions by the individuals who are their traffickers.

This also happened to a 14-year-old girl that has been reported to me. Her trafficker had branded this young girl with a tattoo as if she was his possession and then advertised her services on Backpage. When authorities found her hiding behind a dumpster, she had been severely raped and traumatized. When she was finally brought in to receive care, she was so afraid of her trafficker that she recanted her story and then was referred to law enforcement for prosecution instead of receiving the healthcare services that she so desperately needed.

Unfortunately, these instances are not unique. Child trafficking is prevalent in all of our communities. It will take all of our community stakeholders to come together to address this problem. We need leadership from the Federal Government to help raise this awareness about the issue and to lead the way in developing the practices and procedures that will increase the prevention efforts and help improve the identification of our trafficked youth.

Last December, I introduced bipartisan legislation to address this growing problem of child trafficking with Senator Rubio. That bill is called the Strengthening the Child Welfare Response to Human Trafficking Act. This legislation would fill some of the gaps in the current system by providing professionals with the tools that they need to identify, document, educate, and counsel child victims of sex and labor trafficking.

It would also amend the Child Abuse Protection and Treatment Act to ensure child welfare agencies properly identify, serve, and

report trafficked children and allow law enforcement to be better able to track them. There are many ways in which this problem needs to be addressed. This hearing will be the first to explore how educators and healthcare providers can respond to child trafficking.

The second topic of this hearing is the issue of private re-homing of adopted children. That was a new word for me in the last year or two. I'm pleased to hold this hearing, as it is the first hearing in the Senate on this topic.

The practice of re-homing first came to light last September when Megan Twohey, who is here with us today, a reporter for Reuters, published her findings from an investigation during which she examined more than 5,000 messages posted over 5 years on a Yahoo group site that was titled, "Adopting-From-Disruption". Through her research, she identified 261 adopted children who were, "advertised" online by their new families and in many cases re-homed into the care of adults who too often had a history of neglect, abuse, or sexually exploiting other children.

The Reuters series profiled several adoptive parents who rehomed their children with a simple transfer of a power of attorney document, thus circumventing the protections of our child welfare system and jeopardizing those children's safety. Not surprisingly, many of the children involved in these unregulated transactions suffered from behavioral, emotional, and health issues.

These are heartbreaking stories, and they involve children that too often had come into contact with our school employees or with healthcare providers who, despite their best efforts, were unable to offer these children the help that they needed, because these individuals had not been trained to recognize the warning signs. I'm hopeful that our discussion today is going to shine a light on this growing problem so that we can work together to ensure that professionals in education and healthcare who are in contact with these children are prepared to offer them the help that they need.

With adequate training, these dedicated individuals can help begin to identify the signs and symptoms in children and then help report them as potential victims and make sure that at-risk children do not slip through these cracks and become victims in the future. To help us understand the challenges of prevention and identification of the victims of child trafficking and private re-homing, we're going to hear from a group of distinguished panelists this morning.

They're going to share with us their stories and their insights and the work that they've done on these issues to help both prevent the proliferation of these types of abuse and then also, obviously, to help these children and young people who have been the victims. To our panelists, I ask you to keep your oral statements or opening statements to 5 minutes, and I also thank you for your excellent written statements, which have been submitted to the record.

Senator Enzi, we would love to hear your opening comments.

#### OPENING STATEMENT OF SENATOR ENZI

Senator ENZI. Thank you, Madam Chairman, and thank you for holding this important hearing to discuss the issues surrounding identification and prevention of child trafficking and re-homing in-

stances in our country. Most of us have to say, “How can this possibly happen in America?”

We often talk in Congress about policy decisions in terms of wanting something better for future generations, for our children and our grandchildren. I believe these sentiments hold true particularly for those of this future generation whose outcomes are in danger. I think we can all agree there is no greater bipartisan issue than the mutual desire to keep children safe and healthy in protective and loving homes.

To that end, several committees have taken up or will take up issues of concern in the child trafficking and re-homing spheres. I am eager to tackle the issue by discussing issues under the purview of this subcommittee, including discussion of what processes are currently in place in our schools and healthcare sectors to identify children who may be victims of trafficking, and start talking about how we can increase the number of children who are preventatively identified.

One of our witnesses today is from a school in San Diego that is practicing a plan that has worked. Dating back to my days as mayor of the city of Gillette, WY, I learned and have always believed that folks at the local level can best solve most of the problems we face. I am eager to hear how schools and States can collaborate to better address children who are in danger of becoming or are already trafficking victims.

Re-homing is also a relatively new topic of discussion in Congress. Today, the focus will largely be on education and taking a look at this issue, its prevalence, and engaging in a dialog about what the Federal role is in this space.

At the end of the day, our goal is to have better outcomes for our Nation’s children and youth. That’s my goal, and I know it’s a goal of many of my colleagues. I’m hopeful that we can use this opportunity to gather and share information learned from States while encouraging State collaboration and work together on substantive issues.

Thank you, Madam Chairman.

Senator HAGAN. Thank you, Senator Enzi. I am so appreciative of the work that we have done together on these issues, and I thank you for your help and support.

Now, we’d like to hear from our witnesses. Our first witness is Ms. Joo Yeun Chang. Ms. Chang is the Associate Commissioner of the Children’s Bureau within the U.S. Department of Health and Human Services.

Our next witness is Ms. Abigail English. She is from my home State of North Carolina. She is a lawyer, researcher, and advocate, and is currently the director of the Center for Adolescent Health and the Law at the University of North Carolina at Chapel Hill. Recently, Ms. English was a member of the Institute of Medicine and the National Research Council Committee which issued the report titled, “Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the U.S.”.

Following Ms. English is Ms. Jeneé Littrell. Ms. Littrell is an assistant principal at the Grossmont Union High School in San Diego County, CA. After recognizing that children in her school district were being subjected to child sex trafficking approximately 4 years



ago, Ms. Littrell and her colleagues partnered with local law enforcement to develop training for teachers so that professionals in the classrooms are now able to recognize the warning signs and connect the at-risk students to the critical support services that they need.

Then, finally, we have Ms. Megan Twohey. Ms. Twohey is an investigative reporter for Reuters in New York, who, as I mentioned earlier, actually wrote the investigative series that first highlighted the practice of private re-homing.

We're going to begin with Ms. Chang for her testimony. Once again, please limit your opening remarks to 5 minutes. Once each of you have concluded, then we'll begin the question and answer period of the hearing.

Ms. Chang.

**STATEMENT OF JOO YEUN CHANG, ASSOCIATE COMMISSIONER, DEPARTMENT OF HEALTH AND HUMAN SERVICES CHILDREN'S BUREAU, WASHINGTON, DC**

Ms. CHANG. Thank you, Chairwoman Hagan, Ranking Member Enzi. Thank you again for inviting me to testify today. My name is Joo Yeun Chang, and I'm the associate commissioner of the Children's Bureau, where I oversee the Federal foster care and adoption assistance programs, as well as a range of prevention and post-permanency initiatives. I am pleased to have this opportunity to share with you the Department of Health and Human Services' response to two very serious issues confronting the field of child welfare: the practice of adoptive parents re-homing their adopted children and human trafficking.

I'll start with my comments on re-homing. Many of the stories highlighted in Ms. Twohey's Reuters investigative series described parents who were unable to meet the complex emotional and behavioral needs that emerged from their children post-adoption. These parents turned to online forums to advertise and facilitate the placement of their children without the benefit of safety and criminal background checks or a home study to determine the appropriateness of the placement.

The Reuters article suggests that children advertised on these message boards are often placed in unsafe environments and are highly vulnerable to exploitation. Parents have a legal responsibility to protect and care for their children. Delegating responsibility for a child to a potentially unfit and unsafe individual through a power of attorney does not insulate parents from State laws regarding eminent risk of serious harm.

I want to be clear. The practice of re-homing is unacceptable. It is clearly an act of abuse and neglect, and it should receive the full attention of child welfare agencies.

Many of the key legal requirements related to child abuse and neglect, guardianship, and power of attorney, as well as adoption, are determined by States. Federal law requires that States have a process to receive and respond to all allegations of abuse and neglect. And although CAPTA, the Federal law, provides a minimum definition, State laws actually determine what constitutes abuse, neglect, abandonment, or exploitation of children.

The Reuters article brought to our attention the need to provide guidance to States on how to respond when parents place their children in dangerous situations. It also highlighted the need for enhanced preparation, support, and post-adoption services for all adoptive families.

The Children's Bureau released new guidance to States on May 30th of this year in the form of an information memorandum to help support children and families affected by disrupted adoptions. Through the IM, we encouraged States to review their laws that govern these areas to ensure that the issues that arise through the practice of re-homing are adequately addressed. We also encouraged States to promote the availability of post-adoption services and resources through various means of outreach and information sharing to the adoption community and, most importantly, to provide support before families are in a State of crisis.

The Children's Bureau has also issued two funding opportunity announcements this spring related to the enhanced development and availability of post-adoption services that would be available for all adopted children and youth.

I'd like to now turn my focus to the issue of child trafficking. HHS is committed to ensuring that victims of all forms of human trafficking have the access to the services and supports they need to foster health and well-being. Abused and neglected children are, unfortunately, vulnerable to trafficking. Some trafficked children have had contact with child welfare in some form, and some are current or previous wards of the State.

In order to better understand and serve child victims of human trafficking, child welfare agencies are strongly encouraged to build their capacity to work with victims of human trafficking. Capacity building should include such areas as institutional education, staff training, supporting policies and procedures, appropriate screening and assessment tools, resource development, and data collection and analysis.

With coordinated efforts in these areas, we hope to decrease vulnerability and trafficking among children and youth and to equip systems and services to identify and intervene early to address the needs of victimized young people. The Children's Bureau is committed to providing information to States and service programs to build greater awareness and better response to the problem of child trafficking.

In September 2013, we published a guidance to States, and this year we will award grants that are designed to continue the development of child welfare systems' response to human trafficking through infrastructure building and a multisystem approach with schools, law enforcement, juvenile justice, courts, runaway and homeless youth programs, and other necessary service providers.

The administration looks forward to working with you to address both of these crucial issues and improve services to some of our most vulnerable young people.

Again, thank you for the opportunity to testify today.

I'd be happy to answer any questions.

[The prepared statement of Ms. Chang follows:]

## PREPARED STATEMENT OF JOO YEUN CHANG

Chairwoman Hagan, Ranking Member Enzi, and members of the subcommittee, thank you for inviting me to testify. I am pleased to have the opportunity to share with you the Department of Health and Human Services' (HHS) response to two very serious issues confronting the field of child welfare: the practice of adoptive parents "re-homing" their adopted children and human trafficking.

I am Joo Yeun Chang, Associate Commissioner of the Children's Bureau. I have worked as a national advocate on child welfare policies both as a senior staff attorney at the Children's Defense Fund and immediately prior to my appointment to the Bureau, I worked at Casey Family Programs Foundation where I worked closely with State and local child welfare agencies. In my current role, I oversee the Federal foster care and adoption assistance programs as well as a range of prevention and post-permanency initiatives.

## RE-HOMING

The term "re-homing", a term typically used by pet owners seeking new homes for their pets, has become widely used to describe the behavior of these parents who sought to relinquish care of their adopted children outside the purview of the courts or public child welfare agencies.

In September 2013, the Reuters News Agency reported on its investigation of an online Yahoo group bulletin board known as "Adopting-from-Disruption." This bulletin board, and nine others like it that have been identified, were ostensibly intended to provide "a place where struggling parents sought support from one another." In a small but significant number of cases, however, these bulletin boards were used as a means for adoptive families to "advertise" and facilitate placements of their children with non-relative strangers. The adoption site highlighted in the article, on which 261 posts for re-homing children had been placed over a 5-year period, has since been shut down.

According to the Reuters article, nearly 70 percent of the children advertised for re-homing on the Yahoo bulletin board who were investigated were born overseas and are presumed to be international adoptees. Many of the stories highlighted in the Reuters' investigative series described parents who were unable to meet the complex emotional and behavioral needs that emerged post-adoption. Some of the parents interviewed reported seeking, without success, assistance from public child welfare agencies. These parents turned to online forums to advertise and facilitate the placement of their children without the benefit of safety and criminal background checks or a home study to determine the appropriateness of the placement. Instead these parents delegated to strangers the authority to make education and health decisions on behalf of their child through power of attorney documents.

Parents have a legal responsibility to protect and care for their children. Delegating responsibility for a child to a potentially unfit and unsafe individual through a power of attorney does not insulate parents from State laws regarding imminent risk of serious harm. The Reuters article suggests that children advertised on these message boards are often placed in unsafe environments and are highly vulnerable to exploitation.

The practice of re-homing is unacceptable, is clearly an act of abuse and neglect, and should receive the full attention of child welfare agencies.

Many of the key legal requirements relating to child abuse and neglect, guardianship and power of attorney, and adoption are determined by States. Under the Child Abuse Prevention and Treatment Act (CAPTA), States must have provisions and procedures to receive and respond to all reports of child abuse or neglect. CAPTA defines child abuse and neglect as,

"at a minimum any recent act or failure to act on the part of a parent or caretaker, which results in the death, serious physical or emotional harm, sexual abuse or exploitation, or an act or failure to act which presents an imminent risk of serious harm."

State laws then determine what constitutes abuse, neglect, abandonment, or exploitation of children. States also establish rules related to guardianship and power of attorney. In addition, States set the rules for domestic adoption and recognition of adoptions finalized in other countries, including criteria for the termination of parental rights and how advertising of an adoption may occur.

The prevalence of re-homing and adoption disruption/dissolutions is difficult to measure precisely as there are limited formal means by which this information is reported. Title IV-B of the Social Security Act requires that States collect and report information on children who are adopted from other countries and who enter into State custody as a result of the disruption of a placement for adoption or the

dissolution of an adoption. These requirements apply only to those children and families that become involved with State child welfare agencies. Some information about adoption from foster care can be found in reports from the Children's Bureau's Adoption and Foster Care Analysis and Reporting System, and some information on international adoptions can be obtained from visas issued by the State Department. However, to our knowledge, there is no central registry or clearinghouse for information on private, domestic adoptions.

One thing I think the investigation by Reuters further highlights is the call for enhanced preparation, support, and post-adoption services for all adoptive families. We also recognize the great number of foster parents raising children that are unrelated to them without the benefit of adoption or guardianship.

Child welfare is largely under the purview of State laws. The Federal Government provides a minimum definition of child maltreatment, grants to support a range of prevention, intervention and post permanency supports, and technical assistance and guidance on a range of issues. For example, the Children's Bureau released new guidance to the States on May 30, 2014 in the form of an Information Memorandum (IM) to help support children and families affected by disrupted adoptions.

This memorandum provides an overview of the practice of re-homing of adopted children, conveys concerns about this practice, and encourages State title IV-B and IV-E agencies to develop and promote the provision of post-adoption services and resources to adopted children and youth including those adopted internationally. Agencies were further encouraged to promote the availability of post-adoption services and resources through various means of outreach and information sharing to the adoption community.

The IM encourages States to develop and provide a continuum of post-adoption services for adoptive families, both domestic and international, so as to provide interventions and support before families are in a state of crisis.

The Children's Bureau issued two funding opportunity announcements this spring related to enhanced development and availability of post-adoption services that would be available for all adopted children and youth. These funding opportunities are intended to strengthen the relationships between adoptive children and families. This first funding opportunity, the National Adoption Competency Mental Health Training Initiative, is intended to improve the well-being of children before adoption and provide therapeutic post-adoption support. The second, the National Quality Improvement Center for Adoption/Guardianship Support and Preservation, is intended to establish a center to conduct projects with selected State child welfare systems to improve the behavioral health of adoptive children. A wide range of parties are eligible to apply under these funding opportunities including public and private agencies, universities, and State and local governments.

Our goal is to produce, through these funding opportunities, models of evidence-based services for all States in designing a successful system of pre-and post-adoption supports including in-home counseling, 24-hour call center support, 24-hour in-home crisis intervention, mental health services, and support groups.

In addition to a call for increased services and supports for adoptive families to prevent re-homing, the Reuters article also brought to our attention the need to provide guidance to the States on how to respond when parents place their children in dangerous situations. State laws determine what constitutes abuse, neglect, abandonment, and exploitation of children. States also establish laws related to guardianship and power of attorney. Finally, States establish the laws for domestic adoption and recognition of adoptions finalized in other countries, including criteria for the termination of parental rights and how advertising of a child eligible for adoption may occur.

The Children's Bureau, through the IM, encourages States to review their laws that govern these areas to ensure that the issues that arise through the practice of re-homing are adequately addressed. Some States are already amending their statutes in response to the practice of re-homing. For example, Wisconsin recently enacted a law that expands their existing prohibition of advertising a child for adoption to include electronic media, requires that delegation of parental powers to a non-family member for more than a year be approved by a juvenile court, and prohibits the unauthorized interstate placement of children. Louisiana passed a law prohibiting the practice of transferring custody of adopted children to unrelated individuals without court approval.

In addition to these activities, the Children's Bureau participates with the State Department, U.S. Citizenship and Immigration Services, and the Department of Justice in monthly calls related to broader re-homing issues. We are working with these agencies to develop collaborative strategies to encourage practice and policy changes and to assist States in developing supportive services.

## CHILD TRAFFICKING

I would now like to turn my focus to the issue of child trafficking.

HHS is committed to ensuring that victims of all forms of human trafficking—adults and children; foreign national, citizens, and legal residents; survivors of labor and commercial sexual exploitation—have access to the support they need to foster health and well-being. The Children’s Bureau is an active member of the Administration for Children and Families and HHS working groups on human trafficking seeking to strengthen coordination across multiple programs and services within the Department and collaborating with Federal partners through inter-agency initiatives.

Abused and neglected children are vulnerable to trafficking. Some trafficked children have had contact with child protection services in some form, either as current or previous wards of the State, as residents in foster care or group homes, or after running away from foster care. In some cases, they may even have been recruited and victimized by traffickers while they were receiving these services.

In order to better understand and serve child victims of human trafficking, child welfare agencies are strongly encouraged to build internal capacity to work with victims of human trafficking.

Capacity building should include areas such as institutional education, staff training, supporting policies and procedures, appropriate screening and assessment tools, resource development, and data collection and analysis. Child welfare capacity building efforts can leverage the existing training and technical assistance available through the National Human Trafficking Resource Center, a 24-hour national hotline also supported by the Administration for Children and Families. Child welfare agencies should engage in system-wide outreach to support similar capacity-building efforts in other systems such as the runaway and homeless youth and juvenile justice areas. Child welfare agencies should also collaborate with existing community-based task forces, coalitions, and organizations focused on responding to human trafficking. With coordinated efforts in these areas, we hope to decrease vulnerability to trafficking among children and youth and to equip systems and services to identify and intervene early to address the needs of victimized young people.

There is a limited amount of aggregate data to identify the prevalence and characteristics of victims of human trafficking within the child welfare systems. Nonetheless, efforts to systematically measure the size of this (and the re-homing) population is crucial in understanding the scope of the problem. Similarly, while there are some emerging practices within child welfare systems, as well as other sources within the child protection community, there is still work to be done to create an evidence base on effective interventions and practices that promote better outcomes specifically for child trafficking victims. Building a more solid evidence base with better data will be necessary to all efforts to end trafficking.

The Children’s Bureau is committed to providing information to States and service programs to build greater awareness and better response to the problem of child trafficking. In June 2013, the annual Trafficking in Persons Report released by the Department of State noted a need for HHS to provide formal guidance to child welfare agencies on the prevention of and response to child trafficking. In September 2013, we published the *Guidance to States and Services on Addressing Human Trafficking of Children and Youth in the United States*. This guide is intended to elevate the issue and offer guidance to child welfare system service providers, based on current research and practice, to improve the collective response to this issue. This guidance acknowledges emerging knowledge and practices that systems and services can consider integrating into existing activities.

No single system can successfully combat trafficking. Preventing, identifying, and serving victims of trafficking require a multi-system, coordinated approach within and across local, tribal, State, and Federal levels. That is why the Children’s Bureau developed a funding opportunity announcement (FOA) titled, “*Grants to Address Trafficking within the Child Welfare Population*.” This grant is designed to continue the development of child welfare systems’ response to human trafficking through infrastructure building, and a multi-system approach with schools, local law enforcement, juvenile justice, courts systems, runaway and homeless youth programs, Children’s Justice Act (CJA) grantees, child advocacy centers, anti-trafficking organizations, and other necessary service providers. It is noteworthy that CJA grantees provide training to mandated reporters, and this grant program could provide an opportunity to increase training to various mandated reporters regarding trafficking.

We are also partnering with the HHS Assistant Secretary for Planning and Evaluation to fund a contract to examine the intersection of human trafficking with child welfare and runaway and homeless youth programs. This contract will identify a screening tool and protocol that can be used by youth serving programs to identify

youth who are victims of human trafficking; pilot study the feasibility (viability), reliability, and validity of implementing this screening tool/protocol in child welfare and runaway and homeless youth settings; and identify data elements that can be collected and reported in order to better determine the extent of the problem and improve services to youth.

These examples demonstrate ACF's commitment to strengthening services to human trafficking victims found in the *Federal Strategic Action Plan on Services for Victims of Human Trafficking in the United States for 2013–17*.

The Administration looks forward to working with each of you to address both of these crucial issues and improve services to some of our most vulnerable youth.

Again, thank you for the opportunity to testify today. I would be happy to answer any questions.

Senator HAGAN. Thank you, Ms. Chang.  
Ms. English.

**STATEMENT OF ABIGAIL ENGLISH, J.D., DIRECTOR, CENTER  
FOR ADOLESCENT HEALTH AND THE LAW, CHAPEL HILL, NC**

Ms. ENGLISH. Senator Hagan and Senator Enzi, good morning and thank you for the opportunity to testify this morning. My name is Abigail English, and I'm director of the Center for Adolescent Health and the Law in Chapel Hill, NC.

The sex trafficking of children and adolescents represents profound violations of their human rights. The physical, emotional, social, and legal burden on the victims and survivors is severe and can have life-long, even life-threatening consequences.

In 2012 and 2013, I was privileged to serve as a member of an IOM, Institute of Medicine, and National Research Council Committee which published its comprehensive report in September 2013, *Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States*. In 2010 and 2011, I was a fellow at the Radcliffe Institute for Advanced Study at Harvard University conducting research on sexual exploitation and trafficking of adolescents.

The IOM committee's deliberations were guided by three fundamental principles. No. 1, commercial sexual exploitation and sex trafficking of minors should be understood as acts of abuse against children and adolescents. No. 2, minors who are commercially sexually exploited or trafficked for sexual purposes should not be considered criminals. No. 3, identification of victims and survivors and any interventions should do no further harm to any child or adolescent.

The IOM committee also concluded that efforts to prevent, identify, and respond require better collaborative approaches and must confront demand and hold accountable the individuals who commit and benefit from these abusive acts and crimes. Although accurate nationwide prevalence estimates based on reliable evidence are not available, the IOM committee concluded that the available evidence does suggest that commercial sexual exploitation and sex trafficking of minors has been reported in every region and State, and that victims come from diverse backgrounds in terms of geography, income, race, ethnicity, gender, and sexual orientation.

Nevertheless, some populations of children are likely to be at heightened risk for victimization. These include children who have been sexually abused, youth who lack stable housing, sexual and gender minority youth, youth who have used or abused drugs or al-

cohol, and youth who have experienced homelessness, foster placement, or juvenile justice involvement.

The IOM committee found that healthcare professionals can play an important role in the prevention and identification of children and adolescents who are victims or who may be at risk of commercial sexual exploitation and sex trafficking. However, numerous barriers exist to limit identification. These barriers include a lack of understanding and awareness; the lack of disclosure by victims; and a lack of established screening practices, policies, and protocols to guide healthcare professionals.

Such practices, policies, and protocols do exist for child abuse and domestic violence, which could provide a basis for developing ones for sexual exploitation and trafficking. Healthcare professionals also have a role to play in treatment. In order to provide effective prevention, identification, and treatment for victims and survivors, healthcare professionals require specific training and tools.

Educators and school personnel also can play an important role in the prevention and identification of children and adolescents who are victimized by or at risk for commercial sexual exploitation and sex trafficking. Similar to the ways in which school-based health education initiatives have been used, for example, to promote physical activity, reduce tobacco use, promote healthy sexual behaviors, reduce dating violence, and reduce alcohol impaired driving, schools could develop prevention education initiatives directed to the reduction and remediation of commercial sexual exploitation and sex trafficking.

In order to ensure that prevention and identification efforts do no harm, appropriate services must be available to which victims and survivors can be referred if and when they are identified. More thorough evaluation of the use of trauma-informed care is warranted, and emergency shelter and short- and long-term housing are particularly scarce. Without appropriate services, victims and survivors are at risk for re-exploitation and repeat trafficking.

Finally, in a majority of States, it is still possible for prostituted, exploited, and trafficked children to be arrested, prosecuted, detained, and incarcerated for sexual offenses such as prostitution or for related offenses such as loitering or drug offenses, even if they were being exploited or trafficked. A growing number of States are enacting laws often referred to as safe harbor laws to redirect exploited and trafficked children and adolescents out of the juvenile and criminal justice system and into the child welfare system or to other services. The IOM report recommends that all jurisdictions develop laws and policies designed for this purpose.

Thank you for the opportunity to present this testimony, and I look forward to your questions.

[The prepared statement of Ms. English follows:]

PREPARED STATEMENT OF ABIGAIL ENGLISH, J.D.

#### SUMMARY

My name is Abigail English and I am director of the Center for Adolescent Health & the Law in Chapel Hill, NC. In 2012 and 2013, I served as a member of the Institute of Medicine and National Research Council Committee on Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States (IOM Committee), which published a comprehensive report in September 2013, *Confronting Commer-*

*cial Sexual Exploitation and Sex Trafficking of Minors in the United States* (IOM Report).

The IOM Committee's deliberations were guided by three **fundamental principles**:

1. Commercial sexual exploitation and sex trafficking of minors should be understood as acts of abuse *against* children and adolescents.
2. Minors who are commercially sexually exploited or trafficked for sexual purposes should not be considered criminals.
3. Identification of victims and survivors and any interventions, above all, should do no further harm to any child or adolescent.

#### TERMINOLOGY AND DEFINITIONS

The wide variation in the terminology used to describe commercial sexual exploitation and sex trafficking of minors and in the definition of these problems means that there is no shared language or precise understanding of the scope of the problems. The IOM Report focuses on three specific aspects of these problems: trafficking of minors for purposes of sexual exploitation, exploitation of minors through prostitution, and survival sex.

#### PREVALENCE

Accurate nationwide estimates of prevalence are not available. One review of the prevalence of prostituted juveniles showed that estimates ranged from 1,400 to 2.4 million. Nevertheless, the IOM Committee concluded that the available evidence does suggest that commercial sexual exploitation and sex trafficking of minors has been reported in every region and State and that victims come from diverse backgrounds in terms of geography, income, race, ethnicity, gender, and sexual orientation.

#### CONSEQUENCES

The IOM Committee concluded that commercial sexual exploitation and sex trafficking of minors in the United States are serious problems with immediate and long-term adverse consequences. The IOM Report also suggests that a comprehensive understanding of the consequences of commercial sexual exploitation and sex trafficking of minors include health, developmental, and legal consequences, as well as the risks of re-exploitation and further victimization.

#### PREVENTION AND IDENTIFICATION IN THE HEALTH CARE SECTOR

The IOM Committee found that health care professionals can play an important role in the prevention and identification of children and adolescents who are victims or who may be at risk of commercial sexual exploitation and sex trafficking. However, numerous barriers exist to limit identification by health care professionals of victims, survivors, and young people at risk. These barriers include a **lack of understanding** by health care professionals, the **lack of disclosure** by victims, and a lack of established **screening practices, policies, and protocols** in the health care field.

#### PREVENTION AND IDENTIFICATION IN THE EDUCATION SECTOR

Educators and school personnel can play an important role in the prevention and identification of children and adolescents who are victimized by or at risk for commercial sexual exploitation and sex trafficking. Schools could develop prevention education initiatives directed to the reduction and remediation of commercial sexual exploitation and sex trafficking.

#### SERVICES AND LAWS TO PROTECT VICTIMS AND SURVIVORS

Effectiveness of prevention and identification will depend ultimately on the availability of appropriate services to which victims and survivors can be referred and on laws being in place that redirect victims and survivors out of the juvenile and criminal justice systems to those services.

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Senator Hagan, Senator Enzi, and members of the Senate HELP Subcommittee on Children and Families: My name is Abigail English and I am director of the Center for Adolescent Health & the Law in Chapel Hill, NC. I am honored to have the opportunity to testify about child sex trafficking at the Senate HELP Subcommittee on Children and Families hearing, "Falling Through the Cracks: The Challenges of



Prevention and Identification in Child Trafficking and Private Rehoming.” The sex trafficking of children is a critically important issue to which I have devoted my professional attention and research for the past several years. In 2012 and 2013, I was privileged to serve as a member of the Institute of Medicine and National Research Council Committee on Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States (IOM Committee), which published a comprehensive report in September 2013, *Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States*<sup>1</sup> (IOM Report). In 2010 and 2011, I was a fellow at the Radcliffe Institute for Advanced Study at Harvard University conducting research on sexual exploitation and trafficking of adolescents. I am pleased to share the findings and recommendations from the IOM Report, as well as information from my own research.

At the request of the Department of Justice (DOJ) Office of Juvenile Justice and Delinquency Prevention (OJJDP), the IOM Committee conducted a 2-year study examining the available evidence in order to develop recommendations concerning strategies for responding to commercial sexual exploitation and sex trafficking of minors in the United States, new legislative approaches, and a research agenda. In addition to a comprehensive review of the published literature, the committee heard from numerous witnesses at two public workshops and conducted site visits in four cities. The resulting IOM Report contains extensive analysis of the evidence as well as findings, conclusions, and recommendations related to the nature and extent of commercial sexual exploitation and sex trafficking, risk factors and consequences, laws and the legal system, victim and support services, health and health care, the education sector, the commercial sector, and multi-sector and interagency collaboration.

The IOM Committee’s deliberations were guided by three fundamental principles:

1. Commercial sexual exploitation and sex trafficking of minors should be understood as acts of abuse *against* children and adolescents.
2. Minors who are commercially sexually exploited or trafficked for sexual purposes should not be considered criminals.
3. Identification of victims and survivors and any interventions, above all, should do no further harm to any child or adolescent.

In addition to numerous specific findings and conclusions related to various sectors that are involved in responding to commercial sexual exploitation and sex trafficking of minors, the IOM Committee concluded that efforts to prevent, identify, and respond require better collaborative approaches that build upon the capabilities of people and entities from a range of sectors. Such efforts also will need to confront demand and hold accountable the individuals who commit and benefit from these abusive acts and crimes.

The IOM Report groups its specific recommendations under five overarching imperatives:

- **Increase awareness and understanding** through training of professionals and public awareness campaigns.
- **Strengthen the law’s response** through development of laws and policies that redirect young victims and survivors away from arrest and prosecution as criminals or adjudication as delinquents to appropriate services, and through laws that hold exploiters, traffickers, and solicitors accountable.
- **Strengthen research** to advance understanding and to support development of prevention and intervention strategies through a research agenda that includes both efforts to refine estimates about the prevalence of commercial sexual exploitation and trafficking in specific subpopulations of vulnerable youth and research to develop evidence-based prevention and intervention strategies, gender- and ethnic-responsive services, support for difficult to reach populations, multi-sector approaches, and demand reduction.
- **Support multi-sector and interagency collaboration** through development of guidelines and technical assistance to support collaboration and information sharing.
- **Create a digital information-sharing platform** to deliver reliable real-time information on ways to prevent, identify, and respond to commercial sexual exploitation and sex trafficking of minors in the United States.

These recommendations are directed to Congress; State legislatures; numerous Federal and State governmental agencies; national, State, and local bar associations, academic and research institutions, foundations and nongovernmental organizations, and the commercial sector.

<sup>1</sup> IOM (Institute of Medicine) and NRC (National Research Council). 2013. *Confronting commercial sexual exploitation and sex trafficking of minors in the United States*.

## TERMINOLOGY AND DEFINITIONS

The wide variation in the terminology used to describe commercial sexual exploitation and sex trafficking of minors and in the definition of these problems means that there is no shared language or precise understanding of the scope of the problems. The terms range from diagnostic and scientific (e.g., screening, medical forensic exam) to legal (e.g., trafficking, perpetrator) to colloquial terms from popular culture (e.g., pimp, john, child prostitute) to terms derived from the experience of survivors, service providers, and advocates (e.g., victim, survivor, modern-day slavery). The ambiguities and confusion in language can result in serious harm to the affected children and adolescents. For example, if a teenage girl who exchanges a sexual act for money is viewed as a child prostitute she may be arrested, detained, adjudicated as a delinquent, and incarcerated rather than being referred to appropriate services, even if she was a victim of an exploiter or trafficker.

The IOM Report defines commercial sexual exploitation and sex trafficking of minors as encompassing a wide range of crimes of a sexual nature committed against children and adolescents, including trafficking a minor for sexual purposes, exploiting a minor through prostitution, exploiting a minor through survival sex (exchange of sexual acts for something of value such as shelter, food, or drugs), using a minor in pornography, exploiting a minor through sex tourism, and exploiting a minor through performance in sexual venues. The IOM Report focuses on three specific aspects of these problems: trafficking of minors for purposes of sexual exploitation, exploitation of minors through prostitution, and survival sex.

## PREVALENCE

Although there is significant interest in knowing the prevalence of commercial sexual exploitation and sex trafficking of minors in the United States, accurate nationwide estimates based on reliable evidence are not available. This is due to numerous factors including the difficulties associated with the counting of crimes in general and the counting of sexual exploitation and trafficking in particular, resulting in dramatic discrepancies among the available estimates. For example, one review of the prevalence of prostituted juveniles showed that estimates ranged from 1,400 to 2.4 million.<sup>2</sup>

In spite of the lack of an accurate national estimate of prevalence, and the difficulties inherent in developing one, the IOM Committee concluded that the available evidence does suggest that commercial sexual exploitation and sex trafficking of minors has been reported in every region and State and that victims come from diverse backgrounds in terms of geography, income, race, ethnicity, gender, and sexual orientation. Nevertheless, some populations of children are likely to be at heightened risk for victimization. These include children who have been sexually abused; youth who lack stable housing; sexual and gender minority youth; and youth who have used or abused drugs and or alcohol; and youth who have experienced homelessness, foster care placement, or juvenile justice involvement.

## CONSEQUENCES

The IOM Committee concluded that commercial sexual exploitation and sex trafficking of minors in the United States are serious problems with immediate and long-term adverse consequences. The IOM Report cites a 1996 report from the first World Congress Against Commercial Sexual Exploitation of Children,<sup>3</sup> which pointed out that although direct scientific evidence is sparse, there is little doubt that the sexual exploitation of children results in serious, often life-long, and sometimes life-threatening consequences for the physical, psychological, and social health of the child. The IOM Report also suggests that a comprehensive understanding of the consequences of commercial sexual exploitation and sex trafficking of minors include health, developmental, and legal consequences, as well as the risks of re-exploitation and further victimization.

## PREVENTION AND IDENTIFICATION IN THE HEALTH CARE SECTOR

The IOM Committee found that health care professionals can play an important role in the prevention and identification of children and adolescents who are victims or who may be at risk of commercial sexual exploitation and sex trafficking. However, numerous barriers exist to limit identification by health care professionals of

<sup>2</sup>Stransky, M., and D. Finkelhor. 2008. How many juveniles are involved in prostitution in the U.S.? Durham, NH: Crimes Against Children Research Center.

<sup>3</sup>World Congress Against Commercial Sexual Exploitation of Children. 2002. *Welcome*. <http://www.csecworldcongress.org/en/index.htm>.

victims, survivors, and young people at risk. These barriers include a **lack of understanding** and awareness that results from stereotypes and misperceptions, a lack of specific training, funding constraints, and competing priorities for training and education. Nevertheless, opportunities may exist to build on past experience and current models in the development of training on child abuse and domestic violence.

Another important barrier is the **lack of disclosure** by victims of being commercially sexually exploited or trafficked due to fear or distrust of professionals and the systems in which they work, as well as fear of retribution by their trafficker or exploiter, a perception that they are not being exploited, or a belief that they are responsible for their own exploitation. Victims and survivors who do not disclose their exploitation and health care professionals who fail to identify victims and survivors are influenced in part by potential and perceived complications related to mandated reporting. The IOM Committee did not make a specific recommendation regarding mandated reporting of commercial sexual exploitation and sex trafficking of minors as child abuse, but the committee did explain the complex considerations related to mandated reporting that include variations in the scope of State laws, reluctance of health care professionals to discourage mistrustful youth from seeking health care or to place them at greater risk from their exploiters, and reluctance of youth to disclose their exploitation.

Finally, there is a lack of established **screening practices, policies, and protocols** in the health care field to guide health care professionals in the identification and prevention of commercial sexual exploitation and sex trafficking of children and adolescents. Such practices, policies, and protocols do exist for child abuse and domestic violence, which could provide a basis for developing ones for sexual exploitation and trafficking.

Health care professionals have a role to play both in identification and prevention, but also in **treatment**. As the IOM Report states:

“Regardless of how they are identified, it is essential that health care professionals recognize and treat the myriad acute and chronic medical and mental health needs of minors who are victims or survivors of commercial sexual exploitation and sex trafficking.”

One noteworthy example of a health care provider site that has been working to prevent, identify, and treat victims and survivors of commercial sexual exploitation and sex trafficking is Asian Health Services in Oakland, CA. The programs include: primary prevention (e.g., education on healthy relationships for children and adolescents and continuing medical education on sex trafficking for health care professionals), secondary prevention (e.g., diagnosis and treatment of victims and survivors before their exploitation results in significant harms or illnesses), and tertiary prevention (e.g., intervention to minimize harms from exploitation).

In order to provide effective prevention, identification, and treatment for victims and survivors, health care professionals require specific **training**. Although there is a paucity of evaluated training programs, a few organizations have developed training programs that could be evaluated and serve as models. Some of the existing programs focus on human trafficking in general, such as that provided by the Houston Rescue and Restore Coalition in collaboration with the University of Texas School of Public Health and an online training program offered by the Polaris Project; other programs are specific to minor victims of sex trafficking, such as the five-session series offered by Children’s Health Care of Atlanta together with the Georgia Governor’s Office for Children and Families.

In addition to training programs, a number of tools exist for identifying victims and survivors of commercial sexual exploitation and sex trafficking. These tools have been developed by several different organizations and agencies, including the International Organization for Adolescents, Asian Health Services, the Administration for Children and Families Office of Refugee Resettlement, the Polaris Project, and the Mt. Sinai Adolescent Clinic. These tools are likely to be more effective if used by health care professionals who have been trained in the nature of the trauma suffered by victims and survivors. The IOM Report provided these examples of training programs and screening tools, rather than endorsing any particular one, because they have not yet been evaluated.

#### PREVENTION AND IDENTIFICATION IN THE EDUCATION SECTOR

Educators and school personnel can play an important role in the prevention and identification of children and adolescents who are victimized by or at risk for commercial sexual exploitation and sex trafficking. Similar to the ways in which school-based health education initiatives have been used, for example, to promote physical activity, reduce tobacco use, promote healthy sexual behaviors, reduce dating vio-

lence, and reduce alcohol-impaired driving, schools could develop prevention education initiatives directed to the reduction and remediation of commercial sexual exploitation and sex trafficking.

The IOM Report identified examples of primary, secondary, and tertiary prevention programs based on a framework developed by the Department of Health & Human Services Administration for Children and Families. Secondary prevention might include, for example, education programs located in high schools for individuals who have one or more risk factors associated with commercial sexual exploitation and sex trafficking of minors. Efforts in the education sector to address these problems could include **development of district-wide policies and partnerships**, as done by Grossmont Union High School District in California's east San Diego county; **leveraging of school and community resources** as done by the Oakland Unified School District in Oakland, CA, in partnership with the Oakland High School Wellness Center, which has trained school personnel to identify victims and refer them to the Wellness Center; and **raising awareness among members of the school community** through dissemination of fact sheets, incorporation of sexual exploitation and trafficking in emergency management efforts for schools, and targeted education programs for specific populations.

#### SERVICES FOR VICTIMS AND SURVIVORS

One of the IOM Committee's guiding principles was that identification of victims and survivors and any interventions, above all, should do no further harm to any child or adolescent. In order to ensure that prevention and identification efforts do no harm, it is essential that appropriate services be available to which victims and survivors can be referred if and when they are identified in the health care sector, the education sector, or other settings. Because a wide variety of survivors, as well as governmental and nongovernmental stakeholders are increasingly calling for the use of trauma-informed care for victims and survivors of commercial sexual exploitation and sex trafficking, a more thorough evaluation of these approaches is warranted. The IOM Committee found that services are too few to meet current needs, are unevenly distributed, lack adequate resources, and vary in their ability to provide specialized care. In particular, the committee found that emergency shelter and short- and long-term housing is particularly scarce. Without adequate services in place, victims and survivors who are identified are at risk for re-exploitation and repeat trafficking.

#### LAWS TO PROTECT VICTIMS AND SURVIVORS

Another of the IOM Committee's guiding principles was that minors who are commercially sexually exploited or trafficked for sexual purposes should not be considered criminals. Nevertheless in a majority of States it is still possible for prostituted children to be arrested, prosecuted, detained, and incarcerated for sexual offenses such as prostitution; they may also be arrested and processed for related offenses such as loitering or drug offenses, even if the reason they came to the attention of law enforcement was that they were being prostituted, with or without the involvement of a third party exploiter or trafficker. In response to this situation, a growing number of States are enacting laws, often referred to as "**Safe Harbor Laws**," to redirect exploited and trafficked children and adolescents out of the juvenile and criminal justice system and into the child welfare system or to other services. In order to ensure that victims and survivors are not treated as criminals and instead receive appropriate services, the IOM Report recommended that all national, State, local, tribal, and territorial jurisdictions develop laws and policies that redirect young victims and survivors away from the juvenile and criminal justice system to services that are equipped to meet their needs.

The IOM Report complements numerous other recent reports and initiatives by governmental and nongovernmental entities that have drawn attention to the problems of commercial sexual exploitation and sex trafficking of minors, and suggested strategies for addressing these problems, thus providing a timely opportunity to address these problems in the health and education sectors as well as other settings.

Thank you for the opportunity to present this testimony.

Senator HAGAN. Thank you, Ms. English.  
Ms. Littrell.

**STATEMENT OF JENEÉ B. LITTRELL, ASSISTANT PRINCIPAL,  
GROSSMONT UNION HIGH SCHOOL DISTRICT, SAN DIEGO  
COUNTY, CA**

Ms. LITTRELL. Thank you, Senator Hagan, Senator Enzi, and the other members of the committee here today. My name is Jeneé Littrell, and I'm currently an assistant principal at an alternative school in Grossmont Union High School District. I have spent my entire career developing and implementing programs and services to address the social and emotional needs of students, especially the most vulnerable, and working to create policies, services, and learning environments that support the physical and emotional safety of all students.

For the past 6 years, much of my focus and attention, both personally and professionally, has been on the issue of child sex trafficking. It is an honor to be here today to testify about the prevention and early identification work that we have done in Grossmont Union High School District.

Schools can and should be safe havens for students, and even more so for some whose lives are otherwise characterized by instability and lack of safety or security. In these cases, school personnel are uniquely well-positioned to identify and report suspected abuse and connect students to services, actions that can prevent trafficking and even save lives.

Everyone who is part of the school community—administrators, teachers, bus drivers, maintenance personnel, food service workers, resource officers and others—has the potential to be an advocate for child victims of human trafficking. First they must learn the indicators of the crime, its warning signs, and how to respond when a student is an apparent victim.

Along with our partners, law enforcement, child welfare, and social services, we have developed a program to accomplish the above task. Our program includes four key components: No. 1, increase staff awareness and education on the indicators and nature of the crime; No. 2, increase student awareness of the risks and realities of trafficking; No. 3, clearly articulated district policy and protocol for identifying a suspected victim or responding to a disclosure from a suspected; and, No. 4, strong working partnerships with law enforcement, child welfare, probation, and social services.

In February 2008, committed to the concept of effective inter-agency information sharing, our community worked with Dr. Bernie James, Pepperdine law professor and nationally recognized expert, to create an information sharing agreement. This agreement allowed for sharing of information across our systems and helped us to identify our first student victim of child sex trafficking.

Since that time, our partnership has identified countless victims and survivors of child sex trafficking, and we have educated and protected numerous potential victims. We have learned the magnitude and scope of the problem is greater than any one of our systems realized, and it is definitely more challenging than any one system can address alone.

We have also learned that schools play a critical role in protecting students and need the proper training and support in order to do so. Beginning in the fall of 2010, we developed a comprehensive staff training for all school personnel about the dynamics of

child sex trafficking, the scope of the crime, warning signs, campus impact, and a clearly defined course of action on how to respond.

Along with our partners, we developed a protocol for response when a staff member confirms or suspects a student is a trafficking victim. We have trained our counselors on how to provide trauma specific services and when to bring in outside experts to support a student impacted by sex trafficking.

We have also partnered with national and local experts to develop a prevention curriculum for students. Most importantly, we developed cross system mechanisms and infrastructure for collaboration among public agencies and other stakeholders while building upon the successes and structures, processes and relationships already in place.

In closing, I would like to share actual quotes from sex trafficking survivors when asked their opinion about how schools should address this issue.

“I know that my teacher knew that something was wrong with me. On a few occasions, she saw me getting out of my pimp’s car before school. I would catch her looking at me as if she was trying to figure out what to do with me. I wish she had done something.

“Watch it and address it. We know you are aware it’s happening.

“Educate all staff about the warning signs. If I knew I had someone to turn to, I would have done so.

“Don’t give up on us when we get in trouble. Work with us to figure out why things are happening.”

Student victims need schools across the Nation to be trained on identification and response. In many cases, the adults on campus are the last responsible adults to touch these young people’s lives before they are victimized or lost to this crime.

Thank you for the opportunity to speak today, and I look forward to your questions.

[The prepared statement of Ms. Littrell follows:]

#### PREPARED STATEMENT OF JENÉE B. LITRELL

##### SUMMARY

The International Labor Organization estimated in 2012 that children represented 26 percent (or 5.5 million) of the 20.9 million victims worldwide.<sup>1</sup> Both U.S. citizen and foreign national children are trafficked for sex and labor in the United States.<sup>2</sup> In fact, many child victims of human trafficking are students in the American school system. School administrators and staff need to be aware that cases of child trafficking are being reported in communities throughout the Nation. No community—urban, rural, or suburban—school, socioeconomic group, or student demographic is immune.

Few crimes are more abhorrent than child trafficking, and few are more challenging for communities to recognize and address. For many people, the reality of trafficking in their community is difficult to comprehend, let alone confront. For educators and school personnel, the reality of these crimes and the severity of their impact are cause for a call to action.

<sup>1</sup> International Labour Organization, *ILO Global Estimate of Forced Labour 2012: Results and Methodology*. Geneva, Switzerland: International Labour Organization, 2012. Available at [http://www.ilo.org/global/topics/forced-labour/publications/WCMS\\_182004/lang-de/index.htm](http://www.ilo.org/global/topics/forced-labour/publications/WCMS_182004/lang-de/index.htm).

<sup>2</sup> U.S. Department of State, *Trafficking in Persons Report 2013*. Available at <http://www.State.gov/j/tip/rls/tiprpt/2013/>.

Schools can and should be safe havens for students, and even more so for some whose lives are otherwise characterized by instability and lack of safety or security. In these cases, school personnel are uniquely well-positioned to identify and report suspected abuse and connect students to services—actions that can prevent trafficking and even save lives. Everyone who is part of the school community—administrators, teachers, bus drivers, maintenance personnel, food service staff, resource officers, and others—has the potential to be an advocate for child victims of human trafficking, but, *first*, they must learn the indicators of the crime, its warning signs, and how to respond when a student is an apparent victim.

Some pragmatic concerns contribute to most communities' ambivalence in mounting an aggressive child trafficking prevention effort. Schools are often caught in that confusion. Increased awareness and provision of services are invaluable, but there are limited resources to support child trafficking victims and other at-risk students. How should education, social services, and child welfare systems prevent child sexual exploitation and provide safety for a student who has been trafficked? How should schools evaluate whether or not their response is effective? These are questions that school districts need to confront as they develop a response to the crime.

Schools have several responsibilities regarding child trafficking. They must: (1) increase staff awareness and educate staff on the indicators and the nature of the crimes; (2) increase parent and student awareness of the risks and realities of trafficking; (3) develop and clearly articulate district- or school-wide policies on and protocols for identifying a suspected victim or responding to a disclosure from a suspected victim; and (4) develop and foster working partnerships with law enforcement, child welfare, probation and social service agencies.

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Thank you Senator Hagan, Senator Enzi and the other members of the committee present today for the opportunity to speak. My name is Jeneé Littrell and I currently work as an assistant principal at an alternative school in Grossmont Union High School District. I have spent my entire career developing and implementing programs and services to address the social/emotional needs of students, especially, the most vulnerable and working to create policies, services and learning environments that support the physical and emotional safety of all students. For the past 6 years, much of my focus and attention—both personally and professionally—has been on the issue of child sex trafficking and it is an honor to be here today to testify about the prevention and early identification work that we have done in Grossmont Union High School District.

Schools can and should be safe havens for students, and even more so for some whose lives are otherwise characterized by instability and lack of safety or security. In these cases, school personnel are uniquely well-positioned to identify and report suspected abuse and connect students to services—actions that can prevent trafficking and even save lives. Everyone who is part of the school community—administrators, teachers, bus drivers, maintenance personnel, food service staff, resource officers, and others—has the potential to be an advocate for child victims of human trafficking, but, *first*, they must learn the indicators of the crime, its warning signs, and how to respond when a student is an apparent victim.

Along with our partners—law enforcement, child welfare and social services—we have developed a program to accomplish the above task. Our program includes four key components: (1) increased staff awareness and education on the indicators and the nature of the crime; (2) increased parent and student awareness of the risks and realities of trafficking; (3) clearly articulated district policy and protocol for identifying a suspected victim or responding to a disclosure from a suspected victim; and (4) strong working partnerships with law enforcement, child welfare, probation and social service agencies.

In February 2008, committed to the concept of an effective interagency information-sharing agreement that could transform how our district and partners serve families and students, we worked with Dr. Bernard James, Pepperdine law professor and nationally recognized expert in constitutional law and First Amendment rights, to guide the development of such a model. The document was signed by all relevant stake holders and within days the sharing of information across our systems, helped us to identify our first student victim of child sex trafficking. Since that time, our partnership has identified countless victims and survivors and educated and protected numerous potential victims. We have learned the magnitude and scope of the problem is greater than any one of our systems realized and it is definitely more challenging than any one system can address alone. We have also learned that schools play a critical role in protecting students and need the proper training and support in order to do so.

Beginning in the Fall of 2010, we developed a comprehensive staff training for all school personnel about the dynamics of child sex trafficking, the scope of the crime, warning signs, campus impact and a clearly defined course of action on how to respond. Along with our partners, we developed a protocol for response when a staff member confirms or suspects a student is a trafficking victim. We have trained our counselors on how to provide trauma specific services and when to bring in outside experts to support a student impacted by sex trafficking. We have also partnered with national and local experts to develop a prevention curriculum for students and parents. Most importantly, we developed cross-system mechanisms and infrastructure for collaboration among public agencies and other stakeholders, while building upon the structures, processes, and relationships already in place.

In closing, I would like to share actual quotes from sex trafficking survivors when asked their opinion about how schools should address this issue.

- “I know that my teacher knew that something was wrong with me. On a few occasions she saw me getting out of my pimp’s car before school. I would catch her looking at me as if she was trying to figure out what to do with me. I WISH SHE HAD DONE SOMETHING!”

- “Watch it and address it!! We know you are aware it’s happening.”
- “Educate all school staff about the warning signs. If I knew I had somewhere to turn, I would have done so.”
- “Don’t give up on us when we get in trouble. Work with us to figure out why things are happening.”

Student victims need schools across the Nation to be trained on identification and response. In many cases, the adults on campus are the last responsible adults to touch these young people’s lives before they are victimized or lost to this crime.

Thank you again for the opportunity to be here today.

Senator HAGAN. Thank you, Ms. Littrell.

Ms. Twohey.

**STATEMENT OF MEGAN TWOHEY, INVESTIGATIVE REPORTER,  
THOMSON REUTERS, NEW YORK, NY**

Ms. TWOHEY. Thank you, Chairwoman Hagan and Ranking Member Enzi, for inviting me to testify today.

Starting in 2012, I began examining what are called disrupted adoptions, cases in which parents conclude they cannot successfully raise an adopted child. During my research, I discovered a clandestine online world where some of these parents solicited new families for children they no longer wanted.

In internet forums on Yahoo and Facebook, the posts from these parents were striking. “I’m totally ashamed to say it, but we do truly hate this boy,” one woman wrote of the 11-year-old son she had adopted from Guatemala. “I would have given her away to a serial killer I was so desperate,” said another parent of her adopted daughter.

These parents weren’t simply venting. They were actively off-loading children. It’s called private re-homing, a term first used by people seeking new homes for their pets. What we didn’t know, what no one knew, was how often this was happening and what had become of the children who were given away.

Because parents handled the custody transfers privately, often with strangers they met online and often through nothing more than a notarized power of attorney, no government agency was involved and none were investigating the practice. The Federal Government estimates that, overall, about 10 percent to 25 percent of adoptions fail. No authority systemically tracks what happens to children after they are adopted domestically or internationally.

To quantify the frequency of re-homing, we conducted a deep dive on one of the online forums where this activity was taking place. We meticulously examined more than 5,000 messages posted



on the Yahoo bulletin board going back 5 years, and we built a data base to help us process our findings. We discovered that over that 5-year period, in this one forum alone, a child was offered to strangers on an average of once a week.

The activity spanned the Nation. Children in 34 States had been advertised. Many were transferred from parents in one State to families in another. At least 70 percent were said to have been adopted overseas. Many were said to suffer from physical and emotional and behavioral problems.

It was clear from the online descriptions of these children that they were among society's most vulnerable. Child abuse experts pointed out that their backgrounds and the manner in which they were advertised made them ripe for exploitation.

Beyond the data base, we pieced together more than a dozen cases of re-homing. I traveled around the country, gathering records and interviewing parents and adoptees. These are three examples of what I found.

After determining that the 10-year-old boy she adopted out of the foster care system was too troubled to keep, a Wisconsin mother solicited a new family for him on a Yahoo group. "I couldn't stand to look at him anymore," she told me, "and I wanted this child gone." Within hours of posting the advertisement, the mother handed the boy off in a hotel parking lot to a woman whose biological children had been permanently removed from her care and to a man who is now in prison for child pornography.

This couple, living in Illinois at the time, drove the boy home with them with the Wisconsin mother having no idea who they really were. She had no idea that the Illinois woman's children had been removed after officials determined she suffered severe psychiatric problems, as well as violent tendencies, or that the man had an affinity for young boys that he would later share with an undercover agent in a pedophile chat room. The woman believed their assurances that they were good people with good intentions.

In another case, a Russian girl named Inga thought her adoption by an American couple would bring a world of happiness. "My picture was, I'm going to have family, I'm going to go to school, I'm going to have friends," Inga, now 27, told me. Less than a year after bringing Inga home, her adoptive parents gave up trying to raise her. They turned to the internet and sent Inga to three different homes over the course of 6 months. None wanted to keep her. In one home, Inga said she suffered physical abuse. In another, she said the father molested her.

Inga was sent to a Michigan psychiatric facility at the age of 13 after her adoptive parents refused to take her back. Officials characterized Inga's troubles this way: substance abuse, domestic violence, separation from parents, sexual abuse, physical abuse, emotional abuse, verbal abuse, attachment issues, and mental health issues. To Inga, the situation seemed bleak. "My parents didn't want me. Russia didn't want me. I didn't want to live," she told me.

Another girl, Nita, was adopted from Haiti at 13. She told me she also suffered suicidal thoughts, as she was passed among four families within 2 years. The first family to take Nita lived in Ohio. She says she was 1 of 33 children and that the environment was chaotic. The third family abruptly sent her away after Nita helped

bring to light allegations of sexual abuse against other children in the home. Now 18, Nita says the feelings of abandonment took a toll. In addition to suicidal thoughts, she also developed an eating disorder.

Many of the young people I interviewed told me that they had felt voiceless and alone. Few had found anyone to advocate on their behalf.

Why does re-homing happen? Parents who offer their children told us they had few options as they tried to raise children with many behavioral problems. Adoption agencies refused to help, residential treatment centers were expensive, and some parents feared they would be charged with abuse or neglect if they tried to relinquish their child to the State.

To be sure, many of the people who take these children in are competent and compassionate caretakers. As our investigation showed, re-homing also has allowed abusers and others who escape scrutiny to easily obtain children.

What are the obligations of these websites on which these re-homing forums have taken place? It depends on who you ask. When I informed Yahoo of the activity I saw on Yahoo user groups, the company swiftly took down the sites. Facebook, by contrast, allowed a similar forum to continue operating after we exposed it.

Is re-homing legal? The answer is complicated. No State or Federal laws specifically prohibit re-homing. Some States restrict the advertising and custody transfers of children, but those laws are confusing, frequently ignored, and rarely prescribe criminal sanctions.

Since our investigation, at least four States—Wisconsin, Louisiana, Colorado, and Florida—have enacted new restrictions on child advertising, custody transfers, or both. The sponsor of the Wisconsin bill called re-homing, “a gaping hole that allows children to be placed in unsafe situations with dangerous and sometimes life-threatening outcomes.”

In terms of a Federal response, the congressional Research Service issued a report recommending ways Congress could restrict re-homing. And as you know, the Government Accountability Office will begin studying State and Federal policies related to re-homing this summer.

At the request of Senator Ron Wyden, four Federal departments have been meeting to identify ways to address re-homing. Senator Wyden expressed shock that advertising children online does not seem to violate any Federal laws.

Some child advocates say a Federal law should place uniform restrictions on advertising of children and require that all custody transfers of children to non-relatives be approved by a court. They say differing State responses aren’t adequate to address what is largely an interstate practice. Other advocates are seeking more government support for struggling adoptive families and more scrutiny of prospective adoptive parents.

Thank you for the opportunity to talk about this issue. Unfortunately, I can only give voice to some of the young people affected by this practice. There remain many unaccounted re-homed children whose whereabouts are unknown.

[The prepared statement of Ms. Twohey follows:]

## PREPARED STATEMENT OF MEGAN TWOHEY\*

## SUMMARY

In 2012, I discovered a clandestine world where desperate parents sought new families for children they adopted but no longer wanted. The parents connected through online forums on Yahoo and Facebook, privately arranging custody transfers with strangers met on the internet. It's called "private re-homing," a term first used by people seeking new homes for their pets. Because parents handled the custody transfers privately, and often through nothing more than a notarized power of attorney, no government agency was involved and none was investigating the practice.

In a single Yahoo message board alone, over a 5-year-period, a child was offered to strangers on average once a week. The activity spanned the Nation: Children in 34 States had been advertised. Many were transferred from parents in one State to families in another. At least 70 percent had been adopted from overseas, and many were said to suffer from physical, emotional or behavioral problems. Child abuse experts pointed out that their backgrounds—and the manner in which they were advertised—made them ripe for exploitation.

After concluding she could no longer care for him, a Wisconsin mother posted an advertisement on a Yahoo group for her 10-year-old adopted son. Hours later, she handed the boy off in a hotel parking lot to a woman whose biological children had been permanently removed from her custody and to a man who is now in prison for child pornography.

Parents who turned to these internet sites told us they had few options as they tried to raise children with many behavioral problems. Adoption agencies refused to help. Residential treatment centers were expensive. Some parents feared they would be charged with abuse or neglect if they relinquished their child to the State. To be sure, many people who take in these children are competent and compassionate caretakers. As our investigation showed, re-homing also has allowed abusers and others to easily obtain children without any public oversight.

After I informed Yahoo of the activity I saw on Yahoo user groups, the company swiftly took the sites down. Facebook, by contrast, allowed a similar forum to continue operating after we exposed it. In explaining why, a company spokesperson told me that,

"the internet is a reflection of society, and people are using it for all kinds of communications and to tackle all sorts of problems, including complicated issues such as this one."

No State or Federal laws specifically prohibit re-homing. Some States restrict the advertising and custody transfers of children, but those laws are confusing, rarely prescribe criminal sanctions and are frequently ignored. An agreement among the 50 U.S. States called the Interstate Compact on the Placement of Children, or ICPC, is meant to ensure that child welfare authorities oversee custody transfers, review prospective parents and account for what happens to children sent from one State to another. Many law-enforcement officials told me they had never heard of the compact.

Since our investigation, at least four States—Wisconsin, Louisiana, Colorado and Florida—have passed new restrictions on child advertising, custody transfers or both. The congressional Research Service issued a report recommending ways Congress could restrict re-homing. The Government Accountability Office will begin studying the issue this summer. Four Federal departments have been meeting to identify ways to address re-homing.

Some child advocates say a Federal law should place uniform restrictions on the advertising of children and require that all custody transfers of children to non-relatives be approved by a court. They say differing State responses aren't adequate to address what is largely an interstate practice. Other advocates are seeking more government support for struggling adoptive families and more scrutiny of prospective adoptive parents.

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Good morning. My name is Megan Twohey and I'm a journalist at Reuters, based in New York City.

Thank you Chairwoman Hagan, Ranking Member Enzi and other members of the subcommittee for inviting me to testify today.

Starting in 2012, I began examining what are called disrupted adoptions—cases in which parents conclude they cannot successfully raise an adopted child. During

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\* Author Of "The Child Exchange" <http://www.reuters.com/investigates/adoption/>.

my research, I discovered a clandestine online world where some of these parents solicited new families for children they no longer wanted.

In internet forums on Yahoo and Facebook, the posts from these parents were striking: “I am totally ashamed to say it but we do truly hate this boy!” one woman wrote of the 11-year-old son she had adopted from Guatemala. “I would have given her away to a serial killer, I was so desperate,” said another parent of her adopted daughter.

These parents weren’t simply venting. They were actively offloading children. It’s called “private re-homing,” a term first used by people seeking new homes for their pets.

What we didn’t know—what no one knew—was how often this was happening, and what had become of the children who were given away.

Because parents handled the custody transfers privately, often with strangers they met online, and often through nothing more than a notarized power of attorney, no government agency was involved and none was investigating the practice. The Federal Government estimates that, overall, “about 10 to 25 percent” of adoptions fail, but no authority systemically tracks what happens to children after they are adopted domestically or internationally.

For 18 months, Reuters sought to document the illicit custody transfers in the black market for adopted children.

To quantify the frequency of re-homing, we conducted a deep dive into one of the online forums where this activity was taking place. We meticulously examined more than 5,000 messages posted on the Yahoo bulletin board going back 5 years and we built a data base to help us process our findings.

We discovered that over this 5-year period, in this one forum alone, a child was offered to strangers on average once a week. The activity spanned the Nation: Children in 34 States had been advertised. Many were transferred from parents in one State to families in another. At least 70 percent had been adopted from overseas, and many were said to suffer from physical, emotional or behavioral problems.

It was clear from the online descriptions of these children that they were among society’s most vulnerable. Child abuse experts pointed out that their backgrounds—and the manner in which they were advertised—made them ripe for exploitation.

Beyond the data base, we pieced together more than a dozen cases of re-homing. I traveled around the country, gathering records and interviewing parents and adoptees.

These are three examples of what I found:

After determining that the 10-year-old boy she adopted out of the foster care system was too troubled to keep, a Wisconsin mother solicited a new family for him on a Yahoo group. “I couldn’t stand to look at him anymore,” she told me. “I wanted this child gone.” Within hours of posting the advertisement, the mother handed the boy off in a hotel parking lot to a woman whose biological children had been permanently removed from her care and to a man who is now in prison for child pornography. This couple, living in Illinois at the time, drove the boy home with them, with the Wisconsin mother having no idea who they really were. She had no idea the Illinois woman’s children had been removed after officials determined she suffered “severe psychiatric problems” as well as “violent tendencies.” Or that the man had an affinity for young boys that he would later share with an undercover agent in a pedophile chat room. This woman believed their assurances that they were good people with good intentions. Months later, a former counselor to the boy insisted the Wisconsin mother take him back. When he returned, the boy told her he had spent much of his time away with the Illinois man now in prison for child pornography.

In another case, a Russian girl named Inga thought her adoption by an American couple would bring a world of happiness. “My picture was, I’m gonna have family, I’m gonna go to school, I’m gonna have friends,” Inga, now 27, told me. Less than a year after bringing Inga home, her adoptive parents gave up trying to raise her. They say the adoption agency never told them that Inga struggled to read or write, that she suffered from depression and post-traumatic stress disorder, that she smoked. The parents say they tried therapy and support groups. They even reached out to a Russian judge to undo the adoption. When nothing worked, they turned to the internet, and sent Inga to three different families over the course of 6 months. None wanted to keep her. In one home, Inga says she had sex with a sibling and suffered physical abuse. In another, she says the father molested her. Inga was sent to a Michigan psychiatric facility at the age of 13 after her adoptive parents refused to take her back. Officials characterized Inga’s troubles this way:

“substance abuse, domestic violence, separation from parents, sexual abuse, physical abuse, emotional abuse, verbal abuse, attachment issue and mental health issues.”

To Inga, the situation seemed bleak: “My parents didn’t want me. Russia didn’t want me. I didn’t want to live.”

Another girl, Nita Dittenber, was adopted from Haiti at 13. She told me she also suffered suicidal thoughts, as she was passed among four families within 2 years. Her adoptive mother in Idaho solicited new parents for her on a Yahoo group, citing behavioral problems and a bad attitude.

The first family to take Nita lived in Ohio. She says she was one of 33 children and that the environment was chaotic. The second family lived in Twin Falls, but that too was a bad fit. The third family abruptly sent her away after Nita helped bring to light allegations of sexual abuse against other children in the home. Now 18, Nita says the feelings of abandonment took a toll. In addition to suicidal thoughts, she developed an eating disorder.

Many of the young people I interviewed told me they had felt voiceless and alone. Few had found anyone to advocate on their behalf.

Why does re-homing happen?

Parents who offered their children on the internet told us they had few options as they tried to raise children with many behavioral problems. Adoption agencies refused to help. Residential treatment centers were expensive. Some parents feared they would be charged with abuse or neglect if they tried to relinquish their child to the State.

And who are the people who take the children in?

To be sure, many of them are competent and compassionate caretakers. As our investigation showed, re-homing also has allowed abusers and others who escape scrutiny to easily obtain children.

What are the obligations of the websites on which these re-homing forums have flourished?

Depends on who you ask. After I informed Yahoo of the activity I saw on Yahoo user groups, the company swiftly took the sites down. Facebook, by contrast, allowed a similar forum to continue operating after we exposed it. In explaining why, a company spokesperson told me that,

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Since our investigation, at least four States—Wisconsin, Louisiana, Colorado and Florida—have enacted new restrictions on child advertising, custody transfers or both.

The sponsor of the Wisconsin bill called re-homing “a gaping loophole” that allows children to be “placed in unsafe situations with dangerous and sometimes life-threatening outcomes.” A Florida State senator called re-homing “a sick thing.”

In terms of a Federal response, the congressional Research Service issued a report recommending ways Congress could restrict re-homing. And as you know, the Government Accountability Office will begin studying State and Federal policies related to re-homing this summer.

At the request of U.S. Senator Ron Wyden, four Federal departments have been meeting to identify ways to address re-homing. Senator Wyden expressed shock that advertising children online “does not seem to violate any Federal laws.”

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Other advocates are seeking more government support for struggling adoptive families and more scrutiny of prospective adoptive parents.

Thank you for the opportunity to talk about this issue. Unfortunately, I can only give voice to some of the young people affected by this practice. There remain many unaccounted re-homed children whose whereabouts are unknown.

Senator HAGAN. Thank you.

I thank all of you for your testimony. Now we'll begin a series of questions. We'll take 8 minutes per Senator.

Ms. Chang, from the personal stories that Ms. Twohey shared concerning the re-homing, it seems that families feel that they have nowhere to turn when their adopted child requires a different amount of support and services beyond their skill set. Can you tell me what HHS can do to share information about trauma-informed care with adoptive parents and frontline workers, including healthcare providers and educators?

Ms. CHANG. Yes. Thank you, Senator. There's a lot that we can do to share information about what is effective in helping families who have adopted children provide evidence-based intervention that has been successful in helping deal with children with social and emotional behavioral needs.

I do think it's important to point out, however, that most adoptive families, many of whom struggle with some of the same issues, do not feel like this is a choice that they would ever have to make. They do go and seek and find assistance for their children, and most adoptive families and relative caregivers as well as foster parents are loving families who really do provide for their children.

Senator HAGAN. Certainly. Obviously, we're talking about those situations where the stories that we've heard this morning and have read about are on the other end of that spectrum.

Ms. English, from the reports that you described, one of the challenges is often the lack of data and the lack of evidence that would inform the work of the Federal, State, and local governments trying to address child trafficking. What can be done to improve the evidence gathering, the data collection, so that the Federal, State, and local policymakers can better address this problem? Also, I'm concerned about what the healthcare providers and school personnel can do to help overcome the challenges of the victims being afraid to disclose their stories.

Ms. ENGLISH. Thank you, Senator. The IOM committee identified a number of different ways in which data gathering can be improved. I'll say at the outset that there are several different kinds of data that need to be gathered and evidence that needs to be built. First of all, we do need more data about who the children are who are being exploited and trafficked so that we can tailor identification tools and prevention strategies specifically to those who are at greatest risk.

Senator HAGAN. Can you give an example?

Ms. ENGLISH. The committee, while it said that trying to refine a national prevalence estimate was probably not the most appropriate strategy, conducting research on specific subpopulations of youth is something that could be supported by the Federal Government and would enhance the development of appropriate prevention tools and identification tools.

In addition, we do not have evidence-based tools for identification and training. There are a few examples of training efforts and tools for identification that are promising, but we need much more evaluation of those and other tools.

For example, in Houston, there are training efforts underway. In Atlanta, there are specific child-oriented training efforts that have been implemented by a nonprofit or coalition and the Governor's of-

fice. The Polaris Project, which is a nationally funded project, has an online training initiative.

But all of those efforts could benefit from further evaluation. Similarly, some of the tools that have been developed by places like Asian Health Services in Oakland and other healthcare organizations and sites would benefit from evaluation so that they could be taken to scale and used in other settings.

Senator HAGAN. Thank you.

Ms. Littrell, you actually have set up a program, and you said shortly after you set it up with coordination between different groups, you actually helped identify your first victim. Can you talk about how successful this program has been at your school? What recommendations would you make to other school districts? What advice would you give them? Then, to wrap it up, how can the Federal Government help support the program that you've put in place at your school?

Ms. LITTRELL. Sure. Thank you for the opportunity to clarify. Actually, we developed an information sharing agreement, which was with our school district, six other school districts, child welfare, probation, and three law enforcement agencies.

Senator HAGAN. Six other school districts.

Ms. LITTRELL. Correct. Once we developed that information sharing agreement, that's when we immediately identified our first survivor of sex trafficking, because now all of the partners were at the same table. All the stakeholders, all the agencies that were working with the same families were now able to talk openly and collaborate and understand what part we were seeing in relation to the whole.

Senator HAGAN. One other point. Obviously, these are children, so this is all private information that is not public.

Ms. LITTRELL. Correct. It's what we're seeing in schools, as well as what the probation officer might be seeing with one of our students, as well as child welfare. We're all touching that young person's life, but we weren't discussing openly and collaborating in a way to help us understand what it was we were seeing. Once we developed that information sharing agreement, that's when we were first able to identify what was happening systemically, at least in our community and what I've now discovered across the Nation, as child sex trafficking.

Once law enforcement really alerted us to the prevalence, the scope, and age which you discussed earlier that this was happening, we started moving into action. We as a school district did not want to wait until it was happening in our schools. We wanted to be at the front line and to keep this off of our campus.

We know schools are where we just represent and reflect what's happening in the community. Unfortunately, with this happening in the community, it's also happening to our students. Because of that, we worked with our partners, the experts, to create a systemic, comprehensive training for all of our administrators, our campus supervisors, and our nurses.

What we discovered through research as well as our own experience was that, disproportionately, this was happening to children in the foster care system, children with disabilities. We made sure

those relevant staff were trained, not only on warning signs, but what to do. We know that our staff and schools are——

Senator HAGAN. Why don't you walk me through a situation of what to do?

Ms. LITTRELL. If a teacher suspects that they have a student that might be trafficked, they understand some of the warning signs. They then bring that concern to a staff member, typically a counselor who has received more in-depth training on how to engage a potential victim, how to actually have discussions to hopefully have that victim feel comfortable in disclosing what's happening.

We've trained our administrators so when they are—as in the situation you shared earlier, when they're engaged with the student and, in the case you shared, they're wearing a backpack, and they discovered some lingerie—when we're doing some of the standard businesses on campuses, we discover different warning signs and flags.

So if we suspect we have a victim, we work with that student as best as we can. We determine if we actually have a larger campus issue—if this student is being trafficked, if there's other students, if maybe the exploiter is approaching that student to and from school, we then, depending on the situation, work with communicating that to the parent or guardian.

We work with law enforcement, hopefully, so that student will feel comfortable to share the information regarding the exploiter with law enforcement. We make sure that that student and family are getting the appropriate services in the community and oftentimes on campus. That way, we can keep—disproportionately the female students that I'm talking about, that we can keep her connected to a campus.

Senator HAGAN. Thank you. My time is up.

Ms. Twohey, I'll get you on the next round.

Senator Enzi.

Senator ENZI. Thank you, Madam Chairman. This has been fascinating. Reading the testimony was also very interesting and, of course, in a lot more detail.

Ms. Chang, in your testimony you mentioned adoption disruptions and adoption dissolutions. Can you explain the difference between those two terms for me?

Ms. CHANG. Sure, Senator. Typically, when we talk about adoption disruptions, we think about what happens during the process leading up to an adoption. We think about children in foster care. The process to be adopted can take up to 2 years in some instances. Sometimes during that process of moving toward adoption finalization, there may be a disruption that prevents that adoption from being finalized. It may be due to the child's behavior, needs that a parent decides they aren't equipped to handle.

Other times, adoption dissolution refers typically to after an adoption has taken place. That may be a foster adoption, an overseas adoption, a domestic adoption. For whatever reason, a parent decides that they are no longer able to care for that child, and so we talk about that as an adoption dissolution.

Senator ENZI. Thank you.



Ms. English, you mentioned that health providers have some protections on abuse, but the same protections were not available for trafficking. Could you elaborate on that a little bit more?

Ms. ENGLISH. Thank you, Senator Enzi. What I was intending to clarify was that healthcare professionals are accustomed to identifying children who have been victims of child abuse and also victims of domestic violence, and that those protocols and identification tools could be useful in developing similar tools for the identification of victims of trafficking.

You have, however, raised an issue which is of great significance, and that is that healthcare professionals are currently mandated to report instances of child abuse to child welfare and/or law enforcement authorities. There is some lack of clarity in the laws around whether child sex trafficking is or is not included within that mandated reporting.

In some States, mandated reporting extends only to abuse that takes place by a family member or a caretaker and not by a third party. In some States, however, it does extend to third parties. A small number of States have begun to enact specific provisions to include child sex trafficking within their child abuse reporting laws.

There's also some concern on the part of healthcare professionals that if they report young people who have been victims of sexual exploitation and trafficking, that may contribute to the distrust and reluctance that those young people have to disclose their victimization to the healthcare professionals that are treating them.

Senator ENZI. Thank you.

Ms. Littrell, in your plan, your point No. 2 was educating parents and students on risks and realities. How do you go about doing that? Is there reaction from the community against that kind of discussion?

Ms. LITRELL. There's obviously a concern from the community when you're talking about their children and the potential harm of their children being sex trafficked. That's where our partnerships are really important. We in the schools work with law enforcement, as I shared earlier.

Law enforcement are really the experts on what is happening in our local community. What does the recruitment look like? What gangs are involved in this? How is the exploited youth being victimized? Is it online? Is it in certain pockets of the community?

We as the schools partner with law enforcement in hosting public awareness events and hosting some educational opportunities to alert—what the warning signs are, what the risks are, how to best protect their children. Then we, in the schools, are ready to take any reports if they have concerns and if they are worried about either their child or even one of their child's friends or other classmates.

We felt really, really strongly that the best thing for us to do in schools is to be alerted and educated so that wherever we receive a referral, whether it's law enforcement or a family coming forward or a student disclosure, we're ready to move to action and we're able to help that young person immediately.

Senator ENZI. Thank you.

Ms. Twohey, this re-homing is kind of a new thing to, I'm sure, to a lot of people. It's something pretty new to me. Is re-homing limited to adoptive families, or did you find examples of people re-homing their own kids?

Ms. TWOHEY. That's a great question. What I can tell you is that the manner by which people re-home children is not something that would be limited to adopted children. Anybody can basically, in most States, turn over a child to a stranger met on the internet with nothing more than a notarized power of attorney saying the child is now in this stranger's custody, whether it's for months or until the child turns 18. People could do that with an adopted child. People could do that with a biological child.

What I found—you know, we examined re-homing. We investigated it for 18 months and basically combed these internet forums where children were being advertised, and I didn't find a single offer of a child—of a parent offering a biological child. It was primarily people who had adopted children from foreign countries and also people who had adopted children from the foster care system.

Senator ENZI. Do you have any suggestions for people adopting kids from foreign countries as a result of your investigation?

Ms. TWOHEY. As a journalist, my job is to collect the facts and report them. What other people—in the course of doing my reporting, certain things came out with regard to international adoption. This is an area that had been largely unregulated until 2008 when there were the first Federal regulations of some international adoptions that took effect. Those regulations said that in order to adopt, you had to undergo 10 hours of training if you wanted to adopt a kid from certain foreign countries. For many of the other international adoptions, there was no training requirement.

I talked to people who had adopted children from foreign countries and hadn't really undergone any real preparation. Contrast that with the training that's required if you want to adopt a child out of the foster care system. That can be dozens of hours of training. And as I understand it, sometimes people undergo that training and say, "You know what? I've got a good hard look at what's in store, and I can't move forward."

So one of the things that has come up is the training requirements, in terms of the quality and quantity of training that's required, and also the support that's available for struggling adoptive families when their adoptions go south, both internationally and domestically.

Senator ENZI. Thank you. My time has expired. I'll cover a little bit more on the training and resources, next round.

Senator HAGAN. Thank you.

Senator Murphy.

#### STATEMENT OF SENATOR MURPHY

Senator MURPHY. Thank you very much, Madam Chair.

Ms. Twohey, you talked a little bit about the fact that States are starting to amend their laws to provide some greater protection. Can you talk about what you have found in your research to be the beginnings of best practices at the State level when it comes to protecting these children? One of the easy things that would seem to

be a common sense requirement would be that the family has to go to court in order to get authorization to move a child that they had to go through the custody process in the first place to get.

So what have you found to be the best ways that States can start to amend their laws to deal with this issue?

Ms. TWOHEY. You're correct. The child welfare system has been largely regulated by individual State laws. In the course of my reporting, I discovered that in some States, there are restrictions on who can go on the internet and advertise a child for adoption or another type of custody transfer. Some States say you have to have—a licensed agency has to do that advertising of the child to ensure that there's oversight of those involved. In other States, there are no restrictions on the advertising of children.

I would also point out that a lot of these State laws on the advertising of children, I believe, have assumed that the children being advertised are newborns, you know, young moms who don't want to keep their child and want to put the child up for adoption right after it's born. I don't think that those laws basically were crafted with the understanding that in 2014, you'd have people advertising children who are 12 years old or 14 years old. The States vary when it comes to the advertising of children and also the custody transfers of children.

There are now States that have, since our series came out in September, enacted new restrictions on the custody transfers of children saying if you're going to transfer—I mean, this is another situation where you've had—the State laws were such that they assumed if you were going to transfer custody of a child, say, through a notarized power of attorney, to another person while you were going off for military service or going into the hospital, that you'd be doing that to a trusted relative or a close friend of the family.

I don't think that those State laws basically took into account that in 2014 you'd have people transferring custody of their child to a stranger that they met on the internet. Now you've got some States saying,

“Well, listen, if you're going to transfer custody of a child to a non-relative for longer than a year, you have to go through the court and make sure that there's oversight of that.”

So those are two of the things that are now springing up at the State level as a way to address this. As I said, there are other people—child advocates have pointed out that this patchwork of varying State laws is never going to adequately protect children, and that you need a Federal law that's going to require uniform advertising standards and regulation of custody transfers.

Senator MURPHY. Ms. Chang, let me ask that question of you. Your testimony references the fact that most or all of this law is at the State level. That certainly makes sense to the extent that re-homing is happening over the internet, that it's crossing State borders. That necessitates, even requires, a Federal response. What do you think about that suggestion?

Ms. CHANG. I certainly agree with Ms. Twohey that the situation of re-homing by adoptive parents is something that most law-makers never anticipated. If we think about the rights of parents to care for their children and make decisions about where they will

live, where they will be placed, I don't think anyone anticipated this.

I certainly think there's a lot of confusion about what legal custody or power of attorney documents even mean, what kind of responsibility that confers, and what responsibilities parents have to maintain. I think guidance from the Federal level about this new type of situation is certainly important.

Senator MURPHY. We talked about the fact that there are plenty of situations in which biological parents end up transferring custody of their children for a variety of reasons. There's no oversight of that at the Federal or at the State level. Is there a reason to treat adopted children differently than biological children when it comes to the transfer of custody?

Ms. CHANG. I don't think so. It's really important for all of us to remember that a child who has been adopted is a part of that family now, and they should be treated by the family and by law in the same way. The question is how we can best protect children from parents who may place them in a dangerous situation. That's the question we have to think about. I don't think we want this situation to lead us to treat adoptive families, including parents and children, differently.

Senator MURPHY. What do you make of Ms. Twohey's investigation, which suggests that there is a differential in terms of how they're treated, that in all of the cases she found about the online advertising of children for re-homing, not a single one of them was a biological child? I certainly understand your argument, which suggests that, given the expectations that we have of adoptive families, we certainly have an interest in avoiding a double standard.

But it suggests that for a subset, and probably a very small subset of adoptive parents, there may be a different standard. What do you think about the evidence that she has uncovered as to the rate of adoptive versus biological parents that are advertising on the internet?

Ms. CHANG. It's hard for me to say, because I don't know what the mindset was of these folks making these poor decisions. I do think that, obviously, when they adopted a child, they did not take that responsibility of becoming a parent in the way that it was intended. So certainly, It's important for laws to be clear about how children—when they're placed outside of a parent's home, what types of laws and regulations should guide that.

That should be equally true—just because it didn't happen in this instance, in this investigation, doesn't mean that it's not possible. The fact that parents, whether they're adoptive or not, aren't clear that this is not appropriate behavior says we need to talk about this as a society. I think that the creation of tools like the internet that allow people to share information in this way that promotes that that may be acceptable means that we need, as a society, to respond to that and be very clear that this, in fact, is not appropriate behavior.

Senator MURPHY. You mentioned in your testimony that you are encouraging States to review their laws. Are you providing them with recommendations as to how to change their laws?

Ms. CHANG. In the information memorandum that I referenced, we don't have specifics in that. We are certainly providing technical

assistance and guidance to States and having conversations with them. It's still early in the process of seeing what States are doing. As Ms. Twohey referenced, there are four States that have changed their laws. We are also in the process of learning what might be best in how to respond to this.

Senator MURPHY. I hope that you'll keep open the possibility of having a specific standard for the transfer of custody of adopted children. I think you're right that we should approach this carefully, and we certainly want to be careful not to adopt differing standards. If the evidence suggests that the problem is specific to adopted children, then it may be that we need to tailor our response to that group of children as well.

Thank you, Madam Chair.

Senator HAGAN. Thank you, Senator Murphy.

Senator Casey.

#### STATEMENT OF SENATOR CASEY

Senator CASEY. Madam Chair, thank you for this hearing. We're grateful for this opportunity to talk about a whole range of issues. I wasn't here for the testimony, but I've become familiar with some of the work and the testimony that our witnesses have provided today.

I wanted to focus on this in a broad way—I've worked very hard in this area to bring more attention to these issues, the gaps in our child welfare system, the problems we have. I have legislation entitled the, "Speak Up To Protect Every Abused Kid Act", and it's really to focus on this problem that we have where we have varying degrees of what mandated reporters must do, in some ways a multiplicity of standards instead of having one Federal floor on who should constitute a mandated reporter to report instances of child abuse or suspected instances. All of this comes under a broad umbrella, but I was particularly disturbed, as we all are, by some of the issues that you've all raised in your testimony.

I will start with Associate Commissioner Chang. When you have a delegation of authority in these instances, do you have the possibility, or have you seen in your work, that the child will have legal problems down the road? Is that something you've spoken to already today, or is that something that you haven't been asked about?

Ms. CHANG. Thank you, Senator. It isn't something that I've spoken to. Certainly, in our look into this process of delegating authority, that question does come up. One of the things that's troubling is that there is such variation among States about what that delegation of authority actually means, what responsibilities carry. We know that when we have legal guardianship, that does come with certain delegations of authority, and that comes with responsibilities as well.

A lot of what we are talking about is often done kind of outside the scope of legal scrutiny and authority. So there is a question that rises. If you don't go through the court process to get legal guardianship of a child, what responsibilities do you then have for that child? It is something that States really need to think very carefully about.

Senator CASEY. On the subject of States, in your experience, have you seen whether or not many States have acted to expand access to post-adoption services following these reports of private re-homing?

Ms. CHANG. That's a great question. We know that before the story came out approximately half of all States have reported to us that they do regularly offer post-adoption services, not only to children who have been adopted out of the foster care system, but also those who have been adopted through private adoptions or internationally. The challenge remains that there are very limited dollars available to States to use to support post-adoption services.

Another way to think about post-adoption really is prevention, right? These are services that are designed to help parents who are struggling with their children, whether they're adopted or biological. The reality is that in our child welfare system, we do not invest as much in preventive services as we do after the crisis occurs. This is a real challenge across all States.

Senator CASEY. I was going to get in a moment to some of your suggestions that you may have already outlined, but some of them bear repeating at a hearing like this. Are there any cases that you're aware of where parents re-homing their children are then criminally prosecuted? What are the basic metrics on that in terms of criminal prosecution?

Ms. CHANG. Sure. It's a great question. It's one of the questions I asked Ms. Twohey after I read her article, and it's one of the reasons, actually, that we issued our information memorandum, because there seems to be confusion among child welfare agencies about whether or not what these parents were doing even constituted abuse and neglect.

When we looked at the minimum Federal definition of abuse and neglect, it seemed clear to us that this behavior fell within that scope. We wanted to make clear to States that that is how we saw these acts and they needed to take a careful look at their State laws to ensure that they were responding adequately.

This is particularly important, because if a parent is deemed to have abused or neglected their child because they engaged in re-homing, that means that they're going to be in the abuse and neglect registries. If they try to go out and adopt again, that will then be a notice to any private adoption agency as well as public child welfare agencies about the behavior of this parent, and we think that's critical.

Senator CASEY. I might have one question for Ms. Twohey, but I want to allow the panel to go one by one, if you choose to, in terms of the recommendations you have for next steps. Often we have hearings and we explore an issue at great length, and then we sometimes forget to come back and say, "What are the two or three steps you hope we would take?" Sometimes the recommendations do something here but don't push on this end.

Is there anything the panel would want to offer in terms of steps you hope would result from this hearing, especially, obviously, Federal legislation or action?

Ms. ENGLISH. Thank you, Senator Casey. I would like to see coming out of a hearing like this guidance from the Federal Government to States, but also to other entities at the State, local, and

in the private and commercial sector about the kinds of evaluation that needs to take place of existing training and tools for the healthcare and education systems, but also the development of further models, and looking toward the child abuse and the domestic violence arenas for a basis for developing those models.

So to the extent that the Federal Government can provide standards and guidance and, ultimately, funding for evaluation and development of models, that would be a great step forward.

Senator CASEY. So guidance rather than unfunded mandates. Thank you.

Yes, Ms. Littrell.

Ms. LITTRELL. I would like to make two suggestions. One, there's 15,000 school districts in our Nation. While education is a State responsibility, the Federal Government has done a lot of leadership in the area of human trafficking, whether it's the Blue Campaign—we've worked with the Department of Education to write an educator's guide that will be distributed in the fall to schools across the Nation—but anything that we can do to incentivize or mandate for schools to make this a requirement, as has been discussed by our other panel members.

It's very confusing for mandated reporters—and we know all educators are mandated reporters—of what to do when they suspect a child is a trafficking victim and what actions should be taken after that. That goes to my next point—anything that we can do in the area of grant funds or supports so communities can rally together, cross jurisdictionally, cross disciplines, to really figure out what's happening in their community and what should happen in their community.

For us, it was a Safe Schools-Healthy Students grant that really allowed for this initiative to begin. We've completely sustained it, even though we lost the funds 5 years ago when they sunsetted—so anything that you can do to encourage this and then maybe also provide some financial support.

Senator CASEY. Thank you.

Ms. Twohey.

Ms. TWOHEY. Once again, as a journalist, I can't share my opinion. I can only share the facts as I've gathered them. I think that in terms of what can be done to address re-homing, specifically, you're looking at sort of two things. One, what can be done to prevent it?

On that front, you're looking at perhaps more scrutiny of prospective adoptive parents, the quantity and quality of training requirements for families who want to adopt. That's one of the things that experts and other child advocates have brought up, as well as the support services for struggling adoptive families. Those two things could really help prevent re-homing.

Then you move on to the question of what happens when families decide that they are going to privately re-home. And there, you're looking at what right now is a patchwork of State laws with regard to the advertising of children and the custody transfers of children. There aren't any uniform standards on how children can and should be advertised in print or, specifically, online. There aren't any uniform standards in this country on what should happen

when somebody decides they want to transfer custody of a child to a stranger that they meet on the internet.

The congressional Research Services report pointed out that Congress does have an opportunity to act, that the interstate aspect of re-homing and the fact that the internet is involved presents Congress and the Federal Government with an opportunity to step in, and that's something that child advocates have called for.

Senator CASEY. Thanks very much.

Thank you, Madam Chair.

Senator HAGAN. Senator Casey, thank you for your questions and for your bill that you are also working on similar to this issue.

Ms. Twohey, I wanted to get back to you. Did you actually have any of the parents that you might have spoken with in your research—did any of them receive charges of neglect or abuse in their advertising?

Ms. TWOHEY. That is a great question. I've been looking at this issue for more than 2 years now and have covered a variety of cases in which adoptive parents re-homed their child, and cases that were either prior to my reporting brought to the attention of authorities certainly came to the attention of authorities after my story. Not in one single case has an adoptive parent been charged with abuse or neglect or any criminal charge as a result of their re-homing activity.

In some States where there are restrictions—and this includes in States where there are laws that do restrict advertising of children and the custody transfers of children—lots of times, local law enforcement has said that they didn't know that those laws existed, and if they did exist, they didn't have criminal sanctions attached to them. They didn't feel like they could take action.

Senator HAGAN. Thank you.

Ms. Littrell, in your school system and in the six districts you work with, have you had any cases of the re-homing that you're aware of?

Ms. LITTRELL. Not that I'm aware of, no.

Senator HAGAN. I know that in many instances, Ms. Littrell, grandmothers end up taking over custody—not really custody, but raising their grandchildren because the daughters are in bad situations. In that case, it's my understanding that the school systems need to have a power of attorney in that case.

In your situation, I would think that you would have grandmothers that are responsible for their grandchildren. Can you elaborate on that? Do you know what the school actually requires of a grandparent? Then I'll give you the other question.

Ms. LITTRELL. Sure. We actually have a variety of different family members who are raising family members for the whole range of reasons. What we require is proof that that parent or guardian has the legal right to register that student.

Senator HAGAN. Which is what piece of paper?

Ms. LITTRELL. It's any kind of court order, and it can be as simple as a caregiver affidavit, where the parent—I'm sorry—in this case, a grandparent or aunt or whomever actually just has to sign and let us know that that parent has an affidavit and is saying that they are the legal guardian for the student in order to be able to register them.



Senator HAGAN. That affidavit is not court sanctioned.

Ms. LITTRELL. Correct.

Senator HAGAN. In many cases, some people are concerned that if we go through the process of requiring court approval on any case where they're raising the children, that if it's not immediate family that it has to be court approved, that there are so many situations where that would prevent family members or friends from stepping in and helping. At the same time, we've seen unbelievable examples of what you all have described today of what happens when there's advertisement, or whomever might be the responsible person in this situation really cannot help that young child and then, obviously, numerous things happen.

Ms. Chang, do you have any suggestions on what States or school systems need to require in this situation?

Ms. Littrell, you also.

Ms. Chang.

Ms. CHANG. Sure. We feel very strongly that State laws need to be clear about what the parent's responsibility is, even if they do transfer legal custody, and that is the care and protection of their child. Seventeen States have defined abandonment within their definition of neglect, and 17 other States have defined it separately from neglect.

Thinking about a parent who might temporarily place a child with a friend because they're going overseas to serve in the U.S. military—but you would still expect that that parent has a relationship with that child, that they stay in touch with that child. They regularly communicate, and they are ultimately responsible for having placed that child in a safe, appropriate placement.

That's one of the immediate things that we want to make sure States are thinking about. Are they clear in their law about what a parent's responsibility is to make sure that that initial placement is safe and that they are maintaining regular contact.

Senator HAGAN. Ms. Littrell.

Ms. LITTRELL. Under McKinney-Vento, we actually have removed some of the barriers that have historically been there. If an unaccompanied youth walks in our doors, we will work with him or her to get them registered immediately. If a family presents forward, and they are homeless, and they don't have any documentation, or if they're even—if that's the story that they're telling us, that they're homeless, and they don't have documentation, we will immediately get that student registered, again, following the McKinney-Vento laws.

Senator HAGAN. Ms. Twohey, were there any cases where you spoke to parents and they had gone through training through their adoption agency on what they could do to improve the situation? Or do you know if they actually sought help before they began advertising their children?

Ms. TWOHEY. That's a great question. Some of the parents felt like they—some of the parents had undergone training. Others had undergone very little training. In all these cases, the parents felt like they weren't prepared for the emotional behavioral problems that these children brought with them.

Senator HAGAN. But then did they get training once these emotional behavioral problems came forward? Did they then go seek training and help and assistance?

Ms. TWOHEY. In some cases, they sought therapy. In other cases, they did have interface with the child welfare system, and they often felt like they got no help and that if they wanted to relinquish their child to the State, they were going to face—they would potentially face charges of abuse or neglect.

One family didn't want to pay the child support that would be required to relinquish their adopted daughter to the government child welfare system. They were told if they did this, they would have to pay child support until the child turns 18, and the adoptive family didn't want to do that.

Senator HAGAN. Thank you.

Senator Enzi.

Senator ENZI. Thank you, Madam Chairman. This has been very enlightening, and there have been some good suggestions for some things that we can do at the Federal level. One of the things I always worry about—in my years of legislating, I've noticed that if it's worth reacting to, it's sometimes worth over-reacting to. There are some State concerns out there, I'm sure.

Ms. LITTRELL, how important is it for the local districts to have some flexibility in developing these plans that you had?

Ms. LITTRELL. There are definitely some best practices that should be followed across the Nation. How a school district works with their local law enforcement, their local stakeholders, will really depend on what is present in their community. Rural communities may not have the same level of resources or the same number of resources as, say, urban communities.

How recruitment and how trafficking happens in one community also varies a little bit. As I worked with the Department of Ed to write the guide for the Nation on addressing sex trafficking in schools, what I found was, actually, there's a lot of commonalities. It's much more similar than dissimilar—the recruitment, the grooming, and what needs to happen in a community.

Having said that, best practices, should be offered to communities. Some kind of guidance for who should be at the table and what steps should be taken could definitely assist those communities from having to reinvent the wheel or start at ground zero.

Senator ENZI. Very good. I look forward to seeing that report, too.

Ms. ENGLISH, in your testimony, you cited the Oakland Unified School District as a good example. Can you give us a little more detail on what that school district is doing?

Ms. ENGLISH. Yes. Thank you, Senator Enzi. The Oakland Unified School District has partnered with the school-based health center that is operated by the Alameda County Health Department to provide both training to individuals in the school setting to begin identifying young people who are victims of sexual exploitation and trafficking and also to provide services, including referrals for any students who are identified as being either at risk or victimized by sexual exploitation and trafficking.

Alameda County is one place in the Nation that has developed some really fairly advanced services for the victims of sexual ex-

ploitation and trafficking, and the Unified School District has partnered with local community resources to learn from those practices and to share them within the school district and also to make sure that their students get referred to appropriate services when they're identified.

Senator ENZI. Thank you. I'm the accountant in the Senate, and I have a tendency to ask some detailed number questions. I've learned not to do that in hearings. I hope that we'll have an opportunity to submit some questions in writing so that we can get some of the numbers that might help with the testimony that we've had.

Senator HAGAN. Certainly, I thank you.

Senator ENZI. Thank you.

Senator HAGAN. Thank you, Senator Enzi.

Ms. Littrell, I have one further question for you. In your experience with the situations of child trafficking, has law enforcement actually indicted a trafficker in one of your situations?

Ms. LITTRELL. Multiple times.

Senator HAGAN. Good. Very good.

I want to thank all of our witnesses for being here today, for traveling here, for your testimony, for your involvement in both the child trafficking issue and then the re-homing issue that has been brought to light.

Thank you to you, Ms. Twohey.

We have heard from all of you. We have heard these issues, specifically concerning our children, and they are such serious problems. They are taking place right now, right here in our communities and in our country, all across every State and, obviously, to our children.

I want to also thank the many groups and the many individuals who contributed their experience and their expertise to this hearing. In particular, I want to thank the North Carolina Coalition Against Sexual Assault, the On Eagles' Wings Ministries in Charlotte, the Salvation Army in Raleigh, the Saint Joseph's School in Brooklyn, NY, and the Alliance to End Slavery and Trafficking, and the victims, obviously, the victims of both trafficking and re-homing that have been interviewed by my staff.

These are serious issues, and I do think there are numerous examples of what our States are doing to combat these issues and to work best within our current agencies to help not only the parents but, obviously, the victims, and then the coordination between the schools, the healthcare professionals, and our law enforcement to bring to justice the individuals who are committing these trafficking acts, and then to really treat the young people who are being trafficked as victims and not criminals.

This hearing will remain open for 10 business days after today for any other Senators to submit questions to you, to submit statements for the record. Once again, I appreciate everybody's time and attention to this very important issue.

This meeting is adjourned.

[Additional material follows.]

## ADDITIONAL MATERIAL

OFFICE OF THE ATTORNEY GENERAL,  
STATE OF ILLINOIS,  
July 7, 2014.

Hon. KAY HAGAN, *Chairwoman,*  
*Subcommittee on Children and Families,*  
*Committee on Health, Education, Labor, and Pensions,*  
*U.S. Senate,*  
*428 Senate Dirksen Office Building,*  
*Washington, DC 20510.*

CHAIRWOMAN HAGAN: I am writing to commend you on your decision to bring much-needed attention to the practice of “re-homing” by holding a hearing on the matter. Illegal acts of re-homing are very dangerous for children, and it is critical that we do everything we can to prevent them from happening. Last year, my office took steps to stop this terrible practice after learning about it through the investigative reports published by Reuters.

As part of this effort, I urged both Yahoo! and Facebook to ensure their websites are not used as meeting places for individuals attempting to re-home their children. It was clear from the investigative reports that these websites made it possible for individuals interested in re-homing to connect. In order to prevent re-homing in the first place, both companies must take this issue seriously. While my office can, and will, take action against individuals who engage in illegal acts of re-homing, the damage to the children has likely already occurred when my office becomes involved.

For your review, I have enclosed the correspondence between my office and both Yahoo! and Facebook, in case this information is helpful for you and your subcommittee as it examines and works to prevent re-homing. Your hearing is an important step in this effort. If you or your staff has any questions, please contact Erik Jones, my office’s policy director, at (312) 814–3873.

Sincerely,

LISA MADIGAN.

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CORRESPONDENCE BETWEEN THE OFFICE OF THE ATTORNEY GENERAL, STATE OF ILLINOIS AND YAHOO! INC.

OFFICE OF THE ATTORNEY GENERAL,  
STATE OF ILLINOIS,  
October 28, 2013.

MARISSA MEYER,  
*CEO, President and Director,*  
*Yahoo! Inc.,*  
*701 First Avenue,*  
*Sunnyvale, CA 94089.*

DEAR MS. MEYER: Last month, Reuters published a series of articles documenting an extremely troubling practice known as “re-homing,” where parents used the internet to find strangers willing to take their children on a permanent basis. The placements documented in the articles occurred outside the adoption laws of any State and with very little, if any, oversight conducted by the parents, making them very dangerous for the children involved.<sup>1</sup>

The articles noted that your company’s website was used to host at least one group apparently dedicated to facilitating placements such as these. Because these placements can be very dangerous for the children involved, I am writing to request that your website not host groups facilitating this type of conduct.

Although the specific circumstances documented in the articles differed in varying degrees, a similar, dangerous pattern emerged in each account. Stressed, overwhelmed parents of adopted, foreign-born children decided that they could no longer care for their children. Rather than seek support from established social service agencies and work through the proper legal channels, they chose to operate outside of the laws designed to protect children. They located groups on the internet discussing “re-homing” children and after posting the equivalent of advertisements for

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<sup>1</sup>The Child Exchange: Inside America’s Underground Market for Adopted Children (Sep. 9, 2013).

their children, or reading advertisements posted by individuals interested in taking children, these parents found individuals, often hundreds of miles from their homes, who would take their children. With no oversight and no background checks, these parents then abandoned their children by permanently leaving them with people they had recently met through the internet.

The actions of these parents are clear violations of the law in every State, as it is illegal to place a child in a home in another State without first notifying the appropriate officials of that State and complying with the other requirements of the Interstate Compact on the Placement of Children (ICPC). Every State in the country has ratified the ICPC. In ratifying it, the States recognized that children should receive “the maximum opportunity to be placed in a suitable environment” and that, to achieve that goal, the appropriate authorities in a State where a child is placed need a “full opportunity to ascertain the circumstances of the proposed placement.”<sup>2</sup> Based on the Reuters series, the individuals facilitating “re-homing” arrangements via the internet are not notifying the appropriate child welfare authorities and, consequently, are violating the law in any State where the conduct occurs.

I understand the difficulty your company faces as it balances freedom of speech protections with the equally important challenge of limiting troubling content. Yet, in cases such as these, where illegal acts of “re-homing” are occurring, or likely to occur, there is no justification for allowing this conduct to continue unabated on Yahoo.

Yahoo can serve as a resource and outlet for stressed parents, whether they are parents of adopted or biological children. However, providing a place for parents to share their concerns and frustrations is different than providing a means for parents to abandon their children in a manner that violates the legal framework designed to protect children.

I urge you to take steps to ensure that illegal acts of “re-homing” have no place on Yahoo. To better understand your company’s approach to combating illegal acts of “re-homing,” I ask that you provide answers to the following questions by Friday, November 15.

1. Has your company taken any steps to ensure your website is not used to facilitate illegal acts of “re-homing”? If so, what were those steps?
2. In the past 2 years, has your company discovered, or been made aware of, Yahoo users facilitating illegal “re-homing” arrangements through Yahoo’s website? If so, what was your company’s response?
3. Are violations of the Interstate Compact on the Placement of Children also violations of Yahoo’s user agreement? Are violations of State child endangerment laws also violations of Yahoo’s user agreement?
4. Does your company have a policy on whether Yahoo users are allowed to use Yahoo to facilitate child placement arrangements that are illegal acts of “re-homing,” or likely to be illegal acts of “re-homing”?

Illegal “re-homing” arrangements can place children in grave danger. I appreciate your attention to the role internet companies can play to ensure these situations are prevented in the future and that children are safe. If you have any questions, please contact Erik Jones, policy director and assistant attorney general for my office, at (312) 814-3873.

Sincerely,

LISA MADIGAN.

YAHOO, INC.,  
Sunnyvale, CA 94089,  
November 15, 2013.

Hon. LISA MADIGAN,  
Attorneys General,  
State of Illinois,  
100 West Randolph Street,  
Chicago, IL 62706.

DEAR GENERAL MADIGAN: Thank you for contacting Yahoo regarding the practice of “re-homing” and inquiring as to our policies and practices in this matter. Be assured that Yahoo shares your concerns and looks forward to working with your office on addressing this practice.

Let me be clear that Yahoo strictly enforces our terms of service and acts expeditiously to address illegal activity on our network. In the specific case of Re-homing

<sup>2</sup> Interstate Compact on Placement of Children Act, 45 ILCS 15/1 (2013).

as reported in the Reuters article, upon receiving notice we moved quickly to remove the sites in question from Yahoo Groups. Additionally, we became aware of a small number of additional Re-homing sites, beyond the one mentioned in the Reuters article, and have blocked access to those as well.

Yahoo believes that it is important to maintain an environment of trust and safety on our properties. The practice of rehoming—and the sites in question—promotes the dissemination of potentially harmful content, in so far as it allows children to be placed in homes without any chance for background checks or procedures to insure the child's safety. As such, we felt well within the scope of our user ToS, to take down the sites due to the presence of harmful content.

*Question 1.* Has your company taken any steps to ensure your website is not used to facilitate illegal acts of “re-homing?” If so, what were those steps?

Answer 1. We take the safety of our users very seriously. We empower our users to report abusive or harmful content or individuals through “Report Abuse” buttons, and we have teams of people who review these flags and take appropriate action pursuant to our ToS. We also provide information about using the web and Yahoo products safely, including Yahoo Groups, on Yahoo Safely. Further, since learning of the Re-homing issue, we have educated our abuse team on the issue in order to promote internal awareness on how to handle the reports of such groups.

*Question 2.* In the past 2 years, has your company discovered, or been made aware of, Yahoo users facilitating illegal “re-homing” arrangements through Yahoo's website? If so, what was your company's response?

Answer 2. When we were first made aware of the initial report of re-homing, we carefully reviewed the sites and took them down after determining that the groups violated our ToS. We will continue to review subsequent reports and take appropriate action based on our ToS and Yahoo Groups Community Guidelines. If we find that any of these Groups contain similar content, we will take down the sites.

*Question 3.* Are violations of the Interstate Compact on the Place of Children also violations of Yahoo's user agreement? Are violations of State child endangerment laws also violations of Yahoo's user agreement?

Answer 3. Any violation of law is also a violation of our ToS which prohibits any user from “intentionally or unintentionally violat[ing] any applicable local, State, national or international law.” Such violations would also violate our ToS prohibition against using the service to “harm minors in any way.”

*Question 4.* Does your company have a policy on whether Yahoo users are allowed to use Yahoo to facilitate child placement arrangements that are illegal acts of “re-homing,” or likely to be illegal acts of “re-homing?”

Answer 4. Yes, as our ToS prohibit any violations of applicable local, State, national or international law and using the service to harm minors in any way. Yahoo also reserves the right to terminate any user or group for any reason in its sole discretion, without notice, and at any time.

Thank you again for contacting us regarding this important matter and we look forward to working with you closely on this issue in the future.

Very truly yours,

BILL ASHWORTH,  
*Senior Legal Director, Public Policy.*

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CORRESPONDENCE BETWEEN THE OFFICE OF THE ATTORNEY GENERAL, STATE OF ILLINOIS AND FACEBOOK, INC.

OFFICE OF THE ATTORNEY GENERAL,  
STATE OF ILLINOIS,  
October 28, 2013.

MARK ZUCKERBERG,  
*Chairman and Chief Executive Officer,*  
1601 Willow Rd.,  
Menlo Park, CA 94025.

DEAR MR. ZUCKERBERG: Last month, Reuters published a series of articles documenting an extremely troubling practice known as “re-homing,” where parents used the internet to find strangers willing to take their children on a permanent basis. The placements documented in the articles occurred outside the adoption laws of

any State and with very little, if any, oversight conducted by the parents, making them very dangerous for the children involved.<sup>1</sup>

The articles noted that your company's website was used to host at least one group apparently dedicated to facilitating placements such as these. Because these placements can be very dangerous for the children involved, I am writing to request that you reverse a decision your company made regarding "re-homing" groups and ensure this practice never again finds a home on Facebook. A few weeks ago, in response to a question about a Facebook page dedicated to "re-homing," a Facebook representative stated,

"that the internet is a reflection of society, and people are using it for all kinds of communications and to tackle all sorts of problems, including very complicated issues such as this one."<sup>2</sup>

This response suggests your company is comfortable with its website being used to facilitate this illegal conduct.

Although the specific circumstances documented in the articles differed in varying degrees, a similar, dangerous pattern emerged in each account. Stressed, overwhelmed parents of adopted, foreign-born children decided that they could no longer care for their children. Rather than seek support from established social service agencies and work through the proper legal channels, they chose to operate outside of the laws designed to protect children. They located groups on the Internet discussing "re-homing" children and after posting the equivalent of advertisements for their children, or reading advertisements posted by individuals interested in taking children, these parents found individuals, often hundreds of miles from their homes, who would take their children. With no oversight and no background checks, these parents then abandoned their children by permanently leaving them with people they had recently met through the internet.

The actions of these parents are clear violations of the law in every State, as it is illegal to place a child in a home in another State without first notifying the appropriate officials of that State and complying with the other requirements of the Interstate Compact on the Placement of Children (ICPC). Every State in the country has ratified the ICPC. In ratifying it, the States recognized that children should receive "the maximum opportunity to be placed in a suitable environment" and that, to achieve that goal, the appropriate authorities in a State where a child is placed need a "full opportunity to ascertain the circumstances of the proposed placement."<sup>3</sup> Based on the Reuters series, the individuals facilitating "re-homing" arrangements via the internet are not notifying the appropriate child welfare authorities and, consequently, are violating the law in any State where the conduct occurs.

I understand the difficulty your company faces as it balances freedom of speech protections with the equally important challenge of limiting troubling content. Yet, in cases such as these, where illegal acts of "re-homing" are occurring, or likely to occur, there is no justification for allowing this conduct to continue unabated on Facebook.

Facebook can serve as a resource and outlet for stressed parents, whether they are parents of adopted or biological children. However, providing a place for parents to share their concerns and frustrations is different than providing a means for parents to abandon their children in a manner that violates the legal framework designed to protect children.

I urge you to take steps to ensure that illegal acts of "re-homing" have no place on Facebook. To better understand your company's approach to combating illegal acts of "re-homing," I ask that you provide answers to the following questions by Friday, November 15.

1. Has your company taken any steps to ensure your website is not used to facilitate illegal acts of "re-homing"? If so, what were those steps?

2. In the past 2 years, has your company discovered, or been made aware of, Facebook users facilitating illegal "re-homing" arrangements through Facebook's website? If so, what was your company's response?

3. Are violations of the Interstate Compact on the Placement of Children also violations of Facebook's user agreement? Are violations of State child endangerment laws also violations of Facebook's user agreement?

4. Does your company have a policy on whether Facebook users are allowed to use Facebook to facilitate child placement arrangements that are illegal acts of "re-homing," or likely to be illegal acts of "re-homing"?

<sup>1</sup>*The Child Exchange: Inside America's Underground Market for Adopted Children* (Sep. 9, 2013).

<sup>2</sup>*Id.*

<sup>3</sup>Interstate Compact on Placement of Children Act, 45 ILCS 1511 (2013).

Illegal “re-homing” arrangements can place children in grave danger. I appreciate your attention to the role internet companies can play to ensure these situations are prevented in the future and that children are safe. If you have any questions, please contact Erik Jones, policy director and assistant attorney general for my office, at (312) 814-3873.

Sincerely,

LISA MADIGAN.

FACEBOOK, INC.,  
November 18, 2013.

Hon. LISA MADIGAN,  
*Attorney General, State of Illinois,*  
*Office of the Illinois Attorney General,*  
*100 West Randolph Street,*  
*Chicago, IL 60601.*

DEAR GENERAL MADIGAN: I am writing in response to your letter regarding the practice of “re-homing” and whether or not it is promoted on Facebook. We appreciate your attention to this matter and commitment to protecting vulnerable children from the dangers that “re-homing” can present.

Over the past few weeks, your staff has been very helpful in pointing out your concern that social media may be used to facilitate “re-homing” in a way that violates State law. Further, they have been clear that you are not requesting that Facebook, or any internet service, actively monitor the private messages of their users. This is an important tenet for our company, and we appreciate that you share our commitment.

We do believe it is possible, though admittedly challenging, to balance rights to speech and privacy that our users are entitled to with our efforts to combat potentially harmful activities that people may promote online. To accomplish this, we have established what we believe to be a very sound Statement of Rights and Responsibilities (<https://www.facebook.com/legal/terms>) to which every user is expected to adhere. Included in this Statement is the agreement that users will not “use Facebook to do anything unlawful . . .” Further, we are clear that if a user violates this Statement, Facebook can “stop providing all or part of Facebook” to the user.

Of course, other than removing content from our site we are often limited in what we can do when we become aware of content people on Facebook may make available discussing illegal activity. Knowing this, we have implemented an online system for law enforcement that facilitates responding to legal process in a timely manner and provides law enforcement with a more efficient means of sending that legal process. To this end, if your office becomes aware of the illegal trading or selling of children, and has initiated legal process, please have law enforcement officials use this tool so that we may quickly respond to their requests. More information on our system and process can be found in our law enforcement guidelines (<https://www.facebook.com/safety/groups/law/guidelines/>).

In addition to your general concern regarding the practice of “re-homing”, your letter asked us to answer four questions. They are addressed below:

*Question 1.* Has your company taken any steps to ensure your website is not used to facilitate illegal acts of “re-homing?” If so, what were those steps?

Answer 1. We work very hard to ensure that illegal activity in general does not take place on Facebook including:

*Instituting a Real Name Culture*—We’ve built a network based on authentic identity, so people are more likely to treat each other with respect. It is a violation of our policies to use a fake name or operate under a false identity.

*Developing Easy to Use Reporting Mechanism*—There are “Report” links on virtually every Facebook page, and anyone in our community can block people who post hurtful content.

*Creating a Support Dashboard*—Everyone should be able to know what happens to reports sent to Facebook. We’ve created a feature that lets people see whether or not their report has been reviewed and allows them to be notified when a decision is made.

*Question 2.* In the past 2 years, has your company discovered, or been made aware of, Facebook users facilitating illegal “re-homing” arrangements through Facebook’s website? If so, what was your company’s response?



Answer 2. Other than your request, we have located one law enforcement inquiry, from South America, requesting details of an account allegedly used to promote illegal adoptions in that region. We did not have the information to respond to that request. As we discussed, if people were discussing the activity in closed groups or in private messages, we would have no way of knowing about those communications unless they were reported to us. Clearly, with 1.3 billion users, some people who use Facebook use Groups, both private and public, to discuss the challenges of parenting adopted children.

*Question 3.* Are violations of the Interstate Compact on the Placement of Children also violation of Facebook's user agreement? Are violations of State endangerment laws also violation of Facebook's user agreement?

Answer 3. Our Statement of Rights and Responsibilities section 3.4 reads: "You will not use Facebook to do anything unlawful, misleading, malicious, or discriminatory." Violations of law would be a violation of this Statement.

*Question 4.* Does your company have a policy on whether Facebook users are allowed to use Facebook to facilitate child placement arrangements that are illegal acts of "re-homing" or likely to be illegal acts of "re-homing?"

Answer 4. We do not have specific policies regarding "re-homing" by name, and, as a private party service provider we are not always in a position to conclude what constitutes an illegal act under various laws. However, under our Statement of Rights and Responsibilities section 3.4, acts of illegal "re-homing" would not be allowed. Of course these questions are always challenging in that they require legal determination about what constitutes illegal "re-homing." Obviously that is a decision that can only be made by you, others in law enforcement, and the courts.

Again, thank you for bringing this matter to our attention. Ensuring the safety of our users is a priority at Facebook and, to that end, we stand ready to quickly respond to any warrants we receive pertaining to child endangerment (or other criminal) matters. We also look forward to continuing to work directly with your staff on this and a host of other important issues facing the people of Illinois.

Sincerely,

WILLIAM D. CASTLEBERRY,  
*Director of State Public Policy.*

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OFFICE OF THE ATTORNEY GENERAL,  
STATE OF ILLINOIS,  
*January 7, 2014.*

WILLIAM D. CASTLEBERRY,  
*Director of State Public Policy,*  
*Facebook, Inc.,*  
*1601 Willow Rd.,*  
*Menlo Park, CA 94025.*

DEAR MR. CASTLEBERRY: I am writing in response to your November 18, 2013, letter to Illinois Attorney General Lisa Madigan. While your letter provided some useful information regarding Facebook's practices, you failed to provide information on what specific steps, if any, the company has taken to combat "re-homing." Additionally, your description of Facebook's role when determining whether a user's actions violate Facebook's "Statement of Rights and Responsibilities" was confusing. As a result, we are seeking additional clarification in both instances.

#### SPECIFIC ACTIONS TAKEN IN RESPONSE TO "RE-HOMING"

In the October 28, 2013, letter to Mr. Zuckerberg, we asked if Facebook has "taken any steps to ensure your website is not used to facilitate illegal acts of "re-homing"?"<sup>1</sup> Your response noted that Facebook works "very hard to ensure that illegal activity in general does not take place on Facebook" and described Facebook's overall efforts to combat illegal activity.<sup>2</sup> These efforts included "Instituting a Real Name Culture," "Developing Easy to Use Reporting Mechanism," and "Creating a Support Dashboard."<sup>3</sup> While these practices may help Facebook combat illegal activ-

<sup>1</sup> Letter from Illinois Attorney General Lisa Madigan to Mark Zuckerberg, Facebook Chairman and Chief Executive Officer (Oct. 28, 2013).

<sup>2</sup> Letter from William Castleberry, Facebook Director of State Public Policy, to Illinois Attorney General Lisa Madigan (Nov. 18, 2013).

<sup>3</sup> *Id.*

ity generally, they are not specific steps taken to address “re-homing.” Thus, we ask that you provide an answer to whether Facebook has taken any steps designed specifically to address “re-homing.”

In Yahoo’s response to our office, the company referenced a number of specific steps to address “re-homing.” The company noted that: (1) it “moved quickly to remove the [“re-homing”] sites in question from Yahoo Groups”; (2) it “became aware of a small number of re-homing sites, beyond the one mentioned in the Reuters article, and . . . blocked access to those as well”; and (3) it “educated [its] abuse team on the issue in order to promote internal awareness on how to handle the reports of such groups.”<sup>4</sup> Given this specific information from Yahoo, we ask that you provide responses to the following questions regarding Facebook’s efforts to address “re-homing”:

- (1) Has Facebook taken any steps similar to Yahoo’s actions?
- (2) Has Facebook conducted searches of public posts to determine whether its website is being used to facilitate “re-homing”?
- (3) Has your company made any effort to determine whether any Facebook Groups are being used to facilitate “re-homing”?
- (4) Has Facebook trained employees on “re-homing”?

Unlike Yahoo’s response, your response left our office with the impression that Facebook has not taken specific steps to determine whether its website is being used to facilitate “re-homing.” I am hopeful that you will consider your response an opportunity to alleviate this concern.

#### FACEBOOK’S VIEW ON VIOLATIONS OF THE STATEMENT OF RIGHTS AND RESPONSIBILITIES

In the letter to Mr. Zuckerberg, we also asked if Facebook has a policy on whether Facebook users are allowed to use Facebook to facilitate child placement arrangements that are illegal acts of “re-homing”?<sup>5</sup> While your response acknowledged that “acts of illegal “re-homing” would not be allowed,” you also stated that Facebook, “as a private party service provider . . . [is] not always in a position to conclude what constitutes an illegal act under various laws.”<sup>6</sup> You also noted that decisions on what constitutes illegal “re-homing” can “only be made by [my office]; others in law enforcement, and the courts.”<sup>7</sup> This response has raised serious concerns about Facebook’s views on “re-homing.”

In response to the same question, Yahoo stated unequivocally that “re-homing” is not allowed on its site. The company wrote:

Yes, as our ToS prohibit any violations of applicable local, State, national or international law and using the service to harm minors in any way. Yahoo also reserves the right to terminate any user or group for any reason in its sole discretion, without notice, and at any time.<sup>8</sup>

Unlike Yahoo, your response suggests that Facebook would not take action unless law enforcement or courts determined that the specific conduct was “illegal” and informed Facebook of this determination. As you know, Facebook does not need approval from law enforcement or the courts to determine whether conduct on its website violates the company’s “Statement of Rights and Responsibilities.” As a private company, Facebook can determine whether it will allow certain types of conduct on its website.

We are concerned that, unlike Yahoo, Facebook has failed to State unequivocally that “re-homing” will not be tolerated on its website and that the company will stop Facebook users, as much as possible, from using the website to facilitate “re-homing.” If Facebook becomes aware that users are facilitating “re-homing” through Facebook, will the company put a stop to it? Unfortunately, your response left open the possibility that the company would not take action.

<sup>4</sup>Letter from Bill Ashworth, Yahoo Senior Legal Director, Public Policy, to Illinois Attorney General Lisa Madigan (Nov. 15, 2013).

<sup>5</sup>Letter from Illinois Attorney General Lisa Madigan to Mark Zuckerberg, Facebook Chairman and Chief Executive Officer (Oct. 28, 2013).

<sup>6</sup>Letter from William Castleberry, Facebook Director of State Public Policy, to Illinois Attorney General Lisa Madigan (Nov. 18, 2013).

<sup>7</sup>*Id.*

<sup>8</sup>Letter from Bill Ashworth, Yahoo Senior Legal Director, Public Policy, to Illinois Attorney General Lisa Madigan (Nov. 15, 2013).

Given the dangers to children stemming from “re-homing,” we ask that you provide our office with additional clarification of the actions Facebook has taken, and will take, to address “re-homing.”

Sincerely,

ERIK JONES,  
Director, Policy Bureau,  
Assistant Attorney General.

JANUARY 21, 2014.

Hon. LISA MADIGAN,  
Attorney General, State of Illinois,  
Office of the Illinois Attorney General,  
100 West Randolph Street,  
Chicago, IL 60601.

DEAR GENERAL MADIGAN: I am writing in response to your letter regarding the practice of “re-homing” and whether or not it is promoted on Facebook. We appreciate your attention to this matter and commitment to protecting vulnerable children from the dangers that “re-homing” can present.

Over the past few months, your staff has raised your concern that social media may be used to transfer children illegally across State lines in a dangerous way—a practice that may be described by the euphemism “re-homing.” Further, in raising those concerns, you also have made very clear that you are not requesting that Facebook or any Internet service actively monitor the private messages of their users. This is an important tenet for our company, and we appreciate that you share our commitment.

The activity described by your office, where the guardianship of a child is transferred from one adult to another, in violation of the law (and often across State lines), is something we take very seriously. Any discovered or reported Page or Group on Facebook that facilitates such illegal activity would violate our Statement of Rights and Responsibilities (<https://www.facebook.com/legal/terms>), our “terms”, which state that users may not “use Facebook to do anything unlawful . . .”

Of course, beyond removing content ourselves, we also have implemented an online system for law enforcement that facilitates our receipt and processing of legal process in a timely manner. To this end, if your office becomes aware of the illegal trading or selling of children, all law enforcement officials may use this tool so that we may quickly respond to their requests. More information on our system and process can be found in our law enforcement guidelines (<https://www.facebook.com/safety/groups/law/guidelines/>).

In addition to your general concern regarding the practice of “re-homing”, your letter asked us to answer four questions. They are addressed below:

*Question 1.* Has your company taken any steps to ensure your website is not used to facilitate illegal acts of “re-homing”? If so, what were those steps?

Answer 1. With your staff, and on separate occasions, we searched for pages and groups using “re-homing” and other keywords that were likely to turn up the type of content you described if it existed. These searches mostly surfaced pages dedicated to finding new homes for pets. No evidence of the type of pages you described was found.

In addition, we work very hard to ensure that any illegal activity does not take place on Facebook, including:

- *Instituting a Real Name Culture*—We’ve built a network based on authentic identity, so people are more likely to treat each other with respect. It is a violation of our policies to use a fake name or operate under a false identity.
- *Developing Easy to Use Reporting Mechanism*—There are “Report” links on virtually every Facebook page, and anyone in our community can block people who post hurtful content.
- *Creating a Support Dashboard*—We’ve created a feature that lets people see whether or not their report has been reviewed and allows them to be notified when a decision is made.

*Question 2.* In the past 2 years, has your company discovered, or been made aware of, Facebook users facilitating illegal “re-homing” arrangements through Facebook’s website? If so, what was your company’s response?

Answer 2. Other than your request, we located one law enforcement inquiry from South America that requested details of an account allegedly used to promote illegal adoptions in that region. There was no information on the site responsive to the re-

quest. As we discussed, if people were discussing the activity in closed Groups or in private messages, we do not know about those communications unless they are reported to us.

*Question 3.* Are violations of the interstate Compact on the Placement of Children also violation of Facebook's user agreement? Are violations of State endangerment laws also violation of Facebook's user agreement?

Answer 3. Our terms section 3.4 reads: "You will not use Facebook to do anything unlawful, misleading, malicious, or discriminatory." As such, violations of law would be a violation of our terms.

*Question 4.* Does your company have a policy on whether Facebook users are allowed to use Facebook to facilitate child placement arrangements that are illegal acts of "re-homing" or likely to be illegal acts of "re-homing?"

Answer 4. As noted above, our terms prohibit using Facebook for any unlawful activities. We do not have specific policies regarding "re-homing" by name as it would be impracticable for us to list everything that is an unlawful act and a prohibited use of Facebook. This is why we use the language we do in our terms—under which acts of illegal "re-homing" would not be allowed.

Thank you for bringing this matter to our attention. Ensuring the safety of our users is a priority at Facebook and, to that end, we stand ready to respond to any warrants we receive pertaining to child endangerment (or other criminal) matters. We also look forward to continuing to work directly with your staff on this and a host of others important issues facing the people of Illinois.

Sincerely,

WILLIAM D. CASTLEBERRY,  
*Director of State Public Policy.*

[Whereupon, at 11:27 p.m., the hearing was adjourned.]