



April 9, 2019

Administration for Children and Families
Office of Planning Research and Evaluation
330 C Street SW
Washington DC 20201
infocollection@acf.hhs.gov

RE: Domestic Victims of Human Trafficking Program Data Collection, OMB No.: 0970-NEW

ACF Reports Clearance Officer:

The National Survivor Network (NSN) acknowledges the HHS Office on Trafficking in Persons for seeking to improve the Domestic Victims of Human Trafficking Program (DVHT). The Department's commitment to ensuring US Citizen (USC) and Lawful Permanent Resident (LPR) survivors of human trafficking are supported beneficially is critical. We understand that receiving information from the DVHT grantees is important to meet this goal and believe it is mandatory to obtain feedback from service providers who work directly with survivors and complete all required paperwork and documentation to remain in compliance with the program.

NSN, established in 2011, is a coalition of 300 survivors of trafficking from all demographics across the United States. Our membership is an effort to foster connections between survivors of diverse forms of human trafficking and to build a national anti-trafficking movement in which survivors are at the forefront and recognized as leaders. The NSN's diverse membership makes it uniquely representative of the myriad of situations experienced by survivors of human trafficking.¹

We are dismayed by the highly detailed information that is being requested across a variety of proposed forms and data collection tools. We do not believe the information being collected is necessary and may, in fact, put clients at grave risk for re-victimization. The FY16 DVHT Funding Opportunity Announcement² states that the purposes of the program are to:

- Increase outreach and awareness, and identify domestic victims of severe forms of human trafficking;
- Expand collaboration and partnerships to implement innovative, multi-disciplinary, trauma-informed approaches to serve domestic victims of severe forms of human trafficking; and
- Develop, expand, strengthen, coordinate, and oversee the delivery and /or referral of services to domestic victims of severe of human trafficking.

It is our belief that the data requested on the proposed forms are overreaching of what the program requires, is in disregard of the primary objectives of DVHT, and is likely to compromise

our confidentiality in violation of the terms of the FOA. The FOA specifically requires that “[p]olicies and procedures must be in place to ensure the non-disclosure of confidential, private, or personally identifiable information concerning victims of human trafficking.”³

Our recommendations and concerns are detailed below, by form. We refer to those organizations that are direct recipients of DVHT funding from OTIP as DVHT grantees. We refer to service providers who are compensated by the DVHT grantees to work directly with trafficking survivors as DVHT subgrantees or subgrantee service providers.

All Forms

Each form requires a client identifier. We strongly oppose using a client identifier that includes personally identifying information (PII) such as date of birth, client initials, and/or reference to the person’s place of residence. This directly contradicts the confidentiality policies of the grantee and subgrantee agencies, and the requirements of HHS. **Therefore, we recommend that DVHT grantees and subgrantees utilize a randomized client identifier system that does not disclose any PII.**

Client Characteristics and Enrollment Form

The purpose of this form should be to ensure that service providers are enrolling clients who are eligible to receive services under DVHT. Per the FOA⁴, persons qualified to receive services are the following:

- U.S. Citizens and Lawful Permanent Residents (LPR’s)
- victims of severe forms of human trafficking, as defined by the TVPA
- adults and minors, regardless of gender (including victims who identify as LGBTQ)

The FOA goes on to clarify that the following are not required⁵:

- involvement in child welfare, juvenile justice, or criminal justice proceedings, or formally identified by law enforcement
- identified by law enforcement or involved with criminal justice proceedings

Therefore, following **information is unnecessary and inappropriate** for the determination of eligibility:

- Referral Source: Service Delivery System; Referral Source: Informal; Did the referral come from a formal/informal partner within the network: this information is unrelated to the determination of whether the individual meets the eligibility criteria listed above. **Therefore, these questions should be deleted.**
- Date of Birth/Age at time of intake: this information is unrelated to the determination of whether the individual meets the eligibility criteria listed above and is potentially PII when combined with other details. **Therefore, these questions should be deleted.**
- Sex: this information is unrelated to the determination of whether the individual meets the eligibility criteria listed above. **Therefore, this question should be deleted.**

- Does the victim have a disability?: this information is unrelated to the determination of whether the individual meets the eligibility criteria listed above and is potentially PII when combined with other details. **Therefore, this question should be deleted.**
- If client identifies as an American Indian or Alaska Native, are they affiliated with a Tribe?: this information is unrelated to the determination of whether the individual meets the eligibility criteria listed above and is potentially PII when combined with other details. **Therefore, this question should be deleted.**
- Client's County/Parish and State/Territory of origin: this information is unrelated to the determination of whether the individual meets the eligibility criteria listed above and is potentially PII when combined with other details. Any individual that meets the above criteria and lives within the US or territories is eligible to receive services. **Therefore, this question should be deleted. Therefore, this question should be deleted.**
- How well does the client speak English?; Does the client speak a language other than English at home?; If yes, what is this language?: this information is unrelated to the determination of whether the individual meets the eligibility criteria listed above. **Therefore, these questions should be deleted.**
- Current living situation: this information is unrelated to the determination of whether the individual meets the eligibility criteria listed above. **Therefore, this question should be deleted.**
- Current school enrollment; Last grade completed: this information is unrelated to the determination of whether the individual meets the eligibility criteria listed above. **Therefore, these questions should be deleted.**
- Is client employed in the legal job sector?; Is client enrolled in job training?; If yes, what is the type of employment?; If no, is the client seeking employment?: this information is unrelated to the determination of whether the individual meets the eligibility criteria listed above. **Therefore, these questions should be deleted.**
- Client History and Presenting Needs including the lists of Polyvictimization, Other risk factors, and Current systems involvement: this information is unrelated to the determination of whether the individual meets the eligibility criteria listed above. **Therefore, these questions should be deleted.**
- What needs or services did the client have?: Service providers should only be required to report on whether or not a client *has* needs. Information related to specific needs is unrelated to the determination of whether the individual meets the eligibility criteria listed above. **Therefore, we recommend replacing this question with "Does the individual have one or more of the following needs," listing out the needs, and requiring the service provider to check yes or no.**
- What public benefits does the client need?: this information is unrelated to the determination of whether the individual meets the eligibility criteria listed above. **Therefore, this question should be deleted.**
- Was the client referred to law enforcement?: this information is unrelated to the determination of whether the individual meets the eligibility criteria listed above and is potentially PII when combined with other details. **Therefore, this question should be deleted.**

- Client relationship to trafficker: this information is unrelated to the determination of whether the individual meets the eligibility criteria listed above. Additionally, details about the survivor’s description of the trafficking experience should be discussed only with an attorney or law enforcement to ensure that information is protected in case of a law enforcement investigation. **Therefore, this question should be deleted.**
- Exploitation Industry: this information is unrelated to the determination of whether the individual meets the eligibility criteria listed above. Additionally, details about the survivor’s description of the trafficking experience should be discussed only with an attorney or law enforcement to ensure that information is protected in case of a law enforcement investigation. **Therefore, this question should be deleted.**
- If known. Location of the most recent trafficking incident County//Parish, State/Territory, Country: this information is unrelated to the determination of whether the individual meets the eligibility criteria listed above. Additionally, details about the survivor’s description of the trafficking experience should be discussed only with an attorney or law enforcement to ensure that information is protected in case of a law enforcement investigation. **Therefore, this question should be deleted.**

Though *some of* this information can be useful for DVHT grantee and subgrantee service providers to collect and assess to complete a thorough case plan, oversee case management, and ensure quality service provision, it is not information that should be required to be collected nor required to be reported to HHS on an individualized basis. It is not relevant to the information needed to determine eligibility for services. **Therefore, we recommend that these questions be removed from any required forms HHS proposes to implement across the DVHT program.**

Furthermore, in the Federal Register Notice⁶, HHS has estimated that it will take service providers approximately .3 hours (18 minutes) to complete this form. This is an unreasonable estimate given the amount of rapport that would need to be built with a survivor before asking specific questions as they relate to their trafficking and trauma history. **Based on our extensive experience, it would take approximately 2-4 hours to complete the form, as proposed. This results in at least 1272 Total Burden Hours, not the 190.8 projected by HHS.** This includes time needed for client-centered and trauma-informed approaches that are age-appropriate, to include breaks, and explanation about these concepts and questions.

Additionally, service providers *should not be required to*, ask detailed questions related to a client’s trauma history and details of their trafficking experience at any point and especially not to ensure program enrollment – it is not relevant. Per the FOA, grantees are required to provide a “comprehensive case management approach that uses trauma-informed and victim-centered models.”⁷ These practices are *not* trauma-informed or victim-centered. Requiring a survivor to discuss their trauma history as a matter of requirement to receive services is re-traumatizing and could lead to the individual withdrawing completely and not engaging in services that they need. Details of the trafficking experience such as location, type of industry, relationship to the trafficker should only be gathered and recorded as needed by law enforcement officials or attorneys working on the investigation of the trafficking case or representation of the survivor.

Client Service Use and Delivery Form

Again, the purpose of the DVHT program is to help survivors access all services and benefits for which they are eligible. **Therefore, instead of requiring the service provider to report on which benefits the client was connected to, the question should be replaced with Yes/No questions, such as: “Was the client connected to any of the following public benefits during the reporting period?” with a list of benefits as reference. The service provider should only be required to report yes or no.**

Client Case Closure Form

The DVHT Client Case Closure Form should *only* include the date on which the case is closing and the reason for case closure. The client’s employment status and living situation at the time of case closure is neither necessary nor relevant to the purposes of maintaining accurate records of the program. It is also not appropriate for OTIP to know the living situation or employment status of individual clients at any point during their service provision, and certainly inappropriate for survivors who are no longer receiving services. **Therefore, we recommend that these questions (Employment Status upon Case Closing, Living Situation upon Case Closing, Did the client receive a referral for continued case management services?) be removed.**

Partnership Development and Expansion: Enrollment Form

The DVHT grantee is responsible for contracting, as needed, with service providers who are equipped to serve survivors of human trafficking, as well as partners to “increase outreach and awareness.”⁸ It is appropriate for OTIP to require the grantee to report on who these subgrantee service providers are and when they join via a formal contract and/or terminate their contract. It is *not* appropriate, however, for OTIP to require subgrantees to report on their partners in the community with whom there is no formal contract. Neither the Federal Register Notice nor the proposed form clarifies *which partners* should be included on this form. **We recommend that the DVHT grantee be required to complete this form with reference only to their contracted subgrantee partners.**

Ways to Minimize the Burden of Collection

The collection of *some* information is necessary for HHS to ensure the success of the DVHT program. However, as stated above the goal of the program is to, in sum, identify survivors of human trafficking, connect them to services, and help them on a pathway to independence. Therefore, the proposed forms must be limited to collection of information that is necessary for HHS to ensure program goals are being met. This will eliminate the need for extensive interviews with clients related to their trauma history and the details of their trafficking experience, it will reduce the amount of hours spent on unnecessary paperwork, and increase the amount of time service providers have to spend engaging with survivors and meeting their complex needs through a trauma-informed, victim-centered approach to services. **Amended forms, as described by our recommendations above, would take an average of 2 hours per month to complete per individual enrolled in the program, which is a reasonable burden.**

NSN accepts the important role of HHS in the support of foreign national victims of severe forms of trafficking. We commend your dedication to ensuring that victims have access to needed services and support as soon as possible to support their safety and healing. We believe that the recommended changes will help to ensure that survivors are supported, and their information and privacy is protected.

I can be reached at survivornetwork@castla.org if you have any questions or need any further information or explanation.

Sincerely,

Commented [NP1]: Sam you should add your name to this one if you are submitting. I do typically Nat Paul,
Policy Chair
National Survivor Network

¹ National Survivor Network Membership, available at: <https://nationalsurvivornetwork.org/about-us/>

² US Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families- Family and Youth Services Bureau, Domestic Victims of Human Trafficking Program (HHS-2016-ACF-ACYF-TV-1186), p 3, available at https://ami.grantsolutions.gov/files/HHS-2016-ACF-ACYF-TV-1186_0.pdf [hereinafter FOA].

³ FOA, p 5.

⁴ FOA, p 4.

⁵ FOA, p 4.

⁶ 84 FR 2873.

⁷ FOA, p 5.

⁸ FOA, p 3.