



Freedom Network USA

November 8, 2019

Office of Planning, Research, and Evaluation
Administration for Children and Families
Department of Health and Human Services
OPREinfocollection@acf.hhs.gov

Submitted via email

RE: Comment on Survey of Youth Transitioning From Foster Care [84 Federal Register 47519]

Dear OPRE:

On behalf of Freedom Network USA (FNUSA), I am writing in response to the Department of Health and Human Services' (HHS) request for public comment on the Survey of Youth Transitioning from Foster Care.

FNUSA, established in 2001, is a coalition of 68 non-governmental organizations and individuals that provide services to, and advocate for the rights of, trafficking survivors in the United States. Our members include survivors themselves as well as former prosecutors, civil attorneys, criminal attorneys, immigration attorneys, and social service providers who have assisted thousands of trafficking survivors. Together, our members provide services to over 2,000 trafficking survivors each year.¹

FNUSA applauds HHS' goal, "to better understand the trafficking experiences, to identify modifiable risk and protective factors associated with trafficking victimization, and to inform child welfare policy, programs, and practice."² We believe that improvements in the child welfare system are a key element of both primary and secondary human trafficking prevention. We offer the following input to make the survey as effective and efficient as possible.

Note: It is important to note that the state child welfare systems serve all minors physically present in the US, including immigrants and refugees as well as the children of immigrants and refugees. In conducting an evaluation and developing policies and procedures of these systems, then, it is critical to ensure that the needs, experiences, and vulnerabilities of immigrant and refugee youth are included in the development of policies and procedures. We have tried to include specific comments and recommendations regarding these issues, and also encourage specific review by immigrant and refugee experts to ensure that all recommendations are inclusive.

¹ Freedom Network USA 2018 Member Report, available at <https://freedomnetworkusa.org/app/uploads/2018/04/FRN-Member-Report-Digital-FINAL.pdf>.

² 84 Federal Register 47519.

Note: It is also important to address the needs, experiences, and vulnerabilities of youth with disabilities, both physical and cognitive. We recommend asking all participants if there are any accommodations that would assist them in completing the survey at the beginning of the interview. We have tried to include specific comments and recommendations regarding these issues, and also encourage specific review by disability experts to ensure that all recommendations are inclusive.

Note: We also strongly encourage all interviewers to ensure that they ask the youth to identify their names and pronouns at the onset of the interview. And to ensure that they use the correct name and pronouns throughout the interaction. It is also important to point out at the onset, and on multiple occasions during the interview, that the participants can decline to answer any one or many of the questions.

Section A. Demographics

Questions A2 and A3- While these questions are commonly used in the US to capture racial and ethnic identities, they do not generally capture the identities of immigrants and refugees. We recommend asking for the national origin of the participant to better capture the identities of participants from immigrant and refugee families. Also, it is almost certainly a typo, but White is combined with Don't know/Not sure, but should be separate.

Questions A5, A6 and A7- Consider deleting Questions 5 and 7, as Question 6 should get the same information.

Questions A4, A5, A6, A7, and A8- Consider deleting Questions 4-7, and add the options High School Diploma and GED to the answer options.

Question A11 (and other questions throughout the survey using same the responses)- The responses are a combination of locations (outside, jail, etc.) and relationships (with friends). Consider making the two things separate and allow multiple choices, so that a participant could choose Home and With Friends (for a participant who is now living with their friend's family) or Shelter and With Family (for a participant who is living with their family at a homeless or domestic violence shelter).

Questions A12 and A13 (and other questions throughout the survey using same the responses)- The question suggests you are asking about feelings of safety **only** while sleeping, and specifically excluding feelings of safety while in the same location but while awake. This may be intentional, in which case consider adding another question about feelings of safety during this time period but while awake.

Question A23, A29- Consider deleting the phrase, "Because of a physical, mental, or emotional condition" as this does not seem to add anything to the question (since it is not limited to diagnosed conditions) but does seem to add some judgment about having a 'condition' which may discourage affirmative responses.

Question A31- We strongly recommend removing this question and replacing A31 and A32 with the proposed for Question A32.

Question A32- We strongly recommend restating this question as, “What is your gender?” as gender is not something one thinks, it is. Also, we recommend adding the following options: Agender, Genderqueer, Gender fluid, Transgender Male, Transgender Female, Nonbinary, Intersex and Other (allow any answer). We recommend allowing multiple choices. For more information, see

<https://center.dso.iastate.edu/sites/default/files/Documents/Classroom/Asking%20about%20Gender%20and%20Sexuality.pdf>.

We also strongly recommend adding a question about gender expression. Youth are often bullied or abused for their gender expression, which is likely to put them at increased risk of abuse and exploitation, including human trafficking. We recommend adding the question, What is your gender expression? With the answer choices: Masculine, Feminine, Agender, Androgenous, Nonbinary, Genderqueer, and Gender fluid. We recommend allowing multiple choices.

Question A33- We strongly recommend restating this question as, “What is your sexual orientation?” as sexual is not something one thinks, it is. Also, we recommend adding the following options: Asexual, Pansexual, Queer, Questioning, and Same-Gender-Loving. We recommend allowing multiple choices. For more information, see

<https://center.dso.iastate.edu/sites/default/files/Documents/Classroom/Asking%20about%20Gender%20and%20Sexuality.pdf>.

Questions A34, A35 and A36- Consider combining these into one question asking, “What is your marital status?” with the answer choices from Question 36, but add Domestic Partnership, which is a legal status in some states.

Question A37- Note that someone can be married and dating (Question 34 directs skipping this question for people who are married).

Question A38-41- We recommend combining these questions to simply determine if they have ever been pregnant, and the number of children they are responsible for. Asking for the number of pregnancies and the number of living children is overly intrusive, asks for highly personal medical information without any clear relation to the evaluation, and is likely to break any trust developed with the interviewer.

Section B. System Involvement

Question B2- Note that case closure ages vary by state, some allow youth who entered the system prior to 18 to continue services for several years.

Question B5- Note that participants may not have met with the caseworker after the placement. Consider adding an option that reflects this, such as: “There was no opportunity to talk to the caseworker.”

Question B8- This seems to overlap with Question A11. Consider deleting this question.

Question B11- Consider adding “current” before “caseworker” as the participant may have had several caseworkers. Unless you mean to refer to all of their caseworkers, in which case indicate that.

Question B13- Note that participants may have had multiple placements and/or been in foster care multiple times. Consider clarifying this question or adding a second question to address multiple placements, which are likely to be a risk factor for abuse and exploitation.

Question B15- Consider deleting the phrase. “for an illegal or delinquent offense” if you are asking about all arrests, or clarify what type of arrest you are excluding. It is likely that participants have been arrested or taken into custody when they feel that they did not do anything wrong. I suspect that you want to capture these arrests, but this wording might make the participants feel defensive or they may not count arrests that they felt were unfair.

Question B16- Consider combining this with Question 15 by reframing as, “How many times have ever been arrested” with the first option being Never or Zero.

Question B23- Consider adding the following optional responses: Other sex offenses, Prostitution-related offenses, Domestic Violence, Stalking, Child Abuse, Violation of a Protective Order, Gang-related offenses.

Generally-

-Consider also asking if the participant is a registered sex offender, which would also limit many of their options for housing, education, and employment.

-Also consider asking about the participants’ feelings about their interactions with the legal system, was it fair?, were they properly represented?, did they understand what was happening?, were they abused by police officers or officers of the court or corrections officials? Perceptions of fairness can affect the impact of the experience and cause participants to engage in either more or less criminal activity.

Section C. Social Support

Question C2- Consider changing Brother or sister to Sibling, husband or wife to Spouse, and Boyfriend/girlfriend to Dating Partner to be inclusive of all genders. Consider adding Pastor, priest, imam, or other religious figure, and Boss or Coworker to the options.

Questions C1, C3, C4, and C6- Consider collapsing these questions together. It seems unlikely that the responses to these questions would be completely different.

Question C10- Consider changing brother or sister to sibling to be inclusive of all genders.

Section D. Internal Assets

No feedback

Section E. External Assets

No feedback

Section F. External Assets

Question F5- Consider adding domestic violence or other emergency shelter to homeless shelter. Also consider adding runaway and homeless youth shelters.

Section G. Runaway or Throw Out Experiences

Title of the section should be changed Runaway and Homelessness Experiences (as 'Throw out' has a negative connotation and could make the participants feel defensive and disinclined to continue the survey.)

Question G22 and G40.

(G22 only) k. Change 'my parents' to 'your parents'

Consider adding:

You wanted to make money.

You joined a religious or cultural group that took you in.

Your home was not a safe place.

You wanted to be with your family members.

You were forced to work.

You were not allowed to go to school or work.

You were forced to follow religious practices you did not agree with.

Your neighborhood was not safe/you fled a gang or religious group.

Section H. Victimization

Generally- Why are Relationship Violence and Human Trafficking separate from this section? Why are they not included in Victimization? Given that they are later in the survey, it seems that sexual assault and sex trafficking are given prioritization and there may be drop off before participants get to the Relationship Violence and Human Trafficking sections. We recommend consolidating those questions into this section. There are also some redundancies between these sections and the Age at First Sexual Experience section. Combining the Victimization sections would allow you to consolidate some of these questions and avoid the redundancies, which are likely to make the participants feel self-conscious about their experiences and less likely to either answer truthfully or complete the survey.

Consider adding questions about bullying that was short of physical assault, including bullying by kids or by adults. These are common experiences for this population and are likely to put them at higher risk of abuse and exploitation, including human trafficking.

Consider adding questions about abuse by law enforcement, or sexual actions demanded to avoid arrest. This is reported as a common occurrence, especially by LGBTQ kids and those trading sex and are likely to put them at higher risk of abuse and exploitation, including human trafficking.

Consider adding questions about exposure to familial sexual abuse, sex work, drug use, or gang involvement. These are common experiences for this population and are likely to put them at higher risk of abuse and exploitation, including human trafficking.

Section I. Substance Use

No feedback

Section J. Age at First Sexual Experience

Question J8- Consider changing “force you to do sexual things” to “do sexual things to you,” as the term force implies physical force which participants may be reluctant to disclose.

Section K. Relationship Violence

See comments in Victimization section, above. Consider moving all of these questions into Section H. Victimization.

Consider adding additional forms of relationship abuse including: name calling, emotional abuse, threatening to out people, revenge porn, and financial abuse.

Section L. Human Trafficking

See comments in Victimization section, above. Consider moving all of these questions into Section H. Victimization.

Generally, add an explanation that ‘work’ includes any services done for any form of payment, which may include unlawful activities such as transporting drugs or sex work.

Consider adding questions about dangerous or exploitive work experiences that tend to put people at risk of exploitation, such as:

Were you working but not able to pay your bills?

Were you not provided necessary protective gear or equipment by your employer?

Were you required to work in exchange for housing/drugs/food?

Were you not provided sufficient training to do your job safely/accurately?

Were you working to pay off a debt, either yours or someone else’s?

Were you charged for housing costs by your employer?

Consider asking questions about financial knowledge and understanding which can be exploited, such as:

Did you have access to a bank account?

Did you ever receive training or education on personal finance, banking, credit cards?

Were you ever forced to use credit cards/ anyone take out a credit card in your name?

Did anyone ever force you to break a lease?

Question L8, L17, and L34- Consider adding “With the employer/pimp/trafficker.”

Question L11 and L20- Consider adding: Agriculture, Factory work, and Elder care.

Question L26- Consider adding:

You were embarrassed/ashamed?

You didn’t want the other person to get into trouble?

FNUSA commends ACF’s commitment to improving child welfare policies, programs, and practices. We also commend your commitment to seeking information and input from the community most effected by this system, the youth. We believe that improvements in the child welfare system are a key element of both primary and secondary human trafficking prevention. We hope that our input is helpful to your work. I am available at jean@freedomnetworkusa.org if you have any questions or would like further information.

Sincerely,

A handwritten signature in cursive script that reads "Jean Bruggeman". The signature is written in black ink and has a fluid, connected style.

Jean Bruggeman
Executive Director
Freedom Network USA