

# Human Trafficking

Mandated Reporting and  
Agency Response

SARA DePASQUALE

## Contents

Purpose of This Primer ... 1

The Obligation to Report ... 1

Practice Note ... 2

## Definitions of Human Trafficking

Human Trafficking ... 3

Minor ... 3

Involuntary Servitude ... 3

Sexual Servitude ... 4

Sexual Servitude: Definition Related to Minors ... 4

Sexual Servitude: Definition Related to Adults ... 4

Coercion ... 4

Deception ... 5

Unlawful Sale, Surrender, or Purchase of a Minor ... 5

Definitions Applying to Mandated Reporting ... 5

Department or Director ... 5

Mandated Reporting: Juvenile Victims or Survivors of Human Trafficking ... 5

*Juvenile* ... 5

*Abused Juvenile* ... 5

*Neglected Juvenile* ... 6

Mandated Reporting: Disabled Adult Victims or Survivors of Human Trafficking ... 6

*Disabled Adult* ... 6

*In Need of Protective Services* ... 7

*Abuse* ... 7

*Exploitation* ... 7

*Neglect* ... 7

Caretaker ... 7

## North Carolina Mandated Reporting Laws

Reports of Minor Victims of Human Trafficking to the County Department ... 8

The Obligation to Report ... 8

How to Make a Report to the Department ... 9

The Department's Response to a Report ... 9

The Department's Written Notice to the Reporter ... 9

The Department's Assessment ... 9

The Department's Second Written Notice to the Reporter ... 10

The Reporter's Request for a Prosecutor Review ... 10

The Department's Notice to Law Enforcement ... 11

Reports of Minor Victims of Human Trafficking to Local Law Enforcement ... 11

The Obligation to Report to Law Enforcement ... 11

How to Make a Report ... 11

Law Enforcement's Notice to the County Department ... 12

Case Examples ... 13

Reports of Disabled Adult Victims of Human Trafficking to the County Department ... 15

The Obligation to Report ... 15

How to Make a Report to the Department ... 15

The Department's Response to a Report ... 15

The Department's Evaluation ... 16

The Department's Notice to the Reporter ... 16

The Department's Notice to the District Attorney ... 16

Reports of Adult Victims of Human Trafficking to Local Law Enforcement ... 16

The Obligation to Report ... 17

How to Make a Report to Local Law Enforcement ... 17

Law Enforcement's Notice to the County Department ... 18

Case Examples ... 18



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# Human Trafficking: Mandated Reporting and Agency Response

## Purpose of This Primer

The purpose of this primer is to explain North Carolina reporting laws as they apply to human trafficking so that *any person* can understand when they are required to make a report, how to make a report, and where the report must be made. A brief explanation of how an agency receiving a report handles the report is provided. This primer is not meant to be a tool for how to screen for human trafficking.

Designed to be user friendly, this primer includes a general definitions section, mandated reporting sections separated by juvenile and adult victims or survivors of human trafficking and by the agency to which the report is made. Included in the primer are sample conversations addressing confidentiality, case examples identifying when and where reports must be made, a flowchart addressing mandated reporting of juvenile victims or survivors of human trafficking, and a flowchart addressing mandated reporting of adult victims or survivors of human trafficking. This primer is color coded by reporting agency for easier reference: **green indicates a county department of social services; blue indicates a local law enforcement agency.**

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## The Obligation to Report

Victims or survivors<sup>1</sup> of human trafficking encompass all demographics: age, race, color, ethnicity, gender and gender identity, and those with and without disabilities. Depending on the age of an individual who is a victim or survivor and whether or not this individual has a disability, a person may be required to make a report to the county department of social services and/or local law enforcement. **North Carolina has several laws that require *any person to make a report* when they suspect, reasonably believe, know, or have reason to know a person is a victim or survivor of human trafficking.**

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1. Recognizing that there are both victims and survivors of human trafficking, this primer refers to "victim or survivor."

### Sample Conversations on the Need to Report

Client's Status	Conversation
Client is under age 18 and is currently being or has been trafficked	<ul style="list-style-type: none"> <li>• "What we talk about is confidential except for one condition. Since you are under 18 and a victim or survivor of human trafficking, the law requires me to make a report of your situation to the county department of social services and to local law enforcement."</li> <li>• "If I have to make a report, I will tell you and we can talk about it. You can also decide if you want to make the report with me. It will be up to the county department and law enforcement as to whether they will take any action or what action that will be."</li> </ul>
Client is age 18 or older and was first trafficked when under 18	<ul style="list-style-type: none"> <li>• "What we talk about is confidential except for one condition. If you were under 18 when you first became a victim of human trafficking, the law requires me to report that to local law enforcement. I do not have to make a report if you were 18 or older when you first became a victim of human trafficking."</li> <li>• "If I have to make a report, I will tell you and we can talk about it. You can also decide if you want to make the report with me. It will be up to law enforcement as to whether they will take any action or what action that will be."</li> </ul>
Client is a disabled adult and is currently being trafficked	<ul style="list-style-type: none"> <li>• "What we talk about is confidential except for two conditions. The first is if you are being abused, neglected, or exploited, the law requires me to report that to the adult protective services division of the county department of social services. The second is if you were under 18 when you first became a victim of human trafficking, the law requires me to report that to local law enforcement. I do not have to make a report to law enforcement if you were 18 or older when you first became a victim of human trafficking."</li> <li>• "If I have to make a report to either or both agencies, I will tell you and we can talk about it. You can also decide if you want to make the report with me. It will be up to the county department or law enforcement as to whether they will take any action or what action that will be."</li> </ul>

### Practice Note

Keep in mind that mandated reporting is not necessarily victim- or survivor-centered. **The mandate to report may provide an exception to confidentiality rules and laws that apply when working with victims or survivors of human trafficking.** At the first meeting with a victim or survivor, and throughout the process of working with a victim or survivor, a mandated reporter should explain their reporting obligations and discuss with the victim or survivor when a report must be made (see table [above](#)).

When a report is required, notice should be given to the victim or survivor to allow for transparency in the working relationship. In some cases, the victim or survivor may want to self-report to the appropriate agency, and a joint report with a mandated reporter may be made.

In addition to the North Carolina mandated reporting laws, an employer may have its own policy on mandated reporting. If applicable, you should be familiar with your employer's policy. Know that the mandated reporting laws are binding throughout North Carolina and must be followed.

## Definitions of Human Trafficking

This primer focuses on the definitions of human trafficking set out in North Carolina law. There are federal definitions as well that are not included here. In North Carolina, human trafficking is defined in the criminal statutes.

### Human Trafficking

The criminal offense of human trafficking has been committed when a person

- knowingly or in reckless disregard of the consequences of their action recruits, entices, harbors, transports, provides, or obtains by any means another person with the intent that the other person be held in involuntary servitude or sexual servitude **or**
- willfully or in reckless disregard of the consequences of their action causes a minor to be held in involuntary servitude or sexual servitude.

G.S. 14-43.11.

For minors, human trafficking also includes the unlawful sale, surrender, or purchase of a minor. (The term “unlawful sale, surrender, or purchase of a minor” is defined [below](#).)

### Minor

In the context of human trafficking, a “minor” is any person younger than 18 years old. G.S. 14-43.10(a)(4). Age is the only criteria. It does not matter if the minor is emancipated.

### Involuntary Servitude

There are two requirements for “involuntary servitude”:

- performing labor (with or without being compensated, whether or not in satisfaction of a debt)
- through deception, coercion, or intimidation.

G.S. 14-43.10(a)(3).

This form of human trafficking is often referred to as “labor trafficking,” which is the term used in this primer.

## Sexual Servitude

One definition of “sexual servitude” is specific to minors, and one definition requires coercion or deception. Both definitions involve any sexual activity that is induced or obtained. “Sexual activity” involves

- masturbation;
- vaginal, anal, or oral intercourse;
- touching for sexual stimulation any person’s genitals, pubic area, buttocks, or the breasts of a female;
- an act depicting torture, physical restraint from bondage or chains, or the flogging or beating of or by a person wearing undergarments or a revealing or bizarre costume;
- excretory functions;
- inserting an object into another person’s anus or vagina; or
- the lascivious exhibition of genitals or pubic area.

G.S. 14-190.13(5).

### Sexual Servitude: Definition Related to Minors

Any sexual activity that is (1) induced or obtained from, (2) provided to, or (3) performed on a person under 18 years old is considered sexual servitude. Note that coercion, deception, or the exchange or promise of something of value is not required to meet this definition. G.S. 14-43.10(a)(5). Not all sexual activity with a minor is sexual servitude; it may be sexual abuse and may constitute a different crime and require a report disclosing those circumstances. When determining whether a minor is a victim or survivor of sexual servitude, consider the circumstances regarding how and why the minor is subject to the sexual activity.

### Sexual Servitude: Definition Related to Adults

“Sexual servitude” exists when there is any type of sexual activity

- involving anything of value being directly or indirectly given to, promised to, or received by any person whose conduct is induced or obtained by coercion or deception **or**
- being performed or provided by any person whose conduct is induced or obtained by coercion or deception.

G.S. 14-43.10(a)(5).

## Coercion

Any of the following acts are considered “coercion”:

- causing or threatening to cause bodily harm to any person;
- physically restraining or confining (or attempting to) any person;
- exposing or threatening to expose any information that would tend to subject a person to criminal or immigration proceedings, hatred, contempt, or ridicule;
- destroying, concealing, removing, confiscating, or possessing any person’s actual or purported passport, immigration document, or government identification; or
- providing a controlled substance to a person.

G.S. 14-43.10(a)(1).

## Deception

Any of the following acts amount to “deception”:

- creating or confirming another’s impression of a fact or past event that is false when the person creating or confirming that impression knows or believes it is false;
- promising benefits or services that the person making the promises does not intend to deliver or make or when that person knows that the benefits or services will not be delivered or made; **or**
- maintaining the status or condition of a person making a pledge for their personal services as security for a debt when (1) the reasonably assessed value of the services is not applied to the debt or when the length and nature of the services are not limited and defined or (2) preventing a person from acquiring information about the disposition of the debt.

G.S. 14-43.10(a)(2).

## Unlawful Sale, Surrender, or Purchase of a Minor

An “unlawful sale, surrender, or purchase of a minor” occurs when a person willfully or with reckless disregard for a minor’s life or safety unlawfully acquires or transfers the physical custody of the minor by participating in the acceptance, solicitation, offer, payment, or transfer of anything of value at any time. This definition does not apply to lawful transfers of custody, such as when authorized by statute or by court order. G.S. 14-43.14.

## Definitions Applying to Mandated Reporting

### Department or Director

Each county in North Carolina has a county department of social services (regardless of what it is titled) that is responsible for child welfare and adult protective services. The “director” of the department of social services is defined under state law as including both the director and their authorized representative. G.S. 7B-101(8a), (10); 108A-101(c). For purposes of this primer, “department” or “DSS” is used to encompass the department and the director.

### Mandated Reporting: Juvenile Victims or Survivors of Human Trafficking

#### *Juvenile*

A “juvenile” is a person who is younger than 18 years old and is not married, emancipated, or a member of the U.S. Armed Forces. G.S. 7B-101(14). Emancipation occurs for a 16- or 17-year-old either through a court order or by their marriage. *See* G.S. 7B-3500 through -3509. Unlike the definition of “minor” for human trafficking purposes, emancipation applies to the definition of “juvenile.” (The term “minor” is defined [above](#).)

#### *Abused Juvenile*

The definition of “abused juvenile” has many subparts, not all of which are stated in this primer. One definition explicitly includes a juvenile “who is found to be a minor victim of human trafficking under G.S. 14-43.15.” G.S. 7B-101(1)(i); *see* G.S. 14-43.15. **Their status as a minor**

**victim of human trafficking stands alone** and does not require that the circumstances creating the juvenile's status as a minor victim of human trafficking be caused by a parent, guardian, custodian, or caretaker of the juvenile.

Another definition of "abused juvenile" includes a juvenile whose parent, guardian, custodian, or caretaker commits, permits, or encourages a violation of a specified criminal sex or public morality and decency offense by, with, or on a juvenile, and specifically includes the unlawful sale, purchase, or surrender of a minor. G.S. 7B-101(1)(ii)d.; *see* G.S. 14-43.14(c).

### ***Neglected Juvenile***

The definition of "neglected juvenile" has many subparts, not all of which are stated in this primer. One definition explicitly includes a juvenile "who is found to be a minor victim of human trafficking under G.S. 14-43.15." G.S. 7B-101(15)(i); *see* G.S. 14-43.15. **Their status as a minor victim of human trafficking stands alone** and does not require that the circumstances creating the juvenile's status as a minor victim of human trafficking be caused by a parent, guardian, custodian, or caretaker for the juvenile.

Two other definitions of "neglected juvenile" include a juvenile whose parent, guardian, custodian, or caretaker (1) does not provide proper care, supervision, or discipline or (2) creates or allows to be created an environment that is injurious to the juvenile's welfare. G.S. 7B-101(15)(ii)a., e. This may include a situation where a juvenile is at risk of being a victim of human trafficking.

## **Mandated Reporting: Disabled Adult Victims or Survivors of Human Trafficking**

### ***Disabled Adult***

A "disabled adult" is defined by the North Carolina Protection of Abused, Neglected, or Exploited Disabled Adult Act as any person who is (1) 18 years old or older or (2) an emancipated minor<sup>2</sup> and who is

- present in North Carolina and
- physically or mentally incapacitated because of an intellectual disability, cerebral palsy, epilepsy, autism, organic brain damage, mental or physical illness, or the continued use of substances.

G.S. 108A-101(d).

Although not included in the definition of "disabled adult," a person with a disability is commonly defined as a person who (1) has a physical or mental impairment that substantially limits one or more major bodily functions, (2) has a record of that impairment, or (3) is regarded or perceived as having that impairment. *See* G.S. 168A-3(7a) (the North Carolina Persons with Disabilities Protection Act); 42 U.S.C. §§ 12101 *et seq.* (the Americans with Disabilities Act).

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<sup>2</sup> Emancipation occurs for a 16- or 17-year-old either through a court order or by their marriage. *See* G.S. 7B-3500 through -3509.



***In Need of Protective Services***

A disabled adult is “in need of protective services” when

- they have a physical or mental incapacity that leaves the adult unable to perform or obtain essential services for themselves (essential services include social, medical, psychiatric, psychological, or legal services and shelter, food, hygiene, or clothing needed to protect the adult’s rights, resources, and well-being, G.S. 108A-101(i)), and
- they do not have an able, responsible, and willing person to perform or obtain those essential services for them.

G.S. 180A-101(e).

“Protective services” are services provided by the state, by another organization, or by an individual that are necessary to protect the disabled adult from abuse, neglect, or exploitation. G.S. 108A-101(n).

***Abuse***

Any of the following conduct will amount to “abuse”:

- the willful infliction of physical pain, injury, or mental anguish;
- unreasonable confinement; or
- a caretaker’s willful deprivation of services that are necessary to maintain the disabled adult’s mental and physical health.

G.S. 108A-101(a).

***Exploitation***

“Exploitation” includes the illegal or improper use of a disabled adult or their resources for someone else’s profit or advantage. G.S. 108A-101(j).

***Neglect***

A disabled adult is considered neglected when the adult

- lives alone and is unable to provide for themselves the services that are necessary to maintain their mental or physical health or
- is not receiving services from their caretaker.

G.S. 180A-101(m).

***Caretaker***

A “caretaker” is a person who is responsible for the care of a disabled adult (1) because of a family relationship or (2) because the person, either voluntarily or by contract, assumed the responsibility for the care of the disabled adult. G.S. 108A-101(b). A trafficker of a disabled adult who is a victim or survivor may be a caretaker even though the trafficker is not acting in the best interest of the disabled adult.

## North Carolina Mandated Reporting Laws

Every state has its own mandated reporting laws for protective services. North Carolina is in the minority of states that have universal reporting. This means that **any person** is obligated to make a report for child protective and adult protective services to a county department. Mandated reporting in North Carolina is not limited to specific professionals or disciplines. There are very limited exceptions for who is exempt from reporting.

Generally, North Carolina does not have a mandated reporting law requiring any person to report a crime to law enforcement. However, there are some mandated reporting laws that require **any adult** to report to local law enforcement certain crimes when juveniles are the victims. Human trafficking is one of those crimes.

When both laws apply—mandated reporting to the county department and to local law enforcement—a report must be made to *each* agency. *See* G.S. 14-318.6(d).

### Circumstances Requiring a Mandated Report When Human Trafficking Is Involved

Mandated Report	A <b>juvenile</b> who is a victim or survivor of human trafficking	An <b>adult</b> who was a juvenile victim or survivor of human trafficking	A <b>disabled adult</b> who is in need of protective services and is a victim or survivor of human trafficking

### Reports of Minor Victims of Human Trafficking to the County Department

#### The Obligation to Report

**Any person or institution with “cause to suspect”** that a juvenile is abused, neglected, or dependent or has died from maltreatment must make a report to the county department where the juvenile resides or is found. G.S. 7B-301(a). Because any minor victim of human trafficking (sex and labor trafficking) is alleged to be both an abused and neglected juvenile, a report must be made. This is a bright-line rule.

“Cause to suspect” is not defined in the reporting statutes, but it does not require the reporter to conduct their own assessment. The assessment is conducted by the county department. A person who makes a report in good faith is immune from any civil or criminal liability, and good faith is presumed. G.S. 7B-309.

**Privilege is not an exception to the reporting requirement, except** in the limited context of attorney-client privilege when the representation is in the abuse, neglect, or dependency case. G.S. 7B-310. A person or institution that **wantonly or knowingly fails to report** or prevents another from reporting is guilty of a Class 1 misdemeanor. G.S. 7B-301(b).

**The reporter’s identity is confidential** and may only be disclosed in limited circumstances and typically requires a court order. *See* G.S. 7B-302(a1).

### How to Make a Report to the Department

A report may be made orally, by telephone, or in writing. There is no statewide hotline to call when making a report of an abused or neglected juvenile. Be sure to learn the county department's child protective services contact information for reporting cases of abused and/or neglected juveniles.

The contents of the report must include information that the reporter knows that addresses the following:

- the juvenile's name, age, address, and present whereabouts;
- the name and address of the juvenile's parent(s), guardian, custodian, or caretaker;
- the names and ages of any other juveniles who live in the same home as the juvenile;
- the nature and extent of any injury or condition the juvenile suffered as a result of the abuse or neglect;
- any information the reporter believes might be helpful to show that there is a need for protective services or for the initiation by the department of a district court action; and
- the reporter's name, address, and telephone number (if this information is not provided, the department must still act on the report).

G.S. 7B-301.

When a report is made, a social worker from the county department will likely ask additional questions to help determine whether the report should be screened in for an assessment.

### The Department's Response to a Report

The department responds to a report in one of two ways:

- **Screen out.** No action is taken. A report will be screened out when the allegations reported do not meet the statutory definitions of abused juvenile, neglected juvenile, or dependent juvenile. A screen out requires a two-person review by a case worker and their supervisor. 10A N.C.A.C. 70A, § .0105(g).
- **Screen in.** The report is accepted by the department for an assessment.

### The Department's Written Notice to the Reporter

Within five business days of receiving a report of an abused, neglected, or dependent juvenile, the department must give written notice to the reporter as to whether the report was accepted and/or a referral was made to law enforcement. The notice will not be provided if the report was made anonymously or if the reporter has waived the right to receive the notice. G.S. 7B-302(f).

### The Department's Assessment

When a report is screened in, the department is required to make a prompt and thorough assessment of it. G.S. 7B-302. The date on which the department must start an assessment depends on the type of condition reported and ranges from immediately after the report has been received to within seventy-two hours of receipt. **For suspected abused juvenile cases, the assessment must begin within twenty-four hours after the report has been received.** G.S. 7B-302(a).

As part of the assessment, the department may consult with the reporter or others to obtain more information. *See* G.S. 7B-302(e). A person is exempt from civil or criminal liability for participating in the assessment in good faith, which is presumed. G.S. 7B-309. The department may also send a written demand for information or reports, which, unless protected by federal law or attorney-client privilege, must be provided. G.S. 7B-302(e).

**The department’s assessment may result in one of the following outcomes:**

- **No findings of abuse, neglect, or dependency are made.** The case is closed but referrals for services may be made.
- **The department finds that the juvenile is abused, neglected, or dependent.** The department then takes at least one of the following actions:
  - It provides services through a **voluntary services plan** (G.S. 7B-302(c)).
  - It takes the juvenile into **temporary physical custody** for a maximum of twelve hours or, if one of those hours falls on a weekend or a legal holiday, a maximum of twenty-four hours, until the department can file a court petition and seek a “nonsecure custody order” (emergency removal and custody order) or return the juvenile to their parent, guardian, custodian, or caretaker. G.S. 7B-302(d); -500(a); -501. At no time may the juvenile be placed in secure custody (e.g., detention). *See* G.S. 7B-503(a).
  - **It files in district court a verified petition** that alleges the juvenile is abused, neglected, and/or dependent. G.S. 7B-302(c), (d). If the department files a petition, it is possible the reporter or others will be called as witnesses. Witnesses are exempt from civil or criminal liability if they participate in good faith, which is presumed. G.S. 7B-309.
  - It determines that the parent, guardian, custodian, or caretaker abused or seriously neglected the juvenile, requiring placement of that parent, guardian, custodian, or caretaker on the state’s **Responsible Individuals List** (often referred to as “the RIL”). G.S. 7B-320; -323.

### The Department’s Second Written Notice to the Reporter

**Within five business days of completing the assessment**, the department must send written notice to the reporter as to whether it is taking any action and, if so, what that action is and whether an abuse, neglect, or dependency petition was filed in district court. Notice will not be given when a report was made anonymously or if the reporter has waived the right to receive the notice. G.S. 7B-302(g).

### The Reporter’s Request for a Prosecutor Review

**Within five business days of receiving notice** that an abuse, neglect, or dependency petition has not been filed in district court, the reporter may request that a prosecutor review the department’s decision. G.S. 7B-302(g); -305. **The prosecutor review must be completed within twenty days after the reporter was notified** that a petition will not be filed in district court. G.S. 7B-306.

**The prosecutor review will result in any of the following outcomes:**

- The review affirms the department’s decision. No further action is required.
- The case is referred to law enforcement for a criminal investigation.
- The department is directed to file a petition in district court.

### The Department's Notice to Law Enforcement

The department must notify the appropriate local law enforcement agency and the district attorney or their designee when the department finds **evidence that a juvenile has been abused**. This will apply to minor victims of human trafficking, both sex and labor trafficking. Local law enforcement must initiate and **coordinate a criminal investigation with the child protective services assessment**. Ultimately, the district attorney will decide if a criminal action should be initiated. G.S. 7B-307(a). There may be two separate court cases: a child protective case and a criminal case.

When the department obtains information that a juvenile may have been physically harmed by a person who committed a crime and who is not the juvenile's parent, guardian, custodian, or caretaker, the department must make a report of this to the appropriate local law enforcement agency and the district attorney or their designee. The local law enforcement agency must then initiate a criminal investigation. Ultimately, the district attorney will decide if a criminal action should be initiated. G.S. 7B-307(a).

## Reports of Minor Victims of Human Trafficking to Local Law Enforcement

### The Obligation to Report to Law Enforcement

**Any person who is at least 18 years old who "knows or should have reasonably known"** that a juvenile has been or is the victim of a violent offense, a sexual offense, or misdemeanor child abuse must immediately make a report to the appropriate local law enforcement agency in the county where the juvenile resides or is found. G.S. 14-318.6(b). A minor victim of human trafficking is included in the crimes requiring a report. A person who makes a report in good faith is immune from any civil or criminal liability. G.S. 14-318.6(f).

**There are specific exemptions from this reporting statute** that apply to certain professionals with a statutory privilege. The exemptions are limited to the following: (1) attorneys; (2) licensed psychologists, associates, and employees; (3) licensed or certified social workers engaged in private social work services; (4) licensed clinical mental health counselors or associates; and (5) agents of rape crisis centers and domestic violence programs. G.S. 14-318.6(h). There is no specific exemption for agencies providing services to human trafficking victims or survivors.

A mandated reporter that **wantonly or knowingly fails to report** or prevents another from reporting is guilty of a Class 1 misdemeanor. G.S. 14-318.6(c).

**The reporter's identity is protected** and is only revealed when the criteria for a 911 or other emergency-telephone-law disclosure are met. G.S. 14-318.6(e); *see* G.S. 132-1.4(c)(4).

### How to Make a Report

**A report may be made orally, by telephone or in person**, to the appropriate local law enforcement agency. **The contents of the report** must include information that the reporter knows that addresses the following:

- the juvenile's name, age, address, and present whereabouts;
- the name and address of the juvenile's parent(s), guardian, custodian, or caretaker;
- the name and address of the person who committed the criminal offense;
- the location of the offense;

- the names and ages of other juveniles who were present during the offense or who are in danger;
- the nature and extent of any injury or condition the juvenile suffered as a result of the abuse or criminal offense;
- any information the reporter believes might be helpful to show that there is a need for law enforcement involvement; and
- the reporter's name, address, and telephone number.

G.S. 14-318.6(b).

#### Law Enforcement's Notice to the County Department

After a report is received, if any local law enforcement officer finds **evidence that the juvenile may have been abused, neglected, or dependent** under child protective services law, they must make a report to the county department. G.S. 14-318.6(g). Law enforcement officers are also mandated reporters under the child protective services laws as "any person." *See* G.S. 7B-301.

Because minor victims of human trafficking (sex and labor trafficking) are included in the definition of both abused and neglected juveniles, law enforcement must report to the county department. The department will then determine if an assessment of the report it receives is required.

**For sex trafficking specifically**, a minor cannot be prosecuted for prostitution because they are a minor victim of human trafficking. G.S. 14-204(c). Law enforcement must make a report of an abused and neglected juvenile to the county department where the juvenile resides or is found. G.S. 14-204(c).

## Case Examples

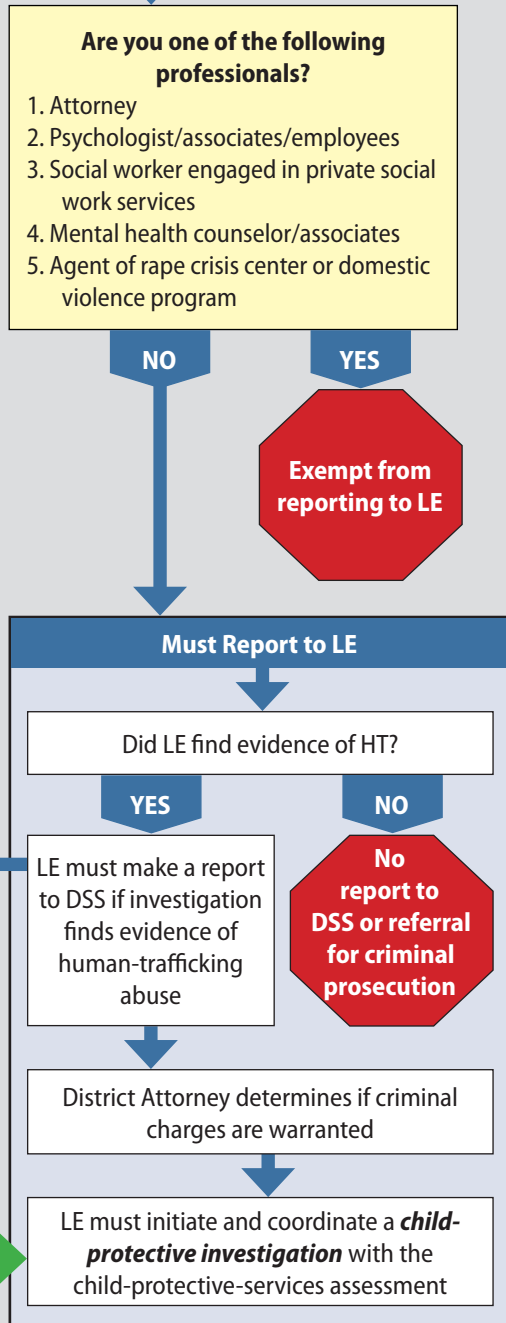
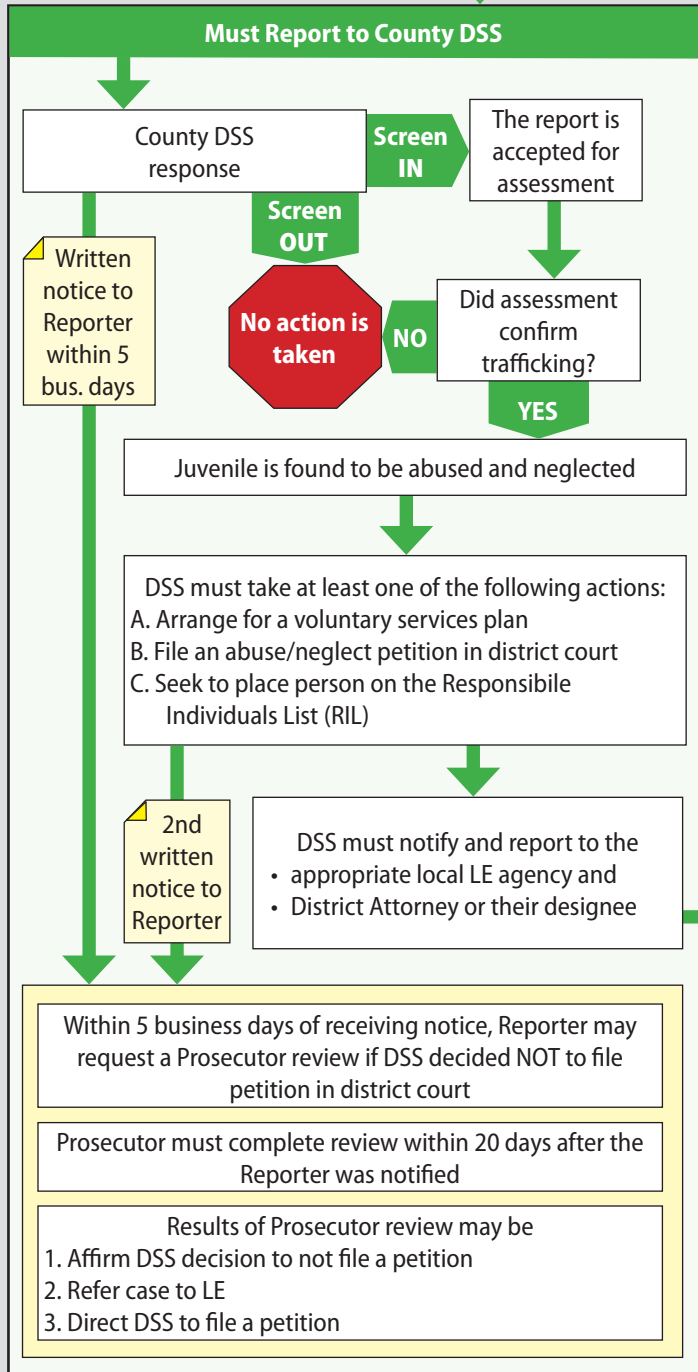
Scenario	Reporting Obligation
<p><b>Example 1</b></p> <p>In the course of working with a 17-year-old client, you discover that they are a victim of sex or labor trafficking. Do you have to make a report, and if so, to which agency do you report?</p>	<p>This case involves a juvenile who is a minor victim of human trafficking. A report of suspected abuse and neglect must be made to the county department of social services where the 17-year-old lives or is found (meaning is physically present). A report that this juvenile is also a victim of a specified crime, human trafficking, must be made to the appropriate local law enforcement agency. A joint report with the 17-year-old client is an option.</p>
<p><b>Example 2</b></p> <p>What if you work as a counselor in a rape crisis facility and the 17-year-old described in Example 1 is your client?</p>	<p>Rape crisis counselors <b>are not</b> exempted from the statutory mandate that any abused and neglected juvenile must be reported to the county department. Thus, a report to the county department must be made. Rape crisis counselors <b>are</b> exempted from having to report to local law enforcement that the juvenile is a victim of trafficking (sex or labor trafficking). Thus, a report to law enforcement is not mandated.</p>
<p><b>Example 3</b></p> <p>You work with an adult woman who discloses that her live-in partner has exchanged her 12-year-old child for drugs. Do you have to make a report, and if so, to which agency do you report?</p>	<p>You have cause to suspect that a juvenile is a victim of human trafficking. A report of suspected abuse and neglect must be made to the county department where the child lives or is found. A report that this juvenile is also a victim of a specified crime, human trafficking, must be made to the appropriate local law enforcement agency. Your cause to suspect and reason to know that the child is a victim of human trafficking is based on the mother's disclosure. Note that the mother is also a mandated reporter. A joint report with the mother is an option.</p>
<p><b>Example 4</b></p> <p>You work with an adult survivor of human trafficking. The survivor discloses that they are aware of two juveniles who are currently being trafficked. Do you have to make a report, and if so, to which agency do you report?</p>	<p>You have cause to suspect that two juveniles are victims of human trafficking. A report of suspected abuse and neglect must be made to the county department where the juveniles live or are found. A report that the two juveniles are victims of a specified crime, human trafficking, must be made to the appropriate local law enforcement agency. Your cause to suspect and reason to know that the juveniles are victims of human trafficking is based on your adult client's disclosure. Your adult client is also a mandated reporter. A joint report with your adult client is an option.</p>

# JUVENILE VICTIMS

## Mandated Reporting of Juvenile Victims or Survivors of Human Trafficking (HT) (Includes Sex or Labor Trafficking)

Any person or institution that has *cause to suspect* and that *knows or reasonably should have known* that the juvenile is a victim or survivor of HT reports to BOTH

Dept. of Social Services (DSS)      Law Enforcement (LE)





## Reports of Disabled Adult Victims of Human Trafficking to the County Department

### The Obligation to Report

Any person with “reasonable cause to believe” that a disabled adult is in need of protective services must make a report to the county department. G.S. 108A-102(a). “Reasonable cause to believe” is not defined in the reporting statutes, but it does not require the reporter to conduct their own assessment. The assessment is conducted by the county department. Unlike with juveniles who are victims or survivors of human trafficking, this law does not apply to all adults but instead is limited to disabled adults and emancipated minors who are subject to abuse, neglect, or exploitation. For a disabled adult, human trafficking involves “exploitation” as it is defined [above](#) and may also include “abuse” and/or “neglect.”

A person who makes a report is immune from any civil or criminal liability unless they acted in bad faith or with a malicious purpose. G.S. 108A-102(c).

### How to Make a Report to the Department

A report may be made orally or in writing. There is no statewide hotline to call when making a report to adult protective services. Be sure to learn the county department’s adult protective services contact information for reporting cases of disabled adults (including emancipated minors) who are believed to have been exploited, abused, or neglected.

The contents of the report must include information that the reporter knows that addresses the following:

- the disabled adult’s name, age, and address;
- the name and address of the disabled adult’s caretaker;
- the nature and extent of any injury or condition the disabled adult suffered as a result of the abuse or neglect;
- any information the reporter believes might be helpful to show that there is a need for protective services.

G.S. 108A-102.

When a report is made, a social worker from the county department will likely ask additional questions to help determine whether the report should be screened in for an assessment.

### The Department’s Response to a Report

The department responds to a report of abuse, neglect, or exploitation of a disabled adult in one of two ways:

- **Screen out.** No action is taken. A report will be screened out when the adult does not meet the statutory definition of disabled adult; when there is a responsible individual willing to be the adult’s caregiver; or when the abuse, neglect, or exploitation is inflicted by someone who is not the disabled adult’s caretaker. Remember, a trafficker may be the disabled adult’s caretaker even though the trafficker is not acting in the best interest of the disabled adult.
- **Screen in.** The report is accepted by the department for an evaluation.

### The Department's Evaluation

The department conducts an evaluation to determine if the adult is “in need of protective services” and, if so, what services are needed. G.S. 108A-101(a). The date on which an evaluation is initiated ranges from immediately after the report has been received to within seventy-two hours of receipt. **The evaluation must be completed within thirty days of receipt of the report if abuse or neglect is reported and within forty-five days if exploitation is reported.** G.S. 108A-103(d). The department must visit with the disabled adult as part of the evaluation and has the authority to interview the adult without anyone else present. The department may consult with others who know about the facts of the case, such as the reporter or other individuals. G.S. 108A-103(a). The department is also authorized to review and copy any records from the disabled adult's caretaker (including a facility) that are related to the disabled adult's care and treatment. G.S. 108A-103(a).

The department must complete a written report that indicates whether it believes protective services are needed. G.S. 108A-103(a). **The department's evaluation may result in one of the following outcomes:**

- **No findings.** The case is closed but referrals for services may be made.
- **Findings that the disabled adult is in need of protective services and the arrangement of those services.** The disabled adult must consent to the services proposed by the department. If the disabled adult has capacity to consent but does not consent, services are not provided. G.S. 108A-104. If the disabled adult does not have capacity to consent, the department may file a petition in court to seek an order that authorizes the department to provide protective services. G.S. 108A-105; -106.

### The Department's Notice to the Reporter

The department must notify the reporter of its determination as to whether protective services for the disabled adult are needed. G.S. 108A-103(a).

### The Department's Notice to the District Attorney

The department must notify the district attorney when the department finds evidence that a disabled adult has been abused, neglected or exploited. G.S. 108A-109.

## Reports of Adult Victims of Human Trafficking to Local Law Enforcement

Under North Carolina law, there is no universal mandate that requires any person to report to law enforcement a crime that has been committed against an adult. But there is a law that sets out a universal mandate that requires a report be made to local law enforcement if an adult, when they were a juvenile, was a victim of certain specified crimes. Human trafficking is one of those crimes.

### The Obligation to Report

Any person who is at least 18 years old who “knows or should have reasonably known” that a “juvenile” has been or is the victim of a violent offense, a sexual offense, or misdemeanor child abuse must immediately make a report to the appropriate local law enforcement agency in the county where the juvenile resides or is found. G.S. 14-318.6(b). A minor victim of human trafficking is included in the crimes requiring a report. For purposes of this reporting obligation, the term “juvenile” applies to adults if they were of juvenile age at the time the criminal offense occurred. G.S. 14-318.6(a)(1). This reporting law does not require the adult to be disabled or to be a current victim of human trafficking. The determination of whether to report hinges on whether the adult was a victim of human trafficking when they were a juvenile. If the answer is yes, a report must be made. If the answer is no, a report is not mandated. A person who makes a report in good faith is immune from any civil or criminal liability. G.S. 14-318.6(f).

There are specific exemptions from this reporting statute that apply to certain professionals with a statutory privilege. The exemptions are limited to the following: (1) attorneys; (2) licensed psychologists, associates, and employees; (3) licensed or certified social workers engaged in private social work services; (4) licensed clinical mental health counselors or associates; and (5) agents of rape crisis centers and domestic violence programs. G.S. 14-318.6(h). There is no specific exemption for agencies providing services to human trafficking victims or survivors.

A mandated reporter that **wantonly or knowingly fails to report** or prevents another from reporting is guilty of a Class 1 misdemeanor. G.S. 14-318.6(c).

### How to Make a Report to Local Law Enforcement

A report involving an adult who was a victim of human trafficking when they were a juvenile may be made orally, by telephone or in person, to the appropriate local law enforcement agency. The contents of the report must include information that the reporter knows that addresses the following:

- the name, age, address, and present whereabouts of the juvenile (now an adult);
- the name and address of the juvenile’s parent(s), guardian, custodian, or caretaker;
- the name and address of the person who committed the criminal offense;
- the location of the offense;
- the names and ages of other juveniles who were present during the offense or who are in danger;
- the nature and extent of any injury or condition the juvenile suffered as a result of the abuse or criminal offense;
- any information the reporter believes might be helpful to show that there is a need for law enforcement involvement; and
- the reporter’s name, address, and telephone number (the reporter’s identity is protected and is only revealed when the criteria for a 911 or other emergency-telephone-law disclosure are met. G.S. 14-318.6(e); *see* 132-1.4(c)(4)).

G.S. 14-318.6(b).

### Law Enforcement's Notice to the County Department

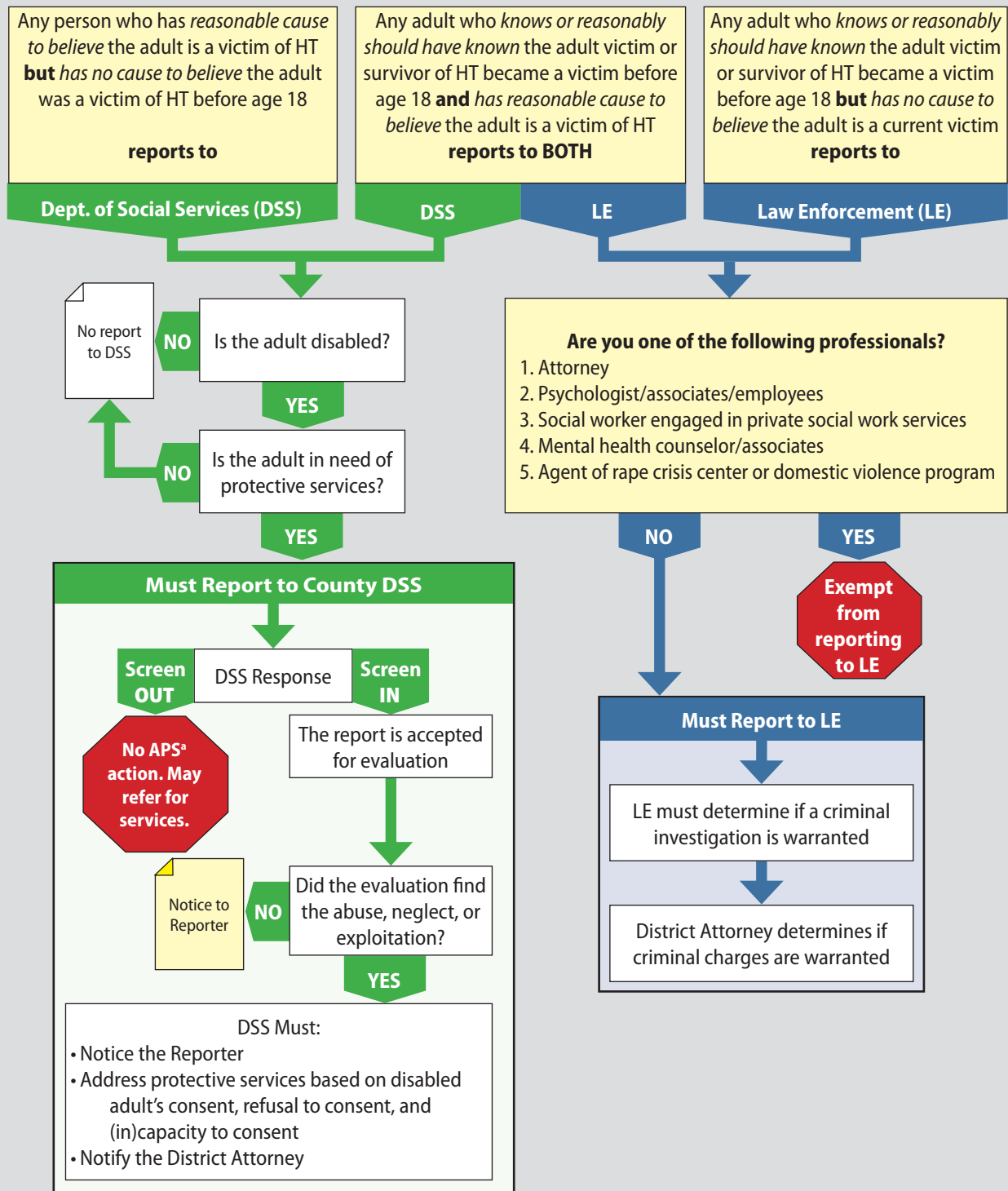
There is no specific requirement that law enforcement notify the county department of a report involving an adult who was a juvenile at the time a criminal offense occurred. However, if the adult is disabled and a law enforcement officer has reasonable cause to believe that the disabled adult is in need of protective services, a mandated report is required under the universal mandated reporting law. *See G.S. 108A-102.*

### Case Examples

Scenario	Reporting Obligation
<p><b>Example 1</b> You work with a 23-year-old who is seeking assistance. There is evidence that they are a victim of human trafficking (sex or labor trafficking). When you inquire as to when the trafficking started, they disclose that it was when they were 15 years old. Are you required to make a report, and if so, to which agency?</p>	<p>Because you know that your adult client was a juvenile when they became a victim of a specified crime, human trafficking, you must make a report to the appropriate local law enforcement agency. A report to the child protective services division of the county department is not required since the client is now an adult. Whether a report to the county department's adult protective services division is required will depend on the answer(s) to two questions:</p> <ol style="list-style-type: none"> <li>1. Is the victim or survivor a disabled adult?</li> <li>2. Are they are in need of protective services?</li> </ol> <p>If the answer to either question is no, a report is not required. If the answer to both questions is yes, a report to the adult protective services division of the county department is required.</p>
<p><b>Example 2</b> What if you work for a domestic violence shelter and the 23-year-old described in Example 1 is your client?</p>	<p>Agents of domestic violence shelters are exempted from having to report to local law enforcement that an adult was a victim of human trafficking when they were a juvenile. Thus, you are not mandated to report to local law enforcement. However, per Example 1, you are not exempted from having to report to the county department's adult protective division if the adult client is disabled and in need of protective services.</p>
<p><b>Example 3</b> What if you are working with a client who discloses that they were 18 or older when they were first trafficked?</p>	<p>Because your client was an adult at the time the crime of human trafficking was committed against them, a report is not required to be made to local law enforcement. Because your client is now an adult, a report is not required to be made to the child protective services division of the county department. Whether a report to the county department's adult protective services division is required will depend on the answer(s) to two questions:</p> <ol style="list-style-type: none"> <li>1. Is the victim or survivor a disabled adult?</li> <li>2. Are they are in need of protective services?</li> </ol> <p>If the answer to either question is no, a report is not required. If the answer to both questions is yes, a report to the adult protective services division of the county department is required.</p>

# ADULT VICTIMS

## Mandated Reporting of Adult Victims or Survivors of Human Trafficking (HT) (Includes Sex or Labor Trafficking)



a. Adult Protective Services







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## School of Government Resources on Human Trafficking

### Center for Public Leadership and Governance website

<https://cplg.sog.unc.edu/learn-now/human-trafficking>

### Public Management Bulletin Series

- No. 24 Human Trafficking by Families, 2022
- No. 18 Human Trafficking of Minors and Young Adults: What Local Governments Need to Know, 2019
- No. 17 Property Tax Officials Can Help Recognize Human-Trafficking Indicators, 2019
- No. 16 Labor Trafficking—What Local Governments Need to Know, 2019
- No. 15 Exploring the Intersections between Local Governments and Human Trafficking: The Local Government Focus Group Project, 2018
- No. 14 Ten Questions about Local Governments: A Primer for Anti-Human Trafficking Advocates, 2018
- No. 12 Human Trafficking in North Carolina: Strategies for Local Government Officials, 2017

### Additional School of Government Resources

**Basic Information about Sex and Labor Trafficking**, <https://cplg.sog.unc.edu/wp-content/uploads/sites/16800/2019/10/Basic-info-about-human-trafficking.pdf>

**Tattooing of Human Trafficking Victims**, [https://cplg.sog.unc.edu/wp-content/uploads/sites/16800/2022/10/SOG-Resource-on-Tattoos-of-HT-Victims\\_1.pdf](https://cplg.sog.unc.edu/wp-content/uploads/sites/16800/2022/10/SOG-Resource-on-Tattoos-of-HT-Victims_1.pdf), 2022

**Forced Marriages: What Do Registers of Deeds Need to Know**, <https://cplg.sog.unc.edu/wp-content/uploads/sites/16800/2019/10/Forced-Marriage-article-for-Registers-of-Deeds-April-12-2019.pdf>, 2019

**Human Trafficking in the COVID-19 Pandemic**, <https://canons.sog.unc.edu/2020/05/human-trafficking-in-the-covid-19-pandemic/>, 2020

**How Might Local Governments See Indicators of Human Trafficking through Traveling Sales Crews?**, <https://cplg.sog.unc.edu/wp-content/uploads/sites/16800/2020/01/Indicators-of-trafficking-through-sales-crews.pdf>

**Children in Foster Care and Sex Trafficking: New NC Policy to Know About**, <https://www.sog.unc.edu/blogs/civil-side/children-foster-care-and-sex-trafficking-new-nc-policy-know-about>, 2016

### Other Resources

**North Carolina Human Trafficking Commission, Standards of Service**, <https://www.nccourts.gov/assets/inline-files/NCHTC-Standards-of-Service.pdf?VersionId=WHbdfL8G61ZY0ZbOpxbDXHLqWp4fCJn?VersionId=WHbdfL8G61ZY0ZbOpxbDXHLqWp4fCJn?WHbdfL8G61ZY0ZbOpxbDXHLqWp4fCJn, rev. 2022>