



SECTION 4

Standards and Certification for Victim Service Providers

Summary of Recommendations

The standards referenced in this section apply only to community-based victim advocates and mental/behavioral health professionals who want to specialize in serving human trafficking survivors.

Recommendation #1: State and county Departments of Human Services adopt the standards outlined for mental/behavioral health professionals into their contracts for mental/behavioral health services provided to survivors of human trafficking.

Recommendation #2: Victim Compensation Boards adopt the standards for mental/behavioral health professionals when paying for mental/behavioral health services provided to survivors of human trafficking.

Recommendation #3: The Department of Regulatory Agencies (DORA) hold mental/behavioral health professionals accountable to the standards outlined for engaging with survivors of human trafficking under their existing ethical codes of conduct.

Recommendation #4: Private and public funding sources adopt the standards put forth for community-based victim advocates when funding advocacy services for human trafficking survivors.

Recommendation #5: Regional Colorado anti-trafficking collaborations as well as hotlines, such as the Colorado Network to End Human Trafficking hotline, that provide human trafficking service referrals adopt the standards put forth for mental/behavioral health professionals and

community-based victim advocates as part of their vetting process for providers to be included on their referral directories for services to human trafficking survivors.

Recommendation #6: To ensure adherence to the standards:

- a) The general assembly provide the necessary funds for one full-time equivalent (FTE) at the Division of Criminal Justice to review applications from mental/behavioral health professionals and community-based victim advocates who want to specialize in service provision to human trafficking survivors. The Division of Criminal Justice will maintain and update the list of those providers who have met the requirements outlined in the standards *(and if not feasible)*
- b) Community-based victim advocates who want to specialize in providing victim advocacy to human trafficking survivors should obtain the basic certification from the Colorado Advocate Certification Program (CACCP) administered by the Colorado Organization for Victim Assistance (COVA) and meet the additional human trafficking specific requirements outlined further in the standards document.
 - COVA will maintain and update a list of community-based victim advocates who have met the requirements outlined in the standards for human trafficking advocacy.

As part of the 2015 Annual Report, the Council conducted an in-depth analysis of the literature available on standards that were developed by other states and countries for the purpose of answering the question, is there a need to develop standards and a process for the certification of organizations that provide services to victims of human trafficking.³⁸ The conclusion of this analysis was a recommendation from the CHTC to establish standards for organizations and professionals that provide direct services to victims of human trafficking. The Council further specified that standards should only apply to a subset of professional sectors and identified five key sectors: community-based victim advocates, mental/behavioral health professionals, housing program providers, case managers, and social service providers (For a full discussion of the analysis and rationale for recommending standards, see the *2015 Colorado Human Trafficking Council Report*, pp. 47–56.) However, the work of developing the specific standards

³⁸ C.R.S. § 18-505(4)(a)(I)-(II) outline the mandate requiring the Council to provide recommendations on whether standards and a certification process should be developed for organizations that provide services to victims of human trafficking.

for each of the above-mentioned sectors was left for the Standards and Certification Task Force (SCTF) of the Council to tackle in 2016.

Due to the complexity of developing standards, the SCTF chose to focus on two of the five identified professional sectors: community-based victim advocates and mental/behavioral health providers. The SCTF's objective was to also develop a basic standards framework that could be adapted for each of the remaining professional sectors. Given the fact that the anti-trafficking field is still in its early stages, the main goal was to establish minimum baseline of standards for these sectors. With this goal in mind, the standards have a heavy emphasis on training and promising practices. The intent of these standards is to provide the necessary guidance to help professionals be better equipped and prepared to provide services that will result in positive outcomes for survivors and establish a continuity of care and consistency across various service provider systems. It is important to note that the standards issued by the Council will not be static. These standards will need to be regularly reviewed and updated to reflect the growing body of research, the emergence of promising practices, and the experience of service providers in the anti-trafficking field.

The basic standards framework is composed of four main sections: introduction, required training elements, promising practices, and training resources. The training elements section contains three main components: required courses, elective courses and continuing education. The promising practices section primarily focuses on providing detailed information on guiding principles and victim confidentiality. Finally, each standards document provides a detailed appendix of training resources designed to help service providers meet all the training requirements contained in the standards. The training resources provided took into consideration cost and accessibility to ensure that all can access training and meet the standards put forth. The following pages contain the complete list of standards developed by the Council for community-based victim advocates and mental/behavioral health professionals.

Standards for Community-Based Victim Advocates

Community-based victim advocates play a critical role in providing long-term assistance to human trafficking survivors. Community-based victim advocates render advice, counsel and assist victims³⁹ in accessing services, promote healing³⁹, and help victims regain control.⁴⁰

³⁹ C.R.S § 13-90-107(k)(II)(A).

Community-based victim advocates often provide case management.⁴¹ Case management is defined as the provision of services tailored to the unique needs and goals of the trafficking survivor⁴² on his or her path to healing and independence.

The standards contained in this document apply only to **community-based victim advocates who want to specialize in serving human trafficking survivors**. These standards do not apply to community-based victim advocates who work for private non-profit organizations that are either employed by or have contracts with a District Attorney's office or law enforcement agency to provide victim advocacy services. Please note that community-based victim advocates play a key role in maintaining confidentiality of the victim and in some circumstances may have legal privilege per Colorado statute (*Reference C.R.S § 13-90-107(k)(I-II)*). It is not the intent of these standards to alter the current privilege statute referenced above.

The goal of these standards is to provide overarching guidance to community-based victim advocates on the training and experience needed to be a successful advocate on behalf of human trafficking survivors as well as provide an overview of the promising practices emerging from the anti-trafficking field on how best to serve and engage with victims of this crime.

[Role of Community-Based Victim Advocates](#)

The community-based victim advocate plays an important role in maintaining the confidentiality of the victim and assists the victim in determining not only whether information will be shared, but also what specific information should be shared. Due to this confidential relationship, community-based victim advocates are in a unique position to help the victim to process in a safe environment when, how, and if information is shared. Representing victim experiences and perspectives is unique to victim advocates. The victims of these intimate, complex, and dangerous crimes require a specialized victim advocacy approach and advocates who are highly trained, experienced, knowledgeable, and skilled professionals.

⁴⁰ Colorado Organization for Victim Assistance. (2006, April 10). Code of Professional Ethics for Victim Assistance Providers. Retrieved on March 18, 2016 from <http://www.coloradocrimevictims.org/colorado-advocate-certification-prgram-cacp.html>.

⁴¹ The word victim is used in this definition as that is the language used in both the C.R.S. and COVA Code of Professional Ethics.

⁴² The terms "human trafficking survivor" and "human trafficking victim" are used interchangeably throughout these standards.

REQUIREMENTS

Qualifications for Community-Based Victim Advocates Working with Human Trafficking Survivors

I. Fully Certified Community-Based Victim Advocate Requirements

A fully certified community-based victim advocate is someone who is an active advocate already working in the field, who has already completed a minimum of 140 experiential direct services hours, and 60 hours of basic advocate training (which includes the following subject areas: Victim Topics [15hrs], Advocate Skills [15hrs], System Agency Response [15hrs], and Electives [15hrs]).

A. Obtain the *Basic* certification from:

1. The Colorado Advocate Certification Program (CACP), administered by the Colorado Organization for Victim Assistance (COVA).

Website URL: <http://www.coloradocrimevictims.org/colorado-advocate-certification-prgram-cacp.html>.

- a. You may participate in the Colorado Victim Assistance Academy offered by COVA in order to meet the requirements for the *Basic* certification. To learn more about the academy, visit:

<http://www.coloradocrimevictims.org/colorado-victim-assistance-academy-cvaa.html>

Attention: Please note that obtaining the BASIC certification through the CACP program does not require you to participate in trainings offered by COVA or any other organization. You may fulfill the training requirements for the BASIC certificate by completing any training that covers the content areas listed and by providing proof of your attendance with your CACP application.

- b. Additional resources for training that could satisfy the above requirements are listed in Appendix 6.

- B. These standards require that the 15 hours of elective training prescribed through the CACP shall include the content areas below. This requirement is to ensure proper training on human trafficking and how to best engage with a human trafficking survivor. Due to the rapidly evolving nature of the anti-trafficking field,

all human trafficking-related courses must have been completed within the last three years.

REQUIRED COURSES/TOPICS (five hours total):

- Colorado Human Trafficking 101 (120 minutes)
- Community-Based Victim Advocates and the Human Trafficking Survivor: This course must cover understanding service needs of human trafficking survivors, providing intensive case management, understanding challenges to service delivery, and utilizing local resources.
- Applying Trauma-Informed Care to Human Trafficking Cases

ELECTIVE COURSES/TOPICS⁴³

(at least five out of the seven content areas for a minimum of 10 hours)

- Human Trafficking in Rural Communities
- Overview of Labor Trafficking Cases
- Gang Involvement in Human Trafficking
- Child Trafficking
- Immigration Relief for Trafficking Survivors
- The Intersection Between Domestic Violence, Sexual Assault, and Child Sex Abuse and Human Trafficking
- The Importance of Collaboration in Human Trafficking Cases

- C. Experiential hours according to the COVA requirements, which can be found in the CACP application (<http://www.coloradocrimevictims.org/colorado-advocate-certification-prgram-cacp.html>). *Experiential hours refer to paid or volunteer work experience in the field of victim advocacy as well as service hours, which include direct service to victims (e.g., case review meetings, hotline work, shadowing, case management, call out time, etc.)*

⁴³ Training resources for elective courses/topics can be found in Appendix 6.

II. Entry-Level Community-Based Victim Advocates

An entry-level community-based victim advocate is someone who is just entering the field of victim advocacy and has completed a minimum of 70 hours of experiential direct service and a minimum of 30 hours of basic advocacy training.

A. Training Hours:

1. A minimum of 30 initial hours of basic advocate training must be completed to serve as an entry-level community-based victim advocate and shall include: victim advocacy, human trafficking dynamics, victimization, and safety planning.
2. The remaining 30 hours of training required to become a fully certified community-based victim advocate shall be achieved within the first year of work as an entry-level community-based victim advocate and shall include the 15 hours of elective course training focused on human trafficking as listed previously.

B. Experiential Hours:

1. A minimum of 70 hours of experience working with crime victims must be completed to serve as an entry-level community-based victim advocate. Five of the 70 hours must be dedicated to working directly with human trafficking survivors. These hours may be earned through any combination of employment, volunteer work, or internships.
2. The remaining 70 experiential hours required for a fully certified community-based victim advocate shall be earned within two years.

III. Continuing Education and Renewal of Advocacy Certification

A. Renewal of CACP certification every two years.

B. Over a two-year period, dedicate eight of the required 32 hours of continuing education for CACP renewal to human trafficking-related courses/topics, which cannot include the original required training courses for the human trafficking specialty. *Refer to elective list of courses/topics for ideas.*

IV. Victim Advocates Shall Be Knowledgeable About Local Resources

Survivors of human trafficking have a myriad of needs, needs that cannot be fulfilled by a single agency. It will be critical in your work as an advocate to be knowledgeable about the availability of resources in your community. The following is a list of common needs survivors of human trafficking might present (*please note that this list is not exhaustive*):

- Safety planning
- Food, clothing, and other basic needs
- Legal guardianship (*for minors only*)
- All forms of housing
- Legal assistance,⁴⁴ which may include
 - Filing for immigration relief
 - Reunification/repatriation
 - Civil litigation, family, and other civil matters
- Vacating/expunging criminal convictions
- Translation services
- Child care
- Transportation services
- Address confidentiality program
- Victim/witness notification
- Victim compensation
- Medical and dental health services
- Behavioral health services
 - *May include substance abuse treatment*
- Life skills education
- Education
- Job training/employment placement assistance, and
- Culturally and linguistically appropriate services

PROMISING PRACTICES IN VICTIM ADVOCACY FOR HUMAN TRAFFICKING SURVIVORS

Guiding Principles

Community-based victim advocates should provide assistance that is:

- **Survivor-informed**: Listening and learning from survivors.⁴⁵ Giving survivors the tools to do for themselves rather than doing for them.
- **Culturally responsive**: Paying particular attention to social and cultural factors in managing encounters with clients from different social, cultural, and religious backgrounds. A basic premise is to recognize the client's culture, your own culture, and how both affect the client-provider relationship.⁴⁶
- **Trauma-informed**: Recognizing that trauma can have a broad and pervasive effect on a client's personhood, which affects every area of human functioning—physical,

⁴⁴ Please note that trafficking survivors have many legal needs some of which may not necessarily be directly related to their trafficking experience.

⁴⁵ Definition adapted from the Freedom Network, Retrieved on June 23, 2016 from <http://freedomnetworkusa.org/>

⁴⁶ Definition adapted from Dimension of Culture: Cross-Cultural Communications for Healthcare Professionals, Retrieved on June 23, 2016 from <http://www.dimensionsofculture.com/2010/10/576/>

mental, behavioral, social, and spiritual. It also involves creating an environment for clients that conveys dignity, respect, hopefulness, and the opportunity for choice and empowerment among clients.⁴⁷

- **Individualized and need-based:** Services should be tailored to the unique needs and background of each client, taking into consideration the spiritual, cultural, intellectual, physical, and emotional dynamics resulting from his or her trafficking experience.
- **Legally informed:** Understanding the laws governing mandatory reporting, confidentiality, and the limitations of legal privilege; should be familiar with Victim Compensation program's abilities and reimbursable expenses; knowledgeable regarding the rights afforded to and the limitations on the rights of victims under the Colorado Victim's Rights Act. Advocates should not provide legal advice without a law license, and should refer questions regarding charging, legal violations, and other legal proceedings to the criminal justice advocate or lawyer handling the criminal or civil case.
- **Accessible:** Services should be accessible based on literacy level, language, financial considerations, ADA, etc.

Peer Consultation

Peer consultation with other fully certified community-based victim advocates or consultation with local victim service providers is strongly encouraged. Peer consultation may include:

1. Sharing information about training opportunities and resources
2. Confidentiality issues
3. Advocacy on behalf of a specific population
4. Technical assistance and safety planning

Advocacy Contacts

Advocacy contacts with the victim shall address the following:

1. A brief explanation of the advocate's role and why he or she is making contact.
2. Explanation of confidentiality, including limitations.

⁴⁷ Definition from the National Council for Behavioral Health, Retrieved on June 23, 2016 from <http://www.thenationalcouncil.org/areas-of-expertise/trauma-informed-behavioral-healthcare/>

3. Conducting a needs assessment and honoring the victim's self-determination in providing information and resources.
4. Determination of whether or not the victim wishes to be contacted, including preferred and most secure method of contact. Social media or similar electronic/digital communication avenues should be used with caution and only when appropriate to contact victims, as confidentiality may be jeopardized.
5. Any concerns about safety that the victim may have.
6. Referrals and resources.

Victim Confidentiality

I. Importance of Victim Confidentiality

It is critical for victims of human trafficking to have confidential communications with and confidential assistance from community-based victim advocates. The ability to receive confidential services can both enhance victims' safety and their ability to reach out to and to trust advocates. However, it is important for advocates to explain the benefits and limitations of confidentiality to the victims they assist.⁴⁸

II. Duty of Confidentiality

Generally speaking, the duty of confidentiality for community-based victim advocates is to not reveal any confidential information relating to assistance provided on behalf of, or communications with, a victim of human trafficking. Community-based victim advocates shall know and adhere to their agency's confidentiality policies and procedures.

A. Consent to Release Information:

Community-based victim advocates shall not disclose personally identifying information about victims, unless the individual consents to having her or his information shared.

1. Victims shall be informed of the benefits and potential consequences of having their information shared.

⁴⁸ For additional information, refer to Confidentiality Institute. (2015). A Primer on Privilege & Confidentiality for Victim Service Providers. Retrieved on May 19, 2016 from: http://nnedv.org/downloads/NNEDV_CI_Primer_on_Privilege_2015.pdf.

2. Victims' consent to a release of information shall be specific, written, and reasonably time-limited.
 3. Community-based victim advocates shall share only the minimum amount of information necessary to meet the victim's needs, or, in other words, release information on a "need to know basis."
 4. Community-based victim advocates shall honor victims' rights and choices regarding what, if any, victim information will be shared, and with whom, including:
 - a. What specific victim information the advocate will be sharing
 - b. Who the information is to be shared with
 - c. How that information may be utilized
 - d. When that information will be shared
 - e. The time period for the release of information
 5. The victim can revoke the release of information at any time
- B. Exceptions to Victim Confidentiality
1. Reporting of suspected abuse or neglect of children:
 - a. All community-based victim advocates have a responsibility and shall report suspected abuse or neglect of children. (*Reference C.R.S. § 19-3-302*)

Special Note: As of 2016, human trafficking of a minor for sexual servitude (C.R.S § 18-3-504) and the commercial sexual exploitation of children have been added to the definition of child abuse or neglect (C.R.S § 19-1-103)
 - b. Advocates shall inform victims of this exception upon initial contact and as appropriate during victim contacts.
 - c. Victims should be notified when a report is made for suspected child abuse or neglect, or when their information is shared under a court order.
 2. Court ordered release of information
 - a. The community-based victim advocate or the advocate's records could be subpoenaed.

Standards for Mental/Behavioral Health Professionals

Mental/behavioral health professionals play a critical role in providing long-term clinical interventions and support to human trafficking survivors. Mental/behavioral health professionals provide counsel, help to access services that promote healing and help survivors find their voice again. Mental/behavioral health professionals often provide case management. Case management is defined as the provision of services tailored to the unique needs and goals of the trafficking survivor⁴⁹ on the path to healing and independence.

Per Colorado Statute, when the term “mental/behavioral health professional” is used throughout these standards, the reference is to mental/behavioral health professionals who are licensed, registered, or certified pursuant to the articles contained in C.R.S § 12-43-303, 12-43-403, 12-43-503, 12-43-601.5 and 12-43-803. These define the practice of psychiatry, psychology, social work, marriage and family therapy, licensed professional counseling, and addiction counseling, respectively.

Providing mental/behavioral health services to human trafficking survivors requires advanced expertise not offered in traditional graduate course work. The goal of these standards is to provide overarching guidance to mental/behavioral health professionals on the training and experience necessary to be successful in working with human trafficking survivors as well as provide an overview of the promising practices emerging from the anti-trafficking field, including recommended treatment modalities to use with victims of this crime.

The standards contained in this document apply to licensed, registered, or certified mental/behavioral health professionals who choose to provide services to survivors of human trafficking. Victim and community safety are the highest priorities of these standards. As such, these principles should guide the responses of the criminal justice system, victim advocacy, clinical interventions, and human services.

It is important for mental/behavioral health professionals to understand and respect the limitations of their practice and the advanced expertise required to properly serve human trafficking survivors, as per C.R.S § 12-43-202(1), which states “notwithstanding any other

⁴⁹ The terms “human trafficking survivor” and “human trafficking victim” are used interchangeably throughout this document.

provision of this article, no licensee, registrant, or certificate holder is authorized to practice outside of or beyond his or her area of training, experience, or competence.”

REQUIREMENTS

Mental/Behavioral Health Professional Credential:

- I. Registered, licensed, or certified through Department of Regulatory Agencies (DORA) as a mental/behavioral health professional. See DORA regulations at <https://www.colorado.gov/dora>

Training Content Areas:

- I. Due to the level of trauma most human trafficking survivor’s experience, these standards require that mental/behavioral health professionals have knowledge and training on trauma as well as experience providing trauma-specific treatment. This knowledge on trauma shall be demonstrated through the completion of a minimum of eight hours of training in *Trauma-Specific Treatment Intervention* within the last three years.

- II. To ensure relevant training on human trafficking and how to best engage with a human trafficking survivor, these standards require you to obtain and provide proof of completion of training, within the last three years, in the content areas listed below⁵⁰:

REQUIRED COURSES/TOPICS (*following courses are required once*):

- Colorado Human Trafficking 101 (120 minutes)
- Service Needs of Human Trafficking Survivors

ELECTIVE COURSES/TOPICS: (*At least two electives for a minimum of two hours*)

- Human Trafficking in Rural Communities
- An Overview of Labor Trafficking Cases
- Applying Trauma-Informed Care to Human Trafficking Cases
- Understanding Complex Trauma in Relation to Human Trafficking
- Special populations in human trafficking, including gangs, substance abusers, homeless, and individual with Intellectual and Developmental Disabilities (IDD).

⁵⁰ Training resources for required and elective courses/topics can be found in Appendix 7.

- Child Trafficking
- The Intersections of Human Trafficking and the Impact of Related Issues (such as but not limited to: domestic violence, sexual assault, child sexual abuse, substance abuse, self-harm)
- Knowledge of Investigations and the Criminal Justice Process in Relation to Human Trafficking Cases
- The Role of Confidentiality, Mandatory Reporting, and Legal Privilege in Human Trafficking Cases

Continuing Education

Due to the rapidly evolving nature of the anti-trafficking field, it is critical to engage in continuing education as promising and eventually best practices begin to emerge for the treatment of human trafficking survivors. In recognition of this, these standards recommend over a two-year period that mental/behavioral health professionals dedicate eight hours of continuing education to human trafficking content areas. *Refer to the list of elective courses/topics for ideas as well as the training resources listed in Appendix 7.*

PROMISING PRACTICES FOR PROVIDING MENTAL/BEHAVIORAL HEALTH CARE TO HUMAN TRAFFICKING SURVIVORS

Guiding Principles

Mental/behavioral health professionals should provide care that is:

- Survivor-informed: Listening and learning from survivors.⁵¹ Giving survivors the tools to do for themselves rather than doing for them.
- Culturally responsive: Paying particular attention to social and cultural factors in managing encounters with clients from different social, cultural, and religious backgrounds. A basic premise is to recognize the client's culture, your own culture, and how both affect the client-provider relationship.⁵²

⁵¹ Definition adapted from the Freedom Network. Retrieved on June 23, 2016 from: <http://freedomnetworkusa.org/>

⁵² Definition adapted from Dimension of Culture: Cross-Cultural Communications for Healthcare Professionals. Retrieved on June 23, 2016 from: <http://www.dimensionsofculture.com/2010/10/576/>

- **Trauma-informed:** Recognizing that trauma can have a broad and pervasive effect on a client’s personhood, which affects every area of human functioning—physical, mental, behavioral, social, and spiritual. It also involves creating an environment for clients that conveys dignity, respect, hopefulness, and the opportunity for choice and empowerment among clients.⁵³
- **Individualized and need-based:** Services should be tailored to the unique needs and background of each client, taking into consideration the spiritual, cultural, intellectual, physical, and emotional dynamics resulting from his or her trafficking experience.
- **Legally informed:** Understanding the laws governing mandatory reporting, confidentiality, and the limitations of legal privilege; should be familiar with the Victim Compensation program’s abilities and reimbursable expenses; knowledgeable regarding the rights afforded to and the limitations on the rights of victims under the Colorado Victim’s Rights Act. Mental/behavioral health professionals should not provide legal advice without a law license, and should refer questions regarding charging, legal violations, and other legal proceedings to the criminal justice advocate or lawyer handling the criminal or civil case.
- **Accessible:** Services should be accessible based on literacy level, language, financial considerations, ADA, etc.
- **Collaborative:** Collaboration is encouraged with other stakeholders in the following ways:
 - Sharing information about training opportunities and resources.
 - Advocacy on behalf of human trafficking survivor population.
 - Technical assistance, safety planning, brainstorming on difficult cases while preserving client confidentiality.

Treatment Focus:

- Needs Assessments
- Mental/Behavioral Health Treatment
- Psycho-education
- Safety planning

⁵³ Definition from the National Council for Behavioral Health. Retrieved on June 23, 2016 from: <http://www.thenationalcouncil.org/areas-of-expertise/trauma-informed-behavioral-healthcare/>

- Crisis Management
- Community Reintegration
- Self-advocacy Promotion

Recommended Treatment Modalities for Working with Human Trafficking Survivors

These modalities can be delivered individually or in groups, and are often augmented by other complimentary approaches, including culturally relevant material. The primary goals of services for trafficking survivors focus on empowerment and recovery (growth, mastery, and efficacy). *The following modalities are not listed in any particular order.*

- Grounding techniques to help manage dissociative symptoms
- Desensitization therapies to help make painful images more tolerable
- Certain behavioral therapies that teach skills for coping with post-trauma effects⁵⁴
- Group therapy to address and build skills development
- Affect regulation
- Relationship building
- Competency and resiliency building
- Use of peer support groups to increase normalization, build healthy interpersonal relationship skills, and establish social supports
- Specific modalities include:
 - ARC-HT—Attachment, Regulation, Competency & Narrative
 - Dialectical Behavior Therapy
 - Seeking Safety Interventions
 - Psycho-education
 - Narrative Therapy
 - Trauma-Focused Cognitive Behavior Therapy
 - Trauma-specific behavioral treatment such as holistic, sensory interventions
 - Eye Movement Desensitization and Reprocessing (EMDR) Therapy
 - Motivational Interviewing

⁵⁴ Harris, Maxine, and Fallot, Roger D. (2001). *Using Trauma Theory to Design Service Systems: New Directions for Mental Health Services, No. 89*. San Francisco, CA: Jossey-Bass.

Victim Confidentiality, Legal Privilege, and Mandatory Reporting

I. The Importance of Victim Confidentiality

It is critical for victims of human trafficking to have confidential communications with and confidential assistance from mental/behavioral health professionals. The ability to receive confidential services can both enhance victims' safety and their ability to reach out to and trust the provider. Additionally, it is important for mental/behavioral health professionals to explain the benefits and limitations of confidentiality to the victims they assist.⁵⁵

II. Legal Privilege

Pursuant to C.R.S. § 13-90-107(1)(g), the following individuals shall not be examined without the consent of the licensee's, certificate holder's, registrant's, candidate's, or person's client as to any communications made by the client to the licensee, certificate holder, registrant, candidate or person of the advice given in the course of professional employment.

- A licensed psychologist, professional counselor, marriage and family therapist, social worker, or addiction counselor,
- a registered psychotherapist,
- a certified addiction counselor,
- a psychologist candidate registered pursuant to section *C.R.S. § 12-43-304(7)*,
- a marriage and family therapist candidate registered pursuant to section *C.R.S. § 12-43-504(5)*,
- a licensed professional counselor candidate registered pursuant to *C.R.S. § 12-43-603(5)*, or
- a person described in section *C.R.S. § 12-43-215*

III. Exceptions to Victim Confidentiality

- A. Reporting of suspected abuse or neglect of children, at-risk elders, and adults with intellectual and developmental disabilities (IDD):

⁵⁵ For additional information, refer to Confidentiality Institute. (2015). *A Primer on Privilege & Confidentiality for Victim Service Providers*. Retrived on May 19, 2016 from: http://nnedv.org/downloads/NNEDV_CI_Primer_on_Privilege_2015.pdf.

1. All mental/behavioral health professionals have a responsibility and shall report suspected abuse or neglect of children, at-risk elders, and at-risk adults with IDD. (*Reference C.R.S. § 19-3-302, C.R.S. § 18-6.5-108*).

Special Note: As of 2016, human trafficking of a minor for sexual servitude (C.R.S § 18-3-504) and the commercial sexual exploitation of children have been added to the definition of child abuse or neglect (C.R.S § 19-1-103).

2. Providers shall inform client of this upon initial contact and as appropriate during client contacts.

B. Duty to Warn

1. Mental/behavioral health providers have a duty to warn and protect and shall make reasonable and timely efforts to notify the specific location or entity of the threat as well as law enforcement. (*For more information reference C.R.S. § 13-21-117.*)

C. Release of information

1. The mental/behavioral health professional and/or their records could be subpoenaed. Upon receipt of a subpoena, mental health providers should immediately notify their agency's counsel to determine if a motion to quash should be filed, and shall immediately notify their client/patient of the subpoena, as the victim in a criminal case has a right to be notified and object in court.
2. Treatment records provided to probation may be subject to automatic disclosure, if the client has signed a release of records.