Title 75. ATTORNEY GENERAL
CHAPTER 30. STANDARDS AND CRITERIA FOR ADULT VICTIMS OF HUMAN SEX TRAFFICKING PROGRAMS

SUBCHAPTER 1. GENERAL PROVISIONS

75:30-1-2. Definitions

The following words or terms, when used in this chapter, shall have the defined meaning, unless the context clearly indicates otherwise:

"Admission" means to accept a client for services or treatment.

"Advocacy" means the assistance provided which supports, supplements, intervenes and/or links the client and their dependents with the appropriate service components to encourage self-determination, autonomy, physical and emotional safety, and to offer information that will support independence. This can be viewed as a combination of active listening and facilitating personal problem solving along with researching options of action, safety planning, community outreach and education; it may include medical, dental, financial, employment, legal and housing assistance.

"Advocate" means a person, who offers clients appropriate services.

"Assessment" means an appropriate course of assistance based on a face-to-face formal screening.

"Behavioral Health Professional" means either licensed or under supervision for licensure as a Licensed Professional Counselor, Licensed Marriage and Family Therapist, Licensed Behavioral Practitioner, Licensed Clinical Social Worker, psychiatrist or psychologist with clients in individual, group or family settings to promote positive emotional or behavioral change. A practicum student or intern in an accredited graduate program in preparation for one of the above licenses may provide counseling to victims of domestic violence, sexual assault, human sex trafficking or stalking and their dependents.

"Business day" shall mean a calendar day other than a Saturday, Sunday, or state holiday. In computing any period of time where the last day would fall on a Saturday, Sunday, or state holiday, the period shall run until 5:00 P.M. of the next business day.

"Case consultation" means review of a client's case by the primary service provider and other program personnel, consultants
"Case management" means a professional practice in which the service recipient is a partner, to the greatest extent possible, in assessing needs, defining desired outcomes, obtaining services, treatments, and supports, and in preventing and managing crisis. Case management is a central service that includes: explanation of social services, service system advocacy, basic case coordination, assessments, and service plan development. It may also include transportation, translation, emotional support and counseling depending upon the training and resources of the case manager.

"Case manager" means someone with experience serving victims of crime, human sex trafficking victims, refugees, immigrants, crime victims or other related populations. Ideally, they will have received specific training to serve trafficking victims. The Case Manager will ensure that victims receive the services they need and facilitate access to community services.

"Certification" means a process that the Department of Health and Human Services, Office of Refugee Resettlement (HHS or ORR) uses to officially say that a person is a victim of a severe form of human sex trafficking. Advocates assisting victims of human sex trafficking can assist in the certification process by informing victims of their rights generally, and working with law enforcement and attorneys to ensure that they understand and advocate for the victim's individual needs once certified.

"Certified Domestic and Sexual Violence Response Professional" means a professional certified by the Oklahoma Coalition Against Domestic Violence and Sexual Assault.

"Certified adult victims of human sex trafficking program" means a status which is granted to an entity by the Oklahoma Attorney General, and indicates approval to offer shelter and services pursuant to 74 O.S. § 18p-6. In accordance with the Administrative Procedures Act, 75 O.S. § 250.3(8), certification is defined as a "license."

"Child" or "Children" means any unmarried individual from birth to eighteen years of age.

"Children's Activities" means direct child contact that is temporary in nature and is not intended to address the effects of human sex trafficking, sexual assault/abuse and trauma on children i.e., child care, special events such as Christmas parties, Easter egg hunts, that is supervised by program personnel or volunteers.

"Children's Services" means direct child contact that is
intended to address the effects of human sex trafficking, sexual assault/abuse and trauma on children including but not limited to intake, needs assessment, groups, advocacy and any other service related to human sex trafficking, sexual assault/abuse and trauma.

"Client" means an adult individual who has applied for, is receiving or has received assistance or services of a certified sexual assault program for adult victims of human sex trafficking.

"Client record" includes, but is not limited to, all communication, records and information on an individual client.

"Commercial sex" means any form of commercial sexual activity such as sexually explicit performances, prostitution, participation in the production of pornography, performance in a strip club, or exotic dancing or display.

"Community" means the people, groups, agencies or other facilities within the locality served by the program.

"Contract" means a formal document adopted by the governing authority of the program and any other organization, agency, or individual that specifies services, personnel or space to be provided to the program and the monies to be expended in exchange.

"Court advocate" means a qualified, trained staff or volunteer whose duties are to offer assistance to victims and any dependents in legal matters relevant to their situation. A Court Advocate provides court advocacy through support, information, assistance, safety planning, accompaniment and intervention with any aspect of the civil or criminal legal system on behalf of a victim of human sex trafficking. Court Advocates shall not act as licensed attorneys and are not permitted to give legal advice, unless such person is a licensed attorney in the state of Oklahoma.

"Counseling" means face-to-face therapeutic session with one-on-one interaction between a licensed behavioral health professional and an individual to promote emotional and/or behavioral change focused on victim safety and perpetrator accountability. Those individuals providing professional therapy to adult/child victims/survivors of human sex trafficking as a result of sexual violence understand that victims of trafficking may exhibit depression, post-traumatic stress disorder, memory problems, fear, suspicion, rape trauma syndrome and physical distress as a result of the psychological stress, such as headaches, stomachaches, chest pain and numbing of parts of the body. Interviews requiring them to recount their experiences can trigger these behaviors. Initially, many victims
may be more comfortable with less formal, supportive counseling or "conversations" (not counseling) geared toward immediate problem solving, adjusting to life at the center and coping with loneliness and isolation from their communities.

"Crisis intervention" means short-term, immediate assistance and advocacy given by phone or in person to adult victims of human sex trafficking. Crisis intervention services include but are not limited to assessing dangerousness, safety planning, information about available legal remedies, establishing rapport and communication, identifying major problems, exploring feelings and providing support, exploring possible alternatives, and/or formulating an action plan and follow-up measures.

"Critical incident" means an occurrence or set of events inconsistent with the routine operation of the facility, or the routine care of a client. Critical incidents specifically include but are not necessarily limited to the following: adverse drug events; self-destructive behavior; deaths and injuries to clients, personnel, volunteers and visitors; incidents involving medication; neglect or abuse of a client; fire; unauthorized disclosure of information; damage to or theft of property belonging to a client or the facility; other unexpected occurrences; or events potentially subject to litigation. A critical incident may involve multiple individuals or results.

"Cultural diversity" means the spectrum of differences that exists among groups of people with definable and unique cultural backgrounds.

"Direct services" means services delivered by a qualified staff member or volunteer, in direct contact with a client including telephone or other electronic contact.

"Director" means the person hired by the governing authority to direct all the activities of the organization.

"Documentation" means the provision of written, dated and authenticated evidence to substantiate compliance with standards, e.g., minutes of meetings, memoranda, schedules, notices, logs, records, policies, procedures, announcements, correspondence, services, and photographs.

"Education" means the dissemination of relevant information specifically focused on increasing the awareness of the community and the receptivity and sensitivity of human sex trafficking problems and services and may include a systematic presentation of selected information to impart knowledge or instructions, to
increase understanding of specific issues or programs, to examine attitude or behaviors and stimulate social action or community support of the program and its clients.

"Emergency services" or "crisis services" means a twenty-four (24) hour capability for danger assessment, intervention and resolution of a client crisis or emergency that is provided in response to unanticipated, unscheduled emergencies requiring prompt intervention.

"Emergency transportation" means transportation for a victim of human sex trafficking to a secured identified location at which emergency services or crisis services can be offered.

"Executive director" means the person in charge of a facility as defined in this section.

"Facility" means the physical location(s) of a certified program governed by this chapter of Title 75.

"Family" means the children, spouse, parents, brothers, sisters, other relatives, foster parents, guardians and others who perform the roles and functions of family members in the lives of clients.

"Governing authority" means a group of persons having the legal authority, and final responsibility for the operations and functions of the entire certified adult victims of human sex trafficking program, or shelter, in and of all geographical locations and administrative divisions.

"Group counseling" means a face-to-face therapeutic session with a group of adult/child victims/survivors to promote emotional or behavioral change. Those individuals providing professional therapy to victims/survivors of human sex trafficking must be prepared to provide education and information about:

(A) Physical and emotional safety;
B) How perpetrators maintain control and dominance over their victims;
C) The need to hold perpetrators accountable for their actions; and
D) The recognition that individuals victimized are not responsible for a perpetrator's violent behavior, and the role of society in perpetuating violence against women and the social change necessary to eliminate violence against women, including the elimination of discrimination based on race, color, gender, sexual orientation, age, disabilities, economic or educational status, religion or national origin.
"Guardian" means an individual who has been given the legal authority for managing the affairs of another individual.

"Indirect services" means services delivered by a staff member or volunteer, that does not involve direct services with a client or client's child.

"Initial contact" means a person's first contact with the program or facility requesting information or service by telephone or in person.

"Intake" means an interaction intended to discover what has happened, determine what the crisis is, assess dangerousness indicators, do safety planning, and/or establish the immediate needs of adult victims and any dependents of human sex trafficking to determine appropriate services and referrals. This includes interaction with an individual determined to be appropriate for ongoing service in order to obtain basic demographic information, gather vital information on the adult and the children, orient the victim/survivor to the program, program rules, and, if applicable, the facilities. Cultural needs should also be identified at this time.

"Language Interpretation" means activities that involve a client who is deaf or hearing impaired or has limited English proficiency requiring an interpreter for a staff member or volunteers to offer services.

"Licensure" means the official or legal permission to persons or health facilities meeting qualifications to engage in a given occupation or use a particular title.

"Medical care" means those diagnostic and treatment services which can only be provided or supervised by a licensed physician.

"Medication" means any drug that is legally in the possession of the client, his/her children, or a person seeking admittance to the shelter or his/her children; this definition includes prescription medications and medications available for legal purchase without a prescription.

"Mental health services" means a range of diagnostic, therapeutic, and rehabilitative services used in treating mental illness or emotional disorders, including substance abuse.

"Neglect" means failing to provide adequate personal care or maintenance, or access to medical care which results or may result in physical or mental injury or harm to a client.

"OAG" means the Office of the Oklahoma Attorney General.

"Objectives" means a specific statement of planned accomplishments or results which are quantitative, qualitative, time-limited and realistic.
"Oklahoma Administrative Code" or "OAC" means the publication authorized by 75 O.S. § 256 known as The Oklahoma Administrative Code, or, prior to its publication, the compilation of codified rules authorized by 75 O.S. § 256(A)(1)(a) and maintained in the Office of Administrative Rules.

"Operation" means that clients are receiving services offered by the program.

"Personnel record" means a file containing the employment history and actions relevant to individual personnel and volunteer activities within an organization such as application, evaluation, salary data, job description, citations, credentials, etc.

"Persons with special needs" means persons with a condition which is considered a disability or impairment under the "American with Disabilities Act of 1990" including, but not limited to the deaf and hard of hearing, blind, physically disabled, developmentally disabled, persons with disabling illness, persons with mental illness. See "Americans with Disabilities Handbook," published by U.S. Equal Employment Opportunity Commission and U.S. Department of Justice.

"Policies" means statements of program intent, strategy, principle, or rules for providing effective and ethical services.

"Primary Victim" means a client who has experienced human sex trafficking or the consequences of the crimes first hand.

"Procedures" means the standard methods by which policies are implemented.

"Program" means a set of activities designed and structured to achieve specific objectives relative to the needs of the clients.

"Program evaluation" means the documented assessment activities, performed internally or externally, of a program or a service and its governing authority, staff, volunteers, activities and planning process to determine whether program goals are met, staff, volunteers, and activities are effective, and what effect, if any a program or service has on the problem which it was created to address or on the population which it was created to serve.

"Program goals" means broad general statements of purpose or intent.

"Qualified staff" means someone who has met the criteria for provision of direct services as defined in 75:30-11-12.

"Release" or "Waiver" means consent that is informed, written and reasonably time-limited. The terms may be used interchangeably
to mean the same thing. 'Release' implies that confidential information is released (despite confidentiality or privilege protection), and 'Waiver' implies waiving the right (to maintain privilege). If release of information is compelled by statutory or court mandate, the program shall make reasonable attempts to provide notice to victims affected by the disclosure of information and take steps necessary to protect the privacy and safety of the persons affected by the release of the information.

"Referral" means information disseminated and/or coordinated access to agency and community services to meet victim's/survivor's and their dependents identified needs.

"Safety Planning" means the process of working with the victim/survivor to develop tools in advance of potential abuse or violence for the immediate and long term safety of the victim/survivor. The plans should be based on the individual's dangerousness indicators and should include the safety needs of dependents. Human sex trafficking victims face danger from organized crime, and the levels of danger depend on a host of factors including how much a victim's testimony can harm the perpetrators and how violent and extensive a human sex trafficking organization may be. Additional risks may include isolation due to inability to speak English and distrust of law enforcement and the criminal justice system and unfamiliarity with ways to seek help and safety.

"Screening" means the process of determining, preliminarily, the nature and extent of an individual's problem in order to establish the service needs of an individual. At a minimum, a screening shall include a brief personal history related to abuse, a review of the individual's strengths and resources, risk factors and referral needs.

"Secondary Victim" means a person with a relationship with the primary victim.

"Self Determination" means the right to make one's own choices.

"Service agreement" means a written agreement between two or more service agencies and individual service providers defining the roles and responsibilities of each party. The purpose of service agreements is to promote coordination and integration of service programs for the purpose of curbing fragmentation and unnecessary service duplication in order to assure a continuation of services.

"Service note" means the documentation of the time, date, location and description of services offered or provided, and
signature, including electronic signature of staff or volunteer offering or providing the services.

"Service plan" means a plan of action developed and agreed upon by the client and service provider that contains service appropriate goals and objectives for the client.

"Sexual Assault" means a range of behaviors, including but not limited to rape, attempted rape, sexual battery, human sex trafficking, sexual abuse of children, sodomy and sexual harassment.

"Sexual assault services" means personal advocacy and support services provided to adult victims of human sex trafficking in settings such as law enforcement, medical settings or program offices.

"Sex trafficking" also known as "Human Sex Trafficking for Commercial Sex" means recruiting, enticing, harboring, maintaining, transporting, providing or obtaining, by any means, another person through deception, force, fraud, threat or coercion for purposes of engaging the person in a commercial sex act, or benefiting, financially or by receiving anything of value, from participating in a venture that has engaged in an act of human sex trafficking for commercial sex.

"Shelter services" means a certified residential living arrangement in a secure setting with support and advocacy services provided by qualified staff, for adult victims of sexual assault as a result of human sex trafficking and their dependents.

"Staff" means personnel who function with a defined role within the program whether full-time, part-time or contracted.

"Substance Abuse Services" means the assessment and treatment of diagnosable substance abuse and dependence disorders, as defined by current DSM criteria, by qualified alcohol and drug treatment professionals.

"Support" or "Supportive Services" means the provision of direct services to victims and their dependents for the purposes of preventing further violence, helping such victims to gain access to civil and criminal courts and other community services, facilitating the efforts of such victims to make decisions concerning their lives in the interest of safety, and assisting such victims in healing from the effects of human sex trafficking.

"Transitional living services" means temporary, independent living programs with support services provided by the staff or volunteers of the sponsoring human sex trafficking program. These services are extensions of human sex trafficking shelter services
to victims of human sex trafficking and their dependents. These services permit victims to develop their financial capacity and other means to live independently.

"Trauma-informed services" means a service approach that recognizes the impact of trauma and acknowledges the role of trauma in the lives of victims/survivors and their dependents.

"Universal precautions for transmission of infectious diseases" means those guidelines promulgated by the U.S. Occupational Health and Safety Administration which are designed to prevent the transmission of Human Immunodeficiency Virus, hepatitis and other infectious diseases.

"Update" means a dated and signed review of a report, plan or program with or without revision.

"Voluntary Services" means a program shall not mandate participation in supportive services as a condition of shelter residency or emergency services (Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.))

"Volunteer" means any person who is not on the program's payroll, but provides either indirect or direct services and fulfills a defined role within the program and includes interns and practicum students.

75:30-1-3. Meaning of verbs in rules

The attention of the facility is drawn to the distinction between the use of the words "shall," "should," and "may" in this chapter:

(1) "Shall" is the term used to indicate a mandatory statement, the only acceptable method under the present standards;
(2) "Should" is the term used to reflect the most preferable procedure, yet allowing for the use of effective alternatives; and
(3) "May" is the term used to reflect an acceptable method that is recognized but not necessarily preferred.

SUBCHAPTER 3. SEXUAL ASSAULT PROGRAMS FOR ADULT VICTIMS/SURVIVORS OF SEXUAL VIOLENCE AS A RESULT OF HUMAN SEX TRAFFICKING

75:30-3-1. Service programs core services

(a) Programs serving victims of sexual violence as a result of human sex trafficking and their dependents or family members should consider special service needs when developing a plan to offer services.
(b) Programs shall serve residential and non-residential victims of human sex trafficking.
(c) All certified programs shall provide safe, accessible, and trauma-informed services for victims of human sex trafficking and their dependents or non-offending family members.
(d) The program shall develop a philosophy of trauma-informed service provision based upon voluntary, trauma-informed services and individual self-determination. The written statement of the philosophy of services shall be approved by the governing authority and made available to the community, staff, volunteers and clients.
(e) The program shall have policies and protocols for accepting victims of human sex trafficking and develop procedures to maintain facilities, staffing, and operational methods, including a policy on the recruitment of board members, staff and volunteers who are representative of the diversity in the local community and the diversity of their clients.
(f) All certified programs shall ensure shelter is provided and be able to respond to special needs which may include:
   (1) Length of stay shall be determined by staff based on the needs of the client.
   (2) Safety planning should be designed to meet individual, unique needs. Safety planning can be complex due to danger created by an extensive human sex trafficking organization. Perpetrators often threaten the trafficked person's family in the country of origin as well, and such threats impact decisions made by a human sex trafficking victims.
   (3) Human sex trafficking victims may never have assimilated into the local community or U.S. culture. Such lack of assimilation, in addition to language barriers and lack of family or community support may make it difficult to meet shelter requirements such as communal meals, support groups and roommates of different ethnic, cultural or religious backgrounds.
   (4) Human sex trafficking victims may have language interpretation needs. The program shall provide access to an interpreter. It may be necessary for the program to provide translations of written consent forms and other documents.
   (5) Human sex trafficking victims often may need intensive case management and advocacy for long extended periods of time. Human sex trafficking victims may need to see a case manager daily. Because their goals are often obtained in incremental steps, human sex trafficking victims may need to be accompanied by staff or volunteers to access outside
services.

(6) A victim of human sex trafficking may feel that she has to babysit for free, cook meals or do more than her fair share of the chores. Programs should be aware of this dynamic and ensure that staff, volunteers and other residents do not unwittingly allow this dynamic to occur.

(7) Programs should ensure victims are educated about the value of participating in the legal prosecution of offenders and that an appropriate release or waiver may be necessary. It is the human sex trafficking victim's choice to cooperate with law enforcement. Programs may have to educate law enforcement about certain policies, confidentiality and privilege laws, victim issues, including safety concerns, and whether or not law enforcement may enter the shelter. Programs shall also inform law enforcement that victims cannot be restricted from leaving the shelter. Programs shall provide alternate, secure locations for interviews.

(8) Victims of human sex trafficking may be charged with federal or state crimes. Shelters should develop relationships with qualified criminal defense lawyers, including the federal and state public defender offices that can assist them.

(9) Establishing networks with additional service providers: Because of the unique needs of human sex trafficking victims, shelters may have to identify and establish relationships with service providers such as those who do refugee settlement, with whom they have no previous relationship, and assess the providers as potential referral sources.

(g) All certified programs shall provide services free from all forms of unlawful discrimination based on race, color, gender, sexual orientation, age; disabilities (i.e., physical, mental illness and substance abuse), economic or educational status, religion and national origin, including a policy that services to immigrant women will not be denied or diminished on the basis of immigration status.

(h) Compliance with 75:30-3-1 shall be determined by a review of the program's policies and procedures, service agreements, on-site observation, client and staff interviews and/or other supporting documentation.

75:30-3-2. Shelter program

(a) All shelters shall comply with section 75:30-3-1. Each
shelter program shall provide long-term shelter services and staffing twenty-four (24) hours per day, seven (7) days per week and offer the following services:

(1) Shelter programs shall provide room, food, bathing and laundry facilities, necessary clothing and toiletries for victims and their children free of charge. Programs shall not ask clients to use their nutrition assistance benefits to supplement food for the facility;

(2) Shelters shall be staffed at all times when clients are in residence. When there are no clients in residence, each shelter program must assure availability for immediate contact or services;

(3) Shelter programs shall offer screening, referral and linkage to clients and callers to appropriate community resources, to include assistance in making initial contact;

(4) Each shelter program must ensure to the best of its ability the physical and emotional safety, security, and confidentiality of clients and the location of the shelter;

(5) The shelter shall established and maintain involuntary exit criteria;

(6) The shelter's policy shall have written procedures regarding the supervision of children; and

(7) In the event the shelter does not offer services to clients with dependent boys over the age of twelve, the shelter shall have written policies regarding linkage to alternative provision of services including emergency shelter.

(b) Compliance with 75:30-3-2 shall be determined by a review of policies and procedures, service agreements, on-site observation, and/or other supporting documentation.

75:30-3-5. Children's services
(a) Client records for both residential and non-residential children shall contain, at a minimum, the following information:

(1) Intake and screening information:
   (A) Client's name;
   (B) Date of initial contact/intake;
   (C) Age;
   (D) Pertinent medical information;
   (E) Mother's name;
   (F) Father's name; and
   (G) Name of adult client's abuser.

(2) Custody
(A) Legal custody of the child: Has the court entered a custody order; If yes, what does the order provide;
(B) Physical custody of the child: With whom does the child physically reside;
(C) Does the child have contact with his or her biological father the adult client's abuser? and
(D) Is visitation court ordered with the perpetrator abuser?

(3) Safety, including but not limited to:
(A) History of child abuse or neglect;
(B) Exposure or witnessing violence;
(C) Child's response to witnessing violence; and
(D) History of involvement in the child welfare system; including the presence of current child welfare involvement.

(4) Service notes, which shall minimally include: the date, location, start time, duration and description of services provided delineated by time spent and service code, if applicable, or documentation of referral to other services or case management.

(b) Within five (5) business days of entry into residential services (excluding advocacy or children's activities or crisis intervention), all certified programs shall offer to assess the risk and needs, including culturally specific needs, of the children accompanying primary victims and offer children's services to address the impact of violence and trauma in their lives and to facilitate healing. A risk and needs screening and assessment on each child, when accepted, shall minimally include information on his or her:

(1) Brief trauma screening to assess the impact of trauma;
(2) Developmental history to include speech and language, hearing and visual;
(3) Medical or physical health history;
(4) Social history to include interactions with peers;
(5) History of use of tobacco, alcohol or other drugs;
(6) Parent/guardian custodial status; and
(7) Community referral needs.

(c) Services provided to each child shall be culturally sensitive while addressing identified risks and needs, and shall minimally include:

(1) Safety planning that is appropriate with respect to the child or adolescent's age, development, and education;
(2) A specific safe, protected play area for children;
(3) Advocacy with community systems;
(4) Referral to community resources for needed services;
(5) Linkage and advocacy with the local school system to provide for educational needs;
(6) Parenting support for clients, if applicable; and
(7) Children's groups using age appropriate topics and based on established best practices.
(d) Pursuant to Title 10A O.S. § 1-2-101, any person having reason to believe that a child under the age of eighteen (18) years is a victim of abuse or neglect shall report the matter promptly to the Department of Human Services.
(e) Compliance with this 75:30-3-5 shall be determined by a review of client records, program policies and procedures, on-site observation, written agreements, and/or other program supporting documentation.

SUBCHAPTER 5. CLIENT RECORDS AND CONFIDENTIALITY

75:30-5-4. Client confidentiality
(a) Protecting the confidentiality of human sex trafficking victims is critical to protecting their safety and establishing trust. Case or client records, files or notes, of a certified sexual assault program for adult victims of human sex trafficking program shall be confidential and shall only be released under certain prescribed conditions pursuant to Oklahoma law (74 O.S. § 18p-3).
(b) The program shall have written policies and procedures to ensure confidentiality of client information and identity the shelter location and govern the disclosure of information including verbal disclosure contained in client records. When a client record is established, the program shall discuss the confidentiality requirements and limitations with each client and maintain documentation in the client record that they have reviewed the circumstances under which confidential information may be revealed. Assisting human sex trafficking victims requires the release of confidential information more often, and to more organizations, than when assisting non-trafficked victims. This is particularly true if the victim is seeking certification from HHS or ORR. Staff or volunteers should always obtain the informed, written consent of the victim when relaying confidential information to any person, including law enforcement, federal prosecutors, state attorneys, victim advocates and social services agencies. The written consent forms must be translated into the victim's native language, state the name of the person or organization receiving the information, and contain an expiration
(c) The human sex trafficking program must comply with both the state and federal laws that govern confidentiality and any exceptions to those laws.

(1) **State Law:** Case or client records, files or notes, of a human sex trafficking program shall be confidential and shall only be released under certain prescribed conditions (74 O.S. § 18p-3):

(A) The case records, case files, case notes, client records, or similar records of a human sex trafficking program certified by the Attorney General or of any employee or trained volunteer of a program regarding an individual who is residing or has resided in such program or who has otherwise utilized or is utilizing the services of any human sex trafficking program or counselor shall be confidential and shall not be disclosed;

(B) For purposes of this subsection, the term "client records" shall include, but not be limited to, all communications, records, and information regarding clients of human sex trafficking programs; and

(C) The case records, case files, or case notes of programs specified in paragraph 1 of this subsection shall be confidential and shall not be disclosed except with the written consent of the individual, or in the case of the individual's death or disability, of the individual's personal representative or other person authorized to sue on the individual's behalf or by court order for good cause shown by the judge in camera.

(2) **Federal Law:**

(A) VAWA—42 U.S.C. § 13925 (b)(2). Federally, the U.S. Violence Against Women Act (VAWA) at 42 U.S.C. § 13925 (b)(2). January, 2006, mandates programs that receive VAWA funds shall not reveal personally identifying information about victims without "reasonably time-limited," written, and informed consent. Under this provision, VAWA-funded programs are prohibited from disclosing personally identifying victim information to any third party, including to any database operated by any party outside of the domestic violence program. "Reasonably time-limited" is not defined in the statute, but it is determined by the circumstances and the purposes for which the client is
requesting the release of information. It could be a few minutes, a few hours, or a few days. In no event should it be for more than 60 days;

(B) The Family Violence Prevention and Services Act (FVPSA) at 42 U.S.C. 10406(b)(5), each mandates specific confidentiality protections that apply to many domestic violence and sexual assault programs. (42 U.S.C. 10402(a)(2)(E)). In order to ensure the safety of adult, youth and child victims of family violence, domestic violence or dating violence, and their families, Grantees FVPSA grantees and subgrantees under this title chapter shall protect the confidentiality and privacy of persons receiving services such victims and their families. Grantees and subgrantees shall not:

(i) Disclose any personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantees' and subgrantees' programs; or

(ii) Reveal individual personally identifying information without the informed, written, reasonably time-limited consent of the person (or in the case of an unemancipated minor, the minor and the parent or guardian or in the case of persons with disabilities an individual with a guardian, the individual's guardian) about whom information is sought, whether for this program or any other Federal, or State, tribal, or territorial grant program, except that consent for release may not be given by the abuser or suspected abuser of the minor or individual with a guardian, person with disabilities or the abuser or suspected abuser of the other parent of the minor.

(C) Housing Assistance Emergency Shelter Solutions Grants, at 42 U.S.C. § 11375 (c)(5). Grant require recipients are required to develop and implement procedures to ensure confidentiality of records pertaining to any individual who is provided family violence prevention or treatment services under this part and. All grant recipients must also certify that the address or location of the family violence shelter project assisted under this part will not be made public
without written authorization of the agency; and

(D) Stewart B. McKinney Homeless Assistance Act, at 42 U.S.C. § 1130163, mandates that any victim service provider that is a recipient or subgrantee shall not disclose for purposes of the Homeless Management Information System (HMIS) any personally identifying information about any client. Subgrantees may be required to disclose for purposes of HMIS non-personally identifying information that has been de-identified, encrypted, or otherwise encoded. The Violence Against Women Act also contains a provision that specifies a domestic violence program provider shall not disclose any personally identifying information about any client to the Homeless Management Information System (HMIS).

(d) Compliance with 75:30-5-4 shall be determined by a review of the program's policies and procedures; and on-site observation of the handling and review of client records.

75:30-5-6. Client record, handling, retention, and disposal

(a) A program shall have written policies and procedures addressing the storage, retention period, and method of disposal of client records. This policy and procedures shall be compatible with protecting clients' rights against unauthorized confidential information disclosures.

(b) Client records shall not be maintained and/or stored at a location other than the certified locations without the prior written authorization of the Office of Attorney General.

(bc) Client records shall be easily retrieved by staff as needed for providing and documenting services.

(ed) Compliance with 75:30-5-6 shall be determined by a review of the program's policies and procedures, and a review of office and files.

SUBCHAP 9. PROGRAM MANAGEMENT AND PERFORMANCE IMPROVEMENT

75:30-9-4. Annual program evaluation

(a) The agency shall conduct an annual evaluation for each state fiscal year (July 1 – June 30), of the program's services, facilities and policies and procedures. This evaluation shall be carried out according to a written plan established in policies
and procedures to include the plan of evaluation, data to be reviewed, and the persons to conduct the evaluation, e.g., governing body members, staff, volunteers or other persons. The evaluation shall include an assessment to identify special populations of victims of human sex trafficking who are underserved or who have special needs including culturally or specific needs. 
(b) Upon completion, this evaluation shall be submitted and reviewed by the governing body, and made available to personnel and volunteers.
(c) Compliance with 75:30-9-4 shall be determined by a review of the program evaluation, policies and procedures, staff meeting minutes and/or any other supporting documentation.

SUBCHAPTER 11. PERSONNEL AND VOLUNTEERS
PART 1. PERSONNEL

75:30-11-1. Personnel policies and procedures
(a) The program shall have written policies and procedures governing the conditions of agency employment to include appropriate screening and background inquiries to ensure client safety and confidentiality. Prior to employment and at least annually, all certified programs are required to conduct a.

obtain an Oklahoma State Bureau of Investigation (OSBI) criminal history name search of employees against also include a search of the registries maintained pursuant to the Oklahoma Sex Offenders Registration Act and the Mary Rippy Violent Crime Offenders Registration Act, while such persons are working with or serving children. At least annually thereafter, all certified programs are required to conduct a name search of employees against the registries maintained pursuant to the Oklahoma Sex Offenders Registration Act and the Mary Rippy Violent Crime Offenders Registration Act.
(c) Written policies and procedures shall ensure personnel are informed of any changes to these afore stated materials.
(d) Compliance with 75:30-11-1 shall be determined by a review of the program's personnel policies and procedures, interviews with staff and volunteers, review of staff meeting minutes and/or other supporting documentation.

PART 3. VOLUNTEERS

75:30-11-8. Volunteer policies and procedures
(a) The program shall have written policies and procedures
governing volunteer utilization to include appropriate screening and background inquiries to ensure client safety and confidentiality. Prior to direct services volunteering, all certified programs are required to obtain an Oklahoma State Bureau of Investigation (OSBI) criminal history name search of volunteers to also include a search of the registries maintained pursuant to the Oklahoma Sex Offenders Registration Act and the Mary Rippy Violent Crime Offenders Registration Act. At least annually thereafter, all certified programs are required to conduct a name search of direct services volunteers against the registries maintained pursuant to the Oklahoma Sex Offenders Registration Act and the Mary Rippy Violent Crime Offenders Registration Act.

(b) The agency's policies and procedures shall include provisions for non-discrimination with regard to the agency's relationship with volunteers in accordance with applicable state and federal laws.

(c) Compliance with 75:30-11-8 shall be determined by a review of the program's written policies and procedures, and volunteer interviews.

SUBCHAPTER 13. GOVERNING AUTHORITY

75:30-13-2. Duties of the governing authority
(a) The duties of the governing authority shall include, but are not limited to:

(1) Approving all policies for the operation of the agency, and ensuring procedures for the implementation of policies are in place and enforced;
(2) Ensuring the agency operates in compliance with established agency policy, applicable state and federal law and administrative rules;
(3) Compliance with the by-laws of the governing authority;
(4) Ensuring all financial transactions and events requiring the approval of the governing authority are reviewed and authorized by the governing authority prior to any commitment by agency personnel;
(5) The selection, annual evaluation and continuance of retention of the Executive Director;
(6) Review and approve all contractual agreements;
(7) Review the program audit and certification reports from the VSU and approve all plans of correction; and
(8) Oversee the financial administration of the program.
including review and approval of financial audits.

(b) Compliance with 75:30-13-2 shall be determined by a review of:

1. By-laws and minutes of the meetings of the governing authority;
2. Posted, or otherwise distributed written materials regarding decisions, and other notifications of the governing authority;
3. Personnel meeting minutes of the program and its various divisions or geographical locations where applicable; and
4. Written evaluation and any other documentation regarding the retention or selection or hiring of the Executive Director.

SUBCHAPTER 15. CLIENT RIGHTS, FOR ADULT VICTIMS OF HUMAN SEX TRAFFICKING PROGRAMS

75:30-15-2. Client rights
(a) Each client shall be afforded all constitutional and statutory rights of all citizens of the State of Oklahoma and the United States, unless abridged through due process of law by a court of competent jurisdiction. Each program shall ensure each client has the rights which are listed below:

1. Each client has the right to be treated with respect and dignity. This shall be construed to protect and promote human dignity and respect for individual dignity;
2. Each client has the right to a safe, sanitary, and humane living environment;
3. Each client has the right to a humane psychological environment protecting the client from harm, abuse, and neglect;
4. Each client has the right to an environment which provides reasonable privacy, promotes personal dignity, and provides physical and emotional safety;
5. Each client has the right to receive services suited to the client’s needs without regard to race, religion, gender, ethnic origin, age, degree of disability, handicapping condition, or legal status;
6. Each client, on admission, has the absolute right to communicate with a relative, friend, clergy, or attorney, by telephone or mail, at the expense of the program if the client is indigent;
(7) Each client shall have and retain the right to confidential communication with an attorney, personal physician, or clergy;
(8) Each client has the right to uncensored, private communications including, but not limited to, letters and telephone calls. Copies of any personal letter, sent or received, by a client shall not be kept in the client’s record without the written consent of the client;
(9) No client shall be neglected or sexually, physically, verbally, or otherwise abused;
(10) Each client shall have the right to practice free exercise of religious beliefs, and be afforded the opportunity for religious worship that does not infringe on the health or safety of others. No client shall be coerced into engaging in, or refraining from, any personal religious activity, practice, or belief;
(11) Each client has the right to be offered prompt, competent, appropriate services and an individualized service plan. The client shall be afforded the opportunity to participate in the creation of the client’s service plan. The client may consent or refuse to consent to the proposed services;
(12) The records of each client shall be treated as confidential. This confidentiality remains intact even after the client's death;
(13) Each client has the right to refuse to participate in any research project or medical experiment without informed consent of the client, as defined by law. A refusal to participate shall not affect the services available to the client;
(14) Each client has the right to assert grievances with respect to any alleged infringement of these stated rights of clients, or any other subsequently statutorily granted rights;
(15) No client shall ever be retaliated against, or be subject to, any adverse conditions or services solely or partially because of having asserted her or his rights as stated in this section;
(16) Upon request, each client has the right to review the client's own records. And upon written request, each client has the right to receive a copy of the client's records or authorize an attorney or other person to do so. The program must provide a copy within a reasonable amount of
However, the portion of the client's records regarding mental health or substance abuse treatment, shall be released pursuant to the provisions of 43A O.S. § 1-109 and 42 CFR shall apply;

(17) Each client has the right to know why services are refused and can expect an explanation concerning the reason why the client was refused particular services;
(18) Each client has the right to voluntary services which are self-determined; and
(19) Each client has the right to decide whether or not to participate in supportive services offered by the program.

(b) Each client shall be given a copy of these rights and the provision of such shall be documented in the client record.
(c) Programs shall have written policy to ensure each client is afforded, and has explained to him or her, these rights.
(d) Client rights shall be visibly posted in client areas of the facility.
(e) The OAG, in any investigation or program monitoring regarding client rights, shall have unimpeded access to clients, program records and program staff or volunteers.
(f) Compliance with 75:30-15-2 and applicable federal laws and regulations shall be determined by a review of program policies and procedures, client records, on-site observation, written agreements, and/or other program documentation.