AMWA PATH
PHYSICIANS AGAINST THE TRAFFICKING OF HUMANS

# Human Trafficking Reporting Policies for Montana

SCAN ME

## MONTANA IS A MANDATED REPORTER OF HUMAN TRAFFICKING*

### National Policies

Federal law **does** currently mandate reporting by healthcare providers of suspected human trafficking of patients **UNDER 18** (as child abuse per Child Abuse Prevention and Treatment Act); no mandated reporting for 18 and over.

***Sex trafficking***: *the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act that is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age*

***Labor trafficking:*** *the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery*

*Remember to consult with your patients about your concerns using trauma-informed care and respect patients' autonomy.*

*Doctors, nurses, and social workers are mandatory reporters of all violations of human rights. Providers must get patient permission to report or call if 18+; it is a violation of privacy rights to report without consent.*

National Human Trafficking Hotline

Scan For: The Trafficking Victims Protection Act (TVPA) of 2000 and Jones Day: Human Trafficking and Health Care Providers: Legal Requirements for Reporting and Education

### *State Policies

**Under 18:**

Montana **does mandate prompt reporting** to the Montana Department of Health and Human Services by all healthcare providers (Hotline: 866-820-5437). Report must include (if known):
*(a) names/addresses of child and child's guardians; (b) child's age and the nature and extent of the child's injuries, including any evidence of previous injuries; (c) any other information that the maker of the report believes might be helpful in establishing the cause of the injuries or showing the willful neglect and the identity of the person or persons responsible for the injury or neglect; and (d) facts that led the person reporting to believe that the child has suffered injury or injuries or willful neglect*

**18 and over:**

Montana **does not mandate reporting** of trafficking of adults unless patient is a vulnerable adult protected under APS (call 1-844-277-9300). All other reporting should only be done with either patient consent or per HIPPA Privacy Rule regulations, if concern for imminent harm.