AMWA PATH
PHYSICIANS AGAINST THE TRAFFICKING OF HUMANS

Human Trafficking Reporting Policies for South Dakota

SCAN ME

SOUTH DAKOTA 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:
South Dakota **does mandate reporting** to County Attorney, Department of Social Services (call 877-244-0864), or local law enforcement by all healthcare providers and promptly submit to the state's attorney complete copies of all medical examination, treatment, and hospital records regarding the child.

18 and over:
South Dakota **does mandate immediate (<24 hours) reporting** to the Department of Human Services or local law enforcement by any healthcare professional with knowledge of or reasonable cause to suspect the abuse, neglect, or exploitation of elderly or physically or intellectually disabled adults that are unable to protect themselves or provide for their own care. All other reporting should only be done with either patient consent or per HIPPA Privacy Rule regulations, if concern for imminent harm.