

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

M.D., b/n/f Sarah R. Stukenberg, et al.,

*Plaintiffs,*

VS.

GREG ABBOTT, in his official capacity as  
Governor of the State of Texas, et al.,

*Defendants.*

CASE NO. 2:11-CV-00084

**ADVISORY TO THE COURT BY AMICUS CURIAE THE REFUGE FOR DMST**

TO THE HONORABLE JANICE GRAHAM JACK:

The Refuge for DMST™ (“The Refuge”)<sup>1</sup> by and through its undersigned counsel<sup>2</sup>, respectfully submits this Advisory to the Court by *Amicus Curiae* in anticipation of the hearing scheduled for 9:00 a.m. on March 30, 2022, and in support would respectfully show:

**I. INTRODUCTION**

The Refuge for DMST™ (Domestic Minor Sex Trafficking) is a registered 501(c)(3) nonprofit organization founded in 2013. Its mission is to provide trauma-informed, long-term restoration community with on-site services for girls, ages 14 through 19, who have been exploited through sex trafficking. A child repeatedly abused sexually, physically, and mentally endures complex trauma that requires a long-term, integrated, holistic solution provided by trauma-informed staff. The Refuge is accomplishing its great mission through The Refuge Ranch, a safe and restorative place built debt-free on 50 acres in Bastrop

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<sup>1</sup> The Refuge for DMST™ refers to the non-profit organization.

<sup>2</sup> For the Honorable Court’s edification, undersigned counsel is a former CPS conservatorship caseworker who worked for the Department of Family and Protective Services between 1999 and 2002 just prior to attending law school. After law school, undersigned counsel served as a state prosecutor in Harris County, Texas, and later served as a federal prosecutor in the Western District of Texas. As a caseworker and as a state and federal prosecutor, undersigned counsel handled cases involving child abuse and neglect, child exploitation, child and adult trafficking, possession and production of child pornography, and thousands of other serious state and federal felony offenses.

County, Texas; and The Refuge Circle of Care™ program that provides a unique approach to restoring victims of sex trafficking by addressing their various needs in body, mind, and spirit. The Refuge Circle of Care program provides trauma-informed, holistic care for the girls on-site at The Refuge Ranch, including: psychiatric services from Dell Medical School at The University of Texas at Austin’s Department of Psychiatry and the Institute for Early Life Adversity Research; education through the University of Texas-University Charter School (UT-UCS); medical services by community partners; and various therapeutic programs uniquely designed for the development of a child survivor.

The Refuge Ranch is the largest long-term, live-in rehabilitation facility for child survivors of sex trafficking in the United States. The Refuge for DMST and The Refuge Ranch exist because there is a great need for the services they provide. Texas has the second most reported cases of sex trafficking in the nation, and there are limited facilities to care for survivors, especially long-term facilities for minors. Since opening on August 1, 2018, The Refuge has served 70 girls from 19 different counties across Texas, as well as four other states, including California, Idaho, Mississippi, and Virginia. The average age of the girls in its care is 16 years old, and they come from all ethnic and socioeconomic backgrounds.

## **II. DISCUSSION**

### **A. THE REFUGE TIMELINE OF EVENTS**

The following is a review of two separate incidents at The Refuge Ranch that are the subject of ongoing investigations by state and federal law enforcement and state regulators. Referred to as the “Exploitation” (first incident) and the “Flight” (second incident) for the sake of clarity, they relate to the actions of entry-level employees who, despite having passed state and federal background checks before joining our staff, later engaged in inexcusable criminal behavior for which they were immediately terminated. From the moment supervisory staff at The Refuge Ranch learned of the first incident—the Exploitation—staff has fully cooperated with law enforcement and regulators, provided documents as requested, and continues to cooperate and be fully transparent in every pending investigation.

1. THE EXPLOITATION

This incident involves a female staff who was employed by The Refuge to serve as a nighttime monitor. When she engaged in predatory and criminal behavior at The Refuge Ranch, she had been employed for less than five months. During that time, she groomed two vulnerable resident youth, persuaded them several times to create Commercial Sexual Abuse Material (CSAM) using a smuggled burner phone, and sold the images online for her personal commercial gain. The predator offered to reward the two youth with drugs the predator promised to smuggle into The Refuge Ranch. When discovered by supervisory staff following an outcry by one of the girls, the incidents were immediately reported to the Texas Department of Family Protective Services (DFPS) hotline and the Bastrop County Sheriff’s Office (BCSO). The individual employee had no contact with residents at the time of the outcry, and was not allowed to return to The Refuge Ranch. She was immediately terminated the same day the outcry was made. The sequence of events gathered from The Refuge employees who reported the incident is as follows:

<p>January 24, 2022</p> <p>Date of Outcry</p>	<ul style="list-style-type: none"> <li>· A resident of The Refuge Ranch makes an outcry to staff that, in December, a Refuge employee had compelled her and another resident to create CSAM.</li> <li>· Refuge staff interview the second girl and confirm a second outcry.</li> <li>· Supervisory staff immediately report both incidents to the DFPS Hotline and to BCSO.</li> <li>· The Refuge continues an internal review which reveals evidence corroborating allegations of criminal activity.</li> <li>· Alleged perpetrator is terminated the same day.</li> </ul>
<p>January 25, 2022</p>	<ul style="list-style-type: none"> <li>· BCSO assigns investigator.</li> <li>· DFPS investigation begins with an on-site visit at the Ranch.</li> <li>· While fully cooperating with law enforcement and regulators, The Refuge gives BCSO and DFPS investigators statements and corroborating evidence to assist with their cases.</li> <li>· The Refuge reviews the alleged perpetrator’s employment records to confirm the completion of all required training and clean background checks with DFPS, as required by licensing standards.</li> <li>· A review of the alleged perpetrator’s resume reveals past employment as a direct care provider for vulnerable individuals at six different organizations in the preceding eight years. Concerned that there may be other victims, The Refuge provides this resume to the BCSO investigator.</li> </ul>

	<ul style="list-style-type: none"> <li>· BCSO and DFPS are made aware of three of perpetrator’s relatives (one sister, one close cousin, one distant cousin) who work at The Refuge and those staff members are allowed to continue working at The Refuge.<sup>3</sup></li> <li>· Neither BCSO nor DFPS found any wrongdoing on part of predator’s family and authorized their continued employment at The Refuge Ranch - no finding of aiding or abetting.</li> </ul>
January 30, 2022	<ul style="list-style-type: none"> <li>· The Refuge begins a review of hiring procedures and seeks improvements to the screening process that exceed DFPS requirements for state licensing.</li> </ul>
February 24, 2022	<ul style="list-style-type: none"> <li>· The Refuge contracts with a third-party service to conduct more extensive background checks on existing direct-care staff that go beyond the standard DFPS background checks.</li> </ul>
February 28, 2022	<ul style="list-style-type: none"> <li>· The Refuge contracts with another independent service for both a comprehensive analysis of the organization’s operational policies and procedures and advanced screening procedures. All new hiring placed on hold until analysis and new procedures are completed.</li> </ul>
March 9, 2022	<ul style="list-style-type: none"> <li>· DFPS case workers and investigators arrive at The Refuge Ranch to take the residents into their care.</li> </ul>

2. THE FLIGHT

This second incident involves two residents who fled The Refuge Ranch with the help from staff who were terminated for their involvement. When other staff discovered the two residents’ departure, their flight was reported to DFPS and the BCSO. BCSO was able to recover and return one of the girls a few hours later. When the recovered resident was interviewed, she indicated that staff members at The Refuge Ranch had aided their flight. The Refuge supervisors instantly initiated an internal review that led to the suspension of several employees. The suspended employees were also reported to DFPS and BCSO in aid of their separate investigations. Those staff identified as suspects were immediately terminated. Those who were suspended, but eventually cleared of all charges in the incident, eventually resigned.

February 20, 2022:	· Two residents flee The Refuge Ranch.
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<sup>3</sup> When The Refuge learned of the familial relationship between several of its entry-level staff members, The Refuge acted upon its Nepotism Policy and took steps to ensure they each had different supervisors. None of the relatives served in a supervisory capacity nor were hired in violation of The Refuge Nepotism Policy.

	<ul style="list-style-type: none"> <li>· Staff immediately contacted DFPS and BCSO.</li> <li>· Four hours later, BCSO officers encountered the two individuals, apprehending one while the other evaded apprehension.</li> </ul>
February 21, 2022: Presidents' Day	<ul style="list-style-type: none"> <li>· The resident returned to The Refuge Ranch alleges that multiple employees had aided their flight.</li> <li>· When confronted with the allegation, those employees deny involvement.</li> </ul>
February 22, 2022	<ul style="list-style-type: none"> <li>· The Refuge suspends named employees without pay, barring them from the facility (confiscating pass card and keys, locking email accounts) pending further discovery.</li> <li>· After the Presidents' Day holiday, the allegation of complicity was made to BCSO.</li> </ul>
February 23, 2022	<ul style="list-style-type: none"> <li>· BCSO identifies active suspects.</li> <li>· One implicated employee resigns and The Refuge suspends two others based on more evidence (one in the beginning hours of her shift and the other before she came into work that week).</li> </ul>
February 24, 2022	<ul style="list-style-type: none"> <li>· Two suspended employees are terminated</li> </ul>

#### **B. TRAINING REQUIRED FOR ALL DIRECT CARE STAFF AT THE REFUGE**

As a group residential operation (GRO) licensed by DFPS, The Refuge provides all direct-care new hires with the required fifty (50) hours of training annually. The following training is required as part of the fifty hours of annual training:

- Trauma Informed Care (2 hours)
- Emergency and Disaster Response (2 hours)
- Reporting Suspected Abuse and Neglect (2 hours)
- Normalcy (2 hours)
- Psychotropic Medications (2 hours)
- Emergency Behavior Intervention (16 hours initial plus 4 hour reviews)
- CPR/First Aid (3 hours)

In addition to providing its employees with the required training for state licensing purposes, The Refuge provides all staff with professional development training every month. These required ancillary trainings include:

- Dialectical Behavioral Therapy (DBT)
- Trust-Based Relational Intervention (TBRI)
- Courses concerning sex trafficking – how to identify it, how it occurs, and its effects on victims

- Training in the care of child survivors of sex trafficking
- Understanding grooming behaviors, youth boundaries and contraband
- Diversity and Cultural Competency
- Professionalism, Personal Appearance and Treatment of Residents and Staff

With required and ancillary training, a new hire at The Refuge generally receives at least 100 hours of training in their first year.

### **C. THERAPEUTIC SERVICES AT THE REFUGE**

The Refuge therapeutic care model is known as The Refuge Circle of Care. This model is a holistic program which provides integrated services to young girls, ages 14-17, who are recovering from sex trafficking. The Circle of Care helps victims of trafficking heal, rebuild, and move forward in life with hope and purpose. With that in mind, residents at The Refuge Ranch receive individual therapy twice a week. One of those sessions may convert to family therapy depending on the specific need for the child and family, and family reunification goals in the child's service plan. In addition to individual and family therapy, residents receive group therapy twice a week. Although The Refuge typically offers a higher number of group sessions to its residents, the facility recently lost two therapists. As a result, the number of group sessions shown below are lower than usual. The Refuge residents also have the opportunity to receive equine therapy once a week and are allotted additional horse care time at least once a week if they choose. The equine-assisted psychotherapy is offered onsite at The Refuge Equine Center and incorporates the Natural Lifemanship model.

Below are the number of individual, family, group, and equine therapy sessions offered per resident for the listed period of time. Additionally, the table below includes the option to participate in horse care time which is optional for the residents. However, most girls choose to participate in horse care for its healing and therapeutic results.

	Individual	Individual & Family	Group	Equine	Horse Care
A (1/24/22-3/9/22)	-	12	7	5	5
B (1/24/22-3/9/22)	8	-	7	3	8
C (1/25/22-3/9/22)	11	-	6	3	7
D (1/24/22-3/9/22)	12	-	7	4	-
E (1/24/22-3/9/22)	-	11	7	5	See Note <sup>4</sup>
F (1/24/22-3/9/22)	10	-	7	4	1
G (1/24/22-3/9/22)	10	-	7	5	1
H (1/24/22-3/9/22)	12		6	7	11
I (1/24/22-3/9/22) <sup>5</sup>	6	-	3	1	1
J (1/24/22-2/28/22)	17 <sup>6</sup>	-	5	4	3
K (1/24/22-3/4/22) <sup>7</sup>	10	-	4	3	4
L (1/24/22-2/11/22) <sup>8</sup>	6	-	3	-	-
M (1/24/22-2/4/22) <sup>9</sup>	2	-	1	2	-
N (1/24/22-1/25/22) <sup>10</sup>	2	-	-	1	1
O (1/27/22-3/9/22)	12	-	6	4	6
P (3/1/22-3/9/22)	1	-	1	-	1

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<sup>4</sup> Worked as equine assistant and had significant contact with horses and care.

<sup>5</sup> This resident was on a home visit for approximately 3 weeks during this reporting period.

<sup>6</sup> This resident's individual therapy session number is higher than the others because she participated in shorter versus longer sessions throughout the week.

<sup>7</sup> This resident stopped receiving services on 2/21/22 due to departure from The Refuge Ranch and was subsequently discharged on 3/4/2022.

<sup>8</sup> This resident was discharged on 2/11/22.

<sup>9</sup> This resident was discharged on 2/4/22.

<sup>10</sup> This resident was discharged on 1/25/22.

In summary, during this 34-day average time period, 16 girls received more than 319 sessions of therapeutic care, with an estimated average of 20 sessions per girl.

### **III. CONCLUSION**

The two criminal episodes identified were swiftly handled by The Refuge. The Exploitation incident was the result of an individual who navigated the state-mandated screening procedures with ill and vile intent. The Flight incident involved staff that have boundary issues and made extremely poor decisions which placed the residents in harm's way. Any violations related to child safety, child abuse, and exploitation were at the hands of the individuals who had criminal intent in their heart. These individuals are no longer employees of The Refuge. Their criminal behavior should not negatively impact the rest of the honest, caring, and hardworking staff at The Refuge, nor should it prevent other vulnerable victims from experiencing this placement.

Having since hired two consulting firms to conduct more in-depth background checks and psychological screening, The Refuge was interested to learn from testimony at two separate state legislative committee hearings that the Texas Department of Public Safety applies more stringent screenings than the required criminal background checks. While the question of whether polygraphs and other screenings should be included as part of a prospective employee screening process, it is one best addressed by the Texas Legislature. In the meantime, The Refuge will continue pursuing a higher standard out of an abundance of caution and to ensure the highest safety standards are in place.

As this process continues, know that The Refuge, its staff, and its supporters are wholly devoted to transparency and cooperation with this Honorable Court, the legislature, regulators, and law enforcement. As stewards of the resources invested in these precious girls by the state and The Refuge donors, it has taken significant actions to ensure predatory and criminal behavior never again materializes at The Refuge. The Refuge is committed to the safety and wellbeing of the girls in its care and they are its top priority. Their return to The Refuge is the most important next step in their recovery from the trauma of trafficking.



Dated: March 29, 2022

Respectfully Submitted,

**JACKSON WALKER L.L.P.**

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***Counsel for The Refuge for DMST***

**CERTIFICATE OF SERVICE**

I hereby certified that on March 29, 2022, a true and correct copy of the foregoing document was served on counsel of record via electronic filing in the Court's CM/ECF system.

/s/ Erica B. Giese  
Erica Benites Giese