

## National State Law Survey: Barriers to Child Welfare Involvement

State <sup>1</sup>	Does state law define child abuse and/or neglect to include child sex trafficking? <sup>2</sup>	Does state law define “caregiver” broadly enough to include protection for victims of non-familial child sex trafficking and otherwise eliminate barriers to sex trafficking victims accessing child welfare services?	Are child sex trafficking victims likely to access child welfare services pursuant to (or regardless of) state “abuse and neglect” and “caregiver” definitions?
Alabama	No	Yes	No
Alaska	Yes	No	No
Arizona	Yes	No	No
Arkansas	Yes	Yes	Yes
California	Yes	No	No
Colorado	Yes	Yes	Yes
Connecticut	Yes	Yes	Yes
Delaware	Yes	No <sup>3</sup>	No
DC	Yes	Yes	Yes
Florida	Yes	Yes	Yes
Georgia	Yes	Yes	Yes
Hawaii	Yes	Yes	Yes
Idaho	Yes	Yes	Yes
Illinois	Yes	No	No
Indiana	Yes	Yes	Yes
Iowa	Yes	Yes	Yes
Kansas	Yes	Yes	Yes
Kentucky	Yes <sup>4</sup>	Yes	Yes
Louisiana	Yes	No <sup>5</sup>	No
Maine	Yes	No	No
Maryland	Yes	Yes	Yes

<sup>1</sup> Responses are based upon statutory law and do not reflect regulatory or practice-based responses by agencies providing child protective services in cases of child sex trafficking. Evaluations of state laws are based on analysis of state laws under components 5.5 and 5.6 of the Protected Innocence Challenge Framework and incorporate legislation enacted as of August 1, 2018, unless otherwise noted. For related policy goals, background information, and select statute highlights, please visit [http://sharedhope.org/wp-content/uploads/2015/11/Issue\\_Briefs/Issue\\_Briefs\\_5.5.pdf](http://sharedhope.org/wp-content/uploads/2015/11/Issue_Briefs/Issue_Briefs_5.5.pdf) and [http://sharedhope.org/wp-content/uploads/2015/11/Issue\\_Briefs/Issue\\_Briefs\\_5.6.pdf](http://sharedhope.org/wp-content/uploads/2015/11/Issue_Briefs/Issue_Briefs_5.6.pdf).

<sup>2</sup> Responses with an asterisk (\*) indicate that the “abuse and neglect” definition does not expressly include child sex trafficking or commercial sexual exploitation.

<sup>3</sup> Del. Code. tit. 10, § 901(3) (Definitions) allows child welfare to investigate any act of child abuse, dependency, or neglect, but retains responsibility only for cases of intrafamilial and institutional child abuse, dependency, or neglect.

<sup>4</sup> Although child sex trafficking is not expressly identified as a type of abuse and neglect within Kentucky’s child protection statutes, Ky. Rev. Stat. § 620.029(1)(b) (Duties of cabinet relating to children who are victims of human trafficking) requires the cabinet, among other things, to “provide or ensure the provision of appropriate treatment, housing, and services consistent with the status of the child as a victim of human trafficking . . . .”

<sup>5</sup> La. Child Code Ann. art. 725.5(A) (Duties of the Department of Children and Family Services) only requires DCFS to investigate “abuse or neglect where the abuser is believed to be a parent or caretaker, or a person living in the same residence with the parent or caretaker as a spouse whether or not married.”

Massachusetts	Yes	Yes	Yes
Michigan	No	Yes	No
Minnesota	Yes	Yes	Yes
Mississippi	Yes	Yes	Yes
Missouri	Yes	Yes	Yes
Montana	No	Yes	No
Nebraska	Yes	Yes	Yes
Nevada	No	No	No
New Hampshire	Yes	Yes	Yes
New Jersey	No	No	No
New Mexico	No	No	No
New York	Yes	No	No
North Carolina	Yes	Yes	Yes
North Dakota	Yes	Yes	Yes
Ohio	No	Yes	No
Oklahoma	Yes	No	No
Oregon	Yes	Yes	Yes
Pennsylvania	Yes	Yes	Yes
Rhode Island	No	No	No
South Carolina	Yes	Yes	Yes
South Dakota	No*	No	No
Tennessee	Yes	Yes	Yes
Texas	Yes	No	No
Utah	Yes	Yes	Yes
Vermont	Yes	Yes	Yes
Virginia	Yes	Yes	Yes
Washington	No	Yes	No
West Virginia	Yes	Yes	Yes
Wisconsin	Yes	Yes	Yes
Wyoming	Yes <sup>6</sup>	Yes	Yes
<b>Totals:</b>	<b>40 states &amp; DC</b> define child abuse and/or neglect to include child sex trafficking.	<b>35 states &amp; DC</b> do not have caregiver barriers.	<b>30 states &amp; DC</b> do not have definitional or caregiver barriers.

<sup>6</sup> Although child sex trafficking and commercial sexual exploitation are not expressly identified as types of abuse within Wyoming's child protection statutes, "abuse" is defined to include a sexual offense against a child. Wyo. Stat. Ann. § 14-3-202(ii) (Definitions).