

National State Law Survey: Protective Responses for Juvenile Sex Trafficking (JuST) Victims

State	State law ⁱ provides a mandatory mechanism to protect JuST victims from delinquency adjudications for prostitution ⁱⁱ	State law provides JuST victims with access to specialized services
Alabama	Non-criminalization	Child will be identified as dependent or in need of supervision and granted access to social and community-based services; provision of specialized services not specified
Alaska	None	None
Arizona	None*	None
Arkansas	None	DHS may refer JuST victims to a child placement agency that provides specialized services
California	Non-criminalization; Law Enforcement Assisted Diversion (LEAD)	Specialized services available through short-term residential therapeutic programs, family justice centers, and LEAD; additional specialized services may be available in counties that opted into the Commercially Sexually Exploited Children Program
Colorado	None*	Mandated services through child welfare; provision of specialized services not provided
Connecticut	Non-criminalization	Mandated referral to child welfare; specialized services through child welfare
Delaware	Permissive diversion	Mandated referral to child welfare; specialized services available in conjunction with diversion
DC	Non-criminalization; permissive diversion	Mandated referral to child welfare and specialized service providers
Florida	Non-criminalization; permissive diversion	Mandated referral to child welfare; specialized assessment and services through child welfare
Georgia	None*	None
Hawaii	None	None
Idaho	None	None
Illinois	Non-criminalization	Mandated referral to child welfare; ; specialized placement options through child welfare ¹
Indiana	Non-criminalization	Mandated referral to child welfare; provision of specialized services not specified
Iowa	County attorney may refer child to DHS in lieu of filing delinquency petition	Services through child welfare; provision of specialized services not specified

¹ The enactment of Senate Bill 2461 (Public Act No.100-0705) during the 2017-2018 legislative session mandated the creation of specialized placement options for child sex trafficking victims in the custody of the Department of Children and Family Services (effective January 1, 2019).

Kansas	Requires law enforcement to take child into custody (outside of detention)	Mandated referral to DCF; specialized assessment and services through DCF and secure staff facility
Kentucky	Non-criminalization	Mandated referral to child welfare; specialized services through child welfare
Louisiana	A child in need of care shall not be committed to DPS; informal adjustment	Mandated referral to child welfare; specialized services through child welfare, safe houses, and informal adjustment
Maine	None	Specialized services available but no formal process for connecting victims with these services
Maryland	None*	None
Massachusetts	Diversion based on presumption that a care and protection petition or a child in need of services petition shall be filed	Specialized services through child welfare
Michigan	Non-criminalization for under 16; presumption of coercion for 16+	Mandated referral to DHHS; specialized services through DHHS
Minnesota	Non-criminalization	Specialized services through regional navigators
Mississippi	Non-criminalization	Mandated referral to child welfare; provision of specialized services not specified
Missouri	None	Mandated referral to DSS and DJJ; provision of specialized services not specified
Montana	Non-criminalization	Presumption of being a youth in need of care, which operates as a referral to services through child welfare; provision of specialized services not specified
Nebraska	Non-criminalization	Mandated referral to DHHS; provision of specialized services not specified
Nevada	Mandatory diversion; presumption of duress	Court must order specialized services
New Hampshire	Non-criminalization	None
New Jersey	Permissive diversion	Trafficking victimization taken into account when deciding whether to grant diversion; access to services; provision of specialized services not specified
New Mexico	None	Child certified as trafficking victim may receive services through the state; provision of specialized services not specified
New York	Permissive conversion to PINS	Specialized services through child welfare
North Carolina	Non-criminalization	Mandated referral to DSS; provision of specialized services not specified
North Dakota	Non-criminalization	Presumption of being a child in need of services, which operates as a referral to services through child welfare; provision of specialized services not specified
Ohio	Permissive diversion	Court may order services in conjunction with diversion; provision of specialized services not specified
Oklahoma	Non-criminalization	Mandated referral to DHS; DHS must provide specialized services
Oregon	None*	None

Pennsylvania	Non-criminalization ⁱⁱⁱ	DHS is required to coordinate the provision of specialized services for all sexually exploited children ^{iv}
Rhode Island	Non-criminalization	Presumption of abuse or neglect, which operates as a referral to services through child welfare; provision of specialized services not specified
South Carolina	Non-criminalization	Specialized services available through the AG's certified Human Trafficking Acute Resource Centers
South Dakota	Non-criminalization if under 16	None
Tennessee	Non-criminalization	None
Texas	Permissive diversion	Specialized services available under the Governor's Program for Victims of Child Sex Trafficking or verified foster homes
Utah	Non-criminalization (minors are not subject to delinquency proceedings for prostitution)	Mandated referral to DCFS; specialized services through DCFS
Vermont	Non-criminalization	Referral to DCF for services; provision of specialized services not specified
Virginia	None	None
Washington	Mandatory diversion for 1 st offense, discretionary diversion for subsequent offenses	If diverted, specialized services are available
West Virginia	Non-criminalization	Mandated referral to DHHR and presumption of being an abused child; provision of specialized services not specified
Wisconsin	Permissive diversion	None
Wyoming	Non-criminalization	Mandated referral to DFS; provision of specialized services not specified
Totals	37 states & DC allow JuST victims to avoid delinquency adjudications for prostitution through non-criminalization or another mechanism.	37 states & DC provide a method to connect victims to services. 21 states & DC provide for specialized services.

ⁱ Responses in the chart are solely based on statutory law as analyzed under components 5.3 and 5.4 of the Protected Innocence Challenge Legislative Framework, and do not reflect regulatory or practice-based responses. Except where otherwise indicated, evaluations of state laws are based on legislation enacted as of August 1, 2018. For related policy goals, background information, and select statute highlights, please visit http://sharedhope.org/wp-content/uploads/2015/11/Issue_Briefs/Issue_Briefs_5.3.pdf and http://sharedhope.org/wp-content/uploads/2015/11/Issue_Briefs/Issue_Briefs_5.4.pdf.

ⁱⁱ State laws that provide an affirmative defense to prostitution charges have not been included as mechanisms to prevent delinquency adjudications because affirmative defenses place the burden on the minor victim. An asterisk (*) indicates that state law allows a minor to assert an affirmative defense to prostitution charges but does not provide a separate, CSEC-specific mechanism to avoid delinquency adjudications.

ⁱⁱⁱ The enactment of Senate Bill 554 (Act No. 130) during the 2017-2018 legislative session removes criminal liability for any minor under 18 who is identified as a "sexually exploited minor" as defined in Senate Bill 554 (effective December 25, 2018)

^{iv} See *supra* note iii.