

National State Law Survey: Barriers to Child Welfare Involvement

| State ¹ | Does state law define child abuse and/or neglect to include child sex trafficking? ² | 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 ³ | 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 ⁴ | Yes | Yes |
| Louisiana | Yes | No ⁵ | No |
| Maine | Yes | No | No |
| Maryland | Yes | Yes | Yes |
| Massachusetts | Yes | Yes | Yes |
| Michigan | No | Yes | No |
| Minnesota | Yes | Yes | Yes |
| Mississippi | Yes | Yes | Yes |
| Missouri | Yes | Yes | Yes |

¹ 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, 2017, 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 and http://sharedhope.org/wp-content/uploads/2015/11/Issue_Briefs/Issue_Briefs_5.6.pdf.

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

³ 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.

⁴ 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”

⁵ 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.”

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|----------------|---|---|--|
| Montana | No | Yes | No |
| Nebraska | Yes | Yes | Yes |
| Nevada | No | No | No |
| New Hampshire | No | Yes | No |
| New Jersey | No | No | No |
| New Mexico | No | No | No |
| New York | Yes | No | No |
| North Carolina | Yes | No | No |
| North Dakota | Yes | Yes | Yes |
| Ohio | No | Yes | No |
| Oklahoma | No | Yes | No |
| Oregon | Yes | Yes | Yes |
| Pennsylvania | Yes | Yes | Yes |
| Rhode Island | No | No | No |
| South Carolina | No* | No | No |
| South Dakota | No* | No | No |
| Tennessee | Yes | Yes | Yes |
| Texas | Yes | Yes | Yes |
| 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 ⁶ | Yes | Yes |
| Totals: | 37 states & DC define child abuse and/or neglect to include child sex trafficking. | 35 states & DC do not have caregiver barriers. | 28 states & DC do not have defintional or caregiver barriers. |

⁶ 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).