

National State Law Survey: Protective Responses for Child Sex Trafficking Victims

State	Child sex trafficking victims may avoid delinquency adjudication for prostitution offenses ⁱ	State law provides access ⁱⁱ to specialized services for DMST victims
Alabama	Non-criminalization	None ⁱⁱⁱ
Alaska	Minor victims who file a report and cooperate with law enforcement may avoid penalties for prostitution.	None
Arizona	None	None
Arkansas	Discretionary diversion	Child welfare may refer minor victims to child placement agencies providing specialized services
California	Non-criminalization ^{iv}	Family justice centers may provide services to human trafficking victims; county child welfare agencies may opt-in to receive funding from the CSEC Program to provide specialized services
Colorado	None*	None
Connecticut	Non-criminalization	Specific mandate that law enforcement report CSEC to child welfare; specialized services through child welfare
Delaware	Discretionary diversion	Specific mandate that law enforcement report CSEC to child welfare; if diverted, the court may order specialized services through child welfare
DC	Non-criminalization	Specific mandate that law enforcement report CSEC to child welfare <i>and</i> refer child to specialized service provider
Florida	Non-criminalization	Specialized assessment and services through child welfare
Georgia	None*	None
Hawaii	Reduces penalty for prostitution from a misdemeanor to a violation for minors	None
Idaho	None	None
Illinois	Non-criminalization	Specific mandate that law enforcement report CSEC to child welfare; provision of specialized services not specified ^v
Indiana	None*	Specific mandate that law enforcement report CSEC to child welfare; provision of specialized services not specified
Iowa	If CSEC, prosecutor has discretion to convert delinquency to dependency	If case converted, services through child welfare; specialized services through child welfare
Kansas	Mandatory law enforcement referral to child welfare	Specialized assessment, services and staff secure facility through child welfare
Kentucky	Non-criminalization	Specialized services through child welfare
Louisiana	None	Specific mandate that law enforcement report CSEC to child welfare; specialized services and safe house placement through child welfare

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Maine	CSEC may be referred to DHS but only if exploited by person responsible for care and only at court's discretion	Specialized services available to sexually exploited runaway and homeless youth
Maryland	None	None
Massachusetts	Discretionary diversion	Specialized services through child welfare; must be provided to any sexually exploited child
Michigan	Non-criminalization for under 16; presumption of coercion for 16+; deferred sentencing program for victims who are 17 and directed into adult court	Specific mandate that law enforcement report child trafficking to child welfare which must provide specialized services
Minnesota	Non-criminalization	Specialized services through Department of Health regional navigators
Mississippi	Non-criminalization	Specific mandate that law enforcement report child trafficking to child welfare and statewide coordinator; provision of specialized services not specified
Missouri	None	Specific mandate that law enforcement report trafficking victim to Department of Social Services, which may coordinate specialized services through a state technical assistance team
Montana	Non-criminalization	None
Nebraska	Non-criminalization	Specific mandate that law enforcement report child trafficking to child welfare; provision of specialized services not specified
Nevada	Mandatory diversion	Court must order specialized services
New Hampshire	Non-criminalization	None
New Jersey	Discretionary diversion	None
New Mexico	None	Child certified as victim of trafficking may receive services available through the state
New York	If under 16, mandatory conversion to CHINS petition for first offense; discretionary for subsequent offenses or if 16–17 years old	Specialized services through child welfare
North Carolina	Non-criminalization	Protective custody as “undisciplined juvenile” and specific mandate that law enforcement report to child welfare; provision of specialized services not specified
North Dakota	Non-criminalization	None
Ohio	Discretionary diversion	If diverted, court may order specialized services
Oklahoma	Mandatory transfer to child welfare for minor trafficking victims	Specific mandate that law enforcement report child trafficking to child welfare which must provide specialized services
Oregon	None	None
Pennsylvania	None	None

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Rhode Island	None	None
South Carolina	Non-criminalization	None
South Dakota	None	None
Tennessee	Non-criminalization	None ^{vi}
Texas	Discretionary diversion ^{vii}	If diverted, court may order specialized services
Utah	Non-criminalization	Specific mandate that law enforcement report child trafficking to child welfare which must provide specialized services
Vermont	Non-criminalization	Services through child welfare; provision of specialized services not specified ^{viii}
Virginia	None	None ^{ix}
Washington	Mandatory diversion 1 st offense, discretionary diversion subsequent offenses	If diverted for subsequent offenses, referral to specialized services through child welfare
West Virginia	None	None
Wisconsin	Discretionary diversion	None
Wyoming	Non-criminalization	None
Totals:	35 states & DC allow child sex trafficking victims to avoid a delinquency adjudication for prostitution offenses.	28 states & DC provide an avenue to services, and 21 states & DC provide and avenue to specialized services.

ⁱ A protective system response consists of a statutory mechanism for directing minor victims away from a punitive response and into services. Since a complete protective system response requires long term legislative and implementation efforts, this chart captures any state legislative responses that specifically address how state child serving agencies respond to domestic minor sex trafficking victims. Responses are solely based on statutory law and do not reflect regulatory or practice-based responses by agencies providing child protective services in cases of commercial sexual exploitation. Except where otherwise indicated, evaluations of state laws are based on legislation enacted as of August 1, 2016. For related policy goals, background information, and select statute highlights, please visit http://sharedhope.org/wp-content/uploads/2015/11/Issue_Briefs/Issue_Briefs_5.4.pdf.

ⁱⁱ A non-punitive avenue to specialized services is defined as a path to services outside of detention. Services provided by the Department of Juvenile Justice to detained youth are critical; however, due to the need to criminalize juvenile sex trafficking victims in order to provide services through juvenile detention, these services do not constitute an appropriate firstline approach to connect juvenile sex trafficking victims to services. Similarly, state laws that provide an affirmative defense to prostitution charges for juvenile sex trafficking victims have not been included as a mechanism to prevent delinquency adjudication because defenses place the burden on the minor victim. *States with an asterisk (*) indicate that state law allows a minor to assert an affirmative defense to prostitution charges but does not provide another CSEC-specific mechanism to avoid delinquency adjudication.*

ⁱⁱⁱ The Alabama Safe Harbor Act does mandate that "all social and community services shall be made available to a sexually exploited child," there is no language expressly requiring that services be specialized to meet the unique needs of CSEC. See Ala. Code § 12-15-701(h).

^{iv} Senate Bill 1322, enacted September 26, 2016.

^v Pursuant to 730 ILCS 5/5-9-1.21, Illinois established the Specialized Services for Victims of Human Trafficking Fund which grants funds to the Department of Human Services for the purpose of implementing a system of specialized services. CSEC may receive specialized services from an organization receiving a grant from this fund.

^{vi} While Tennessee has not enacted statutorily mandated on-going services following placement, it is developing a multi-agency plan to identify and provide community-based services to victims of human trafficking. See Tenn. Code Ann. § 71-1-135 (Victims of human trafficking; plan for delivery of services).

^{vii} While Texas caselaw prohibits prosecution of minors under 14 for prostitution, this protection is not codified in Texas' prostitution law. See In re B.W., 313 S.W.3d 818, 821 (Tex. 2010) (holding that "a 13 year old child cannot consent to sex as a matter of law" and thus cannot satisfy the knowledge requirement of the prostitution statute.)

^{viii} 2011 Vt. Acts & Resolves 55, § 3 (Services for victims of human trafficking) authorizes the Vermont Center for Crime Victim Services to establish a task force responsible for developing a state-wide protocol to provide specialized services for sex trafficking victims. However, the provision of these services is not yet statutorily mandated.

^{ix} House Bill 2190, approved in 2011, directs the Virginia Department of Social Services to develop a plan to provide services to human trafficking victims. House Bill 2190 is appended to Va Code Ann. §63.2-200 (Department of Social Services created), as published by Lexis.