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

State	State law ¹ provides a mandatory mechanism to protect JuST victims from delinquency adjudications for prostitution ²	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; station adjustment	Mandated referral to child welfare; provision of specialized services not specified
Indiana	Non-criminalization	Mandated referral to child welfare; provision of specialized services not specified
lowa	County attorney may refer child to DHS in lieu of filing delinquency petition	Services through child welfare; provision of specialized services not specified
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

¹ 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, 2017. For related policy goals, background information, and select statute highlights, please visit <a href="http://sharedhope.org/wp-content/uploads/2015/11/lssue-Briefs/Issue-Brief

² 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.



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Rentucky Non-criminalization A child in need of care shall not be committed to DPS; informal adjustment A child in need of care shall not be committed to DPS; informal adjustment Mandated referral to child welfare; specialized services through child welfare; specialized services available but no formal process for connecting victims with these services None			
A child in need of care shall not be committed to DPS; informal adjustment Maine None None None None None None None None None Massachusetts Diversion based on presumption that a care and protection petition or a child in need of services petition petition or a child in need of services petition shall be filed Non-criminalization for under 16; presumption of coercion for 16+ Minnesota Non-criminalization None None None None Non-criminalization None None Non-criminalization None None None None Mississippi Non-criminalization None None None None Non-criminalization None Non-criminalization None Non-criminalization None Non-criminalization None Non-criminalization None Non-criminalization Nebraska Non-criminalization New Hampshire Non-criminalization New Hampshire None Permissive diversion New York Permissive conversion to PINS North Carolina Non-criminalization North Dakota Mandatory transfer to DHS; criminal charges shall be dismissed Mandated referral to DHS; DHS must with quarter safe houses, and informal adjustment for formal process for connecting victims with these services with these services through child welfare; safe houses, and informal adjustment for formal process for connecting victims with these services through child welfare services through child welfare services not specified Mandated referral to DHHS; provision of specialized services not specified Court must order specialized services None Trafficking victimization taken into account when deciding whether to grant diversion; access to services; provision of specialized services not specified North Carolina Non-criminalization Non-criminalization Non-criminalization Non-criminalization Non-criminalization Non-criminalization None Trafficking victimization taken into account when deciding whether to grant diversion; access to services; provision of specialized services not specified Child certified as trafficking victim may receive services through the diversion; access to se	Kentucky	Non-criminalization	
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North Carolina Non-criminalization North Dakota Non-criminalization	New Mexico	None	receive services through the state; provision
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Oklahoma Permissive diversion diversion; provision of specialized services not specified Mandatory transfer to DHS; criminal charges shall be dismissed Mindated referral to DHS; DHS must provide specialized services	North Dakota	Non-criminalization	services, which operates as a referral to services through child welfare; provision of specialized services not specified
charges shall be dismissed provide specialized services	Ohio		diversion; provision of specialized services not specified
Oregon None* None	Oklahoma		
	Oregon	None*	None



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Pennsylvania	None	None
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	None
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 1st 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	36 states & DC allow JuST victims to avoid delinquency adjudications for prostitution through non-criminalization or another mechanism.	 35 states & DC provide a method to connect victims to services. 18 states & DC provide for specialized services.

