

Policy Goal

State law provides a non-punitive avenue to specialized services through one or more points of entry.

Juvenile sex trafficking victims come to the attention of service providers through various points of entry, complicating the ability to connect them to needed services. Without clear statutory mechanisms to direct survivors of child sex trafficking away from the delinquency system and into specialized services, child victims may receive a response that is inappropriate and ineffective in holistically addressing their needs. Relying solely on child serving agencies, such as child welfare, to provide appropriate services to child sex trafficking victims without a statutory requirement connecting them to specialized services could result in such victims' needs being left unattended or the youth remaining in vulnerable environments, both of which may lead to re-victimization. Accordingly, statutes providing non-punitive avenues to access specialized services are critical to protecting juvenile sex trafficking victims and promoting a comprehensive, coordinated, trauma-informed, strength-based service response to survivors of child sex trafficking.

EXAMPLES OF LEGISLATIVE SOLUTIONS

The following statutes establish non-punitive avenues to specialized services for juvenile sex trafficking victims.

CALIFORNIA

Cal. Penal Code § 647 (Disorderly conduct; restrictions on probation) and § 653.22 (Loitering with intent to commit prostitution; determination of intent) do not apply to minors; instead, “A commercially sexually exploited child under this paragraph may be adjudged a dependent child of the court pursuant to paragraph (2) of subdivision (b) of Section 300 of the Welfare and Institutions Code [Persons subject to jurisdiction of juvenile court] and may be taken into temporary custody pursuant to subdivision (a) of Section 305 of the Welfare and Institutions Code [Peace officer’s taking minor into temporary custody without warrant], if the conditions allowing temporary custody without warrant are met.” Cal. Penal Code §§ 647(b)(5), 653.22(a)(2).

Cal. Welf. & Inst. Code § 361.2(e) (Placement with noncustodial parent; placement by social worker; foster care; change of placement; grandparent visitation) provides for a number of placement options for a juvenile sex trafficking victim who is adjudged to be a dependent child of the court. Pursuant to Cal. Health & Safety Code § 1529.2(c)(1), “a foster parent may be required to receive specialized training, as relevant, for the purpose of preparing the foster parent to meet the needs of a particular child

in care,” including training on “best practices for providing care and supervision to commercially sexually exploited children.” Cal. Health & Safety Code § 1562.01(h)(2)(l), requires short-term therapeutic program staff to receive training on “Awareness and identification of commercial sexual exploitation and best practices for providing care and supervision to commercially sexually exploited children.”

Pursuant to Cal. Welf. & Inst. Code § 16524.7(a) (Commercially Sexually Exploited Children Program established; allocation of funding; case planning), “(1) There is hereby established the Commercially Sexually Exploited Children Program. This program shall be administered by the State Department of Social Services. (2) . . . Funds allocated pursuant to this section shall be utilized to cover expenditures related to the costs of implementing the program, prevention and intervention services, and training related to children who are, or may become, victims of commercial sexual exploitation. (3) (A) Funds shall be provided to counties that elect to participate in the program for the provision of training to county children’s services workers to identify, intervene, and provide case management services to children who are victims of commercial sexual exploitation and trafficking, as applicable, and to foster caregivers for the prevention and identification of potential victims. (B) The department shall contract to provide training for county workers and foster caregivers . . . (4) Funds provided to the counties electing to participate in the program shall be used for prevention activities, which includes training county workers, intervention activities, and services to children who are victims, or at risk of becoming victims, of commercial sexual exploitation. These activities and services may include, but are not limited to, all of the following: (A) Educating foster children to help recognize and help

avoid commercial sexual exploitation . . . (B) Engaging survivors of commercial sexual exploitation to do all of the following: (i) Provide support to county staff who serve children who are victims of commercial sexual exploitation. (ii) Participate in activities that may include education, training, and technical assistance. (iii) Serve as advocates for and perform outreach and support to children who are victims of commercial sexual exploitation. (C) Consulting and coordinating with homeless youth shelters and other service providers who work with children who are disproportionately at risk of, or involved in, commercial sexual exploitation . . . regarding outreach and support to children who are victims of commercial sexual exploitation. (D) Hiring county staff trained and specialized to work with children who are victims of commercial sexual exploitation to support victims and their caregivers, and to provide case management to support interagency and cross-departmental response. (E) Providing supplemental foster care rates for placement of child victims of commercial sexual exploitation adjudged to be within the definition of Section 300 to foster homes, relatives, foster family agency certified homes, or other specialized placements for the increased care and supervision needs of the victim in accordance with Section 11460.”

Cal. Penal Code § 13750(a) (Establishment of family justice center by city, county, city and county, or community-based nonprofit organization; Definitions; Staff members; Operations, policies, and procedures; Confidentiality; Disclosure of victim information) authorizes any “city, county, city and county, or community-based nonprofit organization” to establish a family justice center. Pursuant to Cal. Penal Code § 13750(c), “family justice centers shall be defined as multiagency, multidisciplinary service centers where public and private agencies assign staff members on a full-time or part-time basis in order to provide services to victims of . . . human trafficking from one location in order to reduce the number of times victims must tell their story, reduce the number of places victims must go for help, and increase access to services and support for victims and their children.” Subsection (f) states, “Victims of crime shall not be required to participate in the criminal justice system or cooperate with law enforcement in order to receive counseling, medical care, or other services at a family justice center.”

Cal. Gov’t Code § 13963.1(e) (Grants to trauma recovery centers; award criteria; preference; selection; requirements after award; trauma recovery center services) makes grants available to trauma recovery centers that serve victims of a wide range of crimes, including victims of human trafficking.

Pursuant to Cal. Penal Code §§ 1001.85-88 (Law Enforcement Assisted Diversion (LEAD) Pilot Program), persons with a history of involvement in prostitution may be eligible to participate in voluntary and immediate crisis and social services. Under Cal. Penal Code § 1001.88(a), services made available to LEAD participants include “case management, housing, medical care, mental health care, treatment for alcohol or substance use disorders, nutritional counseling and treatment, psychological counseling, employment, employment training and education, civil legal services, and system navigation.” For minor victims who voluntarily participate in LEAD, “criminal charges based on the conduct for which a person is

diverted to LEAD shall not be filed, provided that the person finishes the complete assessment intake interview within a period set by the local jurisdictional partners, but not to exceed 30 days after the referral.” Cal. Penal Code § 1001.87(a)(1).

CONNECTICUT

Conn. Gen. Stat. § 17a-106f(a) (Trafficking of minor children. Child welfare services. Training for law enforcement officials) authorizes the Commissioner of Children and Families to “(1) Provide child welfare services for any minor child residing in the state who is identified by the Department of Children and Families as a victim of trafficking, as defined in section 46a-170 of the general statutes; and (2) provide appropriate services to a minor child residing in the state who the Department of Children and Families reasonably believes may be a victim of trafficking in order to safeguard the welfare of such minor child”

Further, the Commissioner of Children and Families may establish multidisciplinary teams to review cases involving child sex trafficking and coordinate prevention, intervention, and treatment. Conn. Gen. Stat. § 17a-106a(b) (Multidisciplinary teams. Purpose. Composition. Confidentiality. Records of meetings). Pursuant to Conn. Gen. Stat. § 17a-106a(b)(4), (6), these teams serve the additional purposes of “advancing and coordinating the prompt investigation of suspected cases of . . . trafficking of children” and “ensuring the treatment of . . . trafficked children and the protection of such children and their families.”

Conn. Gen. Stat. § 17a-106a(e), (f) further authorizes child advocacy centers and the state Chapter of the National Children’s Alliance to assist these multidisciplinary teams, stating, “(e) Children’s advocacy centers may assist multidisciplinary teams by (1) providing safe, child and family-friendly settings that maintain the privacy of children and their families; (2) establishing policies and procedures that are culturally competent; . . . (5) providing specialized medical evaluation and treatment, mental health services and support and advocacy services to children at centers or through coordination with and referral to other appropriate providers of such services; [and] (6) providing regular case review for the purpose of aiding the decision-making, problem solving, systems coordination and information sharing concerning the status of cases and the services required by children and their families (f) The state Chapter of the National Children’s Alliance and multidisciplinary teams may (1) coordinate and facilitate the exchange of information among children’s advocacy centers; . . . (3) educate the public and the General Assembly on the needs of victims of . . . trafficking in children; [and] (4) provide or coordinate multidisciplinary training opportunities that support a comprehensive response to allegations of . . . trafficking of children”

FLORIDA

Pursuant to Fla. Stat. Ann. § 39.01(15)(g) (Proceedings related

to children), “‘Child who is found to be dependent’ means a child who, pursuant to this chapter, is found by the court . . . [t]o have been sexually exploited and to have no parent, legal custodian, or responsible adult relative currently known and capable of providing the necessary and appropriate supervision and care.” Fla. Stat. Ann. § 39.01(71)(g) provides that “‘sexual exploitation of a child’ for purposes of finding a child to be dependent “includes the act of a child offering to engage in or engaging in prostitution, or the act of allowing, encouraging, or forcing a child to: 1. Solicit for or engage in prostitution; 2. Engage in a sexual performance, as defined by chapter 827 [Abuse of children]; or 3. Participate in the trade of human trafficking as provided in s. 787.06(3)(g) [Human trafficking].”

Under Fla. Stat. Ann. § 39.401(2)(b) (Taking a child alleged to be dependent into custody; law enforcement officers and authorized agents of the department), if a law enforcement officer takes a child into custody and has probable cause to believe that the child has been sexually exploited, “the law enforcement officer shall deliver the child to the department [of Children and Families].”

Pursuant to Fla. Stat. Ann. § 409.1754(1) (Commercial sexual exploitation of children; screening and assessment; training; multidisciplinary staffings; service plans), “(a) The department shall develop or adopt one or more initial screening and assessment instruments to identify, determine the needs of, plan services for, and determine the appropriate placement for child victims of commercial sexual exploitation who are not eligible for relief and benefits under the federal Trafficking Victims Protection Act, 22 U.S.C. ss. 7101 et seq. The department shall consult state and local agencies, organizations, and individuals involved in the identification and care of such children when developing or adopting initial screening and assessment instruments. Initial screening and assessment instruments shall assess the appropriate placement of child victims of commercial sexual exploitation, including whether placement in a safe house or safe foster home as provided in s. 409.1678 is appropriate, and shall consider, at a minimum, the following factors: 1. Risk of the child running away. 2. Risk of the child recruiting other children into the commercial sex trade. 3. Level of the child’s attachment to his or her exploiter. 4. Level and type of trauma that the child has endured. 5. Nature of the child’s interactions with law enforcement. 6. Length of time that the child was a victim of commercial sexual exploitation. 7. Extent of any substance abuse by the child. (b) The initial screening and assessment instruments shall be validated, if possible, and must be used by the department, juvenile assessment centers as provided in s. 985.135, and community-based care lead agencies.” Fla. Stat. Ann. § 409.1754(2)(a) states, “The department, or a sheriff’s office acting under s. 39.3065, shall conduct a multidisciplinary staffing for each child who is suspected or verified victim of commercial sexual exploitation”

Pursuant to Fla. Stat. Ann. § 39.524(1) (Safe-harbor placement), “a dependent child 6 years of age or older who is suspected of being or has been found to be a victim of commercial sexual exploitation as defined in s. 409.016 must be assessed, and the department or a sheriff’s office acting under s. 39.3065 must conduct a

multidisciplinary staffing pursuant to s. 409.1754(2), to determine the child’s need for services and his or her need for placement in a safe house or safe foster home as provided in s. 409.1678 using the initial screening and assessment instruments provided in s. 409.1754(1). If such placement is determined to be appropriate for the child as a result of this assessment, the child may be placed in a safe house or safe foster home, if one is available. However, the child may be placed in another setting, if the other setting is more appropriate to the child’s needs or if a safe house or safe foster home is unavailable, as long as the child’s behaviors are managed so as not to endanger other children served in that setting.” Subsection (3)(a) states, “By October 1 of each year, the department, with information from community-based care agencies and certain sheriff’s offices acting under s. 3065, shall report to the Legislature on the prevalence of child commercial sexual exploitation; the specialized services provided and placement of such children; the local service capacity assessed pursuant to s. 409.1754; the placement of children in safe houses and safe foster homes during the year, including the criteria used to determine the placement of children; the number of children who were evaluated for placement; the number of children who were placed based upon the evaluation; the number of children who were not placed; and the department’s response to the findings and recommendations made by the Office of Program Policy Analysis and Government Accountability in its annual study on commercial sexual exploitation of children, as required by s. 409.16791.”

Pursuant to Fla. Stat. Ann. § 409.1678(1) (Specialized residential options for children who are victims of commercial sexual exploitation), “(a) ‘Safe foster home’ means a foster home certified by the department under this section to care for sexually exploited children. (b) ‘Safe house’ means a group residential certified by the department under this section to care for sexually exploited children.” Fla. Stat. Ann. § 409.1678(1) states, “(a) A safe house and a safe foster home shall provide a safe, separate, and therapeutic environment tailored to the needs of commercially sexually exploited children who have endured significant trauma and are not eligible for relief and benefits under the federal Trafficking Victims Protection Act, 22 U.S.C. ss. 7101 et seq. Safe houses and safe foster homes shall use a model of treatment that includes strength-based and trauma-informed approaches (c) A safe house or safe foster home must also: 1. Use strength-based and trauma-informed approaches to care, to the extent possible and appropriate 5. Have awake staff members on duty 24 hours a day, if a safe house (d) Safe houses and safe foster homes shall provide services tailored to the needs of child victims of commercial sexual exploitation and shall conduct a comprehensive assessment of the service needs of each resident. In addition to the services required to be provided by residential child caring agencies and family foster homes, safe houses and safe foster homes must provide, arrange for, or coordinate, at a minimum, the following services: 1. Victim-witness counseling. 2. Family counseling. 3. Behavioral health care. 4. Treatment and intervention for sexual assault. 5. Education tailored to the child’s individual needs, including remedial education if necessary. 6. Life skills and workforce training. 7. Mentoring by a survivor of commercial sexual exploitation, if available and appropriate for the

child. 8. Substance abuse screening and, when necessary, access to treatment. 9. Planning services for the successful transition of each child back to the community. 10. Activities structured in a manner that provides child victims of commercial sexual exploitation with a full schedule. (e) The community-based care lead agencies shall ensure that foster parents of safe foster homes and staff of safe houses complete intensive training regarding, at a minimum, the needs of child victims of commercial sexual exploitation, the effects of trauma and sexual exploitation, and how to address those needs using strength-based and trauma-informed approaches”

Pursuant to Fla. Stat. Ann. § 409.1678(4)(b), “The community-based care lead agency shall ensure that all child victims of commercial sexual exploitation residing in safe houses or safe foster homes or served in residential treatment centers or hospitals pursuant to subsection (3) have a case manager and a case plan, whether or not the child is a dependent child.” Subsection (5) states, “To the extent possible provided by law and with authorized funding, the services specified in this section may be available to all child victims of commercial sexual exploitation who are not eligible for relief and benefits under the federal Trafficking Victims Protection Act, 22 U.S.C. ss. 7101 et seq., whether such services are accessed voluntarily, as a condition of probation, through a diversion program, through a proceeding under chapter 39, or through a referral from a local community-based care or social service agency.”

Pursuant to Fla. Stat. Ann. § 796.07(6) (Prohibiting prostitution and related acts), “A person who [solicits, induces, entices, or procures another for prostitution, lewdness, or assignation] shall be assessed a civil penalty of \$5,000 if the violation results in any judicial disposition other than acquittal or dismissal. Of the proceeds from each penalty assessed under this subsection, the first \$500 shall be paid to the circuit court administrator for the sole purpose of paying the administrative costs of treatment-based drug court programs provided under s. 397.334. The remainder of the penalty assessed shall be deposited in the Operations and Maintenance Trust Fund of the Department of Children and Families for the sole purpose of funding safe houses and safe foster homes as provided in s. 409.1678.”

MINNESOTA

Pursuant to Minn. Stat. Ann. § 145.4716(1) (Safe harbor for sexually exploited youth), “The commissioner of health shall establish a position for a director of child sex trafficking prevention.” Under subdivision (2), the director is responsible for the following duties: “(1) developing and providing comprehensive training on sexual exploitation of youth for social service professionals, medical professionals, public health workers, and criminal justice professionals; (2) collecting, organizing, maintaining, and disseminating information on sexual exploitation and services across the state, including maintaining a list of resources on the Department of Health Web site; (3) monitoring and applying for federal funding for anti-trafficking efforts that may benefit victims in the state; (4) managing grant programs established under sections

145.4716 to 145.4718 and 609.3241, paragraph (c), clause (3); (5) managing the request for proposals for grants for comprehensive services, including trauma-informed, culturally specific services; (6) identifying best practices in serving sexually exploited youth, as defined in section 260C.007, subdivision 31 [Definitions—Sexually Exploited Youth]; (7) providing oversight of and technical support to regional navigators pursuant to section 145.4717 [Regional navigator grants]; (8) conducting a comprehensive evaluation of the statewide program for safe harbor of sexually exploited youth; and (9) developing a policy, consistent with the requirements of chapter 13, for sharing data related to sexually exploited youth, as defined in section 260C.007, subdivision 31, among regional navigators and community-based advocates.”

Pursuant to Minn. Stat. § 145.4717 (Regional Navigator Grants), “The commissioner of health, through its director of child sex trafficking prevention, established in section 145.4716, shall provide grants to regional navigators serving six regions of the state to be determined by the commissioner. Each regional navigator must develop and annually submit a work plan to the director of child sex trafficking prevention. The work plans must include, but are not limited to, the following information: (1) a needs statement specific to the region, including an examination of the population at risk; (2) regional resources available to sexually exploited youth, as defined in section 260C.007, subdivision 31; (3) grant goals and measurable outcomes; and (4) grant activities including timelines.”

Further, Minn. Stat. § 145.4718 (Program evaluation) explains, “(a) The director of child sex trafficking prevention, established under section 145.4716, must conduct, or contract for, comprehensive evaluation of the statewide program for safe harbor for sexually exploited youth. The first evaluation must be completed by June 30, 2015, and must be submitted to the commissioner of health by September 1, 2015, and every two years thereafter. The evaluation must consider whether the program is reaching intended victims and whether support services are available, accessible, and adequate for sexually exploited youth, as defined in section 260C.007 [Definitions], subdivision 31. (b) In conducting the evaluation, the director of child sex trafficking prevention must consider evaluation of outcomes, including whether the program increases identification of sexually exploited youth, coordination of investigations, access to services and housing available for sexually exploited youth, and improved effectiveness of services. The evaluation must also include examination of the ways in which penalties under section 609.3241 are assessed, collected, and distributed to ensure funding for investigation, prosecution, and victim services to combat sexual exploitation of youth.”