

## 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. Requiring child serving agencies, including child welfare, to provide specialized services to child sex trafficking victims increases the likelihood of their holistic needs being addressed, ideally eliminating the risk of 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.*

### Response through Child Welfare

#### 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.”

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(2) 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.”

## VIRGINIA

Va. Code Ann. § 63.2-1506.1 (Sex trafficking assessments by local department) states, “(A) If a report or complaint is based upon information and allegations that a child is a victim of sex trafficking or severe forms of trafficking as defined in the federal Trafficking Victims Protection Act of 2000 (22 U.S.C. § 7102 et seq.) and in the federal Justice for Victims of Trafficking Act of 2015 (P.L. 114-22), the local department shall conduct a sex trafficking assessment, unless at any time during the sex trafficking assessment the local department determines that an investigation or family assessment is required pursuant to § 63.2-1505 [Investigations by local departments] or 63.2-1506 [Family assessments by local departments]. (B) A sex trafficking assessment requires the collection of information necessary to determine: (1) The immediate safety needs of the child; (2) The protective and rehabilitative services needs of the child and the child’s family that will deter abuse and neglect; and (3) Risk of future harm to the child. (C) When a local department responds to the report or complaint by conducting a sex trafficking assessment, the local department may: (1) Consult with the family to arrange for necessary protective

and rehabilitative services to be provided to the child and the child's family; (2) Petition the court for services deemed necessary; or (3) Commence an immediate investigation or family assessment, if at any time during the sex trafficking assessment the local department determines that an investigation or family assessment is required pursuant to § 63.2-1505 or 63.2-1506 . . . . (F) The local department or departments shall notify the Child Protective Services Unit within the Department in writing whenever such a sex trafficking assessment is conducted."

Va. Code Ann. § 63.2-1517(C) (Authority to take child into custody) states, "A child-protective services worker of a local department responding to a complaint or report of abuse and neglect for purposes of sex trafficking or severe forms of trafficking may take a child into custody and the local department may maintain custody of the child for up to 72 hours without prior approval of a parent or guardian, provided that the alleged victim child or children have been identified as a victim or victims of sex trafficking or a victim or victims of severe forms of trafficking . . . . [T]he local department shall notify the parent or guardian of such child . . . [and] the Child-Protective Services Unit within the Department whenever a child is taken into custody."

Va. Code Ann. § 9.1-116.5(A) (Sex Trafficking Response Coordinator; duties; report) requires the coordinator to: (1) Create a statewide plan for local and state agencies to identify and respond to victims of sex trafficking; (2) Coordinate the development of standards and guidelines for treatment programs for victims of sex trafficking; (3) Maintain a list of programs that provide treatment or specialized services to victims of sex trafficking and make such list available to law-enforcement agencies, attorneys for the Commonwealth, crime victim and witness assistance programs, the Department of Juvenile Justice, the Department of Social Services, the Department of Education, and school divisions; (4) Oversee the development of a curriculum to be completed by persons convicted of solicitation of prostitution under subsection B of § 18.2-346 [Prostitution; commercial sexual conduct; commercial exploitation of a minor; penalties]; and (5) Promote strategies for the education, training, and awareness of sex trafficking and for the reduction of demand for commercial sex."

The Department of Social Services (DSS) has also been directed to develop a plan to provide services to human trafficking victims through 2011 Va. Acts 258, which states, "Such plan shall include provisions for (i) identifying victims of human trafficking in the Commonwealth; (ii) assisting victims of human trafficking with applying for federal and state benefits and services to which they may be entitled; (iii) coordinating the delivery of health, mental health, housing, education, job training, victims' compensation, legal, and other services for victims of human trafficking; (iv) preparing and disseminating educational and training programs and materials to increase awareness of human trafficking and services available to victims of human trafficking . . . ; (v) developing and maintaining community-based services for victims of human trafficking; and (vi) assisting victims of human trafficking with family reunification or return to their place of origin if the person so desires . . . ."

Va. Code Ann. § 63.2-1502 (Establishment of Child-Protective Services Unit; duties) mandates the Child Protective Services Unit to: "establish minimum training requirements for workers and supervisors on identifying, assessing, and providing comprehensive services for children who are victims of sex trafficking or severe forms trafficking as defined in the Trafficking Victims Protection Act of 2000, 22 U.S.C. § 7102 et seq., and in the Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq., including efforts to coordinate with law-enforcement, juvenile justice, and social service agencies such as runaway and homeless youth shelters to serve this population."

## Response through the Department of Health

### 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.”

## Response through the Governor’s Office

### MARYLAND

Md. Code Ann., Fam. Law § 5-704.4 states, “(b) (1) There is a Safe Harbor Regional Navigator Grant Program. (2) The purpose of the program is to support services for youth victims of sex trafficking by: (i) creating and sustaining projects to provide services for youth victims of sex trafficking that are victim-centered and trauma-informed; (ii) facilitating and coordinating among local departments, the Department of Juvenile Services, sexual assault crisis programs, child advocacy programs, local offices of the Office of the Public Defender, and other state and local agencies responding to youth victims of sex trafficking; (iii) ensuring that youth victims of sex trafficking have access to services described under subsection (e) of this section; (iv) increasing the State’s capacity to respond to youth sex trafficking, and (v) training providers to appropriately identify and serve youth victims of sex trafficking. (c) A grantee under the program may include: (1) a child advocacy center; (2) a sexual assault crisis program; or (3) a qualified community-based victim services provider. (d) Grants under this section shall be awarded: (1) to ensure that emergency and long-term services are available for youth victims of sex trafficking in every jurisdiction in the State by January 1, 2022, and (2) to provide services in one jurisdiction or in more than one similar jurisdiction in the same region. (e) Services coordinated and provided by a grantee under this section shall include: (1) safety planning; (2) emergency response; (3) basic living needs, not including housing; (4) trauma counseling and mental health services; (5) drug and alcohol abuse treatment; (6) legal services; (7) victim advocacy; (8) case management; and (9) designation of regional navigators. (f) Notwithstanding any appropriation made under subsection (h) of this section, not later than October 1, 2019, the Governor’s Office of Crime Control and Prevention shall provide grant funding for services provided by

the Safe Harbor Regional Navigator Grant Program . . . . (h) The Governor may annually appropriate up to \$3,000,000 for grant funding provided under this section . . . .”

Pursuant to Md. Code Ann., Fam. Law § 5-704.3, “A local department that receives a report of suspected abuse or neglect under this subtitle involving a child who is a suspected victim of sex trafficking shall refer the child to any appropriate regional navigator, as defined in § 5-704.4 of this subtitle, for the jurisdiction where the trafficking occurred or where the child is a resident for services.”

Md. Code Ann., Cts. & Jud. Proc. § 3-8A-14(D) states, “In addition to the requirements for reporting child abuse and neglect under § 5-704 of the Family Law Article, if a law enforcement officer has reason to believe that a child who has been detained is a victim of sex trafficking, as defined in § 5-701 of the Family Law Article, the law enforcement officer shall notify any appropriate regional navigator, as defined in § 5-704.4 of the Family Law Article, for the jurisdiction where the child was taken into custody or where the child is a resident that the child is a suspected victim of sex trafficking.”

Md. Code Ann., Fam. Law § 5-706(g) states, “(1) The agencies responsible for investigating reported cases of suspected sexual abuse, including the local department, the appropriate law enforcement agencies, and the local State’s Attorney, shall implement a joint investigation procedure for conducting joint investigations of sexual abuse under subsections (c) and (d) of this section. (2) The joint investigation procedure shall: . . . (iv) include screening to determine whether a child is a victim of sex trafficking.”

## Community-Based Response

### GEORGIA

Ga. Code Ann. § 15-11-130.1 (Referral to victim assistance organizations of child suspected of being a victim of sexual exploitation or trafficking) states, “A law enforcement officer or agency or DFCS [Division of Family and Children Services] shall refer any child suspected of being a victim of sexual exploitation or trafficking under Code Section 16-5-46 to an available victim assistance organization, as certified by the Criminal Justice Coordinating Council pursuant to Code Section 15-21-132, which provides comprehensive trauma-informed services designed to alleviate the adverse effects of trafficking victimization and to aid in the child’s healing, including, but not limited to, assistance with case management, placement, access to educational and legal services, and mental health services.” Ga. Code Ann. § 15-11-130(a)(2) (Emergency care and supervision of child without court order; immunity) authorizes DFCS “to provide emergency care and supervision to any child without seeking a court order for a period not to exceed seven days when . . . [t]he child is a victim of trafficking for labor or sexual servitude under Code Section 16-5-46.”