

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

State	State law ⁱ provides an avenue to protect JuST victims from delinquency adjudications for prostitution ⁱⁱ	State law provides JuST victims with access to specialized services
Alabama	Non-criminalization for <i>child sex trafficking victims</i>	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	Non-criminalization for <i>child sex trafficking victims</i>	DHS may refer child sex trafficking victims to a child placement agency that serves child sex trafficking victims but provision of specialized services is not specified
California	Non-criminalization for all minors	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	Non-criminalization for <i>child sex trafficking victims</i>	Mandated services through child welfare; provision of specialized services not specified
Connecticut	Non-criminalization for all minors	Mandated referral to child welfare; specialized services through child welfare
Delaware	Non-criminalization for all minors	Mandated referral to child welfare; specialized service response under the trafficking law; specialized services available in conjunction with diversion
DC	Non-criminalization for all minors	Mandated referral to child welfare and specialized service providers
Florida	Non-criminalization for all minors	Mandated referral to child welfare; specialized assessment and services through child welfare
Georgia	Non-criminalization for all minors	Mandated referral to specialized services
Hawaii	None	None
Idaho	Mandatory diversion for child sex trafficking victims	If diverted, specialized services are available
Illinois	Non-criminalization for all minors	Mandated referral to child welfare; specialized placement options through child welfare
Indiana	Non-criminalization for all minors	Mandated referral to child welfare; provision of specialized services not specified
Iowa	County attorney may refer child to DHS in lieu of filing delinquency petition	Services through child welfare; provision of specialized services not specified

Kansas	None	Mandated referral to DCF; specialized assessment and services through DCF and secure staff facility
Kentucky	Non-criminalization for all minors	Mandated referral to child welfare; specialized services through child welfare
Louisiana	A child in need of care shall not be committed to DPS; informal adjustment	Mandated referral to child welfare; specialized services through child welfare, safe houses, and informal adjustment
Maine	Non-criminalization for all minors	None
Maryland	None*	Specialized services through regional navigators
Massachusetts	Diversion based on presumption that a care and protection petition or a child in need of services petition shall be filed	Specialized services through child welfare
Michigan	Non-criminalization <i>only for minors under 16</i> ; presumption of coercion for 16+	Mandated referral to DHHS; specialized services through DHHS
Minnesota	Non-criminalization for all minors	Specialized services through regional navigators
Mississippi	Non-criminalization for all minors	Specialized services through child welfare
Missouri	None	Mandated referral to DSS and DJJ; provision of specialized services not specified
Montana	Non-criminalization for all minors	State must provide specialized services
Nebraska	Non-criminalization for all minors	Mandated referral to DHHS; provision of specialized services through child welfare
Nevada	Non-criminalization for all minors	Specialized services through child welfare or an agency contracted by child welfare
New Hampshire	Non-criminalization for all minors	None
New Jersey	Permissive diversion	Trafficking victimization taken into account when deciding whether to grant diversion; access to services; provision of specialized services not specified
New Mexico	Non-criminalization for all minors	Child certified as trafficking victim may receive services through the state; provision of specialized services not specified
New York	Permissive conversion to PINS	Specialized services through diversion
North Carolina	Non-criminalization for all minors	Mandated referral to DSS; provision of specialized services not specified
North Dakota	Non-criminalization for all minors	Presumption of being a child in need of services, which operates as a referral to services through child welfare; provision of specialized services not specified
Ohio	Permissive diversion	Court may order specialized services in conjunction with diversion
Oklahoma	Non-criminalization for <i>child sex trafficking victims</i>	Mandated referral to DHS; provision of specialized services not specified
Oregon	None*	None
Pennsylvania	Non-criminalization for <i>child sex trafficking victims</i>	DHS is required to coordinate the provision of specialized services for all sexually exploited children
Rhode Island	Non-criminalization for all minors	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 for <i>child sex trafficking victims</i>	Specialized services available through the AG's certified Human Trafficking Acute Resource Centers
South Dakota	Referral to Child in Need of Supervision process	None
Tennessee	Non-criminalization for all minors	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 for all minors	Mandated referral to DCFS; specialized services through DCFS
Vermont	Non-criminalization for <i>child sex trafficking victims</i>	Referral to DCF for services; provision of specialized services not specified
Virginia	None	Specialized services through child welfare
Washington	Mandatory diversion for 1 st offense, discretionary diversion for subsequent offenses	If diverted, specialized services are available
West Virginia	Non-criminalization for <i>child sex trafficking victims</i>	Mandated referral to DHHR and presumption of being an abused child; provision of specialized services not specified
Wisconsin	Permissive diversion	None
Wyoming	Non-criminalization for <i>child sex trafficking victims</i>	Mandated referral to DFS; provision of specialized services not specified
Totals	<p>21 states & DC prohibit the criminalization of minors for prostitution</p> <p>9 states prohibit the criminalization of identified child sex trafficking victims for prostitution</p> <p>12 states allow child victims to avoid delinquency adjudications for prostitution through another avenue</p>	<p>41 states & DC provide a method to connect victims to services</p> <p>26 states & DC provide for specialized services</p>

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, 2019. For related policy goals, background information, and select statute highlights, please visit http://sharedhope.org/wp-content/uploads/2015/11/Issue_Briefs/Issue_Briefs_5.3.pdf and http://sharedhope.org/wp-content/uploads/2015/11/Issue_Briefs/Issue_Briefs_5.4.pdf.

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.