

IDENTIFICATION OF AND RESPONSE TO VICTIMS

POLICY GOAL: State law mandates juvenile justice agencies to conduct trauma-informed CSEC screening of children at risk of sex trafficking.

Many children who have been identified as victims of commercial sexual exploitation (CSE) have been involved with the juvenile justice system, either preceding the CSE or as a result of acts committed during CSE victimization.¹

While many states have taken the important step of enacting non-criminalization laws—laws that prevent victims from being charged with prostitution or other offenses related to their own exploitation—CSE children may still interact with the juvenile justice system while awaiting identification as a victim or due to masking charges or charges for offenses not covered by non-criminalization laws.² CSE children may also use drugs or alcohol as a coping mechanism or as a result of forced use by their traffickers, which can also lead to juvenile justice involvement.³ Therefore, juvenile justice, as a rehabilitation and child-serving entity, plays a vital role in identifying potential CSE children and ensuring provision of specialized care to all CSE children identified in its care. Because juvenile justice serves as a key intervention point, it is imperative that states mandate juvenile justice agencies to

screen all children at risk of sex trafficking for CSE victimization regardless of when, how, or why they enter the system.

Without appropriate screening, CSE children may be subject to traditional penal methods of addressing criminal or delinquent charges, which could retraumatize the child and cause further harm.⁴ In contrast, effective screening practices can initiate efforts to ensure that CSE children avoid harsh punitive measures and have access to multi-disciplinary, trauma-informed services.

The screening process, if not done in a trauma-informed and child-centered way, can be retraumatizing.⁵ State law addressing CSEC screening within juvenile justice should include a mandate that professionals responsible for screening receive comprehensive training on CSEC and how to administer the screening in a trauma-informed way prior to conducting any screenings. Additional emphasis should be placed on utilizing a screening tool that has been validated for use with minors in juvenile justice settings.

DRAFTING CONSIDERATIONS: *To accomplish this policy goal, state law should...*

- ▶ Ensure CSEC screening conducted by state juvenile justice agencies is trauma-informed and utilizes a validated screening tool.
- ▶ Mandate screening for *all* juvenile justice-involved children at risk of sex trafficking.
- ▶ Require that juvenile justice staff administering those screenings be trained on CSEC and how to administer the tool in a trauma-informed way.
- ▶ Avoid limiting mandated CSEC screening to children who participate in particular programs, such as diversion programs.

RELATED ISSUES:

- 2.3** State law mandates child welfare agencies to conduct trauma-informed CSEC screening for children at risk of sex trafficking.
- 3.3** State law requires specialized services for identified sex trafficked children and youth in the juvenile justice system.
- 6.2** State law mandates statewide training for juvenile justice agencies on identification and response to child sex trafficking.

SUPPORTING RESOURCES:

- ▶ [JuST Response Council Protective Response Model report](#)

- 1 Eraka P. Bath, et al., *A Specialty Court for U.S. Youth Impacted by Commercial Sexual Exploitation*, 100 CHILD ABUSE & NEGLECT 1, 2 (2020).
- 2 *Id.*
- 3 *Id.*; Seeking Justice: Legal Approaches to Eliminate Criminal Liability for Juvenile Sex Trafficking Victims, Shared Hope Int'l 18 (2018) https://sharedhope.org/wp-content/uploads/2018/08/ANALYSIS-OF-STATUTORY-APPROACHES_ver7.pdf (last visited Nov. 11, 2020).
- 4 Eraka P. Bath, et al., *A Specialty Court for U.S. Youth Impacted by Commercial Sexual Exploitation*, 100 CHILD ABUSE & NEGLECT 1, 2 (2020) (noting that traditional, punitive responses to victims of CSE can lead to “poorer outcomes and higher healthcare needs”).
- 5 MARISSA CASTELLANOS, M.S.W., GRETCHEN HUNT, J.D., BETHANY GILOT, M.S., AMY NACE-DEGONDA, B.A., MELODY WRAY, THE SOUTHEAST REGIONAL HUMAN TRAFFICKING ADVISORY GROUP, GUIDING PRINCIPLES: FOR AGENCIES SERVING SURVIVORS OF HUMAN TRAFFICKING 25 (2018).