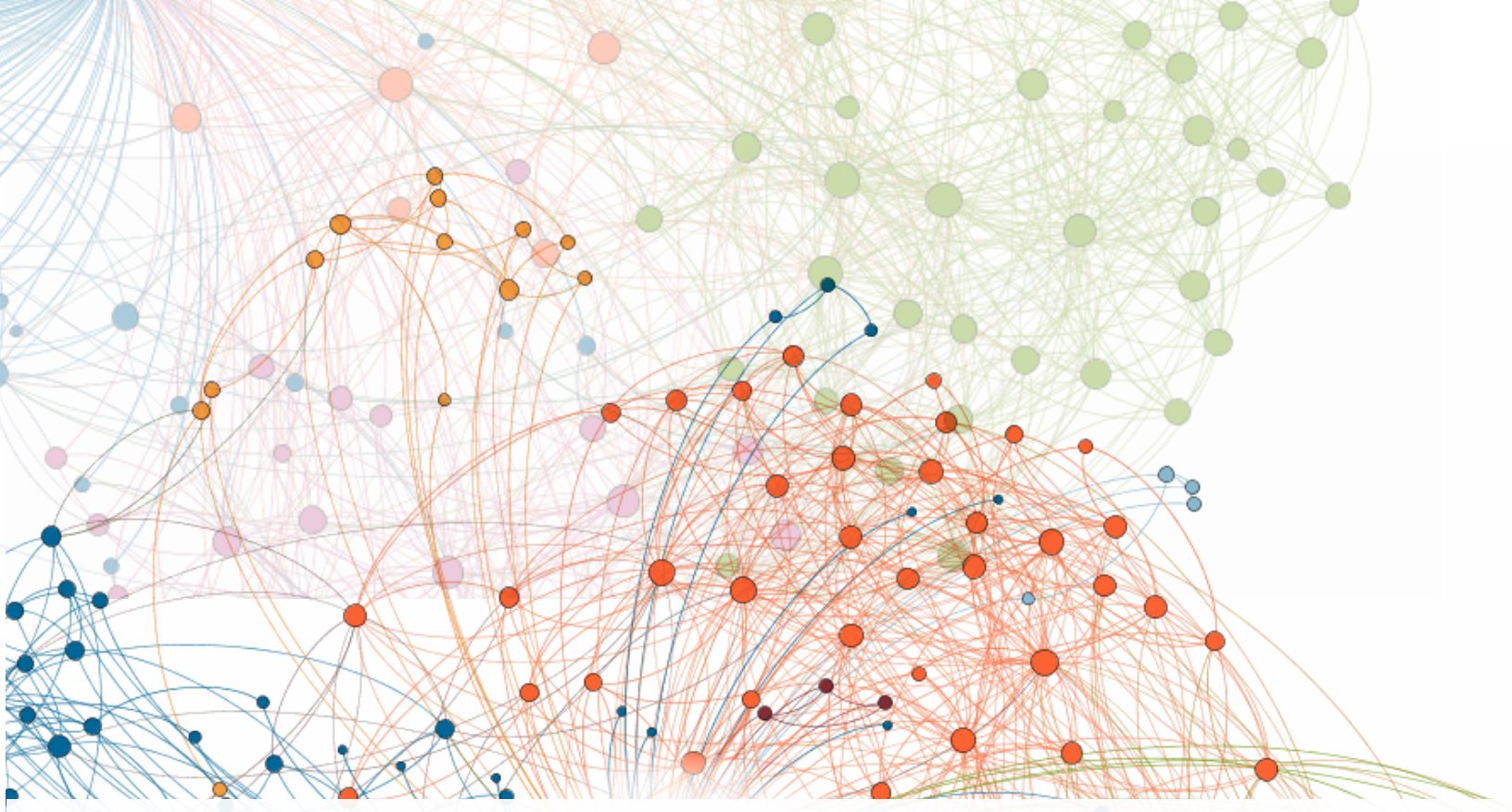


JuST Response State System Mapping Report

A Review of Current Statutes, Systems, and Services Responses to Juvenile Sex Trafficking

sharedhope INTERNATIONAL

Table of Contents

> Each and every child victim of commercial sexual exploitation needs immediate aftercare services in a program trained to work with such victims. . . .Had I been offered intermediate aftercare following Atlantic City, I believe treatment could have been successful whether it was residential treatment or outreach services. The knowledge of CSEC, especially pimp-controlled sex trafficking, and an understanding of the mindset of [the victim] within that program (or by the therapist/case manager) is what would have determined my success."
>
> – **HOLLY AUSTIN SMITH**, WALKING PREY (PP. 130, 161)

Introduction

While there is growing recognition at the federal, state and local levels that youth caught in the commercial sex industry are victims[1] of exploitation rather than willing participants in criminal activity, in the 15 years since the Trafficking Victims Protection Action (TVPA) of 2000 was enacted, the majority of state prostitution laws have remained at odds with the federal definition of a juvenile sex trafficking victim.[2] Only recently have state agencies that regularly interact with juvenile sex trafficking victims begun to screen the youth they serve for possible commercial sexual exploitation,[3] and even when victims are screened, staff may lack the training to accurately identify trafficking. Yet another barrier arises when victims are identified but appropriate services are not available, leaving overburdened state agencies with an impossible task of connecting a victim to services that do not exist, or the multiple individuals and agencies working with this population are left to develop protocols in silos, resulting in victims touching multiple systems with no coordinated response.

These types of barriers and challenges have both negatively and positively impacted the discussion of how states should respond to juvenile sex trafficking victims. While increased understanding of the impact of trauma on juvenile victims has generated pressure to develop solutions, there is a lack of clear agreement on best practices in responding to this population, leaving states without clear guidance on how to develop a system that avoids re-traumatization while

1 Although the term "victim" is used throughout this report, Shared Hope International recognizes that persons who have experienced trafficking are survivors at all stages of their abuse and recovery.

2 See "State Law Survey: Protective System Responses to Child Sex Trafficking Victims." *Sharedhope.org*. Shared Hope International, 2014. http://sharedhope.org/wp-content/uploads/2014/12/Shared-Hope-State-law-survey_Protective-System-Responses_through-8.1.141.pdf. Accessed on February 24, 2015. This chart shows that See State Law Survey Chart – Protective Provisions showing only 12 states make minors immune from prostitution charges. See also 18 U.S.C. § 1591 (Sex trafficking of children or by force, fraud, or coercion) which defines any commercially sexually exploited child under the age of 18 as a victim of trafficking regardless of force, fraud or coercion.

3 States like Florida and Connecticut that have been at the forefront of establishing protective system responses started standardized screening processes within the past five years.

addressing the unique needs of individual victims. This lack of guidance may prompt states to avoid developing a response until best practices are identified; however, a wait-and-see approach leaves the urgent and extensive needs of this victim population unaddressed. Enacting laws intended to protect victims without a deep understanding of the implementation challenges risks undermining the purpose of those laws, or risks establishing laws that are never put into practice. On the other hand, if states allow the complexity of the issue to deter action, vulnerable youth will continue to face the trauma of exploitation and punishment through the delinquency process instead of having access to critically needed services.

This tension between the complexity of this issue and the critical need for solutions has led approximately half of the states in the country to make efforts to enact laws that change their response to victims, while other states have implemented non-statutory protocols in response. The unique policy and resource landscape in each state also contributes to the great diversity in how states are responding to juvenile sex trafficking victims. Within that diversity, however, trends are emerging and the nascent development of protective responses across the country provides a unique opportunity for creativity and collaborative learning, from the local jurisdictional level to the national level.

Some states have begun the process of reviewing their laws, agency protocols and service options in a collaborative manner that helps create streamlined coordinated responses to identify exploited youth and connect them to the most appropriate services that avoid re-traumatization and, through ongoing assessment and support, promote their individualized long term success. This type of response — what Shared Hope has termed a JuST (Juvenile Sex Trafficking) Response — recognizes that achieving a comprehensive protective system response in any state is a complex and long-term process, taking into account the individual policy and services landscape in each state or jurisdiction. This report discusses how several states are shaping effective responses that align with their existing policies. Ideally these examples will offer a learning experience and inspire policy makers, advocates and service providers across the nation to creativity and action.

Methodology

The methodology for identifying a protective system response built upon statute was guided by Shared Hope International's Protected Innocence Challenge research. For each of the past four years, the Protected Innocence Challenge, a comprehensive study of existing state laws designed to inspire and equip advocates, has provided analysis each state's protective response laws. Under the Challenge, every state receives a report card that grades six areas of its law that must be addressed in order to effectively respond to the crime of domestic minor sex trafficking. One of the most complex areas of law is that which relates to protections for child victims.

From the perspective of implementing these statutory responses, Shared Hope's National Restoration Initiative has served as a catalyst for the ongoing development of shelter and services for America's trafficked youth by providing direct service partner support[4] and by facilitating a direct service provider forum through our Restorative Services Working Group (RSWG).[5] To help achieve a consistent standard of care and build upon the lessons and good practices of current shelter and service providers, Shared Hope hosted three national forums for discussion. The first in 2012 brought together leaders in shelter and services while the second in 2013 convened leaders from the realm of child welfare and juvenile and family courts to address topics including shelter and safety, licensing, trauma-informed care, multidisciplinary teams, assessment and interagency cooperation. In 2014 Shared Hope hosted a forum that consisted of panels made up of policymakers and service providers who have crafted the innovative approaches to protective responses discussed later in this report.

Specifically, the JuST Response research builds on findings from the following Shared Hope International research initiatives:

- **National Colloquium 2012:** Shelter and Services Evaluation for Action and corresponding report and congressional briefings produced in partnership with ECPAT-USA, The Protection Project at Johns Hopkins University School of Advanced International Studies inventoried and evaluated the current service network of services available for juvenile sex trafficking victims.
- **National Colloquium 2013:** Juvenile Justice and Child Welfare Process and Placement for Identified Juvenile Sex Trafficking Survivors conducted in partnership with Casey Family Programs and the National Council for Juvenile and Family Court Judges examined state agency response and resulted in the production of Traffic Stop report produced in partnership with Casey Family Programs.

4 Since 1999 Shared Hope International has offered strategic guidance, hands-on support, and funding to help local organizations around the world provide safe shelter and healing services to victims of sexual exploitation. Learn more at: http://sharedhope.org/what-we-do/restore/partners/.

5 The Restorative Services Working Group (RSWG) is a national network of experts on service and shelter provision to U.S. citizen victims of sex trafficking facilitated by Shared Hope International and primarily comprised of direct service providers. The mission of the RSWG is to share information between organizations providing restorative services to domestic victims of sex trafficking and continue learning. The group acknowledges the critical importance of survivor leaders working in conjunction with other subject matter experts such as child trauma experts, psychologists, forensic pediatricians, social workers, and victim advocates to deliver the highest quality care and best outcomes. The ultimate goal of the RSWG is to identify principals to an effective response to U.S. citizen victims of sex trafficking through collaboration and shared experience, enabling survivors to reach their full potential.

- The **JuST Response 2014 Congressional Briefing** examined implementation of statutory protective responses in states that provide immunity to identified victims as well as in states that provide alternative processes and procedures to avoid a delinquency response and connect survivors to services.
- Annual **Protected Innocence Challenge Report** which analyzes and grades laws in all 50 states and the District of Columbia under a 41-component legislative framework for combatting domestic minor sex trafficking and protecting child victims.2013 Statutory Responses to Domestic Minor Sex Trafficking report which maps the system responses in 12 states that have enacted a protective response for juvenile sex trafficking victims.

Underlying the JuST Response is the research foundation above in combination with five basic premises that shape the evaluation of approaches described in this report:

Premises

Trauma Informed

A recurring theme throughout existing research on this issue is the need for system responses to be trauma-informed. According to the federal Department of Health and Human Services (DHHS) a program or system that is trauma-informed[6]:

- Realizes the widespread impact of trauma and understands potential paths for recovery,
- Recognizes the signs and symptoms of trauma in clients, families, staff and others involved in the system,
- Responds by fully integrating knowledge about trauma into policies, procedures and practices, and
- Seeks to actively resist re-traumatization.

Individualized

While there is an urgent need to create a **network** of services for juvenile sex trafficking victims, it is also important to recognize the complexity of this issue and the need for a thoughtful and comprehensive response. Children and youth who have been sexually exploited have unique experiences and each juvenile victim requires a unique service response. In order to develop policy and protocols that are flexible enough to implement an individualized service response, efforts should focus on treating the child, not the problem by recognizing that child abuse through sex trafficking is something that happened to the child, not who they are.

6 Definition of Trauma Informed Care from "Trauma-Informed Approach and Trauma-Specific Interventions." *SAMHSA.gov*. Department of Health and Human Services Substance Abuse and Mental Health Services Administration, May 20, 2014. http://www.samhsa.gov/nctic/trauma-interventions. Accessed on February 24, 2015.

Survivor Informed

Those providing the direct services need to learn from those who have experienced and overcome child sex trafficking. Policy and research must be informed by those doing the work and more importantly by those who have survived this horrific abuse. Survivors of sex trafficking have an essential role to play in developing a state's JuST Response.

Data Driven

While adequate longitudinal data and evidence-based research specific to serving this population is lacking,[7] states that are implementing protective responses are making it a priority to document their process and monitor and evaluate implementation outcomes.[8] While cultural shifts may happen slowly, through incremental change, states can learn from one another to avoid mistakes and identify potential promising practices. Several states such as Florida, Ohio and Minnesota[9] have relied on research rooted in public private partnership to implement their protective system response. Universities and private foundations can promote monitoring and evaluation by addressing the funding gaps caused by limited government funding.

Protection Oriented

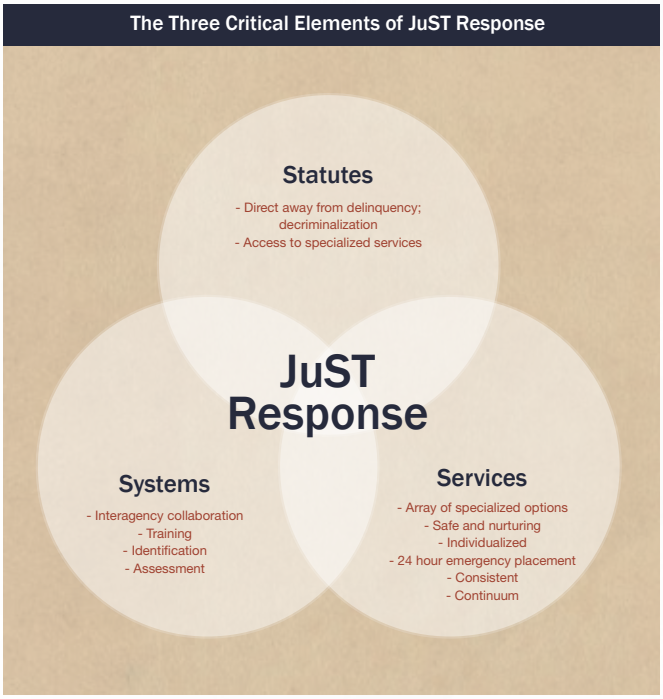
While "safe harbor" is a term often used to describe statutes establishing a non-punitive response for juvenile sex trafficking victims, this represents only one component of a comprehensive state response—avoidance of a criminal justice outcome. Since the term "safe harbor" derives from the idea of carving out an exemption for minors under the prostitution law, this can imply that minors have agency in deciding to engage in their commercial sexual exploitation and does not emphasize the critical role of access to services. Due to the important role of language in accomplishing the fundamental paradigm shift from viewing victims as criminals to viewing victims as victims, both statutorily and in practice, we refer to the statutes that direct juvenile victims away from delinquency and into services as protective response laws.

The JuST Response research **identifies and evaluates promising practices, common barriers and trends in service responses to juvenile sex trafficking victims** by examining noteworthy statutory or system responses to serving juvenile sex trafficking victims. Since the two central goals of a JuST Response are to avoid re-traumatization through the delinquency process and ensure that victims have access to specialized services, accomplishing these goals requires consideration of the three critical elements: Statutes, Systems and Services.

7 The Institute of Medicine and National Research Council. *Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States*. Washington, DC: The National Academies Press, 2013, pg. 380-82, 2013.
8 These methods are expanded upon further in state chapters.
9 Id.

Methodology

This report analyzes the important interrelation of these three elements by examining the implementation of statutory responses in eight states that represent different approaches to directing minors away from a delinquency outcome and into services. The state narratives that follow were researched through a variety of methods, including:



(1) Research on statutes that govern the processes by which an exploited child may be identified and directed into an existing child serving system response, such as child welfare or juvenile delinquency.

(2) Compiling information from National Colloquia in 2012 and 2013.

(3) Conference calls with panelists who offered testimony at the 2014 JuST Response Congressional Briefing, followed by a desk review of the panelists' testimony.

(4) Phone and in-person interviews with stakeholders in each of the eight states reviewed in this report.

(5) Vetting of state narratives by key stake holders in each of the eight states.

(6) Participation in the following meetings and events:

- Meeting of the Tennessee Human Trafficking Task Force
- Meeting of the Kansas Attorney General Advisory Council on Human Trafficking
- Kentucky Sexual Assault Prevention Conference Colloquium on Human Trafficking
- Minnesota DCF meeting [side meeting at the 2013 JuST Conference]

(7) Desk review of publicly available reports and testimony pertaining to state protective responses, including but not limited to, federal agency reports, legislatively mandated state agency reports, legislative testimony and organizational studies on service response and statutory implementation.

JuST Response Statutory Timeline

This timeline reflects the states that have enacted laws that direct minors away from a delinquency response by year of enactment. The timeline also reflects state legislation that amended existing protective responses to further improve the state's response to juvenile sex trafficking victims.

** Post-implementation Amendments*

*** Effective Date and Funding*

State Comparisons

Since the development of state protective response laws is an emerging area fraught with implementation challenges, many state statutory responses have been built on earlier models, with each state identifying an approach that works for that state and adapting it to its unique policy and resource landscape. Within the range of state responses, four general categories of protective system responses have emerged[10]:

1. **Immunity without referral** – provides immunity from prostitution-related charges to direct juvenile sex trafficking victims away from a punitive response but does not statutorily direct them into an alternative system or specialized response for access to services.
2. **Immunity with referral** – provides immunity from prostitution-related charges and directs juvenile sex trafficking victims to an alternative system or specialized response for access to services.

10 See "State Law Survey: Protective System Responses to Child Sex Trafficking Victims." *Sharedhope.org*. Shared Hope International, 2014. http://sharedhope.org/wp-content/uploads/2014/12/Shared-Hope-State-law-survey_Protective-System-Responses_through-8.1.141.pdf. Accessed on February 24, 2015. This chart reflects See State Law Survey Chart – Protective Responses, reflecting legislation enacted as of 8/1/14. While most state responses fall into one of these categories, some state responses blend more than one approach, for example Delaware provides a diversion process and also requires law enforcement to report commercially sexually exploited youth to child welfare in order to connect youth with services.

3. **Law enforcement referral to a protective system response** – does not make minors immune from prostitution charges but directs or allows law enforcement to refer minors suspected of prostitution offenses to child welfare or other system-based services instead of arrest.
4. **Diversion process** – does not make minors immune from prostitution charges but allows or requires juvenile sex trafficking victims to be directed into a diversion program through which victims can access specialized services and avoid a delinquency adjudication.

States that do not fit into these statutory categories may still be implementing components of a JuST Response. Based on existing research and knowledge gained from the experiences of states that have been implementing protective response laws, three basic elements have emerged as critical to a complete juvenile sex trafficking ("JuST") response: statutory protective provisions, multidisciplinary interagency state system protocols, and access to an array of funded service options. Georgia and Maryland for example each have protocols for connecting youth to services or avoiding a punitive response. No doubt there are other non-punitive service responses beyond these statutory categories that have not yet been explored or developed.

To explore the methods and challenges of deploying protective responses that integrate the critical elements of statutes, systems and services, the JuST Response Mapping Report merges Shared Hope's research and policy analysis to provide a national overview of existing state juvenile sex trafficking responses and an in-depth analysis of responses in example states that represent each of the four statutory frameworks most commonly found under existing state laws. While this report goes beyond those frameworks and explores the implementation of system responses and access to services, there are two reasons for organizing state JuST responses according to their statutory frameworks:

(1) The state's statutory framework is a prerequisite to statewide change: By mandating a fundamental shift in how the state views juvenile sex trafficking victims—from criminals to victims of exploitation—the statutory framework can survive shifts in power that informal policies and executive-led initiatives are less likely to survive. The stability provided by a framework of law makes it less difficult to commit resources and energy to the hard work of implementing a protective rather than a punitive response.

(2) Since four approaches to enacting a statutory framework implementing this paradigm shift have arisen over the past several years, comparing implementation of these responses allows for a more structured analysis, i.e., comparing one state's immunity response with another state's immunity response provides a more accurate reflection of how similar laws can play out very differently depending on each state's policy and resource landscape. Comparing immunity with diversion, for example, illustrates how the different laws play out, but comparing immunity with immunity illustrates how the different approaches to implementation play out.

It should be noted that the division by statutory category is meant to help guide the reader through a comparison of approaches and is not meant to minimize the concurrent importance of system protocols and available services. In addition, a state's political climate, resources and advocate personalities invariably influences the implementation of its protective response for

juvenile sex trafficked victim. Comparing the implementation of immunity laws in Tennessee and Minnesota provides an excellent narrative of these differences. For instance, Minnesota has one of the best funded state governments in the country[11] while Tennessee is more resource limited. While their statutes are similar in terms of providing immunity to minors, implementation of their laws has been very different.[12]

Two approaches to protecting victims that are not included here are an affirmative defense for sex trafficking victims or definitional changes intended to direct victims to an alternative system process, such as the person or child in need of services (PINS or CHINS). These approaches do not amount to a protective response in most cases because these laws—while important in helping to lay a foundation for such —lack a procedure to affirmatively direct minors out of the punitive system response and into services and/or place the burden on the victim to seek protection and services.

This report is a first step in ongoing research and is not inclusive of all promising state protective responses since over half of the states in the country have enacted some form of protective response law. For example, the responses of states such as Georgia[13] that have developed strong agency or community protocols in lieu of supportive statutes are not covered herein.

11 Kiernan, John S.. " States Most and Least Dependent on the Federal Government.",*WalletHub*. Evolution Finance, Inc., 2014., http://wallethub.com/edu/states-most-least-dependent-on-the-federal-government/2700/. Accessed February 24, 2015.

12 These approaches are further explored in the following chapters,

13 The Georgia Care Connection, recently established by the Governor's Office for Children and Families, identifies commercially sexually exploited children and links them to services without subjecting them to arrest. The Georgia Care Connection office serves as the single point of entry and care coordination entity for these commercially sexually exploited girls, ages 11-17. Learn more at http://www.georgiacareconnection.com/.

> It is time to create a continuum of care that provides safe, licensed and supportive shelters. It is time to get licensing and policy decisions right so that we do not subject victims of trafficking to re-abuse. It is time to create therapeutic interventions and services that meet the diversities of individual victims.
>
> — **ACTING ASSISTANT SECRETARY GEORGE SHELDON**, ADMINISTRATION FOR CHILDREN AND FAMILIES, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, NATIONAL COLLOQUIUM, 2012

States Implementing Laws that Provide Immunity from Prostitution Charges for Minor Victims

By ensuring that all juvenile sex trafficking victims are directed away from a punitive court process that can re-traumatize victims and reinforce mistrust of the system, immunity from delinquency charges for prostitution and status offenses related to juvenile sex trafficking is a critical component of a protective response. However, enacting an immunity statute does not come without challenges. A common concern raised by advocates in states that have passed immunity laws is that youth may still be charged with status offenses that mask the intent to arrest victims for prostitution. This is especially prevalent in areas where law enforcement feel there is a lack of safe placement alternatives or a particularly high risk of re-exploitation. States that enact immunity laws in the absence of a statutory procedure to ensure youth receive a specialized service response may face a situation where child serving agencies are unable to adequately respond to a trafficking situation, leaving exploited youth with limited service options. First line responders such as law enforcement and social workers are thus faced with the heart wrenching decision to return a victim to a situation where there is risk of re-exploitation.

Even in states that have passed immunity laws that mandate law enforcement referral of juvenile sex trafficking victims to child serving agencies, factors such as lack of training or implementable protocols within child serving agencies or a lack of appropriately equipped service providers may still leave victims vulnerable to re-traumatization and exploitation. At the JuST Response Congressional Briefing, panelists from two states, Minnesota and Tennessee, discussed their strategies for enacting immunity statutes as the core of their state's protective response. Despite the similarity in their laws, which both lack a statutory procedure that specifically mandates a child welfare or alternative system response, the challenges and successes encountered in implementing their laws vary greatly. In Tennessee, immunity laws were enacted prior to identifying funding procedures and protocols to connect youth to services. This progressive law codified the

status of juvenile sex trafficking as victims of trafficking and created a sense of urgency that has motivated state agencies to come to the table to create a state-wide protocol for identifying and responding to juvenile sex trafficking victims. In Minnesota, amendments to the state delinquency laws established a three-year deadline for the legislature to fund service protocols for responding to juvenile sex trafficking victims before the law establishing immunity for minors became effective. As a result, Minnesota's No Wrong Door[14] campaign was able to secure government funding to establish a comprehensive, multidisciplinary plan to ensure communities across the state have the knowledge to identify and the skills and resources to serve juvenile sex trafficking victims.

Another approach to immunity laws is represented by Illinois and Kentucky, both of which combined immunity with a mandatory referral to child welfare for services. While Illinois enacted its law much earlier, enabling Kentucky to build upon Illinois' model, similar challenges to implementation have arisen in both states. Such challenges, though similar, provide important learning as solutions are shaped by the policy and resource landscape peculiar to each state.

14 Minnesota Department of Public Safety Office of Justice Programs. *No Wrong Door: A Comprehensive Approach to Safe Harbor for Minnesota's Sexually Exploited Youth*. 2013. https://dps.mn.gov/divisions/ojp/forms-documents/Documents/!2012%20Safe%20Harbor%20Report%20%28FINAL%29.pdf. Accessed on February 24, 2015.

States Implementing Laws that Provide Non-Punitive Responses Without Immunity

States that do not make minors immune from prostitution charges still may have statutes that allow for a protective system response by directing minor victims away from a delinquency proceeding. A mandatory referral to child welfare or a diversion process could allow the young person to both avoid juvenile delinquency adjudication as well as provide access to appropriate specialized services.

States assert several reasons for considering alternatives to immunity laws. Many feel they do not have safe placement alternatives to detention. In states where child protective services is unable to investigate juvenile sex trafficking because laws bringing these cases within their mandate are not in place,[15] a juvenile justice response may be the only system option available to intervene in the minor's exploitation. In states that employ a diversion response, the option to charge trafficked children with delinquency for prostitution offenses allows the court to mandate participation in a trauma-informed diversion program that may encourage victims overcoming trauma bonds to be more cooperative in their treatment plan. However, while detention may guarantee separation from traffickers, it does not necessarily guarantee safety and rarely offers trauma-informed services.

In states that do not have immunity for juvenile sex trafficking victims, but do have statutory procedures requiring law enforcement to refer minors suspected of prostitution offenses to child welfare or other agency for assessment and services in lieu of arrest and detention, juvenile victims may be able to avoid a delinquency response entirely. However, without the immunity, prosecutors retain the ability to file delinquency charges for prostitution offenses as they deem appropriate or necessary. Reasons for retaining the ability to charge juvenile victims mirror the reasons underlying a diversion model: the court process may be brought to bear to require a victim's participation in services, and detention provides a lock-down option for victims unwilling to remain in less restrictive residential placements due to trauma-bonding.

15 See Appendix at Page 78 for State Law Survey on likelihood of child welfare involvement in providing services to juvenile sex trafficking victims.

States represented in this report that do not have immunity laws are taking progressive steps to ensure that juvenile sex trafficking victims are still being identified as victims and receive a specialized service response. In Florida and Kansas, a statutory procedure authorizes or mandates law enforcement to deliver minor victims to child welfare where they can access specialized services, including specialized residential options, and avoid delinquency charges for prostitution offenses. In Ohio and Washington, state laws establish a diversion process requiring or allowing the court to direct juvenile sex trafficking victims to services and avoid a delinquency adjudication. Since diversion is not mandatory in every case, the opportunity for victims to avoid being adjudicated delinquent and instead be connected with specialized services depends largely on implementation of the law through local protocols, as well as strong judicial involvement and understanding of the issues involved in working with juvenile sex trafficking victims.

Immunity Without Referral to Alternative System/Specialized Response

Minnesota

Minnesota's No Wrong Door Model ensures that any child that is victimized through sex trafficking can access services. The Model was established through the Safe Harbor law passed in 2011. This legislative initiative had unique sources of support in Minnesota, including private financial support from the Minnesota Women's Foundation which paid for the fiscal note[16] and cost benefit analysis that drove the legislative efforts to establish state-funded access to services. The Safe Harbor law mandated a study based on research and recommendations. The resulting No Wrong Door Report set out a plan to ensure a comprehensive protective response for juvenile sex trafficking victims that would allow any victim, regardless of how that victim was identified, to be referred to a point of contact in that region— a "regional navigator"—who would connect the exploited youth with services. To ensure the availability of adequate and appropriate services to meet the needs of commercially sexually exploited youth, a statewide coordinator position was funded. In addition, regional navigator grants were given to organizations responsible for identifying available services and connecting juvenile sex trafficking victims to these trauma-informed services.

The impetus for Minnesota's Safe Harbor for Sexually Exploited Youth law and No Wrong Door Model started in 2010 when ECPAT-USA approached The Advocates for Human Rights to "create a campaign aimed at passing legislation to protect sexually exploited children in Minnesota." To accomplish this, the Family Partnership and an array of others working in the field developed language endorsed by the Minnesota Human Trafficking Taskforce[17] that was introduced and enacted in 2011. The law,[18] Senate File 1, made minors under 16 immune from delinquency charges for prostitution-related offenses, aligning the treatment of this subset of commercially sexually exploited juveniles with their status as victims of sex trafficking. Senate File 1 also established a diversion process for minors aged 16 and 17. Unlike Tennessee however, Minnesota's immunity provisions did not go into effect immediately. Instead, the effective date was delayed for three years to allow time for the legislature to enact a funded service response for commercially sexually exploited youth. The process of enacting legislation to fund a service referral mechanism in Minnesota took two more legislative sessions, but during that time advocates were able to

16 $12,000

17 In 2005 the St. Paul Police Department received a U.S. Department of Justice grant to begin the Gerald D. Vick Human Trafficking Task Force which promotes a collaborative effort among service providers and law enforcement agencies to develop a coordinated approach to fighting the crimes of human trafficking. In 2006, legislation passed that required the Minnesota Department of Public Safety to convene a statewide human trafficking task force. While the legislation enabling this task force ended in July 2011, members continue to meet quarterly under the leadership of the Minnesota Department of Health.

18 Senate File No. 1 during the Minnesota 2011 1st Special Session. 2011 Minn. Laws 1. (effective dates vary, relevant section effective Aug. 1, 2014).

secure laws to extend immunity to all minors under 18, and funds were appropriated to establish a process for referring juvenile sex trafficking victims to services.

Passing the Safe Harbor law and ensuring that services were funded by the state required comprehensive and strategic efforts by advocates. In 2013, when the fiscal note was requested and enacted, the Minnesota Department of Human Service's budget had just been cut by $50 million. A key tool for advocates was a cost-benefit analysis conducted with funding from the Minnesota Indian Women's Resource Center and the Minnesota Women's Foundation. The report released in 2012 conservatively estimated that the state of Minnesota would save $34 in medical, enforcement and court costs for every dollar spent on early intervention services for juvenile sex trafficking victims. In developing this report, advocates were clear that all expenditures reviewed in the analysis must be connected directly to a tax expenditure to ensure that the report would be relevant to the legislature's current fiscal priorities and decision making. The report further outlined the analysis by impact over time and agency—impact in the first two years, four years, amount for public services and amount for public health.[19] Having the three year window to raise the funds gave advocates a tool to educate legislators before the law passed, as well as a tool to create urgency. As the deadline for the effective date of the law approached, the need for funded services as an alternative response to delinquency became increasingly critical to avoid young people identified as having been trafficked being left with little or no resources.[20]

19 Remarks by Jeff Bauer, Director of Public Policy, The Family Partnership. JuST Response Congressional Briefing, Mapping State Responses to Sex Trafficked Youth (Washington, D.C.: November 6, 2014). Transcript on file with authors. Video available at http://sharedhope.org/what-we-do/bring-justice/just-response.

20 Remarks by Jeff Bauer, Director of Public Policy, The Family Partnership and Lauren Ryan, Director, Statewide Safe Harbor/ No Wrong Door. JuST Response Congressional Briefing, Mapping State Responses to Sex Trafficked Youth (Washington, D.C.:, November 6, 2014). Transcript on file with authors. Video available at http://sharedhope.org/what-we-do/bring-justice/just-response/..

As implementation moves forward in Minnesota, advocates are prioritizing data collection on the efficacy of Safe Harbor implementation to maintain and build upon the state funds allocated to serving this population. In 2005, legislation was passed requiring an annual, and later amended to require a bi-annual, Statewide Human Trafficking Report.[21]

From the beginning, success has hinged on the support of the private sector.[22] The Women's Foundation of Minnesota (WFMN) funded the state Department of Public Safety to develop a model grounded in findings from the Safe Harbor for Sexually Exploited Youth Pilot Project which was mandated by the Safe Harbor law, but was required to be created with no fiscal burden to the state. The commitment from WFMN was critical to the passage of Minnesota's Safe Harbor law. The bill did face challenges however, particularly initial opposition from the county attorney's association that felt providing immunity for minors would take away a prosecutorial tool of the ability to charge the youths as leverage to obtain their testimony against their traffickers. Days before the Safe Harbor bill passed, the association was poised to oppose it. To mitigate this opposition, County Attorney John Choi met with members to relate the prosecutorial success he had in using a victim-centered approach that builds trust with victims involved in his cases by connecting them to services instead of threatening them with criminal charges. Before the bill passed, he and several colleagues took the additional step of hosting a press conference where they publically committed to taking this victim- centered approach and rejected the double standard in the law. While opposition remained among several of the 87 county attorneys in Minnesota, the bill went on to pass on July 19, 2011.[23]

> I still believe, and I believe it with all my heart, that it was actually the survivor testimony that got us where we got, but certainly we had the evidence in hand as to why it was a wise investment.
>
> **— JEFF BAUER,** DIRECTOR OF PUBLIC POLICY, THE FAMILY PARTNERSHIP, THE JUST RESPONSE CONGRESSIONAL BRIEFING, 2014

21 Minnesota Department of Public Safety Office of Justice Programs. *No Wrong Door: A Comprehensive Approach to Safe Harbor for Minnesota's Sexually Exploited Youth.* 2013, pg 2. https://dps.mn.gov/divisions/ojp/forms-documents/Documents/!2012%20Safe%20Harbor%20Report%20%28FINAL%29.pdf. Accessed on February 24, 2015. Department of Public Safety Office of Justice. (2013).

22 Remarks by Jeff Bauer, Director of Public Policy, The Family Partnership. JuST Response Congressional Briefing, Mapping State Responses to Sex Trafficked Youth (Washington, D.C.: November 6, 2014). Transcript on file with authors. Video available at http://sharedhope.org/what-we-do/bring-justice/just-response/.

23 Id.

One step that the No Wrong Door legislation did not take was to enact a mandatory referral by law enforcement to the new regional navigator system. With the enactment of immunity for all minors and the establishment of the regional navigator system, the intent that law enforcement refer minors suspected of prostitution-related offenses to the regional navigators seems clear, but this referral is not currently a statutory mandate. Another step that the No Wrong Door legislation did not take was clarifying the role of child welfare in serving juvenile sex trafficking victims. While the Human Trafficking Coordinator position and the regional navigator grants fall under the Department of Health, many juvenile sex trafficking victims could be receiving services through child welfare and/or may be referred to child welfare as a result of a mandatory report of abuse which is defined to include commercial sexual exploitation. However, like Tennessee, Minnesota's definition of "caregiver" is not sufficiently broad to authorize child welfare to provide services to children exploited by a non-family member, making it unlikely that a young person would be able to receive services from child welfare absent a complaint against their parent or guardian.

Absent a statutory mechanism for referring children in the care of child welfare who are identified as commercially sexually exploited to the service response provided through the Department of Health, regulations and protocols are critical to ensure exploited children in the child welfare system have an equivalent path to services. Since the legislation does not address the issue it remains unclear whether commercially sexually exploited youth referred to child welfare will be able to access the specialized services available through the regional navigators. For this reason, interagency coordination and cooperation will be essential to the ongoing success of Minnesota's protective system response.

> "Every time we testified, every time we met with legislators, we went in with a county attorney, sitting next to a survivor, sitting next to a police chief, sitting next to an advocate all saying the same thing."
>
> — **JEFF BAUER,** DIRECTOR OF PUBLIC POLICY, THE FAMILY PARTNERSHIP, JUST RESPONSE CONGRESSIONAL BRIEFING, 2014

State Comparisons

The No Wrong Door Report[24] mandated by the Safe Harbor law was funded by WFMN and the U.S. Department of Justice Office of Justice Programs, Bureau of Justice Statistics to provide a clear protocol for implementing Minnesota's current protective response.[25] To write the report twelve meetings were held that included 65 stakeholders from across the state to issue a series of recommendations that would form Minnesota's No Wrong Door Model. No Wrong Door is currently being led by the Department of Public Safety (MDPS), the Department of Health (MDH) and the Department of Human Services (DHS) through a statewide coordinator who in turn oversees one of the most relevant components of the model, which are funded positions called regional navigators.[26] The regional navigators provide a central point of contact for juvenile sex trafficking victims and for professionals and community members working with this population. No Wrong Door divides the state into seven different regions comprised of several counties and each region has been assigned navigator responsible for connecting identified juvenile sex trafficking victims to services. In addition the regional navigators provide community training and implement "community scans" to identify available services and potential service gaps and needs.[27] Training, outreach, prevention and evaluation are also key components of No Wrong Door and the report outlines guidelines for training "social service professionals, medical professionals, public health workers, criminal justice professionals and others who come into contact with youth on how to recognize, screen, refer and investigate sexual exploitation" along with specific recommendations for housing and services implementation. [28]

> "Each state is unique, and in Minnesota each region is unique so it makes sense to have an individualized response."
>
> **— LAUREN RYAN**, DIRECTOR, STATEWIDE SAFE HARBOR/ NO WRONG DOOR, THE JUST RESPONSE CONGRESSIONAL BRIEFING, 2014

Currently the Department of Health also provides funding to four residential programs that provide housing services that range from emergency to transitional services:[29] Breaking Free, which provides transitional housing in St. Paul, Heartland for Girls, which provides supportive housing in Benson, Life House, provides emergency shelter in Duluth and The Link, which will provide

24 The No Wrong Door Model was informed by previous research including a 2008 needs assessment created by the Advocates for Human Rights at the request of the MN-HTTF 26 recommendations to address human trafficking in Minnesota and the 2010 Shattered Hearts Report by the Minnesota Indian Women's Resource Center.

25 Minnesota Department of Public Safety Office of Justice Programs. *No Wrong Door: A Comprehensive Approach to Safe Harbor for Minnesota's Sexually Exploited Youth.* 2013. https://dps.mn.gov/divisions/ojp/forms-documents/Documents/!2012%20Safe%20Harbor%20Report%20%28FINAL%29.pdf. Accessed on February 24, 2015.

26 According to the Minnesota Department of Health the current funded regional navigators are DOVE (Down On Violence Everyday) for the American Indian Regions, Heartland Girls Ranch for the West Central Region, The Link for the Metro West Region, Breaking Free for the Metro East Region, PAVSA (Program to Aid Victims of Sexual Assault) in the Northeast Region, Support within Reach in the Northwest Region, Olmsted County Victim Services in the Southeast Region, and Southwest Crisis Center in the Southwest Region. For more information see "Safe Harbor & No Wrong Door for Minnesota's Sexually Exploited Youth." Minnesota Department of Health. 2014. http://www.pavsa.org/wp-content/uploads/8.11.2014-Safe-Harbor-Navigators-revised.pdf. Accessed on February 24, 2015.

27 Remarks by Lauren Ryan, Director, Statewide Safe Harbor/ No Wrong Door. JuST Response Congressional Briefing, Mapping State Responses to Sex Trafficked Youth (Washington, D.C.: November 6, 2014). Transcript on file with authors. Video available at http://sharedhope.org/what-we-do/bring-justice/just-response/. See also Minnesota Department of Public Safety Office of Justice Programs. *No Wrong Door: A Comprehensive Approach to Safe Harbor for Minnesota's Sexually Exploited Youth.* 2013. https://dps.mn.gov/divisions/ojp/forms-documents/Documents/!2012%20Safe%20Harbor%20Report%20%28FINAL%29.pdf. Accessed on February 24, 2015.

28 Minnesota Department of Public Safety Office of Justice Programs. *No Wrong Door: A Comprehensive Approach to Safe Harbor for Minnesota's Sexually Exploited Youth*. 2013, pg. 13. https://dps.mn.gov/divisions/ojp/forms-documents/Documents/!2012%20Safe%20Harbor%20Report%20%28FINAL%29.pdf. Accessed on February 24, 2015.

29 Id.

emergency shelter in the Twin Cities metropolitan area.[30] The Safe Harbor Act created an ongoing funding mechanism to support these programs and positions by increasing penalties against buyers, defined in the Act as "commercial sex abusers" and directing 40% of the fines to the commissioner of public safety to "create a specific revenue fund to be distributed to organizations that provide services to sexually exploited youth."[31]

In addition to MDH-funded partners there are several other services resources throughout the state. Mission 21 in Minnesota provides a community support group to identified victims and is piloting a therapeutic foster care model funded by Shared Hope International.[32] The state also has 27 runaway and homeless youth organizations which are equipped to provide a continuum of services, which include street outreach, family reunification, drop in center services, emergency shelter, transitional housing and youth supportive housing. Minnesota's Safe Harbor Law allows law enforcement or other first responders to place a minor victim directly to a facility that has been identified by the area's regional navigator as a safe place with the capability of providing a trauma-informed and comprehensive service assessment immediately.[33]

Minnesota's service response has had the benefit of being survivor-informed for the past decade. With the leadership of Breaking Free Minnesota, survivors of sex trafficking took a leadership role in bringing the right people to the table to ensure that the protective system response in Minnesota would be innovative and responsive to the unique needs of juvenile sex trafficking victims.

> "I was really persistent. I would hear the stories of women, along with my own story of things that would happen in the life, and I kept making calls. I called the chief of police, I called the county attorneys, office, I kept calling all the different systems and saying you have to listen to this. This is what's happening out there. We have to find some way from stopping women and girls from being bought and sold and then holding them up as criminals. And I finally got the ear of somebody."
>
> — **VEDNITA CARTER**, EXECUTIVE DIRECTOR OF BREAKING FREE, MN, JUST RESPONSE CONGRESSIONAL BRIEFING, 2014

30 "DHS funds network of services for sexually exploited youth." *Minnesota Department of Human Services*. January 27, 2014. http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=dhs16_181839. Accessed on February 25, 2015Minnesota Department of Health http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=dhs16_181839

31 Minnesota Department of Public Safety Office of Justice Programs. *No Wrong Door: A Comprehensive Approach to Safe Harbor for Minnesota's Sexually Exploited Youth*. 2013. https://dps.mn.gov/divisions/ojp/forms-documents/Documents/!2012%20Safe%20Harbor%20Report%20%28FINAL%29.pdf. Accessed on February 24, 2015.

32 Shared Hope International and Casey Family Programs. *Traffic Stop*. 2014, pg. 10. http://sharedhope.org/wp-content/uploads/2014/08/Traffic-Stop-FINAL.pdf. Accessed February 24, 2015.

33 Remarks by Vednita Carter, Executive Director, Breaking Free. JuST Response Congressional Briefing, Mapping State Responses to Sex Trafficked Youth (Washington, D.C.: November 6, 2014). Transcript on file with authors. Video available at http://sharedhope.org/what-we-do/bring-justice/just-response/. Remarks, Vednita Carter

Tennessee

In 2011, Tennessee became one of the earliest states to align its prostitution law with its child sex trafficking law by making minors immune from prosecution for prostitution.[34] Since the 2011 amendments to Tennessee's prostitution law did not direct minors who are now immune into an alternative system or a specialized response for access to services, the state's protective response has relied heavily on non-profit service providers and engaged law enforcement officers to build an informal process for connecting sex trafficked youth with services. While early enactment of immunity in Tennessee created a sense of urgency to establish this informal process and address the gaps in the statutory framework, stakeholders have been convening to identify a statutory process that will help solidify Tennessee's protections for juvenile sex trafficking victims and promote greater consistency in statewide implementation.

Tennessee's success in enacting immunity for minors hinged on the support of law enforcement who recognized the need to address the conflict in the laws in order to start viewing sex trafficked youth as victims.

Under Tennessee's prostitution statute a law enforcement officer who encounters a minor suspected of engaging in, or attempting to engage in prostitution must make a report of a suspected human trafficking offense and the law enforcement officer must give the minor the National Human Trafficking Hotline number.[35]

Beyond these steps, there is no statutory mechanism to connect youth with services. Other than a brief period of detention for investigative purposes, law enforcement cannot hold the juvenile sex trafficking victim or deliver the youth to a state agency or service organization. Requiring law enforcement to provide commercially sexually exploited youth with the National Human Trafficking Hotline places the burden on the victim to seek a referral to services through the hotline. However, law enforcement indicates that juvenile

> The biggest emergency in our state was to decriminalize. The conflict that existed within the state law that said these kids are victims and then another part of the law said they are criminals—we said that is just too confusing, so we proceeded quickly with decriminalization.
>
> — **MARGIE QUIN,** ASSISTANT SPECIAL AGENT IN CHARGE, TENNESSEE BUREAU OF INVESTIGATION, JUST RESPONSE CONGRESSIONAL BRIEFING, 2014

> The objection that we get from prosecutors that we are removing a tool for them, that comes at too high a cost. The cost is that you are making the child afraid of people who can help them. It galvanizes a distrust of law enforcement and social services in the mind of that child, and it's just not worth it in the long run.
>
> — **RYAN DALTON,** POLICY COUNCIL, SHARED HOPE INTERNATIONAL JUST RESPONSE CONGRESSIONAL BRIEFING, 2014

34 Tennessee Senate Bill 64 during the 107th General Assembly. 2012 Tenn. Public Acts 377 (effective date June 01, 2011)
35 Tenn. Code Ann. § 39-13-513(d).

victims are much more likely to return to their exploiter than they are to call the human trafficking hotline.[36] Additionally, since Tennessee has its own human trafficking hotline number which was developed as an information clearinghouse to enable referrals of victims to specialized services within the state,[37] the inconsistency between law and practice in the state complicates the process of connecting victims with services through a hotline referral.

Since any person, including law enforcement, "who knows or has reasonable cause to suspect that a child has been sexually abused" must report child sexual abuse to the Department of Children's Services (DCS),[38] and the definition of sexual abuse under Tennessee law includes commercial sexual exploitation,[39] some juvenile victims may access services through DCS as result of a mandatory report. However, DCS's ability to serve children who are exploited by a non-family member is limited by the statutory definition of caregiver which appears to be too narrow to allow child welfare to provide services to juvenile victims who are trafficked by a non-family member.[40] Without a clear statutory mandate that child welfare provide services to this population, most cases are unlikely to be identified as falling within the jurisdiction of DCS and a large portion of juvenile victims may be prevented from accessing services through child welfare despite mandatory reports to DCS. This disconnect in access to services is also related to the incongruity between the traditional role of DCS in responding to child abuse and the ways that commercially sexually exploited youth come to the attention of child welfare.

Consequently, the service response available to sex trafficked youth in Tennessee has been largely accomplished through informal agency protocols that rely on close cooperation between the Tennessee Bureau of Investigation and service providers currently serving juvenile sex trafficking victims in Tennessee.[41] One of the reasons that Tennessee's laws have not directed minors to the Department of Children's Services has been due to the statutory and practice-based gaps in the services DCS has been providing to juvenile sex trafficking victims.[42] However, in 2012 Tennessee enacted Public Chapter No. 963 (Senate Bill 2370) which mandated that the Department of Human Services, in consultation with five other state agencies including the Department of Children's Services,[43] develop a plan for serving juvenile sex trafficking victims. The six primary goals set out in Public Chapter 963 included provisions to identify victims, identify community-based services, assist victims through provision of information about available services, coordinate delivery of a range of services, provide training to promote greater awareness of human trafficking, and assist with family reunification. The plan also requires that the Department of Human Services provide a timeline for implementing the plan and estimated costs of implementing the plan.

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36 JuST Response Congressional Briefing, Mapping State Responses to Sex Trafficked Youth (Washington, D.C.: November 6, 2014). Transcript on file with authors. Video available at http://sharedhope.org/what-we-do/bring-justice/just-response/.

37 Tennessee House Bill 172 during the 107th General Assembly. 2012 Tenn. Public Acts 435 (effective date Oct. 01, 2011). Tenn. Code Ann. § 39-13-313.

38 Tenn. Code Ann. § 37-1-403(a)(3).

39 Tenn. Code Ann. § 37-1-102(b)(23)(C).

40 Tenn. Code Ann. § 37-1-102(b)(7).

41 Remarks by Margie Quinn, Assistant Special Agent, Tennessee Bureau of Investigation. JuST Response Congressional Briefing, Mapping State Responses to Sex Trafficked Youth (Washington, D.C.: November 6, 2014). Transcript on file with authors. Video available at http://sharedhope.org/what-we-do/bring-justice/just-response/.

42 JuST Response Congressional Briefing, Mapping State Responses to Sex Trafficked Youth (Washington, D.C.: November 6, 2014). Transcript on file with authors. Video available at http://sharedhope.org/what-we-do/bring-justice/just-response/.

43 The other four agencies directed to participate in development of the plan were the Department of Health, Department of Intellectual and Developmental Disabilities, Department of Mental Health and the Tennessee Bureau of Investigation.

When submitting the plan to the Legislature as required by Public Chapter 963, the Department of Human Services did not lay out a proposed timeline or estimate costs of implementation but instead recommended that the plan "be submitted to the Governor's Public Safety Subcabinet to continue plan development. This will be useful in determining the fiscal and programmatic needs of a long term strategy."[44] Nevertheless, the plan developed by the task force proposes a robust response mechanism with DCS as the primary point of contact to receive reports of abuse and make regional service referrals through a coordinated service delivery plan based on strategic public-private partnerships with non-governmental organizations (NGOs). Since the plan relies on NGOs for service delivery and case management, the plan acknowledges the need for DCS to contract with NGOs in each region that will be providing case management and coordinating service delivery, however the plan does not identify sources for providing dedicated resources that would enable the NGOs to fulfill this role.

Specifically, the plan proposes a reporting system for juvenile sex trafficking victims that operates as follows: upon receiving the child sex trafficking case from the Tennessee Bureau of Investigations (TBI), Child Protective Services (a division of DCS) will involve the Child Protective Investigative Team (CPIT), and the DCS Central Victim Services Coordinator (CVSC). The CVSC will contact and assign the appropriate Regional Victim Services Coordinator (RVSC). The RVSC will contact the NGO. The NGO will assign a worker to the case to collaborate with the RVSC. The RVSC and NGO will form the Child Victim Services Coordination Team (CVSCT), designed to manage, coordinate and address all of the victims' service needs. The CVSCT will maintain communications with the CPIT regarding assessment, placement and case review. As the lead, the NGO caseworker will provide case management and coordinate all services and benefits.

Two components of the plan that are key to establishing a consistent response for all juvenile sex trafficking victims are (1) a single-point-of-contact for reporting a juvenile sex trafficking victim and (2) mandated collaboration between NGO case managers and the RVSC which would "serve as the official DCS case manager for all child sex trafficking victims."[45] By directing all of the reports

> Derri has taught us that that single point of contact is critically important. These are kids that have been passed and passed and passed and passed along their entire lives. So that one point of contact becomes crucial I think for their ultimate recovery within the process.
>
> **— MARGIE QUIN,** ASSISTANT SPECIAL AGENT IN CHARGE, TENNESSEE BUREAU OF INVESTIGATION, JUST RESPONSE CONGRESSIONAL BRIEFING, 2014

44 See the letter to the chairs of the Senate and House Judiciary Committees of the Tennessee Legislature in *Human Trafficking Services Coordination and Service Delivery Plan*, 2013. Tennessee Department of Human Services, 2013. http://www.tn.gov/humanserv/pubs/TDHS-2013-HT-Plan.pdf. Accessed February 25, 2014.

45 Id., pg. page17.

through a single agency that links juvenile victims with regionally-based services, the plan enables a consistent statewide response (assuming regional resource gaps are addressed in the ongoing plan development), and by mandating collaboration between DCS and NGOs, service plans can be discussed and coordinated to avoid conflicts.

Public Chapter 963 required that the initial plan be developed by the Department of Human Services in coordination with specified state agencies, but "[t]o ensure inclusiveness and adequate representation of statewide stakeholders, a working group was created, consisting of eighty plus partners from various sectors: survivors, provider agencies, non-governmental organizations, law enforcement, faith-based communities, various ethnic communities, national organizations, etc. Additionally, a separate Survivor Advisory Council (SAC) and National Advisory Council (NAC) were established for the substantiation of contents within the plan." Another component of the plan is a Human Trafficking Collaboration and Coordination Committee (HTCC) with a broad range of duties including, "ensuring all departments develop a state plan for their provider agencies to identify and serve victims of human trafficking[,] . . . developing a criteria for appointing NGOs to provide case management and to coordinate services and benefits for trafficking victims [and] . . . exploring funding options for trafficking victims' programs and services." The HTCC follows the working group's example by requiring broad stakeholder collaboration[46] to assess gaps and propose solutions as well as study available data to inform the process of implementing a coordinated service delivery plan.

Implementation of the plan is pending, but efforts to generate solutions are ongoing. In 2013, the Tennessee legislature enacted Public Chapter 464 (Senate Bill 1036), requiring the governor to "establish a human trafficking task force to develop and implement a state plan for the prevention of human trafficking." Public Chapter 464 calls for a broad range of stakeholders to serve on the task force, many of whom were involved in development of the service delivery plan, including state and local law enforcement entities, state agencies including DCS and DHR, and NGOs that serve trafficking victims. One of the deliverables for the task force is "recommendations regarding a system to coordinate services for victims of human trafficking," enabling the task force to propose specific steps toward implementing some or all of the components of the proposed coordinated service delivery plan.

As development and implementation of a coordinated service plan continues, juvenile sex trafficking victims may be able to access specialized services in Tennessee through non-profit organizations, but resource gaps and the lack of a clear referral mechanism remain a challenge for service providers and the agencies that seek to refer victims. On the other hand, collaboration between Tennessee's task force members—particularly with regard to committed engagement by law enforcement—reflects a key strength of Tennessee's approach to building its protective

46 Id., pg. 12-13. ("Members of the HTCC should consist of the Department of Children's Services, Department of Human Services, Department of Health, Department of Intellectual and Developmental Disabilities, Mental Health and Substance Abuse Services, Tennessee Bureau of Investigation, Department of Education, Department of Transportation, Office of the Attorney General and Reporter, Department of Labor and Workforce Development; Tennessee Association of Chiefs of Police, Tennessee Sheriffs' Association, Department of Safety, District Attorneys General Conference, District Public Defenders Conference, a non-governmental organization specializing in human trafficking, a community member or group disproportionately affected by human trafficking, an academic researcher specializing in human trafficking, a survivor or victim of human trafficking, a provider, and a faith-based organization. Representation will come from the infrastructure that currently exists in state government, allowing this initiative to be fully integrated into each department's service delivery and fiscal accountability system. This committee will leverage the resources of current state agencies, thereby increasing ownership of all partners.")

response for juvenile sex trafficking victims. Similarly, a key feature of Tennessee's task force is its inclusiveness bringing together a broad range of stakeholders and agencies to work through the challenging questions related to serving this victim population. While an informal process has grown out of the need to refer victims who are immune under the law to specialized services and residential placements, resource gaps can lead to inconsistent responses. As stakeholders move toward a codified response, the ongoing collaboration between law enforcement and service providers is fundamental to ensuring that Tennessee makes its best efforts under existing law to meet the needs of juvenile victims.

Immunity With Referral To Alternative System/Specialized Response

Illinois

Illinois has a robust history of advocacy around protective system responses that shift focus away from criminalizing sexually exploited people to those who exploit and abuse them. In 2010, the Illinois Safe Children Act[47] (ISCA) was enacted, making Illinois the first state to provide immunity from prostitution charges for minors while mandating a service response through child welfare, recognizing that commercially sexually exploited children are victims of child abuse.[48] Organizations such as the International Organization for Adolescents (IOFA), CAASE, Salvation Army Stop It and Promise Programs, along with the Cook County Sherriff's Office and many others have been instrumental in both passing protective provisions and in creating and implementing protocols to help direct youth to an appropriate service response. Once the new law established mandatory referrals to child welfare, the Illinois Department of Children and Family Services (DCFS) made significant administrative changes in partnership with several NGOs and the local taskforces to implement a human trafficking specific response.[49]

By establishing immunity for juvenile sex trafficking victims and mandating that law enforcement report minors who have been commercially sexually exploited to child welfare, Illinois recognized early on the need to do more than decriminalize and looked to the most logical existing system to serve sexually exploited youth—child welfare. Beyond the requirement under the prostitution law that law enforcement officers who encounter a child believed to be commercially sexually exploited make a report of abuse to DCFS, law enforcement are mandatory reporters[50] and must report any suspected child abuse which the Illinois Safe Children Act defined to include sex trafficking of a child and allowing, encouraging or requiring a child to engage in prostitution. When suspected abuse is reported to DCFS, an investigation must be opened within 24 hours of the initial report.[51] Since Illinois law defines a "person responsible for the child's welfare" broadly to include "any other person responsible for the child's welfare at the time of the alleged abuse or neglect," DCFS should be able to intervene and provide services even when a minor is exploited

47 Enacted House Bill 6462, Public Act 096-1464 (effective Aug. 20, 2010)
48 720 Ill. Comp. Stat. Ann. 5/11-14(d).
49 Calica, Richard H. "Policy Guide 2013.05 Allegation of Harm #40/90 Human Trafficking of Children." Illinois Department of Children and Family Services, August 27, 2013. http://www.illinois.gov/dcfs/aboutus/notices/Documents/policy_guide_2013.05.pdf. Accessed February 25, 2015.
50 325 Ill. Comp. Stat. Ann. 5/4 (Persons required to report; privileged communications; transmitting false report)
51 The Institute of Medicine and National Research Council. *Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States*, 2013.

by a non-family member.[52] However, even with this expanded definition, a commercially sexually exploited child would have to admit to having a trafficker who falls within the role of caretaker in order to receive services.

Illinois' law does not, however, take the additional step of requiring that child welfare provide specialized services when juvenile sex trafficking victims are referred to DCFS for care and does not address the need for funded specialized housing services that are uniquely suited to addressing the comprehensive needs of juvenile sex trafficking victims. Consequently, these implementation challenges must be addressed through agency regulations and informal protocols. To address these gaps the Illinois Department of Children and Family Services partnered with IOFA on a research and training initiative that resulted in the 2011 report Building a Child Welfare Response to Child Sex Trafficking. Based on findings and recommendations from this report, DCFS partnered with IOFA on a collaboration called the ChildRight project.[53]

One of the first identified needs in the report was a specific classification for human trafficking within CPS investigations and databasing within the state's Statewide Automated Child Welfare Information System (SACWIS). Without appropriately defining sex trafficking as a form of abuse within intake forms, child abuse investigators were limited in their response.[54] In 2013, the Department of Children and Family Services amended its Rules and Procedures to mirror the statutory definitions as well as to add two new human trafficking allegations within intake and databasing codes.[55] To assign these codes DCFS policy clearly states that an investigator must identify that a parent or caretaker was responsible for the trafficking situation or was neglectful and allowed it to happen for the allegation to be determined child abuse.[56] While Illinois' definition of "other person responsible for the child's welfare" is broad enough to include non-familial traffickers, children who have an identified trafficker should receive services through child welfare. However, it is unclear whether a trafficked child who does not have an identified trafficker would be able to receive services through DCFS.[57] In addition, the law may not reach youth who self-identify and are not system involved.[58]

Another outcome of the ChildRight project was the creation of a funded human trafficking coordinator position within DCFS. The project also seeks to create a standardized identification tool for child trafficking victims.[59] As a result of these efforts, online training specific to human trafficking

52 "State Law Survey: Factors Affecting Child Protective Services Involvement in Commercial Sexual Exploitation of Minors Cases." *Sharedhope.org*. Shared Hope International, 2014. http://sharedhope.org/wp-content/uploads/2014/11/State-Law-Survey-2014-Likelihood-of-CPS-Involvement-Shared-Hope-International.pdf. Accessed on February 25, 2015.

53 To learn more, visit http://iofa.org/our-work/our-projects/childright-illinois-2010-2012.

54 Loyola's Center for Human Rights for Children and International Organization for Adolescents. B*uilding Child Welfare Response to Child Trafficking*. Chicago, IL, 2011, pg. 101-103, 113, 114. http://www.luc.edu/media/lucedu/chrc/pdfs/BCWRHandbook2011.pdf. Accessed February 25, 2015. http://www.luc.edu/media/lucedu/chrc/pdfs/BCWRHandbook2011.pdf

55 End Demand Illinois. *Proposal: a Statewide System of Specialized Services for Survivors of Prostitution and Sex Trafficking*. Chicago, IL: CAASE, 2012. http://media.virbcdn.com/files/95/FileItem-262710-FINALProposalforSpev cializedServicesMay2012.pdf. Accessed February 25, 2015. End Demand Illinois Report

56 Calica, Richard H. "Policy Guide 2013.05 Allegation of Harm #40/90 Human Trafficking of Children." Illinois Department of Children and Family Services, August 27, 2013. http://www.illinois.gov/dcfs/aboutus/notices/Documents/policy_guide_2013.05.pdf. Accessed February 25, 2015.

57 Falen, Sharon L. " A Critical Analysis of the Collaboration of Child Welfare Professionals and the Response to Commercial Sex Trafficked Children in Illinois." Praxis 13 (2014): 24-35. http://www.luc.edu/media/lucedu/socialwork/pdfs/Praxis%20Volume%2013%20FINAL_2.pdf. Accessed February 25, 2015.

58 Id.

59 "ChildRight Illinois (2008-2012)." *IOFA*. http://iofa.org/our-work/our-projects/childright-illinois-2010-2012. Accessed February 25, 2015. http://www.iofa.org/index.php?option=com_content&view=article&id=154&Itemid=128

is mandated for DCFS caseworkers and CPS investigators, however the training program is underfunded and understaffed leaving in-person and consistent statewide training lacking.[60]

In 2010 the Cook County Human Trafficking Taskforce received a grant from the U.S. Department of Justice's Bureau of Justice Assistance and Office for Victims of Crime for the "Enhanced Collaborative Model to Combat Human Trafficking." The Cook County State Attorney's Office, several NGO entities along with the U.S. Attorney's Office of the Northern District of Illinois make up the "core team" of the taskforce. The core team is guided by several principals including a victim-centered approach.[61] The task force also includes a steering committee comprised of nearly 25 agencies and organizations and includes a subcommittee specifically on victim oversees the Coordinated Services Referral Network (CSRN). The CSRN serves as "a membership-based network of services providers and others who are either currently providing legal and social services to victims of trafficking or would like to provide services to victims of trafficking within their agency." Membership in the CSRN requires a certification of human trafficking training.[62] The Cook County Human Trafficking guidance document provides[63]:

> CSRN ensures that: 1) there is no overdependence on one single in-house service provider for client needs; 2) there is one point of contact that will oversee the coordination of services provided; 3)the classification of service 'pathways' for victims of trafficking will streamline the referral process; 4) consistent training will ensure trauma-informed care; 5) there is a shared evaluation process from multiple agencies, which allows for better data collection and improvement of services for victims of human trafficking.

The policies and procedures also include guidelines for government agencies to identify juvenile victims through established red flags indicators and to coordinate services in collaboration with the court, the task force's clinical division, and community partners. Efforts have been made to replicate the task force model throughout the state, but resources and lack of trauma-informed training has provided a barrier to create similar protocols statewide.

While implementation and state agency protocol continue to develop in Illinois, one of the most pressing needs continues to be housing and services for trafficked youth. In 2012, CAASE's End Demand Illinois Campaign released its Proposal for a Statewide System of Specialized Services for Survivors of Prostitution and Sex Trafficking to propose solutions for addressing Illinois' lack of specialized services for victims of commercial sexual exploitation, including funding sources

60 Falen, Sharon L. " A Critical Analysis of the Collaboration of Child Welfare Professionals and the Response to Commercial Sex Trafficked Children in Illinois." Praxis 13 (2014): 24-35. http://www.luc.edu/media/lucedu/socialwork/pdfs/Praxis%20Volume%2013%20FINAL_2.pdf. Accessed February 25, 2015.

61 The Salvation Army Stop-It program is responsible for providing services to identified victims while both the Salvation Army Stop-It Program and IOFA work to develop a coordinated service delivery system and network. In addition, the Salvation Army Stop-It program will provide trainings to key stake holders on victim identification and all core team members are committed to gather data.

62 Id.

63 YWCA Metro Chicago/RISE Children Center, the Legal Aid Society of Metro Famiy Services and the Center of Halsted, which provides services specifically for LGBTQ individuals, are also included in the members along with the Salvation-Army Stop-It program to provide direct services either specifically or including to domestic juvenile sex trafficking victims.

for services.[64] In 2014, some of the proposed solutions were enacted into law under Senate Bill 3558[65] which established The Specialized Services for Survivors of Human Trafficking Fund housed at the Illinois Department of Human Services. The new fund will be used "to make grants to nongovernmental organizations to provide specialized, trauma-informed services specifically designed to address the priority service needs associated with prostitution and human trafficking." To determine allocation priorities, the act requires consultation with prostitution and trafficking survivors and service providers within the community to help identify the greatest needs and appropriate fund distribution. Fifty percent of fines imposed against traffickers, buyers and facilitators of prostitution and sex trafficking will go towards the fund, along with a percentage of impoundment fees and asset forfeiture. This fund further supports the work of area service providers who have been able to obtain federal grants along with private fundraising.[66]

Illinois' law established a solid foundation for building a protective response by looking beyond decriminalization to the need to provide access to funded services and the model established by Illinois has been followed by several states.[67] Continued collaboration among state agencies, especially in Cook County is strengthening state agency responses and efforts are being made to expand the array of services which is currently acknowledged as one of the state's greatest needs.

Kentucky

Kentucky's Human Trafficking Victims' Rights Act (HTVRA) enacted in 2013[68] as House Bill 3 builds on Illinois' model by incorporating key provisions that make it one of the most comprehensive protective system response laws in the country. Kentucky's statutory framework is uniquely comprehensive because it provides mechanisms for juvenile sex trafficking victims to access needed services whether they are initially directed into the child welfare system or later identified in the juvenile justice system. While the law is designed to initially direct all commercially sexually exploited minors into the child welfare system without a delinquency or status offense charge, the Department of Juvenile Justice also has a statutory route to direct identified victims of trafficking into services through the Cabinet for Health and Family Services (Cabinet), acknowledging the broad range of offenses that juvenile sex trafficking victims may commit in connection with their trafficking victimization.

The core of Kentucky's statutory framework is immunity for minors from prostitution-related charges as well as status offenses that are committed as a result of being a human trafficking

64 End Demand Illinois. *Proposal: a Statewide System of Specialized Services for Survivors of Prostitution and Sex Trafficking.* Chicago, IL: CAASE, 2012. http://media.virbcdn.com/files/95/FileItem-262710-FINALProposalforSpecializedServicesMay2012.pdf. Accessed February 25, 2015. See also Cook County Human Trafficking Taskforce

65 Public Act 98-1013 (effective Jan. 1, 2015)

66 End Demand Illinois. ", PA 98-1013: Funding Specialized Services for Survivors of Human Trafficking– Summary." CAASE. 2014. http://media.virbcdn.com/files/f7/6ea26df7378b1945-ILSB3558BillSummaryFINAL.pdf. Accessed February 25, 2015. http://media.virbcdn.com/files/f7/6ea26df7378b1945-ILSB3558BillSummaryFINAL.pdf

67 There are currently 9 states that require or authorize law enforcement to deliver or report a minor suspected of prostitution-related charges to child welfare rather than pressing charges. Of these states, 7 make minors immune and 2 authorize or require law enforcement to deliver the minor victim to child welfare without making minors immune. See State Law Survey Chart: Protective Systems Response on page 76 and the Protective System Responses Timeline on page 8.

68 Acts 2013, Chapter 25 (effective June 25, 2013)

victim.[69] To ensure access to services, law enforcement may take a minor suspected of having been commercially sexually exploited into temporary protective custody and must immediately make a report of abuse to the Cabinet.[70] The Cabinet in turn must commence an investigation of dependency, neglect or abuse.[71] If the minor victim is charged with committing a public offense,[72] that victim is not prevented from accessing needed services. Any child identified as victim of trafficking must be reported to the Cabinet, whether or not law enforcement decide to charge for another offense. Additionally, when a juvenile sex trafficking victim is identified in the delinquency process, the law provides for a petition to be filed with the court seeking to release the child from the Department of Juvenile Justice (DJJ) custody and refer the juvenile victim to the Cabinet for services.[73]

Consequently, since the legislation envisions all commercially sexually exploited youth being directed to the Cabinet for services, HB 3 also took steps to ensure that the Cabinet was not statutorily restricted from providing services to this population. By amending the Kentucky Unified Juvenile Code to provide that the Cabinet is mandated to serve not only children who have been abused or neglected by a caregiver, but also child trafficking victims regardless of whether the child trafficking victim was exploited by a caregiver, Kentucky's statutory framework addresses a common barrier to effectively serving juvenile sex trafficking victims through child welfare.[74] In addition, juvenile sex trafficking victims who have been committed to the custody of the DJJ receive services through DJJ only if custody cannot be transferred of the Department of Community Based Services (DCBS)[75] because the child is deemed to pose a threat to public safety.

House Bill 3 provides that, "the department [of Juvenile Justice] shall promulgate administrative regulations for the treatment of child victims of human trafficking who are committed to or in the custody of the department and pose a threat to public safety but do not qualify to be in the custody of the Cabinet for Health and Family Services," and requires that the regulations address "screening, assessment, placement, treatment, and services . . . training of staff, and collaboration with service providers."

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69 Pursuant to Ky. Rev. Stat. Ann. § 529.120(1) (Treatment of minor suspected of prostitution offense), ". . . . if it is determined after a reasonable period of custody for investigative purposes, that the person suspected of prostitution or loitering for prostitution is under the age of eighteen (18), then the minor shall not be prosecuted for an offense under KRS 529.020 [Prostitution] or 529.080 [Loitering for prostitution purposes]." Pursuant to Ky. Rev. Stat. Ann. § 630.125 (Child not to be charged with or found guilty of status offense related to human trafficking), "If reasonable cause exists to believe the child is a victim of human trafficking, as defined in KRS 529.010, the child shall not be charged with or adjudicated guilty of a status offense related to conduct arising from the human trafficking of the child unless it is determined at a later time that the child was not a victim of human trafficking at the time of the offense."

70 Ky. Rev. Stat. Ann. § 529.120(2) (Treatment of minor suspected of prostitution offense).

71 Ky. Rev. Stat. Ann. § 529.120(3).

72 Public offense is the term used in Kentucky to refer to a delinquency offense as distinguished from a status offense.

73 Ky. Rev. Stat. Ann. § 15A.068(1) (Duties of department if child may be victim of human trafficking -- Administrative regulations.) provides, "If, during the course of screening, assessing, or providing services to a child committed to or in the custody of the department, there is reasonable cause to believe that the child is a victim of human trafficking as defined in KRS 529.010, the department shall: (a) File a report with the Cabinet for Health and Family Services pursuant to KRS 620.030; (b) Notify the child's attorney that the child may be a victim of human trafficking; and (c) If the child does not pose a threat to public safety, petition the court to transfer custody from the department to the Cabinet for Health and Family Services."

74 Pursuant to Ky. Rev. Stat. Ann. § 620.029(1)(c) (Duties of cabinet relating to children who are victims of human trafficking), ". . . . the cabinet shall . . . Proceed in the case in accordance with applicable statutes governing cases involving dependency, neglect, or abuse regardless of whether the person believed to have caused the human trafficking of the child is a parent, guardian, or person exercising custodial control or supervision." See also, Survey Chart: Likelihood of Child Protective Services Intervention.

75 The Department for Community Based Services is formed under the Cabinet for Children and Family Services and is responsible for providing child protective services in Kentucky.

Anticipating the need to ensure that impacted agencies are prepared to implement the new statutory framework, a key component of House Bill 3 was required training for law enforcement, the Cabinet, Commonwealth's attorneys, county attorneys and victim advocates. DCBS has been strategic in collaborating with non-profit organizations that have the experience and expertise to help meet these statutory training requirements. To help implement a protocol for youth referred to the Cabinet, the DCBS, the department of the Cabinet responsible for responding to juvenile sex trafficking victim referrals has partnered with community based service providers including Kentucky Association of Sexual Assault Programs (KASAP) and Catholic Charities , and other state and national experts to train their staff in how to identify and respond to this population.[76] KASAP and Catholic Charities have further worked in partnership with DCBS to develop protocol within the department including the development of standards of care and a related guide for frontline service providers and their management. In addition DCBS Child Protection Branch, Out of Home Care Training Branch, and Policy Analysts meet monthly with KASAP and Catholic Charities to "ensure that trafficking victims are receiving trauma informed care," and HB 3 mandated dedicated staff within the Cabinet to specifically work with the juvenile trafficking victim population.[77] In addition, research being conducted by Morehead State University that involves interviewing juveniles in the custody of the Department of Juvenile Justice to determine whether they have been commercially sexually exploited[78] will be another key resource in informing Kentucky's ongoing implementation of its protective response framework.

A required annual DCBS report[79] to the Legislature on implementation of Kentucky's new statutory framework reveals a possible service gap Kentucky may be facing between its mandatory report to the Cabinet and the Department for Community Based Services' (DCBS) process for substantiating cases. In November 2014, the Cabinet reported that it had received reports of 125 alleged child victims of human trafficking. Of those reported victims, DCBS was only "able to confirm or substantiate that human trafficking occurred in 12% of cases," and determined that in "68% of cases, human trafficking could not be confirmed or substantiated."[80] The report states that all reported victims received services during the investigative process. Since only substantiated cases are entitled to receive ongoing services from the Cabinet, failure to substantiate cases raises concerns about consistent access to services for all identified juvenile sex trafficking victims.

76 Cabinet for Health and Family Services' Department of Community Based Services Human Trafficking Report to Legislative Research Commission. November 1, 2014. http://chfs.ky.gov/NR/rdonlyres/26908E11-F99D-41BE-BFB9-4D54C8BD8C46/0/HumanTraffickingReport2014.pdf

77 Pursuant to Enacted House Bill 3 § 1(2)(a), "In order to effectuate the requirements of this section, the cabinet shall . . . [c]onsult with agencies serving victims of human trafficking to promulgate administrative regulations for the treatment of children who are reported to be victims of human trafficking as dependent, neglected, or abused children, including . . . the designation of specific staff, and collaboration with service providers . . . ."

78 Conversation with Marissa Castellanos, Human Trafficking Program Manager, Catholic Charities of Louisville. Pending research has been approved by the Morehead University Institutional Review Board but has not been released, December 9. 2014..

79 Pursuant to Enacted House Bill 3 § 1(2)(b) (2013), "In order to effectuate the requirements of this section, the cabinet shall . . . By November 1 of each year, beginning in 2013, submit to the Legislative Research Commission a comprehensive report detailing the number of reports the cabinet has received regarding child victims of human trafficking, the number of reports in which the cabinet has investigated and determined that a child is the victim of human trafficking, and the number of cases in which services were provided." " Additionally, pursuant to Enacted House Bill 3 § 27 (2013), "By November 1, 2013, the Cabinet for Health and Family Services shall submit to the Legislative Research Commission a comprehensive report on its plan to implement treatment and services for children who are suspected to be victims of human trafficking as well as recommended statutory changes that will improve the cabinet's ability to investigate these cases and provide treatment and services specific to the needs of these children."

80 The remaining 20% of cases were still pending at the time of the report. See Kentucky Cabinet for Health and Family Services.See *Human Trafficking Report to the Legislative Research Commission*. 2014. http://chfs.ky.gov/NR/rdonlyres/26908E11-F99D-41BE-BFB9-4D54C8BD8C46/0/HumanTraffickingReport2014.pdf. Accessed on February 25, 2015.

The reason for such low percentages of substantiated cases of human trafficking is unclear. Since the statutory framework is new, the failure to substantiate cases may be related to incongruity between the enacted laws and the implementing regulations. Kentucky's statutes expressly clarify that a child trafficking victim is an abused child entitled to services through the Cabinet and "victim of human trafficking" is clearly defined to include any minor engaged in commercial sex regardless of the use of force, fraud or coercion. However the regulations that set out the process for substantiating cases do not appear to capture these aspects of the law.[81] With the major shift in agency responses to be implemented under Kentucky's new statutory framework, DCBS' annual reports to the Legislative Research Commission appear to be a critical tool for informing the ongoing process of developing clear implementing regulations to ensure the law is enforced to its full effect and intent.[82]

Kentucky also faces the common challenge of limited resources.[83] An immediate identified need is an emergency residential placement option for initial assessment upon identification. Child advocacy centers are being utilized,[84] but they are unable to provide short-term residential services that may be required to provide an adequate assessment while a long-term service plan is developed by DCBS. The HTVTRA ensures that victims of child sex trafficking must be provided services at child advocacy centers and that cases should be handled by multidisciplinary child sex abuse teams. Once assessed and substantiated as victims of trafficking in need of services, juvenile sex trafficking victims should qualify as "high risk" granting them access to funded residential services. However, there are few specialized service programs available, and not all identified victims may require residential care. If intensive residential services are deemed appropriate, Hope Hill Children's Home has developed juvenile sex trafficking informed services for their residential programs, and has the capacity to provide ongoing foster care services, transitional housing and independent living programs.[85] However, a statewide network representing an array of specialized service options is still lacking. As first responders and child serving agencies become more adept at identifying and responding to juvenile sex trafficking, it will be critical to identify and equip service organizations to provide specialized services.[86] Current areas of exploration to meet this need include the development of specialized foster care similar to models being developed in

81 Pursuant to 922 Ky. Admin. Reg. 1:330, Section 2(1)(d)(2) (Child protective services), "A Report of Child Abuse, Neglect, or Dependency. . . The cabinet shall investigate or accept as a FINSA an anonymous report that provides sufficient information regarding an incident involving a child and alleged . . . Human trafficking of the child." However, under Section 9 which relates to "Substantiation Criteria and Submission of Findings," there does not appear to be specific guidance regarding substantiation of human trafficking cases. While subsection (1) states, "The cabinet shall use the definitions of "abused or neglected child" in KRS 600.020(1) and "dependent child" in KRS 600.020(19) in determining if an allegation is substantiated." These provisions however do not include a definition of human trafficking.

82 Juvenile sex trafficking victims that have not substantiated as human trafficking victims by the Cabinet continue to be served through community-based services or run away and homeless youth shelters. Providers in Kentucky have expressed concerns about these youth being served through these avenues as they may not be equipped with the comprehensive safety and security resources that the young person may require.— Conversation with Marissa Castellano, Human Trafficking Program Manager, Catholic Charities of Louisville, December 9. 2014..

83 Kentucky Citizen Review Panels and Jones, Blake L. *Kentucky Citizen Review Panel for Child Protective Services Annual Report 2014.* Lexington, KY: University of Kentucky College of Social Work, 2014, pg. 13. http://www.uky.edu/SocialWork/crp/states/ky/Kentucky%20Citizen%20Review%20Panel%20for%20Child%20Protective%20Services,%202014.pdf. Accessed on February 25, 2015. ("Due to continual budget cuts, the protection and permanency workforce has shrunk by one-third over the past 15 years while the number of intake calls has increased, and the number of investigations has increased by about 12,000 annually.")

84 According to the Cabinet for Health and Family Services 2013 human trafficking report, CACs were involved in 50% of Cabinet referrals. See Kentucky Cabinet for Health and Family Services. *Human Trafficking Report to the Legislative Research Commission.* Frankfurt, KY: CHFS, 2013. http://chfs.ky.gov/NR/rdonlyres/E5D47613-6922-44C6-8B14-0668374ADD93/0/HumanTraffickingreport11113.pdf. Accessed on February 25, 2015.

85 Conversation with Marissa Castellano, Human Trafficking Program Director, Catholic Charities of Louisville and Chris Peck, CEO, Hope Hill Youth Services, December 9, 2014.

86 "A Colloquium: Building System Capacity to Serve Child Victims of Trafficking." 16th Annual Ending Sexual Assault & Domestic Violence Conference. KASAP, UK Center Kentucky for Research on Violence Against Women, and Key Assets Kentucky. Marriott Griffin Gate Resort & Spa. Lexington, KY. December 8, 2014. Pre-conference event.

Florida.[87] Multiple Kentucky agencies including DCBS Child Protection Branch have received training in implementing the My Life. My Choice. model[88] on conducting a support group for commercially sexually exploited youth.[89] In addition, court designated workers who are directed under the HTVRA to screen for victims of trafficking and have completed over 11,000 screenings of children, have all received training on human trafficking.

Kentucky's comprehensive legislative changes have shifted the role of service providers who work with juvenile sex trafficking victims. Prior to enactment of the HTVRA, private non-profit service organizations such as Catholic Charities were the primary source of trafficking-specific case management services for identified victims. With enactment of the law, juvenile sex trafficking victims are now directed to the Cabinet for services. House Bill 3 requires the Cabinet to treat child victims of human trafficking as high risk. Consequently, the Cabinet must take primary responsibility for these cases rather than simply referring victims to community-based services, although the Cabinet may still refer to community partners for needed services.[90] With its expanded role, the Cabinet must now be equipped to provide intensive, trauma-informed case management for juvenile sex trafficking victims that had been primarily provided by community service providers prior to enactment of HB 3.[91]

> "What is unique about Kentucky is our holistic approach to address child trafficking. Every citizen in Kentucky is now a mandated reporter for suspected child trafficking. Under HTVRA, we made sure that the agencies who most likely might touch a child at-risk for trafficking are mandated to receive training, screen and where appropriate, provide services, including court workers, child protective services and juvenile justice staff. The message is clear: if there is a child under 18 involved in commercial sex, that child is a victim and deserves protection."
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> — **GRETCHEN HUNT**, STAFF ATTORNEY, KENTUCKY ASSOCIATION OF SEXUAL ASSAULT PROGRAMS, CORRESPONDENCE, 2015

Kentucky is in the process of implementing one of the newest and most comprehensive protective response frameworks in the country. While implementation challenges and resource limitations exist, Cabinet-funded services and ongoing collaboration have opened the door in Kentucky to provide a comprehensive service response for juvenile sex trafficking victims and survivors.

87 Id.

88 My Life My Choice provides consulting and curriculums for professionals interacting with and serving juvenile sex trafficking victims. To learn more, see http://www.fightingexploitation.org/professional-training.

89 Kentucky Cabinet for Health and Family Services. *Human Trafficking Report to the Legislative Research Commission*. Frankfurt, KY: CHFS, 2013. http://chfs.ky.gov/NR/rdonlyres/E5D47613-6922-44C6-8B14-0668374ADD93/0/HumanTraffickingreport11113.pdf. Accessed on February 25, 2015.

90 House Bill 3, § 3 amending Kan. Rev. Stat. Ann. § 620.040(1)(b) ("A report of sexual abuse or human trafficking of a child shall be considered high risk and shall not be referred to any other community agency.").

91 For example, House Bill 3 mandated identification of staff within the Cabinet to specifically work with the juvenile trafficking victim population. See supra note 6.

Law Enforcement Referral To A Protective System Response Without Immunity

Florida

Florida's history in implementing, assessing,[92] and strengthening its protective system response laws provides a narrative that can greatly inform other states. A key to Florida's success in passing and implementing laws was prioritizing collaboration, listening to and engaging stakeholders who would be directly impacted by the new mandates.[93]

In 2012 Florida enacted House Bill 99, the "Florida Safe Harbor Act," (2012 Act),[94] which enabled, but did not mandate, law enforcement to take juvenile sex trafficking victims into temporary protective custody as dependent and deliver them to the Department of Children and Families (DCF) in lieu of arrest and delinquency charges.[95] To accomplish this shift, the 2012 Act defined sexual abuse for purposes of finding a child dependent to include a child who has engaged in prostitution or other commercial sexual activity, as long as the child had not been arrested or charged with a prostitution offense.[96] The 2012 Act also clarified that sexually exploited children are entitled to specialized services through DCF[97] and required that DCF assess a sexually exploited child for placement in a safe house—a housing alternative established by the 2012 Act to specifically serve juvenile sex trafficking victims.[98] Together these changes established a mechanism for directing juvenile sex trafficking victims away from the delinquency process and into services through child welfare.

A statewide human trafficking taskforce mandated by SB 269 in 2009[99] combined with human trafficking research and a strategic plan to combat human trafficking developed by Florida State University Center for the Advancement of Human Rights (CAHR) were catalysts for the

92 To monitor and evaluate outcomes the Florida Department of Children and Families is required to submit a report on human trafficking each fiscal year. This report provides information as required in Fla. Stat. Ann. § 39.524(3), including the number of victims referred to DCF and how many victims were referred to a safe home or specialized fostercare program and denied treatment. See F*lorida Department of Children and Families Annual Human Trafficking Report*, 2013-14 Federal Fiscal Year. 2014. http://www.dcf.state.fl.us/programs/childwelfare/docs/2014LMRs/2013-14HumanTraffickingAnnualReport.pdf. Accessed on February 25, 2015.

93 Remarks by Courtney McCowen Williams, Anti-trafficking Coordinator, Florida Department of Juvenile Justice. JuST Response Congressional Briefing, Mapping State Responses to Sex Trafficked Youth (Washington, D.C.: November 6, 2014). Transcript on file with authors. Video available at http://sharedhope.org/what-we-do/bring-justice/just-response/.

94 Chapter No. 2012-105 (effective Jan. 1, 2013)

95 The determination of whether to treat the child as dependent or charge with a delinquent act for engaging in prostitution rests in the discretion of the responding officer. See Fla. Stat. Ann. § 39.401 (Taking a child alleged to be dependent into custody; law enforcement officers and authorized agents of the department).

96 Fla. Stat. Ann. § 39.01(67)(g) (Definitions).

97 Fla. Stat. Ann. § 39.001(4) (Purposes and intent; personnel standards and screening).

98 Fla. Stat. Ann. § 39.524(1) (Safe-harbor placement) (2013) (". . . a dependent child 6 years of age or older who has been found to be a victim of sexual exploitation as defined in s. 39.01(67)(g) must be assessed for placement in a safe house. . . .").

99 Florida Department of Children and Families and Florida Department of Law Enforcement. *Statewide Human Trafficking Implementation Report*. 2011. http://www.dcf.state.fl.us/programs/humantrafficking/docs/2011ImplementationPlan.pdf. Accessed on February 25, 2015.

development and enactment of the 2012 Act.[100] The task force recommended in the CAHR strategic plan[101] brought key players and agency officials to the table during policy review and recommendations.[102] Pursuant to the task force report, an "Ad Hoc Committee on Domestic Minor Sex Trafficking ... was [created] to specifically identify a system of services for minor sex trafficking victims and identify what legislation may be required to implement those services."[103] The collaboration of the task force members positioned Florida to receive a federal grant for services for both domestic and foreign-born human trafficking victims.[104]

With the enactment of the 2012 Act, commercial sexual exploitation became a form of abuse that law enforcement must report to DCF[105] and to implement this change, DCF issued regulations enabling the agency to code both sex and labor trafficking as child abuse regardless of the perpetrator,[106] triggering assessment and specialized services. The ideal implementation of the laws in Florida involve a prompt call by law enforcement, the Department of Juvenile Justice or a community member to the Florida child abuse hotline which then initiates a child abuse investigation and service referrals depending on what the juvenile victim needs at the time.[107] In those areas with the most successful response, law enforcement, DCF and service providers have strong joint response protocols.

Despite strong support for establishing a protective response law in Florida, the Florida Safe Harbor Act has not been without controversy. Some advocates assert that the lack of secure placement options for safe assessments of youth identified as having been trafficked deprives law enforcement of an immediate safe alternative to detention, resulting in inappropriate placements in ill-equipped group homes, or law enforcement deferring to the Baker Act[108] to hold a person under a potentially inappropriate mental health hold.[109] On the other hand, secure placements raise debate over whether it is appropriate to place a young person in extended involuntary lock down services without a traditional mental health hold. Proposed legislation that would have allowed a sexually exploited child to be held in a secure setting based solely on the young person's likelihood to return to an exploitative situation or run from services triggered a highly visible media

100 Remarks by Courtney McCowen Williams, Anti-trafficking Coordinator, Florida Department of Juvenile Justice. JuST Response Congressional Briefing, Mapping State Responses to Sex Trafficked Youth (Washington, D.C.: November 6, 2014). Transcript on file with authors. Video available at http://sharedhope.org/what-we-do/bring-justice/just-response/.

101 Florida Department of Children and Families and Florida Department of Law Enforcement. *Statewide Human Trafficking Implementation Report.* 2011. http://www.dcf.state.fl.us/programs/humantrafficking/docs/2011ImplementationPlan.pdf. Accessed on February 25, 2015.

102 At the time there were already active local human trafficking task forces, several of which were DOJ funded, but this bill allowed for the task force to operate statewide.See Florida Department of Children and Families and Florida Department of Law Enforcement. *Statewide Human Trafficking Implementation Report.* 2011. http://www.dcf.state.fl.us/programs/humantrafficking/docs/2011ImplementationPlan.pdf. Accessed on February 25, 2015.

103 Id., pg. 2.

104 Kinnally, Nancy. *Foundation investments in the fight against human trafficking continue to pay dividends*, October 1, 2014. The Florida Bar. http://www.floridabar.org/DIVCOM/JN/jnnews01.nsf/8c9f13012b96736985256aa900624829/d9e016ab74addd0085257d5b004388a5!OpenDocument. Accessed on February 25, 2015.

105 Fla. Stat. Ann. § 39.201 (Mandatory reports of child abuse, abandonment, or neglect; mandatory reports of death; central abuse hotline) and § 39.01(67)(g) (Definitions).

106 Remarks by Courtney McCowen Williams, Anti-trafficking Coordinator, Florida Department of Juvenile Justice. JuST Response Congressional Briefing, Mapping State Responses to Sex Trafficked Youth (Washington, D.C.: November 6, 2014). Transcript on file with authors. Video available at http://sharedhope.org/what-we-do/bring-justice/just-response/.

107 Id.

108 Baker Act, also known as the "Florida Mental Health Act," Fla. Stat. Ann. Chap. 394, Part I.

109 National Colloquium 2013: Juvenile Justice and Child Welfare Process and Placement for Juvenile Sex Trafficking Survivors (Washington, D.C.: November 7, 2013). Transcript on file with authors. Video available at http://sharedhope.org/what-we-do/bring-justice/just-response/. National Colloquium 2013

debate amongst advocates, providers, survivors and government agencies around when and if a young person should ever be detained in response to their victimization.[110]

Challenges also arose specifically in enacting the 2012 Act, because law enforcement groups, including the Sheriff's Association and state's attorneys' offices, opposed immunity or a presumption against filing delinquency charges. As a result Florida's law directs juvenile victims to child welfare without making them immune from prostitution charges.[111] While the goal is to redirect youth from the juvenile justice system into the child welfare system, without immunity this may not consistently happen with all victims. Due to the definition of "sexual abuse for purposes of finding a child dependent," if a law enforcement officer arrests a juvenile sex trafficking victim on prostitution charges rather than delivering the juvenile to the Department, that child cannot be considered a dependent child and faces delinquency charges for prostitution.[112] However, even when law enforcement delivers a child to DCF, this does not automatically make a child dependent. Meanwhile, a child who has been subjected to abuse, neglect or abandonment can become dependent even if the child is arrested on delinquency charges. The law gives DCF the authority to investigate allegations of human trafficking as to labor or sex trafficking regardless of caregiver involvement in the abuse, but dependency still requires that a petition for dependency be filed against the parent. If the parent is not the perpetrator and is willing and able to access services or treatment, dependency cannot be filed.

As the 2012 Safe Harbor Act was implemented, additional challenges arose, particularly with regard to safe house assessment, referrals and the lack of an array of service options for sex trafficked youth. Several bills were introduced during the 2014 session seeking to address these implementation challenges and companion bills House Bill 7141 and Senate Bill 1666[113] were enacted, resulting in several new requirements: (1) allocated funds to be used for housing juvenile sex trafficking victims; (2) establishment of specially certified "safe foster homes" as a housing alternative;[114] (3) new certification requirements for safe homes,[115] and (4) a standardized initial assessment process for juvenile sex trafficking victims that incorporates an array of service and housing options beyond the safe house referral.[116]

> We had case managers who provided services for a long time that were triggering our kids because they hadn't been specifically trained, so the 2014 bill mandates that training.
>
> **— NATASHA NASCIMENTO**, FOUNDER AND EXECUTIVE DIRECTOR OF REDEFINING REFUGE, JUST RESPONSE CONGRESSIONAL BRIEFING, 2014

110 Lawrence, Maggie. *Public Policy Strategies for Economic Justice: Prepare 2014.* Tallahassee, FL:, Florida Impact,. http://www.flimpact.org/publications/2014. http://www.flimpact.org/publications/2014/2014-Prepare.pdf. Accessed February 25, 2015.

111 Conference call in preparation for the JuST Response 2014 Congressional Briefing with Kimberly Grabert, Statewide Human Trafficking Prevention Director, Florida Department of Children and Families and Courtney McGowen Williams, Anti-trafficking Coordinator, Florida Department of Juvenile Justice.

112 Fla. Stat. Ann. § 39.01(69)(g)

113 Chapter Nos. 2014-161, 2014-224 (effective Jul. 1, 2014)

114 Fla. Stat. Ann. § 409.1678 (Specialized residential options for children who are victims of sexual exploitation).

115 Id.

116 Fla Stat. Ann. § 409.1754(1) (Sexually exploited children; screening and assessment; training; case management; task forces) and § 39.524(1) (Safe-harbor placement) "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.").

(1) **Allocated funds to be used for services and housing juvenile sex trafficking victims**

In 2014 the Florida Legislature appropriated $3 million to provide services to youth who have been identified as victims of sex trafficking and have been adjudicated dependent or are the subject of an ongoing child welfare investigation. These funds are administered through the Department of Children Services to regional community based care agencies which are responsible for licensing service providers and assessing juvenile sex trafficking victims for appropriate placement referrals in specialized foster homes or safe houses.[117] Allocations of the state funds are determined by the number of identified victims in each region.[118] However a service provider can have funding or referral contracts with multiple community based care agencies, and therefore many specialized foster homes or safe houses can provide services to youth from multiple regions of the state.[119] Children who are not currently DCF-involved may be able to access services provided through the state allocated funding if a report is made to the state hotline, which will trigger a child welfare investigation. In addition, many children who have been identified as trafficked are placed in juvenile detention on other charges, and are not able to access DCS funds for services.[120]

(2) **Establishment of specially certified "safe foster homes" as a housing alternative.**

The current model for safe-foster-homes requires that the foster family be comprised of two parents with one parent available for full time care. The family has access to extensive wrap-around services.[121] To qualify the family must go through extensive trafficking-specific training and be financially independent before receiving the safe home stipend.[122] The model is being piloted by Citrus Helping Adolescents Negatively Impacted by Commercial Exploitation (CHANCE) Program which has a partnership with the University of South Florida that is evaluating its success rate through the number of times a youth absconds and how quickly the youth returns. Based on initial findings the results have been promising,[123] but also expensive. Organizations such as Devereux Florida are developing therapeutic foster care programs that will be implemented statewide.[124]

117 Florida has a privatized child welfare system, funding is distributed through DCS to community based care agencies (CBCs) which are responsible for licensing service providers and assessing juvenile sex trafficking victims for appropriate placement referrals in specialized foster homes or safe houses. Providers have contracts with the CBCs to receive the funding.

118 *Florida Department of Children and Families Annual Human Trafficking Report, 2013-14 Federal Fiscal Year.* 2014. http://www.dcf.state.fl.us/programs/childwelfare/docs/2014LMRs/2013-14HumanTraffickingAnnualReport.pdf. Accessed on February 25, 2015.

119 Remarks by Natasha Nascimento, Founder and Executive Director, Redefining Refuge. JuST Response Congressional Briefing, Mapping State Responses to Sex Trafficked Youth (Washington, D.C.: November 6, 2014). Transcript on file with authors. Video available at http://sharedhope.org/what-we-do/bring-justice/just-response/.

120 Remarks by Courtney McCowen Williams, Anti-trafficking Coordinator, Florida Department of Juvenile Justice. JuST Response Congressional Briefing, Mapping State Responses to Sex Trafficked Youth (Washington, D.C.: November 6, 2014). Transcript on file with authors. Video available at http://sharedhope.org/what-we-do/bring-justice/just-response/.

121 Id.

122 Grabert, Kimberly. "A Colloquium: Building System Capacity to Serve Child Victims of Human – Florida's Response." 16th Annual Ending Sexual Assault & Domestic Violence Conference. KASAP, UK Center for Research on Violence Against Women, and Key Assets Kentucky. Marriott Griffin Gate Resort & Spa. Lexington, KY. December 8, 2014. Pre-conference event. Presentation Kimberly Grabert,

123 Remarks by Courtney McCowen Williams, Anti-trafficking Coordinator, Florida Department of Juvenile Justice. JuST Response Congressional Briefing, Mapping State Responses to Sex Trafficked Youth (Washington, D.C.: November 6, 2014). Transcript on file with authors. Video available at http://sharedhope.org/what-we-do/bring-justice/just-response/.

124 Grabert, Kimberly. "A Colloquium: Building System Capacity to Serve Child Victims of Human – Florida's Response." 16th Annual Ending Sexual Assault & Domestic Violence Conference. KASAP, UK Center for Research on Violence Against Women, and Key Assets Kentucky. Marriott Griffin Gate Resort & Spa. Lexington, KY. December 8, 2014. Pre-conference event.

(3) **New certification requirements for safe houses.**

The 2012 Act addressed the need for non-punitive, therapeutic housing by establishing safe homes; however the Act did not mandate specific requirements for licensing agencies beyond a traditional group foster home.[125] The amendments in 2014 required that specific, trauma-informed licensing requirements be developed for safe homes and safe foster homes.[126] Resources available through safe houses are extremely limited, with only six certified safe houses in the state.[127] In addition to serving a limited number of youth to meet therapeutic requirements, these safe houses do not always operate at capacity to allow for acclimation of new referrals within the safe home environment, and concern that introducing too many new victims into a program could disrupt the service needs of individuals already being served. Safe house providers have discretion over whether a child is an appropriate fit for their program based on the child's needs and services provided within the program.[128] Since only child welfare dependent or referred youth can receive services from a DCF-certified safe house, youth who are identified as having been trafficked but are not system-involved and are referred privately to these programs would not be able to receive services though the safe house, even when alternative funding is provided.[129]

(4) **A standardized initial assessment process for juvenile sex trafficking victims that incorporates an array of service and housing options beyond the safe house referral.**

Assessments are provided by multidisciplinary teams (MDT) which based on DCF's Operating Procedure must be developed upon identification of a CSEC victim. According to the DCF Human Trafficking Report, "these staffings include a conversation between the child protective investigator, dependency case manager, the criminal justice coordinator, and any other person identified as relevant to the conversation, such as active law enforcement agents."[130] In 2014, DCF appointed CSEC-specific child abuse investigators and case managers who are specially trained in the dynamics of juvenile sex trafficking equipping them with the ability to make informed placement decisions.[131]

125 Fla. Stat. Ann. § 409.1678 (2013) (Safe harbor for children who are victims of sexual exploitation) ("A safe house shall be operated by a licensed family foster home or residential child-caring agency as defined in s. 409.175, including a runaway youth center as defined in s. 409.441. Each facility must be appropriately licensed in this state as a residential child-caring agency. . . .")

126 Fla. Stat. Ann. § 409.1678(1) (Specialized residential options for children who are victims of sexual exploitation).

127 According to the Florida Department of Children and Families, as of September 30, 2014, there were six Safe Homes available with a total of 28 beds, two of which were established in 2014. See *Florida Department of Children and Families Annual Human Trafficking Report, 2013-14 Federal Fiscal Year.* 2014, pg. 4. http://www.dcf.state.fl.us/programs/childwelfare/docs/2014LMRs/2013-14HumanTraffickingAnnualReport.pdf. Accessed on February 25, 2015.

128 Id.,

129 Remarks by Natasha Nascimento, Founder and Executive Director, Redefining Refuge. JuST Response Congressional Briefing, Mapping State Responses to Sex Trafficked Youth (Washington, D.C.: November 6, 2014). Transcript on file with authors. Video available at http://sharedhope.org/what-we-do/bring-justice/just-response/.

130 *Florida Department of Children and Families Annual Human Trafficking Report, 2013-14 Federal Fiscal Year.* 2014. http://www.dcf.state.fl.us/programs/childwelfare/docs/2014LMRs/2013-14HumanTraffickingAnnualReport.pdf. Accessed on February 25, 2015.

131 Remarks by Courtney McCowen Williams, Anti-trafficking Coordinator, Florida Department of Juvenile Justice. JuST Response Congressional Briefing, Mapping State Responses to Sex Trafficked Youth (Washington, D.C.: November 6, 2014). Transcript on file with authors. Video available at http://sharedhope.org/what-we-do/bring-justice/just-response/.

> A Safe House placement is not where you want the story to end. There is no normalcy there.
>
> — **Natasha Nascimento**, Founder and Executive Director of Redefining Refuge, JuST Response Congressional Briefing, 2014

There are several service options in Florida beyond the safe house and safe foster home model. Florida has two residential campus settings that have CSEC-specific trauma-informed programming. [132] In addition, programs like Kristi House in Miami provide a drop-in center for community based care, and a mentoring program funded by the U.S. Department of Justice Office of Juvenile Justice and Delinquency Prevention (OJJDP)[133] and Wings of Shelter provides a step down residential program for youth transitioning out of safe houses.[134] A critical current need is a safe place where law enforcement can bring youth for assessment in lieu of detention. While the discretion that service providers have to assess the appropriateness of a referral is important from a trauma-informed perspective, the process is not immediate and creates a need for an interim placement while the provider makes a determination.[135]

While the 2012 Act tasked the Department of Children and Families with providing services to any sexually exploited child, it did not specifically address the incongruity between the definition of dependency and the fact that many juvenile sex trafficking victims have not suffered abuse from a parent or caregiver. While agency regulations established processes for responding to all sexually exploited youth regardless of whether the child is exploited by a parent or guardian,[136] this authority was not clarified statutorily until 2014.[137] Even with the 2014 changes, some juvenile victims cannot be the subject of a dependency petition since there is no parent or guardian abuser to be the respondent in the dependency petition.[138] Nevertheless, through close working relationships between DCF and the Department of Juvenile Justice it remains possible through interagency collaboration for a sexually exploited child arrested for a delinquent offense to access services since the Department of Children and Families must provide services to any sexually exploited child.[139] However some juvenile victims could remain in the juvenile system and fail to access

132 Id.

133 To learn more, see http://www.kristihouse.org/project-gold-bold/.

134 *Florida Department of Children and Families Annual Human Trafficking Report, 2013-14 Federal Fiscal Year.* 2014, pg. 5. http://www.dcf.state.fl.us/programs/childwelfare/docs/2014LMRs/2013-14HumanTraffickingAnnualReport.pdf. Accessed on February 25, 2015.

135 Id.

136 Fla. Stat. Ann. § 39.001(5)(d) (Purposes and intent; personnel standards and screening) ("It is the intent of the Legislature that this state provide such care and services to all sexually exploited children in this state who are not otherwise receiving comparable services, such as those under the federal Trafficking Victims Protection Act, 22 U.S.C. ss. 7101 et seq.).

137 House Bill 7141.

138 Fla. Stat. Ann. § 39.01(15)(g) (Definitions) ("'Child who is found to be dependent' means a child who, pursuant to this chapter, is found by the court . . . . To 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.").

139 Conversation with Kimberly Grabert, Statewide Human Trafficking Prevention Director, Florida Department of Children and Families and Courtney McCowen Williams, Anti-trafficking Coordinator, Florida Department of Juvenile Justice; Remarks by Courtney McCowen Williams. JuST Response Congressional Briefing, Mapping State Responses to Sex Trafficked Youth (Washington, D.C.: November 6, 2014). Transcript on file with authors. Video available at http://sharedhope.org/what-we-do/bring-justice/just-response/. See also Fla. Stat. Ann. § 39.001(5)(d) (Purposes and intent; personnel standards and screening) and § 409.1678(5) (Specialized residential options for children who are victims of sexual exploitation) ("To the extent possible provided by law and with authorized funding, the services specified in this section may be available to all sexually exploited children 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.").

those services.[140] Recognizing the importance of interagency collaboration in implementing the Florida Safe Harbor Act, both agencies were at the table when the 2014 changes were drafted. This was critical for drafting a bill that is likely to work on the ground for field staff.[141]

Since the shift in the 2014 law had a substantial impact on agency responses, training has been critical to implementation of Florida's laws. While victims who are charged with delinquent offenses are still statutorily entitled to access services available through DCF or DJJ, if judges, law enforcement officers, or child serving agency case workers are not equipped with training there are many places were victims can fail to access the system that has been put in place to protect them.[142] To address these concerns, Florida recently trained all of its community-based, case management social workers to ensure they understood that they are the first responders and that they understood this victim population.[143] Training has also been essential to implementing the requirement that DJJ and DCF use a standardized screening tool. In 2012 the Department of Juvenile Justice in partnership with Shared Hope International piloted a tool to screen arrested youth for sex trafficking victimization. In a 2013 report DJJ reported that DCF verified that 12% of youth screened with the tool were identified as having been commercially sexually exploited. In 2015 the tool is intended to be expanded upon and is being taken statewide, and also will be used by in certain areas of the state by child abuse investigators. This will be an intentionally staggered roll-out process in anticipation of an increase in the number of victims identified. [144]

Strong data collection and reporting requirements has allowed for ongoing assessment of Florida's JuST protective system response implementation. Florida law[145] requires that DCF provides data on victims' access to

> So the juvenile probation officers are going to understand more of the process when it has been created by people who know their jobs and that is the same for child abuse investigators and case managers.
>
> **— COURTNEY MCCOWEN WILLIAMS**, ANTI-TRAFFICKING COORDINATOR, FLORIDA DEPARTMENT OF JUVENILE JUSTICE, JUST RESPONSE CONGRESSIONAL BRIEFING, 2014.

140 Remarks by Courtney McCowen Williams, Anti-trafficking Coordinator, Florida Department of Juvenile Justice. JuST Response Congressional Briefing, Mapping State Responses to Sex Trafficked Youth (Washington, D.C.: November 6, 2014). Transcript on file with authors. http://sharedhope.org/what-we-do/bring-justice/just-response/.

141 Id.

142 Grabert, Kimberly. "Training Requirements for Specialized Human Trafficking Designation." Memo. State of Florida Department of Children and Families. July 22, 2014. http://centerforchildwelfare.fmhi.usf.edu/kb/policymemos/RequiremtForSpecializedHT072214.pdf. Accessed February 25, 2015.

143 Remarks by Courtney McCowen Williams, Anti-trafficking Coordinator, Florida Department of Juvenile Justice. JuST Response Congressional Briefing, Mapping State Responses to Sex Trafficked Youth (Washington, D.C.: November 6, 2014). Transcript on file with authors. Video available at http://sharedhope.org/what-we-do/bring-justice/just-response/.

144 According to a presentation Kimberly Grabert, Statewide Human Trafficking Prevention Director, Florida Department of Children and Families Human at 16th Annual Ending Sexual Assault & Domestic Violence Conference Colloquium: Building System Capacity to Serve Child Victims of Human Trafficking in Lexington, Kentucky, December 8, 2014, based on findings from the initial pilot study, DCF estimates that once the screening is rolled out to all agencies statewide, they could see an additional 1,400 children identified. For this reason the pilot roll-out will be staggered to accommodate the need for additional resources.Grabert, Kimberly. "A Colloquium: Building System Capacity to Serve Child Victims of Human – Florida's Response." 16th Annual Ending Sexual Assault & Domestic Violence Conference. KASAP, UK Center for Research on Violence Against Women, and Key Assets Kentucky. Marriott Griffin Gate Resort & Spa. Lexington, KY. December 8, 2014. Pre-conference event. ("Based on findings from the initial pilot study, DCF estimates that once the screening is rolled out to all agencies statewide, they could see an additional 1,400 children identified. For this reason the pilot roll-out will be staggered to accommodate the need for additional resources.")B

145 Fla. Stat. Ann. § 39.524(3).

services.[146] In addition, in July of 2014 the Office of Program Policy Analysis and Government Accountability was required under HB 4717 to conduct an annual study on commercial sexual exploitation of children in Florida, including the analysis of specialized services and other residential options.[147] While not without challenges, this ongoing data analysis and assessment, along with strong protocols, collaboration and state level leadership from survivors, agency leaders and service providers, Florida continues to strengthen their service response to juvenile sex trafficking victims and survivors.

Kansas

Through the Kansas Attorney General's Human Trafficking Advisory Board, the Department of Children and Families (DCF)[148] and a range of stakeholders were able to contribute to development of Kansas' protective system response laws. This interagency collaboration reflects one of the central strengths of Kansas' approach to establishing a protective system response for juvenile trafficking victims. Employing aspects of statutory models used in Florida[149] and Connecticut,[150] Kansas developed a framework that is compatible with its policy and resource landscape and accomplishes the goal of directing juvenile sex trafficking victims away from the delinquency process and into needed services through child welfare.

Governor Sam Brownback, whose background with combatting human trafficking includes co-sponsoring the Trafficking Victims Protection Act in his previous role as a United States Senator, and Kansas' Attorney General Derek Schmidt, who introduced the legislation that criminalized human trafficking and aggravated human trafficking when he was Majority Leader of the Kansas Senate, were directly involved in the development of Kansas' statutory framework which was enacted as Substitute House Bill 2034 on April 22, 2013. Under Kansas' new framework, a law enforcement officer must take a child into protective custody when the officer reasonably believes the child is a victim of human trafficking or commercial sexual exploitation of a child (CSEC).[151] After taking the child into custody, the law enforcement officer must "contact the department for children and families to begin an assessment to determine safety, placement and treatment needs

146 *Florida Department of Children and Families Annual Human Trafficking Report, 2013-14 Federal Fiscal Year.* 2014. pg. 5. http://www.dcf.state.fl.us/programs/childwelfare/docs/2014LMRs/2013-14HumanTraffickingAnnualReport.pdf. Accessed on February 25, 2015. (" According to the DCF Human Trafficking Report, "Between October 1, 2013 and September 30, 2014 [during which time the 2014 amendments were enacted], a total of 79 children were placed with foster parents or providers focused on children who have been commercially sexually exploited. Of the children evaluated for placement, 110 were not placed in a CSEC placement. Reasons for not being placed in a CSEC placement included being on runaway status, being placed instead in treatment for substance abuse or mental health issues, and refusal of the victim to accept placement. For 31 of the children referred for CSEC placement, such placement was unavailable for reasons such as the child's age, juvenile justice history, recruitment history, gender, the group home's limited capacity, or the lack of a specialized placement within the victim's county.")."

147 Grabert, Kimberly. "A Colloquium: Building System Capacity to Serve Child Victims of Human – Florida's Response." 16th Annual Ending Sexual Assault & Domestic Violence Conference. KASAP, UK Center for Research on Violence Against Women, and Key Assets Kentucky. Marriott Griffin Gate Resort & Spa. Lexington, KY. December 8, 2014. Pre-conference event.

148 The Kansas Department of Children and Families is the agency responsible for providing child protective services in Kansas.

149 See Florida's JuST Response narrative at page 34.

150 See 2010 Senate Bill 153, Public Act No. 10-115 ("An Act Providing A Safe Harbor For Exploited Children") and 2011 Senate Bill 1044, Public Act No. ("An Act Requiring The Department Of Children And Families To Be Notified When A Youth Is Arrested For Prostitution."); see also Epstein, RebeccaR and Edelman, Peter.P., Blueprint: A Multidisciplinary Approach to the Domestic Sex Trafficking of Girls. Georgetown Law Center on Poverty and Inequality. 2013. http://www.traffickingresourcecenter.org/sites/default/files/Blueprint%20-%20GL.pdf. Accessed on February 25, 2015.

151 Kan. Stat. Ann. § 38-2231(b)(3) (Child under 18, when law enforcement officers or court services officers may take into custody; sheltering a runaway).

for the child" and DCF must conduct the assessment using a rapid response team.[152] The rapid response team utilizes a research-based tool to assess appropriate treatment and placement options for these victims.[153] The new law prohibits law enforcement from placing a juvenile sex trafficking victim in juvenile detention facilities absent other pending criminal charges. The law provides that law enforcement instead shall take the child into protective custody.[154] Further, law enforcement may deliver the child to a "staff secure facility."[155]

Establishing a staff-secure facility as a protective custody option for law enforcement to bring sexually exploited youth is a key component of Kansas' statutory framework.[156] This facility is a residential shelter specifically serving sex trafficked youth. The facility is authorized statutorily to establish reasonable rules restricting entrance to and egress from the facility and mandates that no staff security facility shall be a city or county jail. Statute provides that staff secure facilities "rely on locked entrances and delayed-exit mechanisms to secure the facility, and implement reasonable rules restricting entrance to and egress from the facility."[157] Regulations for the staff secure safe home were promulgated by the Kansas Department of Health and the Environment.[158] The bill also recognizes that this placement facility must be trauma-informed and mandates the provision of therapeutic environment staffed with providers that have received specialized training on working with juvenile sex trafficking victims.[159] House Bill 2034 also required the facility to hire an off-duty law enforcement officer to staff the facility at all times, but challenges with implementing this requirement led to an amendment enacted in 2014 that altered the requirement to have a safety plan approved by the local police department.[160]

Kansas' protective system response law does not make minors immune from prostitution charges. However, mandating that law enforcement take a juvenile victim into protective custody and deliver the victim to child welfare for assessment accomplishes the goal of directing sex trafficked youth away from the delinquency process. The fact that the referral to child welfare

152 Enacted House Bill 2034 § 5, Kan. Stat. Ann. §§ 38-2232(b)(2) (Child under 18 taken into custody; duties of officers; referral of cases for proceedings under this code and interstate compact on juveniles; placed in shelter facility or with other person; application of law enforcement officer; release of child) and 38-2287(b) (Child in custody, victim of certain conduct; special assessment to determine safety, placement and treatment needs).

153 Id. See also Pilato, Anna. "Testimony on Human Trafficking." Kansas House Children and Seniors Committee. February 6, 2014, pg. 2. http://www.dcf.ks.gov/Agency/Testimony/Documents/2014/HumanTraffickingFeb6ap.pdf. Accessed on February 25, 2015. Id. See also

154 Kan. Stat. Ann. § 38-2231(b)(3) (Child under 18, when law enforcement officers or court services officers may take into custody; sheltering a runaway).

155 Kan. Stat. Ann. § 38-2232(b)(2) (Child under 18 taken into custody; duties of officers; referral of cases for proceedings under this code and interstate compact on juveniles; placed in shelter facility or with other person; application of law enforcement officer; release of child).

156 Enacted House Bill 2034 § 6, Kan. Stat. Ann. § 65-535 (Staff secure facility; requirements; services; rules and regulations).

157 Pursuant to Kan. Stat. Ann. § 65-535(a) (Staff secure facility; requirements; services; rules and regulations), "A staff secure facility shall: (1) Not include construction features designed to physically restrict the movements and activities of residents, but shall have a design, structure, interior and exterior environment, and furnishings to promote a safe, comfortable and therapeutic environment for the residents; (2) implement written policies and procedures that include the use of a combination of supervision, inspection and accountability to promote safe and orderly operations; (3) rely on locked entrances and delayed-exit mechanisms to secure the facility, and implement reasonable rules restricting entrance to and egress from the facility; (4) implement written policies and procedures for 24-hour-a-day staff observation of all facility entrances and exits; (5) implement written policies and procedures for the screening and searching of both residents and visitors; (6) implement written policies and procedures for knowing the whereabouts of all residents at all times and for handling runaways and unauthorized absences; and (7) implement written policies and procedures for determining when the movements and activities of individual residents may, for treatment purposes, be restricted or subject to control through the use of intensive staff supervision."

158 Commercial Sexual Exploitation of Children: What You Need to Know. Kansas Department for Children and Families. 2014. http://www.dcf.ks.gov/Agency/FBCI/Documents/Human%20Trafficking%20Bi-fold.pdf. Accessed February 25, 2015.

159 Pursuant Kan. Stat. Ann. § 65-535(c) (Staff secure facility; requirements; services; rules and regulations). Also, pursuant to Kan. Admin. Reg. § 28-4-11255(k)(2) (Staff member requirements), direct care staff and volunteers must receive additional 40 hours of training that includes: (A) Crisis management; (B) human trafficking and exploitation; (C) indicators of self-harming behaviors or suicidal tendencies and knowledge of appropriate intervention measures; (D) indicators of gang involvement; (E) intervention techniques for problem or conflict resolution, diffusion of anger, and de-escalation methods; (F) principles of trauma-informed care and trauma specific intervention; and (G) report writing and documentation methods.

160 House Bill 2501 (approved April 8, 2014).

is mandatory helps to eliminate disparate responses to victims that are more likely to result when law enforcement is authorized but not mandated to deliver minor victims to a protective system in lieu of arrest and detention. Some discrepancies in responses could still occur if a law enforcement officer lacks the training to recognize when a juvenile is a victim of human trafficking or CSEC,[161] so clear implementable protocols and training were recognized as key to ensuring a consistent response in Kansas and the state has acted quickly to start implementing its new statutory framework.

Recognizing the importance of training law enforcement to implement the shift in Kansas' laws, training for law enforcement regarding human trafficking was a component of the legislation.[162] With law enforcement now tasked with treating sex trafficked youth as victims rather than criminals by requiring them to be taken into protective custody and immediately referred to DCF for assessment, the "Law Enforcement Protocol For Juvenile Victims Of Human Trafficking/Commercial Sexual Exploitation Crimes" was promptly developed and went into effect on January 1, 2014.[163] Since a minor victim may still be charged with a delinquent offense, the Law Enforcement Protocol defines separate procedures depending on whether the minor victim who has been taken into protective custody has delinquency charges pending. The primary difference between the response for juvenile victims who have pending delinquency charges is where they may be placed pending assessment.[164] When no charges are pending, the Protocol states that "[l]aw enforcement may take the juvenile to a licensed staff-secure facility if this is feasible and if space is available," and law enforcement must "[m]ake clear arrangements with the DCF Rapid Response Team on where they will meet with the juvenile to conduct their assessment."[165] When charges are pending against a juvenile victim, the victim will be subject to existing court orders for detention unless DCF already has court ordered custody of the juvenile.[166]

Having the Department of Children and Families at the table for drafting Kansas' protective system response law was an important step in establishing the framework for directing youth who are victims of human trafficking to child welfare for services. Since the definition of abuse in Kansas could encompass those victims now defined as being commercially sexually exploited prior to enactment of HB 2034, sex trafficked youth could have been directed to DCF for services through a report of abuse, so this victim population was likely being served through child welfare when the bill went into effect. The new legislation however establishes some key changes that facilitate victims' access to an appropriate response through child welfare and it reconciles the previously conflicting roles that law enforcement had with regard to juvenile sex trafficking victims. Before enacting its new statutory framework, law enforcement officers in Kansas (like many other states in the country) had the conflicting roles of reporting a commercially sexually exploited child

161 While a requirement that law enforcement take a minor suspected of a prostitution offense into protective custody establishes clearer parameters for identifying victims, the requirement that law enforcement take a minor believed to be a victim of human trafficking or commercial sexual exploitation of a child into custody provides broader protection for victims who may come to the attention of law enforcement for committing related offenses, such as shoplifting or curfew violations, allowing these victims to be identified and directed to child welfare regardless of their alleged conduct.

162 Enacted House Bill 2034, § 1.

163 *Law Enforcement Protocol For Juvenile Victims Of Human Trafficking/Commercial Sexual Exploitation Crimes (effective January 1, 2014)*. Kansas Office of the Attorney General, 2014. http://ag.ks.gov/docs/default-source/publications/law-enforcement-protocol-for-human-trafficking-victims.pdf?sfvrsn=2. Accessed on February 25, 2015.

164 Id.

165 Id.

166 Id.

as abused under mandatory reporting laws and taking juveniles who violate criminal laws into custody and potentially detaining them on delinquency charges for committing a prostitution offense. HB 2034 resolved this inherent conflict by clarifying that law enforcement must report sex trafficked youth to DCF and by clarifying that this victim population may not be detained in a juvenile detention facility.[167]

The new statutory framework also clarifies how DCF is to appropriately respond to juvenile sex trafficking victims. Even though DCF was already serving this population to the extent juvenile sex trafficking victims were identified as abused, HB 2034 acknowledged the specific (and immediate) needs of sexually exploited youth by mandating that DCF promptly assess juvenile sex trafficking victims to "determine safety, placement and treatment needs for the child."[168] Additionally, HB 2034 mandates that DCF use a "rapid response team" to begin the assessment in cases involving human trafficking or commercial sexual exploitation of a child. By using a rapid response team, DCF is able to advise law enforcement on placement of the child while the assessment process is pending. DCF has specific protocol guidelines that are applicable to assessing and serving this population already and serves as guidance for law enforcement and a DCF rapid response team in addition to the HB61 requirement.[169] If DCF substantiates that the child is a victim of sex trafficking they are granted the discretion to place the child in a staff secure facility without any other diagnosis or self-harm indicator.[170]

Kansas does not appear to have statutory barriers to serving this population. While Kansas law does not include a definition of caregiver that would include a non-familial trafficker, the definition of "child in need of care" in Kansas does not depend on caregiver abuse in order for DCF to become involved in assessment and service provision.[171] The Policy and Procedures Manual[172] for DCF's Prevention and Protection Services[173] supports this interpretation. According to the Policy and Procedures Manual, DCF may open a case involving a "non-family/unregulated care giver"[174] in the same manner as any other case.[175] While many states have historically limited child welfare's

167 Pursuant to Kan. Stat. Ann. § 38-2232(b)(2), a commercially sexually exploited child taken into protective custody "shall not be placed in a juvenile detention facility or other secure facility, except as authorized by this section and by K.S.A. 2012 Supp. 38-2242, 38-2243 and 38-2260 " Kan. Stat. Ann. §§ 38-2242 and 38-2243 authorize detention in a juvenile delinquency facility when the child is in custody solely for runaway status or truancy, and § 38-2260 authorizes detention when a child violates a court order directing the child to remain in present or future placement.

168 Kan. Stat. Ann. § 38-2232(b)(2).

169 *Commercial Sexual Exploitation of Children: What You Need to Know. Kansas Department for Children and Families.* 2014. http://www.dcf.ks.gov/Agency/FBCI/Documents/Human%20Trafficking%20Bi-fold.pdf. Accessed February 25, 2015.

170 Pursuant to Kan. Stat. Ann. § 38-2242(c)(2) (Ex parte orders of protective custody; application; determination of probable cause; period of time; placement; procedures; orders for removal of child from custody of parent, limitations), "When the child is placed in the temporary custody of the secretary and the child has been subjected to human trafficking or aggravated human trafficking, as defined by K.S.A. 2013 Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by K.S.A. 2013 Supp. 21-6422, and amendments thereto, or the child committed an act which, if committed by an adult, would constitute a violation of K.S.A. 2013 Supp. 21-6419, and amendments thereto, the secretary shall have the discretionary authority to place the child in a staff secure facility, notwithstanding any other provision of law."

171 Kan. Stat. Ann. § 38-2202(d)(3) ("'Child in need of care' means a person less than 18 years of age . . . who . . . has been physically, mentally or emotionally abused or neglected or sexually abused. . . .").

172 *Prevention and Protection Services Policy and Procedures Manual.* Kansas Department for Children and Families, 2015. http://www.dcf.ks.gov/services/PPS/Documents/PPM_Forms/Policy_and_Procedure_Manual.pdf.

173 Prevention and Protection Services is the office under the Department of Child and Family Services responsible for providing child protective services to youth in Kansas.

174 Pursuant to the Prevention and Protection Services Policy and Procedures Manual, § 1350 (Non-family/Unregulated Care Giver Reports -Third Party Reports), "A non-family/unregulated care giver report is a report alleging a child has been abused or neglected by a person other than the child's parent, relative, custodian/care giver or member of the household. Such persons may include, but are not limited to the following: . . . Strangers."

175 Prevention and Protection Services Policy and Procedure Manual at 109, § 1354 Documentation of Case Acceptance and Timelines for Non-family Unregulated Care Giver Reports.

role in providing services to children to parent or guardian abuse, the absence of this limitation in Kansas could enable Kansas to avoid some of the challenges faced in other states that limit child welfare's role in this manner.

When the sections of HB 2034 that specifically related to services went into effect in July 2014, DCF issued a request for proposals from organizations that currently provide services to youth to apply as a staff secure facility provider. The legislation provided that effective January 1, 2014, there would be staff secure facilities and a duty on law enforcement to take children into police protective custody when they reasonably believed that they were victims of human trafficking. The DCF request for proposal was limited to a proposed stay of three days for up to 25 children in 2014. Although HB 2034 provided for a court ordered stay of up to 90 days in the staff secure facility, renewable for another 90 days, the request for proposal was for three days which meant that individual counties would have to fund any additional treatment. The provider contract that DCF had with placement agencies did not contain additional funding for victims of human trafficking who stayed beyond the three days. DCF awarded the contract to the Wichita Children's Home, an emergency, temporary residential facility that now provides a staff secure facility for juvenile sex trafficking victims.[176] Funding the facility was another challenge, causing initial use of the facility to be primarily limited to the short stays required while the child is in police protective custody.[177]

To address funding challenges House Bill 2034 established new fines for convicted buyers of commercial sex that would be directed to the Human Trafficking Victim Assistance Fund, also established by HB 2034 to pay for training and services for victims,[178] but more immediate funding was necessary to establish the staff secure facility. In January 2014, the Governor allocated funds for short-term beds for juvenile sex trafficking victims to be served at the Wichita Children's Home.[179] While the facility lacks more long-term placement options specifically for sex trafficking victims,[180] the fact that the 4-bed staff secure facility is run by Wichita Children's Home, which offers an array of service options, may help to bridge that gap until more funding can be allocated to the staff secure facility. In addition the Human Trafficking Assistance Fund provided several grants to service providers across the state identified as being equipped to serve trafficking

176 Kansas Department for Children and Families. "Human Trafficking." DOL. https://www.dol.ks.gov/Files/PDF/DCF-FactSheet.pdf. Accessed February 25, 2015.

177 While the legislation enacting Kansas' protective system response passed the Legislature as substitute House Bill 2034, these provisions that established Kansas' protective system response laws were initially introduced as Senate Bill 61. According to "the fiscal note prepared by the Division of the Budget, DCF estimates additional expenditures of $147,100 would be required in FY 2014 for placement, facility, and assessment costs. DCF estimates 25 children would be placed in staff secure facilities in FY 2014, with placement costs of $62,850. FY 2014 maintenance costs for a four-bed staff secure facility are estimated at $58,000. DCF estimates its Rapid Response Team would have total assessment costs of $26,250 for FY 2014. It anticipates an increase in total costs to $165,160 for FY 2015 and to $184,405 for FY 2016. All DCF expenditures would require State General Fund financing. The Kansas Department of Health and Environment expects existing resources could be used to regulate and inspect staff secure facilities."

178 Enacted House Bill 2034 § 3; see also, Kan. Stat. Ann. §§ 21-6422 (Commercial sexual exploitation of a child), 12-4120 (Certain fines remitted to state treasurer; community corrections supervision fund; human trafficking victim assistance fund) and 21-6421 (Buying sexual relations) directing fines paid by defendants convicted of these offenses to the human trafficking victim assistance fund. According to the Conference Committee Report for Substitute House Bill 2034, "The revised fiscal note on the bill, as introduced, indicates the Office of the Attorney General estimates fine revenue of $636,000 would be remitted to the Human Trafficking Victim Assistance Fund in FY 2014, which would be applied to an equal amount of costs to provide various training and services related to the issue. These services would require 2.00 FTE positions. For FY 2015, revenue and expenditures are expected to increase to $1,272,000, and the addition of 2.00 FTE positions would continue."

179 Kansas Department for Children and Families. *DCF Grant Request for Proposal (RFP) – Staff Secure Placement for Human Trafficking Victims*. 2013, pg. 6. www.dcf.ks.gov/services/PPS/Documents/Grant_Information/RFP-HTPlacement.doc. Accessed February 25, 2015. ("The goal of this [grant] program is to maintain a minimum of four beds available 365 days a year in staff secure facilities meeting specific features for victims of human trafficking.")

180 Human Trafficking Advisory Board Meeting (January 31, 2014).

victims including , GaDuGi Safe Center in Lawrence, the YWCA Center for Safety and Empowerment in Topeka, SafeHomes in Winfield and EmberHope in Wichita.[181]

Kansas has demonstrated its commitment to ongoing assessment of how its statutory framework is being implemented and addressing the challenges that need to be overcome for Kansas' model to accomplish its goals of directing youth away from delinquency and into services through child welfare. The Human Trafficking Advisory Board, which was established by HB 2034 within the Attorney General's Office, has been convening stakeholders and continues to bring a range of agencies and organizations to the table to address the challenges that arise in implementing Kansas' relatively new statutory framework. With interagency collaboration as a cornerstone, ongoing assessment is the kind of long term approach that makes Kansas a notable model of enactment and implementation of protective system response laws.

181 Rapp, Jennifer. "Presentation on Human Trafficking." Kansas House Committee on Children and Seniors. http://www.kslegislature.org/li_2014/b2013_14/committees/ctte_h_children_and_seniors_1/documents/testimony/20140206_03.pdf. Accessed February 25, 2015.

Specialized Diversion Process

Ohio

Ohio has prioritized changing laws, as well as the development of guidelines and toolkits to help streamline their protective response system for trafficked youth. This approach has been critical to ensuring consistent statewide implementation because Ohio has county-based child welfare[182] and Ohio's protective response for youth though diversion must be implemented at the county level through the juvenile courts. Ohio has utilized active collaboration of state and local task forces, the support of a statewide human trafficking coordinator and public private partnerships to implement protective statutes enacted to direct juvenile sex trafficking victims out of the delinquency process and into services.

In 2012 Ohio enacted House Bill 262, establishing Ohio's protective system response through a specific diversion process for sex trafficked youth. Under the process established by HB 262, a child coming into juvenile court on delinquency charges for prostitution, loitering or solicitation qualifies for a protective response through diversion, including access to services.[183] The child qualifies regardless of age of consent, compliance with law enforcement investigations or disclosure of their victimization.[184] However, the diversion must be granted by the court; it is not automatic or mandatory. A young person facing a delinquency charge for any other type of offense whom the court has reason to believe is a victim of trafficking, may also be granted diversion under the "Safe Harbor law."[185] The law provides that if a diverted minor fails to complete the terms of diversion "to the satisfaction of the court" within the initial 90 day period, the term may be extended for 2 additional terms of 90 days. However, if the terms of diversion are not satisfactorily completed within this timeframe, then the complaint would no longer be held in abeyance. The court would then proceed upon the complaint, but retains the discretion to continue ordering services, specialized supervision, and trauma-informed placement.[186] If the diverted minor satisfies the terms of diversion, the delinquency complaint will be dismissed and the minor's record will be expunged.[187]

When a judge decides to divert a juvenile victim, the delinquency complaint is held in abeyance during the diversion process and the judge may order "placement, services and supervision" among other conditions.[188] However, the law does not provide specific guidance with regard to what would be appropriate placement, services and supervision, leaving the court with broad authority to impose terms the magistrate deems appropriate. For this reason, as discussed during

182 While Ohio has a Central Registry on Child Abuse and Neglect, child protective services are provided through county-based public children services agencies.
183 Ohio Rev. Code Ann. § 2152.021(F) (Complaint of delinquency or juvenile traffic offender).
184 Remarks by Nikki Trautman Baszynski, Assistant State Public Defender, Office of the Ohio Public Defender. JuST Response Congressional Briefing, Mapping State Responses to Sex Trafficked Youth (Washington, D.C.: November 6, 2014). Transcript on file with authors. Video available at http://sharedhope.org/what-we-do/bring-justice/just-response/.
185 Id.
186 Id.
187 Ohio Rev. Code Ann. § 2152.021(F)(5) (Complaint of delinquency or juvenile traffic offender).
188 Id.

the JuST Response National Briefing, defense attorneys have an important role to play in connecting youth to a victim-centered rather than punitive response in this process. A juvenile defender can seek "Safe Harbor diversion" on behalf of his or her client and can request terms of diversion that are likely to benefit the client's recovery. Additionally, since the specialized diversion process is available to any child whom the court has reason to believe was trafficked,, defense attorneys are needed to demonstrate and explain the relationship between a charge, such as truancy or drug possession, and the child's status as a potential trafficking victim.[189] Guardians ad litem can also be helpful in ensuring the court is aware of the child's victimization and what services are most appropriate for the child's treatment.

> What I realized was it was words on paper. So unless you have people who are willing to put it into effect and make it a reality, it really doesn't do much good for anybody.
>
> **— NIKKI TRAUTMAN BASZYNSKI,** ASSISTANT STATE PUBLIC DEFENDER, OFFICE OF THE OHIO PUBLIC DEFENDER, JUST RESPONSE CONGRESSIONAL BRIEFING, 2014

Franklin County provides a strong example of how Ohio's law can be implemented in a victim-centered manner. A year after House Bill 262 passed, the Greif Packaging Charitable Trust funded a fellow through The Ohio State University Moritz College of Law to represent juvenile victims of human trafficking. This fellowship led to the implementation of the Safe Harbor law and the creation of the Empowerment Program in Franklin County. This exemplary utilization of public-private partnership has been critical to shifting to trauma-informed service responses under the new law. When HB 262 first passed, many advocates assumed that it would immediately be utilized.[190] However, through the fellowship it was revealed that Ohio's protective response law was not being utilized and many of those in the court process who could be implementing this tool were unaware of the new law.[191]

The Franklin County Empowerment Program is led by the collaborative effort of several agencies and individuals involved in the court process working in conjunction with service providers.[192] The purpose of the program is to design a diversion plan for juvenile sex trafficking victims that can be ordered by the court as terms of "supervision, services and placement" under Ohio's protective response law. Through the Empowerment Program juvenile victims participate directly in developing their own individualized treatment plans which build on the individual strengths and interests of that young person.[193] As a result, in Franklin County the lack of specificity in the law has been utilized to adapt the conditions of diversion to the needs of the individual victim, creating a supportive rather than punitive court process that promotes compliance with the treatment plan. Nor does the Empowerment Program require that the young person statutorily qualify for "Safe Harbor" to participate in the program. If a child is charged with a non-related charge such as theft and that child is suspected of being a trafficking victim, the magistrate has the discretion to allow the child to access services through the Empowerment Program.[194]

189 Remarks by Nikki Trautman Baszynski, Assistant State Public Defender, Office of the Ohio Public Defender., JuST Response Congressional Briefing, Mapping State Responses to Sex Trafficked Youth (Washington, D.C.: November 6, 2014). Transcript on file with authors. Video available at http://sharedhope.org/what-we-do/bring-justice/just-response/.

190 Id.

191 Id.

192 Phone call to prepare for the 2014 JuST Response Congressional Briefing Prep call with Nikki Trautman Baszynski, Assistant State Public Defender, Office of the Ohio Public Defender

193 Not restricted to youth who qualify for statutory "safe harbor."

194 Remarks by Marlene Carson, Founder and Executive Director of Rahab's Hideaway. JuST Response Congressional Briefing, Mapping State Responses to Sex Trafficked Youth (Washington, D.C.: November 6, 2014). Transcript on file with authors. Video available at http://sharedhope.org/what-we-do/bring-justice/just-response/.

There is currently strong collaboration between the magistrate, defense attorneys, children's services, the prosecutor's office, and court staff. Before the Empowerment Program, service providers seeking to help juvenile sex trafficking victims had no systematic way of offering services through the court.[195] Now, defense attorneys can seek to transfer a client's case to a magistrate who understands Ohio's protective response law and is willing to work with counsel to ensure that the young person can receive trauma-informed services through the diversion process.

What happened in Franklin County is happening throughout Ohio. In Toledo, the development of a protective system response is being spearheaded by a guardian ad litem and a judge. In Summit County a judge and her staff attorney have taken the initiative to implement Ohio's protective system response. In Union County a prosecutor and a judge are working to implement Ohio's protective system response, and in Delaware County, the Delaware Juvenile Lawyers Association is leading the "Safe Harbor" implementation.[196]

> I would say collaborate, collaborate, collaborate… Just don't be afraid to go ask.
>
> — **MARLENE CARSON**, FOUNDER AND EXECUTIVE DIRECTOR OF RAHAB'S HIDEAWAY, JUST RESPONSE CONGRESSIONAL BRIEFING, 2014

With just a handful of counties starting to develop processes for implementing Ohio's protective system response, juvenile victims can face drastic differences in the responses they receive across the state. While Franklin County has the advantage of a highly trained magistrate who has stepped in to handle the majority of cases,[197] other counties may face challenges in ensuring judges are aware of the specialized diversion process and that they understand the service options and trauma-related needs of this victim population. Ohio is comprised of 88 counties that are very diverse geographically. While administrative rules established by the Ohio Department of Job and Family Services and state laws enacted by the legislature are mandatory, implementation happens at the local level and implementation of Ohio's protective response law is a county-driven effort. This creates a challenge for consistent implementation statewide as some counties lack the people and resources to develop comparable implementation plans. Not only are counties unaware of the law, but there is a lack of guidance on how the law should be implemented and resource and

195 Remarks by Nikki Trautman Baszynski, Assistant State Public Defender, Office of the Ohio Public Defender., JuST Response Congressional Briefing, Mapping State Responses to Sex Trafficked Youth (Washington, D.C.: November 6, 2014). Transcript on file with authors. Video available at http://sharedhope.org/what-we-do/bring-justice/just-response/.

196 Id.

197 Id.

referral gaps that need to be filled in order to implement the law. Since the protective response is implemented through the court system, well-trained judges, prosecutors and defense attorneys are a prerequisite to effective implementation of the law.[198]

In addition to challenges with consistent statewide implementation, commercially sexually exploited youth in Ohio may still be arrested, charged with a delinquency offense and potentially detained on prostitution-related charges. Despite amendments to the human trafficking law enacted in 2014 that clarify that minors under the age of 16[199] are victims of sex trafficking regardless of whether they were compelled to engage in commercial sex, a minor victim of any age can still face charges for prostitution offenses.

To account for legislative gaps, collaboration and statewide training are key elements of Ohio's efforts to ensure effective implementation of existing laws. Governor Kasich's Ohio Human Trafficking Task Force and the Ohio Human Trafficking Commission work in partnership with members of the Ohio's Network of Anti-Human Trafficking Coalitions and service providers. Having state agencies mandated to be at the table during state policy and protocol development has allowed agency officials to hear directly from survivors, service providers and other involved advocates including the local Rescue and Restore Coalition members.[200] Initial recommendations from the Governor's task force included the appointment of a state human trafficking coordinator to be responsible for implementing the task force's recommendations, mandating training for state employees in inspector and regulatory roles, creating and implementing a human trafficking screening tool, creating a statewide public awareness campaign and "pursuing creative solutions to the remaining obstacles."[201]

Although Ohio law does not statutorily mandate services for juvenile sex trafficking victims, the task force has provided an impressive online toolkit available through the Ohio Department of Public Safety[202] to support advocates and providers seeking to serve victims of trafficking. The tool kit includes the Ohio Human Trafficking Commissions Standards for Service to Trafficked Person,[203] an identification tool,[204] media standards for working with survivors, links to the Ohio Department of Mental Health and Addiction Services assessment tools to self-evaluate the level of human trafficking and domestic violence trauma informed competencies for providers and

198 Discussion of Panel 2 JuST Response Congressional Briefing, Mapping State Responses to Sex Trafficked Youth (Washington, D.C.: November 6, 2014). Transcript on file with authors. Video available at http://sharedhope.org/what-we-do/bring-justice/just-response/.

199 Ohio's sex trafficking law, Ohio Rev. Code Ann. § 2905.32 requires proof of force, fraud or coercion for sex trafficking offenses involving a minor victim age 16 or older unless the victim was trafficked by a person in a position of authority or trust as defined in Ohio Rev. Code Ann. § 2907.03 (Sexual battery). This requirement aligns with Ohio's age of consent but the age of consent does not limit availability of the specialized diversion process for sex trafficked youth.

200 Id.

201 *Ohio Human Trafficking Taskforce Recommendations to Governor John R. Kasich*. Ohio Human Trafficking Task Force, 2012. http://mha.ohio.gov/Portals/0/assets/Initiatives/HumanTraficking/20120627-task-force-report.pdf. Accessed on February 25, 2015.

202 "Toolkit for Serving Victims of Trafficking in Ohio." *Ohio Human Trafficking Task Force*. http://www.publicsafety.ohio.gov/ht/victimservices.html. Accessed on February 25, 2015. (The "toolkit serves as a framework and compilation of tools developed by our Task Force, the Ohio Network of Anti-Human Trafficking Coalitions, the Ohio Human Trafficking Commission and other resources created by federal and grassroots partners.")http://www.publicsafety.ohio.gov/ht/victimservices.html

203 To meet the standard of care for services recommended in the toolkit a program is provided with a litany of requirements including training of all staff within the first 90 days in areas including trauma-informed care, dynamics of human trafficking, confidentiality, and vicarious trauma along with recommendations for specific types of programs. See .]—Ohio Human Trafficking Commission. *Standards for Services, Service to Trafficked Persons*. 2013. http://www.publicsafety.ohio.gov/ht/links/Service-Standards.pdf. Accessed on February 25, 2015. http://www.publicsafety.ohio.gov/ht/links/Service-Standards.pdf

204 The screening tool has implemented at several agencies to promote identification of more victims in existing systems and to further strengthen collaboration.

clinicians[205] along with several links to federal and other state research, resources and funding opportunities.[206] The toolkit also provides a draft Human Trafficking Protocol for Minor Victims of Trafficking as part of the human trafficking taskforce's Service Matrix and Community Response Models for Serving Adults and Minors along with sample community response models from Ross and Summit counties.[207] Broad training for state agencies on new policies ensures that these agencies are aware of deliverables and guidance created by the task force. Since 2012, Ohio has mandated human trafficking training for law enforcement, all school personnel, new child welfare caseworkers, and state employees with regulatory or inspector roles (e.g., hotel inspectors).[208]

The state of Ohio has also provided grants to create formalized pilot programs for direct services along with identification, training and prevention efforts. In 2013, through the Governor's task force, the Ohio Department of Job and Family Services partnered with the Ohio Network of Children's Advocacy Centers (CACs) to create a network of first responders for minors who are suspected to be victims of trafficking. Through a two year, half million dollar partnership, 26 child advocacy centers are being trained and equipped to provide specialized and trauma-informed assessments and services for juvenile sex trafficking victims in urban and rural areas throughout the state. The CACs work closely with law enforcement and others in providing a multi-disciplinary team (MDT) response. Other grant funding for direct services and reaching at-risk youth was awarded in 2013 and 2014 through the Office of Criminal Justice Services, Ohio Attorney General's Office and the Ohio Children's Trust Fund.

> "This is why training has to be a huge part of both legislative and policy efforts, both to change our laws, and because if you don't create a paradigm shift, the laws can only go so far."
>
> **— ELIZABETH RANADE JANIS,** ANTI-TRAFFICKING COORDINATOR, OHIO DEPARTMENT OF PUBLIC SAFETY, OFFICE OF CRIMINAL JUSTICE SERVICES, JUST RESPONSE CONGRESSIONAL BRIEFING PREPARATION, 2014

Limited resources in Ohio and across the country have posed a challenge to providing the individualized, trauma-informed, holistic and ongoing services needed to adequately respond to and serve juvenile sex trafficking victims. By having a funded fellowship in the area of juvenile human trafficking, a state human trafficking coordinator, and a strong emphasis on collaboration among coalitions, advocates, survivors, law enforcement, juvenile courts and service providers, Ohio has been able to be creative in identifying and maximizing resources. For example, Ohio State University's Moritz College of Law provides free legal representation to survivors, Rahab's Hideaway operates a yogurt shop and catering company to raise funds,[209] and interns at the Greif Fellowship work on identifying no-cost resources for youth such as donated yoga therapy,

205 Organizations that contributed to developing these tools include the Ohio Alliance to End Sexual Violence, the Ohio Domestic Violence Network, the Ohio Department of Health, the Ohio Human Trafficking Task Force and the Central Ohio Rescue and Restore Coalition. See "Ohio battles human trafficking and helps victims recover." *MHAS*. Ohio Department of Mental Health and Addiction Services. http://mha.ohio.gov/Default.aspx?tabid=143. Accessed on February 25, 2015.http://mha.ohio.gov/Default.aspx?tabid=143

206 To learn more, see httphttp://www.publicsafety.ohio.gov/ht/index.html.

207 To learn more, see the Service Matrix and Community Response Models for Serving Adults and Minors at http://www.publicsafety.ohio.gov/ht/response.html.

208 HB 130, HB 262, Remarks by Elizabeth Ranade Janis, Anti-Trafficking Coordinator, Ohio Department of Public Safety, Office of Criminal Justice Services. JuST Response Congressional Briefing, Mapping State Responses to Sex Trafficked Youth (Washington, D.C.: November 6, 2014). Transcript on file with authors. Video available at http://sharedhope.org/what-we-do/bring-justice/just-response/..

209 Conference call in preparation for 2014 JuST Response Congressional Briefing with Ohio panelists.

volunteer opportunities in the community and other options for empowering youth based on their individual strengths and desires. Ohio's innovative approaches and willingness to learn from others provides a model of promising protocol development.

Washington

Washington has been a leader in establishing protections for juvenile sex trafficking victims. Not only did Washington enact one of the earliest protective system response laws, but it also developed a comprehensive statewide protocol to shape the implementation of its statutory framework and address gaps that could undermine victim identification and access to services. Washington has also been at the forefront of research on effective service provision for juvenile sex trafficking victims and has developed innovative programs that employ evidence-based research to improve service provision. As the first state in the nation to create a statutorily mandated human trafficking task force,[210] Washington has led collaborative approaches to responding to sex trafficked youth and as the first state in the nation to specifically criminalize human trafficking under state law,[211] Washington demonstrated the need to establish a strong legislative framework as a critical first step to developing an appropriate response to this victim population.

The development of Washington's statutory framework traces back to the "Becca bill"—1995 legislation named after a sex trafficked child who was killed by a buyer while on runaway status.[212] The Becca bill enhanced Washington's truancy laws, allowed law enforcement to bring runaway youth to a secure crisis residential center,[213] and laid the groundwork for Senate Bill 6476, the 2010 legislation that established Washington's statutory response to juvenile sex trafficking victims.[214] In order to direct sex trafficked youth away from the delinquency process for prostitution offenses, SB 6476 mandated that a minor charged with prostitution for the first time must be diverted and provided access to specialized services. For minors charged with a second or subsequent prostitution offense, SB 6476 authorizes the juvenile prosecutor to divert the child into specialized services or proceed with a delinquency petition. SB 6476 also amended the definition of "child in need of services" (CHINS) to include a "sexually exploited child," which was defined to include victims of Washington's commercial sexual exploitation of a child laws.[215] Enabling commercially sexually exploited youth to access services through the CHINS process also enabled law enforcement to bring sex trafficked youth to secure crisis residential centers.[216]

In Washington since mandatory reporters, including law enforcement, must report sex trafficked youth to child welfare as victims of abuse, juvenile sex trafficking victims have three routes to access services through the Department of Social and Health Services: a referral through the

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210 Office of Senator Jeanne Kohl-Welles. *Landmark Washington State Accomplishments to Prevent Human Trafficking and Sexual Exploitation of Minors.* Washington State Senate. http://www.law.washington.edu/AsianLaw/HumanTrafficking/Kohl-Welles-WashingtonHTLaws.pdf. Accessed February 25, 2015. House Bill (HB) 2381 (2002)

211 Id. HB 1175(2003)

212 Senate Bill 5439 (1995). Shared Hope International, Washington Rapid Assessment (2009).

213 Id.

214 S.B. 6476, 61st Leg., Reg. Sess. § 16 (Wash. 2010) (partial veto), signed into law on April 1, 2010.

215 Revised Code of Washington § 13.32A.030 ("any person under the age of eighteen who is a victim of the crime of commercial sex abuse of a minor under RCW § 9.68A.100, promoting commercial sexual abuse of a minor under RCW § 9.68A.101, or promoting travel for commercial sexual abuse of a minor under RCW § 9.68A.102.")

216 Shared Hope International. *Rapid Assessment on Domestic Minor Sex Trafficking – Washington.* 2009, pg. 38.

diversion process if arrested on prostitution charges, the CHINS process if delivered by law enforcement to a crisis residential center, or through a report of abuse or neglect. However, since Washington's definition of "caregiver" is not broad enough to reach non-familial exploiters, many juvenile sex trafficking victims reported to child welfare would not be able to receive services, leaving the CHINS process as the primary access to services through DSHS. To the extent that a juvenile sex trafficking victim is able to access services through child welfare, that service response is not integrated with the programmatic responses available through other systems or non-profit organizations. Even though the statewide protocol proposes a process for integrating the child welfare system response with other available resources, it has not yet been implemented, and consequently there are no statutes or regulations that ensure consistent statewide collaboration between child welfare and advocates. Nor has the diversion process been without challenges. Since juvenile sex trafficking victims remain subject to arrest and initial detention, as well as possible adjudication for subsequent offenses, re-traumatization through this process remains a concern.

To promote victim-centered implementation of Washington' statutory structure and to avoid inconsistent or potentially traumatic responses to juvenile sex trafficking victims, the Center for Children & Youth Justice, in partnership with YouthCare, under a two year grant from the Children's Justice Interdisciplinary Task Force and private philanthropy,[217] developed the Washington State Model Protocol For Commercially Sexually Exploited Children in 2013. The Protocol promotes consistent statewide implementation of Washington's laws, but with the flexibility to allow for different regional approaches and ongoing assessment and improvement of the Protocol. To develop the Protocol, regional summits were held across the state and included law enforcement, prosecuting and defense attorneys, judges, juvenile detention personal, community service providers, advocates, educators, and child welfare workers and administrators. Findings from these summits were used to create a draft protocol which was further vetted by state leadership. Over 200 individuals contributed to the final Protocol released in 2013.[218]

The Protocol recommends three levels of collaborative response to responding to juvenile sex trafficking victims and connecting them to services. Two teams are intended to be developed at the local level—a multidisciplinary team that is responsible for the immediate response to CSEC victims[219] as well as longer term follow up as needed, and a task force that "foster[s] a coordinated community response," assesses the effectiveness of the local response, "adapt[s] the model protocol to the local/regional area," and develops policy recommendations.[220] In setting out the roles each of these teams and how the teams are to coordinate with one another, the Protocol iden-

217 Bridge, Bobb J. "Testimony for the hearing Protecting Vulnerable Children: Preventing & Addressing Sex Trafficking of Youth in Foster Care." *United States House Committee on Ways and Means.* 2013, pg. 4. Ways and Means Hearing file http://waysandmeans.house.gov/uploadedfiles/bobbe_bridge_testimony_hr102313.pdf. Accessed February 15, 2015.

218 Id.

219 According to the Washington State Model Protocol a CSEC MDT should be expected to, "1. Meet within 24 hours of the identification of a CSEC and work together to make sure that child's needs are met, that the child is assessed for safety and placed accordingly. And that the needed services are identified and offered. 2. Continue to meet regularly on each case, for as long as needed, to assess the child's situation, to address problems, barriers or other challenges as they arise, to offer support as the child and the child's family navigate complex systems, and to make other services available as needed. 3. Provide critical support to the CSEC identified in the course of law enforcement recovery stings and operations." The Protocol also recommends that the CSEC MDT adopt a Memorandum of Understanding (MOU) so that members' roles are clearly defined. See *Washington State Model Protocol for Commercially Sexually Exploited Children.* Center for Children & Youth Justice. 2013, pg 32. http://www.ccyj.org/Project%20Respect%20protocol.pdf. Accessed on February 25, 2015.

220 Id. pg. 27-28.

tifies best practices for working with CSEC youth and encourages each region to use the CSEC Screening Interview tool developed by Portland State University and to identify a comfortable, welcoming and non-stigmatizing "Reception Center" where sex trafficked youth "can be received at the time of identification."[221] In addition, the Protocol recommends CSEC training, and specific levels of training for law enforcement, advocates, child protective services, service providers, prosecutors, public defenders and any other groups that the local task forces identify as important to implementation of the Protocol, such as school employees and health care providers. It also encourages data collection through the screening process to help understand incidence and identify gaps as well as promising practices. The third recommended team is at the state level—a Statewide Coordinating Committee that receives annual reports from the local and regional task forces and recommends policy and legislative changes that could improve local CSEC responses.[222] The Protocol is currently in the process of being piloted in five sites across the state.[223]

Currently there are two statewide committees that have legislative mandates to address sex trafficking, the Coordinating Committee on the Commercial Sexual Exploitation of Children established by SB 5308 and the Coordinating Committee on Sex Trafficking created through HB 1291, both in 2013. The committees share many responsibilities, members,[224] and are charged with reviewing implementation of the Center for Children and Youth Justice's Model Protocol. The committees are tasked with examining local and regional approaches to responding to sex trafficking. The Committee on CSEC focuses specifically on services to trafficked youth, while the Committee on Sex Trafficking reviews responses to adults and minors along with criminal justice initiatives for traffickers, buyers and facilitators. Both Committees review incidence data in order to make recommendations on statewide laws and practices. Each Committee submitted initial reports to the state legislature in December 2014, and although their mandates and research methodology varied, each shared several key recommendations including the need for more resources for data collection and service provision. The Committee on Sex Trafficking implemented several initiatives including meeting with survivors to learn from survivors of prostitution and sex trafficking to learn about what was most healing in their recovery and to gain their counsel, and surveying over 200 direct service providers across the state regarding services provided. Sixty-seven percent of organizations that responded to this survey felt that there were not adequate resources

221 Some examples suggested by the Protocol are "a child advocacy center, a community-based youth services center, a specially prepared drop-in center, a Family Justice Center . . . ."

222 Id.

223 Bridge, Bobb J. "Testimony for the hearing Protecting Vulnerable Children: Preventing & Addressing Sex Trafficking of Youth in Foster Care." *United States House Committee on Ways and Means*. 2013, pg. 4. http://waysandmeans.house.gov/uploadedfiles/bobbe_bridge_testimony_hr102313.pdf. Accessed February 15, 2015.

224 Members of the CSEC Committee include one member from each of the two largest caucuses of the house of representatives and senate, the Governor's Office, Children' Administration, Juvenile Justice and Rehabilitation Administration, the Attorney General's Office, The Superintendent of Public Instruction's Office, the Administrative Office of the Courts, the Washington Associations of Sheriffs and Police Chiefs, the Washington State Criminal Justice Training Commission, the Washington Association of Prosecuting Attorneys, the Office of Public Defense, at least three direct care organizations, at least two representatives of NGOs familiar with this populations, the Superior Court Judges' Association the Juvenile Court Administrator Office and any existing chairs of regional task forces. HB 1291 mandated the Coordinating Committee on Sex Trafficking to include the participation of state legislators from the house and senate, 19 state agencies and representatives from NGO service providers and advocacy groups working on combatting sex trafficking and serving its victims. The committee appointed 18 individuals representing 16 such organizations. The five subcommittees established by the members were Victims' Services convened by Leslie Briner (YouthCare) and Lindsay Cortes (Cocoon House), Demand Reduction convened by Robert Beiser (Seattle Against Slavery) and Peter Qualliotine (Organization for Prostitution Survivors), Research convened by Dr. Debra Boyer (Organization for Prostitution Survivors) and Cassie Franklin (Cocoon House), Community Mobilization convened by Nature Carter (People of Color Against AIDS Network), Sheila Houston (Rare Coins Ministry), and Emma Catague (API/Chaya), and Criminal Justice convened by Chief Colleen Wilson (Washington Association of Sheriffs and Police Chiefs), Matt Baldock (Washington Association of Prosecuting Attorneys), and Linda Smith (Shared Hope). The legislators also participated on the Executive Committee. The Executive Committee met monthly through phone conferences to discuss committee progress, resolve questions or obstacles, and check the committee timeline.

available to serve sex trafficking survivors (both adults and minors) and consistent with other states specifically listed a need for both emergency and long-term residential service options. The Committee on the CSEC further recommended that "the State of Washington should designate a single point of contact in state government to coordinate anti-trafficking efforts and operate an Internet portal." Both committees recognized that although challenges were reported, the five pilot sites implementing the Model Protocol are seeing success and resources should be directed into encouraging the development of more task forces and expanding the Model Protocol statewide.

While the formal statewide Protocol in Washington is an important tool to promote consistency in implementation, challenges remain in ensuring that the goals and recommendations of the Protocol are accomplished around the state.[225] Challenges also remain for those victims referred to the Department of Health Services (DHS). It has been difficult for DHS to meet the 72-hour placement requirement, particularly as DHS faces funding limitations. DHS is not statutorily required to provide specialized services and specific training on commercial sexual exploitation also is not required for all CPS caseworkers. In addition, while commercial sexual exploitation triggers a mandatory report of child abuse and neglect regardless of whether the abuse is at the hands of a caretaker or a third party, CPS only has the duty to investigate instances of abuse or neglect by a parent or caretaker.

For this reason, coordination between DHS and the many non-profit organizations in Washington state that work with exploited youth is crucial to successful implementation of Washington's protective response.[226] However, advocates are finding that after DHS becomes involved as a result of a mandatory report of abuse, DHS often does not coordinate with advocates already working with the child.[227] If the child has an involved family member, DHS' involvement can often alienate the family, undermining the efforts of advocates attempting to engage and work with the family.[228] Due to the lack of funding and dedicated resources for serving sex trafficked youth, DHS faces an uphill battle in responding appropriately to this population through its existing programs, particularly in light of the intensive case management and trauma-informed care that must be a part of working with this population.

In response to the gap in services, the Department of Commerce's Office of Crime Victims Advocacy (OCVA) administers grants to over 100 programs statewide that provide services to victims of crime including programs geared toward serving juvenile sex trafficking victims. In 2010 OCVA utilized funds collected from the Prostitution Prevention and Intervention Account to fund programs for this same population.[229] The agency has representation on the Coordinating

225 Remarks by Leslie Briner, Sexual Exploitation Training and Policy Coordinator, YouthCare. National Colloquium 2013: Juvenile Justice and Child Welfare Process and Placement for Juvenile Sex Trafficking Survivors (Washington, D.C.: November 7, 2013). Transcript on file with authors. Video available at http://sharedhope.org/what-we-do/bring-justice/just-response/. Remarks, Leslie Briner, National Colloquium 2013.

226 Boyer, D. (2013) A Case for Exempting Minors from Prosecution for Prostitution in Washington State. NW Lawyer, Vol. 67:4, pp.22-25, http://nwlawyer.wsba.org/nwlawyer/june_2013?pg=5#pg24, accessed February 25, 2015.

227 Question to panelists from Melinda Giovengo, Executive Director, YouthCare. JuST Response Congressional Briefing, Mapping State Responses to Sex Trafficked Youth (Washington, D.C.: November 6, 2014). Transcript on file with authors. Video available at http://sharedhope.org/what-we-do/bring-justice/just-response/.

228 Id.

229 Members of the Committee and Office of the Washington Attorney General. *2014 Initial Report to the Legislature*. Washington Statewide Coordinating Committee on the Commercial Sexual Exploitation of Children, 2014, pg. 43. http://agportal-s3bucket.s3.amazonaws.com/uploadedfiles/Home/Supporting_Law_Enforcement/Human_Trafficking/Commercially_Sexually_Exploited_Children_Statewide_Coordinating_Committee/2014-CSEC-Committee-Report_0.pdf. Accessed on February 25, 2015.Prepared By: Members Of The Committee Office Of The Attorney General, December 2014

Committee on CSEC and chairs the Coordinating Committee on Sex Trafficking.[230] According to the CSEC Committee 2014 Initial Report to the Legislature "OCVA provides a 'no wrong door' approach to services in which survivors of CSEC can receive services and support through 13 regional Crime Victim Service Centers and 39 county-based Community Sexual Assault Programs. Services include 24-hour access to a victim advocate, safety planning assistance, help accessing medical care, help understanding the legal system, and ongoing support."[231] In addition there has been a priority placed on braiding federal resources with state funds. Both YouthCare, a Seattle based service provider that serves runaway and homeless youth and has developed nationally recognized programs for serving juvenile sex trafficking victims, and WARN which is a coalition of non-governmental organizations and community-based providers in Seattle, Yakima, and Spokane have received federal grants from the U.S. Department of Health and Human Services and the U.S. Department of Justice.[232]

Washington State was on the forefront of prioritizing criminalization of the perpetrators exploiting youth and identifying commercially sexually exploited youth as victims. The state continues this history of leadership by prioritizing statewide collaboration with all stakeholders and by ongoing assessment and strengthening of its protective response protocol.

> "…it is the program that keeps me up at night. It is the program that worries me the most. It is the program that is the highest liability for my agency and we serve over 2,500 young people a year."
>
> — **MELINDA GIOVENGO**, PHD, EXECUTIVE DIRECTOR, YOUTHCARE, THE NATIONAL COLLOQUIUM, 2012

230 Id., pg. 37
231 Id., pg. 43.
232 www.grants.gov

Federal Overview

In April 2013, the President's Interagency Task Force to Monitor and Combat Trafficking expressly recognized existing gaps in service responses for juvenile sex trafficking victims in the development of the Federal Strategic Action Plan on Services for Victims of Human Trafficking in the United States (FSAP). The FSAP, which "lays out a 5-year path for further strengthening coordination, collaboration, and capacity across governmental and nongovernmental entities dedicated to providing support to the victims of human trafficking," includes several components that specifically relate to state responses to juvenile sex trafficking victims.

The plan provides agency commitments to, and delivery of, effective and comprehensive services to all victims of human trafficking. Goals outlined in the plan emphasize the need for increased coordination and collaboration at the national, state, tribal, and local levels, as well as the need to strengthen partnerships with nongovernmental stakeholders. Other goals include: expanded and coordinated human trafficking-related research and evaluation to support evidence-based practices in victim services, expanded access to services, promotion of outreach, training, and technical assistance to increase victim identification and expand availability of services and, in summary, "promote effective, culturally appropriate, trauma-informed services that improve the short- and long-term health, safety, and well-being of victims. " Co-chairs of the FSAP include the U.S. Department of Homeland Security (DHS), the U.S. Department of Justice (DOJ) and the U.S. Department of Health and Human Services (DHHS). While DOJ has had a longstanding history in funding anti-trafficking efforts including services,[233] task force development[234] and training,[235] and DHHS has had a longstanding history providing funding for services for international victims through the Office of Refugee Resettlement,[236] new priorities within DHHS and particularly the Administration of Children and Families (ACF) clearly show recognition of the intersection between juvenile sex trafficking and child welfare and runaway and homeless youth.[237]

233 The Institute of Medicine and National Research Council. *Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States.* Washington, DC: The National Academies Press, 2013, pg. 350. ("In 2010, the Office for Victims of Crime funded six organizations to provide services to minor domestic sex trafficking victims only. Of these, GEMS and Safe Horizon/Streetworks in New York, SAGE in San Francisco, and Salvation Army/Anne's House near Chicago have shelters specifically designed for trafficked youth, totaling 53 shelter beds in three cities.").

234 Id. ("In 2009, OVC funded three pilot sites for its Domestic Minor Demonstration Project (OVC, 2013). Three service providers—Safe Horizon in New York, Standing Against Global Exploitation (SAGE) in San Francisco, and the Salvation Army's Chicago Metropolitan Division—were selected to develop, enhance, or expand the community response to domestic minor victims/survivors of all forms of human trafficking. According to DOJ, an independent evaluation of the demonstration project is ongoing (OVC, 2013). To facilitate multidistrict contacts and cooperation in sex trafficking cases, the U.S. Department of Justice has funded 42 jurisdictions and 36 trafficking victim services providers to form human trafficking task forces to identify and rescue victims of trafficking by proactively investigating such cases. These task forces bring together federal, state and local law enforcement and victim services organizations to investigate all forms of human trafficking and assist the victims.").

235 Id., pg. 245 (" The first, the Office of Juvenile Justice and Delinquency Prevention's Commercial Sexual Exploitation of Children Community Intervention Project (CCIP) Train-the-Trainer curriculum, is designed to provide an overview of issues related to commercial sexual exploitation and sex trafficking of minors for victim and support service providers, law enforcement personnel, health care professionals, child welfare professionals, legal professionals (e.g., prosecutors, legal aid/public defenders, family court officials), school personnel, and first responders. Specific topics include prevention and identification strategies, assessment and counseling techniques, and investigation and interviewing strategies, among others. Second, the Victim, Survivor, Leader™ curriculum is designed to assist organizations interested in developing and providing "specialized services" for female victims and survivors of commercial sexual exploitation and sex trafficking. In addition to these two curricula, GEMS offers technical assistance to organizations seeking additional guidance on the design and delivery of services to victims/survivors of commercial sexual exploitation and sex trafficking (GEMS, 2013).")

236 *Guide to Anti-Slavery Funding, Appropriations Briefing Book FY 2014.* ATEST. http://endslaveryandtrafficking.org/fy2014/Office-of-Refugee-Resettlement.php. Accessed on February 25, 2015.

237 Moossy, Robert. "Sidebar: DOJ-Funded Human Trafficking Task Forces." *NIJ Journal* 262 (2009). http://www.nij.gov/journals/262/Pages/human-trafficking-task-forces.aspx. Accessed on February 25, 2015.

In 2013, ACF released a guidance document to child welfare agencies acknowledging that youth who have been abused and neglected, who have been placed in foster care, particularly in group home settings, and youth that run away from home or foster care placement are particularly vulnerable to traffickers. The guidance also acknowledges the "reality is even though we know there is an important role for child welfare to play, many child welfare agencies struggle with how they are going to meet the needs of victims that come to their attention."[238] In 2014, ACF provided a series of grant awards to strengthen the capacity local of child welfare agencies, issuing grants totaling $2.5 million to "strengthen child welfare ability to respond to sex trafficking and to design a continuum of responses to human trafficking primarily by building infrastructure."[239] In addition Family and Youth Services Bureau (FSBY) made three awards totaling $1.4 million to "strengthen case management for domestic victims of human trafficking."[240]

Congress has also been prioritizing a protective response for juvenile sex trafficking victims. In 2014, Preventing Sex Trafficking and Improving Outcomes for Youth in Foster Care was signed into law. The law requires state child welfare agencies to establish mechanisms to identify and screen youth at risk of sex trafficking, document and report instances of sex trafficking, and develop a plan to locate and respond to children who run away from foster care. It also empowers foster youth 14 and older to participate in the development of their own case plan and transition planning for a successful adulthood. Furthermore, it ensures that foster youth have a birth certificate, Social Security card, health insurance information, medical records, and a bank account. The law is also intended to improve data collection and reporting on child sex trafficking, including sex trafficking data in the Adoption and Foster Care Analysis and Reporting System.[241] Pending legislation such as the Justice for Victims of Trafficking Act[242] and the Stop Exploitation Through Trafficking Act[243] can also influence funding and state agency requirements for serving juvenile sex trafficking victims.

While data collection has remained a priority at both the federal and state level, experts caution that allocating funds towards research should be considered carefully. Based on difficulties entailed in measuring crime in general and in measuring commercial sexual exploitation and sex trafficking of minors specifically, the Institutes of Medicine was commissioned by DOJ to review the commercial sexual exploitation of minors in the U.S. and issue an report. The report concluded that it would not be useful to devote substantial resources to refining estimates of the problem's overall prevalence. At the same time, more needs to be known about the prevalence

238 U.S. Department of Health and Human Services Administration for Children, Youth and Families (ACYF).) *Guidance to States and Services on Addressing Human Trafficking of Children and Youth in the United States.* U.S. Department of Health and Human Service, 2013. http://www.acf.hhs.gov/sites/default/files/cb/acyf_human_trafficking_guidance.pdf. Accessed on February 25, 2015.

239 Remarks by Joo Yen Cheng, Associate Commissioner, Department of Health and Human Services Children's Bureau. JuST Response Congressional Briefing, Mapping State Responses to Sex Trafficked Youth (Washington, D.C.: November 6, 2014). Transcript on file with authors. Video available at http://sharedhope.org/what-we-do/bring-justice/just-response/.

240 U.S. Department of Health and Human Services Administration for Children, Youth and Families (ACYF).) *Guidance to States and Services on Addressing Human Trafficking of Children and Youth in the United States.* U.S. Department of Health and Human Service, 2013. http://www.acf.hhs.gov/sites/default/files/cb/acyf_human_trafficking_guidance.pdf. Accessed on February 25, 2015.

241 H.R.4980 - Preventing Sex Trafficking and Strengthening Families Act113th Congress (2013-2014). https://www.congress.gov/bill/113th-congress/house-bill/4980.

242 Introduced as H.R. 181 and S. 178, Justice for Victims Trafficking Act of 2015 in the 114th Congress.

243 Stop Exploitation Through Trafficking (SETT) Act was first introduced by Senator Klobuchar (D_MN) and would have required each state, within three years, to have in effect legislation that: (1) treats a minor who has engaged or attempted to engage in a commercial sex act as a victim of a severe form of trafficking in persons, (2) discourages the charging or prosecution of such an individual for a prostitution or sex trafficking offense, and (3) encourages the diversion of such individual to child protection services. The SETT Act was reintroduced as H.R. 159 and S. 166 in the 114th Congress.

of these crimes among, and the associated needs of, certain vulnerable populations, including but not limited to: boys; lesbian, gay, bisexual, and transgender (LGBT) youth; homeless youth; rural youth; systems-involved youth; and racial and ethnic minority populations, including Native Americans. Many of these children and adolescents have specific risk factors and needs that have not yet been adequately recognized or examined.[244]

Nevertheless, the FSAP and federal legislation promoting the development of protective responses at the state level must conform to the unique circumstances of each state. As reflected in the timeline on page 8, enactment of state statutory protective responses to juvenile sex trafficking victims have emerged slowly since 2008, until the 2013 and 2014 legislative sessions when a record 13 states enacted statutes that direct juvenile sex trafficking victims away from a delinquency outcome. That trend continues in January 2015 with five states already having introduced legislation that avoids delinquency for juvenile sex trafficking victims.

With federal legislation pending that will require states to enact laws that enable child victims of sex trafficking to avoid delinquency and detention in favor of services, and with an increasing number of states already enacting such laws, this emerging and challenging issue will impact a broad range of agencies and service providers.

244 Family and Youth Services Bureau. *Federal Strategic Action Plan on Services to Victims of Human Trafficking in the United States: Commitments from the Family and Youth Services Bureau.* U.S. Department of Health and Human Services, 2014. http://www.acf.hhs.gov/sites/default/files/fysb/fysb_facts_trafficking_sap_20140122.pdf. Accessed on February 25, 2015.

Discussion

Trauma-informed, individualized service responses to juvenile sex trafficking victims have been identified at the federal, state and local levels as a critical need in this country.[245] Identifying this need is just the first step. The next step is defining and implementing comprehensive response procedures. This next step presents the greatest challenge since a comprehensive service response involves coordinating a web of statutes, systems and services, including protective response statutes, interagency and multidisciplinary protocols, and avenues for juvenile victims to access an array of funded service options.

Nevertheless, establishing a JuST response is critical to avoiding re-traumatization and ensuring that victims are provided specialized services as victims of a specific and serious type of crime. This is complicated by the fact that victims of juvenile sex trafficking come to the attention of service providers in various venues and under a variety of circumstances. Without clear statutes and agency protocols that ensure prompt identification of victims followed by appropriate placement and provision of specialized services, victims could face either a punitive response through the criminal justice system that fails to connect them with needed services, or an inadequate child protection response that may allow victims to return to an exploitative situation or conditions which led to their trafficking. A JuST response seeks to address both of these concerns by establishing a process that identifies juvenile sex trafficking victims and directs them into specialized services through a multidisciplinary approach.

By examining state and federal action on this issue, this report seeks to inform the ongoing development current system responses to ensure that victims of juvenile sex trafficking are identified, assessed, treated, empowered and restored though a continuum of trauma-informed, specialized services. To help achieve this, a holistic approach recognizing that policy, implementation and services are largely interconnected has guided this research. Strong statutes allow for strong system protocols, but implementation of these protocols hinge on an array of services being available that allow them to be implemented. Each of the following aspects of a JuST Response were examined in the 8 states evaluated above, and shape the findings as well as ongoing discussion in this report.

245 Id.

Statutes

A JuST Response is rooted in a statutory procedure for directing juvenile sex trafficking victims away from a criminal justice response and into specialized services. Increased attention on establishing a statutory response to juvenile sex trafficking victims has led to enactment of legislation in several states. These statutes employ various approaches to shift how state child serving agencies identify and respond to juvenile sex trafficking victims. Despite the diversity of approaches to enacting a state JuST response, four general categories of have emerged: immunity without referral[246] to an alternative system response, immunity with referral to alternative system or specialized response, law enforcement referral to a protective system response without immunity, and a specialized diversion process. These categories also represent two overarching approaches—those that make minors immune from prostitution-related offenses and those that direct victims away from a delinquency outcome without making them immune.

State laws are important for establishing and financially supporting initiatives designed to treat juvenile sex trafficking victims at all stages of care. However challenges remain in identifying the most appropriate procedures for directing juvenile sex trafficking victims away from a punitive response in a way that ensures access to services. While child welfare in some states is well equipped and willing to provide specialized services to this victim population, legislative barriers may limit or prevent child welfare involvement. Additionally, not all states identify sex trafficking as a form of child abuse and many states have laws that limit child abuse investigations to parents or caretakers. These statutory limitations must be overcome to allow full engagement by child welfare in serving juvenile sex trafficking victims or states may identify an alternative system process as more appropriate for serving this victim population.[247]

Another emerging approach avoids these limitations by directing juvenile victims to community-based services with state agency oversight,[248] but questions remain about the role of child welfare which has been working with this victim population as a first responder and will likely continue providing services to exploited youth who do fall within agency mandates to serve victims of abuse and neglect. Similarly, immunity from prostitution charges does not prevent all victims from being charged with a delinquent offense, raising questions about the role of juvenile justice agencies in responding to this victim population and/or working with other child serving agencies to ensure these victims are able to access services provided through other systems.

246 Since statutes vary in use of the term referral and report, we use the term referral here to describe laws that specifically require law enforcement to take the step of connecting a commercially sexually exploited child with a system other than juvenile justice, which may be child welfare, the CHINS (Child In Need of Services) process. This does not include general mandatory reporting of abuse, but does include a report of abuse that is specifically mandated for commercially sexually exploited youth.

247 Ongoing conversation exists about child welfare challenges are explored further in the protocol section, each state narratives and issues for ongoing discussion.

248 See Minnesota Department of Public Safety Office of Justice Programs. *No Wrong Door: A Comprehensive Approach to Safe Harbor for Minnesota's Sexually Exploited Youth*. 2013. https://dps.mn.gov/divisions/ojp/forms-documents/Documents/!2012%20Safe%20Harbor%20Report%20%28FINAL%29.pdf. Accessed on February 24, 2015; see also Tennessee's "[Plan]."

> The reality is we need to continue to change these structures so that it is not based on one individual judge or one individual, fantastic law enforcement officer. It has to be a system that allows for these individuals to be identified and responded to properly as a survivor of DMST every time.
>
> — **MELISSA SNOW**, PROGRAM SPECIALIST, NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN, THE NATIONAL COLLOQUIUM, 2013

Systems

Agency protocols to implement new laws and connect youth to services while adequately responding to the specialized and complex needs of this population are challenging to implement. However system protocols have become increasingly critical as states enact protective response laws that direct juvenile victims out of one system (juvenile justice) and into another system that traditionally has not intentionally worked with this population (child welfare). Once statutes are in place and limitations are eliminated, formal protocols play an essential role in promoting effective interagency collaboration and establishing seamless referrals across systems when juvenile sex trafficking victims are identified. However, public agency collaboration does not always come naturally.[249] Different agencies have different mandates and modes of operation. Confidentiality laws can prevent communication across systems, and when multiple teams are working together, confidentiality challenges grow. Service providers are further challenged to provide effective case management when clients are ordered into inappropriate placements such as unprepared foster homes, group homes and detention facilities. While state agencies that interface with juvenile sex trafficking victims are increasingly acknowledging the need for formalized protocols that emphasize trauma-reduction, promote collaboration and provide safe alternatives to juvenile detention, the challenge remains to develop specialized protocols that have the flexibility to provide the most appropriate victim-centered service responses without conflicting with agencies' primary missions and obligations.[250]

249 Administration for Children, Youth and Families (ACYF). *Guidance to States and Services on Addressing Human Trafficking of Children and Youth in the United States*. U.S. Department of Health and Human Service, 2013. http://www.acf.hhs.gov/sites/default/files/cb/acyf_human_trafficking_guidance.pdf. Accessed on February 25, 2015

250 Shared Hope International and Casey Family Programs. *Traffic Stop*. 2014. http://sharedhope.org/wp-content/uploads/2014/08/Traffic-Stop-FINAL.pdf. Accessed February 24, 2015.

Identification

A primary purpose of establishing state agency protocols is the development of a specialized service plan for each identified juvenile sex trafficking victim, regardless of the agency or individual that identifies the victim. These plans will be driven by several factors. The initial identification of the youth as a delinquent or a victim largely determines whether a survivor will be placed in detention or a safe home or community-based services program. This identification is often determined by the first responder: law enforcement, child welfare, runaway and homeless youth program or other service provider or family/self-identification. Sex trafficking victims often do not self-identify for a variety of reasons including pimp control, manipulation, shame, stigmatization, fear of arrest, fear of violence or retaliation from the trafficker and trauma bonds with their abusers. For this reason, juvenile sex trafficking victims may encounter very different system responses depending on how they are initially identified.

One reason a victim of juvenile sex trafficking does not receive services is because they are simply not identified at all. With recent studies revealing that 50–80% of identified trafficked youth in the U.S. have had previous child welfare involvement,[251] there is a clear need that first responders across state agencies—from law enforcement to child welfare to education and community health services—must be trained to recognize indicators of sex trafficking and understand the referral procedures that will allow identified victims to access needed services.[252]

There are certain indicators of increased vulnerability to commercial sexual exploitation. Individuals at risk for abuse and neglect, such as runaway and homeless youth, foster youth, LGBT youth, youth that are developmentally delayed or youth with disabilities are often also at risk for commercial sexual exploitation.[253] Further, child maltreatment itself puts youth at high risk for juvenile sex trafficking such as previous sexual abuse, physical abuse, or disruptions in normative development.[254] Certain minority groups, such as Native American youth, are also at high risk of being trafficked.[255]

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251 California Child Welfare Council. *Ending the Commercial Sexual Exploitation of Children: A Call for Multi-System Collaboration in California.* 2013. http://www.chhs.ca.gov/CWCDOC/Ending%20CSEC%20-%20A%20Call%20for%20Multi-System%20Collaboration%20in%20CA%20-%20February%202013.pdf. Accessed on February 25, 2015; Administration for Children, Youth and Families (ACYF). *Guidance to States and Services on Addressing Human Trafficking of Children and Youth in the United States.* U.S. Department of Health and Human Service, 2013. http://www.acf.hhs.gov/sites/default/files/cb/acyf_human_trafficking_guidance.pdf. Accessed on February 25, 2015; and Sewell, Abby. "Most of L.A. County youths held for prostitution come from foster care." Los Angeles Times, November 27, 2012. http://articles.latimes.com/2012/nov/27/local/la-me-1128-sex-trafficking-20121128. Accessed on February 25, 2015.

252 Epstein, Rebecca and Edelman, Peter. *Blueprint: A Multidisciplinary Approach to the Domestic Sex Trafficking of Girls.* Georgetown Law Center on Poverty and Inequality. 2013. http://www.traffickingresourcecenter.org/sites/default/files/Blueprint%20-%20GL.pdf. Accessed on February 25, 2015.

253 Administration for Children, Youth and Families (ACYF). *Guidance to States and Services on Addressing Human Trafficking of Children and Youth in the United States.* U.S. Department of Health and Human Service, 2013. http://www.acf.hhs.gov/sites/default/files/cb/acyf_human_trafficking_guidance.pdf. Accessed on February 25, 2015

254 The Institute of Medicine and National Research Council. *Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States.* Washington, DC: The National Academies Press, 2013, pg. 85-86. (" Regardless of race or class, for example, those who become involved in the commercial sex trade (both juveniles and adults) are more likely to have a history of parental abuse and neglect, incest, rape, interrupted school activity (including early dropout), running away, and early sexual experiences (including early first intercourse)….)Of the many factors that may increase vulnerability to commercial sexual exploitation and sex trafficking of minors, especially among adolescents, homelessness is widely considered the most direct contributor (Estes and Weiner, 2001). Homeless youth may include runaways (i.e., children who leave home without permission) and so-called thrown-away children (i.e., children and adolescents.")

255 Family and Youth Services Bureau. *Federal Strategic Action Plan on Services to Victims of Human Trafficking in the United States: Commitments from the Family and Youth Services Bureau.* U.S. Department of Health and Human Services, 2014. http://www.acf.hhs.gov/sites/default/files/fysb/fysb_facts_trafficking_sap_20140122.pdf. Accessed on February 25, 2015.

Screening tools to help first line responders identify juvenile sex trafficking are essential to connecting victims to much needed services. Several states have formalized screening tools that have proven to be tremendously effective. Shared Hope International developed a screening tool called Intervene that has been implemented in several jurisdictions and agencies, and served as the foundation for statewide screening tools in Maryland and Florida.[256] The Vera Institute has also recently released a tool that provides broader identification language to help identify all forms of human trafficking, both sex and labor, and for adults and minors.[257] Proper identification of trafficked youth can help connect them to appropriate services, and avoid re-traumatization through ill-equipped providers or a punitive response.

Collaboration

Child serving agencies that collaborate with one another greatly expand their ability to identify juvenile victims and connect them with services since young people often move between systems. Multi-disciplinary teams (MDTs) with participants trained in trauma dynamics should develop formalized protocols to provide individualized service plans that best meet the needs of identified domestic minor sex trafficking victims.[258] Effective protocols rely on the involvement of all agencies and organizations that could have a role in the development of a service plan for an identified trafficking victim in order to establish a comprehensive, multi-agency response, the end goal of which is access to appropriate specialized services.[259]

Several states examined in this report have utilized statutory or executive mandates to create multi-agency responses or MDTs. Other states' collaborative models, such as Connecticut's Heart Response, Massachusetts's SEEN Program and the Georgia Care Connection while not rooted in statute, have implemented memoranda of understanding between agencies and participating nongovernmental organizations to support ongoing protocol development for taskforces and MDT teams. Yet other jurisdictions have employed existing domestic violence or child maltreatment system responses to implement MDTs, such as children's advocacy centers (CACs)[260] and family justice centers (FJCs).[261] CACs require the use of multidisciplinary teams (which include law enforcement investigators, child protection workers, prosecutors, and mental health and other health care professionals, among others) to coordinate forensic interviews, medical evaluations, therapeutic interventions, and victim advocacy in connection with case review and case tracking. Despite the existence of these standards, individual CACs vary greatly in how they were created, how they are organized, and how services are administered. Leadership within CACs comes from a variety of distinct traditions and perspectives, and CAC facilities vary significantly from jurisdiction to jurisdiction. FJCs are a model of multi-sector and interagency collaboration similar

256 Leitch, L., Snow, M., "Intervene. Identifying and Responding to America's Prostituted Youth," Shared Hope International, 2009.

257 To learn more, see http://www.vera.org/pubs/special/human-trafficking-identification-tool.

258 Sherman, Francine T. and Grace, Lisa G.. "The System Response to the Commercial Sexual Exploitation of Girls." *Juvenile Justice: Advancing Research, Policy, and Practice*. Eds. Francine T. Sherman & Francine H. Jacobs, 2011 pg. 331-351.

259 Epstein, Rebecca and Edelman, Peter. *Blueprint: A Multidisciplinary Approach to the Domestic Sex Trafficking of Girls*. Georgetown Law Center on Poverty and Inequality. 2013. http://www.traffickingresourcecenter.org/sites/default/files/Blueprint%20-%20GL.pdf. Accessed on February 25, 2015.

260 U.S. Department of Health and Human Services Administration for Children, Youth and Families (ACYF).) *Guidance to States and Services on Addressing Human Trafficking of Children and Youth in the United States*. U.S. Department of Health and Human Service, 2013. http://www.acf.hhs.gov/sites/default/files/cb/acyf_human_trafficking_guidance.pdf. Accessed on February 25, 2015

261 The Institute of Medicine and National Research Council. *Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States*. Washington, DC: The National Academies Press, 2013, pg. 345., 2013.

to CACs. In an FJC, a multidisciplinary team of professionals is collocated and works together to provide coordinated services to victims of domestic violence. FJCs are designed to "provide one place where victims can go to talk to an advocate, plan for their safety, interview with a police officer, meet with a prosecutor, receive medical assistance, receive information on shelter, and get help with transportation."[262]

Federally created and funded programs may also provide a resource for MDT organization. One example is the Enhanced Collaborative Model to Combat Human Trafficking program of the U.S. Department of Justice, Office of Justice Programs, run through the Bureau of Justice Assistance (BJA) and the Office for Victims of Crime (OVC).[263] Under this program, BJA and OVC work jointly to fund and support multidisciplinary anti-human trafficking task forces. Each task force is comprised of a state, local, or tribal law enforcement agency (funded by the Bureau of Justice Assistance) and a victim service organization (funded by OVC). The members of the task force work collaboratively to strengthen investigations and prosecutions of exploiters and traffickers and to coordinate the delivery of comprehensive services to the human trafficking victims.

While collaborative trends are encouraging, challenges remain. Concerns about privacy, confidentiality, challenges in mandated reporting and data sharing can cause barriers to collaboration. Certain laws like Family Educational Rights and Privacy Act [FERPA] and the Health Insurance Portability and Accountability Act [HIPAA]) may limit professionals from reporting abuse unless they are a mandated reporter.[264] However, many professionals feel that mandated reporting guidelines may inhibit providers from providing the most victim-centered and trauma-informed response because they mandate agency involvement even if it is against the desires of the victim.[265] In addition, few child serving agencies have data systems that share or link data from different systems. In many cases, concerns about confidentiality, data sharing, and potential legal liability, whether perceived or real, serve as barriers to effective coordination among the multiple systems and sectors addressing commercial sexual exploitation and sex trafficking of minors in the United States. Issues around mandatory reporting requirements may cause additional challenges.[266]

Funded positions to help coordinate services at the state and local level have been a promising trend to help streamline collaborative approaches. Ohio, Connecticut, Florida, Minnesota and Oregon currently have statewide coordinator positions, and Tennessee, Washington and Maryland are in the process or have proposed a fiscal note that would fund a similar position.[267] In lieu of a statewide response, Multnomah County, Alameda County, and Suffolk County created similar positions at the local level.[268]

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262 Id. ("The first FJC opened in 2002 in San Diego (Gwinn et al., 2007). Since then, about 80 have been created (Family Justice Center Alliance, 2013). (Family Justice Center Alliance, 2013).")).

263 Id., pg. 348 (" To date, the Office of Justice Programs has funded 42 jurisdictions and 36 victim and support service providers to form such task forces (BJA, 2013).")).

264 Id., pg. 358-359.

265 Discussion. JuST Response Congressional Briefing, Mapping State Responses to Sex Trafficked Youth (Washington, D.C.: November 6, 2014). Transcript on file with authors. Video available at http://sharedhope.org/what-we-do/bring-justice/just-response/.

266 Clawson, Heather et al. *Study of HHS programs serving human trafficking victims.* U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation, 2009. http://aspe.hhs.gov/hsp/07/HumanTrafficking/Final/index.pdf. Accessed on February 25, 2015.

267 Id.; Shared Hope field research.

268 The Institute of Medicine and National Research Council. *Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States.* Washington, DC: The National Academies Press, 2013, pg. , 2013.

Assessment Considerations

Complex health and safety considerations often influence protective service responses. Similarly, victims who self-identify or are identified by their family may require service and shelter options that are not system-involved. If the child has been out of school for a significant amount of time, access to education will be a driving consideration. If the child presents drug dependencies, availability of a substance abuse program is critical, and if the individual has health issues, access to medical care must be reviewed. Youth that have been trafficked may present with several additional needs such as drug or alcohol dependency, pregnancy, delinquency or criminal charges or intensive mental health needs. System protocols based on interagency collaboration not only ensure these considerations are identified and addressed, but also allows for easier access to services across state agency programs.

A safe and nurturing environment for an initial assessment grounds the response in trauma informed practice. However, most areas have limited safe options to provide an ideal space that is available 24/7 to meet the complex needs of juvenile sex trafficking victims. In some cases CACs or FJC may offer a child-friendly environment and to centralize and coordinate the investigation of child abuse cases and related social, physical, and mental health care, as well as advocacy services.[269] Child serving agencies should identify and have funded access to an array of service options to respond to DMST victims. Formalized protocols should be put in place so staff members know how to identify and connect youth with these services. An individual approach that focuses on the victim's goals and empowers them to make decisions for their future should be prioritized.

Individuals responsible for developing the child's service plan must be responsive to the needs of the individual, particularly as it relates to the trauma experienced. During the assessment, service plans should be developed that are gender-responsive, culturally competent, age-appropriate and supportive for youth who are gay, lesbian, bisexual, transgender and questioning (GLBTQ).[270] Plans should also be adaptable and available for ongoing assessments and adjustments.[271] Service plans should also include educational and vocational programming, facilitated relationships with mentors, preparation for program completion and outlining ways to measure program success.

269 Clawson, Heather HJ. and Grace, Lisa LG. *Finding a Path to Recovery: Residential Facilities for Minor Victims of Domestic Sex Trafficking.* Office of the Assistant Secretary for Planning and Evaluation (ASPE), U.S. Department of Health and Human Services, 2009. http://aspe.hhs.gov/hsp/07/humantrafficking/ResFac/ib.pdf. Accessed on February 25, 2015.

270 Minnesota Department of Public Safety Office of Justice Programs. *No Wrong Door: A Comprehensive Approach to Safe Harbor for Minnesota's Sexually Exploited Youth.* 2013, pg. 8. https://dps.mn.gov/divisions/ojp/forms-documents/Documents/!2012%20Safe%20Harbor%20Report%20%28FINAL%29.pdf. Accessed on February 24, 2015 No Wrong Door

271 Shared Hope International and Casey Family Programs. *Traffic Stop.* 2014. http://sharedhope.org/wp-content/uploads/2014/08/Traffic-Stop-FINAL.pdf. Accessed February 24, 2015.

Resources

Pushback from child serving agencies, particularly runaway and homeless youth (RHY) and child welfare programs are grounded in the very legitimate concern that many of these state agencies are already very resource limited. However recent research indicates that because of the shared vulnerabilities between child maltreatment and juvenile sex trafficking indicators, child serving agencies are likely already serving this population.[272] While more resources are needed, it may be possible to provide more trauma-informed and specialized services through a shift in resource allocations. By having caseworkers specifically trained to identify and respond to juvenile sex trafficking, responses will not only be more trauma-informed, but the caseworker has the ability to identify resources in the community best equipped to serve this population.[273]

Creative solutions have arisen to address the current lack of funding for services for juvenile sex trafficking including state, local, federal and private funding steams, a concept that is discussed further in the following chapters. However, ongoing funding streams are needed to develop and sustain effective state responses. The broad range and often high intensity of services needed for children that have been trafficked requires a long-term commitment on the part of systems, service providers and caring adults that work with this population. Several attempts to break trauma bonds and equip youth with appropriate coping procedures and life skills are often needed before the victim commits to leaving a cycle of exploitation, requiring a service response that extends beyond emergency placement and initial referrals to extended restoration care, guidance and mentorship.[274]

Systems and providers need to establish measurable indicators that are both realistic and quantifiable to demonstrate good stewardship to donors and encourage new investments. At the same time potential funders must be led to understand why services for DMST victims tend to be expensive and challenging due to the complex and often lengthy healing process.[275]

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272 Statewide Coordinating Committee on Sex Trafficking. Report on Committee Activities and Plan to Address Sex Trafficking. Washington State Department of Commerce. 2014, pg. 18, 19, 20. http://www.commerce.wa.gov/Documents/Commerce-Sex-Trafficking-Final-2014.pdf. Accessed on February 25, 2015. ("Multiple studies have found that many child victims of trafficking had previous involvement in the child welfare or foster care system. Sixty percent of child sex-trafficking victims recovered during an FBI Innocence Lost operation, spanning 72 U.S. cities in 2013, had previously been in foster care or group homes. Reviews of child sex-trafficking cases by law enforcement in other jurisdictions reveal similar numbers: Between 55 percent and 98 percent of child sex-trafficking cases involved children who had prior involvement in the child welfare system. Approximately 81 percent of the missing children reported to the National Center for Missing and Exploited Children (NCMEC) are classified as endangered runaways by that agency. NCMEC estimates that one in seven endangered runaways are likely victims of sex trafficking. Of the children reported missing to NCMEC in 2012 who are likely child sex trafficking victims, 67 percent were in the care of social services or foster care when they ran http://www.missingkids.com/Testimony/10-23-13. http://www.missingkids.com/CSTT,),.,.), http://waysandmeans.house.gov/uploadedfiles/john_ryan_testimony_hr102313.pdf.... Runaway and homeless youth are at high risk of sexual exploitation. A 2013 study found that approximately one in four homeless youth (23 percent) had experienced sexual exploitation or trafficking prior to becoming connected with a service agency. Youth who are "on the run" who also have a history of abuse and trauma and poor familial and social support are the single most vulnerable group to sex trafficking. A survey of youth in a homeless shelter in Salt Lake City, Utah, found that 50 percent of homeless youth reported having been solicited for sex by an adult. Therefore, children in foster care should be considered at high risk for commercial sexual exploitation and sex trafficking. In a San Francisco study of 149 youth identified as commercially sexually exploited children, Brantley (2009) found that 55 percent were foster care youth from group homes, and 82 percent had previously run away from home multiple times…. IOM http://www.covenanthouse.org/sites/default/files/attachments/Covenant-House-trafficking-study.pdf. Multiple studies have documented that individuals who as adults or as teens become involved in prostitution have a high frequency of childhood sexual and physical abuse.2Studies indicate that Studies indicate that between 55 and 90 percent of prostituted individuals report a history of child sexual and/or physical abuse.")

273 Epstein, Rebecca and Edelman, Peter. *Blueprint: A Multidisciplinary Approach to the Domestic Sex Trafficking of Girls.* Georgetown Law Center on Poverty and Inequality. 2013. http://www.traffickingresourcecenter.org/sites/default/files/Blueprint%20-%20GL.pdf. Accessed on February 25, 2015.

274 Shared Hope International. *National Colloquium 2012 Final Report.* 2013. http://sharedhope.org/wp-content/uploads/2012/09/National-Colloquium-2012-Report.pdf. Accessed on February 25, 2015. National Colloquium 2012

275 Shared Hope International and Casey Family Programs. *Traffic Stop.* 2014. http://sharedhope.org/wp-content/uploads/2014/08/Traffic-Stop-FINAL.pdf. Accessed February 24, 2015.

Training

All professionals that work with domestic minor sex trafficking victims should have training in the specific trauma dynamics associated with sex trafficking and the varying avenues for service response.[276] Training activities also need to be ongoing to ensure that training levels are sustained among professionals in fields that experience high rates of turnover and/or transfers.[277] Specialized training in clinical practices or investigative efforts may be warranted in many cases.[278]

276 Id.

277 The Institute of Medicine and National Research Council. *Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States*. Washington, DC: The National Academies Press, 2013., 2013.

278 Tenneseee Department of Human Services, *Human Trafficking Services Coordination and Service Delivery Plan,* 2013, http://www.tn.gov/humanserv/pubs/TDHS-2013-HT-Plan.pdf. Accessed on February 25, 2015.

Services

Juveniles that have been commercially sexually exploited have unique experiences and require a unique array of services to respond to their individual needs. Specialized services that address these complex needs are critical for their recovery and success. Not all youth will need a residential service response, and at the same time, some will need high level behavior health clinical residential care. In determining appropriate service referrals for juvenile sex trafficking victims, the capacity of available service programs to provide appropriate care for that specific child is an important consideration. Those individuals, whether child welfare, regional navigator, CAC or other MDT team member that are designated responsible for creating a service plan should prioritize identifying programs that have therapeutic programs specifically developed for serving juvenile sex trafficking survivors,[279] have trauma informed safety and security protocols,[280] and are connected to long-term wrap around services. [281] For residential programs the designated person should also identify programs that are licensed[282] and have state or county contracts that allow them to take referrals that correlate with how the victim is identified. As new specialized programs develop, such as specialized safe home and therapeutic foster care models designed specific to serving this population, the infrastructure of existing service providers that work with vulnerable youth can also be equipped to provide services to trafficked youth. Group homes and shelters for runaway and homeless youth that have had the benefit of education and training on identifying and working with juvenile sex trafficking victims are an example of an existing resource that may provide expanded service options for juvenile sex trafficking victims.

Treatment plans should be designed to lead to self-sufficiency, identifying services that will allow the DMST survivor to transition towards independence. Programming must be strength-based and assist survivors with accessing the inherent skills, abilities and qualities of character they possess but may not recognize. Educational and vocational opportunities are critical to helping them develop their talents and interests, gain independence and be active members of their communities.[283]

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279 According to findings in Shared Hope's 2014 Traffic Stop report all staff and volunteer should understand the complex trauma associated with DMST and provide programming that nurtures the strengths of each individual client in a trauma-informed manner. Every staff member working with trafficked youth should be trained in the trauma manifestations associated with sex trafficking and should have a clear understanding of how to recognize and de-escalate trauma-related concerns. In addition, they should be trained in cultural and language sensitivities specific to the issue of trafficking within their community.

280 According to findings in Shared Hope's 2014 Traffic Stop report all staff should be trained and equipped to recognize and de-escalate possible internal security risks and have a response plan in place for external security risks. Available services should meet a range of safety needs for identified trafficked youth. Lock down services should be available for victims that present potential harm to themselves or others. Advocates tend to agree that the least restrictive setting is always preferred to provide a nurturing atmosphere. Less restrictive residential settings and community based services should be available and prioritized for all other victims. All programs should have a deep understanding of safety risks associated with sex trafficking, both internal and external, and should have a response plan formalized in the event safety concerns arise.

281 According to findings in Shared Hope's 2014 Traffic Stop report services should include formalized trauma therapy along with access to education and health care. In addition, the young person's spiritual and social needs must be addressed, and they should have access to services that recognize reinforce individual strengths and talents. The goal of individualized services is to surround the young person with community support and resources that help prepare them to transition towards independence Thus a service response that extends beyond emergency placement and initial referrals to extended restoration care, guidance and mentorship is essential. Treatment plans should be designed to lead to self-sufficiency, identifying services that will allow the youth to heal while transitioning towards independence.

282 Residential services providers should have staff that is knowledgeable about the state and local child welfare and juvenile justice policies and practices so that, if government contracts provide funding for the services, such knowledge can leverage and enhance revenue streams. See Shared Hope International. *National Colloquium 2012 Final Report: Executive Summary.* 2013, pg. 6. http://sharedhope.org/wp-content/uploads/2013/05/National-Colloquium-2012-Report-ExecSumm-B.pdf. Accessed on February 25, 2015..-National Colloquium

283 Epstein, Rebecca and Edelman, Peter. *Blueprint: A Multidisciplinary Approach to the Domestic Sex Trafficking of Girls.* Georgetown Law Center on Poverty and Inequality. 2013 pg. 6. http://www.traffickingresourcecenter.org/sites/default/files/Blueprint%20-%20GL.pdf. Accessed on February 25, 2015.

Programs for sex trafficked youth must address the immediate physical and mental health needs while empowering the child to grow and thrive. Because of the complexity of the trauma incurred during a trafficking situation, these programs may look different than traditional programmatic responses to child abuse. Several established providers described that traditional program responses to abused and neglected youth were not sufficient when addressing the complex trauma recovery of DMST youth.[284] It is essential when providing services, that these programs meet the needs of the whole child, and do not just respond to what happened to them. Without extensive analysis of evidence-based longitudinal data it is not possible to define best practices within therapeutic, vocational and life skill programs but promising trends have emerged.[285]

284 Shared Hope International. National Colloquium 2012 Final Report. 2013. http://sharedhope.org/wp-content/uploads/2012/09/National-Colloquium-2012-Report.pdf. Accessed on February 25, 2015. National Colloquium 2012

285 Department of Justice, Department of Health and Human Services, and Department of Homeland Security. *Federal Strategic Action Plan on Services for Victims of Human Trafficking in the Unites States, 2013-2017*. 2014. http://www.ovc.gov/pubs/FederalHumanTraffickingStrategicPlan.pdf. Accessed on February 25, 2015.

Findings and Issues for Ongoing Discussion

Much can be learned from the creative and determined efforts of states that are actively enacting and implementing a protective JuST Response. Nevertheless, some of the challenges encountered by these states reflect pervasive and systemic barriers requiring ongoing discussion to develop long term solutions. The following reflect the lessons to be learned from the ongoing work of these states and the challenges that require concerted efforts and creative solutions in order to develop fully comprehensive strategies to provide victim-centered trauma-informed services to all juvenile sex trafficking victims.

(1) **Don't let "perfect" be the enemy of "good."**

As the narratives of states implementing immunity laws clearly demonstrate, a state JuST Response must do more than decriminalize. On the other hand, a statutory framework provides the foundation for implementing a protective JuST Response, and while immunity should be the ultimate goal, it may not be the starting point for many states. As the narratives from four states that have not enacted immunity demonstrate, this does not have to be a barrier to moving forward with legislation that starts to lay the groundwork for a comprehensive response. As the development of Florida's JuST Response shows, establishing a comprehensive response in one legislative session is unlikely and implementation can inform policy and subsequent legislative change may be necessary. Establishing a protective JuST Response is best viewed as a long-term process with several steps: statutory change + implementation + ongoing assessment + implementation-informed policy change + further legislative change that has been informed by the lessons of implementation. Throughout this process, creativity and collaboration are essential to maximizing the potential of each step.

(2) **Challenges Are Associated with Referring to Child Welfare for Services.**

Many states that have enacted a protective JuST Response have incorporated a referral to child welfare for services. While directing juvenile sex trafficking victims out of the delinquency process and into child protective services aligns with the view that these children are not criminals but victims of sexual abuse, the statutes, administrative regulations and policy procedures that govern the agencies that provide child protective services are often not structured to provide a comprehensive service response to all juvenile sex trafficking victims. A primary barrier to serving this victim population through child protective services agencies is the concern over parental rights. If a parent or caregiver has to be at fault in order for a sex trafficked child to receive services through child welfare, some children who need specialized services but have a stable home to return to, could be denied services as a result. This may occur even when services are otherwise available through private non-profit service providers if those organizations contract with CPS to provide services and their contract prohibits them from serving non-CPS-involved youth. While studies indicate that many trafficked youth have experienced some form of abuse in their home environment and may have run away from home to escape abuse putting them at particular

risk for sex trafficking,[286] some children are lured into sex trafficking as a result of rebelliousness, insecurities and other factors unrelated to the care they received at home, and as a result could be excluded from accessing needed services if those services can only be accessed as a result of being CPS-involved.

Even in states that define caregiver broadly enough to include a non-familial trafficker who has physical custody and control over a minor victim, giving CPS authority to intervene, some victims will still slip through the cracks if they are unwilling to disclose the identity of their trafficker.[287] Without an identified "caregiver" who is responsible for the abuse, the child will fail to meet the definition of an abused child and will be unable to access services through child welfare. This could be a rather common scenario given the techniques traffickers often employ to avoid detection.

To the extent that juvenile victims fall within the statutory and regulatory jurisdiction of child welfare, child welfare agencies may lack the training to provide trauma-informed services, as well as to effectively screen and identify victims. Traditionally child abuse investigators and case managers have training and expertise in identifying and assessing familial abuse and neglect cases, not to identify and assess the specific and complex needs of child sex trafficking victims who are often exploited by non-family members. As a result, states that rely on child welfare to provide services to juvenile sex trafficking victims may encounter a gap when mandating referral to child welfare if the process for validating cases as abuse—a process that historically centered on familial abuse—is not specifically equipped to respond to this population.

Kentucky and Florida represent two approaches to addressing the limitations on child welfare's ability to provide services to sex trafficked youth who do not otherwise fall within the dependency system. Kentucky statutorily clarified that a child trafficking victim is entitled to services through child welfare regardless of who committed the trafficking. This mandate, however, may be at odds with the agency's historical approach. When investigating a more typical report of abuse, a child who has a non-abusive home to return to would not be validated as abused and would be returned home, consistent with the agency's mandate to promote reunification. Consequently, the development of agency protocol to bridge the transition from one service model to another in working with sex trafficked youth is critical to successful implementation of Kentucky's new laws. In Florida, the role of child welfare (DCF) in providing services was statutorily clarified and the agency is required to serve all sexually exploited youth, regardless of whether the child meets the definition of dependency.

286 YES Project: Youth Experiences Survey: Exploring the Sex Trafficking Experiences of Arizona's Homeless and Runaway Young Adults November 2014; http://www.endsextrafficking.az.gov/documents/ASU%20STIR%20youth-experiences-survey-report-nov-2014.pdf, accessed February 25, 2015.

287 Clawson, Heather et al. *Study of HHS programs serving human trafficking victims*. U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation, 2009. http://aspe.hhs.gov/hsp/07/HumanTrafficking/Final/index.pdf. Accessed on February 25, 2015.

Another policy underlying child welfare priorities that can complicate service delivery is the strong focus on reunification and permanency planning. While some juvenile sex trafficking victims have supportive home environments to return to and families that are able and willing to be engaged in the child's restoration process, other juvenile sex trafficking victims were vulnerable to trafficking due to conditions in their home and returning to that environment—even though they were not trafficked by a family member—could lead to re-victimization.

Since the focus on reunification and the inability to make a parent a respondent when a child has been commercially sexually exploited through no fault of the parent could result in sex trafficked youth being returned to their family in inappropriate circumstances and not being provided needed services, this is one reason to look at an alternative process, such as a child in need of services (CHINS) process to connect a juvenile victim with services without involving the child welfare or delinquency process. Whether the CHINS or similar system is an appropriate avenue to services depends very much on the state. In some states, the CHINS process is so closely aligned with the delinquency process that being adjudicated a child in need of services may have a relatively similar impact on the juvenile victim as being adjudicated delinquent, and in some cases, the CHINS process may allow for detention of sex trafficked youth. In states where CHINS involves an adjudication process with negative consequences for minor victims, the gap in child welfare's ability to serve this victim population may be better addressed through statutory and regulatory changes rather than referral to an alternative system. However, in other states the CHINS process may fall under the jurisdiction of the child welfare agency, providing an avenue to appropriate services without the need to become a ward of the state. Another reason to consider the CHINS process is that the parents of exploited youth, or the youth themselves, can self-refer without threatening parental rights.

Yet another approach—one espoused in the Service Delivery and Coordination plan developed in Tennessee—is to route all juvenile sex trafficking victims through child welfare as the central point of contact for reports, but routing all case management and service provision through non-governmental organizations. Another component of the plan is the requirement that DCS work collaboratively with the NGO providing services, ideally avoiding conflicts in service provision since some exploited youth may also be child welfare involved due to other circumstances in their lives. Minnesota provides another example of this approach. In Minnesota, the central point of contact for referring sex trafficked youth is the Department of Health which is responsible for connecting exploited youth with a regional navigator that will provide services and case management. However, since Minnesota's laws do not address the role of child welfare, and commercial sexual exploitation is grounds for a mandatory report of abuse, it remains unclear how the two state agencies will resolve potential conflicts in their missions.

Lastly, the primary challenge in implementing this type of approach is funding. Minnesota was able to secure funding for a human trafficking coordinator and regional navigator grants during the three years between enactment of its immunity law and the delayed effective date. However, this was a hard fought accomplishment despite Minnesota's unique public private partnerships that helped buoy the legislative efforts when funding gaps threatened to block advocates' efforts. Tennessee and many other states face funding shortfalls that caution against directing sex trafficked youth into existing systems. At the same time, private resources are not sufficient to address the

needs of this population fully or effectively. As agencies and organizations consider these challenges, creativity in two areas have been shown to be effective: (1) identifying funding sources through public private partnerships and (2) when new resources are not available, reallocating existing agency resources to identify the juvenile sex trafficking victims already being served, such as designating specific staff and incorporating juvenile sex trafficking into training requirements.

(3) **JuST Response needs to be available to all minors through all systems (cannot have a single-system response).**

In addition to the possibility that minor victims may be arrested and charged with a prostitution offense, the fact also remains that juvenile sex trafficking victims are often arrested on charges other than prostitution that are nevertheless related to their victimization. In addition to the fact that these juvenile victims experience the trauma of arrest, possible detention and adjudication for those offenses, they may also be denied access to services that would have been available if charged with a prostitution-related offense. This raises the concern that access to services through a single existing system has the potential to exclude victims who are routed through a different system.[288] For example, a juvenile victim who is arrested on drug charges in a state that makes minors immune from prostitution charges and directs them instead to child welfare will be denied access services through child welfare while also being criminalized for conduct that is a product of the juvenile's victimization.

Only a few state responses have contemplated and addressed this issue. Kentucky's legislation provides a process for the Department of Juvenile Justice (DJJ) to identify and refer juvenile sex trafficking victims. This process allows DJJ to petition the court to transfer the case to child protective services (Cabinet) which is tasked with providing specialized services to juvenile sex trafficking victims. If the petition is granted and the case is transferred, the delinquency charges will be dropped. Florida's laws, which unlike Kentucky do not make minors immune from prostitution and status offense charges but allow law enforcement to deliver victims to child welfare (DCF) in lieu of arrest and detention, also contemplated the problem that juvenile victims charged with a delinquent offense could be denied the services provided through DCF. As discussed above, Florida's approach relies on a broad mandate that DCF serve all "sexually exploited youth," even those who do not meet the definition of dependent child, opening the door for DCF's specialized services to be accessed through a variety of avenues, including diversion and probation terms ordered by the court in a delinquency proceeding. However, in some cases a juvenile victim may be committed to the custody of DJJ and consequently unable to access services through DCF. Those victims would have to access specialized services through DJJ, but currently the funding for specialized services is directly solely to DCF, even though DJJ is required to screen all youth in its custody for possible sex trafficking.

> "... we've got them in our system. The money went to the Department of Children and families to provide services because we want them out of juvenile justice, but the reality is they are in the juvenile justice systems ... We are not going to get a prosecutor or a judge to not prosecute a felony charge and sometimes misdemeanor so we want to be able to provide those services when they have to remain in the DJJ system."
>
> **– COURTNEY MCCOWEN WILLIAMS**, ANTI-TRAFFICKING COORDINATOR, FLORIDA DEPARTMENT OF JUVENILE JUSTICE, JUST RESPONSE CONGRESSIONAL BRIEFING, 2014.

288 See Appendix for State System Maps showing the possible systems that may respond to a juvenile sex trafficking victim.

Conclusion/Questions for Ongoing Discussion

Providing a protective JuST Response is a challenging issue and broader understanding of the implementation challenges is just beginning to emerge as more states commit to shifting their response from punishment to protection. As a result, much research remains to be done. Convening the practitioners, policy makers, service providers, researchers, survivors and advocates who have been at the forefront of enacting and implementing a protective JuST Response in their state is critical to continuing the development of systems responses.

This report is intended to serve as a catalyst for ongoing to discussion to develop and prioritize protective system responses that reduce trauma, improve access to individualized services, and inspire policy makers and service providers to take on the challenge of implementing a protective response for sex trafficked youth. This report is informed throughout not only by the individuals who have survived sex trafficking that we have had the privilege to learn from, but by those vulnerable youth still out there, still suffering. They deserve services, they deserve care, and they deserve the opportunity to be a child and to be nurtured and empowered.

State	State law establishes a protective response for DMST victims through existing systems[1]	Type of protective system response: Immunity without referral to alternative system / Immunity with referral to alternative system No immunity, law enforcement referral to protective system / No immunity, diversion
Alabama	No	n/a
Alaska	No	n/a
Arizona	No	n/a
Arkansas	No	n/a
California	No	n/a
Colorado	No	n/a
Connecticut	Yes	Immunity with referral to alternative system (immunity under 16 only, presumption for older minors, services through child welfare)
Delaware	Yes	No immunity, law enforcement report + diversion (mandatory LE report to child welfare + discretionary diversion with services through child welfare)[2]
DC	No	n/a
Florida	Yes	No immunity, law enforcement referral to child welfare (specialized services through child welfare)
Georgia	No	n/a
Hawaii	No	n/a
Idaho	No	n/a
Illinois	Yes	Immunity with mandatory law enforcement report to child welfare
Indiana	No	n/a
Iowa	Yes	No immunity, diversion (discretionary with services through child welfare)
Kansas	Yes	No immunity, mandatory law enforcement referral (specialized services through child welfare)
Kentucky	Yes	Immunity with referral to alternative system (specialized response through child welfare)
Louisiana	Yes	Diversion (mandatory for 1st offense with referral to specialized response, including safe house)
Maine	No	n/a
Maryland	No	n/a
Massachusetts	Yes	No immunity, diversion (discretionary with access to specialized services)
Michigan	Yes	Immunity without referral to alternative system (immunity under 16 only)
Minnesota	Yes	Immunity with access to alternative system (specialized response through Department of Health under state funded statewide coordinator and regional navigator grants)
Mississippi	Yes	Immunity with referral to alternative system (child welfare)
Missouri	No	n/a
Montana	No	n/a
Nebraska	Yes	Immunity with referral to alternative system (child welfare)
Nevada	No	n/a
New Hampshire	Yes	Qualified immunity[3] (no referral to alternative system process)
New Jersey	Yes	No Immunity, diversion (discretionary)
New Mexico	No	n/a
New York	Yes	No immunity, diversion (convert to CHINS process with access to specialized services)
North Carolina	Yes	Immunity with referral to alternative system ("undisciplined juvenile" process)
North Dakota	No	n/a
Ohio	Yes	No immunity, diversion (discretionary, court may refer to services)
Oklahoma	No	No immunity, mandatory law enforcement report to child welfare
Oregon	No	n/a

State	State law establishes a protective response for DMST victims through existing systems[1]	Type of protective system response: Immunity without referral to alternative system / Immunity with referral to alternative system No immunity, law enforcement referral to protective system / No immunity, diversion
Pennsylvania	No	n/a
Rhode Island	No	n/a
South Carolina	No	n/a
South Dakota	No	n/a
Tennessee	Yes	Immunity without referral to alternative system
Texas	Yes	No statutory immunity,[4] diversion (discretionary)
Utah	Yes	No immunity, mandatory law enforcement report to child welfare + mandatory diversion for first offense
Vermont	Yes	Immunity with referral to alternative system (CHINS)
Virginia	No	n/a
Washington	Yes	No immunity, diversion (mandatory for 1st offense with referral to specialized services)
West Virginia	No	n/a
Wisconsin	Yes	No immunity, diversion (discretionary, court may refer to services)
Wyoming	No	n/a
Totals	**25 states**	**Total immunity-based = 12** **Total not immunity-based = 13**

Endnotes

1 A protective system response consists of a statutory mechanism for directing minor victims away from a punitive response and into services. Since a complete protective system response requires long term legislative and implementation efforts, this chart captures any state legislative responses that specifically address how state child serving agencies respond to domestic minor sex trafficking victims. Responses are solely based on statutory law and do not reflect regulatory or practice-based responses by agencies providing child protective services in cases of commercial sexual exploitation. Evaluations of state laws are based on legislation enacted as of August 1, 2014.

2 Blended response combining mandatory law enforcement report to child welfare and diversion with access to specialized services through child welfare.

3 Minors immune from delinquency charges for prostitution "where the conduct was committed as a direct result of being trafficked."

4 See In re B.W., 313 S.W.3d 818, 821 (Tex. 2010) (holding that "a 13 year old child cannot consent to sex as a matter of law" and thus cannot satisfy the knowledge requirement of the prostitution statute.)

State	State law defines child abuse and neglect to include commercial sexual exploitation	State defines "caregiver" or similar term broadly enough to include non-familial traffickers who have custody or control of a minor victim	Does CSEC by a non-caregiver, without parental fault, place victim child within definition of "dependent child," "child in need of care," "neglected child," or similar term denoting class of minors subject to dependency proceedings?	Is CPS involvement possible? Is it true that: (1) abuse is defined to include CSEC and caregiver is broadly defined AND/OR (2) CSEC by non-caregiver, irrespective of parental fault and without abuse, is sufficient to render child dependent?[1]
Alabama	Yes	No	Yes[2]	Yes
Alaska	Yes	Yes	No	Yes
Arizona	Yes	No	No	No
Arkansas	Yes	No	Yes[3]	Yes
California	No	No	Yes[4]	Yes
Colorado	Yes	Yes	No	Yes
Connecticut	No	Yes	Yes[5]	Yes
Delaware	Yes	Yes	Yes[6]	Yes
DC	Yes	No	No	No
Florida	Yes	No[7]	No[8]	No
Georgia	Yes	No	No	No
Hawaii	Yes	No	Yes[9]	Yes
Idaho	Yes	No	No	No
Illinois	Yes	Yes	Yes[10]	Yes
Indiana	Yes	Yes	Yes[11]	Yes
Iowa	Yes	Yes	No	Yes
Kansas	Yes	No	No[12]	Yes[13]
Kentucky	Yes	Yes	Yes[14]	Yes
Louisiana	Yes	No	Yes[15]	Yes
Maine	No	No	No	No
Maryland	Yes	Yes	No	Yes
Massachusetts	No	Yes	Yes[16]	Yes
Michigan	Yes	No	Yes[17]	Yes
Minnesota	Yes	No	Yes[18]	Yes
Mississippi	Yes	Yes	Yes[19]	Yes
Missouri	No	No	No	No
Montana	Yes	No	No	No
Nebraska	Yes	No	Yes[20]	Yes
Nevada	Yes	No	No	No
New Hampshire	Yes	No	No	No
New Jersey	Yes	Yes	No	Yes
New Mexico	Yes	Yes	No	Yes
New York	Yes	Yes	No	Yes
North Carolina	Yes	No	No	No
North Dakota	No	No	No	No
Ohio	Yes	Yes	Yes[21]	Yes
Oklahoma	Yes	No	Yes[22]	Yes
Oregon	Yes	Yes	Yes[23]	Yes
Pennsylvania	Yes	No	No	No
Rhode Island	Yes	No	Yes[24]	Yes
South Carolina	No	Yes	No	No
South Dakota	No	No	Yes[25]	Yes

State	State law defines child abuse and neglect to include commercial sexual exploitation	State defines "caregiver" or similar term broadly enough to include non-familial traffickers who have custody or control of a minor victim	Does CSEC by a non-caregiver, without parental fault, place victim child within definition of "dependent child," "child in need of care," "neglected child," or similar term denoting class of minors subject to dependency proceedings?	Is CPS involvement possible? Is it true that: (1) abuse is defined to include CSEC and caregiver is broadly defined AND/ OR (2) CSEC by non-caregiver, irrespective of parental fault and without abuse, is sufficient to render child dependent?[1]
Tennessee	Yes	Yes	No	Yes
Texas	Yes	No	No	No
Utah	No	No	Yes[26]	Yes
Vermont	Yes	Yes	Yes[27]	Yes
Virginia	No	No	No	No
Washington	Yes	No	No	No
West Virginia	No	Yes	No	No
Wisconsin	Yes	Yes	No	Yes
Wyoming	Yes	Yes	No	Yes
Totals	**40**	**22**	**22**	**33**

Endnotes

1 Responses are solely based on statutory law and do not reflect regulatory or practice-based responses by agencies providing child protective services in cases of commercial sexual exploitation. Evaluations of state laws are based on legislation enacted as of August 1, 2014.

2 Ala. Code § 12-15-102(8)
Dependent Child. a. A child who has been adjudicated dependent by a juvenile court and is in need of care or supervision and meets any of the following circumstances: . . .
8. Who, for any other cause, is in need of the care and protection of the state.

3 Ark. Code Ann. § 9-27-303(17)
"Dependent juvenile" means: . . .
(H)(i) A child who has been a victim of human trafficking as a result of threats, coercion, or fraud.

4 Cal. Welf. & Inst. Code § 300
Any child who comes within any of the following descriptions is within the jurisdiction of the juvenile court which may adjudge that person to be a dependent child of the court: . . .
(b)(2) The Legislature finds and declares that a child who is sexually trafficked, as described in Section 236.1 of the Penal Code, or who receives food or shelter in exchange for, or who is paid to perform, sexual acts described in Section 236.1 or 11165.1 of the Penal Code, and whose parent or guardian failed to, or was unable to, protect the child, is within the description of this subdivision, and that this finding is declaratory of existing law. These children shall be known as commercially sexually exploited children.

5 Conn. Gen.. Stat. § 46b-120
The terms used in this chapter shall, in its interpretation and in the interpretation of other statutes, be defined as follows: . . .
(8) A child or youth may be found "uncared for" . . . (C) who has been identified as a victim of trafficking, as defined in section 46a-170.

6 Del. Code Ann. tit. 10, § 901(8)
"Dependency" or "dependent child" means that a person:
a. Is responsible for the care, custody, and/or control of the child; and
b. Does not have the ability and/or financial means to provide for the care of the child; and . . .
2. The child is living in the home of an "adult individual" who fails to meet the definition of "relative" in this section on an extended basis without an assessment by DSCYF, or its licensed agency . . .

7 Pursuant to Fla. Stat. Ann. § 39.001(5) (Duties), the Department of Children and Families (DCF) must investigate any report of human trafficking as suspected abuse regardless of whether the trafficking involved a caregiver, but pursuant to Fla. Stat. Ann. § 39.01, DCF may not file as a dependency case unless there is cause to file against the parent or legal custodian.

8 Fla. Stat. Ann. § 39.01(15)
"Child who is found to be dependent" means a child who, pursuant to this chapter, is found by the court: . . .
(g) To 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.

9 Haw. Rev. Stat. § 346-1
"Abused or neglected" means subjected to "harm", "imminent harm", or "threatened harm" as defined in section [587A-4].
Haw. Rev. Stat. § 587A-4
"Harm" means damage or injury to a child's physical or psychological health or welfare, where: . . .
(2) The child has been the victim of sexual contact or conduct, including sexual assault; sodomy; molestation; sexual fondling; incest; prostitution; obscene or pornographic photographing, filming, or depiction; or other similar forms of sexual exploitation, including but not limited to acts that constitute an offense pursuant to section 712-1202(1)(b);. . .

10 705 Ill. Comp. Stat. 405/2-3
(1) Those who are neglected include: . . .
(b) any minor under 18 years of age whose environment is injurious to his or her welfare . . .

11 Ind. Code § 31-34-1-3
(a) A child is a child in need of services if, before the child becomes eighteen (18) years of age:
(1) the child is the victim of a sex offense . . .
(2) the child needs care, treatment, or rehabilitation that:
(A) the child is not receiving; and
(B) is unlikely to be provided or accepted without the coercive intervention of the court.
(b) A child is a child in need of services if, before the child becomes eighteen (18) years of age:
(1) the child lives in the same household as another child who is the victim of a sex offense . . .
(2) the child lives in the same household as the adult who:
(A) committed the sex offense under subdivision (1) and the sex offense resulted in a conviction or a judgment under IC 31-34-11-2; or
(B) has been charged with a sex offense listed in subdivision (1) and is awaiting trial;
(3) the child needs care, treatment, or rehabilitation that:
(A) the child is not receiving; and
(B) is unlikely to be provided or accepted without the coercive intervention of the court; and
(4) a caseworker assigned to provide services to the child:
(A) places the child in a program of informal adjustment or other family or rehabilitative services based upon the existence of the circumstances described in subdivisions (1) and (2) and the assigned

caseworker subsequently determines further intervention is necessary; or
(B) determines that a program of informal adjustment or other family or rehabilitative services is inappropriate.

12 However, under Kan Stat. Ann. § 38-223:
(b) A law enforcement officer shall take a child under 18 years of age into custody when the officer: . . .
(3) reasonably believes the child is a victim of human trafficking, aggravated human trafficking or commercial sexual exploitation of a child.

13 See id.

14 Ky. Rev. Stat. Ann. § 600.020
(1) "Abused or neglected child" means a child whose health or welfare is harmed or threatened with harm when: . . .
(b) A person twenty-one (21) years of age or older commits or allows to be committed an act of sexual abuse, sexual exploitation, or prostitution upon a child less than sixteen (16) years of age . . .

15 La. Rev. Stat. Ann. art. 606
A. Allegations that a child is in need of care must assert one or more of the following grounds: . . .
(6) The child is a victim of human trafficking or trafficking of children for sexual purposes.
(7) The child is a victim of commercial sexual exploitation, human trafficking, or trafficking of children for sexual purposes perpetrated by any person regardless of their relationship to the child.
<Subpar. (A)(7) effective when a child, who is a victim of commercial sexual exploitation, human trafficking, or trafficking of children for sexual purposes perpetrated by someone other than a parent or caretaker, becomes an eligible victim for which federal match funds are available through Title IV-E of 47 U.S.C. 672>

16 Mass. Gen. Laws ch. 119, § 24
A person may petition under oath the juvenile court alleging on behalf of a child within its jurisdiction that the child: . . .
(b) is growing up under conditions or circumstances damaging to the child's sound character development . . .
Mass. Gen. Laws ch. 119, § 39K(a)
. . . If a child reasonably believed to be a sexually exploited child declines services or is unable or unwilling to participate in the services offered, the department or any person may file a care and protection petition under section 24. . . .

17 Mich. Comp. Laws § 712A.2.
The court has the following authority and jurisdiction: . . .
(b) Jurisdiction in proceedings concerning a juvenile under 18 years of age found within the county: . . .
(3) If the juvenile is dependent and is in danger of substantial physical or psychological harm. The juvenile may be found to be dependent when any of the following occurs:
(A) The juvenile is homeless or not domiciled with a parent or other legally responsible person. . . .
(C) The juvenile is alleged to have committed a commercial sexual activity as that term is defined in section 462a of the Michigan penal code, 1931 PA 328, MCL 750.462a or a delinquent act that is the result of force, fraud, coercion, or manipulation exercised by a parent or other adult.

18 Minn. Stat. 260C.007
Subd. 6.
"Child in need of protection or services" means a child who is in need of protection or services because the child: . . .
(11) is a sexually exploited youth . . .
Subd. 31.
"Sexually exploited youth" means an individual who:
(1) is alleged to have engaged in conduct which would, if committed by an adult, violate any federal, state, or local law relating to being hired, offering to be hired, or agreeing to be hired by another individual to engage in sexual penetration or sexual conduct;
(2) is a victim of a crime described in section 609.342, 609.343, 609.344, 609.345, 609.3451, 609.3453, 609.352, 617.246, or 617.247;
(3) is a victim of a crime described in United States Code, title 18, section 2260; 2421; 2422; 2423; 2425; 2425A; or 2256; or]
(4) is a sex trafficking victim as defined in section 609.321, subdivision 7b.

19 Miss. Code Ann. § 43-21-105(l)
"Neglected child" means a child: . . .
(ii) Who is otherwise without proper care, custody, supervision or support; or . . .
(iv) Who, for any reason, lacks the care necessary for his health, morals or well-being.

20 Neb. Rev. St. § 43-247
The juvenile court in each county shall have jurisdiction of: . . .
(3) Any juvenile (a) who is homeless or destitute, or without proper support through no fault of his or her parent, guardian, or custodian; . . . (b) who, by reason of being wayward or habitually disobedient, is uncontrolled by his or her parent, guardian, or custodian; who deports himself or herself so as to injure or endanger seriously the morals or health of himself, herself, or others; . . .

21 Ohio Rev. Code Ann. § 2151.04
As used in this chapter, "dependent child" means any child:
(A) Who is homeless or destitute or without adequate parental care, through no fault of the child's parents, guardian, or custodian;
(B) Who lacks adequate parental care by reason of the mental or physical condition of the child's parents, guardian, or custodian;
(C) Whose condition or environment is such as to warrant the state, in the interests of the child, in assuming the child's guardianship; . . .

22 Ok. Stat. Ann. tit. 10A, § 1-1-105(19)
(19) "Dependency" means a child who is homeless or without proper care or guardianship through no fault of his or her parent, legal guardian, or custodian;
(20) "Deprived child" means a child:
a. who is for any reason destitute, homeless, or abandoned,
b. who does not have the proper parental care or guardianship,
c. who has been abused, neglected, or is dependent, . . .

23 Or. Rev. Stat. 419B.100 [Dependency proceedings]
(1) Except as otherwise provided in subsection (5) of this section and ORS 107.726, the juvenile court has exclusive original jurisdiction in any case involving a person who is under 18 years of age and:
(a) Who is beyond the control of the person's parents, guardian or other person having custody of the person;
(b) Whose behavior is such as to endanger the welfare of the person or of others;
(c) Whose condition or circumstances are such as to endanger the welfare of the person or of others; . . .

24 R.I. Gen. Laws § § 14-1-3(6)
"Dependent" means any child who requires the protection and assistance of the court when his or her physical or mental health or welfare is harmed or threatened with harm due to the inability of the parent or guardian, through no fault of the parent or guardian, to provide the child with a minimum degree of care or proper supervision because of:
(i) The death or illness of a parent; or
(ii) The special medical, educational, or social service needs of the child which the parent is unable to provide.

25 S.D. Codified Laws § 26-8A-2
In this chapter and chapter 26-7A, the term, abused or neglected child, means a child: . . .
(3) Whose environment is injurious to the child's welfare; . . .
(5) Who is homeless, without proper care, or not domiciled with the child's parent, guardian, or custodian through no fault of the child's parent, guardian, or custodian;
(6) Who is threatened with substantial harm; . . .

26 Utah Code Ann. § 78A-6-105
(11) "Dependent child" includes a child who is homeless or without proper care through no fault of the child's parent, guardian, or custodian.

27 Vt. Stat. Ann. tit. 33, § 5102
(3) "Child in need of care or supervision (CHINS)" means a child who: . . .
(C) is without or beyond the control of his or her parent, guardian, or custodian; . . .

State System Maps

The following system maps analyze the statutory frameworks in each state that shape the potential responses a juvenile victim sex trafficking victim may encounter. While the goal of the system maps is to understand the existing systems in each state as they apply to juvenile sex trafficking victims, the maps analyze each statutory process even if a properly identified victim would be directed away from that process (i.e., the delinquency process in states that provide immunity). The reason for this approach is three-fold:

(1) Analyzing all of the available responses demonstrates which statutory processes have a specialized response for victims of domestic minor sex trafficking and whether juvenile sex trafficking victims are likely to access the protective response under that process;

(2) Since victims are not always properly identified as victims when they first come to the attention of law enforcement or state agency employees, they may not be directed into a protective response at the outset. Comparing each of the available processes helps identify statutory coordination between agencies to facilitate referral to a protective response regardless of the process into which a victim is initially directed. Indeed, even in states where minor victims of sex trafficking cannot be charged with prostitution, they may be arrested on drug charges or other non-violent crimes as a result of their victimization.

(3) Similarly, by examining the entire process, we can also compare the process faced by a victim who is properly identified with the process faced by a victim who is not properly identified.

Statutory Responses to Domestic Minor Sex

Identification	Initial Custody	Process Following Initial Custody
Dependent or Neglected Child	**Authority for Initial Custody:** Police or department may take custody if : - A court order authorizes custody - Reason to believe child is abused/neglected, which includes CSEC. **Placement:** - Shelter care, if there's probable cause to believe the child is abused or neglected.	**Where is child referred after initial custody?** To the court, and to a medical facility if child is believed to suffer from a physical condition or illness requiring prompt treatment. **When and how does court assume jurisdiction?** Petition within 2 days of initial custody made by any person.
Unruly Child (truancy, runaway, status offenses)	**Authority for Initial Custody:** Police may take custody if: - Court order or under the laws of arrest for an unruly act - Reason to believe the child is runaway **Placement:** - A licensed foster home - Licensed child care agency facility - A juvenile detention home or center - Court-designated "suitable place or facility"	**Where is child referred after initial custody?** To the court, and to a medical facility if child is believed to suffer from a physical condition or illness requiring prompt treatment **When and how does court assume jurisdiction?** A petition shall be made promptly and presented to the court.
Delinquent Child (does not apply to prostitution)	**Authority for Initial Custody:** By police officer if child committed a delinquent act. If suspected of prostitution, child is immune; must be provided with the NHTRC hotline and released to parent. **Placement:** - A licensed foster home - Licensed child care agency facility - A juvenile detention home or center	**Where is child referred after initial custody?** To the court, and to a medical facility if child is believed to suffer from a physical condition or illness requiring prompt treatment **When and how does court assume jurisdiction?** A petition shall be made promptly and presented to the court.

Trafficking Victims in Tennessee

Placement Process Pending Adjudication/ Investigation

When must placement hearing be held after initial custody?

Within 72 hours

What are the placement options?

- Foster home
- Child care agency facility

Adjudication or Referral to Alternate Process

Adjudication:

Court determines if child is dependent, neglected or abused.

Or Alternate Process

N/A

Placement Following Adjudication

Dispositional Outcomes

-Residential treatment placement
-Returned to parent
-Transferred to department of children's services

Dispositional Outcomes

N/A

When must placement hearing be held after initial custody?

Within 24 hours unless court is closed; then within 72 hours.

What are the placement options?

- Foster home
- Child care agency facility
- Detention home
- Center for delinquent children

Adjudication:

Court determines whether child is delinquent/unruly & not neglected/dependent

Or Alternate Process

If the court desires to commit an unruly child to the custody of the department of children's services, it shall, prior to ordering commitment, refer such child to the department's juvenile-family crisis intervention program.

Dispositional Outcomes

- Residential treatment placement
- Returned to parent
- Custody to children's services
- Probation, community service or fine

Dispositional Outcomes

Court may commit child to the depart. after juvenile-family crisis intervention program certifies to court that no other less drastic measure is appropriate.

When must placement hearing be held after initial custody?

Within 72 hours

What are the placement options?

- Foster home
- Child care agency facility
- Detention home
- Center for delinquent children
- Detention facility separate from adults under limited circumstances

Adjudication:

Court determines if child is dependent and if delinquent act/unruly conduct happened.

Or Alternate Process

N/A

Dispositional Outcomes

- Probation
- Any option avail. to dependent child
- Placement in institution, camp or other facility for delinquent children
- Fine or community service

Dispositional Outcomes

N/A

Statutory Responses to Domestic Minor Sex

Identification	Initial Custody	Process Following Initial Custody
Abused/Neglected/ Dependent Child	**Authority for Initial Custody:** By LE/DCFS employee/medical provider if abused/neglected. If believed to be CSEC, protective custody pending referral to DCFS. **Placement:** - Release to parent/guardian - Placement in foster home - Placement in shelter facility	**Where is child referred after initial custody?** DCFS may do investigation or family assessment. Family services may be offered. **When and how does court assume jurisdiction?** A law enforcement or public officer will file a petition with the court.
Child Requiring Authoritative Intervention	**Authority for Initial Custody:** For 6hrs by LE if believed to be runaway, beyond control of parents, or sick and in need of immediate care. **Placement:** Release to parent/guardian; foster care/shelter care; interim crisis intervention services agency; placed with DCFS	**Where is child referred after initial custody?** To interim crisis intervention services, or juvenile PO, for possible station adjustment. **When and how does court assume jurisdiction?** If not diverted, any adult may file a petition, or the court may direct the filing of a petition for authoritative intervention.
Addicted Minor	**Authority for Initial Custody:** By LE if an addicted minor, has escaped from court ordered commitment, or found in public and needs medical assistance. **Placement:** Temporary custody: shelter care, licensed foster home, group home, or other institution. May not be placed in detention.	**Where is child referred after initial custody?** Station adjustment, referral to community-based services, informal monitoring, or court. **When and how does court assume jurisdiction?** Minor delivered to the court by law enforcement; any adult with knowledge may file a petition.
Delinquent Child (does not apply to prostitution offenses)	**Authority for Initial Custody:** By LE if probable cause for delinquency, but minors are immune from prostitution charges & LE must report as potential abuse to DCFS **Placement:** - Release to parent/guardian - Release to foster care/shelter care - Detention if age 10+ (up to 40 hours)	**Where is child referred after initial custody?** If not DCFS, LEO must notify parent/ guardian, decide if station adjustment offered. **When and how does court assume jurisdiction?** If a child is not diverted, the state's attorney will file a petition with the court alleging delinquency.

Trafficking Victims in Illinois

Placement Process Pending Adjudication/ Investigation

When must placement hearing be held after initial custody?

Temporary custody hearing within 48 hours.

What are the placement options?

- Release to child's parents/guardian
- Placement in shelter care

Adjudication or Referral to Alternate Process

Adjudication:

The court will determine whether a child is abused, neglected, or dependent as alleged.

Or Alternate Process

N/A

Placement Following Adjudication

Dispositional Outcomes

- Release to parent/guardian or relative
- Custody to probation officer or DCFS
- Emancipation

Dispositional Outcomes

N/A

When must placement hearing be held after initial custody?

Shelter hearing within 48 hours.

What are the placement options?

- Release to parent/guardian
- Placement in designated shelter facility

Adjudication:

Court rules on authoritative intervention.

Or Alternate Process

Habitually truant minors and minors involved in electronic dissemination of indecent visual depictions may be adjudicated as in need of supervision.

Dispositional Outcomes

- To parent/guardian under supervision
- Commitment to DCFS
- Emancipation

Dispositional Outcomes

Truant: referral to services; fine, public service, or suspended DL. Indecent depictions: counseling/community service.

When must placement hearing be held after initial custody?

Within 48 hours (excluding Sat/Sun/holiday).

What are the placement options?

- release to parent/guardian, with DHS evaluation and treatment order
- if necessary, continued temporary custody in shelter care, licensed foster home, group home

Adjudication:

Within 120 days; 10 days if in shelter care; probable cause standard

Or Alternate Process

Preliminary conference with probation officer for informal adjustment. If eligible, probation officer formulates a non-judicial adjustment plan for treatment and services.

Dispositional Outcomes

Release to family/guardian/relative w. agreement to complete treatment or if nec. for protection of minor, shelter care.

Dispositional Outcomes

Informal supervision and/or refer to educational, counseling, rehabilitative. or residential treatment programs

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When must placement hearing be held after initial custody?

Shelter or detention hearing within 40 hours.

What are the placement options?

- Release to parent/guardian
- Placement in shelter care facility
- Placement in detention facility

Adjudication:

The court will determine whether the child has committed the offenses as alleged.

Or Alternate Process

The child may be offered a station adjustment, probation adjustment, or the opportunity to participate in a community mediation program.

Dispositional Outcomes

- Release to parents (possible supervision)
- Probation or guardianship of DCFS
- Placement in detention facility

Dispositional Outcomes

If the child meets conditions of the alternative process, the child avoids adjudication and possible detention.

Statutory Responses to Domestic Minor Sex

Identification	Initial Custody	Process Following Initial Custody
Dependent, Abused or Neglected	**Authority for Initial Custody:** Protective custody by law enforcement if: - danger of imminent injury, sexual abuse - child is a victim of human trafficking By medical personnel if not safe to release **Placement:** - Relatives - The Cabinet or other appropriate person or agency.	**Where is child referred after initial custody?** If DMST, LE must immediately report to the Cabinet. The Cabinet must investigate and provide treatment, housing and services. **When and how does court assume jurisdiction?** - Temporary removal hearing, within 72 hours of emergency custody - Or, within 10 days of filing petition for custody
Status Offender (does not apply to trafficking victims)	**Authority for Initial Custody:** Custody by peace officer for status offenses: - Habitual runaway/truant - Beyond control of parents/school - Alcohol/tobacco offenses **Placement:** If not DMST, - Release to parents, or other adult - Secure juvenile detention facility - Juvenile holding/Non-secure facility	**Where is child referred after initial custody?** Court services worker decides whether to refer to Cabinet, divert, refer to services. If DMST, cannot be charged with a status offense. **When and how does court assume jurisdiction?** A complaint is filed alleging the commission of a status offense.
Public Offender (does not apply to prostitution offenses)	**Authority for Initial Custody:** Custody by peace officer if the child committed a public offense. A trafficking victim suspected of a prostitution offense is immune and must be referred to the Cabinet. **Placement:** If other than a prostitution offense: - Release to parents, or other adult - Secure juvenile detention facility, - Juvenile holding/non-secure facility	**Where is child referred after initial custody?** If DJJ believes child is trafficking victim, it must file a report with the Cabinet, petition to transfer custody of the child to the Cabinet. **When and how does court assume jurisdiction?** If other than a prostitution offense, by filing a complaint alleging that the child committed an offense while under 18.

Trafficking Victims in Kentucky

Placement Process Pending Adjudication/ Investigation

When must placement hearing be held after initial custody?

Request for an emergency custody order within 12 hours if DMST victim.

What are the placement options?

Temporary custody to:
- Relatives
- The Cabinet or other appropriate person or agency.

Adjudication or Referral to Alternate Process

Adjudication:

Conduct hearing and make disposition within 45 days of child's removal

Or Alternate Process

- An informal adjustment may be made at any time during the proceedings.
- Return to parent, with monitoring/services

Placement Following Adjudication

Dispositional Outcomes

Case permanency plan outlining placement, services, schedules, and proposed actions for long-term custody.

Dispositional Outcomes

- Protective orders
- Removal to the custody of adult relative, other person, or child-caring facility or child placing agency.

When must placement hearing be held after initial custody?

within twenty-four (24) hours, exclusive of weekends and holidays

What are the placement options?

If not DMST and not released:
- secure facility for no more than 24 additional hours, then DJJ-approved nonsecure setting until next court appearance.
- for violation of a court order, detained in secure facility for 48 hours pending next court appearance.

Adjudication:

Court determines whether child is a status offender at formal hearing. Right to counsel.

Or Alternate Process

N/A

Dispositional Outcomes

No secure detention.
Release, commit to DJJ or cabinet, a child-caring facility, or child-placing agency, or probation in a home or boarding home.

Dispositional Outcomes

N/A

When must placement hearing be held after initial custody?

48 hours if juvenile facility, 24 hours if "intermittent holding facility"

What are the placement options?

If not identified as trafficking victim:
- release, if no probable cause or further detention not found necessary.
- detention, if found necessary after considering seriousness of offense, risk of danger to child or community.

Adjudication:

Court determines whether child is a public offender at formal hearing, no jury.

Or Alternate Process

N/A

Dispositional Outcomes

Release, commit to DJJ or cabinet, a child-caring facility, or child-placing agency, or probation in a home or boarding home.

Dispositional Outcomes

N/A

Statutory Responses to Domestic Minor Sex

Identification	Initial Custody	Process Following Initial Custody
Dependent child	**Authority for Initial Custody:** - By LEO/agent of the department if probable cause for abuse/neglect, which includes CSEC - By medical personnel, imminent danger to the child by parent/custodian, immed LE rpt **Placement:** - Release to parent/responsible adult/relative - If sexual exploitation is suspected or alleged, LEO may deliver to DCF and must report minor as a potential abused child	**Where is child referred after initial custody?** If sexually exploited, LEO must report to DCF. DCF may assess for placement in specialized safe house/safe foster home. **When and how does court assume jurisdiction?** An attorney for the department, or other person with knowledge, files a petition with the court. Must be allegation against parent or legal guardian.
Child In Need Of Services	**Authority for Initial Custody:** May be taken into custody by law enforcement if runaway or truant OR child may voluntarily agree to or request services through DCF or DJJ programs. **Placement:** - Release to parents/relatives/responsible adult or school (if truant) - Delivery to Department & give reason for probable cause that child is in need of services	**Where is child referred after initial custody?** Report alleging child is in need of services made to intake office; makes preliminary determination/referral to services **When and how does court assume jurisdiction?** - Representative of the Department or parent/guardian files a petition with the court - School files a truancy petition
Delinquent child	**Authority for Initial Custody:** Taken into custody by law enforcement for: - Delinquent act/violation of law - Failing to appear at a hearing - Violating terms of supervision/probation **Placement:** - Juvenile assessment center < 6 hours, then: - Released to parent/guardian - Release to respite bed in CINS/FINS shelter - Non-secure detention	**Where is child referred after initial custody?** LE or DJJ report to DCF if sexually exploited. Assigned to a juvenile probation officer and recommendations made to address needs. **When and how does court assume jurisdiction?** State attorney files a delinquency petition.

Trafficking Victims in Florida

Placement Process Pending Adjudication/ Investigation

When must placement hearing be held after initial custody?

Dept. will request shelter hearing be held within 24 hours after the removal of the child.

What are the placement options?

- Release to parent/responsible adult
- Safe house or safe foster home if sexually exploited, at discretion of provider.
- Shelter placement if probable cause that child is dependent-neglected or in imminent danger and services will not eliminate the need.

When must placement hearing be held after initial custody?

Shelter hearing within 24 hours of custody

What are the placement options?

- Release to parents
- Shelter placement if parent, guardian or custodian is unavailable, or to give time for family to agree to conditions

When must placement hearing be held after initial custody?

If detained or home detention, within 24 hours. Otherwise, 2-6 weeks.

What are the placement options?

- Release to parent/responsible adult
- Secure detention care
- Nonsecure detention care
- Release to a respite bed in a CINS/FINS shelter

Adjudication or Referral to Alternate Process

Adjudication:

Court determines whether child is dependent-neglected within 30 days of arraignment.

Or Alternate Process

- Non-dependent sexually exploited minors may be referred to voluntary services through DCF as available.
- Court may require parties to participate in dependency mediation.

Adjudication:

Court determines whether child is in need of services within 14 days after custody.

Or Alternate Process

Non-dependent sexually exploited minors may be referred to services through DCF, as available.

Adjudication:

Court determines whether child is delinquent.

Or Alternate Process

- If sexually exploited, may access services through DCF through diversion process.
- Deferred prosecution program through Neighborhood Restorative Justice Center or law enforcement agency diversion programs.

Placement Following Adjudication

Dispositional Outcomes

- Safe house/foster home if child is 6 or older and a victim of sexual exploitation
- Protective supervision in child's home
- Dismiss case if found not dependent

Dispositional Outcomes

- Non-judicial determination by mediation agreement, if successful.
-If in safe house/foster home, residential treatment, can have case mngr, case plan

Dispositional Outcomes

- Temporary legal custody of an adult willing to care for the child
- Licensed child care agency
- Community service
- Staff/physically secure facility-90 days

Dispositional Outcomes

Access to services through DCF.

Dispositional Outcomes

- Secure residential facility (security level based on charges, history, behavioral)
- Non-residential facility (probation)
- If sexually exploited, may access DCF services through probation program.

Dispositional Outcomes

No petition is filed if the juvenile successfully completes the sanctions imposed by the board of the restorative justice center.

Statutory Responses to Domestic Minor Sex

Identification

Initial Custody

Process Following Initial Custody

Child in Need of Care (abused, neglected, or status offense)

Authority for Initial Custody:

Law enforcement must take a child into temporary protective custody if the child:
- will be harmed if not immediately removed
- is a verified missing person
- is a victim of human trafficking or commercial sexual exploitation.

Placement:

- Returned home/placed in a shelter facility
- If child previously ran away from a CINC placement, then temporarily secure detention.
- If child is trafficked, in staff secure facility where child is provided case management and appropriate services by specially trained staff.
-If out of state runaway, placed in secure detention.

Where is child referred after initial custody?

If child is a DMST victim, law enforcement officer must refer the child to the Department for assessment of safety, placement and treatment needs. Otherwise, law enforcement applies to transfer custody to shelter or child care facility, including staff secure facility.

When and how does court assume jurisdiction?

With the filing of a petition by the county or district attorney or another person, or upon an ex parte application for protective custody.

Juvenile Offender

Authority for Initial Custody:

Law enforcement may take custody if:
- An offense is committed in the officer's view
- Officer has probable cause of an offense
- The officer has a warrant
- Officer has probable cause to believe that there is a warrant.

Placement:

- Parents, with or without conditions
- Shelter facility or licensed care facility
- Placement in a juvenile detention center, only if certain criteria are met

Where is child referred after initial custody?

The officer may take the child before an intake and assessment worker.

When and how does court assume jurisdiction?

Proceedings are commenced by the filing of a complaint by the county or district attorney.

Trafficking Victims in Kansas

Placement Process Pending Adjudication/ Investigation

When must placement hearing be held after initial custody?

A hearing must be held within 72 hours of initial custody to determine whether the child can continue in temporary custody.

What are the placement options?

- Parent or legal custodian
- A youth residential facility
- A shelter facility
- A staff secure facility, if the child is a victim of trafficking or exploitation.

Adjudication or Referral to Alternate Process

Adjudication:

A hearing must be held within 30 days of filing a petition.

Or Alternate Process

- Before disposition, the court may convene a conference of people with an interest in the placement of the child.
- The group can make recommendations, which will be followed by the court, unless there is good cause not to follow the recommendations.

Placement Following Adjudication

Dispositional Outcomes

- Placement with a parent, relative, or other suitable person
- A shelter facility
- A youth residential facility
- A staff secure facility, if DMST victim

Dispositional Outcomes

The child will be placed according to the child's best interests, and the recommendations provided by the conference.

When must placement hearing be held after initial custody?

If in detention, a hearing must be held within 48 hours of initial custody. No placement hearing if child is not in custody.

What are the placement options?

- Parents, or other suitable adult
- Shelter facility or licensed care facility
- Placement in a juvenile detention center if the juvenile: committed a prostitution offense or a felony; has a history of violence, is danger to self or others or not likely to appear in court or has prior felony adjudications or has been expelled from non-secure placement

Adjudication:

The hearing must be held without delay and charges proved beyond a reasonable doubt. DMST victims may assert an affirmative defense to prostitution charges.

Or Alternate Process

Each county or district attorney may adopt a policy and establish guidelines for an immediate intervention program by which a juvenile may avoid prosecution.

Dispositional Outcomes

- Probation
- Community based program
- Counseling or other services
- Sanctions House (detention center)
- Confinement in juvenile corrections facility
- Out of home placement in custody of juvenile services.

Dispositional Outcomes

The child must fulfill the terms set by the immediate intervention program or juvenile offender proceedings will be re-instituted.

Statutory Responses to Domestic Minor Sex

Identification	Initial Custody	Process Following Initial Custody
Abused, Neglected or Dependent Child (includes CSEC)	**Authority for Initial Custody:** - Removal is necessary to prevent immediate or threatened physical or emotional harm - Child is endangered by conduct, conditions or surroundings **Placement:** - Parents preferred (possible protective orders) - Shelter care NOTE: No authority to place in detention.	**Where is child referred after initial custody?** Notice must be given to the parents and to the court **When and how does court assume jurisdiction?** - Any person with knowledge may file a sworn complaint - If child is taken into custody, complaint must be filed before the end of the next day
Unruly or Runaway Child	**Authority for Initial Custody:** By law enforcement or an officer of the court when a complaint has been filed alleging child to be unruly or if there are reasonable grounds to believe that child has run away **Placement:** - Release to parents - Detention or shelter care if needed to protect the child or others or to keep child from disappearing	**Where is child referred after initial custody?** Notice must be given to the parents and to the court **When and how does court assume jurisdiction?** - Any person with knowledge may file a sworn complaint - If child is taken into custody, complaint must be filed before the end of the next day
Delinquent child	**Authority for Initial Custody:** By law enforcement under: - The laws of arrest - Reasonable grounds to believe child committed a delinquent act **Placement:** - Release to parents -Detention/shelter care - Short-term in adult facility for 3 hours if misdemeanor-level offense, 6 if higher	**Where is child referred after initial custody?** Notice must be given to the parents and to the court. Intake or other authorized officer begins investigation **When and how does court assume jurisdiction?** Upon an information filed or an indictment

Trafficking Victims in Ohio

Placement Process Pending Adjudication/ Investigation

When must placement hearing be held after initial custody?

Not later than 72 hours after placement

What are the placement options?

- Release to parents
- With relatives
- Shelter care

Adjudication or Referral to Alternate Process

Adjudication:

Must be held within 30 days of when the complaint is filed

Or Alternate Process

N/A

Placement Following Adjudication

Dispositional Outcomes

- Return to parents
- Temporary custody with relative
- Custody to the child protection agency

Dispositional Outcomes

N/A

When must placement hearing be held after initial custody?

Not later than 72 hours after placement

What are the placement options?

- Detention facility for up to 24 hours
- Foster care,
- Child-care facility
- Any other suitable place designated by the court

Adjudication:

The court determines if the child is a unruly child beyond a reasonable doubt

Or Alternate Process

Available if the court establishes an alternative program

Dispositional Outcomes

- Place under community control
- Suspend driver's license
- Commit to temporary or permanent custody of the court
- Foster home or child welfare agency

Dispositional Outcomes

Must not exceed sixty days or until final disposition of the case, which ever comes first

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When must placement hearing be held after initial custody?

Not later than 72 hours after detention

What are the placement options?

Release to parents,
Shelter care, OR
Detention

Adjudication:

The court determines if the child is a delinquent child within 30 days of complaint

Or Alternate Process

CSEC youth may go through diversion program; complaint will be held in abeyance up to 90 days. The court may make any orders regarding placement, services, supervision, diversion actions, and conditions of abeyance, that court considers in the best interests of the child.

Dispositional Outcomes

- Commit to temporary custody
- Placement in a detention facility
- Place child under community control

Dispositional Outcomes

Placement, supervision, & trauma-based services or ed. activities. When program is successfully completed, complaint dismissed and record expunged.

Statutory Responses to Domestic Minor Sex

Identification	Initial Custody	Process Following Initial Custody
Dependent Child	**Authority for Initial Custody:** W/out order by law enforcement if abused or neglected (includes CSEC), or medical personnel if imminent risk to safety. **Placement:** With person or agency that has right to physical custody or in shelter care. Shelter care is mandatory if court ordered temp. custody.	**Where is child referred after initial custody?** Referred to the Department or supervising agency for case management. **When and how does court assume jurisdiction?** Any person may file a dependency petition. In some counties, probation officers determine first if a petition is reasonably justifiable.
Child In Need of Services	**Authority for Initial Custody:** Law enforcement if truant, beyond control of parent, runaway w. subst. abuse/risk behavior, lacks nec. services, a sexually exploited child. **Placement:** -Release to parent or guardian or shelter care -Secure crisis residential center or detention facility	**Where is child referred after initial custody?** CRC administrator shall immediately convene a multidisciplinary team. **When and how does court assume jurisdiction?** DHS or the child's parents will file a petition alleging that the child is in need of services.
At-Risk Youth	**Authority for Initial Custody:** By law enforcement if child violates placement order entered for at-risk youth petition. Not applicable if dependency petition pending. **Placement:** With parent or another placement requested by parent and/or child; secure facility if child violates court order regarding placement.	**Where is child referred after initial custody?** Court has special jurisdiction to assist parent in maintaining care, custody, control of child. **When and how does court assume jurisdiction?** Parents may file at-risk youth petition, but not if a dependency petition is pending. If CHINS also filed, merges w/ At-Risk Youth.
Delinquent Child	**Authority for Initial Custody:** LE may arrest a child when grounds exist for arresting an adult in similar circumstances, including prostitution offenses. **Placement:** -Release to parent, guardian, responsible adult -Secure crisis residential center. -Held in detention, if necessary.	**Where is child referred after initial custody?** Diversion, incl. spec. svcs and safe housing for prostitution charge. Mandatory if 1st offense. **When and how does court assume jurisdiction?** If not 1st prostitution offense, state atty can file petition to commence delinquency proceeding. If filed, court can order diversion.

Trafficking Victims in Washington

Placement Process Pending Adjudication/ Investigation

When must placement hearing be held after initial custody?

Within 72 hours of initial custody.

What are the placement options?

-Release to parent or guardian
-Placement with relative or other suitable person
-Continued shelter care

Adjudication or Referral to Alternate Process

Adjudication:

The court determines whether the child is neglected, dependent or abused.

Or Alternate Process

N/A

Placement Following Adjudication

Dispositional Outcomes

- Parent/guardian with supervision
-Relative/other suitable person
- Agency (foster-, shelter-, group care)

Dispositional Outcomes

N/A

When must placement hearing be held after initial custody?

Within 72 hours of initial custody.

What are the placement options?

-Release to parent/guardian
-Placement in crisis residential center, foster family home, licensed group home facility, any other suitable residence

Adjudication:

Court determines whether child is in need of services as alleged.

Or Alternate Process

If At-Risk Youth petition is also filed, it merges with CHINS petition and case is adjudicated as an At-Risk Youth petition. May also may request family reconciliation services from the department.

Dispositional Outcomes

-Release to parent/guardian with supervision and services, or out-of-home placement, but not in a secure residence.

Dispositional Outcomes

Require regular school attendance, counseling, subst. abuse treatment and/or placement in CRC or staff secure facility.

When must placement hearing be held after initial custody?

10 days, or 5 days if not in court placement

What are the placement options?

With parent or out-of-home placement. Secure facility if child violated placement order.

Adjudication:

Court determines if child is an at-risk youth.

Or Alternate Process

N/A

Dispositional Outcomes

Require regular school attendance, counseling, subst. abuse treatment and/or placement in CRC or staff secure facility.

Dispositional Outcomes

N/A

When must placement hearing be held after initial custody?

Within 72 hours; diversion considered

What are the placement options?

- Crisis residential center (up to 90 days)
- Continued detention, if necessary
-Release to parent/guardian, responsible adult or the Department

Adjudication:

Court determines if child is delinquent. HT is an affirmative defense to prostitution.

Or Alternate Process

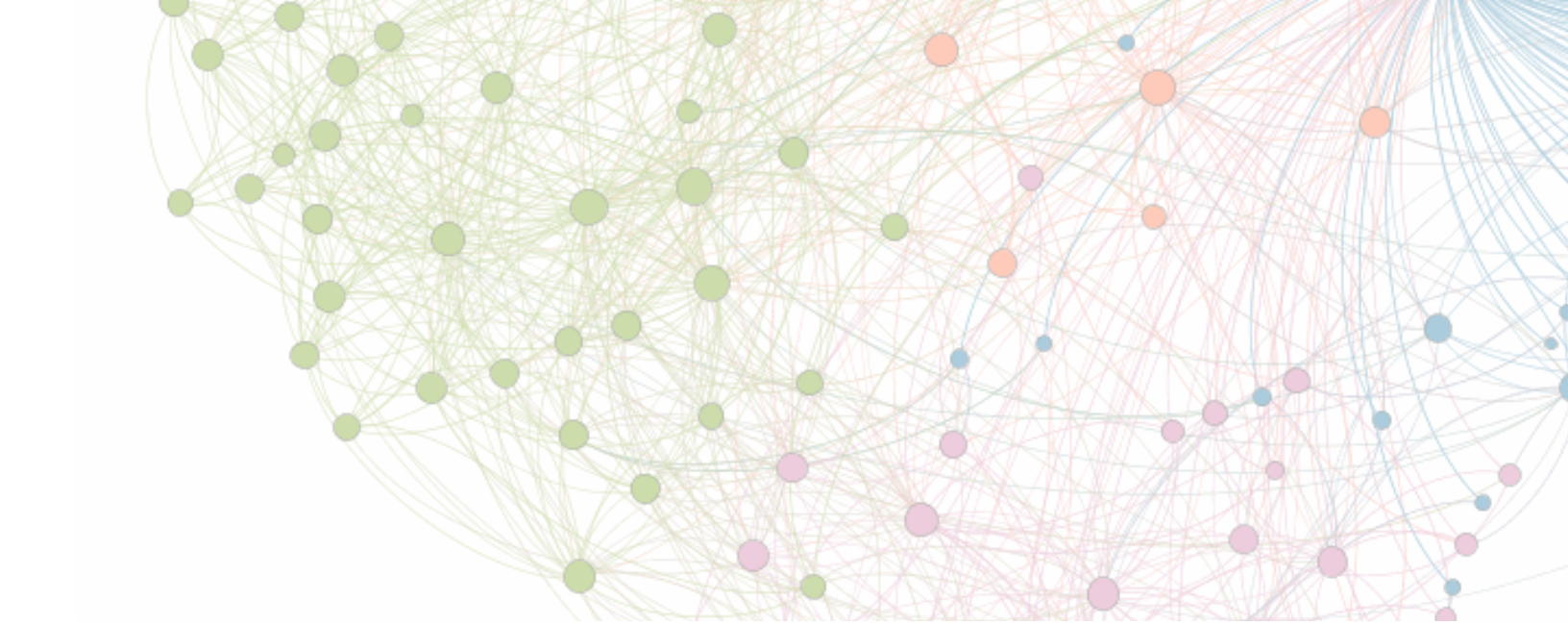
The prosecutor may choose to divert the child from adjudication and detention, and into specialized services. Deferred disposition is also available in certain situations.

Dispositional Outcomes

If not diverted, subject to specific sentencing guidelines for detention and restitution.

Dispositional Outcomes

Access to services and avoids delinquency adjudication.



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