



POLICY GOAL

State law mandates child welfare agencies to conduct trauma-informed CSEC screening for children at risk of sex trafficking.

RECOGNIZING AND ADDRESSING THE COMMERCIAL sexual exploitation of children (CSEC) is a relatively new policy and practice area within child welfare, both federally and at the state level.¹ Enacted in 2014, the Preventing Sex Trafficking and Strengthening Families Act requires states to develop policies and procedures to identify and determine services for children under state child welfare supervision who are victims of sex trafficking or at risk of victimization.² The following year, the Justice for Victims of Trafficking Act (JVTA) expanded the federal definition of “child abuse and neglect” to include human trafficking and commercial sexual exploitation.³ In states where this allegation category was not yet established, this led to updates of state child maltreatment types to include sex trafficking as a form of child abuse. As a result of these changes to federal law, all commercially sexually exploited children are entitled to a response through child welfare regardless of whether they are currently under state supervision.

Unfortunately, state systems continue to misidentify or fail to identify CSEC victims, which creates a barrier to initiating a protective response.⁴ Children often do not identify themselves as having been trafficked or commercially sexually exploited, which can create an additional barrier to being identified by child welfare staff.⁵ Despite the lack of identification, studies have

shown that CSEC victims are highly likely to have had child welfare system involvement at some point.⁶ States have reported that between 41-98% of trafficking victims had prior child welfare involvement.⁷ Importantly, youth already involved in the child welfare system may be particularly at-risk for CSEC victimization as runaway and homeless youth, and youth experiencing neglect are at a higher risk for experiencing commercial sexual exploitation.⁸ Identification is the first step to intervention and provision of specialized services. It is critical that state law mandates trauma-informed CSEC screening for children at risk of sex trafficking, both at entry and throughout involvement with the system.

Success in implementing mandates to identify commercially sexually exploited children is reliant on clear state guidance on screening and assessment protocols and related trainings.⁹ The screening process, if not done in a trauma-informed and child-centered way, can be re-traumatizing.¹⁰ State law addressing CSEC screening within child welfare should include a mandate that professionals responsible for screening receive comprehensive training on CSEC and how to administer the screening in a trauma-informed way prior to conducting any screenings. Additional emphasis should be placed on utilizing a screening tool that has been validated for use within child welfare settings.

DRAFTING CONSIDERATIONS:

TO ACCOMPLISH THIS POLICY GOAL, STATE LAW SHOULD...

- ▶ Mandate CSEC screening by child welfare for *all* children who are referred to child welfare and are at risk of sex trafficking, not just those under state supervision.
- ▶ Require that child welfare staff administering those screenings be trained on CSEC and how to administer the tool in a trauma-informed way.
- ▶ Mandate that CSEC screenings conducted by child welfare are performed in a trauma-informed manner, utilizing a validated screening tool.

RELATED ISSUES:

- 2.4 State law mandates juvenile justice agencies to conduct trauma-informed CSEC screening of children at risk of sex trafficking.
- 2.10 State law defines child abuse to include child sex trafficking for purposes of accessing child welfare services.
- 2.11 State law allows for child welfare involvement in non-familial child sex trafficking cases without hinging involvement on caregiver fault and provides for an alternative, specialized investigation in those cases.
- 3.3 State law requires child welfare to provide access to specialized services for identified sex trafficked children and youth.
- 6.1 State law mandates statewide training for child welfare agencies on identification and response to child sex trafficking.

SUPPORTING RESOURCES:

- ▶ INTERVENE
- ▶ JuST Response Council Protective Response Model report

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- 1 Deborah A. Gibbs, Alana M. Henninger, Stephen J. Tueller, & Marianne N. Kluckman, *Human Trafficking and the Child Welfare Population in Florida*, 88 CHILD. & YOUTH SERV. REV. 1,1 (2018).
 - 2 Preventing Sex Trafficking and Strengthening Families Act (PSTSFA) of 2014, Pub. L. No. 183, 128 Stat. 1919.
 - 3 34 U.S.C. § 20302(5).
 - 4 Jennifer E. O'Brien, "What Does it Matter How We Define It?": Exploring Definitions of DMST Among Service Providers and Victims/Survivors, 5 J. HUM. TRAFFICKING 1, 3 (2019).
 - 5 *Id.* at 3-4.
 - 6 See, e.g., Michael D. Pullmann et al., *Residential Instability, Running Away, and Juvenile Detention Characterizes Commercially Sexually Exploited Youth Involved in Washington State's Child Welfare System*, 102 CHILD ABUSE & NEGLECT 1, 2 (2020); Carlomagno C. Panlilio et al., *Assessing Risk of Commercial Sexual Exploitation Among Children Involved in the Child Welfare System*, 87 CHILD ABUSE & NEGLECT 88, 89 (2019).
 - 7 Panlilio et al., *supra* note 6.
 - 8 Pullmann et al., *supra* note 6, at 3.
 - 9 Gibbs et al., *supra* note 1, at 8.
 - 10 MARISSA CASTELLANOS, M.S.W., GRETCHEN HUNT, J.D., BETHANY GILOT, M.S., AMY NACE-DeGONDA, B.A., MELODY WRAY, THE SOUTHEAST REGIONAL HUMAN TRAFFICKING ADVISORY GROUP, GUIDING PRINCIPLES: FOR AGENCIES SERVING SURVIVORS OF HUMAN TRAFFICKING 25 (2018).