



POLICY GOAL

State law mandates a process for coordinating access to specialized services for child sex trafficking victims that does not require involvement in child-serving systems.

SURVIVORS OF CHILD SEX TRAFFICKING OF-ten have complex needs that cannot be addressed by a single agency or service provider; instead, survivors need support from a number of service providers addressing various needs, including physical health, mental health, reproductive health, malnutrition, substance use, and self-harming behaviors.¹ While some of their needs are shared by other children who have experienced abuse or trauma, it is important that child sex trafficking victims not only receive a broad array of treatment but also that treatment is specialized to the unique trauma associated with commercial sexual exploitation (CSE).² Further, these services should be provided through a number of entry points, including those that do not require involvement in child-serving systems, such as child welfare or juvenile justice. Data increasingly demonstrates a correlation between child welfare involvement and trafficking; child survivors are overrepresented in the child welfare system, *and* the system itself can amplify vulnerabilities—trauma, family interruption, community disengagement—for future exploitation.⁴ In fact, many of the harmful experiences that may warrant system involvement—physical, emotional, and sexual abuse and neglect—are the same experiences exploiters target. Exploiters strategically target vulnerable youth, especially those involved in foster care because they may be easier to manipulate or lure, particularly those who may be disconnected from trusted adults and peers, or experience regular disruption as a result of multiple placements and are lacking consistent oversight. Furthermore, some youth leave placement, resulting in experiences of homelessness or housing instability while in foster care and are left with minimal resources to meet their basic needs, which may cause the youth to engage in “survival sex” to meet such needs.⁵

Juvenile justice involvement is also an inappropriate avenue for providing specialized services to child and youth

survivors. In addition to being ill-equipped to identify and meet the comprehensive needs of children who have already experienced victimization, the experience of arrest, detention, and prosecution, or even the threat of such tactics, creates additional harm and trauma to the child. Utilizing punitive responses and systems to serve child survivors can be counter-productive as the fear of a punitive response itself may create barriers to connection and trust with the child, preventing successful engagement in services.⁶

It is important to note Black and Indigenous communities are involved in all systems at much greater rates than their white counterparts due to deeply entrenched systemic practices and structural responses to race, ethnicity, and socioeconomic status.⁷

Continuously defaulting to child serving systems with the goal of serving child survivors and their families ignores historical and current trauma, community-distrust, and the numerous systems-level failures to actually support, instead of harm, families and communities.

Because CSE children are identified by service providers at various points of entry, clear statutory mechanisms that direct survivors to specialized services and away from child welfare or juvenile justice systems are critical for ensuring survivors receive the specialized care they need. Legislation can achieve specialized service provision and a coordinated response for CSE children through a variety of means, including requiring multi-disciplinary stakeholder training on appropriate and effective responses and mandating a process for coordinating access to specialized services that does not require involvement in child-serving systems. States can also use legislation to direct law enforcement on where to refer or take CSE children, rather than arresting and

detaining them, and to ensure these service responses apply to all identified victims regardless of current system-involvement. Importantly, however, states must couple legislation with significant appropriations and

funding reallocations to ensure that the community-based services can actually be developed, provided on a statewide basis, and sustained.

DRAFTING CONSIDERATIONS:

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

- ▶ Provide a clear process for connecting victims to community-based services.
- ▶ Require that the provided services be specialized.
- ▶ Appropriate funding to ensure these efforts can be implemented.

RELATED ISSUES:

- 2.5 State law prohibits the criminalization of minors under 18 for prostitution offenses and establishes a services-referral protocol as an alternative to arrest.
- 2.6 State law prohibits the criminalization of child sex trafficking victims for status offenses, and misdemeanor and non-violent felony offenses committed as a result of their trafficking victimization.
- 2.7 State law prohibits the criminalization of child sex trafficking victims for sex trafficking and commercial sexual exploitation offenses, including accomplice and co-conspirator liability, committed as a result of their trafficking victimization.
- 3.2 State law provides for a survivor-centered multi-disciplinary team response to child sex trafficking cases.
- 3.3 State law requires child welfare to provide access to specialized services for identified sex trafficked children and youth.
- 3.6 State funding is appropriated to support specialized services and a continuum of care for sex trafficked children regardless of system involvement.

SUPPORTING RESOURCES:

- ▶ Protective Response Model
- ▶ Nat'l Colloquium: 2012 Final Report
- ▶ Bendtsen Diedhiou, Roberts, & Raino, Trauma, Coercion, and the Tools of Trafficking Exploitation: Examining the consequences for children and youth in the justice system

1 U.S. Department of Health and Human Services (n.d.) *Guidance to States and Services on Addressing Human Trafficking of Children and Youth in the United States*, ADMINISTRATION FOR CHILDREN, YOUTH AND FAMILIES, <https://www.acf.hhs.gov/archive/cb/policy-guidance/guidance-states-and-services-addressing-human-trafficking-children-and> (last visited Oct. 3, 2022).

2 *Id.*

3 Kate Walker, J.D. and Fiza Quraishi, J.D., *From Abused and Neglected to Abused and Exploited: The Intersection of the Child Welfare System with the Commercial Exploitation of Children* (2014) <https://www.thorn.org/wp-content/uploads/2015/02/CSEC-Child-Welfare-Report.pdf>.

4 *Id.*

5 *Id.*

6 Elizabeth Barnert, MD, MPH, MS et. al, *Commercial Sexual Exploitation and Sex Trafficking of Children and Adolescents: A Narrative Review*, ACADEMIC PEDIATRICS (2017).

7 Hannah Lantos et. al, *Integrating Positive Youth Development and Racial Equity, Inclusion, and Belonging: Approaches Across the Child Welfare and Justice Systems* (2022) <https://www.childtrends.org/publications/integrating-positive-youth-development-and-racial-equity-inclusion-and-belonging-approaches-across-the-child-welfare-and-justice-systems>.