



POLICY GOAL

State law requires child welfare to provide access to specialized services for identified sex trafficked children and youth.

WHILE A RELATIVELY SMALL PERCENTAGE OF children referred to child welfare enter on report of suspected child sex trafficking, child welfare has an important and unavoidable role in responding to child maltreatment involving commercial sexual exploitation. The enactment of federal legislation, including the *Preventing Sex Trafficking and Strengthening Families Act (2015)* and *Justice for Victims of Trafficking Act (2015)*, has accelerated state and county child welfare reforms to expand their traditional role of investigating and intervening in cases of intrafamilial abuse and neglect to responding in cases of child sex trafficking, including non-familial cases.¹ A change in federal legislation and funding streams recognized the complex needs of child survivors; while some standard child abuse and neglect policies, practices, and responses may still be utilized, it is critical that child and youth survivors have access to specialized care and services that address the unique harm experienced.

It is imperative that child welfare is prepared to complement community-based service responses to provide specialized care, services, and, when appropriate, placement to children who enter the system on a report of child sex trafficking.² Recognizing the strong correlation

between child welfare involvement and exploitation that occurs while the child is in the care of or interacting with the system,³ state law should also require agencies to screen for and respond to vulnerabilities to exploitation and experiences of sex trafficking victimization among youth already within the system.

Ideally, state law requires child welfare to offer an array of comprehensive services and support for all child and youth survivors while eliminating barriers to ensure services are impactful and accessible. State law should ensure that child welfare is positioned—through mandates and adequate funding—to provide access to comprehensive services for all child and youth survivors. It is also important for child welfare to consider and organize appropriate services for the child's (non-offending) caregivers and families, particularly as such services relate to maintaining a child in their home or completing reunification. At a minimum, such services should support caregivers with ensuring the child's emotional and physical safety, reducing the risk of both trafficking re-victimization and future system involvement, and enhancing the child's ability to heal.

DRAFTING CONSIDERATIONS:

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

- ▶ Require child welfare to provide access to comprehensive services for all child and youth survivors.
- ▶ Require that the provided services be specialized.
- ▶ Appropriate funding to ensure these efforts can be implemented.

RELATED ISSUES:

- 2.3 State law mandates child welfare agencies to conduct trauma-informed CSEC screening for children at risk of sex trafficking.
- 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.
- 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.
- 3.1 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.
- 3.5 State law extends foster care services to older foster youth.
- 6.1 State law mandates statewide training for child welfare agencies on identification and response to child sex trafficking.

SUPPORTING RESOURCES:

- ▶ Protective Response Model
- ▶ Nat'l Colloquium: 2012 Final Report

1 Preventing Sex Trafficking and Strengthening Families Act, Pub. L. No. 113-183, 128 Stat. 1919 (2014); Justice for Victims of Trafficking Act (JVTA) of 2015, Pub. L. No: 114-22, 129 Stat 227 (2015).

2 *Best Practices and Recommendations for States*, NATIONAL ADVISORY COMMITTEE ON SEX TRAFFICKING OF CHILDREN AND YOUTH IN THE UNITED STATES (2020), https://www.acf.hhs.gov/sites/default/files/documents/otip/nac_report_2020.pdf (last visited Oct. 5, 2022).

3 *From Abuse and Exploited to Abused and Exploited; The Intersection of the Child Welfare System with the Commercial Sexual Exploitation of Children*, NATIONAL CENTER FOR YOUTH LAW (2015) <https://www.thorn.org/wp-content/uploads/2015/02/CSEC-Child-Welfare-Report.pdf> (last visited Oct. 3, 2022).