



2023 REPORT

MINNESOTA

Report Cards on Child & Youth Sex Trafficking

State Action. National Change.



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IN 2011, SHARED HOPE RELEASED THE NATION’S FIRST LEGAL FRAMEWORK THAT CHALLENGED states to enact laws that comprehensively address the crime of child sex trafficking. When we launched the Protected Innocence Challenge project—and issued the inaugural State Report Cards—the majority of states received an “F” grade, reflecting the reality that many states’ laws failed to even recognize the crime of child sex trafficking. Since then, we have been working to lay the foundation for transformational policy, practice, and cultural change by supporting state legislators and stakeholders in identifying gaps in the fabric of laws needed to address this heinous crime. By 2019, no state received an “F” grade, and a majority of the country received an “A” or “B.”

PROTECTED INNOCENCE CHALLENGE

MINNESOTA

Year	Score	Grade	10	19	15	7.5	22.5	15
2019	89	B	10	25	15	10	27.5	15
2011	76.5	C	7.5	15.5	11.5	6.5	20.5	15

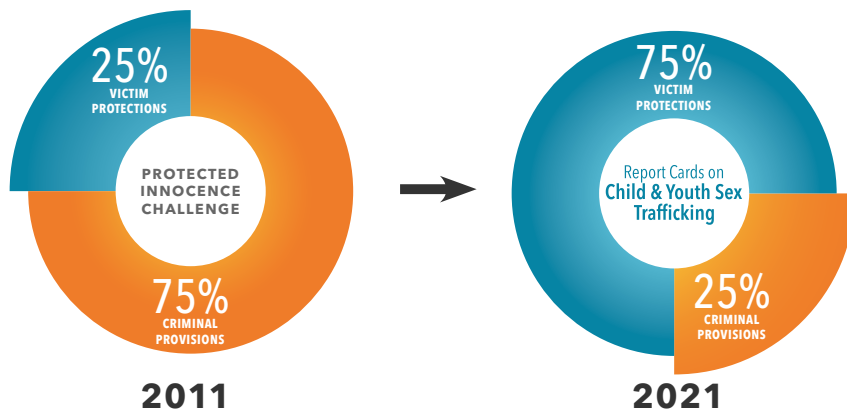
From 2011 to 2019, Minnesota raised their grade under the Protected Innocence Challenge from a “B” to a “C,” enacting legislation aimed at holding offenders accountable and protecting survivors.

To view Minnesota’s 2019 PIC report, visit sharedhope.org/PICframe9/reportcards/PIC_RC_2019_MN.pdf

A SHIFT IN FOCUS

THE PROTECTED INNOCENCE CHALLENGE PROJECT WAS SHARED HOPE’S VISION FOR MOBILIZING collective state action to ensure national change. Building on the progress already made under that project—while preserving its most fundamental components—we released a new, advanced legislative framework in 2020 that

focuses on new policy priorities reflective of feedback and research collected from the field. This framework is meant to challenge states to take the next step in the fight against sex trafficking by focusing on the area of law where the largest gaps remain—victim protections.



ADVANCED LEGISLATIVE FRAMEWORK

6 ISSUE AREAS IDENTIFIED:

CRIMINAL PROVISIONS

IDENTIFICATION OF & RESPONSE TO VICTIMS

CONTINUUM OF CARE

ACCESS TO JUSTICE FOR TRAFFICKING SURVIVORS

TOOLS FOR A VICTIM-CENTERED CRIMINAL JUSTICE RESPONSE

PREVENTION & TRAINING

40 POLICY GOALS ANALYZED:

110 TOTAL POINTS AWARDED:

States earn up to 2.5 points per policy goal

Extra credit: Protections for labor and youth 18+

100 possible points

plus up to 10 points

FINAL LETTER GRADES ASSIGNED:

A | 90-110 **B** | 80-89 **C** | 70-79 **D** | 60-69 **F** | <60

TIER RANKING

Another way the Report Cards on Child & Youth Sex Trafficking will measure progress is through a Tier system that will help states understand how they are doing compared to other states. Especially at this stage where grades are clustered at lower levels, the Tiers help to show states where they are on a spectrum. This provides another way for states to evaluate the progress they make beyond changes to their letter grade.

THE TIERS ARE STRUCTURED AS FOLLOWS:

- ▶ TIER 1 = TOP 10 SCORES
- ▶ TIER 2 = MIDDLE 31 SCORES
- ▶ TIER 3 = BOTTOM 10 SCORES

C

MINNESOTA

2023 Report Card

TIER I

GRADES ARE BASED SOLELY ON AN ANALYSIS OF STATE STATUTES. While we recognize the critical importance of non-legislative responses to propel progress, grading on statutory law provides a clear mechanism for evaluating policy goals across all states while ensuring that survivor-centered reforms are an enduring part of states' responses.

STATE HIGHLIGHTS:









- Between 2021-2023, raised score by 17.5 points.
- Currently ranked 3rd in the nation.
- One of 10 states to raise their letter grade this year.
- Seventh most improved in 2023 (raised score by 12.5 points this year alone).
- One of the leading states for enacting laws related to providing a sustainably funded, coordinated Safe Har-

bor response to children and youth under 25 impacted by sex and labor trafficking.

- Over \$4,000,000 was appropriated from state funds to support the provision of Safe Harbor services.
- Enacted Senate File 2995, creating a specialized child welfare process for investigating non-caregiver cases of child sex trafficking.

SAFE HARBOR STATUS:

One of 30 states that statutorily prohibit the criminalization of minors under the core prostitution offense.

Issue	Grade	Score	Summary
 1. Criminal Provisions	B	15 17.5	Policy goals accomplished related to buyer and trafficker accountability under state CSEC laws, mistake of age defenses, decoy defenses, business entity liability under the trafficking law, and financial penalties. Gap remains related to buyer accountability under the trafficking law.
 2. Identification of and Response to Victims	F	13 27.5	Policy goals accomplished related to screening through child welfare, non-criminalization for prostitution offenses, child abuse definitions, and non-caregiver trafficking cases. Gaps remain related to third party control, foreign national victims, screening through the juvenile justice system, expanded non-criminalization, and juvenile court jurisdiction.
 3. Continuum of Care	B	12 15	Policy goals accomplished related to community-based services, services through child welfare, extended foster care services, and appropriations. Gaps remain related to MDT responses and services through the juvenile justice system.
 4. Access to Justice for Trafficking Survivors	C	11.5 15	Policy goals accomplished related to civil orders of protection, restitution, and civil remedies. Gaps remain related to crime victims' compensation, vacatur, and statutes of limitation.
 5. Tools for a Victim-Centered Criminal Justice Response	C	7.5 10	Policy goal accomplished related to privileged communications. Gaps remain related to hearsay exceptions, alternatives to live, in-court testimony, and victim-witness supports.
 6. Prevention and Training	D	9.5 15	Policy goals accomplished related to training for child welfare, juvenile justice agencies, and prosecutors. Gaps remain related to training for law enforcement and school personnel as well as prevention education in schools.
EXTRA CREDIT	 Youth	4	Protections related to community-based services, appropriations, civil remedies, and privileged communications are extended to sex trafficked youth.
	 Child Labor Trafficking	5	Protections related to financial penalties, community-based services, appropriations, civil orders of protection, restitution, and civil remedies are extended to child labor trafficking victims.

OVERALL GRADE
TIER I**C 77.5**

WHAT IS SAFE HARBOR?

“Safe Harbor” refers to laws that insulate survivors from a punitive response and direct them toward funded, comprehensive, and protective services.










WHY SAFE HARBOR?

These laws ensure survivors of child and youth sex trafficking are not involved in the juvenile or criminal justice system and receive trauma-informed care. Appropriate identification and access to services are vital to creating a just response for survivors of child and youth sex trafficking.

SAFE HARBOR LAWS

Comprehensive Safe Harbor laws
**SHOULD PROHIBIT
ARRESTING, DETAINING,
CHARGING, & PROSECUTING**
all minors for prostitution offenses, regardless of whether a finding of trafficking victimization is made, and, instead, require law enforcement to direct child and youth survivors to
SPECIALIZED SERVICES & CARE.

Safe Harbor laws
**SHOULD ALSO PROHIBIT
CRIMINALIZATION**
of child sex trafficking survivors for other crimes committed as a result of their victimization.

Status	Safe Harbor Policy Goal
 Partially met	The definition of child sex trafficking victim in the criminal code includes all commercially sexually exploited children without requiring third party control (see Policy Goal 2.1 for further analysis and Issue Brief 2.1 for background).
 Fully met	State law mandates child welfare agencies to conduct trauma-informed CSEC screening for children at risk of sex trafficking (see Policy Goal 2.3 for further analysis and Issue Brief 2.3 for background).
 Not met	State law mandates juvenile justice agencies to conduct trauma-informed CSEC screening of children at risk of sex trafficking (see Policy Goal 2.4 for further analysis and Issue Brief 2.4 for background).
 Fully met	State law prohibits the criminalization of minors under 18 for prostitution offenses and establishes a services-referral protocol as an alternative to arrest (see Policy Goal 2.5 for further analysis and Issue Brief 2.5 for background).
 Not met	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 (see Policy Goal 2.6 for further analysis and Issue Brief 2.6 for background).
 Not met	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 (see Policy Goal 2.7 for further analysis and Issue Brief 2.7 for background).
 Not met	State law provides child sex trafficking victims with an affirmative defense to violent felonies committed as a result of their trafficking victimization (see Policy Goal 2.8 for further analysis and Issue Brief 2.8 for background).
 Fully met	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 (see Policy Goal 3.1 for further analysis and Issue Brief 3.1 for background).
 Fully met	State funding is appropriated to support specialized services and a continuum of care for sex trafficked children regardless of system involvement (see Policy Goal 3.6 for further analysis and Issue Brief 3.6 for background).

STATE SUMMARY:

Minnesota law prohibits the criminalization of all minors for prostitution offenses and provides sex and labor trafficked children and youth under 25 years of age with access to specialized, community-based services through their Safe Harbor program. Further, the state legislature made significant appropriations to support the development and provision of specialized responses to child and youth survivors of sex trafficking.

SAFE HARBOR RESOURCES: For additional information, visit reportcards.sharedhope.org/safeharbor/.

SAFE HARBOR MAP: To see our map of state Safe Harbor law development, visit reportcards.sharedhope.org/wp-content/uploads/2022/11/SafeHarborMapDec2022.pdf.

This report provides a thorough analysis of Minnesota’s statutes related to offender accountability and victim protections while providing recommendations for addressing gaps in those statutes.¹ This report does not analyze case law, agency rules, or regulations, nor does it analyze practices or initiatives that exist outside of statutory law. However, stakeholders were invited to share non-statutory responses to paint a fuller picture of the state’s anti-child sex trafficking response; where such responses were submitted, they are included as “Insights from the Field” under the respective policy goal but are not factored into the state’s grade.

For more information on how to use this Analysis Report, click [here](#).



ISSUE 1: Criminal Provisions

Policy Goal 1.1 The child sex trafficking law is expressly applicable to buyers of commercial sex with any minor under 18.
○ *NOT MET*

Minn. Stat. Ann. § 609.322(1)(a) (Solicitation, inducement, and promotion of prostitution; sex trafficking) specifically excludes buyers from criminal liability, stating,

Whoever, while acting other than as a prostitute or patron, intentionally does any of the following may be sentenced to imprisonment for not more than 25 years or to payment of a fine of not more than \$ 50,000, or both:

- (1) solicits or induces an individual under the age of 18 years to practice prostitution;
- (2) promotes the prostitution of an individual² under the age of 18 years;

¹ Evaluations of state laws are based on legislation enacted as of July 1, 2023.

² Minn. Stat. Ann. § 609.321(7) (Prostitution and sex trafficking; definitions) defines “promotes the prostitution of an individual” as follows:

[A]ny of the following wherein the person knowingly:

- (1) solicits or procures patrons for a prostitute;
- (2) provides, leases or otherwise permits premises or facilities owned or controlled by the person to aid the prostitution of an individual;
- (3) owns, manages, supervises, controls, keeps or operates, either alone or with others, a place of prostitution to aid the prostitution of an individual;
- (4) owns, manages, supervises, controls, operates, institutes, aids or facilitates, either alone or with others, a business of prostitution to aid the prostitution of an individual;

- (3) receives profit, knowing or having reason to know that it is derived from the prostitution, or the promotion of the prostitution, of an individual under the age of 18 years; or
- (4) engages in the sex trafficking³ of an individual under the age of 18 years.

- 1.1.1 Recommendation: Amend Minn. Stat. Ann. § 609.322(1)(a) (Solicitation, inducement, and promotion of prostitution; sex trafficking) to make the statute applicable to the actions of buyers of who “patronize” a minor for commercial sex. (See [Issue Brief 1.1.](#))

Policy Goal 1.2 Commercial sexual exploitation of children (CSEC) laws⁴ specifically criminalize purchasing or soliciting commercial sex with any minor under 18.

● FULLY MET

Minnesota law criminalizes both purchasing and soliciting commercial sex with a minor. Specifically, Minn. Stat. Ann. § 609.324(1) (Patrons; prostitutes; housing individuals engaged in prostitution; penalties) states,

- (a) Whoever intentionally does any of the following may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$40,000, or both:
 - (1) engages in prostitution with an individual under the age of 14 years;
 - (2) hires or offers or agrees to hire an individual under the age of 14 years to engage in sexual penetration or sexual contact; or
 - (3) hires or offers or agrees to hire an individual who the actor reasonably believes to be under the age of 14 years to engage in sexual penetration or sexual contact.
- (b) Whoever intentionally does any of the following may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both:
 - (1) engages in prostitution with an individual under the age of 16 years but at least 14 years;
 - (2) hires or offers or agrees to hire an individual under the age of 16 years but at least 14 years to engage in sexual penetration or sexual contact; or
 - (3) hires or offers or agrees to hire an individual who the actor reasonably believes to be under the age of 16 years but at least 13 years to engage in sexual penetration or sexual contact.
- (c) Whoever intentionally does any of the following may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both:
 - (1) engages in prostitution with an individual under the age of 18 years but at least 16 years;

-
- (5) admits a patron to a place of prostitution to aid the prostitution of an individual; or
 - (6) transports an individual from one point within this state to another point either within or without this state, or brings an individual into this state to aid the prostitution of the individual.

³ Minn. Stat. Ann. § 609.321(7a) defines “sex trafficking” as follows:

- (1) receiving, recruiting, enticing, harboring, providing, or obtaining by any means an individual to aid in the prostitution of the individual; or
- (2) receiving profit or anything of value, knowing or having reason to know it is derived from an act described in clause (1).

⁴ The phrase “commercial sexual exploitation of children” (or “CSEC”) encompasses a variety of criminal offenses committed against a child in which the child engages, or agrees to engage, in a sex act in exchange for something of value either directly or through a third party. Appropriately crafted CSEC laws can be important, additional tools available in a prosecution of child sex trafficking conduct by supplementing available penalties under the trafficking law and providing additional options for plea negotiations without requiring prosecutors to rely on unrelated or low-level offenses in that context. For this reason, we analyze trafficking laws separately from CSEC laws—even though both involve commercial sexual exploitation. For a complete list of Minnesota’s CSEC laws, see the appendix located at the end of this report.

- (2) hires or offers or agrees to hire an individual under the age of 18 years but at least 16 years to engage in sexual penetration or sexual contact; or
- (3) hires or offers or agrees to hire an individual who the actor reasonably believes to be under the age of 18 years but at least 16 years to engage in sexual penetration or sexual contact.

Policy Goal 1.3 Commercial sexual exploitation of children (CSEC) laws⁵ apply to traffickers and protect all minors under 18.

● FULLY MET

Minn. Stat. Ann. § 609.324(1), (1a) (Patrons; prostitutes; housing individuals engaged in prostitution; penalties) criminalizes trafficking conduct, stating,

Subdivision 1. Engaging in, hiring, or agreeing to hire minor to engage in prostitution; penalties.

(a) Whoever intentionally does any of the following may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$40,000, or both:

- (1) engages in prostitution with an individual under the age of 14 years;
- (2) hires or offers or agrees to hire an individual under the age of 14 years to engage in sexual penetration or sexual contact; or
- (3) hires or offers or agrees to hire an individual who the actor reasonably believes to be under the age of 14 years to engage in sexual penetration or sexual contact.

(b) Whoever intentionally does any of the following may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both:

- (1) engages in prostitution with an individual under the age of 16 years but at least 14 years;
- (2) hires or offers or agrees to hire an individual under the age of 16 years but at least 14 years to engage in sexual penetration or sexual contact; or
- (3) hires or offers or agrees to hire an individual who the actor reasonably believes to be under the age of 16 years but at least 13 years to engage in sexual penetration or sexual contact.

(c) Whoever intentionally does any of the following may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both:

- (1) engages in prostitution with an individual under the age of 18 years but at least 16 years;
- (2) hires or offers or agrees to hire an individual under the age of 18 years but at least 16 years to engage in sexual penetration or sexual contact; or
- (3) hires or offers or agrees to hire an individual who the actor reasonably believes to be under the age of 18 years but at least 16 years to engage in sexual penetration or sexual contact.

Subd. 1a. Housing unrelated minor engaged in prostitution; penalties. — Any person, other than one related by blood, adoption, or marriage to the minor, who permits a minor to reside, temporarily or permanently, in the person's dwelling without the consent of the minor's parents or guardian, knowing or having reason to know that the minor is engaging in prostitution may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$ 3,000, or both; except that, this subdivision does not apply to residential placements made, sanctioned, or supervised by a public or private social service agency.

⁵ See *supra* note 4 for a full discussion on the purpose of analyzing trafficking laws separately from CSEC laws throughout this report.

Policy Goal 1.4 Mistake of age is not an available defense in child sex trafficking prosecutions.

● FULLY MET

Minnesota law prohibits a mistake of age defense in prosecutions for child sex trafficking and CSEC. Pursuant to Minn. Stat. Ann. § 609.325(2) (Defenses), “mistake as to age shall be no defense to prosecutions under section 609.322 [Solicitation, inducement, and promotion of prostitution; sex trafficking] or 609.324 [Patrons; prostitutes; housing individuals engaged in prostitution; penalties].”

Policy Goal 1.5 Use of a law enforcement decoy is not an available defense in child sex trafficking cases.

● FULLY MET

Although the trafficking law does not expressly prohibit an offender from raising a defense based on the use of a law enforcement decoy posing as a minor, Minnesota’s criminal attempt statute, Minn. Stat. Ann. § 609.17 (Attempts), could provide prosecutors with an alternative avenue to prosecute those cases. Minn. Stat. Ann. § 609.17(1), (2) states,

Subdivision 1. Crime defined. – Whoever, with intent to commit a crime, does an act which is a substantial step toward, and more than preparation for, the commission of the crime is guilty of an attempt to commit that crime

Subd. 2. Act defined. – An act may be an attempt notwithstanding the circumstances under which it was performed or the means employed to commit the crime intended or the act itself were such that the commission of the crime was not possible, unless such impossibility would have been clearly evident to a person of normal understanding.

Accordingly, an offender could be found guilty of attempting to commit a child sex trafficking offense despite the use of a law enforcement decoy.⁶

Policy Goal 1.6 Business entities can be held criminally liable for conduct that violates the trafficking law.

● FULLY MET

Minnesota’s trafficking chapter expressly allows for business entity liability and establishes a business-specific penalty scheme. Specifically, Minn. Stat. Ann. § 609.284(3) (Labor or sex trafficking crimes; defenses; civil liability; corporate liability) provides,

Corporate liability. — If a corporation or other business enterprise is convicted of violating section 609.282 [Labor trafficking], 609.283 [Unlawful conduct with respect to documents in furtherance of labor or sex trafficking], or 609.322 [Solicitation, inducement, and promotion of prostitution; sex trafficking], in addition to the criminal penalties described in those sections and other remedies provided elsewhere in law, the court may, when appropriate:

- (1) order its dissolution or reorganization;
- (2) order the suspension or revocation of any license, permit, or prior approval granted to it by a state agency; or
- (3) order the surrender of its charter if it is organized under Minnesota law or the revocation of its certificate to conduct business in Minnesota if it is not organized under Minnesota law.

⁶ Additionally, Minn. Stat. Ann. § 609.325(3a) (Defenses) expressly prohibits a decoy defense in CSEC prosecutions. It states, “The fact that an undercover operative or law enforcement officer was involved in the detection or investigation of an offense shall not be a defense to prosecution under section 609.324 [Patrons; prostitutes; housing individuals engaged in prostitution; penalties].”

Policy Goal 1.7

State law mandates that financial penalties are levied on sex trafficking and CSEC offenders and are directed to a victim services fund.

● FULLY MET

Minnesota law levies financial penalties, including a mandatory assessment and asset forfeiture, on sex trafficking and CSEC offenders and directs those financial penalties to a victim services fund. Regarding fees, Minn. Stat. Ann. § 609.3241(a), (c) (Penalty assessment authorized) imposes a mandatory assessment of \$750–\$1,000 on sex trafficking and CSEC offenders and directs those funds to the Safe Harbor for Youth Account; it states,

(a) When a court sentences an adult convicted of violating section . . . 609.283 [Unlawful conduct with respect to documents in furtherance of labor or sex trafficking], 609.322 [Solicitation, inducement, and promotion of prostitution; sex trafficking], 609.324 [Patrons; prostitutes; housing individuals engaged in prostitution; penalties], . . . the court shall impose an assessment of . . . not less than \$750 and not more than \$1,000

. . . .

(c) The assessment collected under paragraph (a) must be distributed as follows:

- (1) 40 percent of the assessment shall be forwarded to the political subdivision that employs the arresting officer for use in enforcement, training, and education activities related to combating sexual exploitation of youth, or if the arresting officer is an employee of the state, this portion shall be forwarded to the commissioner of public safety for those purposes identified in clause (3);
- (2) 20 percent of the assessment shall be forwarded to the prosecuting agency that handled the case for use in training and education activities relating to combating sexual exploitation activities of youth; and
- (3) 40 percent of the assessment must be forwarded to the commissioner of health to be deposited in the safe harbor for youth account in the special revenue fund and are appropriated to the commissioner for distribution to crime victims services organizations that provide services to sexually exploited youth, as defined in section 260C.007, subdivision 31.

Regarding asset forfeiture, Minn. Stat. Ann. § 609.5312(1)–(3) (Forfeiture of property associated with designated offenses) provides for forfeiture in trafficking and CSEC cases, stating,

Subdivision 1. Property subject to forfeiture.

(a) All personal property is subject to forfeiture if it was used or intended for use to commit or facilitate the commission of a designated offense.⁷ All money and other property, real and personal, that represent proceeds of a designated offense, and all contraband property, are subject to forfeiture, except as provided in this section.

(b) All money used or intended to be used to facilitate the commission of a violation of section 609.322 [Solicitation, inducement, and promotion of prostitution; sex trafficking] or 609.324 [Patrons; prostitutes; housing individuals engaged in prostitution; penalties] or a violation of a local ordinance substantially similar to section 609.322 or 609.324 is subject to forfeiture.

(c) The Department of Corrections Fugitive Apprehension Unit shall not seize real property for the purposes of forfeiture under paragraph (a).

Subd. 1a. Computers and related property subject to forfeiture.

(a) As used in this subdivision, “property” has the meaning given in section 609.87, subdivision 6.

(b) When a computer or a component part of a computer is used or intended for use to commit or facilitate the commission of a designated offense, the computer and all software, data, and other property contained in the computer are subject to forfeiture

. . . .

Subd. 3. Vehicle forfeiture for prostitution offenses.

⁷ Minn. Stat. Ann. § 609.531(1)(f)(3) (Forfeitures) defines “designated offense” to include “a felony violation of, or a felony-level attempt or conspiracy to violate, section . . . 609.282; 609.283; 609.322; . . . or any violation of section 609.324.”

(a) A motor vehicle is subject to forfeiture under this subdivision if it was used to commit or facilitate, or used during the commission of, a violation of section 609.324 or a violation of a local ordinance substantially similar to section 609.324. A motor vehicle is subject to forfeiture under this subdivision only if the offense is established by proof of a criminal conviction for the offense

. . . .

(f) The Department of Corrections Fugitive Apprehension Unit shall not participate in paragraphs (a) to (e).

Disposition of forfeited property is governed by Minn. Stat. Ann. § 609.5315 (Disposition of forfeited property), which directs a percentage of certain forfeited assets to the Safe Harbor for Youth Account. Minn. Stat. Ann. § 609.5315(4)–(5)(c) provides,

Subd. 4. Distribution of proceeds of the offense. — Property that consists of proceeds derived from or traced to the commission of a designated offense or a violation of section 609.66, subdivision 1e, must be applied first to payment of seizure, storage, forfeiture, and sale expenses, and to satisfy valid liens against the property; and second, to any court-ordered restitution before being disbursed as provided under subdivision 5.

Subd. 5. Distribution of money.

(a) The money or proceeds from the sale of forfeited property, after payment of seizure, storage, forfeiture, and sale expenses, and satisfaction of valid liens against the property, must be distributed as follows:

- (1) 70 percent of the money or proceeds must be forwarded to the appropriate agency for deposit as a supplement to the agency’s operating fund or similar fund for use in law enforcement, training, education, crime prevention, equipment, or capital expenses;
- (2) 20 percent of the money or proceeds must be forwarded to the prosecuting authority that handled the forfeiture for deposit as a supplement to its operating fund or similar fund for prosecutorial purposes, training, education, crime prevention, equipment, or capital expenses; and
- (3) the remaining ten percent of the money or proceeds must be forwarded within 60 days after resolution of the forfeiture to the state treasury and credited to the general fund. Any local police relief association organized under chapter 423 which received or was entitled to receive the proceeds of any sale made under this section before the effective date of Laws 1988, chapter 665, sections 1 to 17, shall continue to receive and retain the proceeds of these sales.

Subd. 5a. Disposition of certain forfeited proceeds; prostitution. — The proceeds from the sale of motor vehicles forfeited under section 609.5312, subdivision 3, after payment of seizure, storage, forfeiture, and sale expenses, and satisfaction of valid liens against the vehicle, shall be distributed as follows:

- (1) 40 percent of the proceeds must be forwarded to the appropriate agency for deposit as a supplement to the agency’s operating fund or similar fund for use in law enforcement;
- (2) 20 percent of the proceeds must be forwarded to the prosecuting authority that handled the forfeiture for deposit as a supplement to its operating fund or similar fund for prosecutorial purposes; and
- (3) the remaining 40 percent of the proceeds must be forwarded to the city treasury for distribution to neighborhood crime prevention programs.

Subd. 5b. Disposition of certain forfeited proceeds; trafficking of persons; report required. — Except as provided in subdivision 5c, for forfeitures resulting from violations of section 609.282, 609.283, or 609.322, the money or proceeds from the sale of forfeited property, after payment of seizure, storage, forfeiture, and sale expenses, and satisfaction of valid liens against the property, must be distributed as follows:

- (1) 40 percent of the proceeds must be forwarded to the appropriate agency for deposit as a supplement to the agency’s operating fund or similar fund for use in law enforcement;
- (2) 20 percent of the proceeds must be forwarded to the prosecuting authority that handled the forfeiture for deposit as a supplement to its operating fund or similar fund for prosecutorial purposes; and

(3) the remaining 40 percent of the proceeds must be forwarded to the commissioner of health and are appropriated to the commissioner for distribution to crime victims services organizations that provide services to victims of trafficking offenses.

Subd. 5c. Disposition of money; prostitution. — Money forfeited under section 609.5312, subdivision 1, paragraph (b), must be distributed as follows:

- (1) 40 percent must be forwarded to the appropriate agency for deposit as a supplement to the agency's operating fund or similar fund for use in law enforcement;
- (2) 20 percent must be forwarded to the prosecuting authority that handled the forfeiture for deposit as a supplement to its operating fund or similar fund for prosecutorial purposes; and
- (3) the remaining 40 percent must be forwarded to the commissioner of health to be deposited in the safe harbor for youth account in the special revenue fund and is appropriated to the commissioner for distribution to crime victims services organizations that provide services to sexually exploited youth, as defined in section 260C.007, subdivision 31.

EXTRA CREDIT



Minnesota law provides for asset forfeiture in child labor trafficking cases and directs a percentage of proceeds to the commissioner of health “for distribution to crime victims services organizations that provide services to victims of trafficking offenses.” Minn. Stat. Ann. §§ 609.5312(1), 609.5315(5b)(3).



ISSUE 2: Identification of & Response to Victims

Policy Goal 2.1 The definition of child sex trafficking victim in the criminal code includes all commercially sexually exploited children without requiring third party control.

1 PARTIALLY MET

For purposes of accessing services, the definition of “sexually exploited youth” includes all commercially sexually exploited children; however, this definition conflicts with the criminal code, which includes only victims who have been exploited by a trafficker. Specifically, Minn. Stat. Ann. § 260C.007(31) (Definitions) defines “sexually exploited youth” as follows:

[A]n 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 [Criminal sexual conduct in the first degree], 609.343 [Criminal sexual conduct in the second degree], 609.344 [Criminal sexual conduct in the third degree], 609.345 [Criminal sexual conduct in the fourth degree], 609.3451 [Criminal sexual conduct in the fifth degree], 609.3453 [Criminal sexual predatory conduct], 609.352 [Solicitation of children to engage in sexual conduct; communication of sexually explicit materials to children], 617.246 [Use of minors in sexual performance prohibited], or 617.247 [Possession of pornographic work involving minors];
- (3) is a victim of a crime described in United States Code, title 18, section 2260 [Production of sexually explicit depictions of a minor for importation into the United States]; 2421 [Transportation generally]; 2422 [Coercion or enticement]; 2423 [Transportation of minors]; 2425 [Use of interstate facilities to transmit information about a minor]; . . . or 2256 [Definitions for chapter]; or
- (4) is a sex trafficking victim as defined in section 609.321 [Prostitution and sex trafficking; definitions], subdivision 7b.
- (5) is a victim of commercial sexual exploitation as defined in United States Code, title 22, section 7102(11)(A) and (12) [Definitions].⁸

As noted above, however, this conflicts with the definition of “sex trafficking victim” under Minn. Stat. Ann. § 609.321(7b) (Prostitution and sex trafficking definitions). Minn. Stat. Ann. § 609.321(7b) defines “sex trafficking victim” as “a person subjected to the practices in subdivision 7a,” which states,

“Sex trafficking” means:

⁸ Pursuant to 22 U.S.C. § 7102(11)(A), (12) (Definitions),

- (11) Severe forms of trafficking in persons. The term “severe forms of trafficking in persons” means—
 - (A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
 -
- (12) Sex trafficking. The term “sex trafficking” means the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act.

- (1) receiving, recruiting, enticing, harboring, providing, or obtaining by any means an individual to aid in the prostitution of the individual; or
- (2) receiving profit or anything of value, knowing or having reason to know it is derived from an act described in clause (1).

By requiring the offender either (1) to obtain the victim for the purpose of aiding in the victim’s exploitation—rather than to directly engage in commercial sex—or (2) to receive a profit, the definition of “sex trafficking” excludes buyer conduct. Further, Minnesota’s child sex trafficking offense, Minn. Stat. Ann. § 609.322(1)(a) (Solicitation, inducement, and promotion of prostitution; sex trafficking), also excludes buyers from criminal liability.⁹ Accordingly, third party control is required under both the criminal code’s definition of “sex trafficking victim” and the criminal offense.

- 2.1.1 Recommendation: Remove third party control requirements that narrow the definition of child sex trafficking victim within the criminal code.¹⁰ (See [Issue Brief 2.1](#).)

Policy Goal 2.2 State law provides policy guidance to facilitate access to services and assistance for trafficked foreign national children.

○ NOT MET

Minnesota law does not provide policy guidance that facilitates appropriate responses to foreign national child sex trafficking victims.

- 2.2.1 Recommendation: Statutorily provide policy guidance that facilitates access to services and assistance for trafficked foreign national children. (See [Issue Brief 2.2](#).)

⁹ See *supra* Policy Goal 1.1 for a full discussion of buyer-applicability under Minn. Stat. Ann. § 609.322.

¹⁰ See generally Shared Hope Int’l, *Eliminating the Third Party Control Barrier to Identifying Juvenile Sex Trafficking Victims*, JuST Response Policy Paper (August 2015), http://sharedhope.org/wp-content/uploads/2015/08/Policy-Paper_Eliminating-Third-Party-Control_Final1.pdf (discussing need to include all commercially sexually exploited children within sex trafficking definitions and the corresponding need to include buyer conduct in core sex trafficking offenses regardless of whether the victim is under control of a third party).

INSIGHTS FROM THE FIELD



“While state statute does not require specific child welfare agency responses for foreign national minors, the Minnesota Department of Human Services has published policy requirements for county and tribal child welfare agencies in Minnesota's Best Practice Response to Human Trafficking of Children and Youth - <https://edocs.dhs.state.mn.us/lfserver/Public/DHS-7641Z-ENG> (pages 9-10). Minnesota requires all state and local child welfare officials to refer all foreign national minors suspected of victimization through sex or labor trafficking to the Office of Trafficking in Persons. Minnesota provides additional tools for child welfare case workers to use in identifying and responding to trafficking of foreign nationals, including this one-page flowchart: <https://edocs.dhs.state.mn.us/lfserver/Public/DHS-7641P-ENG>.”

-Sarah Ladd, Human Trafficking Child Protection Program Coordinator, MN Dept. of Human Services

Policy Goal 2.3 State law mandates child welfare agencies to conduct trauma-informed CSEC screening for children at risk of sex trafficking.

● **FULLY MET**

Minnesota law does not require child welfare to screen all referred or system-involved children at risk of sex trafficking victimization; however, Minn. Stat. Ann. § 260C.212(13) (Children in placement; protecting missing and runaway children and youth at risk of sex trafficking) requires local child welfare agencies to screen all children who were previously missing from care for experiences amounting to sex trafficking victimization. Minn. Stat. Ann. § 260C.212(13) states,

- (a) The local social services agency shall expeditiously locate any child missing from foster care.
.....
- (e) The local social services agency shall determine what the child experienced while absent from care, including screening the child to determine if the child is a possible sex trafficking or commercial sexual exploitation victim as defined in section 260C.007, subdivision 31.¹¹

¹¹ Minn. Stat. Ann. § 260C.007(31) (Definitions) defines “sexually exploited youth” as follows:

[A]n 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 [Criminal sexual conduct in the first degree], 609.343 [Criminal sexual conduct in the second degree], 609.344 [Criminal sexual conduct in the third degree], 609.345 [Criminal sexual conduct in the fourth degree], 609.3451 [Criminal sexual conduct in the fifth degree], 609.3453 [Criminal sexual predatory conduct], 609.352 [Solicitation of children to engage in sexual conduct; communication of sexually explicit materials to children], 617.246 [Use of minors in sexual performance prohibited], or 617.247 [Possession of pornographic work involving minors];

(f) The local social services agency shall report immediately, but no later than 24 hours, to the local law enforcement agency any reasonable cause to believe a child is, or is at risk of being, a sex trafficking or commercial sexual exploitation victim.

(g) The local social services agency shall determine appropriate services as described in section 145.4717 [Regional navigator grants] with respect to any child for whom the local social services agency has responsibility for placement, care, or supervision when the local social services agency has reasonable cause to believe that the child is, or is at risk of being, a sex trafficking or commercial sexual exploitation victim.

INSIGHTS FROM THE FIELD



“While not required in state law, guidance on trauma-informed screening for trafficking among children and youth in out of home placement and children who run away from placement is provided in Minnesota's Best Practice Response to Human Trafficking and Exploitation of Children and Youth. This is also a primary focus in the child protection sex trafficking training required in Minn. Stat. 260E.36 subd. 1a.

The City of Minneapolis has trained its externally facing frontline staff to recognize indicators of sex trafficking and make appropriate referrals.

Although not mandated, it is considered a best practice to screen for exploitation and trafficking for youth who may be at-risk. Agencies, such as those in Hennepin County, are training child welfare staff on the risk factors and red flags of exploitation/trafficking so that they know when screening questions (or safety assessment questions) may be appropriate. Runaway youth are screened for exploitation and trafficking and workers often use their own discretion to assess if a youth is at-risk of trafficking or exploitation. Some of the questions used are taken from or adjusted from the MYTEI [Minnesota Youth Trafficking and Exploitation Identification] tool, which was developed by the Minnesota Department of Health in collaboration with other state agency partners as well as community grantees and subject matter grantees. The MYTEI Tool is available at <https://www.health.state.mn.us/communities/safeharbor/documents/mytei.pdf>.”

*-Caroline Palmer, Safe Harbor Director
Violence Prevention Program Unit, Injury and Violence Prevention Section
Minnesota Department of Public Health*

(3) is a victim of a crime described in United States Code, title 18, section 2260 [Production of sexually explicit depictions of a minor for importation into the United States]; 2421 [Transportation generally]; 2422 [Coercion or enticement]; 2423 [Transportation of minors]; 2425 [Use of interstate facilities to transmit information about a minor]; . . . or 2256 [Definitions for chapter]; or

(4) is a sex trafficking victim as defined in section 609.321 [Prostitution and sex trafficking; definitions], subdivision 7b.

(5) is a victim of commercial sexual exploitation as defined in United States Code, title 22, section 7102(11)(A) and (12) [Definitions].

Policy Goal 2.4 State law mandates juvenile justice agencies to conduct trauma-informed CSEC screening of children at risk of sex trafficking.
○ NOT MET

Minnesota law does not require juvenile justice agencies to conduct trauma-informed CSEC screening of children and youth who are at risk of sex trafficking.

2.4.1 Recommendation: Enact a state law requiring juvenile justice agencies to screen children and youth who are at risk of sex trafficking for experiences of commercial sexual exploitation. (See [Issue Brief 2.4.](#))

INSIGHTS FROM THE FIELD



“The MYTEI [Minnesota Youth Trafficking and Exploitation Identification] tool (available at <https://www.health.state.mn.us/communities/safeharbor/documents/mytei.pdf>) can be used as an identification tool for youth in the juvenile justice system.”

*-Caroline Palmer, Safe Harbor Director
Violence Prevention Program Unit, Injury and Violence Prevention Section
Minnesota Department of Public Health*

Policy Goal 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.
● FULLY MET

Minnesota law prohibits the criminalization of all minors for prostitution offenses¹² and requires law enforcement to refer impacted children to a child-serving agency. While the state prostitution laws¹³ apply equally to minors and adults, Minn. Stat. Ann. § 260B.007(6), (16) (Definitions) states,

(6) Delinquent child.

(a) Except as otherwise provided in paragraphs (b) and (c), “delinquent child” means a child:

.....

¹² In contrast, sex trafficked youth are provided with only an affirmative defense. Pursuant to Minn. Stat. Ann. § 609.325(4),

It is an affirmative defense to a charge under section 609.324, subdivision 6 or 7, [regarding prostitution in a public place and general prostitution crimes committed by prostituted persons] if the defendant proves by a preponderance of the evidence that the defendant is a labor trafficking victim or a sex trafficking victim and that the defendant committed the acts underlying the charge as a result of being a labor trafficking victim or sex trafficking victim.

The text of Minn. Stat. Ann. § 609.325 cited here and elsewhere in this report includes amendments made by the enactment of House File 42 during the 2023-2024 Regular Session of the Minnesota state legislature (effective August 1, 2023).

¹³ Minn. Stat. Ann. § 609.324 (Patrons; prostitutes; housing individuals engaged in prostitution; penalties); Minn. Stat. Ann. § 609.3243 (Loitering with the intent to participate in prostitution).

- (c) The term delinquent child does not include a child 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.
-
- (16) Juvenile petty offender; juvenile petty offense.
-
- (d) A child who commits a juvenile petty offense is a “juvenile petty offender.” The term juvenile petty offender does not include a child alleged to have violated any 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 which, if committed by an adult, would be a misdemeanor.

Further, state mandatory reporting laws facilitate access to services for commercially sexually exploited children. Specifically, Minn. Stat. Ann. § 260E.06(1)(a)(1) (Maltreatment reporting) requires law enforcement to report maltreatment, including conduct in violation of state trafficking and CSEC laws, to child welfare; it states,

A person who knows or has reason to believe a child is being maltreated, as defined in section 260E.03,¹⁴ or has been maltreated within the preceding three years, shall immediately report the information to the local welfare agency, agency responsible for assessing or investigating the report, police department, county sheriff, tribal social services agency, or tribal police department if the person is:

- (1) . . . law enforcement

Consequently, statutory protections safeguard minors from prosecution for prostitution offenses and establish a services-referral protocol.

¹⁴ Minn. Stat. Ann. § 260E.03(12) (Definitions) defines “maltreatment” to include “sexual abuse,” which is defined under subsection (20), in part, as follows:

“Sexual abuse” . . . includes any act involving a child that constitutes a violation of prostitution offenses under sections 609.321 to 609.324 [including Minn. Stat. Ann. § 609.322 (Solicitation, inducement, and promotion of prostitution; sex trafficking) and Minn. Stat. Ann. § 609.324 (Patrons; prostitutes; housing individuals engaged in prostitution; penalties)] or 617.246 [Use of minors in sexual performance prohibited]. Sexual abuse includes all reports of known or suspected child sex trafficking involving a child who is identified as a victim of sex trafficking. Sexual abuse includes child sex trafficking as defined in section 609.321, subdivisions 7a and 7b

INSIGHTS FROM THE FIELD



“The City of Minneapolis has stopped arresting people of all ages for prostitution offenses and has been making referral to local nonprofit partners, like the UPSIDE initiative funded by the City for services for those who are experiencing intersecting issues like homelessness and sex trafficking. UPSIDE is a partnership between The Family Partnership, Breaking Free, and The Link. It offers a hotline that connects callers with resources through street outreach and requests from businesses. Outreach kits provide personal hygiene items, snacks, resource cards, and other necessities. Outreach also offers an opportunity to connect with someone who can make connections on behalf of the caller. Minors will not be arrested/prosecuted for exploitation or trafficking related offenses. Sexual exploitation activities are also removed from the definition of a delinquent child. Programs such as No Wrong Door in Hennepin County help put this policy into action and continue spreading awareness among law enforcement and other agencies so that they are aware of these protections. NWD works to educate agencies so that they are aware of the resources available for these young people, so that they can make proper referrals/recommendations if they come across a young person who has been exploited or trafficked. NWD also works to educate those who interact with this population on how to engage in a trauma-informed and harm-reductive way, understanding that any sort of police engagement can be difficult and traumatizing. (<https://www.hennepin.us/nowrongdoor>).”

*-Caroline Palmer, Safe Harbor Director
Violence Prevention Program Unit, Injury and Violence Prevention Section
Minnesota Department of Public Health*

- Policy Goal 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.
- NOT MET

Minnesota law does not prohibit the criminalization of child sex trafficking victims for status offenses nor does it prohibit charging victims with misdemeanors or non-violent felonies committed as a result of their trafficking victimization.

- 2.6.1 Recommendation: Enact a law that prohibits the criminalization of child sex trafficking victims for status offenses, and misdemeanors and non-violent felonies committed as a result of their trafficking victimization. (See [Issue Brief 2.6](#).)

INSIGHTS FROM THE FIELD



“Conversations are being had with law enforcement agencies to provide education and awareness over the intersection of trafficking/exploitation and other offenses that a youth may commit while in The Life.

The City of Minneapolis played a crucial role in initiating the implementation of LEAD - Let Everyone Advance with Dignity, a program formerly known as Law Enforcement Assisted Diversion program in Minneapolis, currently housed at Pillsbury United. The program is a public health response to those cycling in and out of criminal justice systems, with a particular focus on livability offenses and sexual exploitation, prostitution, and sex trafficking. The program offers targeted intensive harm reduction case management to individuals through referral in the community.”

*-Caroline Palmer, Safe Harbor Director
Violence Prevention Program Unit, Injury and Violence Prevention Section
Minnesota Department of Public Health*

Policy Goal 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.

○ **NOT MET**

Minnesota law does not prohibit 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.

2.7.1 Recommendation: Enact a law that 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. (See [Issue Brief 2.7](#).)

Policy Goal 2.8 State law provides child sex trafficking victims with an affirmative defense to violent felonies committed as a result of their trafficking victimization.

○ **NOT MET**

Minnesota law does not provide child sex trafficking victims with an affirmative defense to violent felonies committed as a result of their trafficking victimization.

2.8.1 Recommendation: Enact a law that provides child sex trafficking victims with an affirmative defense to violent felonies committed as a result of their trafficking victimization. (See [Issue Brief 2.8](#).)

Policy Goal 2.9

Juvenile court jurisdiction provides for a developmentally appropriate response.

● PARTIALLY MET

Minnesota law does not provide age-appropriate juvenile court responses for all minors accused of engaging in juvenile or criminal conduct. Minnesota’s delinquency statutes extend standard juvenile court jurisdiction to all minors under 18 years of age, and, for youth designated as “extended jurisdiction juveniles,” juvenile court jurisdiction is extended to age 21. However, Minnesota’s Child Protection Laws establish a minimum age of 10 for delinquency court jurisdiction. Further, Minnesota law permits automatic transfers for minors 16 years of age or older who are charged with murder in the first degree, provides for discretionary transfer for extended jurisdiction juveniles who materially violate the terms of their supervision, provides for the discretionary transfer of youth 14 and older who are charged with a felony level offense, and does not specifically require courts to consider the impact of trauma or past victimization in making discretionary transfer determinations.

	Minimum Age of Juvenile Court Jurisdiction	Maximum Age for Charging Youth in Juvenile Court	Automatic Transfers or Permits Direct File	Discretionary Transfers	Requirement for Court to Consider Trauma or Past Victimization in Making Transfer Decision
Summary	10.	17 for standard delinquency matters; 21 for youth designated as extended jurisdiction juveniles.	Yes. Minors 16+ years of age charged with 1 st degree murder.	Yes. (1) Minors 14+ years of age charged with a felony; or (2) minors who, following conviction as an extended jurisdiction juvenile, are found to have materially violated the conditions of supervision.	No. Consideration is discretionary if the trauma is determined to be a mitigating factor under the sentencing guidelines.
Relevant Statute(s)	Minn. Stat. Ann. § 260C.007, subd. 6(12) (Definitions)	Minn. Stat. Ann. § 260B.007, subd. 3(6) (Definitions); Minn. Stat. Ann. § 260B.193, subd. 5 (Dispositions; general provisions)	Minn. Stat. Ann. § 260B.007, subd. 6 (Definitions); Minn. Stat. Ann. § 260B.101, subd. 2 (Jurisdiction)	Minn. Stat. Ann. § 260B.125 subd. 1 (Certification); Minn. Stat. Ann. § 260B.130 subd. 5 (Extended jurisdiction juvenile prosecutions)	Minn. Stat. Ann. § 260B.125 subd. 4(2) (Certification); Minn. Sent. Guidelines 2.D.3.a.(3), (5)

Consequently, some minors may still be subject to age-inappropriate juvenile court responses due to state laws that: (1) fail to establish a minimum age for juvenile court jurisdiction that aligns with domestic standards; (2) allow some juvenile cases to be automatically transferred or subject to direct file in criminal court; and (3) do not require the juvenile court to consider past trafficking victimization or trauma when making a transfer determination.

2.9.1 Recommendation: Enact comprehensive state laws requiring age-appropriate juvenile court responses for all children accused of engaging in juvenile or criminal conduct. (See [Issue Brief 2.9](#).)

INSIGHTS FROM THE FIELD



“Not in policy, but through collaboration with No Wrong Door in Hennepin County and the Safe Harbor network, many are constantly striving to educate key stakeholders in the juvenile court/juvenile justice sector on the issue of exploitation, the intersection with exploitation and other criminal activity, and how past traumas play a role.”

*-Caroline Palmer, Safe Harbor Director
Violence Prevention Program Unit, Injury and Violence Prevention Section
Minnesota Department of Public Health*

Policy Goal 2.10 State law defines child abuse to include child sex trafficking to ensure access to child welfare services.

● FULLY MET

Child sex trafficking and commercial sexual exploitation are expressly included within the definition of “sexual abuse” as used within Minnesota’s Maltreatment of Minors Act. Minn. Stat. Ann. § 260E.03(20) (Definitions) states in part,

“Sexual abuse” . . . includes any act involving a child that constitutes a violation of prostitution offenses under sections 609.321 to 609.324 [including Minn. Stat. Ann. § 609.322 (Solicitation, inducement, and promotion of prostitution; sex trafficking) and Minn. Stat. Ann. § 609.324 (Patrons; prostitutes; housing individuals engaged in prostitution; penalties)] or 617.246 [Use of minors in sexual performance prohibited]. Sexual abuse includes all reports of known or suspected child sex trafficking involving a child who is identified as a victim of sex trafficking. Sexual abuse includes child sex trafficking as defined in section 609.321, subdivisions 7a and 7b¹⁵

¹⁵ Minn. Stat. Ann. § 609.321(7a), (7b) provides,

Subd. 7a. Sex trafficking. — “Sex trafficking” means:

- (1) receiving, recruiting, enticing, harboring, providing, or obtaining by any means an individual to aid in the prostitution of the individual; or
- (2) receiving profit or anything of value, knowing or having reason to know it is derived from an act described in clause (1).

Subd. 7b. Sex trafficking victim. — “Sex trafficking victim” means a person subjected to the practices in subdivision 7a.

Policy Goal 2.11 State law allows for child welfare involvement in sex trafficking cases that do not involve caregiver fault and provides for an alternative, specialized response in those cases.

● FULLY MET

Minnesota’s Maltreatment of Minors Act clearly provides access to child welfare services for child sex trafficking victims regardless of parent or caregiver fault and provides for a specialized response in those cases. Specifically, Minn. Stat. Ann. § 260E.03(20)¹⁶ (Definitions) removes the requirement that the perpetrator be “a person responsible for the child’s care, . . . a person who has a significant relationship to the child, or . . . a person in a current or recent position of authority” in trafficking and CSEC cases, stating,

“Sexual abuse” means the subjection of a child by a person responsible for the child’s care, by a person who has a significant relationship to the child, or by a person in a current or recent position of authority, to any act that constitutes a violation of section 609.342 (criminal sexual conduct in the first degree), 609.343 (criminal sexual conduct in the second degree), 609.344 (criminal sexual conduct in the third degree), 609.345 (criminal sexual conduct in the fourth degree), 609.3451 (criminal sexual conduct in the fifth degree), or 609.352 (solicitation of children to engage in sexual conduct; communication of sexually explicit materials to children). Sexual abuse also includes any act involving a child that constitutes a violation of prostitution offenses under sections 609.321 to 609.324 or 617.246. Sexual abuse includes all reports of known or suspected child sex trafficking involving a child who is identified as a victim of sex trafficking. Sexual abuse includes child sex trafficking as defined in section 609.321, subdivisions 7a and 7b. Sexual abuse includes threatened sexual abuse, which includes the status of a parent or household member who has committed a violation that requires registration as an offender under section 243.166, subdivision 1b, paragraph (a) or (b), or required registration under section 243.166, subdivision 1b, paragraph (a) or (b).

Regarding jurisdiction, Minn. Stat. Ann. § 260E.14(2)¹⁷ (Agency responsible for screening and assessment or investigation) provides,

- (a) The local welfare agency is the agency responsible for investigating an allegation of sexual abuse if the alleged offender is the parent, guardian, sibling, or an individual functioning within the family unit as a person responsible for the child’s care, or a person with a significant relationship to the child if that person resides in the child’s household.
- (b) The local welfare agency is also responsible for assessing or investigating when a child is identified as a victim of sex trafficking.

Upon receipt of a report, Minn. Stat. Ann. § 260E.17(1)(f)¹⁸ (Response path assignment) requires the local welfare agency to “conduct a noncaregiver sex trafficking assessment¹⁹ when [the] maltreatment report alleges sex

¹⁶ The text of Minn. Stat. Ann. § 260E.03 cited here and elsewhere in this report includes amendments made by the enactment of Senate File 2995 during the 2023-2024 Regular Session of the Minnesota state legislature (effective July 1, 2024).

¹⁷ The text of Minn. Stat. Ann. § 260E.14 cited here and elsewhere in this report includes amendments made by the enactment of Senate File 2995 during the 2023-2024 Regular Session of the Minnesota state legislature (effective July 1, 2024).

¹⁸ The text of Minn. Stat. Ann. § 260E.17 cited here and elsewhere in this report includes amendments made by the enactment of Senate File 2995 during the 2023-2024 Regular Session of the Minnesota state legislature (effective July 1, 2024).

¹⁹ Minn. Stat. Ann. § 260E.03(15b) defines “noncaregiver sex trafficking assessment” as follows:

“Noncaregiver sex trafficking assessment” is a comprehensive assessment of child safety, the risk of subsequent child maltreatment, and strengths and needs of the child and family. The local welfare agency shall only perform a noncaregiver sex trafficking assessment when a maltreatment report alleges sex trafficking of a child by someone other than the child’s caregiver. A noncaregiver sex trafficking assessment does not include a determination of whether child maltreatment occurred. A noncaregiver assessment includes a determination of a family’s need for services to address the safety of the child or children, the safety of family members, and the risk of subsequent maltreatment.

trafficking of a child and the alleged offender is a noncaregiver sex trafficker²⁰ as defined by section 260E.03, subdivision 15a.”²¹

Once a report is screened in, Minn. Stat. Ann. § 260E.20(2)(b)²² (Agency duties regarding investigation and assessment) requires the local welfare agency to complete an in-person interview with the alleged perpetrator of the abuse; however, an exception is provided in non-caregiver trafficking cases.²³ Minn. Stat. Ann. § 260E.20(2)(c) further clarifies that, “In a noncaregiver sex trafficking assessment, the local child welfare agency is not required to inform or interview the alleged offender,” and subsection (2)(d) relieves the local welfare agency of its duty to provide the alleged offender with an opportunity to make a statement.

Upon completion of a noncaregiver sex trafficking assessment, Minn. Stat. Ann. § 260E.24(2)²⁴ (Conclusion of family assessment or family investigation by local welfare agency) requires the local welfare agency to “determine whether child protective services are needed to address the safety of the child and other family members and the risk of subsequent maltreatment.” Further, within ten working days of the conclusion of noncaregiver sex trafficking assessment, Minn. Stat. Ann. § 260E.24(7) requires the local agency to “notify the parent or guardian of the child of the need for services to address child safety concerns or significant risk of subsequent maltreatment. The local welfare agency and the family may also jointly agree that family support and family preservation services are needed.”

²⁰ Minn. Stat. Ann. § 260E.03(15a) defines “noncaregiver sex trafficker” as “an individual who is alleged to have engaged in the act of sex trafficking a child and who is not a person responsible for the child’s care, who does not have a significant relationship with the child as defined in section 609.341, and who is not a person in a current or recent position of authority as defined in section 609.341, subdivision 10.”

²¹ Notably, Minn. Stat. Ann. § 260E.17(1)(g) clarifies how child welfare’s role with regard to the family fits into the noncaregiver sex trafficking assessment process, requiring a response if it becomes clear, during the assessment, that the exploiter was a caregiver. Minn. Stat. Ann. § 260E.17(1)(g) states,

During a noncaregiver sex trafficking assessment, the local welfare agency shall initiate an immediate investigation if there is a reason to believe that a child’s parent, caregiver, or household member allegedly engaged in the act of sex trafficking a child or was alleged to have engaged in any conduct requiring the agency to conduct an investigation.

²² The text of Minn. Stat. Ann. § 260E.20 cited here and elsewhere in this report includes amendments made by the enactment of Senate File 2995 during the 2023-2024 Regular Session of the Minnesota state legislature (effective July 1, 2024).

²³ Specifically, Minn. Stat. Ann. § 260E.20(2)(b) provides, in part, “If the alleged offender was not already interviewed as the primary caregiver, the local welfare agency shall also conduct a face-to-face interview with the alleged offender in the early stages of the assessment or investigation, except in a noncaregiver sex trafficking assessment.”

²⁴ The text of Minn. Stat. Ann. § 260E.24 cited here and elsewhere in this report includes amendments made by the enactment of Senate File 2995 during the 2023-2024 Regular Session of the Minnesota state legislature (effective July 1, 2024).

INSIGHTS FROM THE FIELD



“The new non-caregiver sex trafficking assessment response passed in the 2023 legislative session and will go into effect on July 1, 2024. Currently, systems for screening and documentation, new guidance, training and resources are being developed by the Minnesota Department of Human Services in collaboration with local child welfare agencies.”

*-Caroline Palmer, Safe Harbor Director
Violence Prevention Program Unit, Injury and Violence Prevention Section
Minnesota Department of Public Health*



ISSUE 3: Continuum of Care

Policy Goal 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.

● **FULLY MET**

Minnesota law provides sex trafficked children and youth under 25 years of age with access to specialized, community-based services through their safe harbor program. Specifically, the regional navigators grant provisions set out goals for a statewide program meant to ensure that “support services are available, accessible, and adequate for sexually exploited youth.”²⁵ Minn. Stat. Ann. § 145.4718(a) (Program evaluation). Under Minn. Stat. Ann. § 145.4716(3)²⁶ (Safe harbor for sexually exploited youth),

Youth 24 years of age or younger are eligible for all services, support, and programs provided under this section and section 145.4717 [Regional navigator grants], and all shelter, housing beds, and services provided by the commissioner of human services to sexually exploited youth and youth at risk of sexual exploitation under 256K.47 [Safe harbor shelter and housing].

Pursuant to Minn. Stat. Ann. § 145.4717 (Regional navigator grants),

²⁵ Minn. Stat. Ann. § 260C.007(31) (Definitions) defines “sexually exploited youth” as follows:

[A]n 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 [Criminal sexual conduct in the first degree], 609.343 [Criminal sexual conduct in the second degree], 609.344 [Criminal sexual conduct in the third degree], 609.345 [Criminal sexual conduct in the fourth degree], 609.3451 [Criminal sexual conduct in the fifth degree], 609.3453 [Criminal sexual predatory conduct], 609.352 [Solicitation of children to engage in sexual conduct; communication of sexually explicit materials to children], 617.246 [Use of minors in sexual performance prohibited], or 617.247 [Possession of pornographic work involving minors];
- (3) is a victim of a crime described in United States Code, title 18, section 2260 [Production of sexually explicit depictions of a minor for importation into the United States]; 2421 [Transportation generally]; 2422 [Coercion or enticement]; 2423 [Transportation of minors]; 2425 [Use of interstate facilities to transmit information about a minor]; . . . or 2256 [Definitions for chapter]; or
- (4) is a sex trafficking victim as defined in section 609.321 [Prostitution and sex trafficking; definitions], subdivision 7b.
- (5) is a victim of commercial sexual exploitation as defined in United States Code, title 22, section 7102(11)(A) and (12) [Definitions].

²⁶ The text of Minn. Stat. Ann. § 145.4716 cited here and elsewhere in this report includes amendments made by the enactment of Senate File 2995 during the 2023-2024 Regular Session of the Minnesota state legislature (effective July 1, 2024).

The commissioner of health, through its director of child sex trafficking prevention,²⁷ established in section 145.4716, shall provide grants to regional navigators serving six regions of the state to be determined by the commissioner. Each regional navigator must develop and annually submit a work plan to the director of child sex trafficking prevention. The work plans must include, but are not limited to, the following information:

- (1) a needs statement specific to the region, including an examination of the population at risk;
- (2) regional resources available to sexually exploited youth, as defined in section 260C.007, subdivision 31;
- (3) grant goals and measurable outcomes; and
- (4) grant activities including timelines.

Regarding housing, Minn. Stat. Ann. § 256K.47(1), (2)²⁸ (Safe harbor and housing) provides,

Subdivision 1. Grant program established.— The commissioner of human services must establish a safe harbor shelter and housing grant program. Under this grant program, the commissioner must award grants to providers who are committed to serving sexually exploited youth and youth at risk of sexual exploitation. Grantees must use grant money to provide street and community outreach programs, emergency shelter programs, or supportive housing programs²⁹ consistent with the program descriptions in this section to address the specialized outreach, shelter, and housing needs of sexually exploited youth and youth at risk of sexual exploitation.

Subd. 2. Youth eligible for services.— Youth 24 years of age or younger are eligible for all shelter, housing beds, and services provided under this section and all services, support, and programs provided by the commissioner of health to sexually exploited youth and youth at risk of sexual exploitation under sections 145.4716 and 145.4717.

Further, Minn. Stat. Ann. § 145.4718 (Program evaluation) explains,

(a) The director of child sex trafficking prevention, established under section 145.4716, must conduct, or contract for, comprehensive evaluation of the statewide program for safe harbor for sexually exploited youth. The first evaluation must be completed by June 30, 2015, and must be submitted to the commissioner of health by September 1, 2015, and every two years thereafter. The evaluation must consider whether the program is reaching intended victims and whether support services are available,

²⁷ Minn. Stat. Ann. § 145.4716(2) (Safe harbor for sexually exploited youth) tasks the Director of Child Sex Trafficking Prevention with the following duties:

- (1) developing and providing comprehensive training on sexual exploitation of youth for social service professionals, medical professionals, public health workers, and criminal justice professionals;
- (2) collecting, organizing, maintaining, and disseminating information on sexual exploitation and services across the state, including maintaining a list of resources on the Department of Health Web site;
- ...
- (6) identifying best practices in serving sexually exploited youth, as defined in section 260C.007, subdivision 31 [Definitions – Sexually Exploited Youth];
- (7) providing oversight of and technical support to regional navigators pursuant to section 145.4717 [Regional navigator grants];
- (8) conducting a comprehensive evaluation of the statewide program for safe harbor of sexually exploited youth; and
- (9) developing a policy, consistent with the requirements of chapter 13, for sharing data related to sexually exploited youth, as defined in section 260C.007, subdivision 31, among regional navigators and community-based advocates.

²⁸ The text of Minn. Stat. Ann. § 256K.47 cited here and elsewhere in this report includes amendments made by the enactment of Senate File 2995 during the 2023-2024 Regular Session of the Minnesota state legislature (effective July 1, 2024).

²⁹ More information on services available through street and community outreach programs, emergency shelter programs, and supportive housing programs, *see* Minn. Stat. Ann. § 256K.47(3)–(5).

accessible, and adequate for sexually exploited youth, as defined in section 260C.007 [Definitions], subdivision 31.

(b) In conducting the evaluation, the director of child sex trafficking prevention must consider evaluation of outcomes, including whether the program increases identification of sexually exploited youth, coordination of investigations, access to services and housing available for sexually exploited youth, and improved effectiveness of services. The evaluation must also include examination of the ways in which penalties under section 609.3241 [Penalty assessment authorized] are assessed, collected, and distributed to ensure funding for investigation, prosecution, and victim services to combat sexual exploitation of youth.

EXTRA CREDIT



Minn. Stat. Ann. § 145.4716 (Safe Harbor for Sexually Exploited Youth) expands eligibility for services under the safe harbor program to youth who are 24 years of age or younger.



Minn. Stat. Ann. § 144.3885(1) (Labor trafficking services grant program) requires the commissioner of health to establish a labor trafficking services grant program “to provide comprehensive, trauma-informed, and culturally specific services for victims of labor trafficking or labor exploitation.” Grant eligibility is governed by Minn. Stat. Ann. § 144.3885(2), which states, in part, “To be eligible for a grant under this section, applicants must be a nonprofit organization or a nongovernmental organization serving victims of labor trafficking or labor exploitation; a local public health department; a social service agency; a Tribal government; a local unit of government; a school or school district; a health care organization; or another interested agency demonstrating experience or expertise in working with victims of labor trafficking or exploitation.”

Policy Goal 3.2

State law provides for a survivor-centered multi-disciplinary team response to child sex trafficking cases.

PARTIALLY MET

Minnesota law authorizes a multi-disciplinary team response to child sex trafficking cases. Pursuant to Minn. Stat. Ann. § 260E.02(3)³⁰ (Multidisciplinary child protection team),

A multidisciplinary child protection team³¹ may assist the local welfare agency, local law enforcement agency, or an appropriate private organization in developing a program of outreach services for sexually

³⁰ The text of Minn. Stat. Ann. § 260E.02 cited here and elsewhere in this report includes amendments made by the enactment of Senate File 2995 during the 2023-2024 Regular Session of the Minnesota state legislature (effective July 1, 2024).

³¹ Pursuant to Minn. Stat. Ann. § 260E.02(1),

exploited youth, including homeless, runaway, and truant youth who are at risk of sexual exploitation. For the purposes of this subdivision, at least one representative of a youth intervention program or, where this type of program is unavailable, one representative of a nonprofit agency serving youth in crisis shall be appointed to and serve on the multidisciplinary child protection team in addition to the standing members of the team. These services may include counseling, medical care, short-term shelter, alternative living arrangements, and drop-in centers. A juvenile's receipt of intervention services under this subdivision may not be conditioned upon the juvenile providing any evidence or testimony.

- 3.2.1 Recommendation: Amend Minn. Stat. Ann. § 260E.02(3) (Multidisciplinary child protection team) to require a multi-disciplinary team response to child sex trafficking victims. (*See [Issue Brief 3.2.](#)*)

A county shall establish a multidisciplinary child protection team that may include, but not be limited to, the director of the local welfare agency or designees, the county attorney or designees, the county sheriff or designees, representatives of health and education, representatives of mental health, representatives of agencies providing specialized services or responding to youth who experience or are at risk of experiencing sex trafficking or sexual exploitation, or other appropriate human services or community-based agencies, and parent groups. As used in this section, a “community-based agency” may include, but is not limited to, schools, social services agencies, family service and mental health collaboratives, children's advocacy centers, early childhood and family education programs, Head Start, or other agencies serving children and families. A member of the team must be designated as the lead person of the team responsible for the planning process to develop standards for the team's activities with battered women's and domestic abuse programs and services.

INSIGHTS FROM THE FIELD



“While this is not required in state law, it is permissible under state law to utilize a child protection multidisciplinary team approach in all cases of child sex trafficking while engaged in the child welfare system. This guidance is published in Minnesota's Best Practice Response to Human Trafficking of Children and Youth - <https://edocs.dhs.state.mn.us/lfserver/Public/DHS-7641Z-ENG> and provided in the required child protection training on sex trafficking and exploitation.

Within Hennepin County, the No Wrong Door program has put together a multi-disciplinary team with members from Child Protection, Child Welfare, ICWA, Initial Child Access, the County Attorney's Office, the BCA, Hennepin County Security Division, a representative from the JDC, and the West Metro Regional Navigator to help implement the Hennepin County Safe Harbor Protocol within our agency. Each member of the MDT has specialized knowledge with working with sexually exploited/trafficked youth. In this group, NWD and its partners have identified gaps in responding to child sex trafficking cases, built trainings that for different departments at the County, and created a bi-weekly consultation team. Workers in the County who have a youth on their caseload that are suspected to be exploited/trafficked or confirmed trafficked/exploitation can request a consultation with this team. The team provides guidance on next steps, appropriate resources that the youth may benefit from, and anything else the worker may need to consult about. These cases are often very difficult, and it can be hard to know the best route to go - this consultation team has been able to provide guidance, share best practices, and provide support to a worker responding to a child sex trafficking case.”

*-Caroline Palmer, Safe Harbor Director
Violence Prevention Program Unit, Injury and Violence Prevention Section
Minnesota Department of Public Health*

Policy Goal 3.3 State law requires child welfare to provide access to specialized services for identified sex trafficked children and youth.

● **FULLY MET**

Minnesota law requires child welfare to provide access to services that are specialized to the unique needs of child sex trafficking victims, both in specialized residential settings and in the community. Pursuant to Minn. Stat. Ann. § 260C.212(13)(g) (Children in placement; protecting missing and runaway children and youth at risk of sex trafficking),

The local social services agency shall determine appropriate services as described in section 145.4717 [Regional navigator grants] with respect to any child for whom the local social services agency has responsibility for placement, care, or supervision when the local social services agency has reasonable cause to believe that the child is, or is at risk of being, a sex trafficking or commercial sexual exploitation victim.

Further, Minn. Stat. Ann. § 245A.25(5) (Residential program certifications for compliance with the Families First Prevention Services Act) sets standards for the specialized residential placements, stating,

Residential settings specializing in providing care and supportive services for youth who have been or are at risk of becoming victims of sex trafficking or commercial sexual exploitation; certification requirements.

- (a) To be certified as a residential setting specializing in providing care and supportive services for youth who have been or are at risk of becoming victims of sex trafficking or commercial sexual exploitation, a license holder must meet the requirements of this subdivision.
- (b) Settings certified according to this subdivision are exempt from the requirements of section 245A.04, subdivision 11, paragraph (b).
- (c) The program must use a trauma-informed model of care that meets all of the applicable requirements of subdivision 3, and that is designed to address the needs, including emotional and mental health needs, of youth who have been or are at risk of becoming victims of sex trafficking or commercial sexual exploitation.
- (d) The program must provide high-quality care and supportive services for youth who have been or are at risk of becoming victims of sex trafficking or commercial sexual exploitation and must:
 - (1) offer a safe setting to each youth designed to prevent ongoing and future trafficking of the youth;
 - (2) provide equitable, culturally responsive, and individualized services to each youth;
 - (3) assist each youth with accessing medical, mental health, legal, advocacy, and family services based on the youth's individual needs;
 - (4) provide each youth with relevant educational, life skills, and employment supports based on the youth's individual needs;
 - (5) offer a trafficking prevention education curriculum and provide support for each youth at risk of future sex trafficking or commercial sexual exploitation; and
 - (6) engage with the discharge planning process for each youth and the youth's family.
- (e) The license holder must maintain a service delivery plan that describes how the program provides services according to the requirements in paragraphs (c) and (d).
- (f) The license holder must ensure that each staff person who has direct contact, as defined in section 245C.02, subdivision 11, with a youth served by the license holder's program completes a human trafficking training approved by the Department of Human Services' Children and Family Services Administration before the staff person has direct contact with a youth served by the program and annually thereafter. For programs certified prior to January 1, 2022, the license holder must ensure that each staff person at the license holder's program completes the initial training by January 1, 2022.

INSIGHTS FROM THE FIELD



“[M]ore detailed guidance about providing access to specialized services through MN Safe Harbor response is provided in Minnesota's Best Practice Response to Human Trafficking of Children and Youth - <https://edocs.dhs.state.mn.us/lfsrserver/Public/DHS-7641Z-ENG> and in the required child protection training.”

-Sarah Ladd, Human Trafficking Child Protection Program Coordinator, MN Dept. of Human Services

Policy Goal 3.4 State law requires the juvenile justice system to provide access to specialized services for identified sex trafficked children and youth.
○ NOT MET

While the court may order a child to receive “special treatment and care for reasons of physical or mental health,” that response is discretionary and Minnesota law does not clarify that sex trafficking is a physical or mental health need. Pursuant to Minn. Stat. Ann. § 260B.198(1)(a)(7) (Dispositions; delinquent child),

If the court finds that the child is delinquent, it shall enter an order making any of the following dispositions of the case which are deemed necessary to the rehabilitation of the child:

.....

(7) if the child is in need of special treatment and care for reasons of physical or mental health, the court may order the child’s parent, guardian, or custodian to provide it. If the parent, guardian, or custodian fails to provide this treatment or care, the court may order it provided;

3.4.1 Recommendation: Statutorily require the juvenile justice system to provide access to specialized services for identified sex trafficked children and youth. (See [Issue Brief 3.4](#).)

INSIGHTS FROM THE FIELD



“Several Hennepin County contracts with SEY-serving agencies are shared contracts with the Department of Community Corrections and Rehabilitation (DOCCR), and they access these contracts and make many referrals for their justice involved youth experiencing exploitation. Hennepin County No Wrong Door recently released an RFP that was shared with DOCCR, who contributed 50/50 to the money. They have made serving this population a priority.”

*-Caroline Palmer, Safe Harbor Director
Violence Prevention Program Unit, Injury and Violence Prevention Section
Minnesota Department of Public Health*

Policy Goal 3.5 State law extends foster care services to older foster youth.
● FULLY MET

Minnesota law extends foster care services to youth under 21 years of age through a voluntary extended foster care agreement and extends Chafee services³² to youth under 23. Specifically, Minn. Stat. Ann. § 260C.451 (Foster Care Benefits Past Age 18) provides,

Subd. 2. Independent living plan. – Upon the request of any child in foster care immediately prior to the child’s 18th birthday and who is in foster care at the time of the request, the responsible social services

³² For more information, see Shared Hope Int’l, *Issue Brief 3.5: Continuum of Care*, <https://reportcards.sharedhope.org/related-resources/#3.5> (discussing federal laws that allow for funded foster care services to be extended to youth under 23 years of age).

agency shall, in conjunction with the child and other appropriate parties, update the independent living plan required under section 260C.212, subdivision 1, paragraph (c), clause (12), related to the child's employment, vocational, educational, social, or maturational needs. The agency shall provide continued services and foster care for the child including those services that are necessary to implement the independent living plan.

Subd. 3. Eligibility to continue in foster care. – A child in foster care immediately prior to the child's 18th birthday may continue in foster care past age 18 unless:

- (1) the child can safely return home;
- (2) the child is in placement pursuant to the agency's duties under section 256B.092 and Minnesota Rules, parts 9525.0004 to 9525.0016, to meet the child's needs due to developmental disability or related condition, and the child will be served as an adult under section 256B.092 and Minnesota Rules, parts 9525.0004 to 9525.0016; or
- (3) the child can be adopted or have permanent legal and physical custody transferred to a relative prior to the child's 18th birthday.

Subd. 3a. Eligibility criteria. – The child must meet at least one of the following conditions to be considered eligible to continue in or return to foster care and remain there to age 21. The child must be:

- (1) completing secondary education or a program leading to an equivalent credential;
- (2) enrolled in an institution that provides postsecondary or vocational education;
- (3) participating in a program or activity designed to promote or remove barriers to employment;
- (4) employed for at least 80 hours per month; or
- (5) incapable of doing any of the activities described in clauses (1) to (4) due to a medical condition.

Subd. 4. Foster care benefits. – For children between the ages of 18 and 21, "foster care benefits" means payment for those foster care settings defined in section 260C.007, subdivision 18. Additionally, foster care benefits means payment for a supervised setting, approved by the responsible social services agency, in which a child may live independently.

....

Subd. 6. Reentering foster care and accessing services after 18 years of age and up to 21 years of age. –

....

(b) Individuals who had not been under the guardianship of the commissioner of human services prior to 18 years of age may ask to reenter foster care after age 18 and the responsible social services agency that had responsibility for planning for the individual before discharge from foster care shall provide foster care or other services to the individual for the purpose of increasing the individual's ability to live safely and independently and to meet the eligibility criteria in subdivision 3a, if the individual:

....

(d) A child who left foster care while under guardianship of the commissioner of human services retains eligibility for foster care for placement at any time prior to 21 years of age.

Additionally, Minn. Stat. Ann. § 260C.452(4)(d) (Successful Transition to Adulthood) provides,

For a child who will be discharged from foster care at 18 years of age or older, the responsible social services agency must develop a personalized transition plan as directed by the child during the 90-day period immediately prior to the expected date of discharge. The transition plan must be as detailed as the child elects and include specific options, . . .”

Related to extended services for youth under 23 years of age, Minn. Stat. Ann. § 260C.452(1)(d) provides, “The responsible social services agency may provide support and case management services to a youth as defined in paragraph (a) until the youth reaches 23 years of age.”

Policy Goal 3.6

State funding is appropriated to support specialized services and a continuum of care for sex trafficked children regardless of system involvement.

● FULLY MET

The Minnesota state legislature made appropriations to support the development and provision of specialized responses to child and youth survivors of sex trafficking.

Appropriations				
Bill	Recipient	Additional Amount (“base” indicates continued funding)	Intended Purpose	Term
Laws of 2013, Chapter 108	MN Department of Health	\$475,000 (base)	Safe Harbor for Sexually Exploited Youth programs: Grants for Regional Navigators, Director of sex trafficking prevention position (Safe Harbor Director), and program evaluation	FY 2013
2013 Legislative Session				FY 2014
Laws of 2013, Chapter 108	MN Department of Human Services	\$500,000 (base)	Safe Harbor Shelter and Housing – grants for specialized outreach, shelter and housing services for sexually exploited youth	FY 2014
2013 Legislative Session		\$500,000 (base)		FY 2015
Laws of 2014, Chapter 312	MN Department of Health	\$1,000,000 (base)	Safe Harbor for Sexually Exploited Youth programs including grants for comprehensive services programs and grant administration	FY 2014
2014 Legislative Session		\$1,000,000 (base)		FY 2015
Laws of 2014, Chapter 312	MN Department of Human Services	\$500,000 (base)	Safe Harbor Shelter and Housing – grants for specialized outreach, shelter and housing services for sexually exploited youth	FY 2015
2014 Legislative Session				
Laws of 2015, Chapter 71	MN Department of Health	\$375,000 (base)	Safe Harbor for Sexually Exploited Youth Programs including Safe Harbor for Youth grants and Safe Harbor Training and Protocols	FY 2016
2015 Legislative Session		\$325,000 (base)		FY 2017

Laws of 2015, Chapter 71	MN Department of Human Services	\$800,000 shelter/housing + \$150,000 for outreach (base)	Safe Harbor Shelter and Housing – grants for specialized outreach, shelter and housing services for sexually exploited youth	FY 2016
2015 Legislative Session		\$800,000 shelter/housing + \$150,000 for outreach (base)		FY 2017
Laws of 2016, Chapter 189	MN Department of Health	\$1,450,000 (base)	Safe Harbor for Sexually Exploited Youth Programs including Safe Harbor for Youth Grants and Culturally Specific Grants	FY 2017
2016 Legislative Session		\$1,450,000 (base)		FY 2018
Laws of 2016, Chapter 189	MN Department of Human Services	\$33,000 (one-time)	Safe Harbor Shelter and Housing – grants for specialized outreach, shelter and housing services for sexually exploited youth	FY 2017
2016 Legislative Session				
Laws of 2017, Chapter 6	MN Department of Health	\$620,000 (base)	Safe Harbor for Sexually Exploited Youth Programs including services, technical assistance and evaluation, program administration, statewide strategic plan, and protocols	FY 2018
2017 Legislative Session		\$620,000 (base)		FY 2019
Laws of 2017, Chapter 6	MN Department of Human Services	\$750,000 (base) \$400,000 (shelter/housing) \$100,000 (outreach)	Safe Harbor Shelter and Housing – grants for specialized outreach, shelter and housing services for sexually exploited youth; grants for statewide youth outreach workers connecting youth with shelter and services	FY 2018
2017 Legislative Session		\$750,000 (base) \$400,000 (shelter/housing) \$100,000 (outreach)		FY 2019
Laws of 2019, Chapter 9	MN Department of Health	\$525,000 (base)	Safe Harbor for Sexually Exploited Youth Programs, additional funding for program evaluation, training and protocol implementation, and grants	FY 2020
2019 Legislative Session		\$475,000 (base)		FY 2021
Laws of 2019, Chapter 9	MN Department of Human Services	\$500,000 (base)	Safe Harbor Shelter and Housing – grants for specialized outreach, shelter and housing services ; grants for statewide youth outreach workers connecting youth with shelter and services	FY 2020 and FY2021 (no additional funding allocated for FY2022-2023)
2019 Legislative Session				

Laws of 2019, Chapter 9	MN Department of Human Services	\$250,000	Shelter-Linked Mental Health Grant to integrate mental health services into outreach, drop-in, shelter, and housing services for homeless youth and sexually exploited youth	FY 2020
2019 Legislative Session		\$250,000		FY 2021
Laws of 2022, Chapter 99	MN Department of Human Services	\$2,000,000 (this additional \$2 million continues for FY24 and FY25)	Shelter-Linked Mental Health Grant to integrate mental health services into outreach, drop-in, shelter, and housing services for homeless youth and sexually exploited youth	FY 2023 and FY2024, FY2025
2022 Legislative Session				
Laws of 2023, Chapter 70	MN Department of Health	\$1,000,000 (base)	Safe Harbor for Sexually Exploited Youth Program – funds for supportive services	FY 2024
2023 Legislative Session		\$1,000,000 (base)		FY 2025
Laws of 2023, Chapter 70	MN Department of Health	\$300,000 (base)	Safe Harbor for Sexually Exploited Youth Program – funds for Regional Navigator Services in Northwest Minnesota	FY 2024
2023 Legislative Session		\$300,000 (base)		FY 2025
Laws of 2023, Chapter 70	MN Department of Health	\$500,000 (base)	Funds for labor trafficking services (administered by Safe Harbor program, no age restriction)	FY 2024
2023 Legislative Session		\$500,000 (base)		FY 2025
Laws of 2023, Chapter 70	MN Department of Human Services	\$2,125,000 (of which \$875,000 is one-time); the remainder is base	Safe Harbor Shelter and Housing – grants for specialized outreach, shelter and housing services for sexually exploited youth; grants for statewide youth outreach workers (Note: the base amount in FY 2026 and FY 2027 drops to \$1,250,000 per year)	FY 2024
2023 Legislative Session		\$2,125,000 (of which \$875,000 is one-time); the remainder is base		FY 2025

EXTRA CREDIT



The Minnesota Legislature appropriated funds to provide comprehensive, culturally-specific services to child and youth survivors of commercial sexual exploitation, including youth under 24 years of age.



The Minnesota Legislature appropriated funds for FY 2024 and 2025 to be utilized for the labor trafficking services grant program. Additionally, these funds became part of the Minnesota Department of Health's base budget, meaning funding will continue for subsequent fiscal years.

INSIGHTS FROM THE FIELD



“The City of Minneapolis has awarded American Rescue Plan Act funds to a nonprofit organization to provide supportive services to individuals, irrespective of age, who are at risk of sexual exploitation and trafficking as well as those who have victimized by sexual exploitation and sex trafficking.

Outside of the Safe Harbor funds distributed by the Minnesota Department of Health and the Minnesota Department of Human Services, Hennepin County funds the No Wrong Door program and directs dollars towards our contracted services (specialized for SEY) and the existence of the program to coordinate a response across Hennepin County.”

*-Caroline Palmer, Safe Harbor Director
Violence Prevention Program Unit, Injury and Violence Prevention Section
Minnesota Department of Public Health*



ISSUE 4: Access to Justice for Trafficking Survivors

Policy Goal 4.1 State law allows trafficking victims to seek emergency civil orders of protection.

● FULLY MET

Minnesota law allows any person, including a victim of child sex trafficking or CSEC, who otherwise meets the eligibility requirements under Minn. Stat. Ann. § 609.748 (Harassment; restraining order) to apply for a civil harassment restraining order and civil order of protection. Under Minn. Stat. Ann. § 609.748(4)(a)–(c),

- (a) The court may issue a temporary restraining order that provides any or all of the following:
 - (1) orders the respondent to cease or avoid the harassment of another person; or
 - (2) orders the respondent to have no contact with another person.
- (b) The court may issue an order under paragraph (a) if the petitioner files a petition in compliance with subdivision 3 and if the court finds reasonable grounds to believe that the respondent has engaged in harassment.³³ When a petition alleges harassment as defined by subdivision 1, paragraph (a), clause (1), the petition must further allege an immediate and present danger of harassment before the court may issue a temporary restraining order under this section. When signed by a referee, the temporary order becomes effective upon the referee’s signature.
- (c) Notice need not be given to the respondent before the court issues a temporary restraining order under this subdivision

Further, Minn. Stat. Ann. § 609.3232(1), (5) (Protective order authorized; procedures; penalties) allows parents and guardians to seek protective orders on behalf of their minor children as follows:

Subdivision 1. Order for protection. — Any parent or guardian who knows or has reason to believe that a person, while acting as other than a prostitute or patron, is inducing, coercing, soliciting, or promoting the prostitution of the parent or guardian’s minor child, or is offering or providing food, shelter, or other subsistence for the purpose of enabling the parent or guardian’s minor child to engage in prostitution, may seek an order for protection in the manner provided in this section.

Subd. 5. Relief by the court. — Upon notice and hearing, the court may order the respondent to return the minor child to the residence of the child’s parents or guardian, and may order that the respondent cease and desist from committing further acts described in subdivision 1 and cease to have further contact with the minor child. Any relief granted by the court in the order for protection shall be for a fixed period of time determined by the court.

³³ Minn. Stat. Ann. § 609.748(1)(a) defines “harassment” to include the following:

- (1) a single incident of physical or sexual assault, a single incident of stalking under section 609.749, subdivision 2, clause (8), a single incident of nonconsensual dissemination of private sexual images under section 617.261, or repeated incidents of intrusive or unwanted acts, words, or gestures that have a substantial adverse effect or are intended to have a substantial adverse effect on the safety, security, or privacy of another, regardless of the relationship between the actor and the intended target;
- (2) targeted residential picketing; and
- (3) a pattern of attending public events after being notified that the actor’s presence at the event is harassing to another.

EXTRA CREDIT



For purposes of obtaining a civil harassment restraining order, Minn. Stat. Ann. § 609.748(1)(a)(1) broadly defines “harassment” to include “repeated incidents of intrusive or unwanted acts, words, or gestures that have a substantial adverse effect or are intended to have a substantial adverse effect on the safety, security, or privacy of another, regardless of the relationship between the actor and the intended target.” Accordingly, child labor trafficking survivors can benefit from this protection.

Policy Goal 4.2 Ineligibility factors for crime victims’ compensation do not prevent victims of child sex trafficking and commercial sexual exploitation of children (CSEC) from accessing compensation.

1 PARTIALLY MET

Although Minnesota’s crime victims’ compensation laws define “victim” broadly enough to include victims of child sex trafficking and CSEC, ineligibility factors may prevent a commercially sexually exploited child from accessing an award.

For purposes of accessing crime victims’ compensation, Minn. Stat. Ann. § 611A.52(10)(a) (Definitions) defines “victim” to include “a person who suffers personal injury³⁴ or death as a direct result of . . . a crime.” “Crime” is defined under Minn. Stat. Ann. § 611A.52(6)(a) as any conduct that:

- (1) occurs or is attempted anywhere within the geographical boundaries of this state, including Indian reservations and other trust lands;
- (2) poses a substantial threat of personal injury or death; and
- (3) is included within the definition of “crime”³⁵ in section 609.02, subdivision 1, or would be included within that definition but for the fact that (i) the person engaging in the conduct lacked capacity to commit the crime under the laws of this state; or (ii) the act was alleged or found to have been committed by a juvenile.

Despite this broad definition, certain ineligibility factors may still limit a commercially sexually exploited child’s ability to seek crime victims’ compensation. Pursuant to Minn. Stat. Ann. § 611A.53(2)³⁶ (Reimbursement awards prohibited),

No reimbursement shall be awarded to a claimant otherwise eligible if:

- (1) the crime was not reported to the police within 30 days of its occurrence or, if it could not reasonably have been reported within that period, within 30 days of the time when a report could reasonably have been made
- (2) the victim or claimant failed or refused to cooperate fully with the police and other law enforcement officials. Cooperation is determined through law enforcement reports, prosecutor records, or

³⁴ Minn. Stat. Ann. § 611A.52(9) defines “injury” as “actual bodily harm including pregnancy and emotional trauma.”

³⁵ Minn. Stat. Ann. § 609.02(1) (Definitions) defines “crime” as “conduct which is prohibited by statute and for which the actor may be sentenced to imprisonment, with or without a fine.”

³⁶ The text of Minn. Stat. Ann. § 611A.53 cited here and elsewhere in this report includes amendments made by the enactment of Senate File 2909 during the 2023-2024 Regular Session of the Minnesota state legislature (effective August 1, 2023).

- corroboration memorialized in a signed document submitted by a victim service, counseling, or medical professional involved in the case;
- (3) the victim or claimant was the offender or an accomplice of the offender or an award to the claimant would unjustly benefit the offender or an accomplice;
- (4) the victim or claimant was in the act of committing a crime at the time the injury occurred;
- (5) no claim was filed with the board within three years of victim's injury or death; except that (i) if the claimant was unable to file a claim within that period, then the claim can be made within three years of the time when a claim could have been filed; and (ii) if the victim's injury or death was not reasonably discoverable within three years of the injury or death, then the claim can be made within three years of the time when the injury or death is reasonably discoverable
- (6) the claim is less than \$ 50.

Notably, Minn. Stat. Ann. § 611A.53(2) provides victims of “child abuse” with an exception to these eligibility criteria, stating, “The limitations contained in clauses (1) and (6) do not apply to victims of child abuse. In those cases the three-year limitation period commences running with the report of the crime to the police.” While “child abuse” is not defined for purposes of this section, the state’s general “child abuse” definition under Minn. Stat. Ann. § 260C.007(5) explicitly includes child sex trafficking victims and, thus, it is likely that child sex trafficking victims would benefit from the exception provided under this statute. However, the reporting period is only lengthened, not eliminated. Lastly, denial can still be based on contributory misconduct under Minn. Stat. Ann. § 611A.54(2) (Amount of reparations), which states that “reparations shall be denied or reduced to the extent, if any, that the board deems reasonable because of the contributory misconduct of the claimant or of a victim through whom the claimant claims.”

- 4.2.1 Recommendation: Statutorily exempt victims of child sex trafficking and CSEC from all ineligibility factors for crime victims’ compensation. (See [Issue Brief 4.2](#).)

Policy Goal 4.3 Sex trafficked children and youth may vacate delinquency adjudications and criminal convictions for any offense arising from trafficking victimization.

● PARTIALLY MET

Although Minnesota law does not allow sex trafficked children to vacate—or have set aside—delinquency adjudications for offenses arising from their victimization,³⁷ related records may be expunged under Minn. Stat. Ann. § 260B.198(6)(a)–(b) (Dispositions; delinquent child), which states,

³⁷ In contrast, Minnesota law allows crime victims to vacate criminal convictions related to their victimization. Specifically, Minn. Stat. Ann. § 609A.03(6a) (Petition to expunge criminal records) allows crime victims to petition for expungement, which, under this statute, results in vacatur. Minn. Stat. Ann. § 609A.03(1), (6a) states,

Subdivision 1. Petition; filing fee. — An individual who is the subject of a criminal record who is seeking the expungement of the record shall file a petition under this section

....

Subd. 6a. Order when context and circumstances of the underlying crime indicate a nexus between the criminal record to be expunged and person's status as a crime victim. — If the court finds, under section 609A.03, subdivision 5, paragraph (c), clause (5), that the context and circumstances of the underlying crime indicate a nexus between the criminal record to be expunged and the person's status as a crime victim, then the effect of the court order to seal the record of the proceedings shall be to restore the person, in the contemplation of the law, to the status the person occupied before the arrest, indictment, or information. The person shall not be guilty of perjury or otherwise of giving a false statement if the person fails to acknowledge the arrest, indictment, information, or trial in response to any

(a) The court may expunge all records relating to delinquency at any time if the court determines that expungement of the record would yield a benefit to the subject of the record that outweighs the detriment to the public and public safety in sealing the record and the burden on the court and public agencies or jurisdictions in issuing, enforcing, and monitoring the order.

(b) In making a determination under this subdivision, the court shall consider:

- (1) the age, education, experience, and background, including mental and emotional development, of the subject of the record at the time of commission of the offense;
- (2) the circumstances and nature and severity of the offense, including any aggravating or mitigating factors in the commission of the offense;
- (3) victim and community impact, including age and vulnerability of the victim;
- (4) the level of participation of the subject of the record in the planning and carrying out of the offense, including familial or peer influence in the commission of the offense;
- (5) the juvenile delinquency and criminal history of the subject of the record;
- (6) the programming history of the subject of the record, including child welfare, school and community-based, and probation interventions, and the subject's willingness to participate meaningfully in programming, probation, or both;
- (7) any other aggravating or mitigating circumstance bearing on the culpability or potential for rehabilitation of the subject of the record; and
- (8) the benefit that expungement would yield to the subject of the record in pursuing education, employment, housing, or other necessities.

Critically, expunged records may still negatively impact the child. Under Minn. Stat. Ann. § 260B.198(6)(c)–(d),

(c) A record expunged under this subdivision prior to the effective date of this act may not be opened or exchanged. A record expunged under this subdivision on or after the effective date of this act is sealed and access only allowed pursuant to paragraph (d).

(d) Notwithstanding paragraph (a), a record that is expunged under this subdivision on or after the effective date of this act may be opened, used, or exchanged between criminal justice agencies in the same manner as a criminal record under section 609A.03, subdivision 7a, paragraph (b) [Petition to expunge criminal records].

Accordingly, existing protections do not fully alleviate the hardships faced by victims with delinquency adjudications arising from their victimization.³⁸

- 4.3.1 Recommendation: Strengthen existing law by allowing sex trafficked children and youth to vacate delinquency adjudications for any offense arising from trafficking victimization. (*See Issue Brief 4.3.*)

inquiry made for any purpose. The court may request a sworn statement from a staff member of a state-funded victim services organization or a licensed health care provider as evidence to support a determination under section 609A.03, subdivision 5.

Because “the effect of the court order to seal the record of the proceeding shall be to restore the person, in the contemplation of the law, to the status the person occupied before the arrest, indictment, or information,” an expungement order results in vacatur. As noted above, however, Minn. Stat. Ann. § 609A.03(6a) is only available for criminal convictions, not delinquency adjudications.

³⁸ For more information, see Shared Hope Int'l, *Issue Brief 4.3: Access to Justice for Trafficking Survivors*, <https://reportcards.sharedhope.org/related-resources/#4.3> (discussing the importance of providing survivors with a wide range of post-conviction relief, including vacatur).

Policy Goal 4.4 State law mandates restitution for child sex trafficking and commercial sexual exploitation of children (CSEC) offenses.

● FULLY MET

Minnesota law requires an offender convicted of a child sex trafficking or CSEC offense to pay restitution. Pursuant to Minn. Stat. Ann. § 611A.04(1)(a) (Order of restitution),

A victim of a crime has the right to receive restitution as part of the disposition of a criminal charge or juvenile delinquency proceeding against the offender if the offender is convicted or found delinquent. The court, or a person or agency designated by the court, shall request information from the victim to determine the amount of restitution owed A request for restitution may include, but is not limited to, any out-of-pocket losses resulting from the crime, including medical and therapy costs, replacement of wages and services, . . . and funeral expenses. An actual or prospective civil action involving the alleged crime shall not be used by the court as a basis to deny a victim’s right to obtain court-ordered restitution under this section

EXTRA CREDIT



Minnesota law mandates restitution for victims of child labor trafficking under Minn. Stat. Ann. § 611A.04(1)(a), which applies broadly to any offense.

Policy Goal 4.5 State law provides child sex trafficking victims with a trafficking-specific civil remedy.

● FULLY MET

Minnesota law provides victims with a civil remedy for a broad range of conduct constituting child sex trafficking. Pursuant to Minn. Stat. Ann. § 611A.81 (Cause of action for coercion for use in prostitution),³⁹

Subdivision 1. Cause of action created. –

.....

(b) An individual has a cause of action against a person who did the following while the individual was a minor:

- (1) solicited or induced the individual to practice prostitution;
- (2) promoted the prostitution⁴⁰ of the individual;

³⁹ In addition to this CSE-specific civil cause of action, sex trafficked children and youth should be able to file civil actions under Minn. Stat. Ann. § 541.073 (Actions for damages due to sexual abuse; special provisions) related to childhood sexual abuse.

⁴⁰ Minn. Stat. Ann. § 611A.80(3) (Definitions) defines “promotes the prostitution of an individual” to “ha[ve] the same meaning given in section 609.321 [Prostitution and sex trafficking; definitions], subdivision 7,” which states,

“Promotes the prostitution of an individual” means any of the following wherein the person knowingly:

- (1) solicits or procures patrons for a prostitute;

- (3) collected or received the individual's earnings derived from prostitution; or
- (4) hired, offered to hire, or agreed to hire the individual to engage in prostitution.

Mistake as to age is not a defense to an action under this paragraph.

Subd. 2. Damages. – A person against whom a cause of action may be maintained under subdivision 1 is liable for the following damages that resulted from the plaintiff's being used in prostitution or to which the plaintiff's use in prostitution proximately contributed:

- (1) economic loss, including damage, destruction, or loss of use of personal property; loss of past or future income or earning capacity; and income, profits, or money owed to the plaintiff from contracts with the person; and
- (2) damages for death as may be allowed under section 573.02, personal injury, disease, and mental and emotional harm, including medical, rehabilitation, and burial expenses; and pain and suffering, including physical impairment.

-
- (2) provides, leases or otherwise permits premises or facilities owned or controlled by the person to aid the prostitution of an individual;
 - (3) owns, manages, supervises, controls, keeps or operates, either alone or with others, a place of prostitution to aid the prostitution of an individual;
 - (4) owns, manages, supervises, controls, operates, institutes, aids or facilitates, either alone or with others, a business of prostitution to aid the prostitution of an individual;
 - (5) admits a patron to a place of prostitution to aid the prostitution of an individual; or
 - (6) transports an individual from one point within this state to another point either within or without this state, or brings an individual into this state to aid the prostitution of the individual.

EXTRA CREDIT



Minnesota law provides sex trafficked youth with a trafficking-specific civil remedy under Minn. Stat. Ann. § 611A.81(1)(a), which includes a broad range of conduct constituting trafficking regardless of the victim's age. It states,

Cause of action created.

- (a) An individual has a cause of action against a person who:
- (1) coerced the individual into prostitution;
 - (2) coerced the individual to remain in prostitution;
 - (3) used coercion to collect or receive any of the individual's earnings derived from prostitution; or
 - (4) hired, offered to hire, or agreed to hire the individual to engage in prostitution, knowing or having reason to believe that the individual was coerced into or coerced to remain in prostitution by another person.

For purposes of clauses (1) and (2), money payment by a patron, as defined in section 609.321, subdivision 4, is not coercion under section 611A.80, subdivision 2, clause (5) or (11), or exploiting needs for food or shelter under section 611A.80 [Definitions], subdivision 2, clause (23)



Minnesota law provides child labor trafficking victims with a trafficking-specific civil remedy under Minn. Stat. Ann. § 609.284(2) (Labor or sex trafficking crimes; defenses; civil liability; corporate liability), which states,

Civil liability. – A labor trafficking victim may bring a cause of action against a person who violates section 609.282 [Labor trafficking] or 609.283 [Unlawful conduct with respect to documents in furtherance of labor or sex trafficking]. The court may award damages, including punitive damages, reasonable attorney fees, and other litigation costs reasonably incurred by the victim. This remedy is in addition to potential criminal liability.

INSIGHTS FROM THE FIELD



“The City of Minneapolis facilitates the U/T visa certification for victims of trafficking.”

*-Caroline Palmer, Safe Harbor Director
Violence Prevention Program Unit, Injury and Violence Prevention Section
Minnesota Department of Public Health*

Policy Goal 4.6

Statutes of limitation for criminal and civil actions for child sex trafficking or commercial sexual exploitation of children (CSEC) offenses are eliminated to allow prosecutors and victims a realistic opportunity to pursue criminal action and legal remedies.

🔴 PARTIALLY MET

Prosecutions for child sex trafficking, but not CSEC, may commence at any time, and the statute of limitation for filing trafficking-specific civil actions is only lengthened, not eliminated.⁴¹

Regarding criminal actions, Minn. Stat. Ann. § 628.26(e) (Limitations) provides, “Indictments or complaints for violation of section[] 609.322 [Solicitation, inducement, and promotion of prostitution; sex trafficking] . . . may be found or made at any time after the commission of the offense.” Otherwise, Minn. Stat. Ann. § 628.26(k) requires “indictments or complaints [to] be found or made and filed in the proper court within three years after the commission of the offense.” Accordingly, prosecutions for Minnesota’s CSEC offense, Minn. Stat. Ann. § 609.324 (Patrons; prostitutes; housing individuals engaged in prostitution; penalties) must commence within three years.

Regarding civil actions, Minn. Stat. Ann. § 611A.84 (Statute of limitations) requires actions provided for under Minn. Stat. Ann. § 611A.81 (Cause of action for coercion for use in prostitution) to be “commenced not later than six years after the cause of action arises, except that the running of the limitation period is suspended during the time that coercion as defined in section 611A.80 continues, or as otherwise provided by section 541.13 [Absence from state] or 541.15 [Periods of disability not counted].” In contrast, Minn. Stat. Ann. § 541.07(1) (Two or three-year limitations) establishes a general 2-year statute of limitation for civil actions related to torts resulting in personal injury.

- 4.6.1 Recommendation: Strengthen existing law to allow prosecutions for Minnesota’s CSEC offense to commence at any time and eliminate the statute of limitation for filing trafficking-specific civil actions. (See [Issue Brief 4.6](#).)

⁴¹ Though not trafficking-specific, actions based on childhood sexual abuse are not likewise subject to a civil statute of limitation. Minn. Stat. Ann. § 541.073(2)(a)(2) (Actions for damages due to sexual abuse; special provisions).



ISSUE 5: Tools for a Victim-Centered Criminal Justice Response

Policy Goal 5.1 Non-testimonial evidence may be admitted through a child sex trafficking-specific hearsay exception to reduce reliance of victim testimony.

1 PARTIALLY MET

Although Minnesota law does not expressly allow non-testimonial, out-of-court statements made by commercially sexually exploited children to be admitted into evidence, there is a broad hearsay exception that applies to victims of criminal conduct that encompasses the abuse experienced by child sex trafficking victims; however, this protection is only available to younger minors. Pursuant to Minn. Stat. Ann. § 595.02(3) (Testimony of witness),

An out-of-court statement made by a child under the age of ten years . . . , alleging, explaining, denying, or describing any act of sexual contact or penetration performed with or on the child or any act of physical abuse of the child or the person who is mentally impaired by another, not otherwise admissible by statute or rule of evidence, is admissible as substantive evidence if:

- (a) the court or person authorized to receive evidence finds, in a hearing conducted outside of the presence of the jury, that the time, content, and circumstances of the statement and the reliability of the person to whom the statement is made provide sufficient indicia of reliability; and
- (b) the child or person mentally impaired as defined in section 609.341, subdivision 6, either:
 - (i) testifies at the proceedings; or
 - (ii) is unavailable as a witness and there is corroborative evidence of the act; and
- (c) the proponent of the statement notifies the adverse party of the proponent's intention to offer the statement and the particulars of the statement sufficiently in advance of the proceeding at which the proponent intends to offer the statement into evidence to provide the adverse party with a fair opportunity to prepare to meet the statement.

For purposes of this subdivision, an out-of-court statement includes video, audio, or other recorded statements. An unavailable witness includes an incompetent witness.

Notably, child victims who are 10 years of age or older are not protected by this hearsay exception.

- 5.1.1 Recommendation: Strengthen existing hearsay protections to expressly apply in child sex trafficking and CSEC cases. (*See Issue Brief 5.1.*)

Policy Goal 5.2 State law provides child sex trafficking victims with alternatives to live, in-court testimony regardless of the prosecuted offense.

1 PARTIALLY MET

Minnesota law allows a victim who is under 12 years of age to testify by an alternative method during the prosecution of an offender charged with child sex trafficking; however, this protection is offense-specific, meaning victims of Minnesota's CSEC offense are not equally protected. Specifically, Minn. Stat. Ann. § 595.02(4)(a), (c) (Testimony of witnesses) states,

- (a) In a proceeding in which a child less than 12 years of age is alleging, denying, or describing:
 - (1) an act of physical abuse or an act of sexual contact or penetration performed with or on the child or any other person by another; or
 - (2) an act that constitutes a crime of violence committed against the child or any other person, the court may, upon its own motion or upon the motion of any party, order that the testimony of the child

be taken in a room other than the courtroom or in the courtroom and televised at the same time by closed-circuit equipment, or recorded for later showing to be viewed by the jury in the proceeding, to minimize the trauma to the child of testifying in the courtroom setting and, where necessary, to provide a setting more amenable to securing the child witness’s uninhibited, truthful testimony.

-
- (c) The court shall permit the defendant in a criminal or delinquency matter to observe and hear the testimony of the child in person. If the court, upon its own motion or the motion of any party, finds in a hearing conducted outside the presence of the jury, that the presence of the defendant during testimony taken pursuant to this subdivision would psychologically traumatize the witness so as to render the witness unavailable to testify, the court may order that the testimony be taken in a manner that:
- (1) the defendant can see and hear the testimony of the child in person and communicate with counsel, but the child cannot see or hear the defendant; or
 - (2) the defendant can see and hear the testimony of the child by video or television monitor from a separate room and communicate with counsel, but the child cannot see or hear the defendant.

Minn. Stat. Ann. § 595.02(4)(d) defines “crime of violence” to have “the meaning given it in section 624.712, subdivision 5” Pursuant Minn. Stat. Ann. § 624.712(5), “Crime of violence” means: felony convictions of the following offenses: . . . 609.322 (solicitation, inducement, and promotion of prostitution; sex trafficking); . . . and an attempt to commit any of these offenses.”

Accordingly, protections do not extend to victims of Minnesota’s CSEC offenses. Further, Minn. Stat. Ann. § 595.02(4) only protects children under 12 years of age, leaving older minors at increased risk of re-traumatization from testifying.

- 5.2.1 Recommendation: Strengthen existing protections to allow all commercially sexually exploited children to testify by an alternative method regardless of the child’s age and the offense charged. (*See Issue Brief 5.2.*)

Policy Goal 5.3 Child sex trafficking victims have access to victim protections in the criminal justice system.

1 PARTIALLY MET

	Child sex trafficking victims have the right to a victim advocate	Child sex trafficking victims testifying against their exploiter are provided supports in the courtroom	Child sex trafficking victims’ identifying information is protected from disclosure in court records
Summary	Not statutorily required.	Child victims of a crime of violence, including human trafficking, may choose to have a support person present during their testimony. The court can also exclude spectators and the public from the courtroom during testimony of minors.	Human trafficking victims’ identifying information must be kept confidential in criminal justice records, including court records.
Relevant Statute(s)	None.	Minn. Stat. Ann. § 631.046(1) (Authorizing Presence of Support Person for Minor Prosecuting Witness); Minn. Stat. Ann. § 631.045 (Excluding Spectators from Courtroom)	Minn. Stat. Ann. § 609.3471 (Records Pertaining to Victim Identity Confidential)

5.3.1 Recommendation: Statutorily require that child sex trafficking victims have the right to a victim advocate. (See *Issue Brief 5.3*.)

INSIGHTS FROM THE FIELD



“Many counties have victim services divisions. The Minnesota Alliance on Crime is a coalition for victim-witness offices (see <https://www.mnallianceoncrime.org>). For example, Hennepin County has a Victim Services Division that is devoted to helping victims navigate what's next - from protections, to resources, to understanding the system. <https://www.hennepinattorney.org/get-help/crime/victim-services>”

*-Caroline Palmer, Safe Harbor Director
Violence Prevention Program Unit, Injury and Violence Prevention Section
Minnesota Department of Public Health*

Policy Goal 5.4 State law provides for privileged communications between caseworkers and child sex trafficking victims.

● FULLY MET

Minnesota state law does not provide for privileged communications between caseworkers and child sex trafficking victims specifically. However, child sex trafficking victims are likely to benefit from privileged communications protections afforded to victims and sexual assault counselors. Minn. Stat. § 595.02(1)(k) (Testimony of witnesses) provides, “[se]xual assault counselors⁴² may not be allowed to disclose any opinion or information received from or about the victim without the consent of the victim” While “sexual assault” is not defined under this section, the term is likely to encompass commercialized acts of sexual violence or assault, including child sex trafficking.

Further, child sex trafficking victims may benefit from privileged communications protections provided to certain behavioral and mental health professionals and clients if the victim received care or services from such professionals.

Statute	Profession	Relevant Limitations
Minn. Stat. Ann. § 148B.593 (Disclosure of information)	Licensed professional counselors	None.
Minn. Stat. Ann. § 148E.240 (Reporting requirements)	Licensed social workers	None.
Minn. Stat. Ann. § 595.02(1)(g) (Testimony of witnesses)	Psychologists and licensed social workers	None.

⁴² Minn. Stat. Ann. § 595.02 (Testimony of witnesses) defines “[se]xual assault counselor” as “a person who has undergone at least 40 hours of crisis counseling training and works under the direction of a supervisor in a crisis center, whose primary purpose is to render advice, counseling, or assistance to victims of sexual assault.”

EXTRA CREDIT



Sex trafficked youth are likely to benefit from privileged communications protections afforded to victims and sexual assault counselors under Minn. Stat. § 595.02(1)(k) (Testimony of witnesses).

INSIGHTS FROM THE FIELD



“In Hennepin County, in response to Safe Harbor and the No Wrong Door Program, a specific unit within Child Welfare was created called the SEY-unit. This unit has a caseload solely of victims of child sexual exploitation or trafficking. Once a trafficking case is screened out of Child Protection, they will be offered services and support (voluntary) with this SEY Child Welfare Unit. This allows for open, continued, and voluntary communication with the child sex trafficking victim.”

*-Caroline Palmer, Safe Harbor Director
Violence Prevention Program Unit, Injury and Violence Prevention Section
Minnesota Department of Public Health*



ISSUE 6: Prevention & Training

Policy Goal 6.1

State law mandates statewide training for child welfare agencies on identification and response to child sex trafficking.

● FULLY MET

Minnesota law mandates statewide, trafficking-specific training for child protection social workers and social services staff. Pursuant to Minn. Stat. Ann. § 260E.36(1a) (Specialized training and education required),

Sex trafficking and sexual exploitation training requirement. – As required by the Child Abuse Prevention and Treatment Act amendments through Public Law 114-22 [Justice for Victims of Trafficking Act of 2015] and to implement Public Law 115-123 [Bipartisan Budget Act of 2018], all child protection social workers and social services staff who have responsibility for child protective duties under this chapter [Maltreatment of minors act reorganization] or chapter 260C [Child protection] shall complete training implemented by the commissioner of human services regarding sex trafficking and sexual exploitation of children and youth.

Further, training is provided for under Minn. Stat. Ann. § 145.4716(2)(1) (Safe harbor for sexually exploited youth), Minn. Stat. Ann. § 299A.783 (Statewide antitrafficking investigation coordination, and Minn. Stat. Ann. § 299A.79(1), (2) (Trafficking study, analysis and use of data). Minn. Stat. Ann. § 145.4716(2)(1) states, “The director of child sex trafficking prevention is responsible for . . . developing and providing comprehensive training on sexual exploitation of youth for social service professionals, medical professionals, public health workers, and criminal justice professionals.”

Similarly, Minn. Stat. Ann. § 299A.783(2)(1) states, “The [antitrafficking investigation coordinator] shall . . . develop, coordinate, and facilitate training for law enforcement officers, prosecutors, courts, child welfare workers, social service providers, medical providers, and other community members.”

Lastly, under Minn. Stat. Ann. § 299A.79(1), (2),

Subdivision 1. Data analysis. – The commissioner shall analyze the data collected in section 299A.785 [Trafficking study] to develop a plan to address the current trafficking and prevent future trafficking in this state. The commissioner may evaluate various approaches used by other state and local governments to address trafficking. The plan must include, but not be limited to:

- (1) ways to train agencies, organizations, and officials involved in law enforcement, prosecution, and social services;
- (2) ways to increase public awareness of trafficking; and
- (3) procedures to enable the state government to work with nongovernmental organizations to prevent trafficking.

Subd. 2. Training plan. – The training plan required in subdivision 1 must include:

- (1) methods used in identifying trafficking victims, including preliminary interview techniques and appropriate interrogation methods;
- (2) methods for prosecuting traffickers;
- (3) methods for protecting the rights of trafficking victims, taking into account the need to consider human rights and special needs of women and children trafficking victims; and
- (4) methods for promoting the safety of trafficking victims.

INSIGHTS FROM THE FIELD



“Relevant frontline staff has been receiving training on sex trafficking and appropriate referrals. All Minnesota county and Tribal staff with child protection duties are required to complete training on sex trafficking and the sexual exploitation of youth. This requires everyone with child protection duties to receive training on identification, assessment, and comprehensive, coordinated service delivery that corresponds with MN Safe Harbor. Human Trafficking and Sexually Exploited Youth: Basic Training for Child Welfare (CWTA X205) course Sexually Exploited Youth Overview (CWTA X203 - formerly 239A in TrainLink) and Sexually Exploited Youth Human Trafficking Child Welfare Response (CWTA X204 - formerly SEY: Child Welfare Response 239B in TrainLink), offered between December 2019 and March 2022.”

*-Caroline Palmer, Safe Harbor Director
Violence Prevention Program Unit, Injury and Violence Prevention Section
Minnesota Department of Public Health*

Policy Goal 6.2 State law mandates statewide training for juvenile justice agencies on identification and response to child sex trafficking.

● **FULLY MET**

Minnesota law provides for trafficking-specific training under Minn. Stat. Ann. § 145.4716(2)(1) (Safe harbor for sexually exploited youth), which broadly states, “The director of child sex trafficking prevention is responsible for . . . developing and providing comprehensive training on sexual exploitation of youth for social service professionals, medical professionals, public health workers, and criminal justice professionals.” Notably, however, state law does not clarify that juvenile justice agency employees are required to receive such training.

INSIGHTS FROM THE FIELD



“At Hennepin County, one of No Wrong Door's closest partners is the Department of Community Corrections and Rehabilitation (DOCCR). Although not mandated, No Wrong Door continues to collaborate closely to offer trainings and learning opportunities to staff that are engaging with youth either at-risk or experiencing exploitation. This collaboration between NWD and the juvenile justice system has been very beneficial in this regard to help raise awareness. The Love146 "Not a Number" curriculum was also being given in the Juvenile Detention Center. NWD is constantly discussing ways to formally train workers in the JDC consistently, but the trainings exist for the teams that request access to them.”

*-Caroline Palmer, Safe Harbor Director
Violence Prevention Program Unit, Injury and Violence Prevention Section
Minnesota Department of Public Health*

Policy Goal 6.3 State law mandates ongoing, trafficking-specific training on victim-centered investigations for law enforcement.

● PARTIALLY MET

Minnesota law provides for trafficking-specific training; however, law enforcement officers are not statutorily required to receive ongoing in-service training on human trafficking. Minn. Stat. Ann. § 145.4716(2)(1) (Safe harbor for sexually exploited youth) broadly states, “The director of child sex trafficking prevention is responsible for . . . developing and providing comprehensive training on sexual exploitation of youth for social service professionals, medical professionals, public health workers, and criminal justice professionals.”

Similarly, Minn. Stat. Ann. § 299A.783(2)(1) (Statewide antitrafficking investigation coordination) provides, “The [antitrafficking investigation coordinator] shall . . . develop, coordinate, and facilitate training for law enforcement officers, prosecutors, courts, child welfare workers, social service providers, medical providers, and other community members.”

Lastly, pursuant to Minn. Stat. Ann. § 299A.79(1), (2) (Trafficking study, analysis and use of data),

Subdivision 1. Data analysis. – The commissioner shall analyze the data collected in section 299A.785 [Trafficking study] to develop a plan to address the current trafficking and prevent future trafficking in this state. The commissioner may evaluate various approaches used by other state and local governments to address trafficking. The plan must include, but not be limited to:

- (1) ways to train agencies, organizations, and officials involved in law enforcement, prosecution, and social services;
- (2) ways to increase public awareness of trafficking; and
- (3) procedures to enable the state government to work with nongovernmental organizations to prevent trafficking.

Subd. 2. Training plan. – The training plan required in subdivision 1 must include:

- (1) methods used in identifying trafficking victims, including preliminary interview techniques and appropriate interrogation methods;
- (2) methods for prosecuting traffickers;

- (3) methods for protecting the rights of trafficking victims, taking into account the need to consider human rights and special needs of women and children trafficking victims; and
- (4) methods for promoting the safety of trafficking victims.

Funding for trafficking-specific training is provided for under Minn. Stat. Ann. § 609.3241(c)(1) (Penalty assessment authorized), which states,

The assessment collected under paragraph (a)⁴³ must be distributed as follows:

- (1) 40 percent of the assessment shall be forwarded to the political subdivision that employs the arresting officer for use in enforcement, training, and education activities related to combating sexual exploitation of youth, or if the arresting officer is an employee of the state, this portion shall be forwarded to the commissioner of public safety for those purposes identified in clause (3);

In addition, Minn. Stat. Ann. § 299A.71 (Combating juvenile prostitution; prevention grants) establishes a grant program to enhance training efforts; it states,

Subdivision 1. Establishment. – A grant program is established for enhanced law enforcement efforts and peace officer education and training to combat juvenile prostitution. The goal of the grants is to provide peace officers with the knowledge and skills to recognize individuals who sexually exploit youth, charge and prosecute these individuals for promotion and solicitation of prostitution, and effectively communicate with the victims of juvenile prostitution.

Subd. 2. Eligibility. – The commissioner of public safety shall make juvenile prostitution prevention grants to local law enforcement agencies to provide enhanced efforts targeted to juvenile prostitution and training and staff development relating to the prevention of juvenile prostitution. The law enforcement agency must utilize all of the grant funding received for efforts to combat juvenile prostitution.

Subd. 3. Grant application. – A local law enforcement agency must submit an application to the commissioner of public safety in the form and manner the commissioner establishes.

As noted above, however, law enforcement is not statutorily mandated to receive ongoing, trafficking-related training.

- 6.3.1 Recommendation: Statutorily mandate ongoing, trafficking-specific training on victim-centered investigations for law enforcement. (See [Issue Brief 6.3](#).)

⁴³ Pursuant to Minn. Stat. Ann. § 609.3241(a),

When a court sentences an adult convicted of violating section . . . 609.283 [Unlawful conduct with respect to documents in furtherance of labor or sex trafficking], 609.322 [Solicitation, inducement, and promotion of prostitution; sex trafficking], 609.324 [Patrons; prostitutes; housing individuals engaged in prostitution; penalties], . . . the court shall impose an assessment of . . . not less than \$750 and not more than \$1,000 . . .

INSIGHTS FROM THE FIELD



“The Bureau of Criminal Apprehension regularly offers a statewide conference through its Human Trafficking Investigators Task Force. The next conference is in November 2023 and will be held in coordination with the BCA's Internet Crimes Against Children division.

<https://dps.mn.gov/divisions/bca/bca-divisions/investigations/Pages/human-trafficking-investigations.aspx>.

Within Hennepin County, No Wrong Door has conducted outreach to police departments and made connections with the Joint Community Police Partnership (embedded workers in police departments) to ensure that they can request a training or presentation about trafficking or exploitation at any time. One pager and resources created by Safe Harbor specifically detailing how to respond to trafficking/exploitation for law enforcement have also been offered and disseminated. The entire Hennepin County Security Division receives continuous training (whenever they have new hires) on how to identify and respond to sexually exploited/trafficked youth or at-risk. This collaboration with the Security Division and the Hennepin County Sheriff's Office has been essential in better identifying and supporting youth who are exploited or trafficked. In October 2022, NWD launched the Safe Spaces Pilot, putting signage with non-identifying tear-off slips and emergency phones in all bathrooms in select government buildings. Within the first few months, NWD received over a dozen calls from victims of trafficking or domestic violence and was able to direct them to resources or safety. This partnership has created a continuous conversation of how uniformed officers can better respond to this population, and NWD are constantly talking about new ways to expand. Although not mandated, NWD has been connected to several law enforcement agencies that have received trainings on red flags to look out for and how to respond. NWD also closely collaborates with the Bureau of Criminal Apprehension, where they have a specific training coordinator who is also outreaching and training police departments, including airport police officers.”

*-Caroline Palmer, Safe Harbor Director
Violence Prevention Program Unit, Injury and Violence Prevention Section
Minnesota Department of Public Health*

Policy Goal 6.4 State law mandates trafficking-specific training on victim-centered investigations and prosecutions for prosecutors.

● **FULLY MET**

Minnesota law provides for trafficking-specific training under Minn. Stat. Ann. § 145.4716(2)(1) (Safe harbor for sexually exploited youth), which broadly states, “The director of child sex trafficking prevention is responsible for . . . developing and providing comprehensive training on sexual exploitation of youth for social service professionals, medical professionals, public health workers, and criminal justice professionals.” Similarly, Minn. Stat. Ann. § 299A.783(2)(1) (Statewide antitrafficking investigation coordination) provides, “The [antitrafficking investigation coordinator] shall . . . develop, coordinate, and facilitate training for law enforcement officers, prosecutors, courts, child welfare workers, social service providers, medical providers, and other community members.” Notably, however, neither law clarifies that prosecutors are required to receive such training.

Lastly, Minn. Stat. Ann. § 299A.79(1), (2) (Trafficking study, analysis and use of data) requires development of a training plan, stating,

Subdivision 1. Data analysis. – The commissioner shall analyze the data collected in section 299A.785 [Trafficking study] to develop a plan to address the current trafficking and prevent future trafficking in this state. The commissioner may evaluate various approaches used by other state and local governments to address trafficking. The plan must include, but not be limited to:

- (1) ways to train agencies, organizations, and officials involved in law enforcement, prosecution, and social services;
- (2) ways to increase public awareness of trafficking; and
- (3) procedures to enable the state government to work with nongovernmental organizations to prevent trafficking.

Subd. 2. Training plan. – The training plan required in subdivision 1 must include:

- (1) methods used in identifying trafficking victims, including preliminary interview techniques and appropriate interrogation methods;
- (2) methods for prosecuting traffickers;
- (3) methods for protecting the rights of trafficking victims, taking into account the need to consider human rights and special needs of women and children trafficking victims; and
- (4) methods for promoting the safety of trafficking victims.

Importantly, funding for trafficking-specific training is provided for under Minn. Stat. Ann. § 609.3241(c)(2) (Penalty assessment authorized), which states,

The assessment collected under paragraph (a)⁴⁴ must be distributed as follows:

-
- (2) 20 percent of the assessment shall be forwarded to the prosecuting agency that handled the case for use in training and education activities relating to combating sexual exploitation activities of youth

INSIGHTS FROM THE FIELD



“No Wrong Door in Hennepin County and the West Metro Regional Navigator based at The Link will be giving a training and presentation at the Guardian ad Litem conference in October, to start delivering trainings and starting this discussion to those working in that field.”

*-Caroline Palmer, Safe Harbor Director
Violence Prevention Program Unit, Injury and Violence Prevention Section
Minnesota Department of Public Health*

⁴⁴ Pursuant to Minn. Stat. Ann. § 609.3241(a),

When a court sentences an adult convicted of violating section . . . 609.283 [Unlawful conduct with respect to documents in furtherance of labor or sex trafficking], 609.322 [Solicitation, inducement, and promotion of prostitution; sex trafficking], 609.324 [Patrons; prostitutes; housing individuals engaged in prostitution; penalties], . . . the court shall impose an assessment of . . . not less than \$750 and not more than \$1,000

Policy Goal 6.5 State law mandates child sex trafficking training for school personnel.

○ NOT MET

Minnesota law does not mandate training on child sex trafficking for school personnel.

- 6.5.1 Recommendation: Statutorily mandate trafficking-specific prevention education training for school personnel. (See [Issue Brief 6.5](#).)

INSIGHTS FROM THE FIELD



“Although not mandated, this is something that those in the Safe Harbor and the Hennepin County No Wrong Door network are prioritizing and constantly working towards on the ground. In the Hennepin County Safe Harbor Protocol guidebook, best practices and recommendations for school personnel is outlined. "Training for educators and school personnel is critical, highly recommended and must include how to recognize trafficking and how to respond. The NWD recommendation is for each school district to partner with their local Safe Harbor Regional Navigator agency on at least an annual basis to provide training for school personnel which includes but is not limited to: Check & Connect staff; social workers, and teachers. For community-specific schools or school programs, NWD recommends partnering with their local, culturally responsive grantee to provide training for school personnel. School districts can also request one page implementation surveys (otherwise known as cheat sheets) from the West Metro Regional Navigator at The Link to distribute to school staff so they are made aware of indicators that could indicate trafficking. It will also include the West Metro Regional Navigator number. As requested, NWD is available to give presentations and trainings to educators, school social workers, and anyone else in the education system who is interested. For example, NWD, in collaboration with child welfare staff and the West Metro Regional Navigator, gave a two- hour training at the Minnesota Association of Children's Mental Health Conference - which was widely attended by teachers and social workers. NWD is constantly reaching out and offering these presentations to teams of educators as they slowly gain more capacity post-pandemic. The entire Education Support Specialist area at Hennepin County has been trained in how to identify and respond to sexually exploited or at-risk youth, as they are working with students in need of extra support every single day and interfacing with many youth who are at-risk. The Carlson Family Foundation provided funding to Love 146 to partner with Minnesota Department of Health Safe Harbor to provide curriculum training - training was delivered to Minneapolis Public School Personnel.”

*-Caroline Palmer, Safe Harbor Director
Violence Prevention Program Unit, Injury and Violence Prevention Section
Minnesota Department of Public Health*

Policy Goal 6.6 State law mandates child sex trafficking prevention education in schools.

○ NOT MET

Minnesota law does not mandate child sex trafficking prevention education in schools.

- 6.6.1 Recommendation: Statutorily mandate developmentally and age-appropriate child sex trafficking prevention education in schools. (See [Issue Brief 6.6](#).)

ADDITIONAL INFORMATION FROM STATE PARTNERS



The Minnesota response is inclusive of labor trafficking and exploitation so relevant resources are included here as well.

Minnesota has a lot of programs and guidance to assist sex-trafficking victims, but not all are “required by law” as many of these questions ask. In Minnesota, some counties (main counties including Ramsey and Hennepin) have allocated local funding for victim-related services for victims of sex trafficking, but this is not necessarily mandated by law.

So much of the work and progress happens on the ground and through collaboration. The Safe Harbor Network has allowed those doing the work to connect quarterly (at the very least) and form connections with each other to best support the work. This network and the way individuals and organizations have been able to connect is invaluable, and they are constantly looking for ways to improve the response and advocate for the best possible outcomes for these youth.

Policy and Issue Section 6: Prevention and Training does not address training for health care providers. The Minnesota Department of Health (MDH) developed a six-module online training for health care providers (specifically in emergency rooms and community clinics, but available to providers in all settings) about how to identify and serve survivors of human trafficking (sex and labor). The training is free and offers continuing education credits. It was developed by health care professionals and survivor subject matter experts. It is available at:

<https://health.state.mn.us/communities/safeharbor/communities/healthcare.html>.

In addition, the prevention and training section does not address training for lodging providers. Minnesota has a state law (157.177) requiring training on sex trafficking for hotels license holders that is tied to annual licensing requirements. Information about the state law and the training materials developed by MDH are available at:

<https://www.health.state.mn.us/communities/safeharbor/communities/hoteltrafficking.html>. The materials are currently being updated and a new version will be available in fall 2023.

MDH has developed many additional resources through the Safe Harbor program. They include:

Youth Outreach materials created by youth for youth which are available for download on the state website: <https://www.health.state.mn.us/communities/safeharbor/communities/youthoutreach.html>.

A webpage that addresses Human Trafficking myths:

<https://www.health.state.mn.us/communities/safeharbor/myths.html>

A webpage called “Real Talk about Human Trafficking and Exploitation.”

<https://www.health.state.mn.us/communities/safeharbor/realtalk.html>

A resource guide for media reporting on human trafficking:

<https://www.health.state.mn.us/communities/safeharbor/documents/infoguidemedia/pdf>.

(cont.)

ADDITIONAL INFORMATION FROM STATE PARTNERS



(cont.)

Informational guides on human trafficking, tools for law enforcement, and tools for caregivers:
<https://www.health.state.mn.us/communities/safeharbor/documents/infoguide.pdf>
<https://www.health.state.mn.us/communities/safeharbor/documents/infoguidelawenforcement.pdf>
<https://www.health.state.mn.us/communities/safeharbor/documents/infoguidecaregivers.pdf>

Under state law MDH is required to conduct a biennial evaluation of the Safe Harbor network (Minn. Stat. 145.4718) - the reports are available online and the next report will be released during Fall 2023:
<https://www.health.state.mn.us/communities/safeharbor/data/evaluation.html>.

MDH has received three Office for Victims of Crime Improving Outcomes for Child Victims (OVC) of Trafficking Grants (2016, 2019, and 2022). These grants have supported various projects including strengthening partnerships with Tribal Nations, supporting the investigative response at the Bureau of Criminal Apprehension, building the child welfare response at the Department of Human Services, collaborating with the Minnesota Missing and Murdered Indigenous Relatives Office, and building a labor trafficking response alongside the sex trafficking response in the state.

Some state-specific labor trafficking resources developed under the OVC grant:

Labor Trafficking Protocol Guidelines
[https://www.theadvocatesforhumanrights.org/Res/labor trafficking protocol guidelines final%202022.pdf](https://www.theadvocatesforhumanrights.org/Res/labor%20trafficking%20protocol%20guidelines%20final%202022.pdf)

Labor Trafficking Protocol for Law Enforcement
<https://dps.mn.gov/divisions/bca/bca-divisions/investigations/Documents/Minnesota-Labor-Trafficking-Protocol-for-Law-Enforcement.pdf>

MDH Safe Harbor is a partner in a Centers for Disease Control grant to evaluate implementation of the Not a Number human trafficking prevention curriculum in Minnesota (along with Love 146, the University of New Hampshire Crimes Against Children Research Center, and the University of Minnesota School of Nursing).

MDH Safe Harbor partners extensively with researchers at the University of Minnesota School of Nursing to analyze a question in the Minnesota Student Survey for ninth and eleventh graders on sex trading. The question was asked in 2019 and again in 2022.

MDH Safe Harbor is currently developing regional trainings on substance use and human trafficking intersections under a Johns Hopkins Bloomberg School of Public Health Bloomberg American Health Initiative grant.

(cont.)

ADDITIONAL INFORMATION FROM STATE PARTNERS



(cont.)

In addition to services grants, MDH Safe Harbor administers grants to protocol development in the state. protocol development is based on the Safe Harbor Protocol Guidelines developed by the Ramsey County Attorney's Office and the Minnesota Coalition Against Sexual Assault: <https://mncasa.org/wp-content/uploads/2022/06/Safe-Harbor-Protocol-Guidelines.pdf>.

State Laws Addressing Child Sex Trafficking

1. Minn. Stat. Ann. § 609.322(1)⁴⁵ (Solicitation, inducement, and promotion of prostitution; sex trafficking) states,
 - (a) Whoever, while acting other than as a prostitute or patron, intentionally does any of the following may be sentenced to imprisonment for not more than 25 years or to payment of a fine of not more than \$ 50,000, or both:
 - (1) solicits or induces an individual under the age of 18 years to practice prostitution;
 - (2) promotes the prostitution of an individual⁴⁶ under the age of 18 years;
 - (3) receives profit, knowing or having reason to know that it is derived from the prostitution, or the promotion of the prostitution, of an individual under the age of 18 years; or
 - (4) engages in the sex trafficking⁴⁷ of an individual under the age of 18 years.
 - (b) Whoever violates paragraph (a) or subdivision 1a may be sentenced to imprisonment for not more than 30 years or to payment of a fine of not more than \$ 60,000, or both, if one or more of the following aggravating factors are present:
 - (1) the offender has committed a prior qualified human trafficking-related offense;
 - (2) the offense involved a sex trafficking victim who suffered bodily harm during the commission of the offense;
 - (3) the time period that a sex trafficking victim was held in debt bondage or forced or coerced labor or services exceeded 180 days; or
 - (4) the offense involved more than one sex trafficking victim.

⁴⁵ The text of Minn. Stat. Ann. § 609.322 cited here and elsewhere in this report includes amendments made by the enactment of House File 42 during the 2023-2024 Regular Session of the Minnesota state legislature (effective August 1, 2023).

⁴⁶ Minn. Stat. Ann. § 609.321(7) (Prostitution and sex trafficking; definitions) defines “promotes the prostitution of an individual” as follows:

any of the following wherein the person knowingly:

- (1) solicits or procures patrons for a prostitute;
- (2) provides, leases or otherwise permits premises or facilities owned or controlled by the person to aid the prostitution of an individual;
- (3) owns, manages, supervises, controls, keeps or operates, either alone or with others, a place of prostitution to aid the prostitution of an individual;
- (4) owns, manages, supervises, controls, operates, institutes, aids or facilitates, either alone or with others, a business of prostitution to aid the prostitution of an individual;
- (5) admits a patron to a place of prostitution to aid the prostitution of an individual; or
- (6) transports an individual from one point within this state to another point either within or without this state, or brings an individual into this state to aid the prostitution of the individual.

⁴⁷ Minn. Stat. Ann. § 609.321(7a) defines “sex trafficking” as follows:

- (1) receiving, recruiting, enticing, harboring, providing, or obtaining by any means an individual to aid in the prostitution of the individual; or
- (2) receiving profit or anything of value, knowing or having reason to know it is derived from an act described in clause (1).

2. Minn. Stat. Ann. § 609.283(1), (2) (Unlawful conduct with respect to documents in furtherance of labor or sex trafficking) states,

Subdivision 1. Crime defined. – Unless the person’s conduct constitutes a violation of section 609.282 [Labor trafficking], a person who knowingly destroys, conceals, removes, confiscates, or possesses any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person:

- (1) in the course of a violation of section . . . 609.322 [Solicitation, inducement, and promotion of prostitution; sex trafficking];
- (2) with intent to violate section . . . 609.322; or
- (3) to prevent or restrict or to attempt to prevent or restrict, without lawful authority, a person’s liberty to move or travel, in order to maintain the labor or services of that person, when the person is or has been a victim of a violation of section . . . 609.322;

is guilty of a crime and may be sentenced as provided in subdivision 2.

Subd. 2. Penalties. – A person who violates subdivision 1 may be sentenced as follows:

- (1) if the crime involves a victim under the age of 18, to imprisonment for not more than ten years or to payment of a fine of \$ 20,000, or both; or

....

State Laws Addressing Commercial Sexual Exploitation of Children (CSEC)

1. Minn. Stat. Ann. § 609.324(1), (1a) (Patrons; prostitutes; housing individuals engaged in prostitution; penalties) states,

Subdivision 1. Engaging in, hiring, or agreeing to hire minor to engage in prostitution; penalties.

(a) Whoever intentionally does any of the following may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$40,000, or both:

- (1) engages in prostitution with an individual under the age of 14 years;
- (2) hires or offers or agrees to hire an individual under the age of 14 years to engage in sexual penetration or sexual contact; or
- (3) hires or offers or agrees to hire an individual who the actor reasonably believes to be under the age of 14 years to engage in sexual penetration or sexual contact.

(b) Whoever intentionally does any of the following may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both:

- (1) engages in prostitution with an individual under the age of 16 years but at least 14 years;
- (2) hires or offers or agrees to hire an individual under the age of 16 years but at least 14 years to engage in sexual penetration or sexual contact; or
- (3) hires or offers or agrees to hire an individual who the actor reasonably believes to be under the age of 16 years but at least 13 years to engage in sexual penetration or sexual contact.

(c) Whoever intentionally does any of the following may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both:

- (1) engages in prostitution with an individual under the age of 18 years but at least 16 years;
- (2) hires or offers or agrees to hire an individual under the age of 18 years but at least 16 years to engage in sexual penetration or sexual contact; or
- (3) hires or offers or agrees to hire an individual who the actor reasonably believes to be under the age of 18 years but at least 16 years to engage in sexual penetration or sexual contact.

Subd. 1a. Housing unrelated minor engaged in prostitution; penalties. — Any person, other than one related by blood, adoption, or marriage to the minor, who permits a minor to reside, temporarily or permanently, in the person's dwelling without the consent of the minor's parents or guardian, knowing or having reason to know that the minor is engaging in prostitution may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$ 3,000, or both; except that, this subdivision does not apply to residential placements made, sanctioned, or supervised by a public or private social service agency.

RESOURCES

REPORT CARDS PROJECT: For more information on the Report Cards Project, visit reportcards.sharedhope.org.

TOOLKIT: To see how your state compares, visit reportcards.sharedhope.org/toolkit.

RELATED RESOURCES: To better understand a policy goal or to see where the nation stands as a whole on a particular issue, visit reportcards.sharedhope.org/related-resources and click on the corresponding issue brief or survey chart, respectively.

HIGHLIGHTED RESOURCES

Community-Based Services White Paper



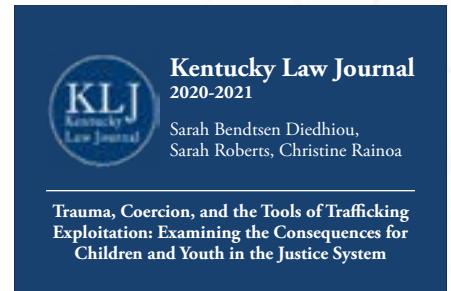
This white paper discusses the importance of providing comprehensive, trauma-informed services to all child sex trafficking victims, regardless of system involvement, and provides examples of state statutory responses.

Victim-Offender Intersectionality Report



This report examines the phenomenon of sex trafficking survivors entering the criminal justice system for allegedly engaging in sex trafficking conduct and provides tools for criminal justice stakeholders to assist in identifying and responding to these cases in a trauma-informed manner.

Trauma, Coercion, and the Tools of Trafficking Exploitation



This law journal article examines the harms of relying on a juvenile justice-based response for serving child sex trafficking victims, the importance of enacting strong non-criminalization laws, the intertwined nature of sex trafficking victimization and criminalized conduct, and the importance of using a trauma-informed lens in response.

TECHNICAL ASSISTANCE

For legislators and policy advocates assisting elected officials in creating legislation, request a consultation with our Policy Team online at sharedhope.org/legislative-technical-assistance. We will set up a meeting to discuss your legislative goals and create a customized plan for ongoing technical assistance, bill drafting services, and legislative support.

ADVOCACY ACTION CENTER

The Advocacy Action Center is an online resource that allows individuals to join the fight against child sex trafficking either through legislator engagement or by signing a petition. For more information, visit act.sharedhope.org/actioncenter.



Contact your legislators, letting them know you want greater protections for child sex trafficking victims and increased accountability for their exploiters.



Sign a petition to show your support for issues that advance justice for child sex trafficking survivors.



Help end the criminalization of child sex trafficking survivors! Several states can still criminalize child sex trafficking victims for prostitution. Sign the petition to show your support for changing these laws.