



### POLICY GOAL 2.3

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

#### **RECOGNIZING AND ADDRESSING THE COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN (CSEC)**

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

Unfortunately, state systems continue to misidentify or fail to identify CSEC victims, which creates a barrier to determining and providing specialized forms of care and services.<sup>4</sup> Children often do not self-identify as having experienced trafficking or commercial sexual exploitation, particularly when those terms are used. This can create an additional barrier to being identified by professionals, including child welfare staff.<sup>5</sup> This is especially problematic, as studies have shown that CSEC victims are highly likely to have had child welfare system involvement at some point.<sup>6</sup> States have reported that between 41-98% of trafficking victims had prior child welfare involvement.<sup>7</sup> Importantly, youth already involved in child welfare's foster care system are at an increased risk of CSEC victimization due to the experiences preceding and created by system-involvement, including the trauma resulting from being potentially separated from their caregivers, families, and communities, the alleged harm resulting in foster care placement, and the challenges of re-orienting and settling into a new placement.<sup>8</sup> Identification is critical to understanding the experiences of young people, preventing further exploitation, and providing appropriate services. As such, it is imperative that state law mandates trauma-informed CSEC screening for children at risk of sex trafficking, both at entry and throughout involvement with the system.

Success in implementing screening mandates requires clear state guidance and trainings pertinent to screening and assessment protocols, including adoption and utilization of validated screening tools.<sup>9</sup> The screening process, if not done in a trauma-informed and child-centered way, can be re-traumatizing.<sup>10</sup> Professionals responsible for screening should be required to receive comprehensive training on CSEC and how to conduct the screening in a trauma-informed way prior to administering any screenings.

## DRAFTING CONSIDERATIONS:

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

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

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