



POLICY GOAL 2.4

State law should mandate juvenile justice agencies to conduct trauma-informed CSEC screening of children at risk of sex trafficking.

MANY CHILDREN WHO HAVE BEEN IDENTIFIED AS VICTIMS OF COMMERCIAL SEXUAL EXPLOITATION (CSE) have been involved with the juvenile justice system, either preceding the CSE or as a result of CSE victimization.¹ While many states have taken the important step of enacting Safe Harbor laws—statutory protections that prevent victims from being charged with prostitution or other offenses related to their own exploitation—CSE children may still interact with the juvenile justice system due to the system's failure to identify their victimization or the connection between their victimization and the alleged offense(s), or on charges excluded from Safe Harbor laws.² Therefore, because juvenile justice commonly interacts with young people who have experienced or are at risk of experiencing exploitation, it is imperative that states mandate juvenile justice agencies to screen all children at risk of sex trafficking for CSE victimization regardless of when, how, or why they enter the system.

Without appropriate screening, CSE children may be subject to traditional punitive methods of addressing behaviors penalized under the delinquency laws, which retraumatizes and causes further harm to the child.³ In contrast, effective screening practices can support identification of victimization, as well as any potential connection to the alleged offense, and direct children away from the juvenile justice system and towards non-punitive, comprehensive services and care.

The screening process, if not done in a trauma-informed and child-centered way, can be retraumatizing.⁴ Professionals responsible for screening should be mandated 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...

- ▶ Ensure CSEC screening conducted by state juvenile justice agencies is trauma-informed and utilizes a validated screening tool.
- ▶ Mandate screening for *all* juvenile justice-involved children at risk of sex trafficking.
- ▶ Require that juvenile justice staff administering those screenings be trained on CSEC and how to administer the tool in a trauma-informed way.
- ▶ Avoid limiting mandated CSEC screening to children who participate in particular programs, such as diversion programs.

¹ Eraka P. Bath et al., *A Specialty Court for U.S. Youth Impacted by Commercial Sexual Exploitation*, 100 CHILD ABUSE & NEGLECT 1, 2 (2020).

² *Id.*

³ Bath et al., *supra* note 1 (noting that traditional, punitive responses to victims of CSE can lead to “poorer outcomes and higher healthcare needs”).

⁴ 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).