



STATE STATUTES
CURRENT THROUGH DECEMBER 2018

Responding to Child Victims of Human Trafficking

To find statutes information for a particular State or Territory, go to the [State Statutes Search](#).

Human trafficking, particularly sex trafficking, has emerged as a specific responsibility for child welfare agencies due to the high risk of exploitation for children and youth involved in child welfare. The potentially unstable living situations, physical distance from friends and family, history of trauma, and emotional vulnerability can put these children at risk for being targeted by traffickers.¹ Federal laws require child welfare agencies to respond in specific ways to reports of child sex trafficking. For example, the Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183) amended title IV-E with provisions to prevent and address sex trafficking of children in foster care by

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¹ For further background information on this issue, see the Child Welfare Information Gateway publication [Human Trafficking and Child Welfare: A Guide for Child Welfare Agencies](#).

requiring that title IV-E agencies do the following with regard to children or youth who may become victims of trafficking:

- Develop policies and procedures for identifying, documenting in agency records, and determining appropriate services for any child or youth over whom the title IV-E agency has responsibility and who the agency has reasonable cause to believe is, or is at risk of being, a victim of sex trafficking
- Authorize a title IV-E agency, at its option, to identify and provide services to any individual under age 26 who may be a victim of sex trafficking without regard to whether the individual is or was in foster care
- Report children or youth identified as being victims of sex trafficking to law enforcement authorities

The Justice for Victims of Trafficking Act of 2015 (P.L. 114-22) amended the Child Abuse Prevention and Treatment Act (CAPTA) to require States to develop policies and procedures to identify, document, and provide appropriate services for children (1) who are under the placement, care, or supervision of a child welfare agency and (2) who are at risk of becoming victims of sex trafficking or who are victims of sex trafficking. P.L. 114-22 also requires States to develop provisions and procedures, including training for child protective services workers, for identifying and assessing all reports involving known or suspected victims of child sex trafficking.

² The word “approximately” is used to stress the fact that States frequently amend their laws and applies to all data in this publication. The information in this publication is current only through December 2018. Arizona, Connecticut, Delaware, Maine, North Dakota, and Rhode Island currently utilize multidisciplinary teams or children’s advocacy centers to handle cases of child sex trafficking.

³ California, Florida, Idaho, and Massachusetts

STATE AGENCY RESPONSIBILITIES

For this publication, State laws, including statutes, regulations, and policies, were collected from States, the District of Columbia, and U.S. territories to gain a sense of what efforts State agencies are specifically, legally required to make in response to minor victims of sex trafficking. The information collected shows that State laws require child welfare agencies to develop policies, procedures, and protocols for assessing and providing appropriate services to children and youth who are suspected victims of sex trafficking or commercial sexual exploitation. The laws also require State agencies to assist victims of trafficking in accessing services that can appropriately meet their unique needs, and this often requires child welfare agencies to collaborate with an array of community agencies. Approximately six States use multidisciplinary teams and/or children’s advocacy centers to coordinate assessments and the provision of services, including medical and mental health evaluations, safe housing, and other basic services.² Four States use a multiagency approach in developing and monitoring the child’s case plan.³

Law enforcement agencies have an important role in child sex trafficking cases. Since children and youth involved in prostitution or other sex offenses due to sex trafficking are considered crime victims rather than criminals, it is law enforcement practice in many areas to not to arrest these children but rather to refer them to child welfare agencies for assessment and services. Laws in 13 States

and the District of Columbia also require law enforcement and child welfare agencies to collaborate and coordinate their efforts in conducting investigations of child sex trafficking.⁴ In addition, in 25 States and the District of Columbia, child welfare agencies are required to notify law enforcement when they determine that a child in their custody is a trafficking victim.⁵

TRAINING REQUIREMENTS

The Justice for Victims of Trafficking Act of 2015 (P.L. 114-22) requires training for child protective services workers and authorizes specialized training programs for law enforcement officers, first responders, health-care officials, juvenile justice personnel, prosecutors, and judicial personnel to identify victims and acts of child trafficking. As of December 2018, 26 States, the District of Columbia, and Guam have established training requirements for law enforcement personnel.⁶ Child welfare agency staff must complete training on human trafficking in 17 States, the District of Columbia, Guam, and the Virgin Islands.⁷ Training also may be provided for prosecutors,⁸ judges,⁹ defense attorneys,¹⁰ health-care providers and facilities,¹¹ school personnel,¹² foster caregivers,¹³ victim services

providers,¹⁴ staff at child care facilities and group homes,¹⁵ and juvenile probation staff.¹⁶ In Connecticut, Minnesota, and New Jersey, training on identifying victims of human trafficking and the responsibility to report suspected trafficking is required for owners and operators of hotels and motels.

The content of the training for law enforcement personnel may include, but is not limited to, the following elements:

- State and Federal laws regarding human trafficking
- Methods for identifying a sexually exploited child
- Methods for interviewing and engaging a sexually exploited child
- Methods for assisting victims in accessing specialized programs and services for a sex trafficked child
- Methods for minimizing trauma in the detention of a sex trafficked child
- The dynamics and manifestations of human trafficking
- Methods for prosecuting human traffickers
- Coordination with child welfare agencies in new mandatory responses to child sex trafficking reports

⁴ Arizona, Connecticut, Hawaii, Idaho, Indiana, Kansas, Maryland, North Dakota, Oklahoma, Rhode Island, South Carolina, Vermont, and Wisconsin

⁵ Arizona, California, Colorado, Georgia, Hawaii, Idaho, Indiana, Iowa, Kansas, Maryland, Minnesota, Nevada, New Jersey, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming

⁶ Arkansas, California, Florida, Georgia, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Missouri, Nebraska, Nevada, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Washington, and Wyoming

⁷ Arizona, Arkansas, California, Florida, Maryland, Massachusetts, Minnesota, Nevada, New Jersey, North Dakota, Ohio, Oklahoma, Tennessee, Texas, Utah, Virginia, and Wisconsin

⁸ In eight States: Arkansas, Connecticut, Kentucky, Nebraska, New Jersey, South Carolina, Washington, and Wyoming

⁹ In six States: Connecticut, Nebraska, New Jersey, Texas, Washington, and Wyoming

¹⁰ In three States: Connecticut, Nebraska, and Wyoming

¹¹ In seven States: Connecticut, Maryland, Minnesota, Missouri, New Jersey, North Carolina, and Texas

¹² In four States: Arkansas, Maryland, Ohio, and Texas

¹³ In three States: California, Florida, and Nebraska

¹⁴ In two States: Tennessee and Texas

¹⁵ In one State: New Jersey

¹⁶ In one State: Florida

- Methods for increasing effective collaboration with nongovernmental organizations and other relevant social service organizations in the course of investigating and prosecuting a human trafficking case
- Methods for protecting the rights of victims of human trafficking
- The necessity of treating victims of human trafficking as crime victims rather than as criminals
- Methods for promoting the safety of victims of human trafficking

Training for child welfare investigators and caseworkers may include, but is not limited to, the following:

- Laws governing human trafficking
- The dynamics of human trafficking and its effects on victims
- Recognizing human trafficking
- Resources, processes, and procedures for identifying and assessing victims of human trafficking
- Working with community resource providers in the area of human trafficking
- Forensic interviewing and processes
- Coordination with law enforcement agencies in assessing and responding to child sex trafficking reports
- Relevant law enforcement procedures, including the collection and preservation of evidence
- A child's constitutional rights as a victim of a crime

¹⁷ Alabama, Arkansas, Florida, Illinois, Kentucky, Louisiana, Montana, Nebraska, Pennsylvania, Utah, Vermont, Washington, West Virginia, and Wyoming

¹⁸ Illinois, Louisiana, Montana, Nebraska, New Hampshire, Oklahoma, Pennsylvania, Rhode Island, South Carolina, and Tennessee

¹⁹ California, Delaware, Iowa, Kansas, Michigan, North Carolina, and Rhode Island

²⁰ Arizona, Colorado, Maine, Maryland, Missouri, Nevada, New Jersey, Oregon, and South Dakota

DIVERSION FROM PROSECUTION

Federal and international law recognize that sexually exploited children are the victims of crime and should be treated as such. Laws in most States also recognize that the criminal justice system is not the appropriate place for sexually exploited children and that child victims, when possible, should be diverted into services that address their needs. These laws, often known as “safe harbor” laws, stipulate that children taken into custody and identified as victims of sex trafficking must be diverted from arrest and prosecution and referred to appropriate child welfare services.

In 14 States, the District of Columbia, and the U.S. Virgin Islands, children or youth alleged to have engaged in prostitution or similar offenses because they are victims of sex trafficking are not prosecuted or treated as delinquents but, instead, are referred to appropriate services.¹⁷ Other protections provided to children and/or youth include the following:

- Minors are immune from prosecution for prostitution in 10 States and the District of Columbia.¹⁸
- Minors charged with prostitution are presumed to be victims of trafficking in seven States; law enforcement refers these cases to child welfare services.¹⁹
- Being a victim of trafficking is an affirmative defense to prosecution in nine States and Guam.²⁰

- Laws against prostitution do not apply to minors in five States.²¹
- Minors may enter into a deferred adjudication agreement with court-ordered services in three States.²²
- Individuals may petition to vacate a conviction or delinquency adjudication for prostitution in three States.²³

SERVICES AND SUPPORTS FOR VICTIMS

Children and youth who are referred to child welfare agencies should be assessed to determine their service and treatment needs. Laws and policies in approximately 32 States, the District of Columbia, and Guam authorize the development of specialized services that address the specific treatment needs of victims of sex trafficking.²⁴ Some of the specific services that may be offered include the following:

- Advocacy
- Alcohol or substance use treatment
- Safety planning
- Specialized counseling
- Tattoo removal
- Seeking and obtaining appropriate housing
- Financial education training
- Psychological counseling and trauma treatment in a language the victim can understand
- Employment, educational, language, and training opportunities
- Medical and mental health services

- Interpreting services
- Legal and immigration services
- Victim compensation
- Case management

Laws in six States have authorized the development of specialized housing options for minor victims of human trafficking.²⁵ These options include safe houses, safe or specialized foster homes, and other specialized placements. These homes are staffed by persons with training in the dynamics of human trafficking and are designed to ensure the safety of residents and to provide the specialized services that victims of trafficking need.

SUPPORT FOR ANTI-TRAFFICKING EFFORTS

In 18 States and the Virgin Islands, special funds have been established to provide ongoing monetary support for special programs and services that support victims of trafficking in their recovery efforts.²⁶ The activities supported by these funds may include the following:

- Providing direct services to victims of human trafficking, including the following:
 - Health services, including mental health services
 - Temporary and permanent housing
 - Legal and immigration services
 - Employment placement, education, and training

²¹ California, Connecticut, Georgia, Minnesota, and North Dakota

²² Massachusetts, Texas, and Wisconsin

²³ Indiana, Mississippi, and Wisconsin

²⁴ Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Louisiana, Massachusetts, Michigan, Minnesota, Missouri, Nevada, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, Washington, West Virginia, and Wyoming

²⁵ Florida, Illinois, Louisiana, New York, Oregon, and Texas

²⁶ Arizona, Arkansas, California, Georgia, Illinois, Indiana, Kansas, Massachusetts, Mississippi, Nevada, New Jersey, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, and Washington

- Conducting programs for the prevention of human trafficking, including increasing public awareness
- Conducting education, training, or public outreach programs about human trafficking
- Providing supplemental foster care rates for placing child and youth victims in specialized placements
- Supporting community-based drop-in centers, emergency housing, and long-term safe homes
- Providing placements for sex trafficked children in secure and semisecure crisis residential centers with access to staff who have been trained to meet their specific needs

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This publication is a product of the State Statutes Series prepared by Child Welfare Information Gateway. While every attempt has been made to be as complete as possible, additional information on these topics may be in other sections of a State’s code as well as agency regulations, case law, and informal practices and procedures.



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