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Responding to Child Victims of Human Trafficking

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 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

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* at <https://www.childwelfare.gov/pubs/trafficking-agencies/>.

- 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.

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

² The word "approximately" is used to stress the fact that the States frequently amend their laws. This information 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.

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

³ California, Florida, Idaho, and Massachusetts

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

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
- 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

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

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

Diversions 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

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

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

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.

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

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
- 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

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

This publication is a product of the State Statutes Series prepared by Child Welfare Information Gateway. While every attempt has been made to be complete, 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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Alabama

Current Through December 2018

State Agency Responsibilities

Citation: Ala. Code § 12-15-701(e)

If a petition is filed alleging that a sexually exploited child is in need of supervision or is dependent, the child may be adjudicated a child in need of supervision or a dependent child pursuant to § 12-15-102(4) and (8). Once the sexually exploited child is adjudicated, the juvenile court shall retain jurisdiction over the child and may issue any requisite order or conduct any hearing necessary to protect the health or safety of a sexually exploited child that is determined to be in the best interests of the child. The juvenile court may also, on an emergency basis, enter an order of protection or restraint to protect the health or safety of a sexually exploited child.

Training Requirements

This issue is not addressed in the statutes and regulations reviewed.

Diversion From Prosecution

Citation: Ala. Code §§ 12-15-701(a)-(c); 13A-6-181; 13A-12-123; 13A-6-159; 13A-6-183

A 'sexually exploited child' is an individual younger than age 18 who is under the jurisdiction of the juvenile court and who has been subjected to sexual exploitation because he or she is any of the following:

- A victim of the crime of human trafficking sexual servitude as provided in § 13A-6-150, et seq.
- Engaged in prostitution
- A victim of the crime of promoting prostitution

A sexually exploited child may not be adjudicated delinquent or convicted of a crime of prostitution. In any proceeding based upon a child's arrest for an act of prostitution, there is a presumption that the child satisfies the definition of a sexually exploited child as provided in this section.

A court may order an adult person convicted of prostitution to successfully attend counseling or an educational training program designed to reduce recidivism rates for these violations. Attendance of such programs shall be at the cost and expense of the person convicted of the offense.

An adult person who is charged with prostitution and has no prior arrest or convictions for prostitution may be accepted into a pretrial diversion program, provided that he or she meets the requirements of a pretrial diversion program within the jurisdiction where the offense occurred.

A sexually exploited child who is alleged to have committed prostitution shall be treated pursuant to § 13A-6-181.

In a prosecution for prostitution or a sexually explicit performance of a human trafficking victim for the victim's illegal acts engaged in or performed as a result of labor servitude or sexual servitude, it shall be an affirmative defense that the person was a victim of human trafficking.

For the safety and well-being of a person arrested for the crime of prostitution, he or she may be held in custody for up to 72 hours. The person shall be brought before a court of competent jurisdiction as soon as possible within a 48-hour period to conduct an inquiry into the person's access to resources, including, but not limited to, health care, shelter, mental health counseling, or financial aid. The court may issue an order to assist the person in obtaining the services and resources needed pursuant to the court's inquiry.

Services and Supports for Victims

Citation: Ala. Code § 12-15-701(h)

All social and community services shall be made available to a sexually exploited child. Services may include, but are not limited to, any of the following:

- Forensic evidence collection
- Forensic interviewing
- Counseling
- Advocacy
- Shelter
- Alcohol or substance use treatment

- Mental health services
- Medical treatment
- Legal services
- Educational tutoring, counseling, and language interpreter services
- Crisis intervention services
- Safety planning
- Investigation and prosecution of the individuals subjecting the child to sexual exploitation or abuse

Support for Anti-Trafficking Efforts

This issue is not addressed in the statutes and regulations reviewed.

Alaska

Current Through December 2018

State Agency Responsibilities

This issue is not addressed in the statutes and regulations reviewed.

Training Requirements

This issue is not addressed in the statutes and regulations reviewed.

Diversions From Prosecution

This issue is not addressed in the statutes and regulations reviewed.

Services and Supports for Victims

This issue is not addressed in the statutes and regulations reviewed.

Support for Anti-Trafficking Efforts

This issue is not addressed in the statutes and regulations reviewed.

American Samoa

Current Through December 2018

State Agency Responsibilities

This issue is not addressed in the statutes and regulations reviewed.

Training Requirements

This issue is not addressed in the statutes and regulations reviewed.

Diversions From Prosecution

This issue is not addressed in the statutes and regulations reviewed.

Services and Supports for Victims

This issue is not addressed in the statutes and regulations reviewed.

Support for Anti-Trafficking Efforts

This issue is not addressed in the statutes and regulations reviewed.

Arizona*Current Through December 2018***State Agency Responsibilities****Citation: Rev. Stat. § 8-466; Pol. & Proc. Man. Ch. 2, § 3**

A child and family advocacy center is a private, nonprofit incorporated agency or a governmental entity that maintains a multidisciplinary case review team that meets on a regular basis and consists of members who are appropriate for serving a victim of a suspected offense. Membership of the team may include the following:

- A representative of the department
- A representative of the county attorney
- A mental health service provider
- A representative of law enforcement
- A victim advocate
- A forensic medical professional
- A forensic interviewer

The advocacy center must meet the following requirements:

- Maintain and provide services at a neutral facility that is focused on victims and that allow the following:
 - » Evidence-based forensic interviews by a trained forensic interviewer of victims or witnesses of one or more suspected offenses
 - » Interaction with a victim as investigative or treatment needs or victim services require
- Provide medical evaluations or referrals for medical evaluations by a health-care provider who has specific training in child or adult sexual abuse
- Provide mental health therapy or referrals for mental health therapy by professionals who have training in and who provide trauma-focused and evidence-supported mental health treatment
- Have a written commitment from any agency that is participating in the multidisciplinary approach to handling one or more suspected offenses
- Comply with the relevant safety assessment and investigation protocols developed pursuant to § 8-817

For the purposes of this section, the term 'suspected offense' includes juvenile sex trafficking.

In policy: The Department of Child Safety shall coordinate investigations with law enforcement according to protocols established with the appropriate municipal or county law enforcement agency when one or more of the following circumstances exist:

- The report alleges or the investigation indicates that the child is or may be the victim of criminal conduct.
- The report alleges or the investigation indicates that the child is a victim of sexual abuse.
- The report alleges or the investigation indicates that the child is a victim of commercial sexual exploitation or sex trafficking.
- Law enforcement is conducting a criminal investigation of the alleged child abuse and neglect or an investigation is anticipated.

If, during the course of an investigation, the department determines that a criminal offense may have been committed or a new allegation of abuse or neglect not previously reported is present, the department shall immediately provide information to the appropriate law enforcement agency and the child abuse hotline.

As soon as possible, but in no more than 24 hours, any child who is identified as a sex trafficking victim shall be reported to law enforcement for entry into the National Crime Information Center database.

Training Requirements**Citation: Rev. Stat. §§ 8-466; 8-471**

A child and family advocacy center must facilitate evidence-based training for various disciplines in the community that respond to reports of one or more suspected offenses.

The department, in coordination with the Arizona Peace Officer Standards and Training Board, shall provide child welfare investigators with training. The training shall be, at a minimum, in the following areas:

- First responder training on responding to reports of child abuse
- Forensic interviewing and processes
- Child physical and sexual abuse investigation
- The initial screening and safety assessment protocols established pursuant to § 8-817
- Relevant law enforcement procedures, including the collection and preservation of evidence
- A child's constitutional rights as a victim of a crime
- Impact and intervention practices related to adverse childhood experiences, culturally and linguistically appropriate service delivery, domestic violence, family engagement, communication with special populations, and trauma-informed responses
- Any other training as directed by the director

Diversion From Prosecution

Citation: Rev. Stat. § 13-3214

It is an affirmative defense to a prosecution for prostitution that the defendant committed the acts constituting prostitution as a direct result of being a victim of sex trafficking.

Services and Supports for Victims

Citation: Pol. & Proc. Man. Ch. 3, § 3

The department shall arrange, provide, and coordinate prevention, intervention, and treatment for abused and neglected children. For children who have been identified as victims of sex trafficking or commercial sexual exploitation, the department shall elicit the comments and recommendations of the service team members and seek to reach consensus on the specific services that have been implemented to address this issue.

Support for Anti-Trafficking Efforts

Citation: Rev. Stat. § 41-114

The Human Trafficking Victim Assistance Fund is established consisting of fines collected pursuant to violations of §§ 9-500.10 and 32-4260. The director of the Governor's Office for Children, Youth and Families shall administer the fund for the purposes prescribed in this section.

The Governor's Office for Children, Youth and Families shall establish program priorities for the fund. The office shall spend monies in the fund to provide assistance to victims of sex trafficking, child sex trafficking, and trafficking of persons for forced labor or services.

Arkansas

Current Through December 2018

State Agency Responsibilities

Citation: Ann. Code §§ 9-27-323; 12-19-103

The Department of Human Services shall develop a statewide referral protocol for helping to coordinate the delivery of services to sexually exploited children.

As used in this section, 'sexually exploited child' means a person younger than age 18 who has been subject to sexual exploitation because the person:

- Is a victim of trafficking of persons under § 5-18-103
- Is a victim of child sex trafficking under 18 U.S.C. § 1591
- Engages in an act of prostitution under § 5-70-102 or sexual solicitation under § 5-70-103

The department shall develop a State protocol for assisting victims of human trafficking with applying for Federal and State benefits and services to which they may be entitled.

Legislative notes, Acts 2013, No. 1257: The legislature finds the following:

- The criminal justice system is not the appropriate place for sexually exploited children because it serves to retraumatize them and to increase their feelings of low self-esteem.
- Both Federal and international law recognize that sexually exploited children are the victims of crime and should be treated as such.
- Sexually exploited children should, when possible, be diverted into services that address the needs of these children outside of the justice system.
- Sexually exploited children deserve the protection of child welfare services, including diversion, crisis intervention, counseling, and emergency housing services.

The intent of this act is to protect a child from further victimization after the child is discovered to be a sexually exploited child by ensuring that a child protective response is in place in the State. This is to be accomplished by presuming that any child engaged in prostitution or solicitation is a victim of sex trafficking and providing these children with the appropriate care and services when possible.

In determining the need for and capacity of services that may be provided, the department shall recognize that sexually exploited children have separate and distinct service needs according to gender, and every effort should be made to ensure that these children are not prosecuted or treated as juvenile delinquents but instead are given the appropriate social services.

Training Requirements

Citation: Ann. Code §§ 12-18-1202; 12-19-101; 6-17-710

The Arkansas Juvenile Officers Association, the Arkansas Law Enforcement Training Academy, or the Prosecutor Coordinator may provide training to intake officers, law enforcement, prosecutors, and any other appropriate staff concerning how to identify a sexually exploited child and how to obtain appropriate services for a sexually exploited child.

The State Task Force for the Prevention of Human Trafficking shall do the following:

- Establish policies to enable the State government to work with nongovernmental organizations and other elements of the private sector to prevent human trafficking and provide assistance to victims of human trafficking who are U.S. citizens or foreign nationals
- Evaluate various approaches used by State and local governments to increase public awareness of human trafficking, including trafficking of U.S. citizens and foreign national victims
- Develop curriculum and train law enforcement agencies, prosecutors, public defenders, judges, and others involved in the criminal and juvenile justice systems on the following:
 - » Offenses under the Arkansas Human Trafficking Act of 2013, § 5-18-101, et seq.
 - » Methods used in identifying victims of human trafficking who are U.S. citizens or foreign nationals, including preliminary interview techniques and appropriate questioning methods
 - » Methods for prosecuting human traffickers
 - » Methods of 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, taking into account the need to consider human rights and special needs of women and minors
 - » The necessity of treating victims of human trafficking as crime victims rather than criminals
 - » Methods for promoting the safety of victims of human trafficking

Each year, a school district shall make available to licensed personnel 30 minutes of professional development on the following:

- Recognizing the warning signs that a child is a victim of human trafficking
- Reporting a suspicion that a child is a victim of human trafficking

The professional development shall be developed and administered by the Department of Education or another person, firm, or corporation designated by the department.

Diversion From Prosecution

Citation: Ann. Code § 9-27-323

If the prosecuting attorney, after consultation with the intake officer, determines that a diversion of a delinquency case is in the best interests of the juvenile and the community, the officer, with the consent of the juvenile and his or her parent, guardian, or custodian, may attempt to make a satisfactory diversion of a case.

If the intake officer determines that a diversion of a family-in-need-of-services case is in the best interests of the juvenile and the community, the officer, with the consent of the petitioner, juvenile, and his or her parent, guardian, or custodian, may attempt to make a satisfactory diversion of a case.

A diversion of a case is subject to the following conditions:

- The juvenile has admitted his or her involvement in either of the following:
 - » A delinquent act for a delinquency diversion
 - » A family-in-need-of-services act for a family-in-need-of-services diversion
- The intake officer advises the juvenile and his or her parent, guardian, or custodian that they have the right to refuse a diversion of the case and demand the filing of a petition and a formal adjudication.
- Any diversion agreement shall be entered into voluntarily and intelligently by the juvenile with the advice of his or her attorney or by the juvenile with the consent of a parent, guardian, or custodian if the juvenile is not represented by counsel.
- The diversion agreement shall provide for the supervision of a juvenile or the referral of the juvenile to a public or private agency for services not to exceed 6 months.
- All other terms of a diversion agreement shall not exceed 9 months.
- The juvenile and his or her parent, guardian, or custodian shall have the right to terminate the diversion agreement at any time and to request the filing of a petition and a formal adjudication.

Diversion agreements shall be limited to providing for any of the following:

- Nonjudicial probation under the supervision of the intake officer or probation officer for a period during which the juvenile may be required to comply with specified conditions concerning his or her conduct and activities
- Participation in a court-approved program of education, counseling, or treatment
- Participation in a court-approved teen court
- Participation in a juvenile drug court program
- Enrollment in the regional educational career alternative school

The diversion agreement may be terminated, and the prosecuting attorney in a delinquency case or the petitioner in a family-in-need-of-services case may file a petition if at any time during the agreement period the following occurs:

- The juvenile or his or her parent, guardian, or custodian declines to further participate in the diversion process.
- The juvenile fails, without reasonable excuse, to attend a scheduled conference.
- The juvenile appears unable or unwilling to benefit from the diversion process.
- The intake officer becomes apprised of new or additional information that indicates that further efforts at diversion would not be in the best interests of the juvenile or society.

Upon the satisfactory completion of the diversion period:

- The juvenile shall be dismissed without further proceedings.
- The intake officer shall furnish written notice of the dismissal to the juvenile and his or her parent, guardian, or custodian.
- The complaint and the agreement, and all references thereto, may be expunged by the court from the juvenile's file.

Services and Supports for Victims

Citation: Ann. Code § 19-5-1252

The department shall use the funds from the Safe Harbor Fund to provide services and treatment, including residential housing, health services, and social services, for sexually exploited children.

Support for Anti-Trafficking Efforts**Citation: Ann. Code §§ 19-5-1252; 19-5-1261**

The State treasurer, auditor, and chief fiscal officer shall create a fund to be known as the 'Safe Harbor Fund for Sexually Exploited Children.' The fund shall consist of fines collected under §§ 5-18-103(d), 5-70-102(d), and 5-70-103(d) and any other revenues authorized by law. The fund shall be administered by the Department of Human Services.

There is created on the books of the State treasurer, the State auditor, and the State chief fiscal officer a fund to be known as the 'Human Trafficking Victim Support Fund.' The fund shall be administered by the attorney general. The attorney general shall use the fund to provide for the following:

- Grants to nonprofit, religious, and other third-party organizations that provide services and treatment, such as securing residential housing, health services, and social services for victims of human trafficking
- The management and operation of the fund

California*Current Through December 2018***State Agency Responsibilities****Citation: Welf. & Inst. Code §§ 305; 16524.7; 11166(j); County Fiscal Letter No. 16/17-73**

Any peace officer may, without a warrant, take into temporary custody a minor when the officer has reasonable cause for believing the minor is a person described in § 300 and, in addition, that the minor has an immediate need for medical care, or the minor is in immediate danger of physical or sexual abuse, or the physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety. In cases in which the child is left unattended, the peace officer shall first attempt to contact the child's parent or guardian to determine if the parent or guardian is able to assume custody of the child. If the parent or guardian cannot be contacted, the peace officer shall notify a social worker in the county welfare office.

In order to ensure timely access to services to which commercially sexually exploited children are entitled as dependents in foster care, in participating counties, county agency representatives from mental health, probation, public health, and substance abuse disorders shall participate in the case planning and assist in linking commercially sexually exploited children to services that serve children who are in the child welfare system and that are identified in the child's case plan and may include other stakeholders as determined by the county.

A county probation or welfare department shall immediately, and in no case in more than 24 hours, report to the law enforcement agency having jurisdiction over the case after receiving information that a child or youth who is receiving child welfare services has been identified as the victim of commercial sexual exploitation (CSE).

When a child or youth who is receiving child welfare services and who is reasonably believed to be the victim of, or is at risk of being the victim of, CSE is missing or has been abducted, the county probation or welfare department shall immediately, or in no case later than 24 hours from receipt of the information, report the incident to the appropriate law enforcement authority for entry into the National Crime Information Center database and to the National Center for Missing and Exploited Children.

In policy: Administrative activities related to children who are identified as victims or at risk of CSE include the following:

- Developing and implementing policies and procedures for identifying, documenting, and determining services for children and youth who are victims of or at risk of becoming victims of sex trafficking
- Developing and implementing specific protocols for expeditiously locating and responding to children who run away from foster care, including screening youth for CSE
- Identifying and determining appropriate services for children and youth who are victims of or at risk of becoming victims of sex trafficking and documenting appropriate services in the child's case plan, including the following:
 - » Conducting human trafficking screenings
 - » Determining appropriate services and making referrals
 - » Completing reports required for law enforcement
- Expeditiously locating any child or nonminor dependent missing from care, determining the primary factors that contributed to them being absent from care, responding to such identified factors in subsequent placements, determining their experience while absent from care, and determining whether they are a possible victim of CSE

Training Requirements

Citation: Welf. & Inst. Code § 16524.7; Penal Code §§ 236.2; 13519.14; Educ. Code § 51950

The Department of Social Services shall contract to provide training for county workers and foster caregivers.

Training shall be selected and contracted for in consultation with the County Welfare Directors Association, county children's services representatives, and other stakeholders. The department shall consult and collaborate with the California Community Colleges Chancellor's Office to provide training for foster parents of licensed foster family homes.

Law enforcement agencies shall use due diligence to identify all victims of human trafficking, regardless of the citizenship of the person. When a peace officer comes into contact with a minor who has engaged in a commercial sex act, the peace officer shall consider whether the following indicators of human trafficking are present:

- There are signs of trauma, fatigue, injury, or other evidence of poor care.
- The person is withdrawn, afraid to talk, or his or her communication is censored by another person.
- The person does not have freedom of movement.
- The person lives and works in one place.
- The person owes a debt to his or her employer.
- Security measures are used to control who has contact with the person.
- The person does not have control over his or her own government-issued identification or over his or her worker immigration documents.

The Commission on Peace Officer Standards and Training shall implement a course or courses of instruction for the training of law enforcement officers in California in the handling of human trafficking complaints and also shall develop guidelines for law enforcement response to human trafficking. The course or courses of instruction and the guidelines shall stress the following:

- The dynamics and manifestations of human trafficking
- Identifying and communicating with victims
- Providing documentation that satisfies the law enforcement agency endorsement required by Federal law
- Collaboration with Federal law enforcement officials
- Therapeutically appropriate investigative techniques
- The availability of civil and immigration remedies and community resources
- Protection of the victim

Where appropriate, the training presenters shall include human trafficking experts with experience in the delivery of direct services to victims of human trafficking. Completion of the course may be satisfied by telecommunication, video training tape, or other instruction.

Every law enforcement officer who is assigned field or investigative duties shall complete a minimum of 2 hours of training within 6 months of being assigned to that position.

Continuation training shall be available and conducted periodically to enable school district personnel to learn about new developments in the understanding of abuse, including sexual abuse and human trafficking, and to receive instruction on current prevention efforts and methods. A school district is encouraged to include training on early identification of abuse, including sexual abuse and human trafficking of pupils and other minors.

Diversion From Prosecution

Citation: Penal Code §§ 647; 236.23

An individual who solicits, agrees to engage in, or who engages in any act of prostitution with the intent to receive compensation, money, or anything of value from another person is guilty of disorderly conduct, a misdemeanor.

An individual who solicits, who agrees to engage in, or who engages in any act of prostitution with another person who is a minor in exchange for the individual providing compensation, money, or anything of value to the minor is guilty of disorderly conduct, a misdemeanor.

This subdivision does not apply to a child younger than age 18 who is alleged to have engaged in conduct to receive money or other consideration that would, if committed by an adult, violate this subdivision. A commercially exploited child under this paragraph may be adjudged a dependent child of the court pursuant to § 300(b)(2) of the Welfare and Institutions Code and may be taken into

temporary custody pursuant to § 305(a) of the Welfare and Institutions Code, if the conditions allowing temporary custody without warrant are met.

In addition to any other affirmative defense, it is a defense to a charge of a crime that the person was coerced to commit the offense as a direct result of being a human trafficking victim at the time of the offense and had a reasonable fear of harm.

If, in a proceeding pursuant to § 602 of the Welfare and Institutions Code, the juvenile court finds that the offense on which the proceeding is based was committed as a direct result of the minor being a human trafficking victim, and the affirmative defense is established by a preponderance of the evidence, the court shall dismiss the proceeding and order the relief prescribed in § 786 of the Welfare and Institutions Code.

Services and Supports for Victims

Citation: Welf. & Inst. Code § 300.2; County Fiscal Letter No. 16/17-73

Notwithstanding any other provision of law, the purpose of the provisions of this chapter relating to dependent children is to provide maximum safety and protection for children who are currently being physically, sexually, or emotionally abused, neglected, or exploited and to ensure the safety, protection, and physical and emotional well-being of children who are at risk of that harm. This safety, protection, and physical and emotional well-being may include provision of a full array of social and health services to help the child and family and to prevent reabuse of children. The focus shall be on the preservation of the family as well as the safety, protection, and physical and emotional well-being of the child.

In policy: The individual child's case plan shall be the basic guideline for the provisions of the child welfare services. Activities include direct delivery of services to commercially sexually exploited children (CSEC) and youth at risk of being trafficked associated with the CSEC program. This also may include training foster children to help recognize and avoid CSE; engaging survivors of CSE to provide support to county staff who service children who are victims of CSE and serve as advocates for and perform outreach and support to children who are victims of CSE; consulting and coordinating with homeless youth shelters and other service providers who work with children who are disproportionately at risk of, or involved in, CSE, including, but not limited to, lesbian, gay, bisexual, and transgender youth organizations, regarding outreach and support to children who are victims of CSE; and the hiring of trained and specialized county staff to support victims, their caregivers, and the interagency and cross-departmental response pursuant to Welfare and Institutions Code § 16524.7(a)(4)(D).

Additional specialized prevention and intervention services for children of this population can include, but are not limited to, the following:

- Specialized counseling
- Tattoo removal
- Seeking and obtaining specialized housing
- Emergency housing/shelter assistance (for example, vouchers; rental or utility deposits; furniture, such as beds, couches, dressers, lighting, refrigerators, and other necessary furniture for the health and safety of CSEC youth and their families)
- Addressing gang affiliation
- Reproductive health education/healthy relationships education
- Legal assistance
- Pregnancy/parenting services
- Financial education training
- Vocational, life skills, and other identified CSEC trainings
- Stipends for participating in identified trainings

Support for Anti-Trafficking Efforts

Citation: Welf. & Inst. Code § 16524.7; Gov't. Code § 8590.7

There is hereby established the Commercially Sexually Exploited Children Program. This program shall be administered by the State Department of Social Services.

The department, in consultation with the County Welfare Directors Association of California, shall develop an allocation methodology to distribute funding for the program. Funds shall be utilized to cover expenditures related to the costs of implementing the program, prevention and intervention services, and training related to children who are or may become victims of CSE.

Funds shall be provided to counties that elect to participate in the program for the provision of training to county children's services workers to identify, intervene, and provide case management services to children who are victims of CSE and trafficking, as applicable, and to foster caregivers for the prevention and identification of potential victims.

Funds provided to the counties electing to participate in the program shall be used for prevention activities, which includes training county workers, intervention activities, and services to children who are victims, or at risk of becoming victims, of CSE. These activities and services may include, but are not limited to, all of the following:

- Educating foster children to help recognize and help avoid CSE; which educational activities may target foster children who are at higher risk of CSE
- Engaging survivors of CSE to do all of the following:
 - » Provide support to county staff who serve children who are victims of CSE
 - » Participate in activities that may include education, training, and technical assistance
 - » Serve as advocates for and perform outreach and support to children who are victims of CSE
- Consulting and coordinating with homeless youth shelters and other service providers who work with children who are disproportionately at risk of, or involved in, CSE, including, but not limited to, lesbian, gay, bisexual, and transgender youth organizations, regarding outreach and support to children who are victims of CSE
- Hiring county staff trained and specialized to work with children who are victims of CSE to support victims and their caregivers and to provide case management to support interagency and cross-departmental response
- Providing supplemental foster care rates for placement of child victims of CSE to foster homes, relatives, homes certified by the foster family agency, or other specialized placements for the increased care and supervision needs of the victim

There is hereby created in the State treasury the Human Trafficking Victims Assistance Fund. Monies in the fund, including any interest earned, shall only be expended to support programs for victims of human trafficking. The office shall do all of the following:

- Be responsible for overseeing the grant program
- Award grants based on the following:
 - » The capability of the qualified nonprofit organization to provide comprehensive services
 - » The stated goals and objectives of the qualified nonprofit organization
 - » The number of people to be served and the needs of the community
 - » Evidence of community support
 - » Other criteria the office deems appropriate that is consistent with the requirements of this paragraph
- Publish deadlines and written procedures for qualified nonprofit organizations to apply for the grants

Colorado

Current Through December 2018

State Agency Responsibilities

Citation: Rev. Stat. §§ 19-3-308(c); 19-3-317; Code of Regs. Tit. 12, § 7.303.4

Upon the receipt of a report of child maltreatment, if the county department assessment concludes that a child has been subjected to human trafficking of a minor for sexual servitude or commercial sexual exploitation of a child, it shall, when necessary and appropriate, immediately offer social services to the child who is the subject of the report and to his or her family, and it may file a petition in the juvenile court or the district court with juvenile jurisdiction on behalf of such child. If, at any time after the commencement of an investigation, the county department has reasonable cause to suspect that the child or any other child under the same care is a victim of human trafficking, the county department shall notify the local law enforcement agency as soon as it is reasonably practicable to do so.

If immediate removal is necessary to protect the child or other children under the same care from further abuse, the child or children may be placed in protective custody in accordance with §§ 19-3-401(1)(a) and 19-3-405. In instances of third-party abuse or neglect as it relates to human trafficking, a county department of human or social services may, but is not required to, interview the person alleged to be responsible for the abuse or neglect or prepare an investigative report. If a county department elects to interview the third-party individual, it shall first confer with its local law enforcement agency.

On and after January 1, 2017, pursuant to the Federal Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183), the Department of Human Services and each county department shall implement a uniform screening tool that includes questions that are intended to identify children who are victims of human trafficking of a minor for sexual servitude or commercial sexual exploitation of a child or who are at risk of being such victims.

In regulation: When the county department has reason to believe a child is or is at risk of being a victim of sex trafficking, the county department shall do the following:

- Screen the child for risk of sex trafficking using a State-approved sex trafficking screen
- Determine service needs
- Document the details of the screen, assessment, and services in the State automated case management system
- Report immediately, and no later than 24 hours from when the county department becomes aware, to the local law enforcement agency
- Document the details of the report to law enforcement in the State automated case management system

If a child who is in the legal custody of the county department is missing, then the county department shall do the following:

- Report immediately and no later than 24 hours from when the county department receives notification that the child is missing to the local law enforcement agency and to the National Center for Missing and Exploited Children
- Make reasonable efforts to locate a child who is missing and document those efforts a minimum of once per month in the State automated case management system
- Upon the return of the child, make reasonable efforts to complete the following activities and document those efforts in the State automated case management system:
 - » Determine the primary factors that contributed to the child being missing
 - » Determine the child's experiences while missing, including conducting a sex trafficking screen to determine if the child is a possible sex trafficking victim
 - » Respond to the factors identified above in current and subsequent services

Training Requirements

This issue is not addressed in the statutes and regulations reviewed.

Diversion From Prosecution

Citation: Rev. Stat. § 18-7-201.3

A person charged with prostitution, for an offense committed on or after July 1, 2015, if the offense was committed as a direct result of being a victim of human trafficking, may assert as an affirmative defense that he or she is a victim of human trafficking. To assert the affirmative defense, the person charged with the offense must demonstrate by a preponderance of the evidence that he or she was a victim of human trafficking at the time of the offense. An official determination or documentation is not required to assert an affirmative defense, but official documentation from a Federal, State, local, or Tribal government agency indicating that the defendant was a victim at the time of the offense creates a presumption that his or her participation in the offense was a direct result of being a victim.

Services and Supports for Victims

Citation: Code of Regs. Tit. 12, § 7.303.14

Core services programs may include any of the following elements of service:

- Collateral services that teach families to work with community agencies such as health-care services, mental health treatment services, substance abuse treatment services, job training, information and referral services, advocacy groups, housing assistance agencies, and schools
- Concrete services that provide concentrated assistance in the development and enhancement of parenting skills, stress reduction, problem solving, communication skills, budget and household management, and recreational activities
- Crisis intervention services that include phone or in-home counseling, medical services, respite, or other interventions available on a 24-hour basis
- Diagnostic and treatment-planning services that include various evaluations of the child and family to facilitate the development of the family services plan and the move of the child to a permanent placement

- Hard services that arrange the purchase of services or distribution of cash payments for the following:
 - » Housing funds, including rent, repairs, utilities, or rent deposits
 - » Food or money for food
 - » Clothing
 - » Transportation, including fares, auto repair, auto fuel, auto insurance, or bus passes
 - » Uncovered medical or dental expenses
 - » Appliances, furniture
 - » Emergency shelter
 - » Employment-related expenses, such as tools or dues
- Therapeutic services that include interactive parenting, family therapy, support groups, educational groups, problem-solving methods, communication skills, and parent-child conflict management

Support for Anti-Trafficking Efforts

Citation: Rev. Stat. § 18-3-505

There is created in the Department of Public Safety the Colorado Human Trafficking Council. The purpose of the council is to bring together leadership from community-based and statewide anti-trafficking efforts, to build and enhance collaboration among communities and counties within the State, to establish and improve comprehensive services for victims and survivors of human trafficking, to assist in the successful prosecution of human traffickers, and to help prevent human trafficking in Colorado.

The council shall meet at least four times each year and shall carry out the following duties:

- On or before January 1, 2016, make recommendations to the judiciary committees of the house of representatives and senate, or any successor committees, concerning the following:
 - » Whether the general assembly should establish standards and a process for the certification of organizations that provide services to victims of human trafficking
 - » Whether the general assembly should establish a grant program for organizations that provide services to victims of human trafficking, including consideration of how such a grant program may be funded
 - » Whether the general assembly should enact legislation concerning the following:
 - The prosecution of or granting of immunity to a child victim of commercial sexual exploitation for offenses related to that exploitation
 - The creation of other legal protections, including statutory defenses for child victims of commercial sexual exploitation for offenses related to that exploitation and the creation of any necessary changes to title 19 of the revised statutes to implement those legal protections or defenses
 - Standards, guidelines, or mandates regarding the appropriate assessment, placement, and treatment of child victims of commercial sexual exploitation through title 19, including, but not limited to, the use of locked placement
- Develop an implementation plan for a public awareness campaign to educate the public about human trafficking and place victims services contact information in places where victims of human trafficking are likely to see it
- Develop training standards and curricula for organizations that provide assistance to victims of human trafficking, for persons who work in or who frequent places where human trafficking victims are likely to appear, and for law enforcement agencies
- Identify best practices for the prevention of human trafficking, particularly for the prevention of child sex trafficking
- Collect data relating to the prevalence of, and the efforts of law enforcement to combat, human trafficking in Colorado

This section is repealed, effective September 1, 2019. Before repeal, the Department of Regulatory Agencies shall review the council pursuant to § 2-3-1203.

Connecticut

Current Through December 2018

State Agency Responsibilities

Citation: Gen. Stat. § 17a-106f

A 'children's advocacy center' is an entity that provides a child-focused, trauma-informed, facility-based program that fosters collaboration among members of a multidisciplinary team for the purpose of interviewing or meeting with children and children's

parents, guardians, or other caregivers in order to obtain information and provide such information to personnel charged with making decisions regarding the investigation and prosecution of allegations of child abuse or neglect or trafficking of children and the safety, treatment, and provision of services to alleged victims of child abuse or neglect or trafficking of children.

The Commissioner of Children and Families and the appropriate State's attorney may establish multidisciplinary teams for the following purposes:

- Reviewing particular cases or particular types of cases in each judicial district, selected cases of child abuse or neglect, or trafficking of children
- Advancing and coordinating the prompt investigation of suspected cases of child abuse or neglect and the trauma experienced by alleged victims of such abuse or neglect or trafficking
- Providing for the treatment of abused, neglected, or trafficked children and the protection of such children and their families

Each multidisciplinary team shall consist of at least one representative of each of the following:

- The State's attorney of the judicial district of the multidisciplinary team
- The Commissioner of Children and Families
- The heads of the local or State law enforcement agencies
- A health-care professional with substantial experience in the diagnosis and treatment of abused or neglected children
- A member, where appropriate, of a youth services bureau
- A mental health professional with substantial experience in the treatment of abused or neglected children
- A forensic interviewer
- A victim advocate
- Any other appropriate individual with expertise in the welfare of children that the members of the multidisciplinary team deem necessary

All criminal investigative work of multidisciplinary teams shall be undertaken by members of the teams who are law enforcement officers and all child protection investigative work of such multidisciplinary teams shall be undertaken by members of the teams who represent the Department of Children and Families, provided such representatives may coordinate investigative work with such multidisciplinary teams and rely upon information generated by such multidisciplinary teams in the course of such department's investigations.

Training Requirements

Citation: Gen. Stat. §§ 17a-106f(b); 17a-106g; 17a-106h

The Commissioner of Children and Families may, within available appropriations, provide training to law enforcement officials regarding the trafficking of minor children. The training shall include, but not be limited to, the following:

- Awareness and compliance with the laws and protocols concerning trafficking of minor children
- Identification of, access to, and provision of services for minor children who are victims of trafficking
- Any other services the department deems necessary to carry out the provisions of this section and § 17a-106a

The Commissioner of Children and Families and the Commissioner of Emergency Services and Public Protection shall consult with State and national hotel and lodging associations to recommend an educational training program and refresher training program for the accurate and prompt identification and reporting of suspected human trafficking. The training program shall include a video presentation, developed and approved by the commissioners, that offers guidance to employees of hotels, motels, inns, and similar lodgings on the (1) recognition of potential victims of human trafficking and (2) activities commonly associated with human trafficking.

The Commissioner of Children and Families, in consultation with the Commissioner of Emergency Services and Public Protection, shall develop an initial educational training program and refresher training program for the accurate and prompt identification and reporting of suspected human trafficking.

The training program shall include a video presentation, developed and approved by the commissioners, that offers awareness of human trafficking issues and guidance to law enforcement personnel; judges of the Superior Court; prosecutors; public defenders and other attorneys who represent criminal defendants; hospital emergency room staff and urgent care facility staff who have contact with patients; and persons employed by a local or regional board of education or a constituent unit, as defined in § 10a-1, who have contact with students.

Diversion From Prosecution**Citation: Gen. Stat. § 53a-82**

A person age 18 or older is guilty of prostitution when such person engages or agrees or offers to engage in sexual conduct with another person in return for a fee.

In any prosecution for an offense under this section, it shall be an affirmative defense that the actor was a victim of conduct by another person that constitutes a violation of § 53a-192a (trafficking in persons).

Services and Supports for Victims**Citation: Gen. Stat. §§ 17a-106a(e); 17a-106f(a)**

Children's advocacy centers may assist multidisciplinary teams by doing the following:

- Providing safe, child and family-friendly settings that maintain the privacy of children and their families
- Establishing policies and procedures that are culturally competent
- Aiding in the development of written protocols for an interdisciplinary and coordinated approach to such investigations
- Providing forensic interviews of children that (a) are conducted by a trained forensic interviewer; (b) are recorded; (c) solicit information in an unbiased, fact-finding manner that is culturally sensitive and appropriate for each child's developmental stage; and (d) may be observed by members of the multidisciplinary teams involved in such investigations whenever possible
- Providing specialized medical evaluation and treatment, mental health services and support, and advocacy services to children at such centers or through coordination with and referral to other appropriate providers of such services
- Providing regular case review for the purpose of aiding in decision-making, problem solving, systems coordination, and information sharing concerning the status of cases and the services required by children and their families
- Providing a tracking system for monitoring the progress and outcomes of cases

The Commissioner of Children and Families may do the following:

- Provide child welfare services for any minor child residing in the State who is identified by the Department of Children and Families as a victim of trafficking
- Provide appropriate services to a minor child residing in the State who the department reasonably believes may be a victim of trafficking in order to safeguard the welfare of the minor child

For purposes of this section, the term 'minor child' means any person younger than age 18.

Support for Anti-Trafficking Efforts

This issue is not addressed in the statutes and regulations reviewed.

Delaware

Current Through December 2018

State Agency Responsibilities**Citation: Ann. Code Tit. 11, § 787; Tit. 16, §§ 902; 906**

Whenever a police officer has probable cause to believe that a minor has engaged in commercial sexual activity, the police officer shall make an immediate report to the Department of Services for Children, Youth and Their Families (DSCYF) pursuant to title 16, § 901, et seq.

A 'multidisciplinary case' requires a comprehensive investigation by the multidisciplinary team for any child abuse or neglect report of human trafficking of a child, which if true, would constitute a criminal violation against a child or an attempt to commit any such crime, even if no crime is ever charged.

In implementing the role of the DSCYF Division of Family Services (DCF) in the child protection system, DCF shall do the following:

- Conduct an investigation on a multidisciplinary case that involves human trafficking of a child
- Coordinate with the multidisciplinary team to secure forensic interviews and medical examinations, where applicable, and to conduct interviews while considering the criminal investigation together with DCF's statutory duties to promptly assess child safety

- Participate as a member of the multidisciplinary team and keep the team regularly apprised of the status and findings of its investigation

In implementing law enforcement's role in the child protection system, the law enforcement agency investigating a report of child abuse or neglect shall do the following:

- Report every case of child abuse or neglect to DCF as required by § 903 of this title
- Notify the multidisciplinary team as to whether it will be exercising jurisdiction in the case or will be requesting another law enforcement agency to exercise such jurisdiction
- Promptly conduct a criminal investigation for any multidisciplinary case
- Coordinate with the multidisciplinary team to secure forensic interviews and medical examinations, where applicable, and to conduct interviews while considering the criminal investigation together with DCF's statutory duties to promptly assess child safety
- Participate as a member of the multidisciplinary team and keep the team regularly apprised of the status and findings of its investigation

Absent good cause, all suspected child victims of human trafficking shall be interviewed in a children's advocacy center.

Training Requirements

Citation: Ann. Code Tit. 11, § 787

The Human Trafficking Interagency Coordinating Council shall, among other duties, coordinate training on human trafficking prevention and victim services for State and local employees who may have recurring contact with victims or perpetrators.

Diversion From Prosecution

Citation: Ann. Code Tit. 11, § 787

A minor who has engaged in commercial sexual activity is presumed to be a neglected or abused child under title 10, § 901, et seq. Whenever a police officer has probable cause to believe that a minor has engaged in commercial sexual activity, the police officer shall make an immediate report to the DSCYF pursuant to title 16, § 901, et seq.

A party to a juvenile delinquency proceeding in which a minor is charged with prostitution or loitering or an attorney guardian ad litem or court-appointed special advocate may file a motion on behalf of a minor in a juvenile delinquency proceeding seeking to stay the juvenile delinquency proceedings. The family court may consider such a motion and, in its discretion, may stay the juvenile delinquency proceeding indefinitely. As long as the minor substantially complies with the requirement of services identified by DSCYF and/or ordered by the family court, the attorney general shall proceed with the stayed charges no earlier than 1 year after the stay was imposed. Upon motion of the attorney general that the minor has not substantially complied with the requirement of services identified by DSCYF and/or ordered by the family court, the family court shall lift the stay for further proceedings in accordance with the regular course of such proceedings.

An individual charged with prostitution or loitering committed as a direct result of being a victim of human trafficking may assert as an affirmative defense that the individual is a victim of human trafficking.

Services and Supports for Victims

Citation: Ann. Code Tit. 11, § 787; DFS Pol. & Proc. Man. Admin. Stds., § J

When a motion to stay a juvenile delinquency proceeding is granted by the family court, DSCYF and/or the family court may identify and order available specialized services for the minor that, in the opinion of DSCYF or the family court, are best suited to the needs of the juvenile.

In policy: DCF will identify, report, and provide services for suspected victims of sex trafficking for any child or youth over whom the DCF has responsibility for placement, care, or supervision regardless of their place of residence. Youth and young adults receiving independent living services are included in this population. Youth who were adopted or exited foster care through guardianship after age 16 and receiving independent living services are also in this population.

Support for Anti-Trafficking Efforts

This issue is not addressed in the statutes and regulations reviewed.

District of Columbia

Current Through December 2018

State Agency Responsibilities

Citation: D.C. Code § 4-1303.03e; Admin. Iss. CFSA-17-1

All children in the custody of the Child and Family Services Agency shall, to the extent that it is not inconsistent with a court order, receive a behavioral health screening and, if necessary, a behavioral health assessment within 30 days of initial contact with the agency or a placement disruption. As part of the behavioral health screening, the agency shall identify children who are victims of, or who may be at risk of becoming victims of, sex trafficking of children under § 22-1834.

The agency shall connect all children who are assessed as being in need of behavioral health care to an appropriate behavioral health service.

In policy: Identification of a child who has been sex trafficked may occur at any stage of an agency case or involvement. For reports of commercial sexual exploitation/sex trafficking, the hotline worker receives and records the information and, in consultation with the supervisor, determines the direction of the referral, as follows:

- If the legal caregiver or other member of the household is identified as the alleged perpetrator, then the report is entered into the record as a child abuse/neglect referral 'sexual exploitation of a child by a caregiver.' Child protective services will conduct a joint investigation with the police department consistent with agency policy and practice.
- If the alleged perpetrator is not the parent, guardian, legal custodian, or other adult member of the household, the report will be entered into the record as 'commercial sexual exploitation of children (sex trafficking of minors)' and immediately referred to the police department.

Training Requirements

Citation: D.C. Code § 22-1842

The Metropolitan Police Department (MPD), the Child and Family Services Agency (CFSA), and the Department of Youth Rehabilitation Services (DYRS) shall provide training on human trafficking to the following:

- New law enforcement officers, social workers, and case managers
- Current law enforcement officers, social worker employees, and case managers who have not previously received comparable training

The training shall be a minimum of 4 hours and shall include the following:

- The nature and dimension of human trafficking
- The legal rights and remedies available to a victim of human trafficking
- The services and facilities available to a victim of human trafficking
- The legal duties imposed on a police officer, social worker, or case manager to enforce the provisions of § 20-276 and to offer protection and assistance to a victim of human trafficking
- Techniques for determining when a person may be a victim of trafficking
- Techniques for handling a human trafficking offense that promotes the safety of the victim
- The particular needs of youth and minor trafficking victims

MPD, CFSA, and DYRS shall consult with community organizations that provide training, resources, advocacy, or services to victims of human trafficking for assistance in developing and presenting training on human trafficking.

Diversions From Prosecution

Citation: D.C. Code § 22-2701

A child who engages in or offers to engage in a sexual act or sexual contact in return for receiving anything of value shall be immune from prosecution. The MPD shall refer any child suspected of engaging in or offering to engage in a sexual act or sexual contact in return for receiving anything of value to an organization that provides treatment, housing, or services appropriate for victims of sex trafficking of children under § 22-1834.

For the purposes of this section, the term 'child' means a person who is younger than age 18.

Services and Supports for Victims

Citation: Admin. Iss. CFSA-17-1

When a child is brought to CFSA, efforts will be made to conduct a preliminary assessment to ensure child safety and well-being. Depending on the results of the assessment and/or MPD's conclusions, a referral is made to one of the designated community resources specializing in commercial sexual exploitation/sex trafficking assessment and intervention, runaway and homeless youth programs, and other identified resources and services.

Based on the findings of the investigation in which evidence supports that the child/youth was sexually exploited, CFSA makes a referral for community-based services. For the purposes of this administrative issuance, 'community-based services' include the following:

- Designated community resources specializing in commercial sexual exploitation/sex trafficking assessment and intervention, runaway and homeless youth programs, and other identified resources
- Mental health services as needed (including secondary providers if the initial provider is unavailable)
- Medical care through a trauma-informed care provider

Support for Anti-Trafficking Efforts

This issue is not addressed in the statutes and regulations reviewed.

Florida

Current Through December 2019

State Agency Responsibilities

Citation: Ann. Stat. § 409.1754

The Department of Children and Families shall develop or adopt one or more initial screening and assessment instruments to identify, determine the needs of, plan services for, and determine the appropriate placement for child victims of commercial sexual exploitation who are not eligible for relief and benefits under the Federal Trafficking Victims Protection Act (22 U.S.C. § 7101, et seq.). These instruments shall assess the appropriate placement of child victims of commercial sexual exploitation, including whether placement in a safe house or safe foster home, as provided in § 409.1678, is appropriate and shall consider, at a minimum, the following factors:

- The risk of the child running away
- The risk of the child recruiting other children into the commercial sex trade
- The level of the child's attachment to his or her exploiter
- The level and type of trauma that the child has endured
- The nature of the child's interactions with law enforcement
- The length of time that the child was a victim of commercial sexual exploitation
- The extent of any substance use by the child

The department shall conduct a multidisciplinary staffing for each child who is a suspected or verified victim of commercial sexual exploitation. The department shall coordinate the staffing and invite individuals involved in the child's care, including, but not limited to, the child, if appropriate; the child's family or legal guardian; the child's guardian ad litem; Department of Juvenile Justice staff; school district staff; local health and human services providers; victim advocates; and any other persons who may be able to assist the child.

The staffing must use the assessment, local services, and local protocols required by this section to develop a service plan. The service plan must identify the needs of the child and his or her family, the local services available to meet those needs, and whether placement in a safe house or safe foster home is needed. If the child is dependent, the case plan required by § 39.6011 may meet the requirement for a service plan but must be amended to incorporate the results of the multidisciplinary staffing. If the child is not dependent, the service plan is voluntary, and the department shall provide the plan to the victim and his or her family or legal guardian and offer to make any needed referrals to local service providers.

Training Requirements

Citation: Ann. Stat. §§ 409.1754; 409.1678

The department and community-based care lead agencies shall ensure that cases in which a child is alleged, suspected, or known to be a victim of commercial sexual exploitation are assigned to child protective investigators and case managers who have specialized intensive training in handling cases involving a sexually exploited child. The department and lead agencies shall ensure that child protective investigators and case managers receive this training before accepting a case involving a commercially sexually exploited child.

The Department of Juvenile Justice shall ensure that juvenile probation staff or contractors administering the detention risk assessment instrument pursuant to § 985.14 receive specialized intensive training in identifying and serving commercially sexually exploited children.

To the extent that funds are available, the local regional director may provide training to local law enforcement officials who are likely to encounter child victims of commercial sexual exploitation in the course of their law enforcement duties. Training must address this section and how to identify and obtain appropriate services for such children. The local circuit administrator may contract with a not-for-profit agency with experience working with commercially sexually exploited children to provide the training. Circuits may work cooperatively to provide training, which may be provided on a regional basis. The department shall assist circuits to obtain available funds for the purpose of conducting law enforcement training from the Office of Juvenile Justice and Delinquency Prevention of the U.S. Department of Justice.

The community-based care lead agencies shall ensure that foster parents of safe foster homes and staff of safe houses complete intensive training regarding, at a minimum, the needs of child victims of commercial sexual exploitation, the effects of trauma and sexual exploitation, and how to address those needs using strengths-based and trauma-informed approaches. The department shall specify the contents of this training by rule and may develop or contract for a standard curriculum.

Diversion From Prosecution

Citation: Ann. Stat. §§ 985.115; 409.1678; 787.06

A child taken into custody shall be released from custody as soon as is reasonably possible. Unless otherwise ordered by the court under § 985.255 or 985.26, and unless there is a need to hold the child, a person taking a child into custody shall attempt to release the child as follows:

- To the child's parent, guardian, or legal custodian or, if the child's parent, guardian, or legal custodian is unavailable, unwilling, or unable to provide supervision for the child, to any responsible adult
- Contingent upon specific appropriation, to a shelter approved by the Department of Juvenile Justice or to an authorized agent
- If available, to a juvenile assessment center equipped and staffed to assume custody of the child for the purpose of assessing the needs of the child in custody

Nothing in this section or § 985.13 shall prohibit the proper use of law enforcement diversion programs. Law enforcement agencies may initiate and conduct diversion programs designed to divert a child from the need for department custody or judicial handling. Such programs may be cooperative projects with local community services agencies.

To the extent possible provided by law and with authorized funding, the services provided by a safe house or a safe foster home may be available to all child victims of commercial sexual exploitation who are not eligible for relief and benefits under the Federal Trafficking Victims Protection Act (22 U.S.C. § 7101, et seq.), whether such services are accessed voluntarily, as a condition of probation, through a diversion program, through a proceeding under chapter 39, or through a referral from a local community-based care or social services agency.

It is the intent of the legislature that the perpetrators of human trafficking are penalized for their illegal conduct and that the victims of trafficking are protected and assisted by this State and its agencies.

Services and Supports for Victims

Citation: Ann. Stat. §§ 409.1754; 409.1678

The services identified in the service plan should be provided in the least restrictive environment and may include, but need not be limited to, the following:

- Emergency shelter and runaway center services
- Outpatient individual or group counseling for the victim and the victim's family or legal guardian
- Substance use disorder treatment services
- Drop-in centers or mentoring programs
- Commercial sexual exploitation treatment programs
- Child advocacy center services pursuant to § 39.3035
- Prevention services, such as those provided by the Florida Network of Youth and Family Services and the PACE Center for Girls
- Family foster care
- Therapeutic foster care
- Safe houses or safe foster homes
- Residential treatment programs
- Employment or workforce training

Safe houses and safe foster homes shall provide services tailored to the needs of child victims of commercial sexual exploitation and shall conduct a comprehensive assessment of the service needs of each resident. In addition to the services required to be provided by residential child-caring agencies and family foster homes, safe houses and safe foster homes must provide, arrange for, or coordinate, at a minimum, the following services:

- Victim-witness counseling
- Family counseling
- Behavioral health care
- Treatment and intervention for sexual assault
- Education tailored to the child's individual needs, including remedial education if necessary
- Life skills and workforce training
- Mentoring by a survivor of commercial sexual exploitation, if available and appropriate for the child
- Substance use screening and, when necessary, access to treatment
- Planning services for the successful transition of each child back to the community
- Activities structured in a manner that provides child victims of commercial sexual exploitation with a full schedule

Support for Anti-Trafficking Efforts

Citation: Ann. Stat. §§ 39.524; 409.1678

Except as provided in § 39.407 or 985.801, a dependent child who is age 6 or older who is suspected of being or has been found to be a victim of commercial sexual exploitation must be assessed, and the department must conduct a multidisciplinary staffing to determine the child's need for services and his or her need for placement in a safe house or safe foster home as provided in § 409.1678 using the initial screening and assessment instruments provided in § 409.1754. If such placement is determined to be appropriate for the child as a result of this assessment, the child may be placed in a safe house or safe foster home, if one is available. However, the child may be placed in another setting, if the other setting is more appropriate to the child's needs or if a safe house or safe foster home is unavailable, as long as the child's behaviors are managed so as not to endanger other children served in that setting.

A 'safe foster home' is a foster home certified by the department under this section to care for sexually exploited children. A 'safe house' is a group residential placement certified by the department under this section to care for sexually exploited children.

A safe house and a safe foster home shall provide a safe, separate, and therapeutic environment tailored to the needs of commercially sexually exploited children who have endured significant trauma and are not eligible for relief and benefits under the Federal Trafficking Victims Protection Act (22 U.S.C. § 7101, et seq.). Safe houses and safe foster homes shall use a model of treatment that includes strengths-based and trauma-informed approaches.

A safe house or a safe foster home must be certified by the department. A residential facility accepting State funds appropriated to provide services to child victims of commercial sexual exploitation must be certified by the department as a safe house or a safe

foster home. An entity may not use the designation 'safe house' or 'safe foster home' and hold itself out as serving child victims of commercial sexual exploitation unless the entity is certified under this section.

To be certified, a safe house must hold a license as a residential child-caring agency, as defined in § 409.175, and a safe foster home must hold a license as a family foster home, as defined in § 409.175. A safe house or safe foster home also must meet the following requirements:

- Use strengths-based and trauma-informed approaches to care, to the extent possible and appropriate
- Serve one sex exclusively
- Group child victims of commercial sexual exploitation by age or maturity level
- Care for child victims of commercial sexual exploitation in a manner that separates those children from children with other needs
- Have awake staff members on duty 24 hours a day, if a safe house
- Provide appropriate security through facility design, hardware, technology, staffing, and siting, including, but not limited to, external video monitoring or door exit alarms, a high staff-to-client ratio, or being situated in a remote location that is isolated from major transportation centers and common trafficking areas
- Meet other criteria established by department rule, which may include, but are not limited to, personnel qualifications, staffing ratios, and types of services offered

Georgia

Current Through December 2018

State Agency Responsibilities

Citation: Ann. Code § 49-5-8(d)

The Department of Human Services, in consultation with the Office of the Child Advocate for the Protection of Children, the Criminal Justice Coordinating Council, and law enforcement officials, shall develop a plan for the delivery of services to sexually exploited children, victims of trafficking of persons for labor servitude, and such children and persons who are at risk of becoming victims of those offenses. In developing the plan, the department shall work with State and Federal agencies, public and private entities, and other stakeholders as it deems appropriate and shall periodically review the plan to ensure appropriate services are being delivered. The plan shall include the following:

- Identifying children who need services
- Providing assistance with applications for Federal and State benefits, compensation, and services
- Coordinating the delivery of physical and mental health, housing, education, job training, child care, legal, and other services
- Preparing and disseminating educational and training materials to increase awareness of available services
- Developing and maintaining community-based services
- Providing assistance with family reunification or repatriation to a country of origin
- Providing law enforcement officials assistance in identifying children in need of such services

Training Requirements

Citation: Ann. Code § 35-1-16

The Georgia Peace Officer Standards and Training Council and the Georgia Public Safety Training Center shall establish guidelines and procedures for the incorporation of training materials and information in the following:

- Methods for identifying, combating, and reporting incidents where a person has been trafficked for labor or sexual servitude, as such terms are defined in § 16-5-46
- Methods for providing proper detention facilities or alternatives to detention facilities for persons who have been trafficked for labor or sexual servitude, including providing information on therapeutic facilities for such persons
- Methods for assisting persons who have been trafficked for labor or sexual servitude, including providing information on social services organizations available to assist that person

These guidelines and procedures shall be for use by law enforcement training centers monitored by the Georgia Peace Officer Standards and Training Council and monitored and funded by the Georgia Public Safety Training Center in all courses for which they have responsibility and oversight.

Diversion From Prosecution**Citation: Ann. Code § 16-3-6**

A person shall not be guilty of a sexual crime if the conduct upon which the alleged criminal liability is based was committed by an accused who was either of the following:

- Younger than age 18 at the time of the conduct while such person was being trafficked for sexual servitude in violation of § 16-5-46(c)
- Acting under coercion or deception while the accused was being trafficked for sexual servitude

Services and Supports for Victims**Citation: Ann. Code § 15-21-202**

The Safe Harbor for Sexually Exploited Children Fund Commission may authorize the disbursement of available money from the fund for purposes of providing care, rehabilitative services, residential housing, health services, and social services, including establishing safe houses, to sexually exploited children and to a person, entity, or program eligible pursuant to criteria to be set by the commission. The commission also shall consider disbursement of available money from the fund to a person, entity, or program devoted to awareness and prevention of becoming a sexually exploited child.

The primary purpose of the fund is to disburse money to provide care and rehabilitative and social services for sexually exploited children.

Support for Anti-Trafficking Efforts**Citation: Ann. Code § 15-21-202**

There is created the Safe Harbor for Sexually Exploited Children Fund as a separate fund in the State treasury. The State treasurer shall credit to the fund all amounts transferred to the fund and shall invest the fund monies in the same manner as authorized for investing other moneys in the State treasury.

Guam

Current Through December 2018

State Agency Responsibilities**Citation: Ann. Code Tit. 9, § 26.33**

Investigative, prosecutorial, and other appropriate authorities shall interview all persons arrested on charges of prostitution and take all other steps necessary to identify victims of trafficking in persons, including U.S. citizens and foreign nationals. Once victims are identified, these authorities shall provide reasonable protection to victims of trafficking in persons to prevent recapture by the traffickers and their associates; secure the victim and the victim's family from threats, reprisals, or intimidation by the traffickers and their associates; and ensure the victim has an opportunity to consult with a victim's advocate or other appropriate person to develop a safety plan.

Training Requirements**Citation: Ann. Code Tit. 9, §§ 26.22; 26.40**

The government of Guam shall provide mandatory training for law enforcement agencies, prosecutors, and other relevant officials in addressing trafficking in persons. Such training shall focus on the following:

- The new crimes and other provisions created by this article
- Methods used in identifying U.S. citizen and foreign national victims of trafficking in persons, including preliminary interview techniques and appropriate questioning methods
- Methods for prosecuting traffickers
- Methods of increasing effective collaboration with nongovernmental organizations and other relevant social services organizations in the course of investigating and prosecuting a trafficking case
- Methods for protecting the rights of victims, taking into account the need to consider human rights and special needs of victims who are women and minors, and that victims should be treated as victims rather than criminals
- Methods for promoting the safety of victims

The government of Guam shall seek the input and participation of appropriate nongovernmental organizations and other relevant organizations in the preparation and presentation of training required by this subsection.

As used in this article, a 'human trafficking caseworker' is a person who is employed by any organization, whether financially compensated or not, for the purpose of rendering advice or assistance to victims of human trafficking, who has received specialized training in the counseling of victims of trafficking in persons, and who meets one of the following requirements:

- The person holds a bachelor's degree or higher in counseling or a related field or has 1 year of counseling experience, at least 6 months of which is in the counseling of victims of trafficking in persons.
- The person has at least 40 hours of training as specified in this paragraph and is supervised by an individual who qualifies as a counselor or by a psychotherapist. The training, supervised by a qualified person, shall include, but need not be limited to, the following areas:
 - » History of human trafficking
 - » Civil and criminal law as it relates to human trafficking
 - » Societal attitudes toward human trafficking
 - » Peer counseling techniques
 - » Housing, public assistance, and other financial resources available to meet the financial needs of trafficking victims
 - » Referral services available to trafficking victims
 - » An explanation of privileged communication

Diversion From Prosecution

Citation: Ann. Code Tit. 9, § 26.03

In any prosecution of a person who is a victim of trafficking in persons, it shall be an affirmative defense that he or she was under duress or coerced into committing the offenses for which he or she is being subject to prosecution. A victim of trafficking in persons is not criminally liable for any commercial sex act or illegal sexually explicit performance committed as a direct result of, incident to, or related to being trafficked.

Services and Supports for Victims

Citation: Ann. Code Tit. 9, §§ 26.38; 26.39

The government of Guam shall develop plans, in consultation with nongovernmental organizations and other elements of civil society, for the provision of appropriate services, from governmental and nongovernmental sources, for victims of trafficking in persons, whether U.S. citizens or foreign nationals, and any dependents accompanying the victims, or parents or guardians of minor victims, including, but not limited to, the following:

- Appropriate housing, taking into account the person's status as a victim of crime and including safe conditions for sleeping, food, and personal hygiene
- Psychological counseling in a language the victim can understand
- Medical assistance
- Child care
- Other material assistance, as appropriate
- Employment, educational, language, and training opportunities
- Legal assistance

Child victims of trafficking in persons shall not be housed in prisons or other detention facilities for accused or convicted criminals or juvenile delinquents under any circumstances.

Residence in shelters or other facilities established under this section shall be voluntary, and victims may decline to stay in shelters or other facilities. Victims in shelters or other facilities shall have the option to communicate with and receive visits from family, friends, attorneys, and advocates without restrictions or limitations.

Government service providers shall take into account the age, gender, and special needs of victims and accompanying dependent children in formulating plans to provide services to them and in delivering such services.

Services to trafficking victims who are minors shall be provided in a manner that is in the minor's best interests and appropriate to their situation. Minor trafficking victims shall be provided with appropriate services, which may include an explanation of their rights,

privacy, housing, care, and age-appropriate support and rights. Special programs should be developed to accommodate minor witnesses, including, but not limited to, the following:

- Testimony of the minor may be conducted outside the court setting or by video.
- All testimony and court proceedings shall take place with a parent, legal guardian, or foster parent present, if it is in the best interests of the minor.
- Whenever safe and possible, minors should be reunited with family members, whether within or outside the United States.
- Special mental and physical medical care tailored to the minor's needs shall be provided.

Support for Anti-Trafficking Efforts

This issue is not addressed in the statutes reviewed.

Hawaii

Current Through December 2018

State Agency Responsibilities

Citation: Rev. Stat. §§ 350-2; 587A-11

Upon receiving a report concerning child abuse or neglect, the Department of Human Services shall proceed pursuant to chapter 587A and the department's rules.

The department shall inform the appropriate police department or office of the prosecuting attorney of the relevant information concerning a case of child abuse or neglect when the information is required by the police department or the office of the prosecuting attorney for the investigation or prosecution of that case, provided that the name of the person who reported the case of child abuse or neglect shall be released to the police department or the office of the prosecuting attorney pursuant only to court order or the person's consent.

Upon receiving a report that a child is subject to imminent harm, has been harmed, or is subject to threatened harm, and when an assessment is required by this chapter, the department shall cause an investigation to be made as it deems to be appropriate. In conducting the investigation, the department may do the following:

- Enlist the cooperation and assistance of appropriate State and Federal law enforcement authorities, who may conduct an investigation and, if an investigation is conducted, shall provide the department with all preliminary findings, including the results of a criminal history records check of an alleged perpetrator of harm or threatened harm to the child
- Interview the child without the presence or prior approval of the child's family and temporarily assume protective custody of the child for the purpose of conducting the interview
- Resolve the matter in an informal fashion that it deems appropriate under the circumstances
- Immediately enter into a service plan to safely maintain the child in the family home or to place the child in voluntary foster care pursuant to a written agreement with the child's parent
- Assume temporary foster custody of the child and file a petition with the court within 3 days, excluding Saturdays, Sundays, and holidays, after the date on which the department assumes temporary foster custody of the child, with placement preference being given to an approved relative
- File a petition or ensure that a petition is filed by another appropriate authorized agency in court under this chapter

Training Requirements

This issue is not addressed in the statutes and regulations reviewed.

Diversion From Prosecution

Citation: Rev. Stat. § 712-1200

A minor may be taken into custody by any police officer without order of the judge when there are reasonable grounds to believe that the minor has engaged in prostitution. The minor shall be released, referred, or transported pursuant to § 571-31(b). The minor shall be subject to the jurisdiction of the family court pursuant to § 571-11(1), including for the purposes of custody, detention, diversion, and access to services and resources.

Services and Supports for Victims

Citation: Rev. Stat. § 346-17.6

A provider may provide no-cost emergency shelter and related services to a consenting minor if the provider reasonably believes the following:

- The minor understands the significant benefits, responsibilities, risks, and limits of the shelter and services and can communicate an informed consent.
- The minor understands the requirements and rules of the shelter and services.
- The shelter and services are necessary to ensure the minor's safety and well-being.

A minor may consent to no-cost emergency shelter and related services if the minor understands the benefits, responsibilities, risks, and limits of the shelter and services, and the minor agrees to adhere to the provider's rules and cooperate and participate in those services recommended by the provider, provided that:

- The provider has not, despite reasonable efforts, been able to contact the minor's parent, legal guardian, or legal custodian.
- The provider has made contact with the minor's parent, legal guardian, or legal custodian, and he or she has refused to give consent and, based on the information available to the provider, the provider reasonably believes that the minor would incur harm or would be subject to threatened harm if the minor returned immediately to the home of the parent, legal guardian, or legal custodian.
- The minor has refused to provide contact information for his or her parent, legal guardian, or legal custodian, and the provider reasonably believes that the minor would incur harm or would be subject to threatened harm if the minor returned immediately to the home of the parent, legal guardian, or legal custodian.

Any consent given by a minor under this section shall, for the duration of the period of shelter and with respect to all services, including medical services, be valid and binding as if the minor had reached the age of majority.

A provider who renders emergency shelter and related services to a minor shall document in writing the efforts made to contact the minor's parent, legal guardian, or legal custodian.

The term 'no-cost emergency shelter and related services' means accommodation at no cost for a continuous period of no more than 30 days, unless extended for emergency purposes, including beds, meals, individual showering facilities, transportation to and from the place of shelter, and any of the following services as deemed appropriate by the provider:

- Assistance with reunification with the family, legal guardian, or legal custodian of the minor
- Referral to safe housing
- Individual, family, and group counseling
- Assistance in obtaining clothing
- Access to medical and dental care and mental health counseling
- Education and employment services
- Recreational activities
- Case management, advocacy, and referral services
- Independent living skills training
- Aftercare services, as those services are defined in title 45 Code of Federal Regulations § 1351.1

The term 'provider' means any child-placing organization or child-caring institution authorized by the department under § 346-17 to receive or place minor children for care and maintenance and to provide related services, health care, or supplies to these minors.

Support for Anti-Trafficking Efforts

This issue is not addressed in the statutes and regulations reviewed.

Idaho

Current Through December 2018

State Agency Responsibilities

Citation: CFS Policy Standards

The purpose of this standard is to provide direction and guidance to Child and Family Services (CFS) programs regarding reporting and responding requirements for incidents of human trafficking of children. Children and youth in foster care are particularly vulnerable to child trafficking and runaway episodes. To better address the needs of this high-risk population, the Preventing Sex Trafficking and Strengthening Families Act of 2014 (P.L. 113-183) introduced provisions for child welfare agencies to identify and provide services to child trafficking victims and youth at risk of becoming victims.

State child welfare agencies are required to do the following:

- Identify any child or youth over whom the agency has responsibility for placement, care, or supervision and whom the agency has reasonable cause to believe is, or is at risk of being, a trafficking victim (including children for whom the agency has an open case but who have not been removed from the home)
- Report immediately, and in no case later than 24 hours after receiving information on children or youth who have been identified as being a trafficking victim, to law enforcement
- Document and determine appropriate services for children and youth at risk of trafficking or children who have been identified as victims of trafficking

CFS social workers must do the following:

- Coordinate with law enforcement, juvenile justice, and social services agencies to assess the safety of the child who is reported to be a child victim of trafficking and, if indicated, ensure the provision of appropriate services to the child
- Assess every child who is the subject of a safety assessment for trafficking during the initial comprehensive safety assessment
- Screen every child who is receiving services with CFS for trafficking on an ongoing basis
- Screen every youth in foster care who has run away or been abducted for child trafficking after their return
- Report all instances of child trafficking to law enforcement within 24 hours of receiving information that the child is or could be a victim of trafficking
- Follow documentation and reporting protocol for child victims of trafficking

Training Requirements

This issue is not addressed in the statutes and regulations reviewed.

Diversion From Prosecution

This issue is not addressed in the statutes and regulations reviewed.

Services and Supports for Victims

Citation: CFS Policy Standards

CFS social workers are required to engage in initial and ongoing efforts to identify and, as necessary, ensure the provision of appropriate services to the child.

CFS social workers are not experts in child trafficking. It is imperative the social worker coordinate with community partners and organizations to address the needs of a child trafficking victim. The social worker must notify law enforcement within 24 hours of becoming aware the child was trafficked. Collaboration with local child advocacy centers, multidisciplinary teams, juvenile justice, and experts in therapeutic interventions with trafficking victims is required and necessary to meet the needs of child trafficking victims.

Support for Anti-Trafficking Efforts

This issue is not addressed in the statutes and regulations reviewed.

Illinois

Current Through December 2018

State Agency Responsibilities

Citation: Comp. Stat. Ch. 720, § 5/11-14

Pursuant to the provisions of 705 ILCS 405/2-6, a law enforcement officer who takes a person younger than age 18 into custody shall immediately report an allegation of a violation of 720 ILCS 5/10-9 to the Department of Children and Family Services (DCFS) State Central Register. The department shall commence an initial investigation into child abuse or child neglect within 24 hours pursuant to Section 7.4 (325 ILCS 5/7.4) of the Abused and Neglected Child Reporting Act.

Training Requirements

This issue is not addressed in the statutes and regulations reviewed.

Diversions From Prosecution

Citation: Comp. Stat. Ch. 720, § 5/11-14

It is an affirmative defense to a charge of engaging in prostitution that the accused engaged in or performed prostitution as a result of being a victim of involuntary servitude or trafficking in persons.

If it is determined, after a reasonable detention for investigative purposes, that a person suspected of or charged with a violation of this section is a person younger than age 18, that person shall be immune from prosecution for a prostitution offense and shall be subject to the temporary protective custody provisions of sections 2-5 (705 ILCS 405/2-5) and 2-6 (705 ILCS 405/2-6) of the Juvenile Court Act.

Services and Supports for Victims

Citation: Comp. Stat. Ch. 720, § 5/11-14

Because of their histories of trauma, youth in the care of DCFS are particularly vulnerable to sex traffickers. Sex traffickers often target child care facilities licensed by DCFS to recruit their victims. Foster children who are victims of sex trafficking present unique treatment needs that existing treatment programs are not always able to address. DCFS needs to develop a comprehensive strategy and continuum of care to treat foster children who are identified as victims of sex trafficking.

No later than July 1, 2019, DCFS shall enter into contracts with public or private agencies or shall complete development for specialized placements for youth in the care of DCFS who are victims of sex trafficking. Such specialized placements may include, but not be limited to, licensed foster homes, group homes, residential facilities, and secure residential facilities that specialize in providing treatment to children who are victims of sex trafficking.

Support for Anti-Trafficking Efforts

Citation: Comp. Stat. Ch. 730, § 5/5-9-1.21

Effective July 1, 2019: A Specialized Services for Survivors of Human Trafficking Fund is created in the State treasury. Money deposited into the fund under this section shall be available for the Department of Human Services. The department shall use these funds to make grants to nongovernmental organizations to provide specialized, trauma-informed services specifically designed to address the priority service needs associated with prostitution and human trafficking. Priority services include, but are not limited to, community-based drop-in centers, emergency housing, and long-term safe homes. The department shall consult with prostitution and human trafficking advocates, survivors, and service providers to identify priority service needs in their respective communities.

Indiana

Current Through December 2018

State Agency Responsibilities

Citation: Ann. Stat. § 31-34-1-3.5; DCS CW Man., Ch. 2, § 21

A child is a child in need of services if, before the child reaches age 18, both of the following are true:

- The child is the victim of human or sexual trafficking.
- The child needs care, treatment, or rehabilitation that the child is not receiving and is unlikely to be provided or accepted without the coercive intervention of the court.

A child is considered a victim of human or sexual trafficking regardless of whether the child consented to the conduct.

In policy: The Department of Child Services (DCS) will be diligent in its efforts to identify and/or assess allegations of suspected human trafficking as a part of a comprehensive assessment of child abuse or neglect. DCS will coordinate with the local law enforcement agency (LEA) when completing an assessment regarding a child who is an alleged victim of child abuse or neglect and is suspected to be a victim of human trafficking. DCS will coordinate with Federal agencies if it is determined that a human trafficking forensic interview is appropriate and should be completed by Federal agency partners.

The family case manager (FCM) will do the following:

- Be aware of potential signs of human trafficking during the assessment, visits to the home, and interviews with the child and document any indicators observed
- Complete the human trafficking screening tool when any of the following apply:
 - » A child returns from a runaway episode.
 - » A new report of child abuse or neglect with allegations of human trafficking is received.
 - » There are indicators of human trafficking observed during an open assessment or case.
- Complete the human trafficking assessment tool when indicated by the human trafficking screening tool
- Assess the medical needs of each child suspected to be a human trafficking victim and determine whether an immediate medical exam is warranted
- Arrange for an immediate medical examination for the child, if this is determined to be a next step
- Contact the appropriate local LEA to plan for a human trafficking forensic interview, if this is determined to be a next step
- Consider the safety of the alleged victim(s) of human trafficking prior to the scheduled interviews
- Determine if the noncustodial parent or other relatives would be appropriate placement options, if human trafficking is confirmed and it is determined that the child cannot remain in his or her home
- Identify an appropriate placement for the child if placement with the noncustodial parent or other relative is not appropriate
- Refer for appropriate services and safe placement, if recommended, after a Child and Adolescent Needs and Strengths assessment has been completed

The child should not be placed until it is determined that the potential placement is not the trafficker or associated with the trafficker and that the child can remain safe in the placement. When selecting a placement, the FCM will consider that many children who are victims of human trafficking run away from their placements and return to their trafficker or a similar situation from which they came.

Training Requirements

This issue is not addressed in the statutes and regulations reviewed.

Diversion From Prosecution

Citation: Ann. Stat. § 31-37-22-11

The term 'trafficked child' means a child who was the victim of human trafficking, regardless of whether the person who committed the human trafficking offense was charged, tried, or convicted. The term includes a person who is now an adult.

Upon the written motion of a trafficked child, or any person acting on behalf of a trafficked child, the court that adjudicated the trafficked child a delinquent child shall vacate the adjudication issued with respect to the trafficked child, if the movant proves by a preponderance of the evidence all of the following:

- The child was a trafficked child at the time the child performed the delinquent act that resulted in the adjudication.
- The delinquent act did not result in bodily injury to another person.
- At the time the child committed the delinquent act, the child was coerced by or under the control of another person.

Services and Supports for Victims

This issue is not addressed in the statutes and regulations reviewed.

Support for Anti-Trafficking Efforts**Citation: Ann. Stat. § 5-2-6-25**

The Human Trafficking Prevention and Victim Assistance Fund is established for the purpose of providing funds for either of the following:

- Human trafficking victim services
- Human trafficking prevention programs provided by community-based organizations

Money in the fund may be used only to carry out the purposes of the fund. The fund shall be administered by the Criminal Justice Institute.

Iowa*Current Through December 2018***State Agency Responsibilities****Citation: Ann. Stat. §§ 232.70(10); 232.71B**

If the Department of Human Services has reasonable cause to believe that a child under the placement, care, or supervision of the department is, or is at risk of becoming, a sex trafficking victim, the department shall do all of the following:

- Identify the child as a sex trafficking victim or at risk of becoming a sex trafficking victim and include documentation in the child's department records
- Refer the child for appropriate services
- Refer the child identified as a sex trafficking victim, within 24 hours, to the appropriate law enforcement agency having jurisdiction to investigate the allegation

The department shall report a child under the placement, care, or supervision of the department who is reported as missing or abducted to law enforcement and to the National Center for Missing and Exploited Children within 24 of receipt of the report.

Training Requirements**Citation: Ann. Stat. §§ 710A.6; 80B.11**

The Crime Victim Assistance Division of the Department of Justice, in cooperation with other governmental agencies and nongovernmental or community organizations, shall develop and conduct outreach, public awareness, and training programs for the general public, law enforcement agencies, first responders, potential victims, and persons conducting or regularly dealing with businesses or other ventures that have a high statistical incidence of debt bondage or forced labor or services. The programs shall train participants to recognize and report incidents of human trafficking and to suppress the demand that fosters exploitation of persons and leads to human trafficking.

The director of the Law Enforcement Academy shall promulgate rules relative to training standards on the subject of human trafficking, including curricula on cultural sensitivity and the means to deal effectively and appropriately with trafficking victims. Such training shall encourage law enforcement personnel to communicate in the language of the trafficking victims. The course of instruction and training standards shall be developed by the director in consultation with the appropriate national and State experts in the field of human trafficking.

Diversion From Prosecution**Citation: Ann. Stat. § 725.1**

If the person who sells or offers for sale the person's services as a partner in a sex act is younger than age 18, the county attorney may elect, in lieu of filing a petition alleging that the person has committed a delinquent act, to refer that person to the Department of Human Services for the possible filing of a petition alleging that the person is a child in need of assistance.

Services and Supports for Victims

This issue is not addressed in the statutes and regulations reviewed.

Support for Anti-Trafficking Efforts

This issue is not addressed in the statutes and regulations reviewed.

Kansas

Current Through December 2018

State Agency Responsibilities

Citation: Ann. Stat. § 38-2230; DCF Pol. Man., §§ 1325; 1521; 2210

Whenever any person furnishes information to the Department of Children and Families (DCF) that a child appears to be a child in need of care, DCF shall make a preliminary inquiry to determine whether the interests of the child require further action be taken. Whenever practicable, the inquiry shall include a preliminary investigation of the circumstances that were the subject of the information, including the home and environmental situation and the previous history of the child. If reasonable grounds to believe abuse or neglect exist, immediate steps shall be taken to protect the health and welfare of the abused or neglected child as well as that of any other child under the same care who may be harmed by abuse or neglect.

In policy: When concerns for human trafficking are indicated, the report shall be assigned for further assessment as abuse/neglect. Reports alleging sexual abuse, including human trafficking, of a child with the alleged perpetrator having access shall be assigned with a same-day response time.

Joint investigations between DCF and the appropriate law enforcement agency or agencies are mandated by statute (§ 38-2226(b)) when a report alleges serious physical harm to, serious deterioration of, or sexual abuse of the child and action may be required to protect the child.

If conditions are known or suspected at the time the report is accepted that would require a joint investigation, the law enforcement agency should be involved from the initial contact whenever practical and consistent with child safety.

In the event a law enforcement agency was not involved in an investigation or assessment conducted by DCF, and information later indicates abuse or neglect, which is required to be reported to a law enforcement agency, the report to the law enforcement agency shall be made without delay. If the assigned CPS specialist becomes aware of new or additional concerns for human trafficking, a report shall be made without delay to the appropriate law enforcement agency.

Training Requirements

Citation: Ann. Stat. § 75-756

The attorney general, in consultation with other appropriate State agencies, is authorized to coordinate training regarding human trafficking for law enforcement agencies throughout Kansas.

Diversion From Prosecution

Citation: Ann. Stat. § 38-2231

A law enforcement officer or court services officer shall take a child younger than age 18 into custody when he or she has a court order commanding that the child be taken into custody as a child in need of care.

A law enforcement officer shall take a child younger than age 18 into custody when the officer reasonably believes the child is a victim of human trafficking, aggravated human trafficking, or commercial sexual exploitation of a child.

Services and Supports for Victims

Citation: Ann. Stat. § 38-2242

Whenever the court determines the necessity for an order of protective custody, the court may place the child in the protective custody of a staff secure facility, notwithstanding any other provision of law, if the child has been subjected to human trafficking, aggravated human trafficking, or commercial sexual exploitation of a child.

If DCF presents the court with a plan to provide services to a child or family that the court finds will ensure the safety of the child, the court may place the child in the protective custody of DCF only until the court finds the services are in place. The court shall have the authority to require any person or entity agreeing to participate in the plan to perform as set out in the plan. When the child is placed in the protective custody of DCF, DCF shall have the discretionary authority to place the child with a parent or to make other suitable placement for the child. When the child is placed in the temporary custody of DCF, and the child has been subjected to human trafficking, aggravated human trafficking, or commercial sexual exploitation of a child, DCF shall have the discretionary authority to place the child in a staff secure facility, notwithstanding any other provision of law.

Support for Anti-Trafficking Efforts**Citation: Ann. Stat. § 75-758**

The Human Trafficking Victim Assistance Fund is established in the State treasury. All money credited to such fund shall be used to pay for the training authorized by § 75-756 and to support care, treatment, and other services for victims of human trafficking and commercial sexual exploitation of a child.

Kentucky

Current Through December 2018

State Agency Responsibilities**Citation: Rev. Stat. §§ 620.029; 529.120**

In order to provide the most effective treatment for children who are victims of human trafficking, as defined in § 529.010, the Cabinet for Health and Family Services shall do the following:

- Investigate a report alleging a child is a victim of human trafficking
- Provide or ensure the provision of appropriate treatment, housing, and services consistent with the status of the child as a victim of human trafficking
- Proceed in the case in accordance with applicable statutes governing cases involving dependency, neglect, or abuse, regardless of whether the person believed to have caused the human trafficking of the child is a parent, guardian, or person exercising custodial control or supervision

Upon receipt from a law enforcement officer that a child in custody is a victim of human trafficking, the cabinet shall commence an investigation into child dependency, neglect, or abuse.

Training Requirements**Citation: Rev. Stat. §§ 15.334; 15.718**

The Kentucky Law Enforcement Council shall ensure that mandatory training for all students attending a law enforcement basic training course include the characteristics and dynamics of human trafficking; State and Federal laws relating to human trafficking; the investigation of cases involving human trafficking, including, but not limited to, screening for human trafficking; and resources for assistance to the victims of human trafficking.

The attorney general shall provide initial training courses and, at least once every 2 years, continuing education courses for Commonwealth's attorneys and county attorneys and their staff concerning the appropriate response to victims of human trafficking, including, but not limited to, screening for victims of human trafficking, Federal and State legislation on human trafficking, appropriate services and referrals for victims of human trafficking, working with interpreters, and agency protocol for handling child trafficking cases.

Diversion From Prosecution**Citation: Rev. Stat. §§ 529.120; 630.125**

Notwithstanding § 529.020 or 529.080, if it is determined after a reasonable period of custody for investigative purposes that the person suspected of prostitution or loitering for prostitution is younger than age 18, then the minor shall not be prosecuted for an offense under those sections.

A law enforcement officer who takes a minor into custody under this section shall immediately make a report to the cabinet. Pursuant to § 620.040, the officer may take the minor into protective custody. The cabinet shall commence an investigation into child dependency, neglect, or abuse pursuant to § 620.029.

If reasonable cause exists to believe the child is a victim of human trafficking, the child shall not be charged with or adjudicated guilty of a status offense related to conduct arising from the human trafficking of the child, unless it is determined at a later time that the child was not a victim of human trafficking at the time of the offense.

Services and Supports for Victims

Citation: Rev. Stat. § 620.029

The cabinet shall consult with agencies serving victims of human trafficking to promulgate administrative regulations for the treatment of children who are reported to be victims of human trafficking as dependent, neglected, or abused children, including providing for appropriate screening, assessment, treatment, services, temporary and long-term placement of these children, training of staff, the designation of specific staff, and collaboration with service providers and law enforcement.

Support for Anti-Trafficking Efforts

This issue is not addressed in the statutes and regulations reviewed.

Louisiana

Current Through December 2018

State Agency Responsibilities

Citation: Ch. Code Art. 725; 725.3

In determining the need for and capacity of services that may be provided to sexually exploited children, the Department of Children and Family Services shall recognize that sexually exploited children have separate and distinct service needs according to gender, and every effort should be made to ensure these children are not prosecuted or treated as juvenile delinquents but instead are given the appropriate social services.

The department shall develop a statewide protocol for helping to coordinate the delivery of services to sexually exploited children and shall work with court intake officers to ensure that all State, Federal, and community-based resources for sexually exploited children are known and available to children who have been granted diversion under article 839.

A child who is a victim of human trafficking is a child in need of care, and unless otherwise specified in this chapter, the provisions of title VI of this code shall govern, when applicable.

Training Requirements

Citation: Rev. Stat. § 40:2405.7

The Council on Peace Officer Standards and Training shall provide training for law enforcement agencies in addressing human trafficking. The training shall focus on all of the following:

- Investigating human trafficking under Rev. Stat. § 14:46.2
- Investigating trafficking of children for sexual purposes under Rev. Stat. § 14:46.3 and the special needs of sexually exploited children
- Methods used in identifying U.S. citizens and foreign national victims of human trafficking, including preliminary interview techniques and appropriate questioning methods
- Methods of increasing effective collaboration with nongovernmental organizations and other relevant social services organizations in the course of investigating and prosecuting a human trafficking case
- Methods for protecting the rights of victims of human trafficking, taking into account the need to consider human rights and the special needs of female and child victims
- The necessity of treating victims of human trafficking as crime victims rather than criminals
- Methods for promoting the safety of victims of human trafficking

Diversion From Prosecution

Citation: Rev. Stat. § 14:46.3; Ch. Code Art. 839

No victim of trafficking shall be prosecuted for unlawful acts committed as a direct result of being trafficked. Any child determined to be a victim of trafficking shall be eligible for specialized services for sexually exploited children.

Prior to the filing of a delinquency petition, the district attorney or the court, with the consent of the district attorney, may authorize an informal adjustment agreement. The court may authorize the district attorney or probation officer to effect an informal adjustment agreement if the child and district attorney have no objection. The court may, with concurrence of the district attorney, dismiss the petition or allow the petition to remain pending during the period of informal adjustment.

When a petition involves an allegation of an act of prostitution pursuant to Rev. Stat. § 14:82, prostitution by massage pursuant to Rev. Stat. § 14:83.3 or 83.4, or crimes against nature by solicitation pursuant to Rev. Stat. § 14:89.2 and it is the child's first offense and the child expresses a willingness to cooperate and receive specialized services for sexually exploited children, the district attorney may effect an informal adjustment agreement that includes specialized services for the child. If, however, the child has previously been adjudicated a delinquent in violation of Rev. Stat. § 14:82, 83.3, 83.4, or 89.2 or is unwilling to cooperate with specialized services for sexually exploited children, continuing with the delinquency proceeding shall be within the discretion of the district attorney.

Services and Supports for Victims

Citation: Ch. Code Art. 725.1; 725.2; 839

The term 'safe house' means a residential facility or a shelter care facility operated by an authorized agency, including a nonprofit agency, with experience in providing services to sexually exploited children and approved by the department to provide shelter for sexually exploited children.

The term 'sexually exploited child' means any person younger than age 18 who has been subject to sexual exploitation because the person is either a victim of trafficking of children for sexual purposes under Rev. Stat. § 14:46.3 or child sex trafficking under 18 U.S.C. 1591.

The department shall identify and maintain a current listing of safe houses that are licensed residential homes that specialize in the provision of services to sexually exploited children, regardless of whether those facilities receive taxpayer funding. This listing shall be made available to courts, prosecutors, and other stakeholders involved in proceedings pertaining to an exploited child.

The department may, to the extent funds are available, operate or contract with an appropriate nongovernmental agency with experience working with sexually exploited children to operate one or more safe houses in a geographically appropriate area of the State. Each safe house shall provide safe and secure housing and specialized services for sexually exploited children.

The specialized services may include, but are not limited to, safe and stable housing, comprehensive onsite case management, integrated mental health and chemical dependency services, specialized trauma recovery services, education and employment training, and referrals to off-site specialized services, as appropriate.

Support for Anti-Trafficking Efforts

Citation: Ch. Code Art. 725

The legislature finds that arresting, prosecuting, and incarcerating victimized children serves to retraumatize them and to increase their feelings of low self-esteem, which only makes the process of recovery more difficult. Both Federal and international law recognize that sexually exploited children are the victims of crime and should be treated as such. Therefore, sexually exploited children should not be prosecuted for criminal acts related to prostitution. Instead, sexually exploited children should, where possible, be diverted into services that address the needs of these children outside of the justice system. Sexually exploited children deserve the protection of child welfare services, including diversion, crisis intervention, counseling, and emergency housing services. The purpose of this chapter is to protect a child from further victimization after the child is discovered to be a sexually exploited child by ensuring that a child protective response is in place in the State. This is to be accomplished by presuming that any child engaged in prostitution, prostitution by massage, or crime against nature by solicitation is a victim of sex trafficking and providing these children with the appropriate care and services where possible.

Maine

Current Through December 2018

State Agency Responsibilities

Citation: Child and Family Serv. Pol. Man., § IV-D-2B

The Office of Child and Family Services recognizes that human trafficking (HT) and commercial sexual exploitation of children (CSEC) is happening in our State. It is recognized that no one service arena can address the multitude of needs that arise when a youth has experienced or is at a high risk of experiencing HT or CSEC. The use of a multidisciplinary team (MDT) to share information across disciplines may be the only way to accurately assess for HT or CSEC. The MDT approach also is the most efficient way to plan for and address the safety needs and services that victims/survivors may need.

When a child welfare report containing allegations of HT or CSEC is made to intake, caseworkers and supervisors will work together to ensure that the report is either screened in for child welfare intervention or, if not appropriate for child welfare intervention, a referral to the appropriate district attorney's office is made within 24 hours of the report being called into intake. If the report is screened in for intervention, assessment staff will complete the HT and CSEC screening tool and follow corresponding protocol.

When information is gathered that screens a youth who is already in care or who is part of a child protective assessment as a confirmed victim, a report to the appropriate county district attorney will be made immediately (if not done so already), and a referral to the nearest child advocacy center (CAC) will be made to convene an MDT to address the complexity of the situation and form next steps to attain safety and services for the victim.

If information gathered screens the youth at high risk of experiencing HT or CSEC, a referral to the nearest CAC will be made to convene an MDT to address the complexity of the situation and form next steps to attain safety and services for the victim. Information around all assessed risk factors should be shared and planned for within the MDT.

If information gathered screens the youth at moderate risk of experiencing HT or CSEC, a consultation meeting should be set up by the caseworker that includes a program administrator or assistant program administrator and a supervisor to plan for safety and next steps and to strategize around the running-away behavior and other identified risk factors.

If information gathered screens the youth at risk of experiencing HT or CSEC, the caseworker will make referrals as necessary to local community-based service agencies.

Training Requirements

This issue is not addressed in the statutes and regulations reviewed.

Diversion From Prosecution

Citation: Rev. Stat. Tit. 17-A, § 853-A(4)

It is an affirmative defense to prosecution that the person engaged in prostitution because the person was compelled to do so as described in § 852 (aggravated sex trafficking).

Services and Supports for Victims

This issue is not addressed in the statutes and regulations reviewed.

Support for Anti-Trafficking Efforts

This issue is not addressed in the statutes and regulations reviewed.

Maryland

Current Through December 2018

State Agency Responsibilities

Citation: Pol. Dir. SSA-CW # 17-16

Any time that a child is identified or discloses that he or she is a trafficking victim, a referral to child protective services (CPS) must be made and law enforcement must be notified. When law enforcement call in a referral, the CPS screener should accept the case as sexual abuse/sex trafficking. If a referral is called in by someone other than law enforcement, the screener should determine if there is sufficient information to screen in the case as sexual abuse/human trafficking and manage it the same way a law enforcement referral is managed.

All responses to sex trafficking investigations are to be immediate response. During the response, the worker should do the following:

- Ensure that the child's immediate needs are being met
- Locate the child's family and assess their ability to provide safety as well as determine if the family has had any involvement in or has benefitted in any way from the sex trafficking
- Arrange for a forensic medical examination
- Interview the child victim in cooperation/coordination with law enforcement, trafficking victim advocate, and forensic interviewer

- Assess and safety plan with the victim, taking into consideration the unique risks present in trafficking cases
- Notify the jurisdiction where the child resides (if different) that they need to respond to provide services to the child, which most likely will include sheltering the victim
- Ensure that the child is being cared for in a safe and stable placement
- If law enforcement is not involved, notify the local task force officer or law enforcement no later than 24 hours after receiving a trafficking report

Ongoing investigative responsibilities include the following:

- Determine whether the child's family had any involvement in the sex trafficking
- Evaluate all concerns about abuse, neglect, or issues in the home that may have contributed to the child's vulnerability and/or runaway behavior and involvement in trafficking
- Work in conjunction with law enforcement, which may include local, State, and Federal (e.g., Federal Bureau of Investigation and Homeland Security Investigation) agencies
- Determine what services may be necessary, as well as addressing the need to transfer the child/family to family preservation or permanency/placement services, if appropriate

Law enforcement will assume responsibility for the following:

- Interviewing the alleged trafficker
- Providing the CPS worker with information regarding the trafficker that is necessary to complete the requirements of the CPS investigation
- Interviewing the child in coordination with the investigating worker, the forensic interviewer, and a trafficking victim advocate if available

A child should not be interviewed multiple times by multiple individuals, and all involved should cooperate to ensure the child's needs are being met.

Training Requirements

Citation: Pub. Safety Code § 3-207; Educ. Code § 7-432; Pol. Dir. SSA-CW #18-10

The Police Training and Standards Commission has the power and duty to require, for entrance-level police training and at least every 3 years for inservice-level police training conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include special training, attention to, and study of the application and enforcement of the following:

- The criminal laws concerning rape and sexual offenses, including the sexual abuse and exploitation of children and related evidentiary procedures
- The criminal laws concerning human trafficking, including services and supports available to victims and the rights and appropriate treatment of victims
- The contact with and treatment of victims of crimes and delinquent acts
- The notices, services, support, and rights available to victims and victims' representatives under State law
- The notification of victims of identity fraud and related crimes of their rights under Federal law

The Department of Education, in collaboration with the Maryland Department of Health, shall provide awareness and training for directors of student services in local education agencies on human trafficking, including strategies for the prevention of trafficking of children.

The Maryland Department of Health, in consultation with experts in the field of human trafficking prevention, shall provide to the Department of Education the following:

- Resource information on human trafficking, including strategies for preventing the trafficking of children, to be distributed to local school supervisors of health, counseling, and psychology
- Materials for distribution that describe local, State, and national resources to which students, parents, counselors, and school personnel can refer for information on human trafficking, including strategies for prevention of trafficking of children

In policy: All child welfare staff are required to complete a two-part training on sex trafficking.

Diversion From Prosecution**Citation: Crim. Law § 11-306**

In a prosecution under this section, it is an affirmative defense of duress if the defendant committed the act of prostitution as a result of being a victim of an act of another who was charged with violating the prohibition against human trafficking under § 11-303 of this subtitle or under Federal law.

Services and Supports for Victims

This issue is not addressed in the statutes and regulations reviewed.

Support for Anti-Trafficking Efforts

This issue is not addressed in the statutes and regulations reviewed.

Massachusetts

Current Through December 2018

State Agency Responsibilities**Citation: Ann. Laws Ch. 119, §§ 39K; 51B; 51D**

Notwithstanding any general or special law to the contrary, the Department of Children and Families, in collaboration with the Department of Mental Health and other appropriate State agencies, shall do the following:

- Provide for the child welfare services needs of sexually exploited children, including, but not limited to, services for sexually exploited children residing in the Commonwealth at the time they are taken into custody by law enforcement or are identified by the Department of Children and Families as sexually exploited children, for the duration of any legal or administrative proceeding in which they are either the complaining witness, defendant, or the subject child
- Provide appropriate services to a child reasonably believed to be a sexually exploited child in order to safeguard the child's welfare

If a child reasonably believed to be a sexually exploited child declines services or is unable or unwilling to participate in the services offered, the department or any person may file a care and protection petition. Sexually exploited children shall have access to an advocate. The advocate or a member of the multidisciplinary service team established under § 51D shall accompany the child to all court appearances and may serve as a liaison between the service providers and the court.

The services that shall be provided under this section shall be available to all sexually exploited children, whether they are accessed voluntarily, through a court proceeding, or through a referral that may be made by any person. In determining the need for and capacity of the services that may be provided, the department shall recognize that sexually exploited youth have separate and distinct service needs according to gender, and appropriate services shall be made available while ensuring that an appropriate continuum of services exists.

Upon receipt of a report filed under § 51A, the department shall investigate the suspected child abuse or neglect; provide a written evaluation of the household of the child, including the parents and home environment; and make a written determination relative to the safety of and risk posed to the child and whether the suspected child abuse or neglect is substantiated. The department shall immediately report to the district attorney and local law enforcement authorities a sexually exploited child or a child who is otherwise a human trafficking victim, regardless of whether the child is living with a parent, guardian, or other caregiver.

The multidisciplinary service team shall review and monitor the service plan developed by the department. The team shall evaluate the effectiveness of the service plan in protecting the child from further abuse or neglect. The team shall make recommendations regarding amendments to the service plan, the advisability of prosecuting members of the family, and the possibility of utilizing diversionary alternatives. If the team finds that services required under such plan are not provided to the family, the case shall be referred to the commissioner.

Training Requirements

Citation: Ann. Laws Ch. 119, §§ 39K; 51D

The commissioner of the department may, subject to appropriation, contract with nongovernmental organizations or entities with experience working with sexually exploited children to train law enforcement officials likely to encounter sexually exploited children in the course of their law enforcement duties. The training shall include, but not be limited to, awareness and compliance with the provisions of this section; identification of, access to, and the provision of services for sexually exploited children; and any other services the department deems necessary.

For 51A reports specifically involving a sexually exploited child or a child who is otherwise a human trafficking victim, the multidisciplinary service team may consist of a team of professionals trained or otherwise experienced and qualified to assess the needs of sexually exploited children or children who are otherwise human trafficking victims, including, but not limited to, a police officer, an employee of the department, a representative of the appropriate district attorney, a social services provider, a medical professional, or a mental health professional.

Diversion From Prosecution

Citation: Ann. Laws Ch. 119, § 39L

Before or after arraignment in any juvenile delinquency or criminal proceeding against a sexually exploited child alleging that the child violated the prohibition against common night walking, common streetwalking, or prostitution, there shall be a presumption that a care and protection petition on behalf of such child, or a child-in-need-of-services petition under § 39E, shall be filed. Any person, including the juvenile, may file a care and protection petition on behalf of such child, including a petition for emergency commitment, or a parent or a police officer may file a child-in-need-of-services petition.

The court may appoint a guardian ad litem and shall hold a hearing on the petition. The court may allow a reasonable delay in the proceedings, including any arraignment, to consider the petition. The necessary findings of fact to support the court's decision shall be reduced to writing and made part of the court record.

Upon a motion by a party to the juvenile delinquency or criminal proceeding or by a guardian ad litem, unless the district attorney or the attorney general objects, and upon a finding that a child alleged to be a juvenile delinquent by reason of engaging in prostitution is a child in need of care and protection or a child in need of services, the court shall, if arraignment has not yet occurred, indefinitely stay arraignment and place the proceeding on file. If the court finds that the child has failed to substantially comply with the requirements of services or that the child's welfare or safety so requires, the court may remove the proceeding from file, arraign the child, and restore the delinquency or criminal complaint to the docket for trial or further proceedings in accordance with the regular course of such proceedings. If arraignment has already occurred, unless the district attorney or the attorney general objects, the court shall place the child on pretrial probation. If appropriate, the conditions of such probation shall include, but not be limited to, requiring the child to substantially comply with all lawful orders of the court, including orders relating to any care and protection or child-in-need-of-services proceeding, and the child also shall comply with the guidance and services of the department or any designated nongovernmental service provider. If the child fails to substantially comply with the conditions of probation or if the child's welfare or safety so requires, the court may in its discretion restore the delinquency or criminal complaint to the docket for trial or further proceedings in accordance with the regular course of such proceedings.

Services and Supports for Victims

Citation: Ann. Laws Ch. 119, §§ 21; 51D

An 'advocate' is an employee of a governmental or nongovernmental organization or entity providing appropriate services, or a similar employee of the department who has been trained to work and advocate for the needs of sexually exploited children.

'Appropriate services' include following:

- The assessment, planning, and care provided by a State agency or nongovernmental organization or entity, through congregate care facilities, whether publicly or privately funded, emergency residential assessment services, family-based foster care, or the community
- Food, clothing, medical care, counseling, and appropriate crisis intervention services

The agency, organization, or entity must have expertise in providing services to sexually exploited children or children who are otherwise human trafficking victims and provide such services in accordance with regulations of the department.

For 51B reports specifically involving a sexually exploited child, the purpose of the multidisciplinary service team shall be to determine whether the child has been sexually exploited or is otherwise a human trafficking victim and to recommend a plan for services to the department that may include, but shall not be limited to, shelter or placement, mental health and medical care needs, and other social services.

Support for Anti-Trafficking Efforts

Citation: Ann. Laws Ch. 10, § 66A

The Victims of Human Trafficking Trust Fund shall consist of proceeds of assets seized and forfeited pursuant to chapter 265, §§ 55 and 56, and fines and assessments collected pursuant to §§ 50, 51, and 54, together with any interest or earnings accrued on such monies through investment or deposit. The State treasurer shall be the custodian of the fund and shall transfer funds from the income and receipts of the fund to the Victim and Witness Assistance Board, as established by chapter 258B, § 4. The board shall award and administer grants from the fund, without further appropriation, to public, private nonprofit, or community-based programs in the Commonwealth to provide services to victims of human trafficking offenses.

Michigan

Current Through December 2018

State Agency Responsibilities

Citation: Comp. Laws § 750.451

The Department of Health and Human Services shall begin an investigation of a human trafficking violation reported to the department within 24 hours after the report is made, as provided in § 722.628. The investigation shall include a determination as to whether the person under age 18 is dependent and in danger of substantial physical or psychological harm.

Training Requirements

Citation: Comp. Laws § 333.16148

The Department of Licensing and Regulatory Affairs, in consultation with a board, may promulgate rules to establish standards for the education and training of individuals to be licensed or registered, or whose licenses or registrations are to be renewed, for the purposes of determining whether graduates of a training program have the knowledge and skills requisite for practice of a health profession or use of a title. The department shall promulgate rules to include training standards for identifying victims of human trafficking required for individuals licensed or registered under this article. The training standards for identifying victims of human trafficking shall apply for a license or registration renewal beginning with the first renewal cycle after the rules are promulgated and for an initial license or registration issued 5 or more years after the rules are promulgated.

Only a board may accredit training programs in hospitals, schools, colleges, universities, and institutions offering training programs meeting educational standards and may deny or withdraw accreditation of training programs for failure to meet established standards.

Diversion From Prosecution

Citation: Comp. Laws § 750.451

In any prosecution of a person who is under age 18 for an offense punishable under this section or a local ordinance substantially corresponding to an offense punishable under this section, it shall be presumed that the person under age 18 was coerced into child sexually abusive activity or commercial sexual activity or otherwise forced or coerced into committing that offense by another person engaged in human trafficking. The prosecution may overcome this presumption by proving beyond a reasonable doubt that the person was not forced or coerced into committing the offense. The State may petition the court to find the person under age 18 to be dependent and in danger of substantial physical or psychological harm under § 712A.2(b)(3). A person under age 18 who fails to substantially comply with court-ordered services under § 712A.2(b)(3) is not eligible for the presumption under this section.

Excluding any reasonable period of detention for investigation purposes, a law enforcement officer who encounters a person under age 18 engaging in any conduct that would be considered a prostitution-related offense (as described in §§ 750.448, 750.449, 750.450, or 750.462), if engaged in by a person age 16 or older, shall immediately report to the Department of Health and Human Services a suspected violation of human trafficking involving a person under age 18.

Services and Supports for Victims

Citation: Comp. Laws § 722.954e

Before determining placement of a child in its care, a supervising agency shall give special consideration to information that a child may be the victim of human trafficking. If a supervising agency finds that a child is or may be a victim of human trafficking, the supervising agency shall place the child in a setting that provides mental health services, counseling, or other specialized services that are necessary or appropriate for a victim of human trafficking.

Support for Anti-Trafficking Efforts

This issue is not addressed in the statutes reviewed.

Minnesota

Current Through December 2018

State Agency Responsibilities

Citation: Ann. Stat. § 260C.212, Subd. 13

The local social services agency shall do the following with regards to protecting missing and children and youth at risk of sex trafficking:

- Exeditiously locate any child missing from foster care
- Report immediately, but no later than 24 hours, after receiving information on a missing or abducted child to the local law enforcement agency for entry into the National Crime Information Center database of the Federal Bureau of Investigation and to the National Center for Missing and Exploited Children
- Not discharge a child from foster care or close the social services case until diligent efforts have been exhausted to locate the child and the court terminates the agency's jurisdiction
- Determine the primary factors that contributed to the child's running away or otherwise being absent from care and, to the extent possible and appropriate, respond to those factors in current and subsequent placements
- Determine what the child experienced while absent from care, including screening the child to determine if the child is a possible sex trafficking victim
- 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 victim
- Determine appropriate services with respect to any child for whom the local social services agency has responsibility for placement, care, or supervision when the agency has reasonable cause to believe the child is, or is at risk of being, a sex trafficking victim

Training Requirements

Citation: Ann. Stat. §§ 145.4716, Subd. 2; 157.177

The director of child sex trafficking prevention is responsible for developing and providing comprehensive training on sexual exploitation of youth for social services professionals, medical professionals, public health workers, and criminal justice professionals.

Every person, firm, or corporation that operates a hotel or motel in Minnesota shall ensure that each employee who works on site, including, but not limited to, any owner, operator, or manager, receive training on sex trafficking prevention. In addition to the required training, the operator of each hotel and motel shall conduct an ongoing awareness campaign for employees that address the components described below.

Training must include, at a minimum, instruction on the following:

- What sex trafficking is in order to raise awareness of it
- How to recognize potential victims of sex trafficking
- How to identify activities commonly associated with sex trafficking
- Effective responses to trafficking situations, including, but not limited to, how to report suspected sex trafficking to proper law enforcement officials

Diversion From Prosecution**Citation: Ann. Stat. § 260B.007, Subd. 6(c)**

The term 'delinquent child' does not include a child alleged to have engaged in conduct that 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.

Services and Supports for Victims**Citation: Ann. Stat. §§ 626.558; 299A.795**

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, education, mental health, 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 services, mental health collaboratives, children's advocacy centers, early childhood and family education programs, Head Start, or other agencies serving children and families.

A multidisciplinary child protection team may provide public and professional education; develop resources for prevention, intervention, and treatment; and provide case consultation to the local welfare agency or other interested community-based agencies.

A multidisciplinary child protection team may assist the local welfare agency, local law enforcement agency, or an appropriate private organization in developing a program of outreach services for sexually exploited youth, including homeless, runaway, and truant youth who are at risk of sexual exploitation. 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.

For purposes of this section, the term 'children's advocacy center' means an organization, using a multidisciplinary team approach, whose primary purpose is to provide children who have been the victims of abuse and their nonoffending family members with the following:

- Support and advocacy
- Specialized medical evaluation
- Trauma-focused mental health services
- Forensic interviews

Children's advocacy centers provide multidisciplinary case review and the tracking and monitoring of case progress.

The commissioner of the Department of Public Safety may review the existing services and facilities to meet trafficking victims' needs and recommend a plan that would coordinate the services, including, but not limited to, the following:

- Medical and mental health services
- Housing
- Education and job training
- English as a second language
- Interpreting services
- Legal and immigration services
- Victim compensation

Support for Anti-Trafficking Efforts**Citation: Ann. Stat. § 145.4716**

The commissioner of the Department of Health shall establish a position for a director of child sex trafficking prevention. The director of child sex trafficking prevention is responsible for the following:

- Developing and providing comprehensive training on sexual exploitation of youth for social services professionals, medical professionals, public health workers, and criminal justice professionals
- 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 website

- Monitoring and applying for Federal funding for anti-trafficking efforts that may benefit victims in the State
- Managing grant programs established under §§ 145.4716 to 145.4718; 609.3241(c)(3); and 609.5315, subdivision 5c(3)
- Managing the request for proposals for grants for comprehensive services, including trauma-informed, culturally specific services
- Identifying best practices in serving sexually exploited youth
- Providing oversight of and technical support to regional navigators pursuant to § 145.4717
- Conducting a comprehensive evaluation of the statewide program for safe harbor of sexually exploited youth
- Developing a policy consistent with the requirements of chapter 13 for sharing data related to sexually exploited youth among regional navigators and community-based advocates

Youth age 24 or younger shall be eligible for all services, support, and programs provided under this section and § 145.4717, 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.

Mississippi

Current Through December 2018

State Agency Responsibilities

Citation: Ann. Code § 43-21-105; Code of Rules § 18-006-102

The term 'abused child' includes a child who is or has been trafficked within the meaning of the Mississippi Human Trafficking Act by any person, without regard to the relationship of the person to the child.

In regulation: The term 'sex trafficking victim' means an individual who has been subjected to the recruitment, harboring, transportation, provision, or obtaining of a person for the purposes of a commercial sex act, 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 reached age 18, as defined by the Trafficking Victims Act of 2000.

The individuals defined above are eligible for the same child protective services as any other abused or neglected child. No services specific to a child trafficking victim is described in the statutes and regulations reviewed.

Training Requirements

No training specific to human or sex trafficking is described in the statutes and regulations reviewed.

Diversions From Prosecution

Citation: Ann. Code § 97-3-54.6

At any time after a conviction for human trafficking under this act, the court in which the conviction was entered may, upon appropriate motion, vacate the conviction if the court finds the defendant's participation in the offense was the result of being a victim. Official documentation from a Federal, State, or local government agency as to the defendant's status as a victim at the time of the offense creates a presumption that the defendant's participation in the offense was a result of being a victim, but official documentation is not required to grant a motion under this subsection.

Services and Supports for Victims

No services specific to a child trafficking victim are described in the statutes and regulations reviewed.

Support for Anti-Trafficking Efforts

Citation: Ann. Code § 97-3-54.8

There is hereby created in the State Treasury a special fund to be known as the Relief for Victims of Human Trafficking Fund. The fund shall be used by the Mississippi Attorney General's office solely for the administration of programs designed to assist victims of human trafficking; to conduct training on human trafficking to law enforcement, court personnel, attorneys, and nongovernmental service providers; and to support the duties of the statewide human trafficking coordinator.

Missouri

Current Through December 2018

State Agency Responsibilities

Citation: Ann. Stat. § 566.223

As soon as possible after a first encounter with a person who reasonably appears to a law enforcement agency to be a victim of trafficking as defined in § 566.200, that agency or office shall notify the Department of Social Services and, where applicable, juvenile justice authorities that the person may be a victim of trafficking, in order that such agencies may determine whether the person may be eligible for State or Federal services, programs, or assistance.

Training Requirements

Citation: Ann. Stat. § 566.223

The Department of Public Safety is authorized to establish procedures for identifying victims of trafficking. The department may establish training programs as well as standard protocols for appropriate agencies to educate officials and employees on State statutes and Federal laws regulating human trafficking and with the identification and assistance of victims of human trafficking. Such agencies may include, but are not limited to, State employees and contractors, including the Children's Division of the Department of Social Services, juvenile courts, State law enforcement agencies, health-care professionals, and runaway and homeless youth shelter administrators.

Diversion From Prosecution

Citation: Ann. Stat. § 566.223

It is an affirmative defense for the offense of prostitution under § 567.020 that the defendant engaged in the conduct charged to constitute an offense because he or she was coerced to do so by the use of, or threatened use of, unlawful physical force upon himself or herself or a third person, which force or threatened force a person of reasonable firmness in his or her situation would have been unable to resist.

Services and Supports for Victims

Citation: Ann. Stat. § 566.223

The Department of Social Services may coordinate with relevant State, Federal, and local agencies to evaluate appropriate services for victims of trafficking. State agencies may implement programs and enter into contracts with nonprofit agencies, domestic and sexual violence shelters, and other nongovernment organizations to provide services to confirmed victims of trafficking, insofar as funds are available for that purpose. Such services may include, but are not limited to, case management, emergency temporary housing, health care, mental health counseling, alcohol and drug addiction screening and treatment, language interpretation and translation services, English-language instruction, job training, and placement assistance.

Support for Anti-Trafficking Efforts

This issue is not addressed in the statutes and regulations reviewed.

Montana

Current Through December 2018

State Agency Responsibilities

Citation: Ann. Code § 45-5-709(3)

A child who is not subject to criminal liability or proceedings under title 41, chapter 5, is presumed to be a youth in need of care under title 41, chapter 3.

Training Requirements

Citation: Ann. Code §§ 20-7-1316; 44-4-1504

The Office of Public Instruction is encouraged to undertake activities to educate Montanans about and prevent child sex trafficking. Activities may include, but are not limited to, the following:

- Reviewing best practices for preventing child sex trafficking
- Providing access to educational resources for interested parents, teachers, child care providers, and other community members on how to prevent child sex trafficking, on the warning signs of child sex trafficking, and on predatory behaviors
- Coordinating educational and prevention efforts with law enforcement, the Department of Public Health and Human Services, and local organizations that work to prevent child sex trafficking
- Supporting school districts in developing the following:
 - » Policies on child sex trafficking awareness, prevention, response, and reporting
 - » Educational materials and curricula aimed at preventing child sex trafficking

There is a human trafficking education account in the State special revenue fund for the purposes of preventing and detecting human trafficking. Money in this account may be expended by the Department of Justice to raise awareness about human trafficking and educate the public and law enforcement on how to prevent and detect human trafficking in this State.

Diversions From Prosecution

Citation: Ann. Code §§ 45-5-709; 45-5-710

A person is not criminally liable or subject to proceedings under title 41, chapter 5, for prostitution, promoting prostitution, or other nonviolent offenses if the person was a child at the time of the offense and committed the offense as a direct result of being a victim of human trafficking.

A person who has engaged in commercial sexual activity is not criminally liable or subject to proceedings under title 41, chapter 5, for prostitution or promoting prostitution if the person was a child at the time of the offense.

A person charged with prostitution, promoting prostitution, or another nonviolent offense committed as a direct result of being a victim of human trafficking may assert an affirmative defense that the person is a victim of human trafficking.

Services and Supports for Victims

Citation: Ann. Code § 44-4-1502

A child who has engaged in commercial sexual activity is eligible for a benefit or service available through the State, including compensation under title 53, chapter 9, part 1, regardless of immigration status or factors described in § 53-9-125.

As soon as practicable after a first encounter with a person who reasonably appears to be a victim of human trafficking or a child who has engaged in commercial sexual activity, law enforcement shall notify the appropriate State agency that the person may be eligible for a benefit or service under the laws of this State.

Support for Anti-Trafficking Efforts

This issue is not addressed in the statutes and regulations reviewed.

Nebraska

Current Through December 2018

State Agency Responsibilities

Citation: Rev. Stat. § 28-801(5)

A law enforcement officer who takes a person under age 18 into custody under this section shall immediately report an allegation of a violation of § 28-831 (sex trafficking of a minor) to the Department of Health and Human Services. The department shall commence an investigation within 24 hours under the Child Protection and Family Safety Act.

Training Requirements

Citation: Rev. Stat. §§ 81-1431; 43-4707

It is the intent of the legislature that law enforcement agencies, prosecutors, public defenders, judges, juvenile detention center staff, and others involved in the juvenile justice system and the criminal justice system and other relevant officials be provided mandatory training regarding issues in human trafficking. The task force established in § 81-1430 shall work with such agencies, persons, and staff to develop a proper curriculum for the training and to determine how the training should be provided. Such training shall focus on the following:

- State and Federal law regarding human trafficking
- Methods used in identifying victims of human trafficking who are U.S. citizens and foreign nationals, including preliminary interview techniques and appropriate questioning methods
- Methods for prosecuting human traffickers
- Methods of increasing effective collaboration with nongovernmental organizations and other relevant social services organizations in the course of investigating and prosecuting a human trafficking case
- Methods for protecting the rights of victims of human trafficking, taking into account the need to consider human rights and the special needs of women and minor victims
- The necessity of treating victims of human trafficking as crime victims rather than as criminals
- Methods for promoting the safety and well-being of all victims of human trafficking

The task force also shall seek the input and participation of appropriate nongovernmental organizations and other relevant organizations regarding the provision, preparation, and presentation of the training called for in this section.

The Department of Health and Human Services shall adopt and promulgate rules and regulations regarding training for foster parents on recognizing human trafficking, including both sex trafficking and labor trafficking.

Diversion From Prosecution

Citation: Rev. Stat. § 28-801(5)

If a law enforcement officer determines, after a reasonable detention for investigative purposes, that a person suspected of or charged with prostitution is (a) a person engaging in those acts as a direct result of being a trafficking victim as defined in § 28-830 (human trafficking), such person shall be immune from prosecution for a prostitution offense or (b) a person under age 18, such person shall be immune from prosecution for a prostitution offense under this section and shall be subject to temporary custody under § 43-248 and further disposition under the Nebraska Juvenile Code.

Services and Supports for Victims

This issue is not addressed in the statutes and regulations reviewed.

Support for Anti-Trafficking Efforts

This issue is not addressed in the statutes and regulations reviewed.

Nevada

Current Through December 2018

State Agency Responsibilities

Citation: Admin. Code §§ 432B.140; 432B.150; 432B.160; 432B.180; 432B.270

When a child welfare agency receives a referral that a child is alleged to be abused, neglected, or threatened with harm, its first step must be to obtain sufficient information to decide if the allegations constitute a report of the abuse or neglect of a child that is appropriate for investigation.

If the agency receives a report made pursuant to § 432B.220 or a report from a law enforcement agency, an initial evaluation must be conducted to determine if the situation or condition of the child makes child welfare services appropriate or whether the child and his or her parents may be referred to an agency that provides family assessment services. A family must not be referred to family assessment services if the report involves sexual abuse or the child has been placed in custody by a law enforcement agency or held at a hospital by a physician.

An evaluation or investigation must be conducted in such a manner as to determine how the child is being affected by the situation and whether the child is currently safe, at risk of abuse or neglect, or threatened with harm.

After the agency addresses the immediate safety concerns of the child who is the subject of the evaluation or investigation, the agency shall do the following:

- Evaluate whether the parents have the capacity to change and to provide adequate care and can begin to use the help of social work in meeting the problem, or whether, in the interest of the child, legal action must be taken to remove the child from the situation and to obtain suitable care
- Use the evaluation or investigation as a basis for future treatment of the problems of the parents and child

An assessment of risks to a child must be conducted and considered as part of each significant decision made in a child welfare case. Those decisions include the provision of child welfare services for the child, from intake through case closure. The assessment must be future oriented rather than based solely on the child's injuries or current condition.

The child welfare agency shall notify a law enforcement agency whenever there appears to be a need for a criminal investigation, such as when a child is sexually abused or sexually exploited.

Training Requirements

Citation: Instructional Memorandum (February 5, 2018)

The Federal Child Abuse Prevention and Treatment Act requires States to provide training for child protective services workers on identifying, assessing, and providing comprehensive services to children who are sex trafficking victims. This memorandum outlines the training requirements for child welfare staff who are handling or could potentially handle cases involving a sexually exploited child.

All child welfare staff who are handling or could potentially handle cases involving commercially sexually exploited children must complete an initial 6-hour Child Sexual Exploitation of Children (CSEC) course offered by the Nevada Partnership for Training. All child welfare staff who are handling or could potentially handle CSEC must complete at least 3 hours of annual training beginning January 1, 2019, related to the commercial sexual exploitation of children. Qualifying trainings might include the following topics:

- Complex trauma
- Cultural competency and at-risk populations
- Advanced motivational interviewing
- Best practices in child welfare
- Survivor panel

Diversion From Prosecution

Citation: Rev. Stat. § 201.303

If a violation of § 201.300 or 201.301 is committed by a person who is younger than age 18 at the time of the commission of the violation, is prosecuted in a criminal proceeding as an adult, and is a victim of sex trafficking or facilitating sex trafficking, there is a rebuttable presumption that the person who committed the violation acted under duress.

Services and Supports for Victims

Citation: Admin. Code §§ 432B.240; 432B.230

A child welfare agency shall do the following:

- Provide a range of services and commit its resources to preserve a child's family and prevent inappropriate placement of the child outside his or her home
- Make available, through its own resources, by purchase, or by referral to another agency, a full range of services designed to prevent placement, including the following:
 - » Social work and counseling
 - » Psychological services
 - » Economic assistance, including emergency short-term funding
 - » Preparation for employment, including training and education
 - » Information regarding housing and transportation
 - » Homemaking services

- » Medical services, including outpatient psychiatric care
- » Care of children during the day
- » Parental education and support groups
- » Respite care
- » Services for the treatment of substance abuse
- » Services to victims of domestic violence or treatment of persons who commit domestic violence

The agency is not required to make efforts to prevent placement of a child outside his or her home if there is reasonable cause to believe that immediate action is necessary to protect the child from serious injury, abuse, or neglect.

A child welfare agency shall establish interagency agreements with related agencies to ensure that cooperative and mutually facilitative services are provided to children and families, including, without limitation, the following:

- Other public or private agencies providing social services
- Public agencies providing community services for mental health, housing, or preparation for employment
- Courts
- Law enforcement agencies
- Health departments
- Schools

Support for Anti-Trafficking Efforts

Citation: Rev. Stat. §§ 217.530; 217.540

The Contingency Account for Victims of Human Trafficking is hereby created in the State General Fund. The director of the Department of Health and Human Services shall administer the account. The money in the account will be expended for the purpose of establishing or providing programs or services to victims of human trafficking.

A nonprofit organization or any agency or political subdivision of this State may apply to the director for an allocation of money from the Contingency Account. Except as otherwise provided in this subsection, the Grants Management Advisory Committee created by § 232.383 shall review applications received by the director and make recommendations to the director concerning allocations of money from the account to applicants. If the director, in his or her discretion, determines that an emergency exists and an allocation of money from the account is needed immediately, the director may make an allocation of money from the account without the review of the application or the making of recommendations by the Grants Management Advisory Committee.

The director may make allocations of money from the account to applicants and may place such conditions on the acceptance of the allocation as the director determines are necessary, including, without limitation, requiring the recipient of an allocation to submit periodic reports concerning the recipient's use of the allocation.

The recipient of an allocation of money from the account may use the money only for the purposes of establishing or providing programs or services to victims of human trafficking.

New Hampshire

Current Through December 2018

State Agency Responsibilities

This issue is not addressed in the statutes and regulations reviewed.

Training Requirements

This issue is not addressed in the statutes and regulations reviewed.

Diversion From Prosecution

Citation: Rev. Stat. § 645:2

It shall be an affirmative defense to a charge of committing prostitution that the defendant engaged in the conduct because he or she was the victim of trafficking in persons.

A person younger than age 18 shall not be subject to a juvenile delinquency proceeding under § 169-B or criminal prosecution for committing prostitution.

Services and Supports for Victims

This issue is not addressed in the statutes and regulations reviewed.

Support for Anti-Trafficking Efforts

This issue is not addressed in the statutes and regulations reviewed.

New Jersey

Current Through December 2018

State Agency Responsibilities

Citation: Child. & Fam. Pol. Man. VIII-C-1-100

The Department of Children and Families (DCF) is committed to combating human trafficking (also known as forced labor and sexual exploitation). The Child Protection and Permanency Division (CP&P) is committed to combating human trafficking and ensuring that youth and adolescent victims receive the appropriate care, treatment, and services needed to heal and recover.

Through a multidisciplinary approach, CP&P shall work with law enforcement, health-care providers, community organizations, and other interested parties to support human trafficking awareness, prevention, and service programming. CP&P also shall participate in the coordinated efforts with local, State, and Federal entities.

CP&P shall work to ensure that youth and adolescent victims of human trafficking gain permanency through reunifying them with their families or fostering new family and supportive connections.

Within 24 hours of receiving information on or identifying a youth as a victim of human trafficking, CP&P shall ensure that reports are made to the New Jersey State Police and other law enforcement as directed by the Division of Law or police.

Training Requirements

Citation: Ann. Stat. §§ 2C:13-12; 52:4B-47; Admin. Code §§ 3A:50-4.3; 3A:55-5.4; 3A:56-5.4; Child. & Fam. Pol. Man. VIII-C-1-100

The Police Training Commission shall develop and approve, as part of required police training, courses of study on the handling, response procedures, investigation, and prosecution of human trafficking cases. The Department of Community Affairs, in consultation with the Commission on Human Trafficking, shall develop, approve, and provide for a one-time training course on the handling and response procedures of suspected human trafficking activities for owners, operators, and staff of hotels and motels.

The Department of Health, in consultation with the Commission on Human Trafficking, shall develop, approve, and provide for a one-time training course on the handling and response procedures of suspected human trafficking activities for employees of every licensed health-care facility. The department shall be responsible for ensuring that all required employees of licensed health-care facilities attend the one-time training course within 6 months of the first day of employment for all new employees. The department shall make the training materials available to required employees in order for the required employees to fulfill the one-time training requirement.

The Administrative Office of the Courts (AOC) shall develop and approve a training course and a curriculum to raise awareness of judges and judicial personnel on the seriousness of the crime of human trafficking; its impact on human rights; and the need to adequately implement anti-trafficking laws, including not only the prosecution and sentencing of defendants charged with human trafficking but the need to respect the needs and restore the rights of victims of human trafficking. The AOC shall make the training course, curriculum, and supporting materials available to appropriate judges and judicial personnel who may be involved with the court-related aspects of human trafficking prosecutions through annual inservice judicial training programs or other means.

The curriculum for police training courses shall include training on responding to the needs of crime victims and specific training on responding to the needs of victims of human trafficking and on services available to provide assistance, including information on Federal, State, and local hotlines available to receive reports of and provide assistance to victims of human trafficking. Inservice training shall be made available for police officers, assistant prosecutors, county detectives, and investigators on the specialized needs of crime victims and available services.

In regulation: An adoption agency shall provide training to staff members and ensure they are aware of recognizing and preventing child sex and labor trafficking. A residential child care facility shall provide training to staff each year on human trafficking. A children's group home shall provide training to staff on preventing, recognizing, and reporting child abuse and neglect, including physical, sexual, and emotional child abuse and neglect, and human trafficking.

In policy: DCF shall provide human trafficking trainings for child welfare professionals, specifically DCF staff and child protective field workers, through the Office of Training and Professional Development.

Diversion From Prosecution

Citation: Ann. Stat. § 2C:13-8

It is an affirmative defense to prosecution for a violation of this section that, during the time of the alleged commission of the offense of human trafficking, the defendant was a victim of human trafficking.

Services and Supports for Victims

Citation: Child. & Fam. Pol. Man. VIII-C-1-100

CP&P shall offer services to human trafficking victims that are trauma focused, strengths based, culturally sensitive, gender and developmentally appropriate, and informed by comprehensive evaluation that includes physical and mental health assessments. Services may include the following:

- Permanency or temporary placements
- Medical and mental health treatment
- Reproductive and sexual health services
- Dietary and nutrition services
- Substance use disorder treatment
- Referral to immigration services and assistance obtaining a T visa or other immigration approvals as appropriate

CP&P shall assist youth and adolescent victims of human trafficking in accessing medical and health assistance, public housing, and other Federal and State assistance for which they are eligible as human trafficking victims.

Support for Anti-Trafficking Efforts

Citation: Ann. Stat. § 52:17B-238

The 'Human Trafficking Survivor's Assistance Fund' is a separate, nonlapsing, dedicated fund in the general fund that is administered by the attorney general. All monies deposited in the fund shall be used for the provision of services to victims of human trafficking; to promote awareness of human trafficking; to fund the development, maintenance, revision, and distribution of training courses and other educational materials; and provide for the operation of educational or training programs.

New Mexico

Current Through December 2018

State Agency Responsibilities

Citation: Admin. Code § 8.10.8.24

The Protective Services Division (PSD) of the Children, Youth and Families Department shall do all of the following:

- Identify, document, and determine appropriate services for children or youth who have disclosed or who may be at risk of being the victim of human trafficking
- Notify law enforcement immediately, but no later than 24 hours, of children or youth who PSD has identified as victims of sex or human trafficking
- Make reasonable efforts to locate children or youth missing from foster care, including determining factors that led to the child or youth being absent from foster care and assessing the child or youth's experience while absent from foster care, including whether the child or youth is a victim of sex or human trafficking

- Report immediately, but no later than 24 hours, after receiving information on missing or abducted children or youth to law enforcement authorities for entry into the National Crime Information Center database of the Federal Bureau of Investigation
- Report immediately, but no later than 24 hours, after receiving information on missing or abducted children or youth to the National Center for Missing and Exploited Children

Training Requirements

This issue is not addressed in the statutes and regulations reviewed.

Diversions From Prosecution

This issue is not addressed in the statutes and regulations reviewed.

Services and Supports for Victims

Citation: Ann. Stat. § 30-52-2

Human trafficking victims found in the State shall be eligible for benefits and services from the State until the victim qualifies for benefits and services authorized by the Federal Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386), provided that the victim cooperates in the investigation or prosecution of the person charged with the crime of human trafficking. Benefits and services shall be provided to eligible human trafficking victims as quickly as can reasonably be arranged regardless of immigration status and shall include, when appropriate to a particular case, the following:

- Case management
- Emergency temporary housing
- Health care
- Mental health counseling
- Drug addiction screening and treatment
- Language interpretation, translation services, and English-language instruction
- Job training, job placement assistance, and postemployment services for job retention
- Child care
- Advocacy services
- State-funded cash assistance
- Food assistance
- Services to assist the victim and the victim's family members
- Other general assistance services and benefits as determined by the Children, Youth and Families Department or the Human Services Department

A human trafficking victim's advocate shall be provided immediately upon identification by law enforcement of a human trafficking victim.

Before providing benefits and services, law enforcement shall certify that a person is a victim of human trafficking and cooperating in the investigation or prosecution of the person charged with the crime of human trafficking. A victim's ability to cooperate shall be determined by the court, if that issue is raised by a human trafficking victim's advocate. The victim is not required to cooperate if the court determines that the victim is unable to cooperate due to physical or psychological trauma. Benefits and services shall continue unless the court rejects the victim's claim regarding inability to cooperate. A victim who is younger than age 18 is eligible for benefits and services without a finding by the court.

The attorney general shall coordinate plans developed by State and local law enforcement agencies to provide a human trafficking victim or the victim's family members protection from retaliatory action immediately upon identifying the presence in the State of a victim who offers State or local law enforcement agencies information regarding a perpetrator of human trafficking.

Support for Anti-Trafficking Efforts

This issue is not addressed in the statutes and regulations reviewed.

New York

Current Through December 2018

State Agency Responsibilities

Citation: Soc. Serv. Law § 447-b; Fam. Cr. Act § 1055

Every local social services district shall address the child welfare services needs of sexually exploited children and, to the extent that funds are available, ensure that a short-term safe house or another short-term safe placement, such as an approved runaway and homeless youth program, an approved respite or crisis program providing crisis intervention or respite services, or a community-based program to serve sexually exploited children is available to children residing in such district. Nothing in this section shall prohibit a local social services district from utilizing existing respite or crisis intervention services as long as the staff members have received appropriate training approved by the Office of Children and Family Services regarding sexually exploited children and the existing programs and facilities provide a safe, secure, and appropriate environment for sexually exploited children.

To the extent possible provided by law, all of the services may be available to all sexually exploited children whether they are accessed voluntarily, as a condition of an adjournment in contemplation of dismissal issued in criminal court, through the diversion services created under § 735 of the Family Court Act, through a proceeding under article 3 or article 10 of the Family Court Act, or through a referral from a local social services agency.

The court may place the child in the custody of a relative or other suitable person pursuant to this article; or of the local commissioner of social services or of such other officer, board, or department as may be authorized to receive children as public charges; or a duly authorized association, agency, society, or institution suitable for the placement of a child. The court also may place a child who it finds to be a sexually exploited child with the local commissioner of social services for placement in an available long-term safe house.

Training Requirements

Citation: Soc. Serv. Law § 447-b; Exec. Law § 840

The local social services commissioner may, to the extent that funds are available, in conjunction with the Division of Criminal Justice Services and local law enforcement officials, contract with an appropriate not-for-profit agency with experience working with sexually exploited children to train law enforcement officials who are likely to encounter sexually exploited children in the course of their law enforcement duties on the provisions of this section and how to identify and obtain appropriate services for sexually exploited children. Local social services districts may work cooperatively to provide such training, and such training may be provided on a regional basis. The division shall assist local social services districts in obtaining any available funds for the purposes of conducting law enforcement training from the Federal Department of Justice and the Office of Juvenile Justice and Delinquency Prevention.

The Municipal Police Training Council may recommend to the governor rules and regulations with respect to the development, maintenance, and dissemination of written policies and procedures regarding the following:

- Mandatory reporting of child abuse or neglect, reporting procedures and obligations of persons required to report, provisions for taking a child into protective custody, mandatory reporting of deaths, immunity from liability, penalties for failure to report, and obligations for the provision of services and procedures necessary to safeguard the life or health of the child
- Establishment and implementation on an ongoing basis of a training program for all current and new police officers regarding the policies and procedures established pursuant to this paragraph
- Establishment of a training program for police officers whose main responsibilities are juveniles and the laws pertaining thereto, which training program shall be successfully completed before such officers are accredited

In addition, the council shall develop, maintain, and disseminate, in consultation with the Office of Temporary and Disability Assistance and the division, written policies and procedures regarding human trafficking victims. Such policies and procedures shall include, but not be limited to, the following:

- The identification of potential victims of human trafficking
- Information and/or referral to appropriate social and legal services for victims of human trafficking

Diversion From Prosecution

Citation: Fam. Cr. Act §§ 311.4(3); 712; 732; 739

In any proceeding under this article based upon an arrest for an act of prostitution, there is a presumption that the respondent meets the criteria as a victim of a severe form of trafficking as defined in the Trafficking Victims Protection Act of 2000 (22 U.S.C. § 7105). Upon the motion of the respondent, without the consent of the presentment agency, a petition alleging that the respondent is in need of supervision shall be substituted for the delinquency petition.

If, however, the respondent has been previously adjudicated as a juvenile delinquent under this article for an act that would be a crime pursuant to article 230 of the penal law, if the respondent was an adult, or expresses a current unwillingness to cooperate with specialized services for sexually exploited youth, continuing with the delinquency proceeding shall be within the court's discretion. The necessary findings of fact to support the continuation of the delinquency proceeding shall be reduced to writing and made part of the court record.

If, subsequent to issuance of a substitution order under this subdivision and prior to the conclusion of the fact-finding hearing on the petition alleging that the respondent is a person in need of supervision, the respondent is not in substantial compliance with a lawful order of the court, the court may, in its discretion, substitute the original petition alleging that the respondent is a juvenile delinquent for the petition alleging that the respondent is in need of supervision.

A 'person in need of supervision' is a person younger than 18 who appears to be a sexually exploited child but only if the child consents to the filing of a petition under this article.

A proceeding to adjudicate a person to be in need of supervision is originated by the filing of a petition, alleging the following:

- The respondent has been the victim of sexual exploitation and specifying the acts on which the allegations are based and the time and place they allegedly occurred.
- The respondent was younger than age 18 at the time of the specified acts.

After the filing of a petition under § 732, the court in its discretion may release the respondent or direct his or her detention. If the respondent may be a sexually exploited child, the court may direct the respondent to an available short-term safe house as an alternative to detention.

Services and Supports for Victims

Citation: Soc. Serv. Law § 447-a

A 'short-term safe house' is a residential facility operated by an authorized agency, including a residential facility operating as part of a runaway and homeless youth crisis services program or a not-for-profit agency with experience in providing services to sexually exploited youth and approved in accordance with the regulations of the office of children and family services. A short-term safe house provides emergency shelter, services, and care to sexually exploited children, including food, shelter, clothing, medical care, counseling, and appropriate crisis intervention services at the time they are taken into custody by law enforcement and for the duration of any legal proceeding or proceedings in which they are either the complaining witness or the subject child. The short-term safe house also shall also be available at the point in time that a child younger than age 18 has first come into the custody of juvenile detention officials, law enforcement, local jails, or the local commissioner of social services or is residing with the local runaway and homeless youth authority.

A 'safe house' is a residential facility operated by an authorized agency, including a residential facility operating as part of an approved runaway program or a not-for-profit agency with experience in providing services to sexually exploited youth and approved in accordance with the regulations of the office of children and family services that provides shelter for sexually exploited children. A safe house serving sexually exploited children shall provide or assist in securing necessary services for such sexually exploited children, either through direct provision of services or through written agreements with other community and public agencies for the provision of services, including, but not limited to, housing, assessment, case management, medical care, legal, mental health, and substance and alcohol abuse services. Where appropriate, such safe house in accordance with a service plan for such sexually exploited child also may provide counseling and therapeutic services; educational services, including life skills services; and planning services to successfully transition residents back to the community.

A 'community-based program' is a program operated by a not-for-profit organization that provides services such as street outreach, voluntary drop-in services, peer counseling, individual counseling, family-therapy, and referrals for services such as educational and vocational training and health care. Any such community-based program also may work with the safe house serving sexually exploited children to provide transitional services to such children returning to the community.

Support for Anti-Trafficking Efforts

This issue is not addressed in the statutes and regulations reviewed.

North Carolina

Current Through December 2018

State Agency Responsibilities

This issue is not addressed in the statutes and regulations reviewed.

Training Requirements

Citation: 2017 N.C. ALS 151, § 5

In consultation with the North Carolina Human Trafficking Commission, the Department of Health and Human Services shall study the feasibility of training health-care providers, emergency medical providers, and relevant first responders in human trafficking identification and response and preventative tools and methods. The department shall report its findings and recommendations to the Joint Legislative Oversight Committee on Justice and Public Safety, the Joint Legislative Oversight Committee on Health and Human Services, the Human Trafficking Commission, and the Governor no later than February 1, 2018.

Diversion From Prosecution

Citation: Gen. Stat. § 14-43.15

Any minor victim of a violation of § 14-43.11 (human trafficking), § 14-43.12 (involuntary servitude), or § 14-43.13 (sexual servitude) shall be alleged to be abused and neglected and the provisions of chapter 7B, subchapter I of the General Statutes shall apply.

Services and Supports for Victims

This issue is not addressed in the statutes and regulations reviewed.

Support for Anti-Trafficking Efforts

This issue is not addressed in the statutes and regulations reviewed.

North Dakota

Current Through December 2018

State Agency Responsibilities

Citation: Cent. Code § 50-25.1-05; Pol. Iss. 15-20

The Department of Human Services immediately shall initiate an assessment of any report of child abuse or neglect. If the report alleges a violation of a criminal statute involving sexual or physical abuse, the department and an appropriate law enforcement agency shall coordinate the planning and execution of their investigation efforts to avoid a duplication of fact-finding efforts and multiple interviews.

In policy: Reports of suspected child abuse and neglect that involve labor or sex trafficking of a minor are received in the same manner as any other report of suspected child abuse or neglect. Reports containing concerns of sex or labor trafficking of a child also are reports of possible criminal activity and are considered to be Category A reports, requiring contact with law enforcement within 24 hours.

In every trafficking case involving a child, child protective services (CPS) and a law enforcement agency must conduct a joint assessment/investigation of the allegations. Most importantly, law enforcement agencies and CPS must coordinate to minimize the number of times a victim is interviewed regarding the report. The use of a Children's Advocacy Center to conduct forensic interviews is strongly encouraged. Sharing of reports, investigatory tools, and information is strongly encouraged to assist the investigation of the criminal matter and the child protection proceeding.

A successful investigation of human trafficking and a child protection assessment must always center on the victim with the goals of successful prosecution of the trafficker and protection of the child. This requires a joint investigation, but it also requires lending

support to traumatized and confused victims to gain their confidence and lead them to safety from their trafficker. Once victims of human trafficking are removed from their traffickers, they often feel isolated in their new situations and need support. Law enforcement and CPS can assist victims by using an organized and joint investigation that reduces stressful encounters and by providing appropriate services to aid the victim.

When assessing a report of suspected human trafficking, CPS should consider the following steps:

- Assess a child's safety, trauma exposure, and need for services
- Determine the medical needs of the child
- Determine whether the exploiter has access to the child
- Decide if a child needs to be placed in a secure facility or shelter care facility for their safety
- Develop and implement a safety plan for a child
- Notify the parent, guardian, or custodian as soon as possible, unless there is a reason to believe that a child would be endangered
- Offer services to a child, parent, guardian, or custodian

Trauma-focused services are often an immediate need for victims.

Interviews should be jointly conducted between law enforcement and CPS under the provisions of § 5-25.1-05(2). It is recommended that all children who are suspected victims of human trafficking receive a forensic interview through a children's advocacy center whenever possible.

Training Requirements

Citation: Cent. Code § 54-12-33

The Human Trafficking Commission shall do the following:

- Promote training on human trafficking prevention and victim services for State and local employees who may have recurring contact with victims or perpetrators
- Promote training on human trafficking investigation and prosecution with the North Dakota State's Attorney's Association, the North Dakota Peace Officers Standards and Training Board, and State and local law enforcement agencies

Diversion From Prosecution

Citation: Cent. Code § 12.1-41-2

If the individual was a minor at the time of the offense and committed the offense as a direct result of being a victim of human trafficking, the individual is not criminally liable or subject to a juvenile delinquency proceeding under chapter 27-20 for any of the following:

- Prostitution under § 12.1-29-03
- Misdemeanor forgery under § 12.1-24-01
- Misdemeanor theft offenses under chapter 12.1-23
- Insufficient funds or credit offenses under § 6-08-16
- Manufacture or possession of a controlled or counterfeit substance offenses under § 19-03.1-23
- Drug paraphernalia offenses under chapter 19-03.4

It is an affirmative defense to felony forgery, felony theft, and felony drug distribution that the individual was a minor at the time of the offense and committed the offense as a direct result of being a victim as defined by this chapter.

An individual who has engaged in commercial sexual activity is not criminally liable or subject to a juvenile delinquency proceeding under chapter 27-20 for prostitution if the individual was a minor at the time of the offense.

A minor who is not subject to criminal liability or a juvenile delinquency proceeding for engaging in prostitution or commercial sexual activity is presumed to be a child in need of services under chapter 50-25.1.

Services and Supports for Victims

Citation: Cent. Code § 12.1-41-17; Pol. Iss. 15-20

A minor who has engaged in commercial sexual activity is eligible for a benefit or service available through the State, regardless of immigration status. As soon as practicable after a first encounter with an individual who reasonably appears to law enforcement to be a victim or a minor who has engaged in commercial sexual activity, the law enforcement agency shall notify the Victim Services Division of the Department of Corrections and Rehabilitation that the individual may be eligible for a benefit or service under the law of this State.

In policy: A children's advocacy center may provide the following services:

- Interviews
- Assessments
- Medical exams
- Trauma assessment
- Counseling and therapy
- Court support

All services should be offered in a child-friendly, sensitive, and safe environment.

Most victims of child trafficking suffer from serious physical and mental health issues. Many victims are subjected to violent physical and sexual behaviors, verbal abuse, derogatory language, and forced consumption of alcohol or other drugs. Many of the victims experience symptoms indicative of posttraumatic stress disorder, dissociation disorder, depression, and other mental health concerns. Therefore, it is imperative that victims be provided trauma-informed care and services. Victims also are at risk of contracting sexually transmitted diseases and may need legal services to access legal protections and navigate the legal system.

There is a high level of need for comprehensive and intensive therapeutic services. Social services agency staff should collaborate with the child, and parent/guardian (when appropriate), to develop an individualized service plan. This plan should address the need for safe housing, physical and mental health services, substance abuse treatment, therapeutic foster homes, and other services.

Support for Anti-Trafficking Efforts

Citation: Cent. Code § 54-12-33

The attorney general may establish a Human Trafficking Commission, comprised of designees from State, local, and Tribal agencies that have contact with victims or perpetrators, nongovernmental organizations that represent or work with victims, and other organizations and individuals, including victims, whose expertise would benefit the commission. The attorney general may establish the commission by appointing an existing statewide coalition.

The commission shall do the following:

- Collect and evaluate data on human trafficking in this State and submit an annual report to the attorney general, governor, and legislative assembly
- Promote public awareness about human trafficking, victim remedies and services, and trafficking prevention
- Promote training on human trafficking prevention and victim services for State and local employees who may have recurring contact with victims or perpetrators
- Promote training on human trafficking investigation and prosecution with the North Dakota State's Attorney's Association, the North Dakota Peace Officers Standards and Training Board, and State and local law enforcement agencies
- Conduct other appropriate activities

Northern Mariana Islands

Current Through December 2018

State Agency Responsibilities

This issue is not addressed in the statutes and regulations reviewed.

Training Requirements

This issue is not addressed in the statutes and regulations reviewed.

Diversion From Prosecution

This issue is not addressed in the statutes and regulations reviewed.

Services and Supports for Victims

This issue is not addressed in the statutes and regulations reviewed.

Support for Anti-Trafficking Efforts

This issue is not addressed in the statutes and regulations reviewed.

Ohio

Current Through December 2018

State Agency Responsibilities**Citation: Admin. Code § 5101:2-36-05**

A public children's services agency (PCSA) shall conduct a stranger-danger investigation in response to a child abuse report alleging a criminal act against a child of assault or sexual activity, as defined under chapter 2907 of the Revised Code, if the alleged perpetrator was unknown to the alleged child victim and the alleged child victim's family prior to the incident(s). The PCSA shall refer the report to the appropriate law enforcement authority within 24 hours of the time the report was screened in, unless the report was received from the law enforcement agency with jurisdiction.

The PCSA shall initiate the stranger-danger report in accordance with the following:

- For an emergency report, PCSA shall attempt a face-to-face contact with the alleged child victim within 1 hour from the time the referral was screened in, to assess child safety and interview the alleged child victim.
- For all other reports, the PCSA shall attempt a face-to-face contact or complete a telephone contact within 24 hours from the time the referral was screened in, with a principal of the report or collateral source who has knowledge of the alleged child victim's current condition and can provide current information about the child's safety.
- If face-to-face contact with the alleged child victim was not attempted within the 24-hour timeframe, an attempt of face-to-face contact with the alleged child victim shall be made within 72 hours from the time the report was screened in to assess child safety and interview the alleged child victim.

The PCSA shall not interview the alleged child victim or his or her siblings without parental consent, unless one of the following exigent circumstances exists:

- There is credible information indicating the child is in immediate danger of serious harm.
- There is credible information indicating that the child will be in immediate danger of serious harm upon return home from school or other locations away from his or her home.
- There is credible information indicating that the child may be intimidated from discussing the alleged abuse in his or her home.
- The child requests to be interviewed at school or another location due to one of the circumstances listed in this paragraph.

The PCSA shall take any other actions necessary to assess safety and risk to the child. These actions may include, but are not limited to, the following:

- Taking photographs of areas of trauma on the child's body
- Taking photographs of the child's environment with the parent, guardian, or custodian's consent
- Attempting to secure a medical examination or psychological evaluation of the child, with consent of the child's parent, guardian, or custodian or with a court order
- Attempting to secure any relevant records, including, but not limited to, school, mental health, and medical records

If the PCSA determines supportive services are necessary, the supportive services shall be made available to the child and his or her parent, guardian, or custodian during the safety-planning process and the assessment/investigation process.

Training Requirements**Citation: Rev. Code §§ 109.745; 3319.073; 4743.07; Admin. Code § 5101:2-33-55**

The attorney general shall provide training for peace officers in investigating and handling violations of § 2905.32 (involuntary servitude). The training shall include all of the following:

- Identifying violations of § 2905.32
- Methods used in identifying victims of violations of § 2905.32 who are citizens of the United States or a foreign country, including preliminary interviewing techniques and appropriate questioning methods
- Methods for prosecuting persons who violate § 2905.32
- Methods of increasing effective collaboration with nongovernmental organizations and other social service organizations in the course of a criminal action regarding a violation of § 2905.32
- Methods for protecting the rights of victims of violations of § 2905.32, including the need to consider human rights and the special needs of women and children who are victims of violations of that section and to treat victims as victims rather than as criminals
- Methods for promoting the safety of victims of violations of § 2905.32, including the training of peace officers to quickly recognize victims of a violation of any of those sections who are citizens of the United States or citizens of a foreign country

The board of education of each city shall adopt or adapt the curriculum developed by the Department of Education for a program of inservice training in the prevention of child abuse, violence, and substance abuse and the promotion of positive youth development. Each person employed by any school district or service center to work in a school as a nurse, teacher, counselor, school psychologist, or administrator shall complete at least 4 hours of the inservice training within 2 years of commencing employment with the district and every 5 years thereafter. Each board shall incorporate training in school safety and violence prevention, including human trafficking content, into the inservice training required by this section.

The general assembly strongly recommends that every board, commission, or agency that is created under or by virtue of title 47 (Occupations and Professions) and that is authorized to grant licensure or certification to persons who may encounter human trafficking victims in the normal course of their work promulgate rules pursuant to chapter 119 to require those persons, as a condition of receiving or maintaining licensure or certification, to receive training in the recognition and handling of human trafficking cases.

In regulation: A PCSA caseworker shall complete an introductory course in human trafficking within 2 years of the date of hire. Training shall include, but is not limited to, all of the following:

- Laws governing human trafficking, including all of the following:
 - » The definition of human trafficking under § 2929.01
 - » Mandates of court, law enforcement, and other organizations working to bring attention to the problem of human trafficking
 - » The criminal offense of trafficking in persons under § 2905.32
- The dynamics of human trafficking and its effects on the victims
- Recognizing human trafficking
- The provision of resources to identify and assess victims of human trafficking
- Working with community resource providers in the area of human trafficking

Diversion From Prosecution

This issue is not addressed in the statutes and regulations reviewed.

Services and Supports for Victims**Citation: Admin. Code § 5101:2-40-02**

Supportive services shall be made available by PCSA to the child, his or her parent, guardian, or custodian through one or more of the following:

- Information and referral services to community resources
- Direct services from the PCSA
- Contract services from community service providers
- Direct and indirect services from child abuse and neglect multidisciplinary teams

The PCSA may provide any of the mandated services identified in this paragraph directly, or may arrange service delivery with a community services provider:

- Case management services, activities performed by the PCSA, private child-placing agency (PCPA), private noncustodial agency (PNA), or title IV-E agency for the purpose of providing, recording, and supervising services to a child and his or her parent, guardian, custodian, caregiver, or substitute caregiver
- Counseling services, which may include one or both of the following:
 - » General counseling services performed by a PCSA or shelter for victims of domestic violence to assist a child, a child's parents, and a child's sibling in alleviating identified problems causing or that may cause the child to be an abused, neglected, or dependent child
 - » Psychiatric or psychological therapeutic counseling services provided to correct or alleviate any mental or emotional illness or disorder and performed by a licensed psychiatrist, licensed psychologist, or person licensed to engage in social work or professional counseling
- Diagnostic services, which are medical, psychiatric, or psychological services performed by a licensed physician, psychiatrist, psychologist, licensed professional counselor with clinical endorsement, or a licensed independent social worker for the purpose of evaluating an individual's current physical, emotional, or mental condition.
- Emergency shelter, the short-term crisis placement of any child threatened or alleged to be abused, neglected, or dependent to an extent there is imminent risk to the child's life, physical or mental health, or safety
- Substitute care, which is the care provided for a child apart from his or her parent or guardian while the child's custody is held by a PCSA or PCPA
- Therapeutic services, which includes medical, psychiatric, or psychological services performed by licensed or certified physicians, psychiatrists, psychologists, professional counselors, or independent social workers for the purpose of correcting or alleviating physical, mental, or emotional illnesses or disorders

Support for Anti-Trafficking Efforts

Citation: Rev. Code § 5101.87

There is created in the State treasury the Victims of Human Trafficking Fund consisting of money seized in connection with a violation of human trafficking laws; money acquired from the sale of personal effects, tools, or other property seized because the personal effects, tools, or other property were used in the commission of a violation of human trafficking laws; or money derived from the proceeds of the commission of a violation of human trafficking laws and deposited pursuant to § 2981.12 and such other money as may be appropriated or contributed to the fund. Money in the fund shall be used for the sole purpose of treating, caring for, rehabilitating, educating, housing, and providing assistance for victims of trafficking in persons. The director of the Department of Job and Family Services shall administer the fund.

Oklahoma

Current Through December 2018

State Agency Responsibilities

Citation: Ann. Stat. Tit. 21, § 748.2; Tit. 10A, § 1-9-123

Any peace officer or employee of a district court, juvenile bureau, or Office of Juvenile Affairs who has reasonable suspicion that a minor may be a victim of human trafficking and is in need of immediate protection shall assume protective custody over the minor and immediately notify the Department of Human Services. The minor shall be transferred to the emergency custody of the department pursuant to the provisions of title 10A, § 1-4-201. While in custody of the department, the minor shall be provided with any necessary emergency social services, including, but not limited to, medical examination or treatment or a mental health assessment.

Law enforcement and the department shall conduct a joint investigation into the claim.

The minor shall remain in the custody of the department until the investigation has been completed but for no longer than 2 judicial days, for the show-cause hearing. The department may release the minor to the custody of a parent or legal guardian if it determines the minor will not be subject to further exploitation. If no such determination is made, the minor shall be subject to the deprived child provisions of the Oklahoma Children's Code and made eligible for appropriate child welfare services.

When notified a child or youth has run away or is missing from a foster placement, the department shall, within 24 hours of notification, report such status of the child or youth to local law enforcement, the National Crime Information Center, and to the National Center for Missing and Exploited Children.

The department shall develop and implement specific protocols to do the following:

- Expediently locate any child or youth missing from foster care
- Determine the primary factors that contributed to the child or youth running away or otherwise being absent from foster care
- Respond, to the extent possible and appropriate, to those factors that contributed to the absence from care or runaway behaviors in the current and subsequent placements of the child or youth
- Determine what the child or youth experienced while absent from care, including an appropriate screening to determine if the child or youth is a possible victim of sex trafficking

The department shall report to law enforcement authorities immediately, and in no case later than 24 hours, after receiving information on a child or youth who has been identified as being a sex trafficking victim.

The policies and procedures shall be developed for every child or youth over whom the department has responsibility for placement, care, or supervision and shall apply when the department has reasonable cause to believe a child or youth is currently, or is at risk of being, a victim of sex trafficking, including a child or youth to whom any of the following applies:

- For whom the department has an open case file but has not been removed from the home
- Who has run away from foster care and who has not reached age 18
- Who is not in foster care but is receiving services

Training Requirements

Citation: Ann. Stat. Tit. 10A, § 1-9-123

The department shall, in consultation with State and local law enforcement, juvenile justice systems, health-care providers, education agencies, and organizations with experience in dealing with at-risk children and youth, establish policies and procedures, including relevant training for caseworkers, for identifying, documenting in agency records, and determining appropriate services for children and youth at risk of sex trafficking.

Diversion From Prosecution

Citation: Ann. Stat. Tit. 21, § 748.2

The minor shall not be subject to juvenile delinquency proceedings for prostitution or other nonviolent misdemeanor offenses committed as a direct result of being a victim of human trafficking. It shall be an affirmative defense to delinquency or criminal prosecution for any misdemeanor or felony offense that the offense was committed during the time of and as the direct result of the minor being the victim of human trafficking.

Services and Supports for Victims

Citation: Ann. Stat. Tit. 21, § 748.2

Human trafficking victims shall be assisted as follows:

- Be housed in an appropriate shelter as soon as practicable
- Not be detained in facilities inappropriate to their status as crime victims
- Not be jailed, fined, or otherwise penalized due to having been trafficked
- Receive prompt medical care, mental health care, food, and other assistance, as necessary
- Have access to legal assistance, information about their rights, and translation services, as necessary
- Be provided protection if the safety of the victim is at risk or if there is a danger of additional harm by recapture of the victim by a trafficker, including both of the following:
 - » Taking measures to protect trafficked persons and their family members from intimidation and threats of reprisals
 - » Ensuring that the names and identifying information of trafficked persons and their family members are not disclosed to the public

Support for Anti-Trafficking Efforts

This issue is not addressed in the statutes and regulations reviewed.

Oregon

Current Through December 2018

State Agency Responsibilities

Citation: Admin. Rules §§ 413-080-0062; 413-080-0053; 413-015-0215

When information is gathered or observations made that indicate a child or young adult may be a victim of sex trafficking, the caseworker must determine whether a child or young adult is, or is at risk of being, a victim of sex trafficking.

If a determination is made that a child or young adult is a victim of sex trafficking the caseworker must do the following:

- Report to a screener the identification of a child or a young adult as a sex trafficking victim
- Ensure law enforcement and the National Center for Missing and Exploited Children are notified immediately and in no case later than 24 hours after determining that the child or young adult is a sex trafficking victim
- Identify and refer to appropriate services

If a determination is made that a child or young adult is at risk of being a victim of sex trafficking, the caseworker must identify and refer to appropriate services.

When a child or young adult missing from substitute care is located, the caseworker must determine the following:

- The primary factors that contributed to the missing status of the child or young adult
- The child or young adult's experiences while missing
- If the child or young adult is a sex trafficking victim or at risk of being a sex trafficking victim

The screener must cross-report to the law enforcement agency, as required by rule 413-015-0305(1), and notify law enforcement when information is received from a caseworker that a child or young adult on an open child protective services assessment or open child welfare case is identified as a sex trafficking victim.

Training Requirements

Citation: Ann. Stat. § 181A.480

The Board on Public Safety Standards and Training may require that all police officers and certified reserve officers are trained to recognize, investigate, and report cases involving labor trafficking and sex trafficking of children and adults at any advanced training program operated or authorized by the Department of Public Safety Standards and Training.

Diversion From Prosecution

Citation: Ann. Stat. § 167.007

It is an affirmative defense to prosecution for the crime of prostitution that the defendant, at the time of the alleged offense, was a victim of the crime of trafficking in persons.

Services and Supports for Victims

Citation: CW Proc. Man., Ch.4, § 36

Children who have been victims of sex trafficking have many needs similar to those of children who come to the department's attention because of other types of abuse or neglect. Victims of sex trafficking need health care, mental health services, a safe place to live, and help with education.

The specific services for a child who is a sex trafficking victim or who is at risk of being a victim will vary depending on the specific child. Some of the services may include the following:

- Mental health services, including the following:
 - » Mental health assessments
 - » Mental health treatment that includes individual counseling
- Medical care, including the following:
 - » Routine physical
 - » Assessments for signs of abuse or neglect
 - » Checks for tattoos or branding
 - » STD and pregnancy testing

- Substance use screening
- Substance abuse treatment
- Life skills training
- Job placement
- Education
- Legal services
- Housing placement to find safe and suitable housing, including the following options:
 - » Foster home, group home, or shelter
 - » SAGE Youth Residential Program, a program designed specifically for children who have been commercially sexually exploited
 - » Placement with a particular relative with whom the child is comfortable
 - » Placement with a former caregiver or another adult with whom the child has formed a relationship and expresses a desire to be placed
 - » Reunification with the child's parent or parents, if he or she expresses a desire to live with his or her parent and the caseworker determines whether reunification is suitable
- Vocational training
- Independent Living Program services to help children/young adults who are, or were, in foster care to become self-sufficient adults
- Advocate or mentor

Support for Anti-Trafficking Efforts

Citation: Ann. Stat. § 147.480

The Fund to End Commercial Sexual Exploitation of Children is established in the State Treasury, separate and distinct from the general fund. Interest earned by the fund shall be credited to the fund. All moneys deposited in the fund are continuously appropriated to the Department of Justice for the purposes of this section.

The department shall allocate monies from the fund to provide financial assistance to one or more of the following:

- Services, interventions, and treatment for children who have been or may become the victims of commercial sexual exploitation
- Efforts to provide outreach to and to educate the public, professionals, and service providers about the commercial sexual exploitation of children
- Efforts to prevent and reduce the incidence of commercial sexual exploitation of children
- Training of investigators, service providers, and others regarding the identification and treatment of children who have experienced commercial sexual exploitation
- Advocacy for children who have been victims of commercial sexual exploitation
- Promotion and facilitation of interagency and interdepartmental cooperation among State agencies and among different levels of government in this State in the delivery and funding of services for children who have been or may become victims of commercial sexual exploitation
- Any other activity, project, or program that will encourage and support the provision of preventative and therapeutic assistance to child victims or potential child victims of commercial sexual exploitation

The department shall appoint an advisory committee to advise the department with respect to policies and procedures to coordinate statewide planning for delivery of services to child victims of commercial sexual exploitation. The advisory committee shall meet with and advise the department, provide the department with information regarding the status of existing services, and make recommendations for the making of awards of financial assistance pursuant to this section. The department shall include as members of the advisory committee stakeholders with expertise in child welfare, mental health and addiction, sex trafficking, and law enforcement.

Pennsylvania

Current Through December 2018

State Agency Responsibilities

Citation: Cons. Stat. Tit. 23, §§ 5702; 6382; Tit. 42, § 6328

A county agency shall report to law enforcement as soon as practicable but in no case later than 24 hours after receiving the following information:

- The county agency has reasonable cause to suspect that a child is at risk of being a sex trafficking victim.
- The county agency identifies a child as being a sex trafficking victim.

A county agency shall report to law enforcement and to the National Center for Missing and Exploited Children as soon as practicable but no later than 24 hours after receiving information about a child who is missing from the child's residence or is abducted.

The county agency shall be the sole civil agency responsible for receiving and investigating all reports of child abuse made pursuant to this chapter, specifically including, but not limited to, reports of child abuse in facilities operated by the department and other public agencies, for the purpose of providing protective services to prevent further abuses to children and to provide or arrange for and monitor the provision of those services necessary to safeguard and ensure the well-being and development of the child and to preserve and stabilize family life wherever appropriate.

An agency charged with investigating a report of child abuse may rely on a factual investigation of substantially the same allegations by a law enforcement agency to support the agency's finding. This reliance shall not, however, limit the duty to investigate reports. Each county agency shall implement a State-approved risk assessment process in performance of its duties under this subchapter.

The offenses listed below shall be referred to a county agency if the offense:

- Is committed by a child as a direct result of being a sexually exploited child
- Is directly related to having been subject to human trafficking

Eligible offenses for referral to a county agency include the following:

- Criminal trespass
- Presenting false identification to law enforcement authorities
- Disorderly conduct
- Loitering and prowling at night time
- Possession of a controlled substance

If an offense listed above is referred to a county agency, delinquency proceedings under chapter 63 may not be commenced immediately. If treatment and social services are unsuccessful while the dependency petition is pending, as evidenced by the child's behavior, and the county agency believes that juvenile justice services are necessary and warranted, the county agency shall refer the child's case to the juvenile probation department or district attorney's office for the commencement of delinquency proceedings.

Training Requirements

Citation: Cons. Stat. Tit. 18, § 3063

The Municipal Police Officers' Education and Training Commission and the Pennsylvania State Police shall provide training to appropriate law enforcement officers. The training shall include the following:

- Methods used to identify a sexually exploited child
- Methods used to interview and engage with a sexually exploited child
- Methods to assist victims in accessing specialized programs and services for a sexually exploited child
- Methods to minimize trauma in the detention of a sexually exploited child

Diversion From Prosecution

Citation: Cons. Stat. Tit. 18, § 3065

If it is determined by a law enforcement officer, after reasonable detention for investigative purposes, that an individual is younger than age 18 and is determined to be a sexually exploited child, the individual shall be immune from the following:

- Prosecution or adjudication as a delinquent child for a violation of §§ 5507 (relating to obstructing highways and other public passages) and 5902(a) (relating to prostitution and related offenses)

- Revocation of an existing term of probation or parole arising from a conviction or adjudication for another offense, if the revocation is based on conduct described above

The safe harbor immunity described above shall not do the following:

- Interfere with or prevent an investigation, arrest, charge, prosecution, delinquency adjudication, or revocation for violations other than a violation of §§ 5507 and 5902(a)
- Bar the admission of evidence in connection with the investigation and prosecution for a violation other than a violation of §§ 5507 and 5902(a)
- Bar the admission of evidence in connection with an investigation and prosecution of an individual who does not qualify for safe harbor as provided under this section

An individual determined to be a sexually exploited child shall be detained no longer than necessary and only to assist the child in securing specialized services available under § 3062 (relating to specialized services for sexually exploited children) or to refer the child to a county agency if required under tit. 42, § 6328 (relating to dependency in lieu of delinquency).

In addition to any other immunity or limitation on civil liability, a law enforcement officer or prosecuting attorney who, acting in good faith, investigates, detains, charges, or institutes delinquency proceedings against an individual who is thereafter determined to be entitled to immunity under this section shall not be subject to civil liability for the actions.

Services and Supports for Victims

Citation: Cons. Stat. Tit. 18, §§ 3061; 3062

The Department of Human Services shall develop a statewide protocol to efficiently and effectively coordinate the provision of specialized services to sexually exploited children. The department shall, in conjunction with county agencies, do the following:

- Develop and provide specialized programs and services for sexually exploited children that address a victim's needs, including the following:
 - » Safe and stable housing
 - » Access to education
 - » Employment and life skills training
 - » Comprehensive case management
 - » Physical and behavioral health care, including trauma therapy
 - » Treatment for drug or alcohol dependency
 - » Medical and dental care
 - » Access to personal care items and adequate clothing
 - » Other needs that sexually exploited children may have as determined by the department or the county agencies
- Ensure that providers of the specialized programs and services receive sufficient training and understand the unique circumstances surrounding the victimization of sexually exploited children

Support for Anti-Trafficking Efforts

Citation: Cons. Stat. Tit. 18, §§ 3031; 3064

Subject to the availability of funds, the Pennsylvania Commission on Crime and Delinquency shall make grants to State agencies, units of local government, and nongovernmental organizations to do the following:

- Develop, expand, or strengthen programs for victims of human trafficking, including the following programs:
 - » Health services, including mental health services
 - » Temporary and permanent housing placement
 - » Legal and immigration services
 - » Employment placement, education, and training
- Ensure prevention of human trafficking, including increasing public awareness
- Ensure protection of victims of human trafficking, including training of first responders

The Safe Harbor for Sexually Exploited Children Fund is established in the State Treasury and shall be administered by the Department of Human Services. Appropriations for transfers to the fund and fines paid by persons convicted of trafficking offenses and interest accrued on the fines collected shall be deposited into the fund.

In addition to money that may be appropriated by the general assembly, the department may apply for and expend Federal grants and contributions from other public, quasi-public, or private sources to assist in implementing this subchapter.

Money in the fund shall be used as follows:

- At least 50 percent of the fund may be expended by the department to provide victim services, either directly by the department or through grants.
- At least 40 percent of the fund may be expended to increase public awareness through an anti-demand campaign.
- No more than 10 percent of the fund may be expended by the department for the costs of operating and maintaining the fund.

Puerto Rico

Current Through December 2018

State Agency Responsibilities

This issue is not addressed in the statutes reviewed.

Training Requirements

This issue is not addressed in the statutes reviewed.

Diversion From Prosecution

This issue is not addressed in the statutes reviewed.

Services and Supports for Victims

This issue is not addressed in the statutes reviewed.

Support for Anti-Trafficking Efforts

This issue is not addressed in the statutes reviewed.

Rhode Island

Current Through December 2018

State Agency Responsibilities

Citation: Proc. Man. # 100.0260

The Department of Children, Youth and Families, in partnership with the community, investigates, identifies, and supports all children under age 18, or up to age 21 if involved with the department, who are victims of sex trafficking or at risk of being a victim of sex trafficking. The department collaborates with local, State, and Federal law enforcement agencies; Day One; the Aubin Center at Hasbro Children's Hospital; the Attorney General's Office; and other social services organizations to ensure that a youth that has been identified as a victim of sex trafficking receives the appropriate treatment and support.

When a call comes in to the child protective services (CPS) hotline alleging sex trafficking of a child, the case is assigned to a child protective investigator (CPI), and a CPS investigation is initiated in accordance with department operating procedures. The CPI coordinates with the child's caregiver to have the child examined at the Aubin Center. If the case is already active with the department, the CPI coordinates with the assigned staff and the child's caregiver to have the child examined at the Aubin Center. The CPI and the department caseworker, if the case is already open, participate in all meetings and service planning as part of the multidisciplinary team (MDT).

The human trafficking response coordinator (HTPC) notifies the department's special investigations unit (SIU) by email. The SIU does the following:

- Acts as a liaison within the department for all commercial sexual exploitation of a child (CSEC) and ensures all relevant department administrators are informed of any incidents
- Coordinates with law enforcement and the MDT

- Assists in gathering law enforcement information and shares information with the assigned CPI, primary service worker, and supervisor
- Provides the primary service worker with a copy of the CSEC screening tool results
- Provides support to the victim and his or her family
- Maintains and updates records of all children and youth who are at high-risk of being sex trafficked or are confirmed victims
- Notifies the assigned staff when a youth is deemed high risk or is a confirmed victim
- Provides notification to the administration of any suspected trafficking activities taking place in department placements

The HTRC meets with the child within 48 hours to screen and categorize the child using the CSEC screening tool to determine if the child is at risk, high risk, or a confirmed victim. The MDT coordinator convenes an MDT conference within 48 hours of the reported incident.

When a child/youth is located after being reported as missing or running away, the SIU assesses the child/youth to determine whether he or she may be a sex trafficking victim, involved in CSEC, or at high risk of becoming a victim. In all instances after the child/youth is located, he or she is assessed by the SIU as soon as possible, but no later than 5 business days, to determine the following:

- The primary factors that contributed to the child/youth's running away or going missing
- The child's experiences while missing, including screening the child to determine if the child is a possible sex trafficking victim

The department considers these factors in identifying current and subsequent placements for the child.

Training Requirements

This issue is not addressed in the statutes and regulations reviewed.

Diversion From Prosecution

Citation: Gen. Laws § 11-67.1-15

An individual is not criminally liable or subject to a delinquency proceeding in the family court for prostitution or solicitation to commit a sexual act if the individual was a minor at the time of the offense and committed the offense as a direct result of being a victim of trafficking.

An individual who has engaged in commercial sexual activity is not criminally liable or subject to a delinquency proceeding in the family court for prostitution or solicitation to commit a sexual act if the individual was a minor at the time of the offense.

A minor who under this section is not subject to criminal liability or a delinquency proceeding in family court is presumed to be an abused and/or neglected child as defined in § 40-11-2.

Services and Supports for Victims

Citation: Gen. Laws §§ 11-67.1-21; 40-11-18; Proc. Man. # 100.0260

A minor who has engaged in commercial sexual activity is eligible for a benefit or service available through the State in any plan established by the council on human trafficking, regardless of immigration status.

As soon as practicable after a first encounter with an individual who reasonably appears to any State or local agency to be a victim or a minor who has engaged in commercial sexual activity, the agency shall notify the Department of the Attorney General, a State or local law enforcement agency, or the Department of Health that the individual may be eligible for a benefit or service pursuant to this chapter.

Children's advocacy centers (CACs) shall provide the following services to children in Rhode Island:

- Operation of a child-appropriate or child-friendly facility that provides a comfortable, private setting that is both physically and psychologically safe for clients
- Participation in a multidisciplinary team for response to child abuse allegations
- Promotion of policies, practices, and procedures that are culturally competent and diverse

In addition, the CAC will do the following:

- Conduct forensic interviews in a manner that is of a neutral, fact-finding nature and coordinated to avoid duplicative interviewing
- Provide specialized medical evaluation and treatment to clients as part of the team response, either at the CAC or through coordination and referral with other specialized medical providers
- Offer therapeutic intervention through specialized mental health services made available as part of the team response, either at the CAC or through coordination and referral with other appropriate treatment providers
- Offer victim support and advocacy as part of the team response, either at the CAC or through coordination with other providers, throughout the investigation and subsequent legal proceedings
- Conduct team discussions and provide information sharing regarding the investigation, case status, and services needed by the child and family
- Develop and implement a system for monitoring case progress and tracking case outcomes for team components

In policy: Department staff, in consultation with community partners, work with youth who are confirmed sex trafficked victims to develop an individualized plan. This plan includes the following:

- Safe and suitable placement options
- A safety plan to keep youth safe from perpetrators in treatment and community settings
- Access to trauma-informed mental health services, physical health services, and legal services
- Rehabilitative services, including counseling, education, and job training

Support for Anti-Trafficking Efforts

Citation: Gen. Stat. § 11-67.1-19

The Council on Human Trafficking is created in the executive branch. The governor shall appoint the chair and members of the council. Members must include representatives of the following:

- Department of the Attorney General; the Department of Health; the Department of Children, Youth And Families; the Department of Behavioral Healthcare, Developmental Disabilities and Hospitals; and law enforcement that have contact with victims or perpetrators
- Nongovernmental organizations that represent, advocate for, or provide services to victims
- Other organizations and individuals, including victims whose expertise would benefit the council

The council created under this section shall meet on a regular basis and do the following:

- Develop a coordinated and comprehensive plan to provide victims with services
- Collect and evaluate data on human trafficking in this State and submit an annual report to the governor and legislature
- Promote public awareness about human trafficking, victim remedies and services, and trafficking prevention
- Create a public awareness sign that contains the State and National Human Trafficking Resource Center hotline information
- Coordinate training on human trafficking prevention and victim services for State and local employees who may have recurring contact with victims or perpetrators
- Conduct other appropriate activities

South Carolina

Current Through December 2018

State Agency Responsibilities

Citation: Ann. Code §§ 63-7-20; 63-7-620; 63-7-630; 63-7-980

A child is a victim of trafficking in persons as defined in § 16-3-2010, including sex trafficking, regardless of whether the perpetrator is a parent, guardian, or other person responsible for the child's welfare.

A law enforcement officer may take emergency protective custody of a child without the consent of the child's parents, guardians, or others exercising temporary or permanent control over the child if the officer has probable cause to believe that by reason of abuse

or neglect the child's life, health, or physical safety is in substantial and imminent danger if the child is not taken into emergency protective custody, and there is not time to apply for a court order pursuant to § 63-7-1690.

When an officer takes a child into emergency protective custody under this subarticle, the officer immediately shall notify the Department of Social Services. The department shall notify the parent, guardian, or other person exercising temporary or permanent control over the child as early as reasonably possible of the location of the child, unless there are compelling reasons for believing that disclosure of this information would be contrary to the best interests of the child.

The department must cooperate with law enforcement agencies within the area it serves and establish procedures necessary to facilitate the referral of child protection cases to the department.

When the facts indicating abuse or neglect also appear to indicate a violation of criminal law, the department must notify the appropriate law enforcement agency of those facts within 24 hours of the department's finding for the purposes of police investigation.

When the intake report is of alleged sexual abuse, the department must notify the appropriate law enforcement agency within 24 hours of receipt of the report to determine if a joint investigation is necessary. The law enforcement agency must file a formal incident report at the time it is notified of the alleged sexual abuse.

Training Requirements

Citation: Ann. Code § 16-3-2050(E)(7)

The interagency task force shall review mandatory training for law enforcement agencies, prosecutors, and other relevant officials in addressing trafficking in persons.

Diversions From Prosecution

Citation: Ann. Code § 16-3-2020(G)

If the victim was a minor at the time of the offense, the victim of trafficking in persons may not be prosecuted in court pursuant to this article or a prostitution offense, if it is determined after investigation that the victim committed the offense as a direct result of, or incidental or related to, trafficking.

Services and Supports for Victims

Citation: Ann. Code § 16-3-2050(E)(5)

The interagency task force shall review the existing services and facilities to meet trafficking victims' needs and recommend a system to coordinate services, including, but not limited to, health services, including mental health; housing; education and job training; English-as-a-second-language classes; interpreting services; legal and immigration services; and victim compensation.

Support for Anti-Trafficking Efforts

Citation: Ann. Code § 16-3-2050

The attorney general shall establish an interagency task force to develop and implement a State Plan for the Prevention of Trafficking in Persons. The task force shall consider carrying out the following activities either directly or through one or more of its constituent agencies:

- Coordinate the collection and sharing of trafficking data among government agencies, while respecting the privacy of victims of trafficking in persons
- Coordinate the sharing of information between agencies for the purposes of detecting criminal groups engaged in trafficking in persons
- Establish policies to enable the State government to work with nongovernmental organizations and other elements of civil society to prevent trafficking in persons and provide assistance to U.S. citizens and foreign national victims
- Evaluate various approaches used by State and local governments to increase public awareness of the trafficking in persons, including U.S. citizens and foreign national victims of trafficking in persons
- Collect and periodically publish statistical data on trafficking
- Prepare public awareness programs designed to educate potential victims of trafficking in persons and their families on the risks of victimization

- Prepare and disseminate awareness materials to the general public to educate the public on the extent of trafficking in persons, both U.S. citizens and foreign nationals, within the United States and to discourage the demand that fosters the exploitation of persons that leads to trafficking in persons

To the extent that funds are appropriated, the task force may make grants to or contract with a State agency, local government, or private victim's service organization to develop or expand service programs for victims. A recipient of a grant or contract shall report annually to the task force the number and demographic information of all victims receiving services pursuant to the grant or contract.

South Dakota

Current Through December 2018

State Agency Responsibilities

Citation: Admin. Code § 67:14:30:06

The Department of Social Services shall provide for 24-hour receipt of reports of a child alleged to be exposed to harm or threats of harm by a parent, guardian, or custodian responsible for the child's care and reports of child abuse or neglect through agreements with law enforcement agencies or other community-based agencies. The department shall provide immediate or prompt assessment or investigation of reports made to the department by any person who makes a report alleging that a child is in need of protective services. The department shall offer protective services to the family and may make referral to the court of competent jurisdiction upon confirmation of need for child protective services. If a report received by the department implicates involvement of a foster parent or person employed by the department, the department shall request a review of the report by the State's attorney.

Training Requirements

This issue is not addressed in the statutes and regulations reviewed.

Diversion From Prosecution

Citation: Ann. Laws §§ 22-23-1.2; 26-7A-115.1

It is an affirmative defense to a charge of prostitution if the defendant proves by a preponderance of the evidence that the defendant is a victim of human trafficking or that the defendant committed the act only under compulsion by another person who, by implicit or explicit threat, created a reasonable apprehension in the mind of the defendant that if the defendant did not commit the act, the person would inflict bodily harm upon the defendant.

A person older than age 18 may petition a court for the expunction of a delinquency record that resulted from that person being a victim of human trafficking or sexual exploitation. An expunction under this section vacates the underlying delinquency proceeding.

Services and Supports for Victims

This issue is not addressed in the statutes and regulations reviewed.

Support for Anti-Trafficking Efforts

This issue is not addressed in the statutes and regulations reviewed.

Tennessee

Current Through December 2018

State Agency Responsibilities

Citation: Ann. Code § 71-1-135

The commissioner of human services shall establish a plan for the delivery of services to victims of human trafficking after consultation with the following departments:

- Department of Children's Services
- Department of Health
- Department of Intellectual and Developmental Disabilities
- Department of Mental Health and Substance Abuse Services
- Tennessee Bureau of Investigation

The plan shall include, but not be limited to, provisions to do the following:

- Identify victims of human trafficking in this State
- Identify community-based services for victims of human trafficking
- Prepare and disseminate educational materials and provide training programs to increase awareness of human trafficking and the services available to victims
- Assist victims of human trafficking with family reunification

Training Requirements

Citation: Ann. Code § 38-6-114

The Tennessee Bureau of Investigation shall do the following:

- Implement a course or courses of instruction for the training of law enforcement officers and other government officials who are directly involved with human trafficking, including the investigation of and the intake of human trafficking complaints
- Develop recommended best-practice uniform protocols and procedures for law enforcement response to human trafficking

The course or courses of instruction and the guidelines shall emphasize the following:

- The dynamics and manifestations of human trafficking
- Identifying and communicating with victims
- Providing documentation that satisfies the Peace Officers Standards and Training Commission requirements
- Collaboration with Federal law enforcement officials
- Appropriate investigative techniques for the particular victim or victim type
- The availability of civil and immigration remedies and community resources
- Protection of the victim

A law enforcement officer who is assigned field or investigative duties shall complete a minimum of 2 hours of training in a course or courses of instruction pertaining to the handling of human trafficking complaints. An officer must complete the required training hours within 6 months from the officer's date of employment as a full-time law enforcement officer.

In addition to the course of instruction provided to law enforcement officers, the Tennessee Bureau of Investigation shall develop and deliver a course of instruction designed for various agencies and departments likely to come into contact with human trafficking and human trafficking victims during the course of delivering services. The following departments, agencies, or associations are included in this course of instruction:

- Council of Juvenile and Family Court Judges, including juvenile court administrators, juvenile court youth services officers, and juvenile court probation officers
- Department of Children's Services
- Department of Education
- Department of Health
- Department of Human Services
- Department of Mental Health and Substance Abuse Services
- Department of Safety
- Department of Labor and Workforce Development
- District Attorneys General Conference
- District Public Defenders Conference
- Office of the Attorney General and Reporter
- Tennessee Association of Chiefs of Police
- Tennessee Sheriffs' Association
- Tennessee Judicial Conference
- Tennessee General Sessions Judges Conference
- Clerks of Court Conference

In developing the course of instruction, the Tennessee Bureau of Investigation shall consult with the Human Trafficking Task Force or individual members of the task force. Furnishing personnel and appropriations for the training course is the sole responsibility of the Tennessee Bureau of Investigation. The departments, agencies, or associations listed above shall be provided the training at no cost to the department, agency, or association.

Diversion From Prosecution**Citation: Ann. Code § 39-13-513**

Notwithstanding any provision of this section to the contrary, if it is determined after a reasonable detention for investigative purposes that a person suspected of or charged with prostitution is younger than age 18, that person shall be immune from prosecution for prostitution as a juvenile or adult. A law enforcement officer who takes a person younger than age 18 into custody for a suspected violation of this section shall, upon determination that the person is a minor, provide the minor with the telephone number for the Tennessee Human Trafficking Resource Center Hotline and release the minor to the custody of a parent or legal guardian or transport the minor to a shelter care facility designated by the juvenile court judge to facilitate the release of the minor to the custody of a parent or legal guardian.

Services and Supports for Victims**Citation: Ann. Code § 71-1-135(b)**

The plan developed under § 71-1-135(a) shall include, but not be limited to, provisions to do the following:

- Assist victims of human trafficking through the provision of information regarding access to benefits and services to which those victims may be entitled
- Coordinate delivery of services and information concerning health care, mental health care, legal services, housing, job training, education, and victim's compensation funds

Support for Anti-Trafficking Efforts**Citation: Ann. Code § 39-13-312**

The proceeds from all forfeitures made pursuant to § 39-11-703(c) shall first be applied to the reasonable expenses of the forfeiture proceeding, including the expenses of the district attorney general and the costs of seizing and maintaining custody of the forfeited property. The clerk of the court where the forfeiture occurs shall transmit 40 percent of the proceeds from all forfeitures as follows:

- Twenty percent to the law enforcement agency conducting the investigation that resulted in the forfeiture for use in training and equipment for the enforcement of the human trafficking laws
- Twenty percent to the District Attorneys General Conference for education, expenses, expert services, training, or the enhancement of resources for the prosecution of and asset forfeiture in human trafficking cases

The clerk shall transmit the remainder of the proceeds to the State general fund, where there is established a general fund reserve to be allocated through the general appropriations act, which shall be known as the Anti-Human Trafficking Fund. The fund shall be managed by the treasurer and monies from the fund shall be expended to fund activities authorized by this section.

The general assembly shall appropriate monies from the fund to the Department of Finance and Administration for the department to provide grants to agencies or groups that are incorporated as a not-for-profit organization and that have provided services to victims of human trafficking for at least 6 months prior to the application for funds under this section. The grants shall be for any of the following purposes:

- Providing direct services to victims of human trafficking
- Conducting programs for the prevention of human trafficking
- Conducting education, training, or public outreach programs about human trafficking

Texas

Current Through December 2018

State Agency Responsibilities**Citation: Gov't. Code § 772.0063; Fam. Code § 262.011; Hum. Res. Code § 42.0531**

The governor shall establish and implement a program to provide comprehensive, individualized services to address the rehabilitation and treatment needs of child victims of trafficking. The governor shall appoint a director of the program to serve at the pleasure of the governor. The director of the program shall coordinate with State and local law enforcement agencies, State agencies, and service providers to identify victims of child sex trafficking who are eligible to receive services under the program.

For each victim of child sex trafficking identified by the director, the program shall immediately facilitate the assignment of a caseworker to the victim to coordinate with local service providers to create a customized package of services to fit the victim's immediate and long-term rehabilitation and treatment needs. Services provided under the program must address all aspects of the medical, psychiatric, psychological, safety, and housing needs of victims.

A court in an emergency, initial, or full adversary hearing conducted under this chapter may order that the child who is the subject of the hearing be placed in a secure agency foster home verified in accordance with § 42.0531, Human Resources Code, if the court finds that both of the following apply:

- The placement is in the best interests of the child.
- The child's physical health or safety is in danger because the child has been recruited, harbored, transported, provided, or obtained for forced labor or commercial sexual activity, including any child subjected to an act specified in § 20A.02 (trafficking of persons) or § 20A.03 (continuous trafficking of persons), Penal Code.

The commissioners' court of a county or governing body of a municipality may contract with a child-placing agency to verify a secure agency foster home to provide a safe and therapeutic environment tailored to the needs of children who are victims of trafficking.

A child-placing agency may not verify a secure agency foster home to provide services under this section unless the child-placing agency holds a license issued under this chapter that authorizes the agency to provide services to victims of trafficking in accordance with department standards adopted under this chapter for child-placing agencies.

Training Requirements

Citation: Govt. Code §§ 402.035; 22.110; 22.011

The Human Trafficking Prevention Task Force shall do the following:

- Work with the Texas Commission on Law Enforcement to develop and conduct training for law enforcement personnel, victim service providers, and medical service providers to identify victims of human trafficking
- Work with the Texas Education Agency, the Department of Family and Protective Services, and the Health and Human Services Commission to do the following:
 - » Develop a list of key indicators that a person is a victim of human trafficking
 - » Develop a standardized curriculum and train doctors, nurses, emergency medical services personnel, teachers, school counselors, school administrators, and personnel from the Department of Family and Protective Services and the Health and Human Services Commission to identify and assist victims of human trafficking
 - » Develop and conduct training for personnel from the Department of Family and Protective Services and the Health and Human Services Commission on methods for identifying children in foster care who may be at risk of becoming victims of human trafficking
 - » Develop a process for referring identified human trafficking victims and individuals at risk of becoming victims to appropriate entities for services
- On the request of a county court judge, a county attorney, or district attorney, assist and train the judge or the judge's staff or the attorney or the attorney's staff in the recognition and prevention of human trafficking

The court of criminal appeals shall assure that judicial training related to the problems of trafficking of persons and child abuse and neglect is provided. Each judge must complete at least 4 hours of training dedicated to issues related to trafficking of persons and child abuse and neglect within the judge's first term of office. The instruction must include information about the following:

- Case law, statutory law, and procedural rules relating to trafficking of persons and child abuse and neglect
- Methods for providing protection for victims of trafficking of persons and child abuse and neglect
- Dynamics and effects of being a victim of trafficking of persons or child abuse and neglect
- Issues of child development that pertain to trafficking of persons and child abuse and neglect
- Medical findings regarding trafficking of persons and child abuse and neglect

The supreme court shall provide judicial training related to the problems of trafficking of persons and child abuse and neglect. The instruction must include information about the following:

- Case law, statutory law, and procedural rules relating to trafficking of persons and child abuse
- Methods for providing protection for victims of trafficking of persons or child abuse
- Dynamics and effects of being a victim of trafficking of persons or child abuse

Diversion From Prosecution

Citation: Fam. Code § 54.0326; Hum. Res. Code § 152.0017

A juvenile court may defer adjudication proceedings under § 54.03 (adjudication of delinquent conduct) until the child's 18th birthday and require a child to participate in a program established under §152.0017, Human Resources Code, if the child is alleged to have engaged in delinquent conduct or conduct indicating a need for supervision and may be a victim of conduct that constitutes an offense under § 20A.02, Penal Code, and presents to the court an oral or written request to participate in the program.

Following a child's completion of the program, the court shall dismiss the case with prejudice at the time the child presents satisfactory evidence that the child successfully completed the program.

A juvenile board may establish a trafficked persons program under this section for the assistance, treatment, and rehabilitation of children who are alleged to have engaged in or adjudicated as having engaged in delinquent conduct or conduct indicating a need for supervision and may be victims of trafficking of persons. A program established under this section must do the following:

- If applicable, allow for the integration of services available to a child pursuant to proceedings under title 3, Family Code (juvenile justice code) and subtitle E, title 5, Family Code (child protection and child welfare services)
- If applicable, allow for the referral to a facility that can address issues associated with human trafficking
- Require a child participating in the program to periodically appear in court for monitoring and compliance purposes

Services and Supports for Victims

Citation: Hum. Res. Code § 42.0531(c)

A secure agency foster home must provide the following:

- Mental health and other services specifically designed to assist children who are victims of trafficking, including the following:
 - » Victim and family counseling
 - » Behavioral health care
 - » Treatment and intervention for sexual assault
 - » Education tailored to the child's needs
 - » Life skills training
 - » Mentoring
 - » Substance abuse screening and treatment, as needed
- Individualized services based on the trauma endured by a child, as determined through comprehensive assessments of the service needs of the child
- Twenty-four-hour services
- Appropriate security through facility design, hardware, technology, and staffing

Support for Anti-Trafficking Efforts

Citation: Gov't. Code §§ 772.0062; 531.382; 420.008

The governor shall establish the Child Sex Trafficking Prevention Unit within the Criminal Justice Division. The governor shall appoint a director for the unit to serve at the pleasure of the governor. The unit shall do the following:

- Assist the following agencies in leveraging and coordinating State resources directed toward child sex trafficking prevention:
 - » The Office of the Attorney General
 - » The Health and Human Services Commission
 - » The Department of Family and Protective Services
 - » The Texas Juvenile Justice Department
 - » The Department of State Health Services
 - » The Texas Alcoholic Beverage Commission
 - » The Department of Public Safety

- Facilitate collaborative efforts among these agencies to do the following:
 - » Prevent child sex trafficking
 - » Recover victims of child sex trafficking
 - » Place victims of child sex trafficking in suitable short-term and long-term housing
- Collect and analyze research and information in all areas related to child sex trafficking and distribute the research, information, and analyses to the agencies and to relevant nonprofit organizations
- Refer victims of child sex trafficking to available rehabilitation programs and other resources
- Provide support for child sex trafficking prosecutions
- Develop recommendations for improving State efforts to prevent child sex trafficking

The Health and Human Services Commission shall develop and implement a program designed to assist domestic victims, including victims who are children, in accessing necessary services. The program must consist of at least the following components:

- A searchable database of assistance programs for domestic victims, including programs that provide mental health services, other health services, services to meet victims' basic needs, case management services, and any other services the commission considers appropriate, that may be used to match victims with appropriate resources
- The grant program described by § 531.383
- Recommended training programs for judges, prosecutors, and law enforcement personnel
- An outreach initiative to ensure that victims, judges, prosecutors, and law enforcement personnel are aware of the availability of services through the program

The Sexual Assault Program Fund is a special account in the general revenue fund. The legislature may appropriate money deposited to the fund to the following:

- The attorney general, for the following:
 - » Sexual violence awareness and prevention campaigns
 - » Grants to faith-based groups, independent school districts, and community action organizations for programs for the prevention of sexual assault and programs for victims of human trafficking
 - » Grants to prevent sex trafficking and to provide services for victims of sex trafficking
- The Department of State Health Services to measure the prevalence of sexual assault in this State and for grants to support programs assisting victims of human trafficking
- The Office of the Governor for grants to support sexual assault and human trafficking prosecution projects
- Any State agency or organization for the purpose of conducting human trafficking enforcement programs

Utah

Current Through December 2018

State Agency Responsibilities

Citation: Ann. Code §§ 62A-4a-105; 62A-4a-206.5

The Division of Child and Family Services shall provide services for minors who are victims of human trafficking or human smuggling or who have engaged in prostitution or sexual solicitation.

When the division receives information that a child in the custody of the division is missing, has been abducted, or has run away, the division shall do the following:

- Within 24 hours after the division has reason to believe that the information is accurate, notify the National Center for Missing and Exploited Children
- Pursue a warrant under § 78A-6-106(6)

When the division locates a child who has been absent from care, the division shall do the following:

- Determine the primary factors that caused or contributed to the child's absence from care
- Determine the child's experiences while absent from care, including screening the child to determine if the child is a sex trafficking victim

- To the extent possible, select a placement for the child that accommodates the child's needs and takes into consideration the factors and experiences described above
- Follow the requirements in § 78A-6-307.5 for determining an ongoing placement of the child

Training Requirements

Citation: Ann. Code § 62A-4a-105

The division shall provide training for staff and providers involved in the administration and delivery of services offered by the division in accordance with this chapter.

Diversion From Prosecution

Citation: Ann. Code §§ 76-10-1302; 62A-7-101

Upon encountering a child engaged in prostitution or sexual solicitation, a law enforcement officer shall do the following:

- Conduct an investigation
- Refer the child to the division
- If an arrest is made, bring the child to a receiving center, if available
- Contact the child's parent or guardian, if practicable

When law enforcement has referred the child to the division, the following provisions apply:

- The division shall provide services to the child under title 62a, chapter 4a, Child and Family Services.
- The child may not be subjected to delinquency proceedings under title 62a, chapter 7, Juvenile Justice Services, and §§ 78A-6-601 through 78A-6-704.

A 'receiving center' is a nonsecure, nonresidential program established by the division or under contract with the division that is responsible for juveniles taken into custody by a law enforcement officer for status offenses, infractions, or delinquent acts.

Services and Supports for Victims

This issue is not addressed in the statutes and regulations reviewed.

Support for Anti-Trafficking Efforts

This issue is not addressed in the statutes and regulations reviewed.

Vermont

Current Through December 2018

State Agency Responsibilities

Citation: Ann. Stat. Tit. 33, § 4915

Upon receipt of a report of abuse or neglect, the Department for Children and Families shall promptly determine whether it constitutes an allegation of child abuse or neglect as defined in § 4912 of this title. The department shall conduct an investigation when an accepted report involves allegations indicating substantial child endangerment. For purposes of this section, 'substantial child endangerment' includes conduct by an adult involving or resulting in sexual abuse and conduct by a person responsible for a child's welfare involving or resulting in abandonment, child fatality, malicious punishment, or abuse or neglect that causes serious physical injury. The department may conduct an investigation of any report.

The department shall report to and receive assistance from appropriate law enforcement in the following circumstances:

- Investigations of child sexual abuse by an alleged perpetrator who is age 10 or older
- Investigations of serious physical abuse or neglect requiring emergency medical care, resulting in death, or likely to result in criminal charges
- Situations potentially dangerous to the child or department worker

- An incident in which a child suffers:
 - » Serious bodily by other than accidental means
 - » Potential violations of any of the following:
 - Title 13, § 2602.(lewd or lascivious conduct with child)
 - Title 13, chapter 60 (human trafficking)
 - Title 13, chapter 64 (sexual exploitation of children)
 - Title 13, chapter 72 (sexual assault)

Training Requirements

This issue is not addressed in the statutes and regulations reviewed.

Diversion From Prosecution

Citation: Ann. Stat. Tit. 13, § 2652

A person who is a victim of sex trafficking shall not be found in violation of or be the subject of a delinquency petition based on chapter 59 (lewdness and prostitution) or 63 (obscenity) of this title for any conduct committed as a victim of sex trafficking.

Notwithstanding any other provision of law, a person younger than age 18 shall be immune from prosecution in the Criminal Division of the Superior Court for a violation of § 2632 of this title (prohibited acts; prostitution) but may be treated as a juvenile under title 33, chapter 52, or referred to the Department for Children and Families for treatment under title 33, chapter 53.

If a person who is a victim of sex trafficking is prosecuted for any offense or is the subject of any delinquency petition other than a violation of chapter 59 (lewdness and prostitution) or 63 (obscenity) of this title, which arises out of the sex trafficking or benefits the sex trafficker, the person may raise as an affirmative defense that he or she committed the offense as a result of force, fraud, or coercion by a sex trafficker.

In a prosecution for a violation of this section, the victim's alleged consent to human trafficking is immaterial and shall not be admitted.

If a person who is a victim of human trafficking is younger than age 18 at the time of the offense, the State may treat the person as the subject of a child in need of care or supervision proceeding.

Services and Supports for Victims

This issue is not addressed in the statutes and regulations reviewed.

Support for Anti-Trafficking Efforts

This issue is not addressed in the statutes and regulations reviewed.

Virgin Islands

Current Through December 2018

State Agency Responsibilities

Citation: Ann. Code Tit. 5, § 2521

If a child is found to be delinquent or a person in need of supervision, the court may make any of the following dispositions for the child's supervision, care, and rehabilitation:

- Permit the child to remain with his or her parents, guardian, or other person responsible for the child's care, subject to such conditions and limitations as the court may prescribe, including, but not limited to, home evaluations, parenting skills counseling or courses, and home evaluations or assessments
- Place the child on probation under the Youth Services Administration with such conditions as described in § 2524 of this title
- Order such care and treatment as the court may deem best, including detention care or shelter care as appropriate

Training Requirements

Citation: Ann. Code Tit. 14, § 148

The Council on Human Trafficking shall coordinate training on human trafficking prevention and victim services for government employees who may have recurring contact with victims or perpetrators.

Diversion From Prosecution**Citation: Ann. Code Tit. 14, § 144**

An individual is not criminally liable or subject to a juvenile delinquency proceeding for prostitution or other nonviolent crimes if the individual was a minor at the time of the offense and committed the offense as a direct result of being a victim of human trafficking.

An individual who has engaged in commercial sexual activity is not criminally liable or subject to a juvenile delinquency proceeding for prostitution if the individual was a minor at the time of the offense.

A minor who under this section is not subject to criminal liability or a juvenile delinquency proceeding is presumed to be a person in need of supervision as defined in title 5, § 2502(23).

Services and Supports for Victims**Citation: Ann. Code Tit. 14, § 150**

A victim is eligible for a benefit or service available through the Criminal Victims Compensation Commission and other agencies identified in the plan developed under § 148(d)(1), regardless of immigration status.

A minor who has engaged in commercial sexual activity is eligible for a benefit or service available through the Department of Human Services and other agencies identified in the plan developed under § 148(d)(1), regardless of immigration status.

As soon as practicable after a first encounter with an individual who reasonably appears to the Department of Justice, the Department of Human Services, or other department or agency of the government to be a victim or a minor who has engaged in commercial sexual activity, the department or agency shall notify the appropriate agency identified in the comprehensive plan developed under § 148(d)(1) that the individual may be eligible for a benefit or service under the law of the Virgin Islands.

Support for Anti-Trafficking Efforts**Citation: Ann. Code Tit. 14, §§ 148; 152**

The Council on Human Trafficking is established in the Virgin Islands Department of Justice. The governor shall appoint the chair and members of the council. Members must include representatives of the following:

- The Department of Justice, Office of the Attorney General, the Department of Human Services, the Virgin Islands Law Enforcement Planning Commission, the Virgin Islands Criminal Victims Compensation Commission, and such other departments and agencies of the government having contact with victims of crimes
- Nongovernmental organizations that represent, advocate for, or provide services to victims
- Other organizations and individuals, including victims, whose expertise would benefit the council

The council established under this section shall meet on a regular basis and do the following:

- Develop a coordinated and comprehensive plan to provide victims with services
- Collect and evaluate data on human trafficking in the Virgin Islands and submit an annual report to the governor and the legislature
- Promote public awareness about human trafficking, victim remedies and services, and trafficking prevention
- Create a public awareness sign that contains the Virgin Islands and National Human Trafficking Resource Center hotline information
- Coordinate training on human trafficking prevention and victim services for government employees who may have recurring contact with victims or perpetrators
- Conduct other appropriate activities

To the extent that funds are appropriated for this purpose, the Virgin Islands Law Enforcement Planning Committee may make a grant to the council or nongovernmental victim's service organization to develop or expand service programs for victims.

Virginia

Current Through December 2018

State Agency Responsibilities

Citation: Ann. Code § 63.2-1503; Admin. Code Tit. 22, § 40-705-30

The local Department Social Services shall notify the local attorney for the Commonwealth and the local law enforcement agency of all complaints of suspected child abuse or neglect involving any sexual abuse, suspected sexual abuse, or other sexual offense involving a child, including, but not limited to, the use or display of the child in sexually explicit visual material. The notification shall be made immediately, but in no case more than 2 hours of receipt of the complaint, and shall provide the attorney for the Commonwealth and the local law enforcement agency with records and information of the local department, including records related to any complaints of abuse or neglect involving the victim or the alleged perpetrator or related to the investigation of the complaint. The local department shall develop, when practicable, memoranda of understanding for responding to reports of child abuse and neglect with local law enforcement and the attorney for the Commonwealth.

In regulation: Sexual abuse occurs when the child's caregiver commits or allows to be committed any act of sexual exploitation, including sex trafficking or any sexual act upon a child in violation of the law.

Training Requirements

Citation: Ann. Code § 63.2-1502

The Child Protective Services Unit in the department shall have the duty to establish minimum training requirements for workers and supervisors on identifying, assessing, and providing comprehensive services for children who are victims of sex trafficking or severe forms of trafficking, as defined in the Trafficking Victims Protection Act of 2000 (22 U.S.C § 7102, et seq.) and in the Justice for Victims of Trafficking Act of 2015 (42 U.S.C. § 5101, et seq.), including efforts to coordinate with law enforcement, juvenile justice, and social services agencies such as runaway and homeless youth shelters to serve this population.

Diversification From Prosecution

This issue is not addressed in the statutes and regulations reviewed.

Services and Supports for Victims

Citation: Admin. Code Tit. 22, § 40-705-150

At the completion of a family assessment or investigation, local departments of social services may petition the court for services deemed necessary.

Protective services also includes preventive services to children about whom no formal complaint of abuse or neglect has been made but for whom potential harm or threat of harm exists, to be consistent with §§ 16.1-251, 16.1-252, 16.1-279.1, 63.2-15039(J), and 63.2-1502 of the Code of Virginia.

Support for Anti-Trafficking Efforts

This issue is not addressed in the statutes and regulations reviewed.

Washington

Current Through December 2018

State Agency Responsibilities

Citation: Rev. Code §§ 74.14B.070; 13.32A.270

The Department of Children, Youth, and Families shall, subject to available funds, establish a system of early identification and referral to treatment of child victims of sexual assault or sexual abuse. The system shall include schools, physicians, sexual assault centers, domestic violence centers, child protective services, and foster parents. A mechanism shall be developed to identify communities that have experienced success in this area and share their expertise and methodology with other communities statewide.

Within available funding, when a youth who has been diverted under § 13.40.070 for an alleged offense of prostitution or prostitution loitering is referred to the department, the department shall connect that child with the services and treatment specified in § 74.14B.070.

Training Requirements

Citation: Rev. Code §§ 43.280.095; 18.71.080

The Office of Crime Victims Advocacy shall establish a statewide training program on Washington's human trafficking laws for criminal justice personnel. The training shall be provided where possible by an entity that has experience in developing coalitions, training, programs, and policy on human trafficking in Washington.

The entity will provide or coordinate training for law enforcement personnel, prosecutors, and court personnel covering Washington's State anti-trafficking laws, the investigation of sex trafficking cases, and the adjudication of sex trafficking cases. The training shall encourage interdisciplinary coordination among criminal justice personnel; build cultural competency; and develop understanding of diverse victim populations, including children, youth, and adults.

The office shall supply the Washington State Medical Quality Assurance Commission with information on methods of recognizing victims of human trafficking, what services are available for these victims, and where to report potential trafficking situations. The information supplied must be culturally sensitive and must include information relating to minor victims. The commission shall disseminate this information to licensed physicians by the following methods:

- Providing the information on the commission's web site
- Including the information in newsletters
- Holding trainings at meetings attended by organization members
- Another distribution method determined by the commission

The commission shall report to the office on the method or methods it uses to distribute information under this section.

Diversion From Prosecution

Citation: Rev. Code §§ 13.40.070; 13.40.213; 13.40.219

When a case is legally sufficient to charge an alleged juvenile offender with either prostitution or prostitution loitering, and the alleged offense is the offender's first prostitution or prostitution loitering offense, the prosecutor shall divert the case.

Whenever a juvenile is placed in custody or, when not placed in custody, referred to a diversion interview, the parent or legal guardian of the juvenile shall be notified as soon as possible concerning the allegation made against the juvenile and the current status of the juvenile.

When a juvenile is alleged to have committed the offenses of prostitution or prostitution loitering, and the allegation, if proved, would not be the juvenile's first offense, a prosecutor may divert the offense if the county in which the offense is alleged to have been committed has a comprehensive diversion program. A diversion agreement under this section may extend to 12 months.

In any proceeding under this chapter related to an arrest for prostitution or prostitution loitering, there is a presumption that the alleged offender meets the criteria for a certification as a victim of a severe form of trafficking in persons, as defined in 22 U.S.C. § 7105, and that the alleged offender is also a victim of commercial sex abuse of a minor.

Services and Supports for Victims

Citation: Rev. Code § 13.40.213

A comprehensive diversion program provides the following services:

- Safe and stable housing
- Comprehensive onsite case management
- Integrated mental health and chemical dependency services, including specialized trauma recovery services
- Education and employment training delivered onsite
- Referrals to offsite specialized services, as appropriate

Support for Anti-Trafficking Efforts**Citation: Rev. Code §§ 7.68.370; 7.68.801; 43.63A.740**

The Office of Crime Victims Advocacy is designated as the single point of contact in the State government regarding the trafficking of persons. The office will create the Washington State Clearinghouse on Human Trafficking as an information portal to share and coordinate statewide efforts to combat the trafficking of persons. The clearinghouse will include an internet web site operated by the office and will serve the following functions:

- Coordinating information regarding all statewide task forces relating to the trafficking of persons, including, but not limited to, sex trafficking, commercial sexual exploitation of children, and labor trafficking
- Publishing the findings and legislative reports of all statewide task forces related to the trafficking of persons
- Providing a comprehensive directory of resources for victims of trafficking
- Collecting and disseminating up-to-date information regarding the trafficking of persons, including news and legislative efforts, both State and Federal

The Commercially Sexually Exploited Children Statewide Coordinating Committee is established to address the issue of children who are commercially sexually exploited, to examine the practices of local and regional entities involved in addressing sexually exploited children, and to make recommendations on statewide laws and practices. The committee is convened by the Office of the Attorney General with the Department of Commerce assisting with agenda planning and administrative and clerical support.

The duties of the committee include, but are not limited to, the following:

- Overseeing and reviewing the implementation of the Washington State model protocol for commercially sexually exploited children at task force sites
- Receiving reports and data from local and regional entities regarding the incidence of commercially sexually exploited children in their areas as well as data information regarding perpetrators, geographic data and location trends, and any other data deemed relevant
- Receiving reports on local coordinated community response practices and results of the community responses
- Reviewing recommendations from local and regional entities regarding policy and legislative changes that would improve the efficiency and effectiveness of local response practices
- Making recommendations regarding policy and legislative changes that would improve the effectiveness of the State's response to and promote best practices for suppression of the commercial sexual exploitation of children
- Making recommendations regarding data collection useful to understanding or addressing the problem of commercially sexually exploited children
- Reviewing and making recommendations regarding strategic local investments or opportunities for Federal and State funding to address the commercial sexual exploitation of children

The Prostitution Prevention and Intervention Account is created in the State treasury. Expenditures from the account may be used in the following order of priority:

- Funding for the statewide coordinating committee on sex trafficking
- Funding for programs that provide mental health and substance abuse counseling, parenting skills training, housing relief, education, and vocational training for youth who have been diverted for a prostitution or prostitution loitering offense
- Funding for services provided to sexually exploited children in secure and semisecure crisis residential centers with access to staff trained to meet their specific needs
- Funding for services specified in § 74.14B.070 for sexually exploited children
- Funding the grant program to enhance prostitution prevention and intervention services under § 43.63A.720

West Virginia*Current Through December 2018***State Agency Responsibilities****Citation: Ann. Code § 61-14-7; CPS Pol. Man. § 4.47**

If a law enforcement officer encounters a child who reasonably appears to be a victim of human trafficking, the officer shall notify the Department of Health and Human Resources. If available, the department may notify the domestic violence program serving the area where the child is found.

In policy: It is vital to understand and remember that all children/youth who are trafficking victims are considered abused and neglected children by law, and they are entitled to receive services for the treatment of their victimization. Therefore, it is important to distinguish the difference in circumstances of how a child/youth becomes a victim of trafficking. The worker must take the necessary steps to ensure the situations, where parents are found not to be abusive or neglectful in their child/youth's trafficking victimization, are not entered as maltreaters in the abuse and neglect referral entered in the Family and Children's Tracking System (FACTS), or while completing the assessment. The child/youth may be released to the nonabusive parent.

In cases where the parents are not the maltreater, the individual(s) accused or charged with trafficking the victim(s) is entered in FACTS as the maltreater. If the parents are found to be the traffickers, they will be entered as the alleged maltreater in FACTS and the referral will be assigned and assessed as an abuse and neglect referral. Law enforcement must be notified within 24 hours of receiving any human trafficking referral.

Training Requirements

Citation: Ann. Code § 30-29-3

The Law Enforcement Professional Standards Subcommittee is the subcommittee of the Governor's Committee on Crime, Delinquency, and Correction created by § 30-29-2. The subcommittee shall, among other responsibilities, do the following:

- Establish standards governing the establishment and operation of the law enforcement training academies, including regional locations throughout the State, in order to provide access to each law enforcement agency in the State in accordance with available funds
- Develop and promulgate rules for State, county, and municipal law enforcement officers, law enforcement agencies, and communications and emergency operations centers that dispatch law enforcement officers with regard to the identification, investigation, reporting, and prosecution of suspected child abuse and neglect

The rules and procedures related to handling cases of suspected child abuse and neglect must be consistent with the priority criteria prescribed by generally applicable department procedures.

In addition to the duties authorized and established by this section, the subcommittee may do both of the following:

- Establish training to effectively investigate human trafficking offenses, as defined in § 61-2-1, et seq., for entry-level training curricula and for law enforcement officers who have not received such training as certified by the committee
- Establish procedures for the implementation of a course in investigation of human trafficking offenses

The course may include methods of identifying and investigating human trafficking and methods for assisting trafficking victims.

Diversion From Prosecution

Citation: Ann. Code § 61-14-8

In a prosecution or a juvenile prosecution for an offense of prostitution in violation of § 61-8-5(b), a minor shall not be held criminally liable if the court determines that the minor is a victim of an offense under this article. Subject to proof, a minor so charged shall be presumed to be a victim under the provisions of this article.

This section does not apply in a prosecution or a juvenile proceeding for any of the other offenses listed in § 61-8-5(b), including specifically soliciting, inducing, enticing, or procuring another to commit an act or offense of prostitution, unless it is determined by the court that the minor was coerced into the criminal behavior.

A minor who is not subject to criminal liability or adjudication as a juvenile delinquent is presumed to be an abused child, as defined in § 49-1-201, and may be eligible for services under chapter 49, including, but not limited to, appropriate child welfare services.

Services and Supports for Victims

Citation: CPS Pol. Man. § 4.47

Identifying victims and assessing the needs of human trafficking victims are vital to effective services and treatment. Their immediate needs should be assessed first. Immediate needs would include their safety, any medical treatment they may need for physical or sexual trauma, as well as food and shelter. Other needs of trafficking victims may include, but are not limited to, mental health needs, legal services, education services, and possibly life skills for teens.

The ongoing needs of trafficking victims are just as important as their immediate needs. Many victims have deeply rooted psychological trauma that will require months, if not years of treatment and management.

It may be necessary for the child/youth trafficking victims to be removed from their home due to their parent's involvement in trafficking the child. It is imperative to assess the child/youth's needs and begin appropriate services as quickly as possible.

Support for Anti-Trafficking Efforts

This issue is not addressed in the statutes and regulations reviewed.

Wisconsin

Current Through December 2018

State Agency Responsibilities

Citation: CPS Access & Init. Assessment Stds.

The child protective services (CPS) agency must notify law enforcement within 12 hours in cases of alleged sexual abuse, including cases of alleged sex trafficking.

In cases where reported information suggests that a child has injuries due to maltreatment or in cases of suspected or threatened sexual abuse, including cases of suspected sex trafficking, CPS must collaborate with law enforcement.

CPS agencies have discretion in investigating reports of alleged child maltreatment by a person who is not a caregiver, except in cases of alleged sex trafficking of a child.

In the following circumstances a diligent investigation is warranted in order to ensure that the child is safe and has access to services, including placement if needed:

- The child self-reports being a victim of trafficking.
- The child self-reports 'consensually' participating in a sexual act, (otherwise known as survival sex) in exchange for shelter, food, drugs and/or alcohol or money.
- Law enforcement confirms through an investigation that the child has been trafficked.

Additionally, an investigation will gather information to determine if there is parental involvement.

The dynamics of child sex trafficking require assessment and evaluation of danger threats in the context of the child rather than the family. Therefore, one must think globally when assessing for 'present danger threats' in cases of alleged child sex trafficking, regardless of the caregiving role of the alleged maltreater. These 'present danger threats to child safety' types of reports require an immediate to within the same day response time.

Training Requirements

Citation: DCF Memo # 2017-07

CPS staff and supervisors responsible for initial assessment functions will be expected to participate in the sex trafficking training, developed by Wisconsin Child Welfare Professional Development System in collaboration with the Wisconsin Anti-Human Trafficking Task Force Training workgroup. This sex trafficking training will be made available to all child welfare and youth justice workers, as well.

Diversion From Prosecution

Citation: Ann. Stat. §§ 944.30; 973.015

If the person who committed an act of prostitution has not reached age 18, the court may enter a consent decree under § 938.32 or a deferred prosecution agreement in accordance with § 938.245, 971.39, or 971.40, if the court determines that the best interests of the person are served and society will not be harmed.

At any time after a person has been convicted or adjudicated delinquent for a violation of § 944.30 (prostitution), a court may, upon the motion of the person, vacate the conviction or adjudication or may order that the record of the violation of § 944.30 be expunged, if all of the following apply:

- The person was a victim of trafficking for the purposes of a commercial sex act.
- The person committed the violation of § 944.30 as a result of being a victim of trafficking for the purposes of a commercial sex act.

- The person submitted a motion that complies with § 971.30 that contains a statement of facts and, if applicable, the reason the person did not previously raise an affirmative defense under § 939.46 or allege that the violation was committed as a result of being a victim of trafficking for the purposes of a commercial sex act.
- The person made the motion with due diligence subject to reasonable concern for the safety of himself or herself, family members, or other victims of sex trafficking or subject to other reasons consistent with the safety of persons.
- A copy of the motion has been served on the office of the district attorney that prosecuted the case that resulted in the conviction, adjudication, or finding except that failure to serve a copy does not deprive the court of jurisdiction and is not grounds for dismissal of the motion.
- The court in which the motion was made notified the appropriate district attorney's office of the motion and has given the district attorney's office an opportunity to respond to the motion.
- The court determines that the person will benefit and society will not be harmed by a disposition.

Services and Supports for Victims

Citation: Ann. Stat. § 48.48(19)

The Department of Children and Families shall have the authority to purchase or provide treatment and services for children who are the victims of trafficking, as defined in § 940.302(1)(d), for purposes of a commercial sex act. Within the availability of funding under § 20.437(1)(e), the department shall ensure that that treatment and those services are available to children in all geographic areas of the State, including both urban and rural communities.

Support for Anti-Trafficking Efforts

Citation: Ann. Stat. § 20.437

There is appropriated to the Department of Children and Families funding for treatment and services for sex trafficking victims under § 48.48(19).

Wyoming

Current Through December 2018

State Agency Responsibilities

Citation: DFS Pol. Man. § 2.9

Policy has been developed for the protection of children and youth at risk of human and sex trafficking and for identifying, documenting, and determining appropriate services for such children or youth, including those children who the State has reasonable cause to believe are victims or are at risk of becoming victims of sex trafficking.

This policy applies to any child or youth over whom the State agency has responsibility for placement, care, or supervision of the Department of Family Services (DFS), which includes the following:

- Any child or youth who is placed in DFS custody
- Any child or youth who is being supervised by DFS

For any child or youth who comes into the placement, care, or supervision of DFS, the caseworker shall complete an initial screening to determine if he or she is at risk of becoming a human or sex trafficking victim or is a human or sex trafficking victim. If the child or youth is identified as a victim, the caseworker shall immediately and in no case later than 24 hours notify local law enforcement and the county or district attorney.

Training Requirements

Citation: Wyo. Stat. Tit. 6, Ch. 2, Art. 7 Note (2013 Wy. ALS 91)

Laws 2013, ch. 91, § 3, directs the following: The Division of Victim Services shall continue to provide training regarding provisions of this act to be used for presentation to law enforcement agencies, the law enforcement academy, prosecutors, public defenders, judges, and others involved in the juvenile and criminal justice systems. The training may include the following:

- State and Federal laws on human trafficking
- Methods used to identify U.S. citizen and foreign national victims of human trafficking
- Methods of prosecuting human traffickers

- Methods of protecting the rights of victims of human trafficking, including collaboration with nongovernmental and other social service agencies in the course of investigating and prosecuting human trafficking cases

Diversions From Prosecution**Citation: Ann. Stat. § 6-2-708**

A victim of human trafficking is not criminally liable for any commercial sex act or other criminal acts committed as a direct result of or incident to being a victim of human trafficking in violation of §§ 6-2-702 through 6-2-707.

A victim of human trafficking who is a minor shall be deemed a child in need of supervision in accordance with the Children in Need of Supervision Act or a neglected child in accordance with the Child Protection Act.

Services and Supports for Victims**Citation: Ann. Stat. § 6-2-709; DFS Pol. Man. § 2.9**

As soon as possible after the initial encounter with a person who reasonably appears to a law enforcement agency, district or county and prosecuting attorneys' office to be a victim of human trafficking, the agency or office shall do the following:

- Notify the victim services division within the office of the attorney general that the person may be eligible for services under this article
- Make a preliminary assessment of whether the victim or possible victim of human trafficking appears to meet the criteria for certification as a victim of a severe form of trafficking in persons as defined in the Trafficking Victims Protection Act (22 U.S.C. § 7105) or appears to be otherwise eligible for any Federal, State, or local benefits and services

If it is determined that the victim appears to meet such criteria, the agency or office shall report the finding to the victim and shall refer the victim to available services, including legal service providers. If the possible victim is a minor or is a vulnerable adult, the agency or office also shall notify the Department of Family Services.

Victims of human trafficking shall be informed of the rights enumerated in this section, the victim's right to informed consent, and the victim's rights as a victim of crime. The victim also shall be informed of available housing, educational, medical, legal, and advocacy services.

In policy: A child or youth who is identified as high risk of being a victim shall be referred to appropriate mental health or education services. A child or youth who has been referred to services shall be reevaluated for services every 6 months if he or she is in the placement, care, or supervision of DFS. The child or youth also may be offered a medical examination, if appropriate.

Any child or youth who has been identified as a sex trafficking victim may receive a medical examination and a complete forensic interview or interview by a person with knowledge of sex trafficking victims. Law enforcement shall be notified immediately and in no case later than 24 hours after identification.

Any child or youth who is identified as a sex trafficking victim shall be referred to appropriate mental health or education services and shall be reevaluated for services every 3 months if he or she is in the placement, care, or supervision of DFS.

Support for Anti-Trafficking Efforts

This issue is not addressed in the statutes and regulations reviewed.



U.S. Department of Health and Human Services
Administration for Children and Families
Administration on Children, Youth and Families
Children's Bureau

