



YOUTH AND TRAFFICKING

INFORMATION AND STRATEGIES FOR
PREVENTING CHILD TRAFFICKING ON THE
FEDERAL AND STATE LEVEL

Presenters



Nicole Ezech, JD

Legislative Specialist,
State-Federal
Relations



Kate Bryan

Policy Associate,
Criminal and Civil
Justice



Heather Wilson, MSW

Senior Policy
Specialist,
Children and
Families

Federal Level

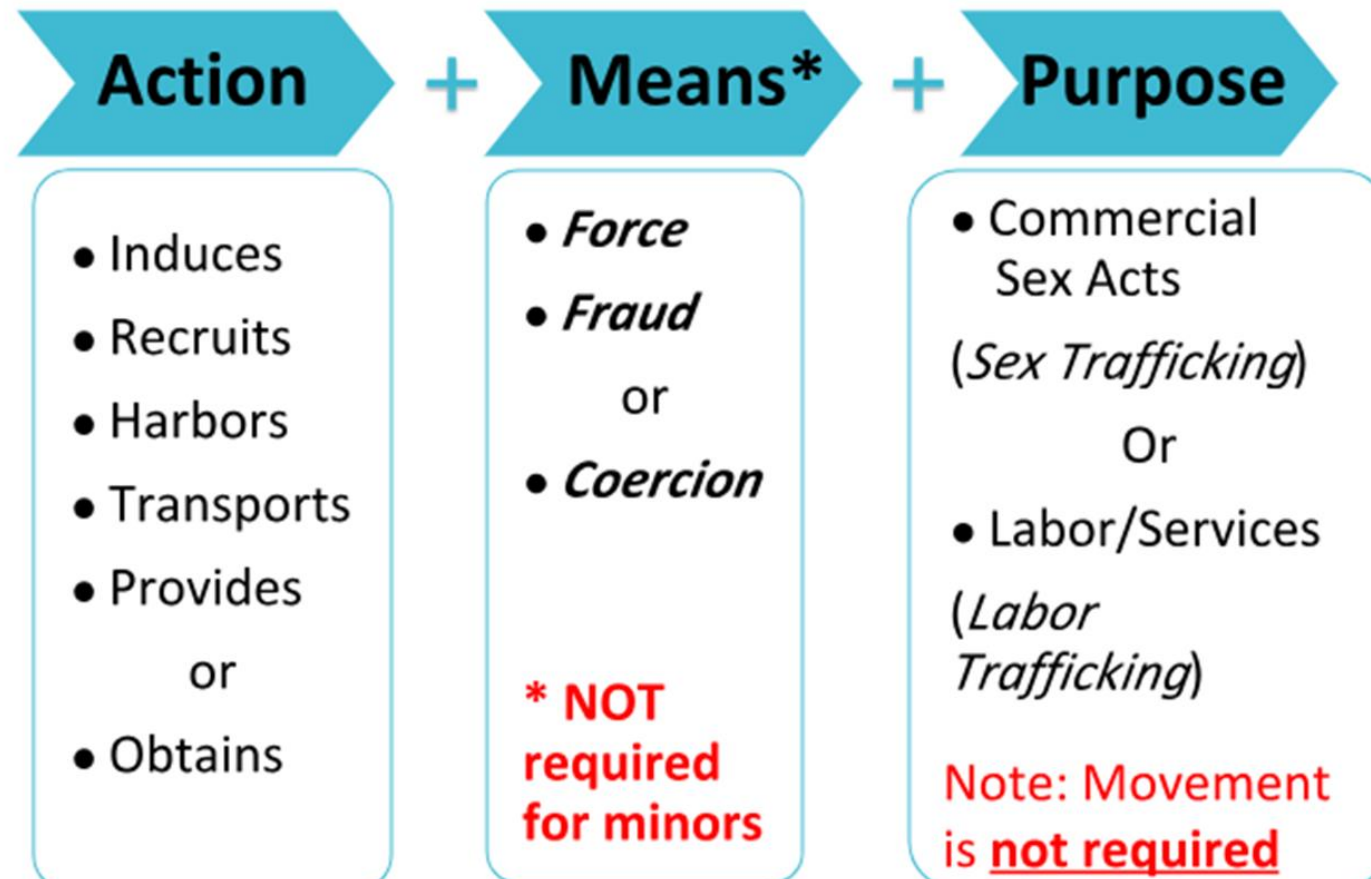


State Level



Intersections with Human Services





Data collected by the National Human Trafficking Hotline

2021 - Age at First Contact with Polaris												
	Labor		Sex		Sex & Labor		Sex + Sex & Labor		Other/Not Specified		Total Unique Victims	
	#	%	#	%	#	%	#	%	#	%	#	%
Adult	2894	76%	5484	52%	480	68%	5964	53%	874	58%	9709	59%
Minor	310	8%	3242	31%	124	18%	3366	30%	101	7%	3777	23%
Unknown	581	15%	1844	17%	103	15%	1947	17%	540	36%	3067	19%
Total Unique Victims	3785		10570		707		11277		1515		16553	



Data collected by the National Human Trafficking Hotline

2021 - Age at First Contact with Polaris												
	Labor		Sex		Sex & Labor		Sex + Sex & Labor		Other/Not Specified		Total Unique Victims	
	#	%	#	%	#	%	#	%	#	%	#	%
Adult	2894	76%	5484	52%	480	68%	5964	53%	874	58%	9709	59%
Minor	310	8%	3242	31%	124	18%	3366	30%	101	7%	3777	23%
Unknown	581	15%	1844	17%	103	15%	1947	17%	540	36%	3067	19%
Total Unique Victims	3785		10570		707		11277		1515		16553	



Federal Anti-Trafficking Grant Opportunities



Department of Justice/OJP

- VOCA Formula Grants
 - Used for victim's services and compensation
- Enhancing Juvenile and Family Court Responses to Human Trafficking Program
- Housing Assistance Grants for Victims of Human Trafficking Program
- Improving Outcomes for Child and Youth Victims of Human Trafficking Program
- Services for Minor Victims of Labor Trafficking

Dept. of Human Services/OTIP

- Preventing Trafficking of Girls Program
- Domestic Victims of Human Trafficking Services and Outreach Program (DVHT-SO)
- Victims of Human Trafficking in Native Communities Demonstration (VHT-NC) Program
- Street Outreach Program



Young Victims of Sex Trafficking



Overview

Statistics & Data

Legislative Responses

Young Victims of Sex Trafficking: Overview

- Boys have accounted for the majority of justice-involved youth.
- **2004, OJJDP:**
 - **Contributing factors to delinquency among girls?**
 - **How should the juvenile justice system respond?**



Young Victims of Sex Trafficking: Statistics & Data

*“While the male proportion of youth arrests exceeded the female proportion across most offenses, arrests for prostitution-related offenses were an exception. **Of the 600 estimated youth arrests for prostitution-related offenses, more than three-fourths (76%) involved girls.**”*

-- OJJDP statistical bulletin (2019)

Young Victims of Sex Trafficking: Statistics & Data

Sex trafficking victims:

- Nearly 9 in 10 (88%) victims were female, and 76% of victims were ages 14–17.
- For 51% of victims, the relationship to the perpetrator was unknown, in 41% it was a nonparent, and in 14% a parent.

Source: National Center for Juvenile Justice. [Youth and the Juvenile Justice System: 2022 National Report](#).



Young Victims of Sex Trafficking: Statistics & Data



Disproportionate Representation:

- Girls in the juvenile justice system → 2x as likely as boys to report ≥ 5 forms of abuse and trauma.
- Girls of color:
 - **King County, WA** → 52% of victims are Black despite Black girls comprising 1.1% of the general population.
 - **Multnomah, OR** → 27% of victims are Black despite Black girls comprising < 6% of the general population.
 - **Louisiana** → 49% of victims Black despite Black girls comprising 19% of the state's youth population.

Young Victims of Sex Trafficking: Statistics & Data

“Recent reports strongly recommend that children involved in commercial sex trafficking be treated as victims and not as delinquents or criminals and given safe harbor in facilities specifically designed to address their unique needs[...] Girls and young women are disproportionately victims of commercial sexual exploitation, and they are the majority of youth arrested for prostitution and commercialized vice.”

– OJJDP



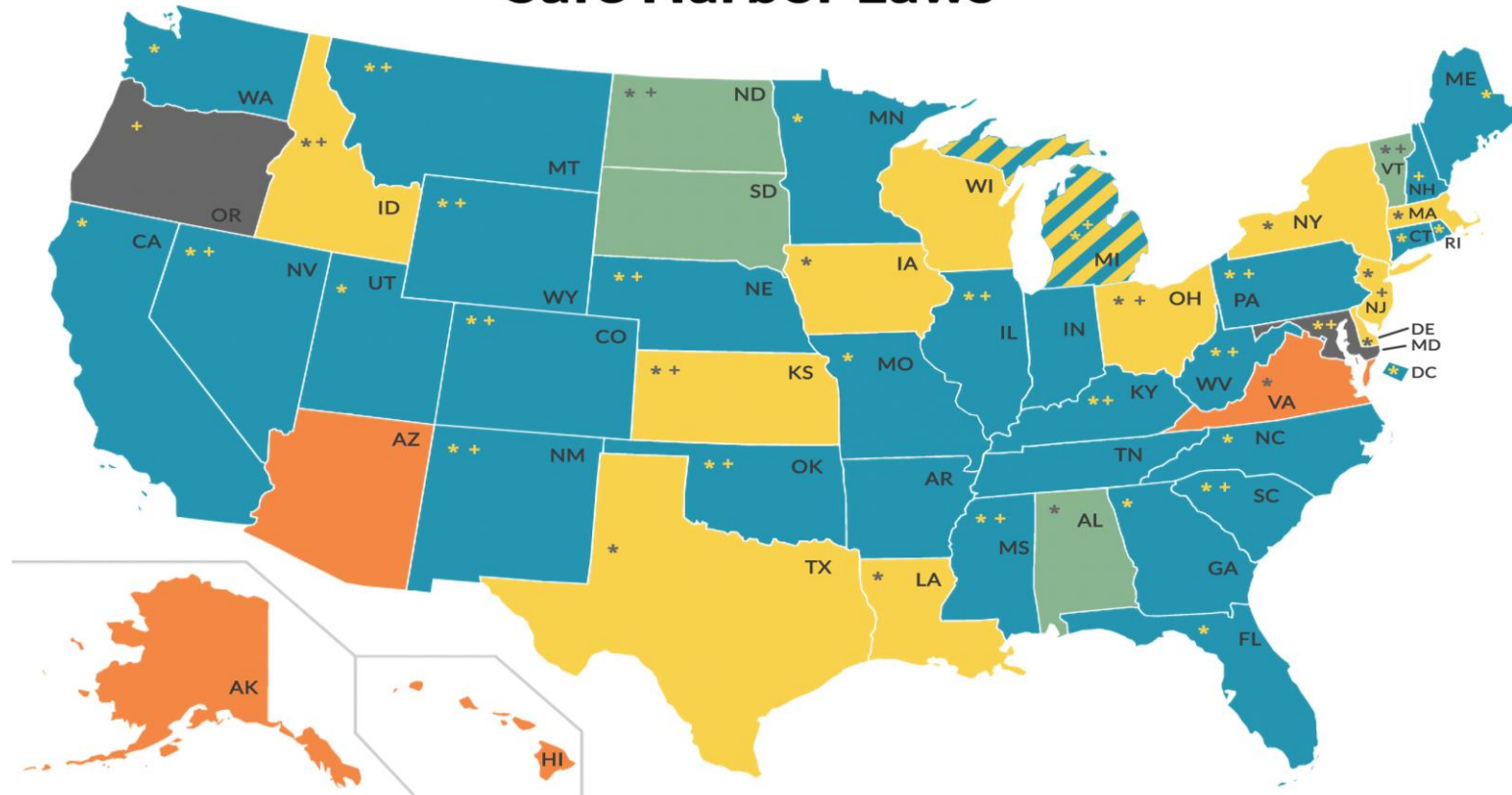
Young Victims of Sex Trafficking: Legislative Responses

Young Victims of Sex Trafficking: Legislative Responses

- “Safe Harbor” laws:
 - Decriminalization or diversion for trafficked youth.
 - Statutory variation between states.



Safe Harbor Laws



of States

- DC + 27 Noncriminalization law (removes criminal liability)
- 4 Diverts to quasi-punitive system (CHINS) instead of juvenile justice
- 11 Alternative response through juvenile justice (diversion, discretionary referral/dismissal)
- 3 Affirmative defense only
- 4 No statutory protection from criminalization
- 1 In Michigan, noncriminalization extends only to children age 15 or younger and children age 16+ receive an alternative response through juvenile justice

- ✱ Statutory referral to services
- + Protection from criminalization extends beyond prostitution offenses
- 🔗 <http://reportcards.sharedhope.org/safeharbor>



Young Victims of Sex Trafficking: Safe Harbor Laws



Gies et al. (2019):

*The few studies that exist on the impact of individual state safe harbor laws paint a similar picture. For example, following passage of a safe harbor law in Illinois, the state's **child welfare system has struggled to identify and serve victims of commercial sexual exploitation** (Bounds, Julion, and Delaney, 2015). Since Minnesota implemented its safe harbor law, **communication and coordination of services across agencies, while improved, continues to be a challenge; so does law enforcement's compliance with the safe harbor law** (Schauben et al., 2017). At the same time, **charges and convictions against sex traffickers in Minnesota have increased since enactment of the safe harbor law, and general awareness of CSEC is on the rise** (Minnesota Statistical Analysis Center, 2014; Schauben et al., 2017; Wasch et al., 2016).*



Young Victims of Sex Trafficking: Safe Harbor Laws



[Cole & Sprang \(2020\):](#)

*“Findings show that juvenile justice and juvenile court personnel **are screening for trafficking at an increasing rate and making referrals to the child welfare system** as mandated by law. However, a **relatively low percentage of these cases** are substantiated, confirmed and/or **result in criminal charges to the trafficker**. Despite safe harbor mandates that prohibit the charging of juveniles with prostitution offenses, there is evidence that this is still occurring in small numbers.”*



Young Victims of Sex Trafficking: Safe Harbor Laws



Treating Victims as Victims

- Conflict between statutory acknowledgment and alternatives to formal processing and/or referrals to services?
 - Why aren't we?
 - Why are we?

Services

- Are services available?
- Is there a “silo effect”?
 - Agency to agency communication?
 - Confidentiality laws?



Young Victims of Sex Trafficking: Legislative Responses

- 2022 session:
 - At least 9 states introduced safe harbor legislation.
- Missouri [SB 775](#)
 - Reporting requirement.
 - Council and data collection.
 - Family courts have exclusive jurisdiction.

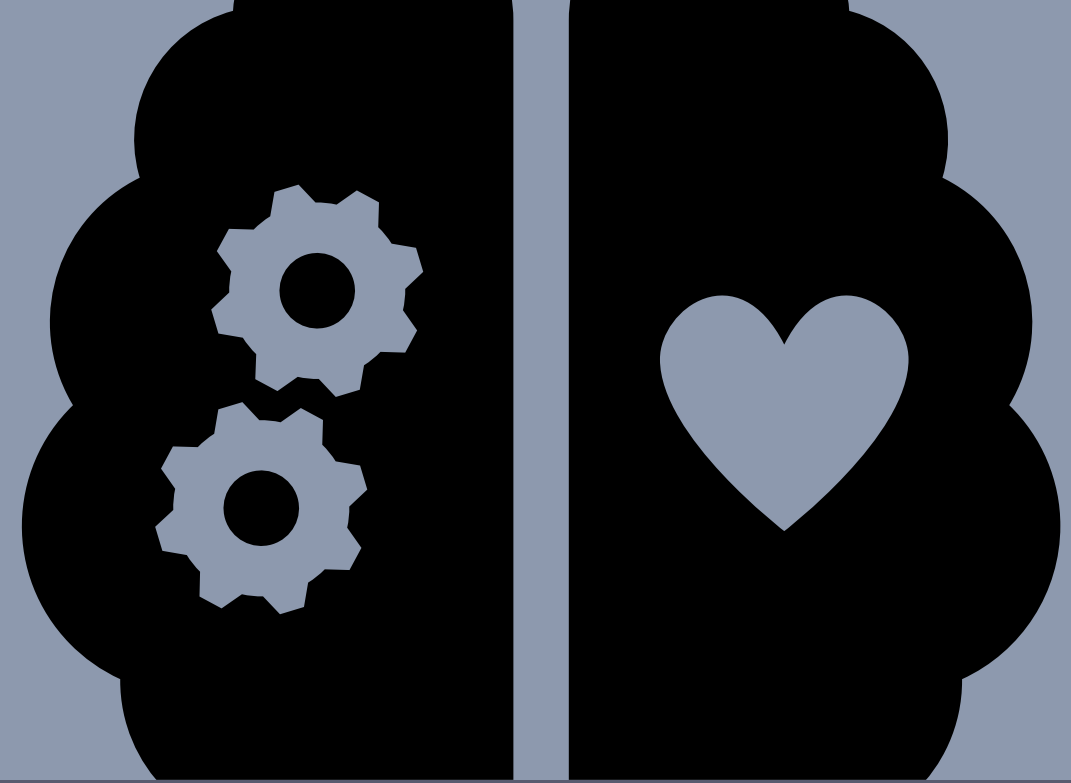


Primary Risk Factors

- Child welfare involvement
- Running away or experiencing youth homelessness
- Child sexual abuse

Other Risk Factors

- Emotional or physical abuse
- Parental substance use
- Difficulties at school
- Exposure to domestic violence
- History of exploitation in the family or community
- Neglect (lack of supervision, care, and basic necessities).



Child and Youth Trafficking

Intersections with Human Services

Intersection with Child Welfare: Federal Law

- **The 2014 Preventing Sex Trafficking and Strengthening Families Act** requires child protection agencies to develop policies and procedures to identify children who are victims or at risk of commercial sexual exploitation, and to provide appropriate services.
- **The 2015 Justice for Victims of Trafficking Act** changed the definition of child abuse to include child sex trafficking, child welfare agencies began increasing training, screening, and response to this form of maltreatment.
 - Some states have included definitions for labor trafficking.
- **The 2018 Family First Prevention Services Act** generally limits Title IV-E reimbursements for group facility stays longer than two weeks unless the setting is a Qualified Residential Treatment Program. An exemption is made for any setting that “provides high quality residential care and supportive services to children and youth who have been or found to be or are at risk of being sex trafficking victims.”
 - Title IV-E agencies have the flexibility to define “high-quality residential care” and “at risk of becoming.”

Prevalence of Trafficking within Child Welfare

○ State Child Welfare Reporting Data

- In 2019, **29 states** reported **877 victims** of sex trafficking
- In 2020, **35 states** reported **953 victims** of sex trafficking (most current year for NCANDS data)

**Data was first collected in 2018. Not all states are reporting data.*

- ## ○ Some studies estimate between **50% and 90%** of child sex trafficking victims had been involved with child welfare services (HHS, ACF, 2013)

Examples from Child Welfare Statute

- Training for child welfare workers, foster care workers and other related providers
 - **California:** Cal. Welf. & Inst. Code 16524.7(a)(3)(A), (B)
 - **Florida:** Fla. Stat. Ann. 409. 1754(3), (4) (Related memo)
 - **Mississippi:** Miss. Code Ann. 43-1-55 and Miss. Code Ann. 43-15-13(6)
- Privileged communication between a victim of sex trafficking and human trafficking caseworkers
 - **Indiana:** Ind. Code § 35-37-6
 - **Massachusetts:** Mass. Gen. Laws ch. 233, § 20M
 - **Pennsylvania:** 42 PA Cons Stat § 5945.3
- Connecting youth to services – approaches from states
 - **Minnesota:** Safe Harbor Regional Navigators
 - **Texas:** The Governor's Child Sex Trafficking Team

Intersection with Youth Homelessness: Federal Law

○ **The Homeless Children and Youth Act (HCYA): Introduced in the Senate 2021**

- Would modify definitions relating to homeless individuals and homeless children or youth as used by the Department of Housing and Urban Development (HUD) to verify eligibility for HUD homeless assistance programs, including the Continuum of Care program. Specifically, the bill aligns these terms with the definitions of homeless used to verify eligibility for other federal assistance programs. The definitions are also amended to increase access to federal homeless programs by homeless children, youth, and families.

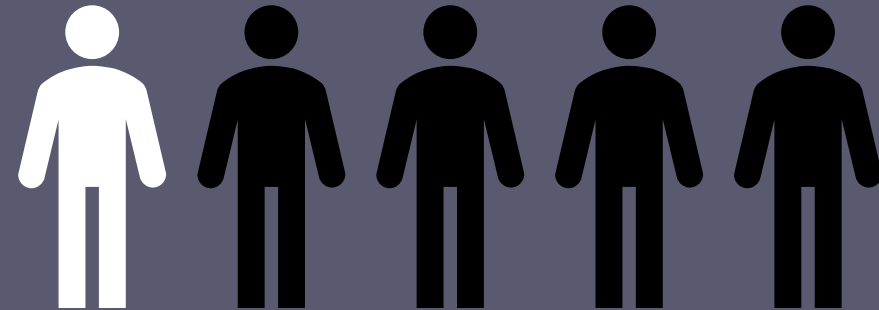
○ **The Runaway and Homeless Youth and Trafficking Prevention Act (RHYTPA): Introduced 2022**

- Modifies programs covered by The Runaway and Homeless Youth Act in order to more comprehensively address the needs of homeless youth and specifically provides for resources and services to be directed to youth victims of human trafficking and youth at risk of being trafficked.

Intersection with Youth Homelessness

- 1 in 5 youth experiencing homelessness have also been trafficked (lower estimate range)
- Research estimates between 20% and 40% of youth experiencing homelessness have also been trafficked.

Prevalence of Trafficking Among Youth Experiencing Homelessness



State Examples of Policies to Support Homeless Youth

- Increasing Access to Vital Identification
 - **Texas’s HB 123** (2019) waives fees to access birth certificates (for those born in Texas), IDs and Driver's Licenses for youth in care and youth experiencing homelessness. To prove a youth are experiencing homelessness schools, shelter staff, drop-in center staff, etc. can verify with a letter/form.
 - **New York** allows for a “Statement of Identity” (form MV-45B) for “disenfranchised, homeless youth,” which is certified by a state employee, to prove identity if they cannot meet other identification requirements. This law is considered a success for proving identity for individuals represented/ served by a government or government approved facility, although it does not remove barriers for those not represented by a facility/system. In addition, applicants still must provide an original birth certificate to obtain an ID.
- Supportive Housing
 - **Nine states** allocate funding or authorize local governments to expend funds for youth-specific housing and service options.
- Record expungement
 - **44 states** offer some form of criminal record relief specific for survivors of trafficking.



State Practice and Policy to Promote Prevention

Policy Levers for Prevention

Many states already have these policies, but they often aren't discussed or implemented as human trafficking prevention strategies



**Emotional
Support and
Access to
Mental Health**



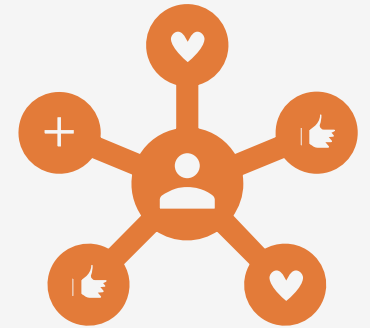
**Economic
Stability**



Housing Supports



**Education and
Job Training**



**Social
Connections**

NCSL Children and Families Program Contacts



Jenna Bannon

Associate Director

Jenna.Bannon@ncsl.org



Heather Wilson

Senior Policy Specialist

Heather.Wilson@ncsl.org



Jill Yordy

Senior Policy Specialist

Jill.Yordy@ncsl.org

Resources from the Field

- [Domestic Human Trafficking and the Child Welfare Population](#) (2016 – 2022), Administration for Children and Families Office of Planning, Research, and Evaluation (OPRE) and RTI International are partnering with the Children’s Bureau
- [Best Practices and Recommendations for States](#) (2020), National Advisory Committee on the Sex Trafficking of Children and Youth in the United States
- [Preliminary State Self-Assessment Survey Overview](#) (2022), National Advisory Committee on the Sex Trafficking of Children and Youth in the United States
- [Trauma Type: Sex Trafficking](#), National Child Traumatic Stress Network
- [State Statute Search](#), Child Welfare Information Gateway, a service of the Children’s Bureau
- [Responding to Youth Homelessness: A Key Strategy for Preventing Human Trafficking](#), National Network for Youth
- [Human Trafficking and Child Welfare: A Guide for Child Welfare Agencies](#), Child Welfare Information Gateway, a service of the Children’s Bureau
- [Human Trafficking](#) (Issue Area), Office for Victims of Crime Training and Technical Assistance Center



2023 Indy Legislative Summit



Aug. 13-17, 2023