

FACT SHEET: Commercial Sexual Exploitation of Children

Foster youth are at heightened risk for commercial sexual exploitation.¹ This fact sheet summarizes some of the key federal and local laws available to protect and support this vulnerable population.

Trafficking Victims Protection Act²

- Definition includes “any sex trafficking in which a commercial sex act is induced by force, fraud, coercion, or in which the person induced to perform such act has not attained 18 years of age.”
 - ➔ Does not require transport across borders.
 - ➔ Minors are *per se* victims; they cannot “consent” to trafficking.
- Establishes the T-visa as path to permanent residency in the United States.
- Mandates restitution to victims of human trafficking.
- Creates a legal avenue for victims to sue perpetrators for civil damages.

Preventing Sex Trafficking and Strengthening Families Act³

- CFSA must develop policies and procedures for identifying, documenting, and providing services for CSEC (or suspected CSEC) youth.
- CFSA must inform law enforcement within 24 hours of receiving information on any child or youth who has been identified as a sex trafficking victim.
- CFSA must develop and implement protocols for locating runaway youth and determining the child’s experiences while absent from foster care, including screening for CSEC.

Sex Trafficking of Children Prevention Amendment Act of 2014⁴

- Immunity: protects CSEC victims from prosecution; however, they may still be arrested for other related violations, such as runaway behaviors or curfew violations.
- Requires MPD & CFSA to report to “critically missing” youth and those missing for 30+ days to the National Center for Missing and Exploited Children.
- Requires MPD to refer suspected victims to local services and CFSA.
- Requires CFSA to screen, identify, and determine services for CSEC or suspected CSEC youth.

¹ Some reports estimate that more than half of trafficked youth have touched the child welfare system. *Human Rights Project for Girls: Child Welfare and Domestic Child Sex Trafficking*, Rights4Girls, <http://www.rights4girls.org/current-campaign/uploads/child%20welfare%20and%20child%20trafficking.pdf>.

² Trafficking Victims Protection Act of 2000, 22 U.S.C. §§ 2151n, 2152d, 7101-7110 (2012).

³ Preventing Sex Trafficking and Strengthening Families Act of 2014, Pub. L. No. 113-183, 128 Stat. 1919 (codified in scattered sections of 42 U.S.C.).

⁴ Sex Trafficking of Children Prevention Amendment Act of 2014, 62 D.C. Reg. 479 (Jan. 16, 2015).

- Mandatory reporters may now file a missing person report with the police.
- Training: Requires CSEC-specific training for MPD, CFSA and DYRS.

Child Neglect and Sex Trafficking Temporary Amendment Act of 2018⁵

- Includes the federal definition of child sex trafficking into the Title 4 definition of abused and neglected child.
- Requires CFSA to investigate allegations of child sex trafficking regardless of the relationship between the alleged perpetrator and the child.
- Requires mandated reporters to report suspicions of child sex trafficking regardless of the relationship between the alleged perpetrator and the child.

Witness Advocacy

- Child victims may be called to testify as witnesses in criminal proceedings.
- Criminal courts have the authority to appoint a GAL to protect the child witness.⁶
- Advocates may consider motions for testimonial accommodations for the child witness.⁷ Such motions should be filed under seal using only the child's initials.
- Defendant's counsel may subpoena the child witness's confidential records; if appointed, advocate can respond and protect unmerited disclosures.

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⁵ Child Neglect and Sex Trafficking Temporary Amendment Act of 2018, 65 DC Regs 3769 (June 5, 2018).

⁶ See, e.g., Nelson v. United States, 649 A.2d 301, 307 (appointing counsel for the complaining child witness to assert medical-records privilege on the child's behalf). Federal courts have similarly recognized the importance of appointing guardians ad litem to represent child victims and child witnesses. See 18 U.S.C. § 3509 (2006) (authorizing appointment of guardians ad litem to advocate for child victims and child witnesses).

⁷ Hicks-Bey v. United States, 649 A.2d 569, 574 (D.C. 1994) (adopting the standard set forth by the Supreme Court in Maryland v. Craig, which permits a child to testify with procedural modifications).