
ISSUE BRIEF: FOSTER CARE, JUVENILE JUSTICE, AND DOMESTIC CHILD SEX TRAFFICKING

INTRODUCTION

Domestic Child Sex Trafficking (DCST)—also known as “domestic minor sex trafficking,” “survival sex,” “child prostitution,” and “juvenile prostitution”—is the exchange of anything of value (e.g., food, shelter or money) for sex with a person under 18.ⁱ

RISK FACTORS

Risk factors for domestic child sex trafficking include but are not limited to: being between the ages of 12 and 14, having a history of sexual and physical abuse, community and family instability and dislocation, being a runaway, poverty, and being female.ⁱⁱ These factors make youth vulnerable and easy prey for traffickers and exploiters looking to turn an easy profit, and too often go unidentified and fall through the cracks of our child welfare and juvenile justice systems.

CASE FOR CROSS-SYSTEM COLLABORATION

Based on these risk factors, existing data suggests that a large number of domestic child sex trafficking victims are youth that have crossed over from the dependency system to the juvenile justice system, or are dually involved in both. For example:

- The Department of Justice estimates that approximately 250,000 youth are arrested each year under the status offenses of “runaway,” “loitering and curfew,” and “vagrancy” – all risk factors for domestic child sex trafficking. For juvenile justice involved girls, nearly 40% are remanded to the justice system for nonviolent status offenses as well as violations to court orders (“VCOs”) for prior status offenses. Further, it is recognized nationally that approximately 73% of all juvenile justice involved girls have histories of physical and sexual abuse.ⁱⁱⁱ And, up to 92% of incarcerated girls have experienced one or more forms of physical, sexual, and emotional abuse prior to entering the juvenile justice system.^{iv}
- A California-based study found that a large proportion of juvenile justice involved girls were child welfare referred.^v Another Arizona-based study found that at least 42% of all youths in probation placement were dual system involved.^{vi}
- A California-based study of domestic child sex trafficking victims found that approximately 53% of the girls in the survey study were foster care youth.^{vii}
- Further, child abuse and neglect increase the risk of any arrest of a juvenile by 55%^{viii} and children placed in foster care are three times more likely to be subject to abuse or neglect.^{ix}

A lack of cross system collaboration has numerous negative and costly consequences:^x

- Lost prevention opportunities
- Caseworkers not trained or prepared
- No coordinated response for identification
- Lack of information sharing with courts
- Ineffective service delivery
- Lack of engagement with educational and behavioral health systems
- Failure to recognize the impact of trauma on behavior
- Failure to engage families
- Decreased permanency and less successful transition out of system

INNOVATIVE STATE APPROACHES

Research is still needed to determine the best methods for assessing and identifying domestic child sex trafficking populations that are system involved and best practices for service delivery. However, numerous states such as California, Connecticut, Alabama, New York, Pennsylvania, New Mexico, Arizona, Delaware, and Texas, and select counties within these states have recognized the need to work collaboratively to address the needs of youth who are dual system involved or crossover youth.

In a seminal report by Siegel and Lord, “[When Systems Collide: Improving Court Practices and Programs in Dual Jurisdiction Cases](#)” the authors identified five necessary elements for the provision of services to this vulnerable population.^{xi} These five recommended elements include:

- **Screening/Assessment** – The juvenile justice system must be aware of a youth’s involvement in an abuse and neglect situation when a delinquency referral is made and vice versa. Mechanisms must be in place to notify the other system of dual involvement. Assessments must include all forms of possible abuse including specific indicators of domestic child sex trafficking, the youth’s strengths, needs, and risks to determine how to allocate resources and plan a strategy of service delivery.
- **Case Assignment** – Judges, attorneys, court appointed advocates, and those working on cases involving crossover or dual-involved youth must have knowledge and understanding of the child, including family history and prior court history, as well as the dynamics of both child welfare and juvenile justice. Specific recommendations include implementing one family/one judge courts, dedicated dockets, and specially trained attorneys to handle dual jurisdiction cases.
- **Case Flow Management** – Case flow management should focus on efficient and timely court practices. Joint pre-hearing conferences, combined dependent/delinquency hearings, joint court reports, and court orders have been suggested along with mandated appearances by probation officers and social workers at court hearings.
- **Case Planning and Supervisions** – Developing and implementing case plans often determine the fate of the involved youth. Consideration should be given to the use of specialized case management and supervision units, multidisciplinary teams in case planning, special training for these units or teams, and reduced caseloads.
- **Interagency Collaboration** – A dedicated entity must exercise its leadership and oversight function to ensure that interagency collaboration occurs and translates into effective action on behalf of involved youths.

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- ⁱ As defined in the Trafficking Victims Protection Act, DCST is the “recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act” where the victim is a U.S. citizen or lawful permanent resident under the age of 18. 22 U.S.C. §§ 7102(9)-(10). A commercial sex act is defined as “any sex act on account of which anything of value is given to or received by any person.” § 7102(4).
- ⁱⁱ Kate Walker, California Child Welfare Council, [*Ending the Commercial Sexual Exploitation of Children: A Call for Multi-System Collaboration in California*](#) (2013), pp.18-20.
- ⁱⁱⁱ Francine Sherman, Annie E. Casey Foundation, [*Pathways to Juvenile Justice Reform: Detention Reform and Girls Challenges and Solutions*](#) (2005).
- ^{iv} Physicians for Human Rights, [*Unique Needs of Girls in the Juvenile Justice System*](#), pp. 1-2.
- ^v Shay Bilchik & Michael Nash, *Child Welfare and Juvenile Justice: Two Sides of the Same Coin*, in [*Juvenile and Family Justice Today*](#) (Fall 2008), pp.16-20.
- ^{vi} *Id.*
- ^{vii} Motivating, Inspiring, Supporting, and Serving Sexually Exploited Youth (MISSEY), [*MISSEY Data Report*](#) (June 2009); Kate Walker, California Child Welfare Council, [*Ending the Commercial Sexual Exploitation of Children: A Call for Multi-System Collaboration in California*](#) (2013).
- ^{viii} David Altschuler, Kent Berkley, Leonard Burton, & Gary Stangler, Georgetown University Center for Juvenile Justice Reform, *Support Youth in Transition to Adulthood: Lessons Learned from Child Welfare and Juvenile Justice* (April 2009).
- ^{ix} Children First Advocacy, [*Foster Care*](#) (accessed December 2015).
- ^x Denise Herz, Phillip Lee, Lorrie Lutz, Macon Stewart, John Tuell, & Janet Wiig, Georgetown Center for Juvenile Justice Reform & Robert F. Kennedy Children’s Action Corps, *Addressing the Needs of Multi-system Youth: Strengthening the Connection between Child Welfare and Juvenile Justice* (March 2012).
- ^{xi} Shay Bilchik & Michael Nash, [*Child Welfare and Juvenile Justice – Two Sides of the Same Coin, Part II*](#), in [*Juvenile and Family Justice Today*](#) (Winter 2009), pp. 22-25.