

# FACT SHEET: Commercial Sexual Exploitation of Children

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

## Trafficking Victims Protection Act<sup>2</sup>

- 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 Act<sup>3</sup>

- 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 2014<sup>4</sup>

- 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.

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<sup>1</sup> 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>.

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

<sup>3</sup> 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.).

<sup>4</sup> 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 2018<sup>5</sup>

- 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.<sup>6</sup>
- Advocates may consider motions for testimonial accommodations for the child witness.<sup>7</sup> 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, advocated can respond and protect unmerited disclosures.

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

<sup>6</sup> 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).

<sup>7</sup> 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).