

Human Trafficking and the Impact on Child Welfare



In re B.W.

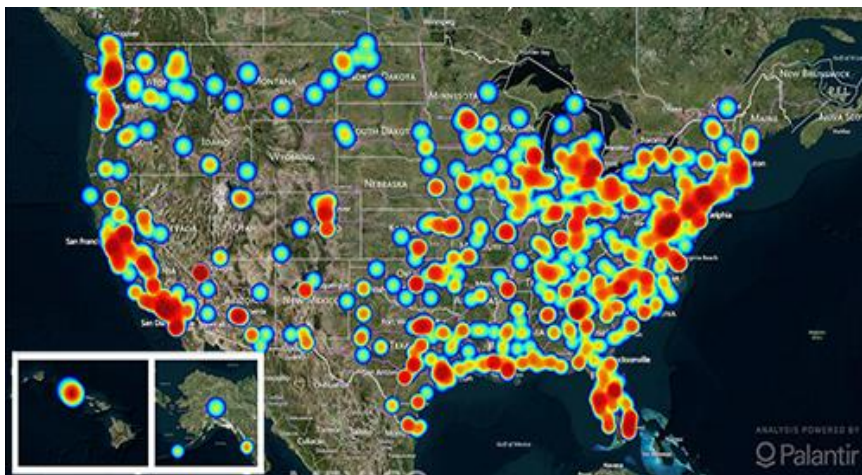
“Our Legislature has passed laws recognizing the vulnerability of children to sexual exploitation, including an absolute prohibition of legal consent for children under fourteen. In the absence of a clear indication that the Legislature intended to subject children under fourteen to prosecution for prostitution when they lack the capacity to consent to sex as a matter of law, we hold that a child under the age of fourteen may not be charged with that offense.”

313 S.W.3d 818, 826 (2010)

Laws Related to Human Trafficking

- Trafficking Victims Protection Act of 2000, Reauthorized by Congress in 2013
 - defines human sex trafficking as 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 is induced to perform such act has not attained 18 years of age.
- Texas Penal Code §20A.02
 - Child sex trafficking occurs when a person knowingly traffics a child and **by any means causes** the child to engage in, or become the victim of certain commercial sex acts. This is an offense **regardless of whether the actor knew the child's age** at the time.
- Texas Family Code §261.001
 - Defines abuse as compelling or encouraging a child to engage in sexual conduct including **compelling or encouraging the child in a manner that constitutes an offense of trafficking**, prostitution, or compelling prostitution under the Penal Code; OR
 - **knowingly causing, permitting, encouraging, engaging in, or allowing a child to be trafficked** or the **failure to make reasonable efforts to prevent a child from being trafficked** in a manner punishable as an offense under the Penal Code.
- Preventing Sex Trafficking and Strengthening Families Act of 2014
 - Directs the child welfare agency to include child sex trafficking in **data collection**; and
 - Develop a **protocol** to report to law enforcement and the National Center for Missing and Exploited Children.

Location of Reported Potential Human Trafficking Cases in 2014



Polaris Project

Myths about Human Trafficking



Risk Factors for Children

- Currently or formerly in foster care
- History of sexual or physical abuse
- Frequent absences from school
- Homeless or unaccompanied with little to no access to resources
- Running away to escape an abusive home or environment

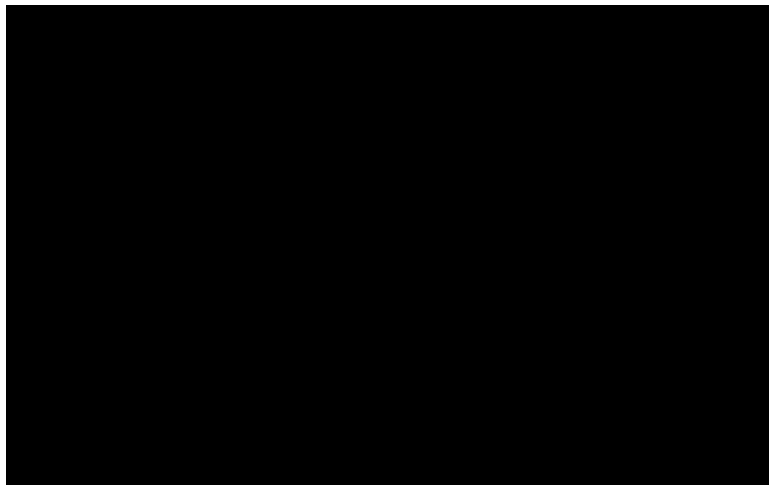


Red Flags

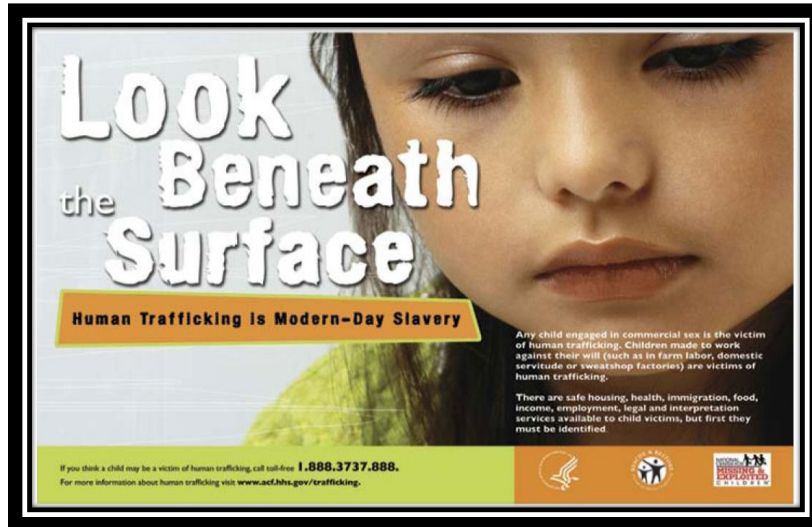
- Child has multiple runaways within a short period of time
- Child or teenager with older person who is not related to them
- Child appears much older than stated age in appearance
- Child has in-depth knowledge of life on the streets
- Changes in child's social group, economic status, attitude, activity choices, way of dressing, response to authority
- Child appears submissive, passive, little eye contact
- Fake or no identification
- Branding or tattoos

Office of Texas Attorney General

Human Trafficking and Child Welfare



A Call to Action



Resources

- DFPS Texas Youth Connection
<https://www.dfps.state.tx.us/txyouth/safety/human-trafficking.asp>
- National Center for Missing and Exploited Children
<http://www.missingkids.com/home>
- National Human Trafficking Resource Center
[\(888\) 373-7888](tel:8883737888)
- Office of Texas Attorney General
<https://www.texasattorneygeneral.gov/cj/human-trafficking>
- Polaris Project
<https://www.polarisproject.org/index.php>

