

# Commercial Sexual Exploitation of Children Judicial Checklist

## Has child been victim of sex trafficking?

- A person knowingly transported, enticed, recruited, harbored, provided, or otherwise obtained the child by any means [Tex. Penal Code § 20A.01\(4\)](#); AND
  - Caused the child to engage in, or become the victim of, an enumerated sex offense [Tex. Penal Code § 20A.02\(a\)\(7\)](#);
  - Received a benefit from participating in a venture that involves an enumerated sex offense; OR
  - Engaged in sexual conduct with a trafficked child. [Tex. Penal Code § 20A.02\(a\)\(8\)](#)
- Child under 18 years of age, regardless of trafficker's knowledge of child's age. [Tex. Penal Code § 20A.01\(1\)](#), [Tex. Penal Code § 20A.02\(b\)\(1\)](#)

## What is child labor trafficking?

- A person knowingly:
  - Trafficked child with intent that the child engage in forced labor or services [Tex. Penal Code § 20A.01\(2\)](#), [Tex. Penal Code § 20A.01\(4\)](#), [Tex. Penal Code § 20A.02\(a\)\(5\)](#); OR
  - Received a benefit from participating in a venture that involves forced child labor or services including knowingly receiving forced child labor or services. [Tex. Penal Code § 20A.02\(a\)\(6\)](#)
- Child under 18 years of age, regardless of trafficker's knowledge of child's age. [Tex. Penal Code § 20A.01\(1\)](#), [Tex. Penal Code § 20A.02\(b\)\(1\)](#)

## Under what circumstances will DFPS investigate trafficking?

- If a person traditionally responsible for child's care, custody, or welfare [Tex. Fam. Code § 261.001\(5\)](#):
  - Compelled or encouraged the child to engage in sexual conduct including child sex trafficking, prostitution, or compelling prostitution [Tex. Fam. Code § 261.001\(1\)\(G\)](#);
  - Knowingly caused, permitted, encouraged, engaged in, or allowed a child to be trafficked for sex or labor; OR
  - Failed to make a reasonable effort to prevent the child from being trafficked for sex or labor. [Tex. Fam. Code § 261.001\(1\)\(L\)](#)

## If child has been missing from foster care, were the following steps taken?

### [Tex. Fam. Code § 264.123](#)

- DFPS made report to law enforcement and the National Center for Missing and Exploited Children (NCMEC) no later than 24 hours after learning a child is missing or abducted. [42 U.S.C. § 671\(a\)\(35\)](#)
- Within 24 hours of learning child missing or returned to care after missing, DFPS notified law enforcement, court, child's AAL and GAL, and parents (unless no known location, TPR, or relinquishment).
- While a child is missing, DFPS makes continuing efforts to locate the child including monthly contacts with law enforcement and former caregivers and supervisory-level review.
- After a missing child returns to care, DFPS interviewed the child about why the child was missing, where the child stayed while missing, and whether the child was a victim of sex trafficking while missing.

## Are there any red flags to help identify child trafficking victims? (Note that this list is non-exhaustive)

- Multiple runaways from foster care placement in a short period of time;
- Changes in school attendance habits, appearance, socio-economic status and possessions, friend groups, interests, school activities, vocabulary, demeanor, attitude, and sexual behavior;
- Unexplained injuries such as bruising, swelling, redness, cigarette burns;
- Tattoos or branding; and/or
- Hotel key cards or refillable gift cards.