

LB 516: Protecting Child Trafficking Victims

The intent of LB 516 is to ensure all children in Nebraska who are being sold for sex, also known as trafficking, are recognized as abused and neglected children and are connected to needed services and supports.

SEX TRAFFICKING OF CHILDREN



Based upon research conducted by Creighton University's Human Trafficking Initiative (HTI)

20%

of individuals advertised online for sex in Nebraska are **marketed as "very young"** based on keywords or their posted age.²

CONNECTION BETWEEN CHILD ABUSE & CHILD SEX TRAFFICKING



In 2017, an estimated **1 out of 7 endangered youth missing from care** reported to the National Center for Missing and Exploited Children **were likely child sex trafficking victims.**³

- According to U.S. Department of Health and Human Services (DHHS), Administration for Children, Youth and Families (ACYF), **between 70 percent and 90 percent of trafficked youth have a history of child sexual abuse, physical abuse, neglect, and/or trauma.**⁴
- It is estimated that anywhere **between 50 percent and 98 percent of identified trafficked children across the nation have a history in the child welfare system.**⁵
- The **average age of a child sex trafficking victim** reported missing to the National Center for Missing and Exploited Children is **only 15 years old.**⁶

TRAFFICKED YOUTH CURRENTLY SERVED BY NEBRASKA DHHS/PROBATION

- Of 3,600 DHHS wards, >1% (27) of children reviewed had a documented or suspected victimization due to sex trafficking in State Fiscal Year (SFY) 2017-2018.⁷
- Of 287 youth in out-of-home care supervised solely by Probation, five of the youth had documentation of being sex trafficked in the past, and for another three youth, there was suspicion of such.⁸

Not all children in Nebraska who have been trafficked are receiving the help they need—especially if their trafficker is not a parent or caregiver.⁹

Under the federal Justice for Victims of Trafficking Act, the definition of an abused and neglected child was amended to include sex trafficking victims irrespective of the relationship of the abuser to the child.¹⁰ Federal law has gone beyond recognizing trafficked children as abused and neglected to also include requirements that state child welfare agencies identify, document, report and provide services to any child believed to be commercially sexually exploited or believed to be at risk of commercial sexual exploitation, and “over whom the State agency has responsibility for placement, care or supervision,” as a result of the passage of the Preventing Sex Trafficking and Strengthening Families Act of 2014.¹¹

TO ENSURE THAT ALL CHILDREN IN NEBRASKA WHO ARE BEING SOLD FOR SEX ARE RECOGNIZED AS ABUSED AND NEGLECTED CHILDREN AND ARE CONNECTED TO NEEDED SERVICES AND SUPPORTS, LB 516:

- Includes sex and labor trafficking of a minor in the definition of child abuse in the Nebraska Criminal Code and the Child Protection and Family Safety Act;
- Requires the Nebraska Department of Health and Human Services (DHHS) to screen and assess reports of child sex or labor trafficking;
- Requires DHHS to conduct in person investigations of possible cases of sex or labor trafficking of a minor;
- Requires DHHS to connect the child and family with services to address their need for safe and appropriate shelter, medical and mental health care (including substance abuse services), education, and other needs; and,
- Supports the prosecution of traffickers by increasing the time frame for prosecuting trafficking of children and adults.

¹ The Women’s Fund of Omaha, “Nebraska’s Commercial Sex Market,” <https://www.omahawomensfund.org/wp-content/uploads/Nebraskas-Commercial-Sex-Market-Report-FINAL.pdf>.

² Ibid.

³ National Center for Missing and Exploited Children. Retrieved from: <http://www.missingkids.com/theissues/trafficking>.

⁴ U.S. Department of Health and Human Services Administration for Children, Youth and Families (ACYF) Guidance to States and Services on Addressing Human Trafficking of Children and Youth in the United States. 2015. Retrieved from: https://www.acf.hhs.gov/sites/default/files/cb/acyf_human_trafficking_guidance.pdf.

⁵ Walker, K., & Quraishi, F. (2014). From abused and neglected to abused and exploited: The intersection of the child welfare system and the commercial sexual exploitation of children. National Center for Youth Law. Thorn. Retrieved from: <http://youthlaw.org/wp-content/uploads/2015/03/FROM-ABUSED-AND-NEGLECTED-TO-ABUSED-AND-EXPLOITED.pdf>.

⁶ National Center for Missing and Exploited Children. Retrieved from: <http://www.missingkids.com/theissues/trafficking>.

⁷ State of Nebraska Foster Care Review Office, “Annual Report 2017-2018,” p. 47, <http://www.fcro.nebraska.gov/pdf/FCRO-Reports/2018-annual-report.pdf>.

⁸ State of Nebraska Foster Care Review Office, “Annual Report 2017-2018,” p. 67, <http://www.fcro.nebraska.gov/pdf/FCRO-Reports/2018-annual-report.pdf>.

⁹ According to the Nebraska Department of Health and Human Services, Division of Children and Family Services, Protection and Safety Procedure Update #AM 3-2016, “Sex Trafficking,” (Effective Date 2/1/2016), reports of trafficked youth by someone other than a parent or caretaker are accepted as a “Law Enforcement Only” response. This is in contrast to those allegations of trafficking with parental involvement, which are categorized as a “Child Abuse and Neglect Intake.”

¹⁰ 42 U.S.C. § 5106g (the amended definition took effect in May 2017).

¹¹ H.R.4980 - Preventing Sex Trafficking and Strengthening Families Act. (2014). Retrieved from: <https://www.congress.gov/bill/113th-congress/house-bill/4980>.