

# How Your Court Can Address Child Sexual Exploitation

A TOOLKIT TO IMPLEMENT COURT-BASED STRATEGIES



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<sup>1</sup> <https://novofoundation.org/>.

<sup>2</sup> <https://novofoundation.org/>.

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# Introduction

In 2020, the NoVo Foundation funded the National Council of Juvenile and Family Court Judges (NCJFCJ) to address child sexual exploitation in juvenile and family court systems. Through that funding, the NCJFCJ worked with a group of national partners,<sup>3</sup> a national advisory committee,<sup>4</sup> and a youth advisory board<sup>5</sup> to provide training and technical assistance,<sup>6</sup> develop resources for multidisciplinary court stakeholders, conduct a thorough review of existing court practices and tools used to close the on-ramps to commercial sexual exploitation for youth, and develop resources available on the [Enhancing Juvenile and Family Court Responses to Human Trafficking website](https://www.ncjfcj.org/enhancing-juvenile-family-court-responses-to-human-trafficking/).<sup>7</sup>

Youth who experience child sexual exploitation (CSE) often become involved in the juvenile justice system for offenses related to being exploited (e.g., theft, curfew violations, running away, assaults, truancy, substance use/distribution, etc.). Those working in the juvenile justice system (including judges, attorneys, probation officers, intake workers, social workers, and treatment providers) are often unaware of or misinterpret the youths' circumstances. As a result, many victims of sexual exploitation are criminalized instead of being diverted to appropriate resources and services. To fill this gap in understanding, the NCJFCJ

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<sup>3</sup> NCJFCJ NoVo Foundation Project Partners - National Immigrant Women's Advocacy Project, American University, Awaken INC, Children's Court Division of the Second Judicial District Court in Albuquerque, New Mexico, National American Indian Court Judges Association, Rights 4 Girls, and Toni McKinley, LLC.

<sup>4</sup> NCJFCJ NoVo Foundation Project Advisory Committee - Courtney's House; Honwungsi Consulting Services; Mack, Barbara, Retired Judge, Washington; Maven, Susan, Retired Judge, New Jersey; National Center on Domestic Violence, Trauma & Health; Romero, John, Retired Judge, New Mexico; Sacramento County Public Defender's Office; Short, Tiffany, Federal Bureau of Investigation; Child Victim Program Coordinator, Tolles, Jill, Assemblywoman, Nevada State Legislature; Toni McKinley, LLC; and Virginia Commonwealth's Attorneys' Services Council.

<sup>5</sup> The NCJFCJ, with funding from the NoVo Foundation, provides training and technical assistance to court-led collaborations to close the on-ramps to commercial sexual exploitation by addressing conditions in the justice system that contribute to exploitation. To ensure that the project is informed by youth survivor voices, the NCJFCJ convened a Youth Advisory Board in partnership with Awaken INC, a Reno area nonprofit that serves youth who have survived sexual exploitation. The Youth Advisory Board meets on a monthly basis to review and provide feedback on the training material the NCJFCJ has created as well as to produce youth survivor-led projects to raise awareness about child sex trafficking both in Reno and nationally. The Youth Advisory Board produced a public service announcement with the goal of informing community members about commercial child sexual exploitation.

<sup>6</sup> The NCJFCJ and the National Immigrant Women's Advocacy Project (NIWAP), American University Washington College of Law also have been involved in founding the State Justice Institute-funded National Judicial Network: Forum on Human Trafficking and Immigration in State Courts (NJN) whose members are judicial officials interested in peer-to-peer learning about human trafficking. Judicial officers including judges, commissioners, magistrates, tribal judges and hearing officers interested in learning more about steps that can be taken to improve access to justice and trauma-informed culturally and linguistically relevant help for CSE youth can learn more about membership in the NJN, which meets 10 times a year and provides access to webinars, training materials and technical assistance from peers and national experts at the following link: <https://www.surveymonkey.com/r/VGY9VJM>

<sup>7</sup> <https://www.ncjfcj.org/enhancing-juvenile-family-court-responses-to-human-trafficking/>.

conducted a literature review of court-based human trafficking interventions (see the Appendix for the full literature review).

The NCJFCJ used the findings from the literature review to guide the information added to this Toolkit. The literature review highlights several primary concerns with court-based strategies – including lack of collaboration, absence of a cohesive trauma-informed and responsive approach, limited data, difficulties defining the eligible population or goals of the program, difficulty monitoring success and outcomes, and the potential for the system to traumatize survivors. While no evidence-based model exists, there is evidence that survivors and court practitioners have succeeded with a wide array of services and a trauma-responsive approach. Wherever possible juvenile justice professionals should seek to divert survivors from the juvenile justice system and connect them to community-based therapeutic responses.

The Toolkit was designed to help courts fill the gaps in identifying exploited youth, providing appropriate services, and preventing criminalization of behavior caused by exploitation. The information and resources to help juvenile and family court systems focus on:

1. Building mission-driven collaborative partnerships.
2. Identifying youth who are experiencing sexual exploitation.
3. Providing court-based goal-oriented programming.
4. Including survivor and youth voices in developing trauma-responsive policies.



# Building Mission-Driven Collaborative Partnerships

The literature suggests that many court systems lack a cohesive approach to addressing the needs of exploited youth and inconsistently apply trauma-informed and trauma-responsive strategies. This limits services provided to youth survivors. Juvenile and family court systems should foster multidisciplinary teamwork within their courts and among their communities, especially with community-based agencies or organizations that provide services to youth and families. Forming collaborative partnerships across systems helps courts create effective multidisciplinary teams that can address and protect the needs of youth survivors.

## Special Considerations for Collaborating Across Systems and Jurisdictions

Juvenile and family court systems should strategically establish a process for developing collaborative partnerships. Courts should begin the process of forming collaborative partnerships by doing the following:

- 1) Assess their current structure to determine what is working, what is not working, and where there are barriers or gaps;
- 2) Ascertain how and when court staff and professionals contact, identify, interact with, and respond to CSE youth, and what their role is in the youth's life;
- 3) Identify community-based resources and partners, and confirm that these resources are available; and
- 4) Pinpoint where in the court process youth can move from the adjudication process to community-based services and systems.

As a result of this assessment, the court system should be able to determine gaps in their collaboratives, identify services and stakeholders who can fill existing gaps, and identify how the system can prevent criminalization of youth for behavior that is a result of or related to being sexually exploited.

An effective collaborative partnership includes diverse community and court stakeholders. The facilitation guide, *How to Facilitate a Discussion about Child Sexual Exploitation in Your Community*,<sup>8</sup> provides a list of suggested community and court stakeholders (Schiller & Fahie 2022). A broad-based collaborative should result in developing common goals, knowledge about

<sup>8</sup> <https://www.ncjfcj.org/wp-content/uploads/2022/12/PDF-Print-Final-Child-Trafficking.pdf>

what resources for youth are available in the community, and identification of gaps in the availability of community-based resources to meet the needs of CSE youth. Collaboration across systems gives court systems the opportunity to identify and increase resources to address the needs of youth and families (Dobbin, et al. 2004).

### Cross-System Collaboration

Youth who experience or who are at risk of CSE are often involved in more than one aspect of the justice system. A youth may be in a therapeutic court via the juvenile justice system; may have previously been a minor in need of care in a child welfare proceeding; may have been a victim or witness in a criminal prosecution; or may be a petitioner or respondent in a civil or criminal protection order proceeding.

Connectivity and collaboration across agencies, systems, and departments provide the opportunity to design and implement more effective interventions for youth and improve outcomes for the child victims (Kelly & Haskins 2001). While there are no evidence-based models that specifically address sexual exploitation, information is available on evidence-based practices that improve outcomes for dual status youth or youth who are involved in both the delinquency and dependency court (Siegel, et al. 2015). Importantly, collaboration across agencies can help identify CSE youth earlier, provide the wrap-around services needed by youth and their support systems, and reduce the number of victims who fall through the cracks of the system.

Improving responses to CSE requires a community-based collaborative system that includes social services, law enforcement, advocacy, schools, health services, and other community-based systems. Multiple resources are available to help provide guidance and information to courts and communities that are working across systems, such as:

- The [Child Welfare Capacity Building Collaborative](https://capacity.childwelfare.gov/states/topics/cross-system-collaboration)<sup>9</sup> has developed resources to help build capacity for cross-system collaborations that improve relationships and institutionalized processes; ensure meaningful involvement in planning, culture, and climate improvements; and promote shared accountability.<sup>10</sup>
- The [Connect Up](https://www.kingcountycsec.org/connectup)<sup>11</sup> pilot program in King County, Washington, seeks to provide coordinated services to children who have experienced or are at risk of experiencing CSE, and to the individuals and families who provide care for

<sup>9</sup> <https://capacity.childwelfare.gov/states/topics/cross-system-collaboration>.

<sup>10</sup> <https://capacity.childwelfare.gov/states/topics/cross-system-collaboration>.

<sup>11</sup> <https://www.kingcountycsec.org/connectup>.



these children.<sup>12</sup>

- [Futures Without Violence](https://www.futureswithoutviolence.org/organizational-leadership-training/building-collaborative-responses-to-human-trafficking/)<sup>13</sup> has a resource page for collaborative responses to child sex trafficking, including action planning and resource mapping tools to help build relationships between and among agencies within communities.<sup>14</sup>
- [California's Child Welfare Council](https://www.ojp.gov/ncjrs/virtual-library/abstracts/ending-commercial-sexual-exploitation-children-call-multi-system)<sup>15</sup> developed a report and recommendations on building multi-system collaborative responses to child exploitation (Walker 2013).
- [The Urban Institute](https://www.urban.org/sites/default/files/publication/101103/bridging_research_and_practice_a_handbook_for_implementing_research-informed_practices_in_juvenile_probation_6.pdf)<sup>16</sup> published a handbook that includes strategies for improving collaboration to support youth placed on probation (Harvel, et al. 2019).

Collaboration across systems and judicial leadership are fundamental to successfully meeting the needs of exploited youth. A first step to collaboration is to bring everyone to the table, from the head of the department to the frontline staff, so that everyone can buy into the importance of the work. Although regular meetings can be time consuming, the working relationships developed at broad-based multi-disciplinary meetings are foundational to successfully supporting youth who are survivors.

### Cross-Jurisdictional Collaboration

In addition to the multiple systems involved with juvenile and family courts and their response to CSE, trafficking, by its nature, should include multi-jurisdictional involvement and collaboration. This can include juvenile justice and/or child welfare matters in multiple county and state courts, criminal or civil matters in different state, federal, and/or international anti-trafficking laws,<sup>17</sup> as well as numerous law enforcement agencies and legislative and elective branch representatives.

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<sup>12</sup> <https://www.kingcountycsec.org/connectup>.

<sup>13</sup> <https://www.futureswithoutviolence.org/organizational-leadership-training/building-collaborative-responses-to-human-trafficking/>.

<sup>14</sup> <https://www.futureswithoutviolence.org/organizational-leadership-training/building-collaborative-responses-to-human-trafficking/>.

<sup>15</sup> <https://www.ojp.gov/ncjrs/virtual-library/abstracts/ending-commercial-sexual-exploitation-children-call-multi-system>.

<sup>16</sup> [https://www.urban.org/sites/default/files/publication/101103/bridging\\_research\\_and\\_practice\\_a\\_handbook\\_for\\_implementing\\_research-informed\\_practices\\_in\\_juvenile\\_probation\\_6.pdf](https://www.urban.org/sites/default/files/publication/101103/bridging_research_and_practice_a_handbook_for_implementing_research-informed_practices_in_juvenile_probation_6.pdf)

<sup>17</sup> Including the International Covenant on Civil and Political Rights and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

Juvenile and family courts building collaborative partnerships across jurisdictions should consider existing resources within their states. State and regional task forces, multi-disciplinary teams, coalitions, and anti-trafficking response teams may already exist and have an overlapping statewide, county, or community focus. Other models for addressing multi-jurisdictional responses, such as [Coordinated Community Response](#)<sup>18</sup> for intimate partner violence, may already be established and could provide a starting point for collaboration to address CSE.<sup>19</sup>

The following tools are also available for juvenile and family courts and their partners seeking to build and sustain cross-jurisdictional responses to trafficking:

- The Department of Justice's [Human Trafficking Building Center's](#)<sup>20</sup> (DOJ HTBC) resources for starting, growing, or sustaining trafficking response.<sup>21</sup>
- The Department of Justice, Office for Victims of Crime [e-Guide](#)<sup>22</sup> for human trafficking task forces.<sup>23</sup>

### Collaboration with Immigration Systems

Immigrant minor victims of commercial sex trafficking have legal rights and protections, including the ability to qualify for immigration relief. Forms of immigration relief that will best suit an individual depend on factors that include the time when the victim is identified and how quickly the immigration case is adjudicated. These factors make it important to connect immigrant trafficking survivors with organizations or programs experienced in supporting victims of human trafficking. A directory of programs [in each state is available on the National Immigrant Womens Advocacy Project \(NIWAP\) website.](#)<sup>24</sup>

### Collaboration with Tribes and Tribal Justice Systems

The crises of missing and murdered Indigenous peoples and sexual exploitation of Indigenous people are significant issues in American Indian and Alaska Native (AI/AN) communities (Rosay 2016). The intersection between the impact of [historical and intergenerational trauma, disproportionate levels of gender-based crimes including sexual exploitation,](#)<sup>25</sup> and their effects on tribal

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<sup>18</sup> <https://vawnet.org/material/evaluating-coordinated-community-responses-domestic-violence>.

<sup>19</sup> <https://vawnet.org/material/evaluating-coordinated-community-responses-domestic-violence>.

<sup>20</sup> <https://htcbc.ovc.ojp.gov/>.

<sup>21</sup> <https://htcbc.ovc.ojp.gov/>.

<sup>22</sup> <https://www.ovcttac.gov/taskforceguide/eguide/2-forming-a-task-force/?msclkid=bfc9a6f3b43a11ecb6eab8eb66147c>.

<sup>23</sup> <https://www.ovcttac.gov/taskforceguide/eguide/2-forming-a-task-force/?msclkid=bfc9a6f3b43a11ecb6eab8eb66147c>.

<sup>24</sup> <https://niwaplibrary.wcl.american.edu/home/directory-programs-serving-immigrant-victims>.

<sup>25</sup> <https://htcbc.ovc.ojp.gov/mmip>.

communities, families, and children are now well-recognized.<sup>26</sup>

Effective justice system responses to human trafficking require collaboration with tribes and tribal systems, as with other jurisdictions. There are [574 federally recognized tribes in the United States](#),<sup>27</sup> and all have their own constitutions, laws, policies, programs, and services.<sup>28</sup> Many, if not most, have their own courts. Multiple and overlapping jurisdictions often operate within tribal lands. The jurisdictional authority of federal, state, and tribal governments in criminal and/or civil matters depends on where a crime occurs and/or on the identity of the victim and/or perpetrator (Mandeville 2015, Sherman, et al. 2021). Therefore, collaborative relationships with tribes can help coordinate efforts to hold traffickers accountable and ensure victims get services and access to justice. Courts seeking to collaborate with tribes should work to understand tribal sovereignty, tribal justice systems, and the overlapping jurisdictions that may operate within tribal lands based on victim and perpetrator tribal identification.

As with other cross-jurisdictional collaborations, juvenile and family courts can also look to existing tribal, state, and federal practices for resources. For instance, there are currently over [20 Indian Child Welfare Act \(ICWA\) specialty courts within the United States](#).<sup>29</sup> Those courts may have developed partnerships or collaborative relationships with tribes that can provide an opportunity for further collaboration regarding a response to CSE. Some state and tribal courts have formed cross-jurisdictional committees, such as [Michigan's Tribal State Federal Judicial Forum](#),<sup>30</sup> to focus on ways to improve justice system responses and address community needs.<sup>31</sup> Guidance for courts regarding how to begin to build relationships with tribes has been developed by government agencies and their partners (Thorne & Garcia 2019).

Collaboration with tribes can provide courts with vital community-based perspectives, indigenous survivor voices, services that can increase understanding of and responses to individual, community, and historical traumas, and culturally appropriate trauma-responsive practices.<sup>32</sup>

Multiple federal and tribal resources are available to help courts understand trafficking and its impact on tribal communities and how to build relationships

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<sup>26</sup> <https://htcbc.ovc.ojp.gov/mmip>.

<sup>27</sup> <https://www.bia.gov/service/tribal-leaders-directory/federally-recognized-tribes>.

<sup>28</sup> <https://www.bia.gov/service/tribal-leaders-directory/federally-recognized-tribes>.

<sup>29</sup> <https://www.ncjfcj.org/child-welfare-and-juvenile-law/icwa-courts/>.

<sup>30</sup> <https://www.courts.michigan.gov/courts/tribal-courts/michigan-tribal-state-federal-judicial-forum/>.

<sup>31</sup> <https://www.courts.michigan.gov/courts/tribal-courts/michigan-tribal-state-federal-judicial-forum/>.

<sup>32</sup> <https://www.yarrowproject.org/missionandvalues>.

and work collaboratively with tribal partners:

- The DOJ HTBC has resources focused on [native youth and human trafficking](#),<sup>33</sup> including a [talking circle](#)<sup>34</sup> discussion led by tribal community members.<sup>35</sup>
- The [Center for Justice Innovation](#)<sup>36</sup> has [recommendations for state courts](#)<sup>37</sup> on building respectful relationships with tribal justice system colleagues.
- The [Capacity Building Center for Tribes Tribal Information Exchange](#)<sup>38</sup> has [guidance on collaboration](#)<sup>39</sup> for a comprehensive response to trafficking of children.<sup>40</sup>

### Cross-Jurisdictional and Cross-System Collaborations Best Practices

Juvenile and family courts building cross-system and cross-jurisdictional collaborations should consider including the following:

1. Training staff and partners on the requirements, limitations, and resources in the community. Team members across all collaborating organizations, branches of government, and agencies should:
  - Understand what programs and agencies exist in their communities to serve exploited youth and those at risk for exploitation.
  - Understand the goals, processes, and outcomes of partner agencies.
  - Know which partner organizations and individuals screen and identify youth, when the screening occurs, and which entities they contact about the youth who are identified as exploited or at risk.
2. Building relationships among agencies, jurisdictions, departments, programs, and community partners strengthens systemic responses to CSE. This can include formal and informal relationships. Scheduling regular meetings will help build and maintain momentum, participation, and progress.
3. When engaging with community-based groups and other agencies, it is vital to learn about and identify opportunities to incorporate trauma-responsive and culturally-responsive practices into the work the agencies and the courts do together to assist CSE youth. This ensures meaningful involvement of community-based groups and agencies and promotes shared accountability.

<sup>33</sup> <https://htcbc.ovc.ojp.gov/native-youth-and-human-trafficking>.

<sup>34</sup> <https://htcbc.ovc.ojp.gov/media/video/611>.

<sup>35</sup> <https://htcbc.ovc.ojp.gov/native-youth-and-human-trafficking>; <https://htcbc.ovc.ojp.gov/media/video/611>.

<sup>36</sup> <https://www.innovatingjustice.org/>.

<sup>37</sup> [https://www.innovatingjustice.org/sites/default/files/documents/DV\\_SJI\\_Tribal\\_Justice.pdf](https://www.innovatingjustice.org/sites/default/files/documents/DV_SJI_Tribal_Justice.pdf)

<sup>38</sup> <https://tribalinformationexchange.org/>.

<sup>39</sup> <https://tribalinformationexchange.org/index.php/collaboration/>.

<sup>40</sup> <https://tribalinformationexchange.org/index.php/collaboration/>.

4. Leading with respect for those communities directly and disproportionately impacted by child sex trafficking is essential to gaining and keeping the trust of partners as well as survivors. To learn more about working with survivor leaders, see this guide on [Ethical Engagement with Survivor Leaders](#).<sup>41</sup>

## Mission Development Process

Once cross-system and/or cross-jurisdictional collaborative partnerships are formed, juvenile and family courts need to establish the structure. Creating the mission and vision are essential because the partnership will work only if all parties have a collective purpose. A mission-driven collaboration benefits all parties involved as it ensures all stakeholders know their role in filling the gaps in services and reducing the barriers to ending CSE.

A mission statement is a concise description of what the program intends to do and why. It should encompass the values and goals of the full multi-disciplinary team.

Once a multidisciplinary collaborative workgroup is identified, it is important to define a clear and measurable mission statement. The following four-step process can guide discussions to ensure that teams develop a mission and vision statement collaboratively. Workgroup members should complete the first three steps individually and then come together to complete Step Four.

### Four Step Process to Developing a Measurable Mission Statement

#### Step One:

Familiarize yourself with the characteristics of effective mission statements. Mission statements should be short, memorable, and meaningful and create a through-line between the core values, goals and objectives, and program outcomes.

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<sup>41</sup> [https://www.ncjfcj.org/wp-content/uploads/2023/09/Ethical-Engagement-for-Survivor-Leaders\\_FINAL2.pdf](https://www.ncjfcj.org/wp-content/uploads/2023/09/Ethical-Engagement-for-Survivor-Leaders_FINAL2.pdf)



## Mission Statements share several characteristics that

### Emphasize the stakeholders' core values, for example:

- Using a team approach
- Understanding of child sexual exploitation and therapeutic jurisprudence

### Recognize the larger system the program operates in, for example:

- Child welfare
- Juvenile justice
- Local legal culture
- Community structures
- School systems

### Focus on overarching goals of the program, for example:

- Provide and coordinate services for young victims of sex/human trafficking
- Support and monitor service engagement and completion to reduce further victimization and trauma

### Point to desirable outcomes, for example

- Increased identification
- Increased coordination
- Reduced victimization

## Step Two:

Review examples of mission statements from other court-led programs that address child sex trafficking and consider how they meet the recommended characteristics. For example:

### From a court in Florida<sup>42</sup>

The mission of the Human Trafficking Court is to serve young victims of human trafficking who entered the court system under a Chapter 39 and/or Statute 61, 397, 741, and 985 petitions (Dependency, Family, Marchman Act, Domestic Violence, and Juvenile Delinquency). This specialized court will provide victims with comprehensive services and support to recover from the life they have been exposed to, have a successful transition to independence, and begin to lead

<sup>42</sup> Florida - Florida Eleventh Judicial Circuit (2017) G.R.A.C.E Court Benchbook. [https://www.flcourts.gov/content/download/217037/file/GRACE\\_Court\\_Benchbook.pdf](https://www.flcourts.gov/content/download/217037/file/GRACE_Court_Benchbook.pdf)

a healthy life physically, mentally, and emotionally. The services and support are hoped to reduce further victimization or involvement in the child welfare and juvenile justice systems.

#### **From a court in Santa Barbara<sup>43</sup>**

R.I.S.E (Resiliency Interventions for Sexual Exploitation) is committed to restoring and empowering young females exposed to, or at risk of, sexual exploitation and trafficking. Through trauma-specific services, collaborative partnerships, and community outreach, RISE works to restore and reintegrate survivors, eradicate sexual exploitation, and reduce the stigma surrounding sexual trauma in Santa Barbara County. RISE is committed to promoting hope and resiliency in girls and young women, guiding them to be leaders in their pursuit of meaningful and enriching lives.

#### **From a court in Los Angeles<sup>44</sup>**

The program's goal is primarily rehabilitative and addresses underlying family or personal issues that precipitated the child's activities. It does so by providing enhanced services and supervision through a partnership with a multi-disciplinary team composed of the youth's lawyer, the assistant district attorney, a probation officer dedicated to the supervision of the youth on this docket, and advocates from several community-based organizations that work with sex-trafficked youth on an ongoing basis. By doing so, the court promotes youth and public safety, reduces recidivism, and disrupts the pattern leading to increased criminal activity.

**Step Three:** Answer the questions in the table on the next page and come prepared to share during the development meeting.

#### **Step Four:**

Hold a 90-minute development meeting with team members to discuss the following. During the meeting, team members can collectively identify core values, establish goals aligned with the values, explain what outcomes they want their work to accomplish, and draft a mission and vision statement.

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<sup>43</sup> Santa Barbara County Department of Behavioral Wellness. Resiliency Interventions for Sexual Exploitation. [https://www.creativecounselingsantabarbara.com/\\_files/ugd/c8f53a\\_fc4fb6375d624dd0b38b4bae39a55a79.pdf?index=true](https://www.creativecounselingsantabarbara.com/_files/ugd/c8f53a_fc4fb6375d624dd0b38b4bae39a55a79.pdf?index=true).

<sup>44</sup> Los Angeles Superior court (2014). Succeed Through Achievement and Resilience (STAR) Court Program Outline. [https://www.courts.ca.gov/documents/LosAngeles-STARCourt-ProgramOutline\\_ikc.pdf](https://www.courts.ca.gov/documents/LosAngeles-STARCourt-ProgramOutline_ikc.pdf)

Questions	Your answer
What is our purpose?	
Who is our target population?	
How will we accomplish our purpose?	
What is the expected outcome?	



# New Jersey Youth Empowered for Success (Y.E.S.) Diversionary Program

## Areas of Work

Establish approaches to divert youth who are being sexually exploited from the justice system and provide improved connection to services for these youth involved in the juvenile and family justice systems.

## Mission:

The Mission of the Y.E.S. Diversion Program is to 1) identify young people harmed by human trafficking; 2) limit the criminalization of young victims of human trafficking; and 3) foster a court-managed, harm reduction environment so that children involved in child welfare court matters and/or in juvenile justice court matters will be appropriately served by the justice system. This mission is achieved by:

- 1) Educating child welfare and juvenile justice staff to identify youth for further screening by the Y.E.S. Diversion Program.
- 2) Using a validated screening tool to ensure services are needed; and
- 3) Using a multi-disciplinary team to coordinate support for young people harmed by human trafficking through evidenced-based interventions, treatment, therapy, and services, depending on need (e.g., substance use, mental health, etc.)

## Vision

Young people harmed by human trafficking will be better identified and served through the Y.E.S. program and because of the program will experience:

1. Fewer episodes of running away.
2. Less involvement in the justice system.
3. Reduced feelings of trauma.
4. Broken bonds with suspected traffickers/exploiters.
5. Improved personal/physical safety.
6. Increased engagement with services, treatment, or other interventions.
7. Improved education and family support/stability.
8. Increased independence to navigate the world effectively.

## Program Goals

1. Improve identification of youth who are harmed by sex trafficking.
  2. Limit the criminalization of young victims of human trafficking.
- Foster a court-managed harm reduction environment to ensure systems have the tools to help youth progress.

# Identifying Youth Who Are Experiencing Sexual Exploitation

Clearly defining the population to be served by the efforts addressing CSE in your community allows all stakeholders to ensure services and supports are offered to the appropriate youth. Juvenile and family courts and their collaborative stakeholders are well-positioned to identify victims of child sex trafficking and connect them to the trauma-informed services and supports that will help them thrive.

There is a wide array of screening tools available from different jurisdictions, providers, and investigators. The NCJFCJ has compiled information on validated screening and assessment instruments. A screening tool helps professionals determine whether a child is likely to have been trafficked, whereas an assessment tool helps professionals evaluate which services will be appropriate for the individual child. To validate a screening or assessment tool, that instrument must be evaluated to ensure that it can reliably identify victims of child sex trafficking. Three out of four of the validated screening tools are reliant on the child self-identifying as a victim of trafficking. None of the validated screening tools includes a guide to action or treatment plan associated with the outcomes of the screening.

In addition to the validated screening tools, a validated tool, Sex-trafficking Assessment Review (STAR; Andretta, Watkins, Barnes, & Woodland, in press<sup>45</sup>) provides a brief (12-item), objective, nonintrusive, quantitative decision-making system for determining a youth's amount of CSE risk. The STAR is not meant to confirm a suspicion but rather to help large agencies triage and identify which youth should be provided a more thorough assessment to determine CSE. The STAR can also provide guidance for agency staff on the mental health needs of respondents.

## Important Considerations when Implementing a Child Sex Trafficking Screening Tool

Each of the tools described in this document are reliant on the person completing the tool having built a relationship with the child, or being sufficiently informed of the intricacies of the child's past experiences. Regardless of the tool that a court or system chooses to use, all communities

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<sup>45</sup> <https://niwaplibrary.wcl.american.edu/wp-content/uploads/20-Andretta-et-al-2016b-STAR-Validation-Article.pdf>

should take the following steps before using a tool with a child:

- Train all staff in trauma-informed and healing-centered practices.
- Train all staff to understand what child sex trafficking is and how to identify survivors of trafficking.
- Assess the culture and environment in which young people will be screened to ensure the culture and physical space are welcoming and center the wellbeing of young people.
- Identify the resources and supports available in the community to support young people who are identified as victims of sex trafficking (Capacity Building Center for States, 2016).

Not all youth will be prepared to self-identify as a victim of trafficking to a new person with whom they do not have a positive relationship (Resource Development Associates & the Child and Family Policy Institute of California, 2020). While youth should be screened early to ensure young people who are ready to self-identify are provided with services and support as soon as possible, time to build trust should be allowed so that young people feel more comfortable (Bigelsen & Vuotto, 2013). For this reason, youth should be screened more than once and should be treated with care and compassion, even if they are not initially identified as victims.

## Selecting a Tool with Organizational Stakeholders

Selecting the right tool for an organization should involve feedback from a broad group of stakeholders. The discussion guide *How to Facilitate a Discussion about Child Sexual Exploitation in Your Community: A Facilitation Guide*<sup>46</sup> provides a detailed agenda and talking points to help stakeholders understand the importance of collecting and sharing data (Schiller & Fahie 2022).

## Commercial Sexual Exploitation–Identification Tool (CSE–IT)<sup>47</sup>

### Target Population

Minors and young adults ages 10–24 who are or may be experiencing sex trafficking (Basson, 2017; WestCoast Children’s Clinic, 2020).

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<sup>46</sup> <https://www.ncjfcj.org/wp-content/uploads/2022/12/PDF-Print-Final-Child-Trafficking.pdf>

<sup>47</sup> <https://www.westcoastcc.org/cse-it/>

## Evidence Base

The CSE-IT was validated with 5,537 rural and urban youth in child welfare, juvenile justice, and community-based organization settings and against another (already validated) tool for assessing youth needs in behavioral health settings: the *Crisis Assessment Tool/Childhood Severity of Psychiatric Illness (CAT/CSPI)*.<sup>48</sup> The tools were highly correlated (92%) in assessing exposure to exploitation, which indicates the CSE-IT can distinguish between youth with and without clear indicators of exploitation. The measures in the CSE-IT were deemed reliable using an internal consistency measure (Basson, 2017).

## Tool Type

A checklist scoring sheet to measure a child's risk level. There are no structured interview questions directly associated with the CSE-IT.

## Length

The checklist has eight key indicators. Within the indicators are 48 guiding questions to help determine risk levels based on known information. The average time to complete was 10 minutes while 25% of providers took more than 10 minutes to complete the instrument.

## Special Considerations for Juvenile and Family Courts

CSE-IT is a tool to coalesce information, not a questionnaire, and should be used in conjunction with other screening and assessment tools. As such, it is more flexible than an in-person interview but requires retrospective work, which can be labor-intensive (WestCoast Children's Clinic, 2020). Therefore, it should be done by someone who knows the youth, has access to the information already, or someone highly skilled at completing the CSE-IT and familiar with where to locate relevant information.

CSE-IT is not reliant on self-reporting, and it guides the user to determine whether a young person is at risk of commercial sexual exploitation using a variety of information sources and thus can be used early with young people to determine their risk status (Basson, 2017). It is reliant on the relative knowledge about the child of the person completing the CSE-IT to make the final conclusions. If the person completing the CSE-IT is not sure of an answer they are to mark no, which can lead to false negatives. (WestCoast Children's Clinic, 2016; Basson, 2017; Capacity Building Center for States, 2016; WestCoast Children's Clinic, 2020a; WestCoast Children's Clinic, 2020b). [WestCoast](#)

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<sup>48</sup> <https://praedfoundation.org/tcom/tcom-tools/crisis-assessment-tool-cat/#:~:text=The%20CAT%2C%20originally%20known%20as,the%20safety%20of%20the%20community.>

Children’s Clinic<sup>49</sup> requires users to pay for and attend a half-day CSE-IT user training to ensure the proper use of the tool and ensure the reliability of the measures.<sup>50</sup>

## Human Trafficking Interview and Assessment Measure (HTIAM-14)<sup>51</sup>

### Target Population

Minors and young adults who are experiencing labor and/or sex trafficking.

### Evidence Base

Sixty random youth, ages 18–23, were surveyed with the entire HTIAM-14 tool. These same 60 youth were interviewed about potential trafficking experience by a lawyer who did not know their responses to the HTIAM-14. Participant scores generated by the tool were compared to determinations made by the lawyers and other existing case file information. Based on this comparison, the tool is highly effective (92%) in determining if a young person is a victim of trafficking (Bigelsen & Vuotto, 2013).

### Tool Type

Structured non-invasive, non-judgmental, and trauma-informed survey and interview-based screening tool.

### Length

The survey has 37 questions that take approximately 45 minutes to complete.

### Special Considerations for Juvenile and Family Courts

The HTIAM-14 is recommended by multiple sources (Resource Development Associates & the Child and Family Policy Institute of California, 2020; West-Coast Children’s Clinic, 2020b).

It uses language that is acceptable to youth (Capacity Building Center for States, 2016). The HTIAM-14 has not been validated for use with minors and would require some modifications to the language for use with younger children (Bigelsen & Vuotto, 2013).

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<sup>49</sup> <https://www.westcoastcc.org/>.

<sup>50</sup> Contact [screening@westcoastcc.org](mailto:screening@westcoastcc.org) to request an informational call to discuss being trained to use the tool. <https://www.westcoastcc.org/cse-it/#:~:text=How%20to%20start%20using%20the,CSE%2DIT%20in%20your%20organization!>

<sup>51</sup> <https://cfpic.org/wp-content/uploads/2020/12/Covenant-house-assessment.pdf>.

The assessment can take 45 minutes to administer and requires a human trafficking expert, someone who has experience working with and understanding youth who have been trafficked, to interpret responses and determine the likelihood of trafficking. This means that there is no objective score at which a person is determined to have had a trafficking experience; rather, it is dependent on the provider or interviewer to determine based on the information elicited through use of the tool (Chisolm-Straker, et al., 2019; WestCoast Children's Clinic, 2020b). Many of the survey questions have an optional open-ended area asking participants to further explain, and these sections require additional time and effort to record in a database (Covenant House, 2013).

The HTIAM-14 depends on youth self-reporting and experience. The tool should be used as early as possible and should be used again once trust is established between the young person and the user of the tool (Capacity Building Center for States, 2016; WestCoast Children's Clinic, 2020a; WestCoast Children's Clinic, 2020b).

## Sex-Trafficking Assessment Review<sup>52</sup>

### Target Population

Juvenile justice-involved youth who are experiencing sex-trafficking.

### Evidence Base

Tested with 901 youth arrested in Washington, DC, ages 10-19 including 55% males and 45% females. The sample was 95% African American, 4% Latino, and less than one percent White. Participant scores generated by the tool were compared to the research on which youth are more likely to be sexually exploited and not compared to an existing screener or known disclosures. The STAR successfully identified mental health needs of youth who were screened.

### Tool Type

An objective and nonintrusive survey tool.

### Length

The survey includes 12 total questions, nine questions for youth and three questions answered from available records. It takes 5-10 minutes to complete.

### Special Considerations for Juvenile and Family Courts

The STAR is currently being utilized in the DC HOPE court to identify youth

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<sup>52</sup> <https://niwaplibrary.wcl.american.edu/pubs/star-presentation-njn-forum>

who are at risk of being trafficked. The tool has not been validated against other screening tools or self-disclosure but has been validated against the existing evidence based on risk factors.

The STAR does not require highly trained staff and was developed to be incorporated into large agencies to quickly supplement existing screenings and assessments. The STAR can help guide agency responses (Andretta, J, et al., 2016).

## Urban Institute Human Trafficking Screening Tool (HTST)<sup>53</sup>

### Target Population

Child welfare and runaway and homeless youth who are experiencing labor and/or sex trafficking.

### Evidence Base

Pretested with 617 youth ages 18–24 in 14 child welfare and runaway and homeless youth settings in New York, Texas, and Wisconsin. Responses to the HTST were validated against expert opinions. It correctly predicted that youth were trafficking victims 60% of the time and incorrectly identified 20% of youth as trafficking victims. The youth understood the questions and did not find them to be triggering or overly personal (Dank, et al., 2017). The tool was also found to be significantly more likely to identify sexual exploitation among a population of homeless young people than a standard psychosocial assessment tool (Mostajabian, et al., 2019).

### Tool Type

A survey question addendum to a longer Life Experiences Survey.

### Length

The HTST has 19 questions that take approximately two minutes to complete.

### Special Considerations for Juvenile and Family Courts

This tool has not been validated for use with minors or in child welfare settings. It takes just two minutes to complete and can be incorporated into a longer survey of life experiences. Each of the questions is close-ended and would not require additional time and effort to record in a database (Dank, et al., 2017).

The HTST can help identify victims of trafficking most of the time; however, 4

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<sup>53</sup> [https://www.urban.org/sites/default/files/publication/93596/pretesting\\_tool\\_3.pdf](https://www.urban.org/sites/default/files/publication/93596/pretesting_tool_3.pdf)



in 10 youth who are being trafficked will not be identified using this tool and some youth will be falsely identified (Dank, et al., 2017; Mostajabian, et al., 2019; WestCoast Children’s Clinic, 2020a; WestCoast Children’s Clinic, 2020b).

## Vera Institute of Justice Trafficking Victim Identification Tool (TVIT)<sup>54</sup>

### Target Population

Adults who are experiencing labor and/or sex trafficking.

### Evidence Base

Validation data were collected by retroactively applying the TVIT to 53 case file reviews of individuals who had been identified as: (1) certified victims of trafficking, (2) identified trafficking victims lacking certification, and (3) victims of related or similar but non-trafficking crimes. This method validated the TVIT across clinical and forensic settings for adults (Simich, et al., 2014; Browne-James, et al., 2021).

### Tool Type

Structured survey and interview-based screening tool.

### Length

The survey has 75 questions, which take approximately 40–60 minutes to complete.

### Special Considerations for Juvenile and Family Courts

This TVIT is recommended by multiple sources (Child and Family Policy Institute of California, 2020; West Coast Children’s Clinic, 2020b).

*It has not been validated for use with youth and would be appropriate to use with minors and young adults only with significant modifications to the language. The TVIT includes detailed questions about traumatic experiences that are not necessary for screening and may be inappropriate (Capacity Building Center for States, 2016). It also uses language aimed at immigrants, and language modifications are needed to make the survey and interview questions more appropriate for u.s. citizens (Vera Institute of Justice, 2014).*

*This assessment can take 60 minutes to administer and requires a human trafficking expert to interpret responses – meaning that there is no objective score at which a person is determined to have had a trafficking experience. Rather, it is dependent on the interviewer to make a determination based on the information elicited by the tool.*

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<sup>54</sup> <https://www.vera.org/downloads/publications/human-trafficking-identification-tool-and-user-guidelines.pdf>



*Most of the questions are open-ended and would require additional time and effort to record in a database.*

This TVIT depends on self-reporting an experience. It should be used as early as possible and should be used again once trust is established between the adult and the interviewee (Browne-James, et al., 2021; Capacity Building Center for States, 2016; Chisolm-Straker, et al., 2019; Mostajabian, et al., 2019; Simich, et al., 2014; WestCoast Children's Clinic, 2020a; WestCoast Children's Clinic, 2020b).

## Providing Goal-Oriented Programming

After developing a mission statement and the target population, stakeholders should discuss and agree upon the goals, objectives, and performance measures that will allow stakeholders to determine whether the services provided yield successful outcomes for youth and families. Performance measures can help stakeholders monitor goal achievement, track individual and programmatic progress, demonstrate efficacy, identify resource needs, and chart a course for the future.

### Step One:

#### Understand the Key Terminology Used in Developing Goal-Oriented Programs

- **Quality Improvement** is the process of using data to identify gaps in service delivery and strategically planning to close those gaps on a continuous basis.
- **Benchmarks** are set and used to measure progress on program goals. For example, all youth will receive an assessment within 14 days of acceptance into the program.
- **Objectives** are measurable statements or operational versions of the broad goals. Objectives create targets for activities and are bounded by time.
- **Activities** are linked to objectives and describe what will be done, by whom, when, and what the expected outcome is.
- **Outputs** are the direct products of program activities, such as treatment attendance numbers or number of assessments completed.
- **Outcomes** are short-term and/or mid-term impacts of goal accomplishment, for example, successful completion of substance use treatment. Reaching benchmarks that produce short-term and/or mid-term outcomes increases the likelihood that the program will result in the desired positive impact.

- **Measures of program impact** are the long-term indicators that result in improved behavior, knowledge, skills, or level of functioning for youth that last after youth have successfully completed the program.

## Step Two:

### Review Examples of Goals, Objectives, and Performance Measures

The goals, objectives, and performance measures should be derived from the mission statement. For an example, see the mission statement, goals, objectives, and performance measures from a court in Florida:<sup>55</sup>

**Mission Statement** – The mission of the Human Trafficking Court is to serve young victims of human trafficking who entered the court system under a Chapter 39 and/or Statute 61, 397, 741, and 985 petitions (Dependency, Family, Marchman Act, Domestic Violence, Juvenile Delinquency). This specialized court will provide victims with comprehensive services and support in order to recover from the life they have been exposed to, have a successful transition to independence, and begin to lead a healthy life physically, mentally and emotionally. It is hoped that the services and support will also reduce any further victimization or involvement in the child welfare and juvenile justice systems.

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<sup>50</sup> Florida - Florida Eleventh Judicial Circuit (2017) G.R.A.C.E Court Benchbook. [https://www.flcourts.gov/content/download/217037/file/GRACE\\_Court\\_Benchbook.pdf](https://www.flcourts.gov/content/download/217037/file/GRACE_Court_Benchbook.pdf)



## Examples of Potential Performance Measurements

Goals	Objectives	Performance Measures
Provide victims with comprehensive services	1. Conduct CSE identification tool with youth within 30 days of petition	Number or percentage of CSE identification tools completed within 30 days of petition
	2. Divert youth who do not meet eligibility requirement	Number or percentage of youth diverted Number or percentage of youth who meet eligibility
	3. Assign a dedicated case manager within eight working days of the completed identification tool	Number or percentage of case managers assigned within eight working days of completed identification tool
	4. Develop an individualized case plan within eight days of identification tool completion	Number or percentage of individualized case plans completed within eight days of identification tool completion
	5. Refer youth to treatment or interventions within one week of receiving a case plan	Number or percentage of youth refer to services with one week of case plan development
Provide victims with comprehensive support	1. Provide weekly case management meetings to discuss and monitor case plan goal achievement	Number of weekly case management meetings Number or percentage of case plans adjusted
	2. Hold monthly MDT meetings to review case plans, monitor progress in services, and respond to youth behavior	Number of monthly MDT meetings held Number or percentage of youth receiving incentives
	3. Ensure youth successfully complete case plan goals within six months of enrollment	Number or percentage of youth successfully completing treatment Number or percentage of case plan goals achieved Number or percentage of youth terminated

Reduce further victimization	1. Conduct reassessment using CSE identification tool to determine level of need	Number of youth who are reassessed Number or percentage of youth who have reduced level of need
	2. Provide transition planning to prevent further victimization	Number of transition plans developed
	3. Monitor transition plan engagement 30 days prior to program completion	Number or percentage of youth adhering to transition plan
Reduce involvement in the child welfare and juvenile justice system	1. Conduct risk/need assessment with youth at intake	Number of risk/need assessments completed at intake
	2. Address criminogenic needs identified in the risk/need assessment through case plan goals	Number or percentage of youth with reduced criminogenic risk/need scores upon reassessment Number or percentage of youth who achieve case plan goals that target criminogenic needs



## Step Three:

### Use the Instructions and Table to Draft Your Program's Goals, Objectives, and Performance Measures

1. Column A – Add four broad program goals based on your newly developed mission statement.
2. Column B – Identify 1-4 objectives (i.e., measurable statements) that will help you accomplish the goal.
3. Column C – For each measurable objective, add an indicator that measures the progress toward reaching the objective.
4. Column D – For each indicator in Column C identify how that data will be collected.

Goals (Column A)	Objectives (Column B)	Performance Measures (Column C)	Data Sources (Column D)

# Including Survivor and Youth Voices in Policy Development

Any court-based collaborative that works with youth survivors of sex trafficking should incorporate survivors' feedback and voices. Incorporating survivor voices can include starting a youth advisory board (YAB) and/or partnering with survivor leaders in your community. A YAB provides youth and organizations the chance to work with one another in a safe and structured manner. If done authentically and driven by a clear purpose, a YAB can not only benefit an organization's goals but also offer youth opportunities to develop professional skill sets such as networking and problem-solving. Partnering with survivor leaders can provide valuable feedback on your court systems and can provide mentoring and connections to resources in the community that are trusted by those with lived experience.

## Starting a Youth Advisory Board

A YAB can be a valuable resource in developing materials and changing court practices to better meet the needs of young people. Because of their age or assumed lack of experience, it is easy to dismiss the contributions of young people in developing policies and programs. However, young people with lived experience provide keen insight into how existing policies and procedures are impacting youth and how proposed policies are likely to impact youth. The NCJFCJ's YAB has provided guidance and feedback on the development of webinars, trainings, sample procedures, and publications.

Determining if a YAB is right for your court starts with determining if you can subsidize youth for their involvement. For more detailed guidance on how to start a YAB, see the publication [\*What Everyone Ought to Know About Starting a Child Sex Trafficking Youth Advisory Board\* \(Beal & Ubando, 2023\)](#).<sup>56</sup>

## Partnering with Survivor Leaders in Your Community

Survivor leaders are adults who have survived child sex trafficking and work professionally to help other survivors or have other leadership roles in the community. Survivor leaders have their own individual skill sets and professional capabilities they can contribute to their work. They can provide subject matter expertise, guide courts to community-based resources that are successful and provide feedback on practices and policies that are beneficial or harmful. Sur-

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<sup>56</sup> <https://www.ncjfcj.org/wp-content/uploads/2023/03/NCJFCJ-Child-Sex-Trafficking-Youth-Advisory-Board-Tipsheet.pdf>

vivor leaders have invaluable insight and expertise and should be compensated for their time.

Survivor leaders can participate in many ways: they can join a board of directors, participate in advisory groups, or be hired as staff or consultants on specific projects. By including more survivors in diverse roles, court systems, programming, policies, and practices will be better suited to meet the unique needs of trafficking victims. To learn how to engage ethically with survivor leaders, see this publication: [Ethical Engagement with Survivor Leaders](#).<sup>57</sup>

To engage survivor leaders in your work, review these resources:

Resource Name	Description	Link
<b>Survivor Alliance</b>	An organization that unites and empowers survivors of human trafficking to become leaders. They offer training and resources for survivor inclusion.	<a href="https://www.survivoralliance.org/allies">https://www.survivoralliance.org/allies</a>
<b>Elevate Academy</b>	The largest online school for survivors of human trafficking. Elevate Academy gives students a safe online space to learn, connect, and thrive. The School provides training and mentoring to survivors wanting to become speakers.	<a href="https://elevate-academy.org/">https://elevate-academy.org/</a>
<b>Office for Victims of Crime Training &amp; Technical Assistance Center</b>	OVC offers speaker support to provide speakers for short (three hours or less) general presentations at your event such as plenary, panel, or victim impact presentations. You can suggest your own speaker or access a network of consultants and experts in the victim services field. Phone: 1-866-OVC-TTAC (1-866-682-8822) TTY: 1-866-682-8880	Email: <a href="mailto:ttac@ovcttac.org">ttac@ovcttac.org</a> <a href="https://www.ovcttac.gov/">https://www.ovcttac.gov/</a>

<sup>57</sup> <https://www.ncjfcj.org/publications/ethical-engagement-with-survivor-leaders/>.

<p><b>National Human Trafficking Training and Technical Assistance Center</b></p>	<p>The NHTTAC call center is open from 8:30 to 5:00 EST Monday through Friday. All email inquiries will be responded to within one business day.</p>	<p>Email <a href="mailto:info@nhttac.org">info@nhttac.org</a> or call 844-648-8822  <a href="https://www.acf.hhs.gov/otip/training/nhttac">https://www.acf.hhs.gov/otip/training/nhttac</a></p>
<p><b>U.S. Advisory Council on Human Trafficking</b></p>	<p>Serves as a point of contact for federal agencies reaching out to human trafficking survivors for input on anti-trafficking programming and policies in the United States.</p>	<p><a href="https://www.state.gov/u-s-advisory-council-on-human-trafficking/">https://www.state.gov/u-s-advisory-council-on-human-trafficking/</a></p>
<p><b>Office on Trafficking in Persons (OTIP) Toolkit for Building Survivor Informed-Organizations</b></p>	<p>The Toolkit for Building Survivor-Informed Organizations is a collection of new and existing resources that builds organizational capacity to collaborate with and support staff, volunteers, and consultants who identify as survivor leaders. It is an appropriate resource for anti-trafficking organizations, coalitions, task forces, volunteer programs, and other community and faith-based organizations that wish to improve collaboration with those impacted by human trafficking.</p>	<p><a href="https://nhttac.acf.hhs.gov/system/files/2023-03/Survivor%20Informed%20Toolkit%20Updated%202023.pdf">https://nhttac.acf.hhs.gov/system/files/2023-03/Survivor%20Informed%20Toolkit%20Updated%202023.pdf</a></p>
<p><b>Office to Monitor and Combat Trafficking in Persons - Engaging Survivors of Human Trafficking</b></p>	<p>This list, although not exhaustive, delineates several guidelines for meaningful engagement with survivors.</p>	<p><a href="https://www.state.gov/wp-content/uploads/2019/02/Engaging-Survivors-of-Human-Trafficking.pdf">https://www.state.gov/wp-content/uploads/2019/02/Engaging-Survivors-of-Human-Trafficking.pdf</a></p>
<p><b>OVC Principles of Survivor Engagement in the Anti-Trafficking Field</b></p>	<p>Core principles for working with survivors and individuals with lived experience.</p>	<p><a href="https://ovc.ojp.gov/sites/g/files/xyck-uh226/files/media/document/principles-of-survivor-engagement-508.pdf">https://ovc.ojp.gov/sites/g/files/xyck-uh226/files/media/document/principles-of-survivor-engagement-508.pdf</a></p>



## Conclusion

This *Toolkit* provides family and juvenile court systems with recommendations for effective court-based strategies to address child sex trafficking. The *Toolkit* can increase positive outcomes for at-risk youth or survivors of sexual exploitation. Juvenile and family courts can effectively support youth and families in their courts by building mission-driven collaboration, using appropriate tools to identify at-risk youth, providing goal-oriented programming, and ensuring the voices of survivors and youth are included in policy development.



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# Appendix

## Court Based Human Trafficking Interventions Literature Review

### Summary

A review of the literature highlights a few primary concerns with human trafficking intervention courts (HTICs) including the potential for the system to traumatize survivors, a lack of collaboration or a cohesive trauma-responsive approach, limited data, difficulty defining the eligible population and goals of the programs, and difficulty monitoring success and outcomes. These concerns result in a lack of an evidence-based model. However, there is evidence that a wide array of services and a trauma-responsive approach lead to success for both survivors and court practitioners.

1. Gruber, Aya, Amy J Cohen, and Kate Mogulescu. "Penal Welfare and the New Human Trafficking Intervention Courts." *Florida law review* 68.5 (2016): 1333–. Print. <https://scholarship.law.ufl.edu/flr/vol68/iss5/3/>
  - a. The primary finding, consistent with many other studies, indicates that human trafficking intervention courts require the resources to provide "a much wider array of benefits—housing, employment, financial subsidies, childcare, healthcare and limit barriers to access as defendants find it challenging to take advantage of the court-mandated services assigned to them."
2. White, E., Swaner, R., Genetta, E., Hynynen Lambson, S., Johnson Dash, J., Sederbaum, I., & Wolf, A. (2017). Navigating force and choice: Experiences in the New York City sex trade and the criminal justice system's response. Retrieved from New York: <https://www.courtinnovation.org/publications/NYC-sex-trade>
  - a. Many practitioners stressed that identifying measurable success was a challenging undertaking given the general consensus that, regardless of whether leading clients to exit the sex trade was the court's mission, it was not likely to be achieved in most instances. All practitioners eschewed recidivism reduction as a measure of success, preferring interim measures such as compliance with court-ordered services.
  - b. Efforts to humanize the criminal justice process were overshadowed by harmful effects of the initial arrest process. Note: this might be different in juvenile settings as people may find it easier to sympathize with children.



- c. The study participants proposed key interventions:
  - i. Local law enforcement should stop arresting people on the subjective offense of “loitering for prostitution” and focus on prosecuting traffickers.
  - ii. District attorneys offices should offer immediate sealing on cases where trafficking is demonstrated and/or defendants complete their mandates. (Sealing would be in lieu of the current practice of frequently granting an adjournment in contemplation of dismissal or of using any other disposition short of straight dismissal and sealing.)
  - iii. Funding should be increased for community-based organizations to do direct outreach pre-arrest, either individually or as part of a consortium of service providers as a means of facilitating the capacity of service providers to successfully assist individuals involved in the sex trade without the involvement of a court mandate.
  - iv. Funding should not be directed to police/community-based organization joint outreach efforts. Several service agencies reported that such prior efforts had the unintended consequence of aligning social service assistance with the criminal justice process rather than the inverse, ultimately decreasing the willingness by adults in the sex trade to trust in and engage with service providers.

3. Misty Luminais, Rachel Lovell & Margaret McGuire. “A Safe Harbor Is Temporary Shelter, Not A Pathway Forward: How Court-Mandated Sex Trafficking Intervention Fails to Help Girls Quit the Sex Trade.” *Victims & offenders* 14.5 (2019): 540–560. Web. <https://www.tandfonline.com/doi/abs/10.1080/15564886.2019.1628145>

- a. People with lived experience tend to be less positive about the specialty dockets when compared to system stakeholders.
- b. Discusses the results from an evaluation of a juvenile human trafficking court and explores the ways in which human trafficking rhetoric, a legal framework of delinquent victims, and lived experience effect youths’ ability to exit the life. It also offers recommendations on how other jurisdictions might approach the issue.
- c. Defining eligibility was malleable in the program, often expanding to include at risk youth and having the board (which decides eligibility) argue that any delinquent offense (e.g., shoplifting, car theft) was tied to the youth’s trafficking status.
- d. The court would require youth to plea in abeyance and if their

participation was unsuccessful would enter the traditional juvenile court.

- e. A key conflict in developing the court was a victim/delinquent dynamic as it is easy to sympathize with victims, but their delinquent behaviors are met with attempts at holding them accountable.
- f. The authors suggest that there needs to be a clear and measurable goal whether it is to have victims exit the life or reduce risky “trafficking behaviors.”
- g. They also suggest that the court’s role in a community’s response to trafficking should focus on the youth introduced through child welfare and delinquent processes who are identified as eligible for the specialty program rather than including all youth. It can be “seen as more of a safety net” for those in the system.
- h. Their findings conclude with a suggestion to approach working with youth in the life.
- i. To reduce harm and promote incremental change.

4. Kendis, Becca. “HUMAN TRAFFICKING AND PROSTITUTION COURTS: PROBLEM SOLVING OR PROBLEMATIC?” *Case Western Reserve law review* 69.3 (2019): 805–. Print. <https://scholarlycommons.law.case.edu/cgi/viewcontent.cgi?article=4815&context=caselrev>

- a. Explores the impact of problem-solving courts on survivors’ potential to exit the sex trade.
- b. The goal of many trafficking courts is to help survivors exit the sex trade, but there is limited evidence of their impact on the population being served.
- c. Measuring recidivism in these cases is difficult because some programs cite returning to one’s pimp or former abuser as recidivism.
- d. Often focus on treating an individual’s trauma and/or SUDs, but many programs lack the resources to effectively help survivors exit the life.
  - i. This is compounded by not adequately addressing the negative impacts of justice system involvement.
- e. System partners who are not employing trauma-informed practices and treating survivors in responsive ways can limit their willingness to participate, increase stigma, and respond with sanctions that can do more harm than good.