



# FOSTER CARE AND HUMAN TRAFFICKING

A STATE-BY-STATE EVALUATION





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# TABLE OF CONTENTS

Introduction	4	Montana	67-68
Explanation of Criteria	5-14	Nebraska	69-70
Alabama	15-16	Nevada	71-72
Alaska	17-18	New Hampshire	73-74
Arizona	19-20	New Jersey	75-76
Arkansas	21-22	New Mexico	77-78
California	23-24	New York	79-80
Colorado	25-26	North Carolina	81-82
Connecticut	27-28	North Dakota	83-84
Delaware	29-30	Ohio	85-86
District of Columbia	31-32	Oklahoma	87-88
Florida	33-34	Oregon	89-90
Georgia	35-36	Pennsylvania	91-92
Hawaii	37-38	Rhode Island	93-94
Idaho	39-40	South Carolina	95-96
Illinois	41-42	South Dakota	97-98
Indiana	43-44	Tennessee	99-100
Iowa	45-46	Texas	101-102
Kansas	47-48	Utah	103-104
Kentucky	49-50	Vermont	105-106
Louisiana	51-52	Virginia	107-108
Maine	53-54	Washington	109-110
Maryland	55-56	West Virginia	111-112
Massachusetts	57-58	Wisconsin	113-114
Michigan	59-60	Wyoming	115-116
Minnesota	61-62	Analysis	117-119
Mississippi	63-64	Recommendations	120-121
Missouri	65-66	Endnotes	122-137

# INTRODUCTION

In recent years, the issue of human trafficking in the United States has gained increasing attention and interest. With the passage of the Trafficking Victims Protection Act (TVPA) of 2000 and subsequent state laws, the creation of the State Department Trafficking in Persons (TIP) Report, and increased media attention, the dangers of modern-slavery in the US and abroad have been a focus for legislators and activists around the world. Despite this, one crucial aspect of the fight against human trafficking in the United States that is often overlooked is the connection between the foster care system and human trafficking. The child welfare system is an important institution that serves to protect children whose parents are not able to take care of them. However, preliminary research has shown that anywhere from 50 to 90% of child trafficking victims have been involved in the foster care system at some point.<sup>i</sup> Additionally, research from the National Center for Missing and Exploited Children indicates that 60% of runaways who became subject to human trafficking had run away from the custody of state welfare agencies.<sup>ii</sup> Human trafficking is a clear and present danger for youth in the foster care system, but little research has been done to address this issue. While a body of literature has examined aspects of the link between human trafficking and foster care, few studies have explored the efficacy of state policy and practice in keeping children safe from being trafficked while in foster care.

This study develops a robust set of criteria to evaluate States on their anti-trafficking protections for youth within the foster care system. Each state (and the District of Columbia) is given a score based on their success in meeting the requirements, as described below. By grading the states on a detailed 32-point scale, this study highlights the areas where states have been successful in deterring trafficking of youth while in foster care, and more importantly where states lack the necessary protections. In addition to detailing the necessary measures to prevent human trafficking in foster care and scoring the states based on these criteria, this study offers an analysis of current trends in foster care and human trafficking legislation and makes recommendations on both the national level and the state level to improve legislation and protections on this unique issue.

The seven main criteria used in this study are as follows: aging out policies; kinship care; relevant foster care provisions; task forces and law enforcement training; LGBT youth protections; relevant anti-trafficking provisions; and state reporting laws. Each criterion, along with its sub-criteria, presents a challenge to creating a robust foster care system that reduces the possibility of trafficking. The full criteria are listed below, along with detailed explanations of their relevance to the intersection between foster care and human trafficking.

# CRITERIA BREAKDOWN

## Aging Out Policies

### ◆ Age when benefits are terminated

(1)19+ (2)21 (3)Above 21

### ◆ Policies & benefits

Voluntary reentry before 21

Housing assistance

College tuition waiver

## Kinship Care

### ◆ Level of preference given to family members

Requires giving preference

"Reasonable Effort" or "May Consider"

### ◆ Financial aid

Benefits for kinship care

Same aid as regular foster homes

### ◆ Legal custody

### ◆ Policies for children of undocumented parents

## Relevant Foster Care Provisions

### ◆ Background checks (child abuse: neglect and criminal)

All adults cross-checked in and out of state

All adults in-state only

### ◆ Applicant disqualified if convicted of sex/labor trafficking

### ◆ Applicant disqualified if on sex offender registry

### ◆ Applicant disqualified if convicted of domestic violence

### ◆ Foster parent training

Number of hours (up to 2)

Require specific course training

## Task Forces & Law Enforcement Training

### ◆ LE training

### ◆ Human trafficking TF

### ◆ Foster care task force

## LGBT Youth Protections

### ◆ Overall equality

Working towards full equality

Solidifying equality

Building equality

High priority for basic equality

### ◆ Non-discrimination laws for placing LGBTQ children in foster care

Sexual orientation

Gender identity

### ◆ Laws to address LGBTQ youth homelessness

## Relevant Anti-Trafficking Provisions

### ◆ State statute of:

Sex trafficking

Labor trafficking

### ◆ Diversion services and immunity from punishment (adults)

### ◆ Victim service & civil suit access

### ◆ Lower burden of proof for minors

### ◆ Safe harbor laws

Have law

Diversion from immunity

Victim services

### ◆ HTIC

## State Reporting Laws

### ◆ State has laws enacted that specifically address foster care children going missing from care

### ◆ States have laws enacted that specifically address foster care system reporting victims of human trafficking from their care



# EXPLANATION OF CRITERIA

## AGING OUT POLICIES

Each year, over 26,000 foster children turn 18 and age out of the foster care system.<sup>iii</sup> These young adults face obstacles such as homelessness, unemployment, difficulty accessing postsecondary education, and financial instability as they transition to adulthood.<sup>iv</sup> As minors age out of the child welfare system, their risk of homelessness increases, which is one of the largest risk factors for trafficking.<sup>v</sup> Given their age and lack of job experience, many youth aging out of the foster care system resort to engaging in survival sex for food or shelter.<sup>vi</sup> And with no prospects for affordable higher education, youth aging out are not likely to be eligible for government assistance provided by the *Fostering Connections Act*,<sup>vii</sup> which limits assistance to youth (up to age 21) who are in school, working, or have a medical condition limiting them from participating in those activities.<sup>viii</sup>

### AGE WHEN BENEFITS ARE TERMINATED

Our research examines the age when foster care benefits end and the policies around aging out of foster care. According to the U.S Department of Education, the length of time foster care youth can receive state services vary from state to state and the youth may transition out of care as early as 18 years old or as late as 23.<sup>ix</sup> Because minors under the age of 18 are not allowed to sign a lease or rent property, if foster care benefits for children end before the legal age of 18, they will be automatically homeless once their foster care benefits terminate or if they get thrown out of their foster care placement. Secure housing allows youth to plan for transitioning out of foster care, such as continuing education or finding employment. Secure housing is also a protective factor against commercial sexual exploitation and labor trafficking.<sup>x</sup> For this reason, 18 years old should be the minimal standard for each state. In our grading criteria, no points are given if states terminate benefits at 18. States receive one point if benefits are terminated after the foster care recipient turns 19. Beyond that, two points are given to states with benefits ending at the age of 21 and three points for states that terminate foster care benefits after the age of 22.

### POLICIES AND BENEFITS

Research indicates that poor outcomes, particularly when it comes to housing, educational attainment, and involvement with the criminal justice system, have been associated with youth who age out of the system.<sup>xi</sup> For instance, more than one in five will become homeless at least once after age 18.<sup>xii</sup> According to one study, 71% of young women aging out of foster care become pregnant by 21, facing higher rates of unemployment, criminal conviction, public assistance, and involvement in the child welfare system.<sup>xiii</sup> In addition,

fewer than 2% of former foster care youth earn a college degree by age 25 (compared to 28% of all 25 year olds)<sup>xiv</sup> and 25% are involved in the justice system within two years of leaving the foster care system.<sup>xv</sup> Given these statistics, additional support for youth aging out of the foster care system is imperative for a safe and healthy transition. For the purpose of our study, we grade states based on the following criteria, each worth one point:

1. **Voluntary re-entry to foster care:** Several states that allow young people to remain in foster care until age 21 also offer a re-entry option. That is, young people who choose to exit at age 18, 19, or 20 may voluntarily return to foster care before their 21<sup>st</sup> birthday. However, the re-entry policies differ by state. For instance, the re-entry process in California is intended to be as accessible and easy as possible and eligible youth (still in foster care on their 18<sup>th</sup> birthday) can re-enter foster care an unlimited number of times until they turn 21.<sup>xvi</sup> In New York State, youth between 18 and 21 can only return to care if they did not leave care for more than 24 months.<sup>xvii</sup> Texas introduced the concept of Trial Independence which permits a young adult to leave Extended Foster Care and live independently without losing eligibility for foster care. However, a criminal background check and Abuse/Neglect Registry check is performed when the young adult wishes to return to extended foster care and if criminal activity or a Registry *Reason to Believe* (RTB) finding is obtained, this could affect the ability to find a placement.<sup>xviii</sup> States receive one point if there is any policy that permits former youth to voluntarily return to extended foster care.
2. **Housing assistance:** As mentioned, homelessness is one of the largest risk factors for human trafficking. Housing assistance mitigates this risk for youth aging out of the foster care system. Current housing programs available for foster youth in their transition planning include Independent Living Programs, housing subsidies, and Public Housing and Section 8 Housing Choice Voucher Program.<sup>xix</sup> Additionally, authorized by Title I of the 1999 Foster Care Independence Act, the Chafee Foster Care Independence Program doubled the maximum amount of money available to states and expanded the eligibility for services paid for by those funds. Chafee funds may be spent on housing subsidies, transitional housing, independent living stipends, or other housing-related costs.<sup>xx</sup> Currently, exploring different housing options is mandated for each state in part of the transitional planning for youth aging out of care. However, many states still do not provide additional housing assistance. States receive one point if there is any form of housing assistance provided for youth transitioning out of care.
3. **Policies and programs around college tuition waiver:** Several states have adopted tuition waiver programs to help address the low rates of college attendance and completion among foster youth by making college more affordable for them. The policies of tuition waiver differ by state. Some only apply to in-state public institutions and in the majority of states with tuition waiver programs, a student who is eligible for a tuition waiver must still apply for federal and state financial aid. In these states, a tuition waiver covers the difference between the student's tuition and fees and the amount of federal and state financial aid the student receives.<sup>xxi</sup> However, in a few other states, such as Maine and Kansas, a tuition waiver covers the full cost of tuition and fees, regardless of the level of federal and state financial aid a student receives. States receive one point if they have tuition waiver programs available.

## KINSHIP CARE

Kinship care is important in the discussion of foster care and human trafficking because kinship care greatly increases the success of a foster care placement. Kinship care allows the child to remain with people they are familiar with and often in a place that they are familiar with; this decreases the likelihood that they will run away and end up on the streets where they are at risk for trafficking. Children placed in kinship care are less likely to be moved from placement to placement.<sup>xxii</sup> They are less likely to have behavioral issues,<sup>xxiii</sup> and less likely to be maltreated.<sup>xxiv</sup>

In order for states to receive federal funding for their foster care system, Title IV-E of the Social Security Act requires that states “consider” giving preference to relatives when placing a child in a foster home.<sup>xxv</sup> However, this requirement takes on many different forms, with each state giving differing levels of preference to relatives, different benefits to kinship care families, and different policies on legal custody of the child. Additionally, state legislation on kinship care for children of undocumented parents varies.

### LEVEL OF PREFERENCE

This category refers to how much preference is given to family members for foster placement in the written state law.<sup>xxvi</sup> In order to receive a full point for this, the state’s statute must require that preference be given to relatives.<sup>xxvii</sup> A half point is awarded to states whose laws use language such as “may consider” or “reasonable effort” in regards to giving preference to relatives.

### FINANCIAL AID

Certain states provide specific benefits for kinship care families as extra incentive and assistance to keep children with their relatives. These states will be awarded a full point, whereas states where kinship care families receive the same financial support as non-relative foster homes, provided that they are licensed as a foster home, will receive a half point.

### LEGAL CUSTODY

Some states allow legal custody of a child to be transferred to their relatives in lieu of foster care placement.<sup>xxviii</sup> Those states will receive a point, as opposed to the states where legal custody is given to the state’s social services department, who will then decide on a foster care or kinship care placement.

### UNDOCUMENTED FAMILIES

U.S.-born children of undocumented parents often wind up in foster care systems if their parents are deported. For them, a desirable placement in kinship care could be difficult if their remaining relatives in the U.S. are also undocumented. While placing a child in kinship care with undocumented relatives is not expressly illegal federally,<sup>xxix</sup> this can be difficult (and interpreted differently) depending on state regulations. In certain states, local law enforcement has made a 287(g) agreement with Immigration and Customs Enforcement.<sup>xxx</sup> These agreements delegate



authority to local police to enforce immigration laws in their jurisdictional area. 287(g) agreements make children in that area's foster care system 29 percent more likely to have a parent that has been detained or deported.<sup>xxx</sup> As such, states where law enforcement has made this agreement with ICE will receive no points, while states not participating in this program will receive a point. In states where local law enforcement does not cooperate with ICE, children of undocumented parents are better protected against human trafficking, because they are more likely to remain with their parents or be placed with relatives and remain out of the foster care system even if their parents are deported or detained, leaving them less vulnerable to traffickers.

## RELEVANT FOSTER CARE PROVISIONS

This category consists of three main areas of state-based foster care legislation that have a direct effect on successful foster home placements. These areas are background checks, grounds for foster parent disqualification, and foster parent training. Each of these helps to ensure that prospective foster parents are qualified to parent, and are not a risk for violence or child abuse. These considerations are vitally important because violence and abuse in foster homes has a direct link to runaways and youth homelessness, which greatly increases the risk for trafficking.<sup>xxxii</sup>

### BACKGROUND CHECKS

All states and the District of Columbia require criminal background checks and child abuse registry checks of the records for prospective foster parents in their respective state.<sup>xxxiii</sup> However, not all states require that all adults in the household, including the primary guardian, receive a background and child abuse registry check. A point will therefore be awarded to states that require *all* adults living in the prospective foster home to receive a background check. An additional point will be awarded to states that check the criminal records and child abuse registries of other states where the applicant(s) previously resided. Thorough background checks from a variety of sources ensure that the foster parent and other adults in the household will not be a danger to the child.

### GROUND FOR DISQUALIFICATION

Different states have different guidelines about what sort of crimes automatically disqualify an applicant from being a foster parent.<sup>xxxiv</sup> For the purposes of this research, we will be looking at three types of crimes that are risk factors for human trafficking. States will receive a point if any applicant with a domestic violence conviction is automatically disqualified.<sup>xxxv</sup> An additional point will be awarded if the state laws dictate that any applicant who is listed on the sex offender registry will be automatically disqualified. Finally, one point will be given to states where any applicant who has been convicted of human, labor, or sex trafficking will be automatically disqualified from being a foster parent. These three types of crimes are especially important to consider when examining how states can combat trafficking in the foster care system.

## FOSTER PARENT TRAINING

Another aspect of foster systems that varies across states is how much training is required in order to earn a foster care license.<sup>xxxvi</sup> Half of a point will be awarded to states that require training but do not specify the numbers of hours. A full point will be awarded to states that require 6-20 hours of training, and a further point to states which require 21-36 hours of parenting training. An additional half point will be awarded to states which provide a specific training course for prospective foster parents. Extensive training helps foster parent applicants become more qualified as parents, and helps them prepare for the challenges of raising a child or teenager. A trained foster parent will be better equipped to create a safe and loving home for their foster child, which will help to keep them out of the reach of traffickers.

## TASK FORCES

This category refers to state-wide task forces that are created by a state's government in order to review or overhaul a certain aspect of state's policy. In this case, we will be focusing on task forces dedicated to the issue of human trafficking and to the foster care system. In order to qualify as a task force, for the purposes of this study, the group must be created and funded by the state government, not just a private organization or NGO dedicated to ending trafficking in the state. The task force may be comprised of government and non-government members.

## HUMAN TRAFFICKING AND LAW ENFORCEMENT TRAINING

Many states have human trafficking task forces in place that are designed to address how the state can better combat human trafficking on a legislative and law enforcement level. As such, this criterion also considers which states have legally-mandated training on human trafficking for law enforcement officers. This includes training on how to identify victims of human trafficking and how to treat victims as victims, not criminals. Properly trained law enforcement is key to combatting trafficking at the state level.<sup>xxxvii</sup> Task forces can help to establish this training, and play a vital role in coordinating state anti-trafficking efforts. "A dedicated human trafficking task force is an invaluable tool for the coordination of efforts. Task forces provide an opportunity for stakeholders to meet and coordinate efforts. Coordinated strategies result in more investigations and prosecutions, as well as better assistance for survivors and greater awareness amongst the general public."<sup>xxxviii</sup> For these reasons, we have included human trafficking task forces and law enforcement training as a part of our criteria for state ratings.

This category is worth a total of two possible points. One for having a dedicated state human trafficking task force, and one for requiring law enforcement to be trained on human trafficking issues.<sup>xxxix</sup>

## FOSTER CARE

Similarly, many states have task forces dedicated to reviewing the foster care system, and ensuring that the children in the systems are protected and well cared for. With growing numbers of children

being placed in foster care, many state systems are over worked and underfunded.<sup>xl</sup> Task forces are crucial for evaluating issues within the system such as mental health services, education, and child abuse.<sup>xli</sup> The better the foster care system is, the greater chance children have of successful placement with foster families. A successful placement decreases the risk of being approached or lured in by traffickers.<sup>xlii</sup> This category is worth one point for having a state-wide foster care task force.

## LGBTQ+ PROTECTIONS

LGBTQ+ youth are over-represented in the foster care system, meaning there is a higher percentage of these youth in the system than there is in the overall population.<sup>xliii</sup> Often LGBTQ+ children enter the system because of family rejection and abuse due to their gender and sexual identity. Once in the system, they are high risk of physical, verbal, and sexual abuse.<sup>xliv</sup> Additionally, LGBTQ+ youth also face high rates of homelessness, either due to running away or being kicked out of their foster home. Approximately 40% of homeless youth are LGBTQ+ identifying, whereas only 7% of the general population identify as LGBTQ+.<sup>xlv</sup> Once on the street, these youth are up to 7 times more likely than non-LGBTQ+ homeless youth to engage in survival sex, trading sexual acts for basic needs such as food and shelter.<sup>xlvi</sup>

### OVERALL EQUALITY

Part of our grading system for LGBTQ+ Protections is based on Human Rights Campaign's 2016 State Equality Index. HRC created four labels for states based on their LGBTQ+ policies. The first label, Working Toward Innovative Equality, is the highest label a state can receive. It is given to the states that are consistently and effectively ensuring the rights of the LGBTQ+ population by preventing discrimination based on either gender or sexuality in all areas of society.<sup>xlvii</sup> The next highest label is Solidifying Equality, given to states that "have non-discrimination protections, and are considered high-performing but not cutting edge on LGBTQ+ equality."<sup>xlviii</sup> The third label, Building Equality, is given to those states that provide some "basic non-discrimination and hate crimes laws," but do not offer much else in the way of protection, and in fact have bills negatively impacting LGBTQ+ persons.<sup>xlix</sup> States that provide very little protection for the LGBTQ+ population are labeled as High Priority to Achieve Basic Equality. These states have little to no protection for gender and sexuality based discrimination, and often have laws that allow for the persecution and criminalization of LGBTQ+ persons.<sup>l</sup> Adopting this set of labels, we will give a possible one and a half points to states based on their HRC ranking: one and a half points for Working Toward Innovative Equality, one point for Solidifying Equality, a half point for Building Equality, and no points for states labeled High Priority to Achieve Basic Equality.

### NON-DISCRIMINATION LAWS AND LAW SPECIFIC TO LGBTQ+ HOMELESSNESS

The second part of LGBTQ+ protections relates to explicit laws affecting LGBTQ+ youth in the child welfare system and protecting them from discrimination in the system. States can gain two points based on their laws. They will receive one point if they have laws in place protecting LGBTQ+ children in foster care from discrimination based on gender and sexual identity, with half a point for discrimination based on gender and half a point based on sexual identity. If a state has a

law specifically addressing the prevalence of LGBTQ+ youth homelessness, they will also receive a point. Given the disproportionate number of LGBTQ+ youth in foster care, protecting their rights and safety is integral to reducing the risk of trafficking within the foster care system.

## RELEVANT ANTI-TRAFFICKING PROVISIONS

Victims of child trafficking are forced, induced, or coerced into providing labor, services, or commercial sex. However, instead of treating them as victims, many have faced incarceration, detention, and abuse by the police and criminal justice system.<sup>li</sup> It is reported that 200,000 youth are prosecuted, sentenced, or incarcerated as adults in the United States in 2010.<sup>lii</sup> Because a criminal record is a barrier to many opportunities such as education and employment, it is necessary for states to enact laws that protect and assist children who have been exploited for labor and sex. Safe Harbor Legislation is important to the juvenile justice and child welfare system because minors who are sexually exploited are reclassified as victims. Diversion services are provided to address to victims' trauma and to end the victimization of sex trafficking so they can still pursue education and employment.

### SAFE HARBOR LAWS

Safe Harbor Laws were developed by states to protect children from criminal proceedings and to ensure that children referred to alternative services and receiving treatment. Under this legislation, sexually exploited individuals under the age of 18 are reclassified and directed to child welfare services instead of going through juvenile delinquency proceedings and being prosecuted.<sup>liii</sup>

Fundamentally, Safe Harbor Laws have two components: legal protection and provision of services. The legal protection component gives minors immunity from prosecution because they were induced or compelled to commit the offense, or assigns minors to an established specialized diversion program to complete. The service component of Safe Harbor requires that specialized services be made available to survivors.<sup>liv</sup> Services should include medical and psychological treatment, emergency and long-term housing, education assistance, job training, language assistance, and legal services. Ultimately, both components are necessary to reduce trauma of victims and provide a path to recovery.<sup>lv</sup> In 2010, New York was the first state to enact a Safe Harbor Law. Following that, by the end of 2015, 34 states have enacted Safe Harbor Laws; however, the extent of service and immunity under the jurisdiction may differ.

For the purpose of our study we utilize the reporting criteria from the Polaris Project. We recognize that Safe Harbor legislation is an important component of anti-trafficking legislation so states receive one point for just having the legislation. Additionally, each state will receive one point if they have both components of the Safe Harbor Law, with ½ point for each individual component.<sup>lvi</sup> Polaris Project, 2015.

### LOWER BURDEN OF PROOF FOR SEX TRAFFICKING OF MINORS

This statute ensures that the elements of force, fraud, or coercion are not required for a trafficker to be prosecuted for the sex trafficking of a minor.<sup>lvii</sup> States receive one point for having a statute that establishes a lowered burden of proof for minors engaged in trafficking.

## SEX AND LABOR TRAFFICKING STATUTE

Sex and labor trafficking statutes is another important grading criterion. Sex trafficking statutes criminalize sex trafficking and include elements of inducing another through force, fraud, or coercion to engage in a commercial sex act. Some states have related laws in the prostitution code and were given credit if they had the same criminal elements. Labor trafficking statutes criminalizes the crime of labor trafficking or trafficking in persons, in which a person is compelled through force, fraud, or coercion into providing labor or services.<sup>lviii</sup> In the grading criteria that we have created, states receive ½ point for having state statute of sex trafficking and ½ point for having a statute of labor trafficking.

## DIVERIONS SERVICES AND IMMUNITY FROM PUNISHMENT

Given that in many states foster care services extend past the legal age for minors, Safe Harbor Laws do not apply to all individuals within the foster care system. Diversion services and immunity from punishment statutes apply to victims of sex trafficking over the age of 18. Without a statute that permits victims to have their convictions for prostitution as a result of trafficking vacated from their criminal records, they would end up being incarcerated. States receive ½ point for diversion services and ½ point for providing victims immunity from punishment.

## VICTIM ASSISTANCE AND ACCESS TO CIVIL SUIT DAMAGES

This statute provides assistance, mandates the creation of a victim services plan, or funds programs to help victims of human trafficking. Victim services and protection may include counseling, job assistance, housing, continuing education, legal services, and/or a human trafficking caseworker privilege. Access to civil suit damages will allow victims of human trafficking the ability to seek civil damages from their traffickers.<sup>lix</sup> One point will be given to states that meet this criterion.

## HUMAN TRAFFICKING INTERVENTION COURT

Human Trafficking Intervention Courts are a problem-solving court that incorporates specially trained judges, judicial monitoring, and linkage to services. The courts identify new strategies to recognize and provide improved services for victims of trafficking who enter the criminal and/or juvenile justice system.<sup>lx</sup> States receive one point if they have a human trafficking intervention court or equivalent.

## STATE REPORTING LAWS

When a child goes missing, they are at risk of being trafficked. Traffickers will often target children who have an unstable home life or are foster children, giving these children the attention they do not receive at home. In fact, studies have shown that group homes and known foster placements are particularly targeted by pimps and traffickers.<sup>lxi</sup> Unfortunately, if a child in a foster family or group home goes missing, foster parents and state employees often assume they have run away and do not always submit a report.<sup>lxii</sup> Unless a report is made, law enforcement will not conduct a search for the child. Regardless of whether the child is a runaway or not, they deserve to be



protected from potential harm. Without explicit laws informing child welfare agencies and foster families how to respond to cases of missing foster children, these children remain at high risk of trafficking.

Recent federal laws have put pressure on states to address the problem of missing foster care children and their risk of trafficking. On September 29, 2014, President Obama passed the Preventing Sex Trafficking and Strengthening Families Act. Amongst other provisions, part of the act focuses on children in the foster care system. The act requires states to report missing foster children to law enforcement for entry into the National Crime Information Center and report to the National Center for Missing and Exploited Children.<sup>lxiii</sup> States must also “have in place, within one year, policies and procedures for identifying, documenting, screening and determining appropriate state actions and services for children in care who are victims of sex trafficking or at-risk of being victims of sex trafficking.”<sup>lxiv</sup> Despite this federal legislation, not every state has implemented the necessary laws and policies to protect children in foster care from trafficking. For this reason, we have included State Reporting Laws as one of our categories on our state report card. States will receive one point if they have implemented the provisions of the Preventing Sex Trafficking and Strengthening Families Act by providing for child welfare agencies to report missing children from their care. States will also receive one point if there is a law requiring child welfare agencies to track and report when children from their care are or at risk of being trafficked and if they evaluate cases of missing or runaway children for signs of potential trafficking.

# STATE REPORT CARD: ALABAMA

Total Score:

17.5<sub>/32</sub>

## Analysis

In Alabama, foster care benefits for children end at the age of 21.<sup>1</sup> A tuition waiver is not offered for foster youth in college, but housing assistance is provided for youth transitioning out of foster care. If the youth opts out of extended foster care when they turn 18, they can still voluntarily enter care afterwards if they so choose.

Regarding kinship care, Alabama statutes use language such as making a “reasonable effort” or that they “may consider” placing children with relatives. There are no special benefits given to relatives that serve as foster parents. Relative and non-relative foster parents receive the same amount of aid. Statutes make no mention of relatives receiving legal custody of children.<sup>2</sup> Alabama law enforcement cooperates with ICE and has no policies in place to protect children of undocumented parents.<sup>3</sup>

Alabama has not implemented the trafficking-related provisions of the Preventing Sex Trafficking and Strengthening Families Act. There are no state laws regarding children missing from care, child welfare agencies are not required to notify law enforcement when a child goes missing from care, nor are agencies required to track rates of children being trafficked from care or screen children in care for signs of potential trafficking.<sup>4</sup>

In terms of human trafficking provisions, there is no state human trafficking intervention court or immunity for adults who have been trafficked, but minors exploited for sexual purposes are well protected.

Alabama has created a foster care task force.<sup>5</sup> The state has also created a human trafficking task force to identify victims, serve victims, and prosecute human trafficking cases.<sup>6</sup>

In 2016, Human Rights Campaign labeled Alabama as High Priority to Achieve Basic Equality. Furthermore, Alabama has no laws protecting foster children from systematic discrimination based on their gender or sexual identity, and no laws addressing LGBT youth homelessness.<sup>7</sup>

In Alabama, prospective foster parents undergo a national records check screening and applicants will be disqualified if they are on the sex offender registry or have been convicted of domestic violence.<sup>8</sup> Once approved, foster parents will have to complete 30 hours of training with a specific curriculum.<sup>9</sup>

# CRITERIA BREAKDOWN

## Aging Out Policies

### ◆ Age when benefits are terminated

(1)19+ (2)21 (3)Above 21

### ◆ Policies & benefits

Voluntary reentry before 21

Housing assistance

College tuition waiver

## Kinship Care

### ◆ Level of preference given to family members

Requires giving preference

"Reasonable Effort" or "May Consider"

### ◆ Financial aid

Benefits for kinship care

Same aid as regular foster homes

### ◆ Legal custody

### ◆ Policies for children of undocumented parents

## Relevant Foster Care Provisions

### ◆ Background checks (child abuse: neglect and criminal)

All adults cross-checked in and out of state

All adults in-state only

### ◆ Applicant disqualified if convicted of sex/labor trafficking

### ◆ Applicant disqualified if on sex offender registry

### ◆ Applicant disqualified if convicted of domestic violence

### ◆ Foster parent training

Number of hours (up to 2)

Require specific course training

## Task Forces & Law Enforcement Training

### ◆ LE training

### ◆ Human trafficking TF

### ◆ Foster care task force

## LGBT Youth Protections

### ◆ Overall equality

Working towards full equality

Solidifying equality

Building equality

High priority for basic equality

### ◆ Non-discrimination laws for placing LGBTQ children in foster care

Sexual orientation

Gender identity

### ◆ Laws to address LGBTQ youth homelessness

## Relevant Anti-Trafficking Provisions

### ◆ State statute of:

Sex trafficking

Labor trafficking

### ◆ Diversion services and immunity from punishment (adults)

### ◆ Victim service & civil suit access

### ◆ Lower burden of proof for minors

### ◆ Safe harbor laws

Have law

Diversion from immunity

Victim services

### ◆ HTIC

## State Reporting Laws

### ◆ State has laws enacted that specifically address foster care children going missing from care

### ◆ States have laws enacted that specifically address foster care system reporting victims of human trafficking from their care

# STATE REPORT CARD: ALASKA

Total Score:

14.5<sub>/32</sub>

## Analysis:

In Alaska, foster care benefits end for youth at the age of 21.<sup>10</sup> Youth transitioning out of foster care are offered housing assistance. Current and former youth in foster care are eligible for tuition waiver if they attend an in-state public university.<sup>11</sup> If the youth opts out of care when he or she turns 18, he or she can still return to care afterwards until the age of 21.

Regarding kinship care, Alaska statutes use language such as making a “reasonable effort” or “may consider” placing children with relatives. There are no special benefits given to relatives that serve as foster parents, and relative and non-relative foster parents receive the same amount of aid. Statutes make no mention of relatives receiving legal custody of children.<sup>12</sup> State law enforcement is not mandated to cooperate with ICE.<sup>13</sup>

Alaska has not implemented the trafficking-related provisions of the Preventing Sex Trafficking and Strengthening Families Act. There are no state laws regarding children missing from care, child welfare agencies are not required to notify law enforcement when a child goes missing from care, nor are agencies required to track rates of children being trafficked from care or screen children in care for signs of potential trafficking.<sup>14</sup>

Regarding anti-trafficking provisions, the state has created a human trafficking task force and implemented mandatory human trafficking awareness training for law enforcement,<sup>15</sup> but only sex and labor trafficking legislations are enacted. However, there is a lower burden of proof to convict sex traffickers. Trafficking victims can also seek civil damages from their traffickers. Alaska has not created a specific foster care task force, but does have a task force that is focused on children’s issues in general.<sup>16</sup>

In 2016, Human Rights Campaign labeled Alaska as High Priority to Achieve Basic Equality. Furthermore, Alaska has no laws protecting foster children from systematic discrimination based on their gender or sexual identity, and no laws addressing LGBT youth homelessness.<sup>17</sup>

In Alaska, prospective foster parents undergo a national records check screening. Applicants will be disqualified if they are on the sex offender registry or have been convicted of domestic violence.<sup>18</sup> There is training available for potential foster parents but it is not a requirement.<sup>19</sup>

# CRITERIA BREAKDOWN

## Aging Out Policies

### ◆ Age when benefits are terminated

(1)19+ (2)21 (3)Above 21

### ◆ Policies & benefits

Voluntary reentry before 21

Housing assistance

College tuition waiver

## Kinship Care

### ◆ Level of preference given to family members

Requires giving preference

"Reasonable Effort" or "May Consider"

### ◆ Financial aid

Benefits for kinship care

Same aid as regular foster homes

### ◆ Legal custody

### ◆ Policies for children of undocumented parents

## Relevant Foster Care Provisions

### ◆ Background checks (child abuse: neglect and criminal)

All adults cross-checked in and out of state

All adults in-state only

### ◆ Applicant disqualified if convicted of sex/labor trafficking

### ◆ Applicant disqualified if on sex offender registry

### ◆ Applicant disqualified if convicted of domestic violence

### ◆ Foster parent training

Number of hours (up to 2)

Require specific course training

## Task Forces & Law Enforcement Training

### ◆ LE training

### ◆ Human trafficking TF

### ◆ Foster care task force

## LGBT Youth Protections

### ◆ Overall equality

Working towards full equality

Solidifying equality

Building equality

High priority for basic equality

### ◆ Non-discrimination laws for placing LGBTQ children in foster care

Sexual orientation

Gender identity

### ◆ Laws to address LGBTQ youth homelessness

## Relevant Anti-Trafficking Provisions

### ◆ State statute of:

Sex trafficking

Labor trafficking

### ◆ Diversion services and immunity from punishment (adults)

### ◆ Victim service & civil suit access

### ◆ Lower burden of proof for minors

### ◆ Safe harbor laws

Have law

Diversion from immunity

Victim services

### ◆ HTIC

## State Reporting Laws

### ◆ State has laws enacted that specifically address foster care children going missing from care

### ◆ States have laws enacted that specifically address foster care system reporting victims of human trafficking from their care



# STATE REPORT CARD: ARIZONA

Total Score:

15.5<sub>/32</sub>

## Analysis:

In Arizona, foster care benefits for children end at the age of 21.<sup>20</sup> Current and former foster youth receive housing assistance and a tuition waiver for attending in-state public universities. However, reentry policies for former foster care youth are restricted to housing assistance.<sup>21</sup>

Regarding kinship care, Arizona statutes use language such as making a “reasonable effort” or “may consider” placing children with relatives. The state provides additional benefits to kinship care families. However, statutes make no mention of relatives receiving legal custody of children.<sup>22</sup> Arizona law enforcement cooperates with ICE and has no policies in place to protect children of undocumented parents.<sup>23</sup>

Arizona has not implemented the trafficking-related provisions of the Preventing Sex Trafficking and Strengthening Families Act. There are no state laws regarding children missing from care, child welfare agencies are not required to notify law enforcement when a child goes missing from care, nor are agencies required to track rates of children being trafficked from care or screen children in care for signs of potential trafficking.<sup>24</sup>

Regarding anti-trafficking provisions, the state has created a human trafficking task force and implemented human trafficking awareness training for law enforcement.<sup>25</sup> However, only sex and labor trafficking legislations as well as a lowered burden of proof to convict child traffickers are enacted. Arizona has created a foster care task force.<sup>26</sup>

In 2016, Human Rights Campaign labeled Arizona as High Priority to Achieve Basic Equality. Furthermore, Arizona has no laws protecting foster children from systematic discrimination based on their gender or sexual identity, and no laws addressing LGBT youth homelessness.<sup>27</sup>

In Arizona, potential foster parents undergo a national records check and applicants will be disqualified if they have been convicted of human trafficking or domestic violence.<sup>28</sup> Once the screening is passed, potential foster parents will have to complete 12 hours of training with specific curriculum.<sup>29</sup>

# CRITERIA BREAKDOWN

## Aging Out Policies

### ◆ Age when benefits are terminated

(1)19+ (2)21 (3)Above 21

### ◆ Policies & benefits

Voluntary reentry before 21

Housing assistance

College tuition waiver

## Kinship Care

### ◆ Level of preference given to family members

Requires giving preference

"Reasonable Effort" or "May Consider"

### ◆ Financial aid

Benefits for kinship care

Same aid as regular foster homes

### ◆ Legal custody

### ◆ Policies for children of undocumented parents

## Relevant Foster Care Provisions

### ◆ Background checks (child abuse: neglect and criminal)

All adults cross-checked in and out of state

All adults in-state only

### ◆ Applicant disqualified if convicted of sex/labor trafficking

### ◆ Applicant disqualified if on sex offender registry

### ◆ Applicant disqualified if convicted of domestic violence

### ◆ Foster parent training

Number of hours (up to 2)

Require specific course training

## Task Forces & Law Enforcement Training

### ◆ LE training

### ◆ Human trafficking TF

### ◆ Foster care task force

## LGBT Youth Protections

### ◆ Overall equality

Working towards full equality

Solidifying equality

Building equality

High priority for basic equality

### ◆ Non-discrimination laws for placing LGBTQ children in foster care

Sexual orientation

Gender identity

### ◆ Laws to address LGBTQ youth homelessness

## Relevant Anti-Trafficking Provisions

### ◆ State statute of:

Sex trafficking

Labor trafficking

### ◆ Diversion services and immunity from punishment (adults)

### ◆ Victim service & civil suit access

### ◆ Lower burden of proof for minors

### ◆ Safe harbor laws

Have law

Diversion from immunity

Victim services

### ◆ HTIC

## State Reporting Laws

### ◆ State has laws enacted that specifically address foster care children going missing from care

### ◆ States have laws enacted that specifically address foster care system reporting victims of human trafficking from their care

# STATE REPORT CARD: ARKANSAS

Total Score:

16<sub>/32</sub>

## Analysis:

Foster care benefits for children ends at the age of 21.<sup>30</sup> Youth transitioning out of foster care receive housing assistance, and youth who left foster care at the age of 18 can reenter foster care if they opt to do so.

Regarding kinship care, Arkansas statutes use language such as making a “reasonable effort” or “may consider” placing children with relatives. There are no special benefits given to relatives that serve as foster parents, and relative and non-relative foster parents receive the same amount of aid. Statutes make no mention of relatives receiving legal custody of children.<sup>31</sup>

Arkansas has no policies in place to protect children of undocumented parents.<sup>32</sup>

Arkansas has not implemented the trafficking-related provisions of the Preventing Sex Trafficking and Strengthening Families Act. There are no state laws regarding children missing from care, child welfare agencies are not required to notify law enforcement when a child goes missing from care, nor are agencies required to track rates of children being trafficked from care or screen children in care for signs of potential trafficking.<sup>33</sup>

Regarding anti-trafficking initiatives, the state has created a human trafficking task force and implemented mandatory human trafficking awareness training with specific curriculum for law enforcement.<sup>34</sup> Both sex and labor trafficking legislation are enacted, and trafficking victims can seek assistance from the government as well as civil damages from their traffickers. However, the state only met partial requirements to vacate convictions for adult trafficking victims. Additionally, protection for sexually exploited minors is limited as Arkansas’ law simply recognizes that the criminal justice system is inappropriate for sexually exploited children—defined as persons under the age of 18—and states that they should be diverted toward welfare, crisis, and housing services whenever possible. No immunity from prosecution is given.<sup>35</sup> Arkansas does not have a foster care task force.

In 2016, Human Rights Campaign labeled Arkansas as High Priority to Achieve Basic Equality. Furthermore, Arkansas has no laws protecting foster children from systematic discrimination based on their gender or sexual identity, and no laws addressing LGBT youth homelessness.<sup>36</sup>

In Arkansas, all household members undergo a state-wide background check. However, a national background check will only be required for applicants with less than 5 years of residency in Arkansas. The applicant will be disqualified if he or she has been convicted of domestic violence.<sup>37</sup> After the applicant passes the screening, the potential foster parent has to complete 30 hours of training that covers specific courses.<sup>38</sup>

# CRITERIA BREAKDOWN

## Aging Out Policies

### ◆ Age when benefits are terminated

(1)19+ (2)21 (3)Above 21

### ◆ Policies & benefits

Voluntary reentry before 21

Housing assistance

College tuition waiver

## Kinship Care

### ◆ Level of preference given to family members

Requires giving preference

"Reasonable Effort" or "May Consider"

### ◆ Financial aid

Benefits for kinship care

Same aid as regular foster homes

### ◆ Legal custody

### ◆ Policies for children of undocumented parents

## Relevant Foster Care Provisions

### ◆ Background checks (child abuse: neglect and criminal)

All adults cross-checked in and out of state

All adults in-state only

### ◆ Applicant disqualified if convicted of sex/labor trafficking

### ◆ Applicant disqualified if on sex offender registry

### ◆ Applicant disqualified if convicted of domestic violence

### ◆ Foster parent training

Number of hours (up to 2)

Require specific course training

## Task Forces & Law Enforcement Training

### ◆ LE training

### ◆ Human trafficking TF

### ◆ Foster care task force

## LGBT Youth Protections

### ◆ Overall equality

Working towards full equality

Solidifying equality

Building equality

High priority for basic equality

### ◆ Non-discrimination laws for placing LGBTQ children in foster care

Sexual orientation

Gender identity

### ◆ Laws to address LGBTQ youth homelessness

## Relevant Anti-Trafficking Provisions

### ◆ State statute of:

Sex trafficking

Labor trafficking

### ◆ Diversion services and immunity from punishment (adults)

### ◆ Victim service & civil suit access

### ◆ Lower burden of proof for minors

### ◆ Safe harbor laws

Have law

Diversion from immunity

Victim services

### ◆ HTIC

## State Reporting Laws

### ◆ State has laws enacted that specifically address foster care children going missing from care

### ◆ States have laws enacted that specifically address foster care system reporting victims of human trafficking from their care

# STATE REPORT CARD: CALIFORNIA

Total Score:

23<sub>/32</sub>

## Analysis:

Foster care benefits for children end at the age of 21.<sup>39</sup> Youth transitioning out of foster care receive housing assistance, and youth who left foster care at the age of 18 can reenter. There is no tuition waiver for youth in college.

Regarding kinship care, California statutes use language such as making a “reasonable effort” or “may consider” placing children with relatives. No financial aid is given for kinship caregivers. Law states that legal custody may be given to relatives.<sup>40</sup> California law enforcement cooperates with ICE and has no policies in place to protect children of undocumented parents.<sup>41</sup>

California has been proactive at implementing the Preventing Sex Trafficking and Strengthening Families Act. It has put provisions in place that address child welfare agencies’ responsibilities when children go missing from care and the increased vulnerability children in care have to being trafficked.<sup>42</sup>

Regarding anti-trafficking provisions, the state has created a human trafficking task force and implemented mandatory human trafficking awareness training with specific curriculum for law enforcement.<sup>43</sup> Sex and labor trafficking legislations are enacted. Victims can seek victim assistance and file civil suit damages against their traffickers. Additionally, minors are well protected from human trafficking as Safe Harbor legislation is enacted, and the burden of proof to convict child traffickers is lower.<sup>44</sup> California has created a foster care task force.<sup>45</sup>

California received the highest ranking from Human Rights Campaign’s 2016 State Equality Index, Working Toward Innovative Equality. California has anti-discrimination laws put in place to protect LGBT foster children from systematic abuses. State law explicitly prohibits the discrimination of children in state care based on their sexuality or gender identity, and mandates that agencies consider LGBT youth’s needs while considering placement. Furthermore, California addresses LGBT youth homelessness through its laws that prohibit youth shelters from discriminating against LGBT youth, and that sexual and gender identity is respected when homeless youth seek related social services.<sup>46</sup>

In California, prospective foster parents undergo a national background check, and the applicant will be disqualified if he or she is on the sex offender registry or has been convicted of domestic violence.<sup>47</sup> Potential foster parents will have to complete required training courses, but there is no mandatory hour requirement.<sup>48</sup>



# CRITERIA BREAKDOWN

## Aging Out Policies

### ◆ Age when benefits are terminated

(1)19+ (2)21 (3)Above 21

### ◆ Policies & benefits

Voluntary reentry before 21

Housing assistance

College tuition waiver

## Kinship Care

### ◆ Level of preference given to family members

Requires giving preference

"Reasonable Effort" or "May Consider"

### ◆ Financial aid

Benefits for kinship care

Same aid as regular foster homes

### ◆ Legal custody

### ◆ Policies for children of undocumented parents

## Relevant Foster Care Provisions

### ◆ Background checks (child abuse: neglect and criminal)

All adults cross-checked in and out of state

All adults in-state only

### ◆ Applicant disqualified if convicted of sex/labor trafficking

### ◆ Applicant disqualified if on sex offender registry

### ◆ Applicant disqualified if convicted of domestic violence

### ◆ Foster parent training

Number of hours (up to 2)

Require specific course training

## Task Forces & Law Enforcement Training

### ◆ LE training

### ◆ Human trafficking TF

### ◆ Foster care task force

## LGBT Youth Protections

### ◆ Overall equality

Working towards full equality

Solidifying equality

Building equality

High priority for basic equality

### ◆ Non-discrimination laws for placing LGBTQ children in foster care

Sexual orientation

Gender identity

### ◆ Laws to address LGBTQ youth homelessness

## Relevant Anti-Trafficking Provisions

### ◆ State statute of:

Sex trafficking

Labor trafficking

### ◆ Diversion services and immunity from punishment (adults)

### ◆ Victim service & civil suit access

### ◆ Lower burden of proof for minors

### ◆ Safe harbor laws

Have law

Diversion from immunity

Victim services

### ◆ HTIC

## State Reporting Laws

### ◆ State has laws enacted that specifically address foster care children going missing from care

### ◆ States have laws enacted that specifically address foster care system reporting victims of human trafficking from their care

# STATE REPORT CARD: COLORADO

Total Score:

20.5<sub>/32</sub>

## Analysis:

Foster care benefits for children end at the age of 21, but the state has not enacted extended foster care.<sup>49</sup> Thus, there is no policy on foster care voluntary reentry. Youth transitioning out of foster care receive housing assistance. There are no tuition waiver programs for youth pursuing post-secondary education.

Regarding kinship care, Colorado statutes use language such as making a “reasonable effort” or “may consider” placing children with relatives. Law states that legal custody may be given to relatives. The state provides additional benefits to kinship care families.<sup>50</sup> Cooperation with ICE is not mandatory.<sup>51</sup>

As of 2015, Colorado state law requires that any county department that has legal custody of a youth to immediately report to the National Center for Missing and Exploited Children and to law enforcement when a youth goes missing. However, they have yet to pass a law that mandates the reporting or screening of foster children who show signs of potential trafficking.<sup>52</sup>

Regarding anti-trafficking provisions, the state has a human trafficking task force but training for law enforcement is still under development.<sup>53</sup> Further, the state has both sex and labor trafficking statutes as well as a lowered burden of proof to convict child traffickers. Trafficking victims can seek civil damages from their traffickers, and some efforts have been made to vacate convictions for trafficking victims. However, no Safe Harbor legislation is enacted. Colorado has created a foster care task force.<sup>54</sup>

Colorado received the highest ranking from Human Rights Campaign’s 2016 State Equality Index, Working Toward Innovative Equality. Child welfare agencies are required to take into consideration a child’s sexual and gender identity while placing the youth in care and ensure that they are not discriminated against in the process. However, Colorado has no laws addressing LGBT youth homelessness.<sup>55</sup>

In Colorado, prospective foster parents undergo a national background check and the applicant will be disqualified if he or she is on the sex offender registry or has been convicted of domestic violence.<sup>56</sup> Potential foster parents will have to complete 27 hours of foster parent training that covers specific courses.<sup>57</sup>

# CRITERIA BREAKDOWN

## Aging Out Policies

### ◆ Age when benefits are terminated

(1)19+ (2)21 (3)Above 21

### ◆ Policies & benefits

Voluntary reentry before 21

Housing assistance

College tuition waiver

## Kinship Care

### ◆ Level of preference given to family members

Requires giving preference

"Reasonable Effort" or "May Consider"

### ◆ Financial aid

Benefits for kinship care

Same aid as regular foster homes

### ◆ Legal custody

### ◆ Policies for children of undocumented parents

## Relevant Foster Care Provisions

### ◆ Background checks (child abuse: neglect and criminal)

All adults cross-checked in and out of state

All adults in-state only

### ◆ Applicant disqualified if convicted of sex/labor trafficking

### ◆ Applicant disqualified if on sex offender registry

### ◆ Applicant disqualified if convicted of domestic violence

### ◆ Foster parent training

Number of hours (up to 2)

Require specific course training

## Task Forces & Law Enforcement Training

### ◆ LE training

### ◆ Human trafficking TF

### ◆ Foster care task force

## LGBT Youth Protections

### ◆ Overall equality

Working towards full equality

Solidifying equality

Building equality

High priority for basic equality

### ◆ Non-discrimination laws for placing LGBTQ children in foster care

Sexual orientation

Gender identity

### ◆ Laws to address LGBTQ youth homelessness

## Relevant Anti-Trafficking Provisions

### ◆ State statute of:

Sex trafficking

Labor trafficking

### ◆ Diversion services and immunity from punishment (adults)

### ◆ Victim service & civil suit access

### ◆ Lower burden of proof for minors

### ◆ Safe harbor laws

Have law

Diversion from immunity

Victim services

### ◆ HTIC

## State Reporting Laws

### ◆ State has laws enacted that specifically address foster care children going missing from care

### ◆ States have laws enacted that specifically address foster care system reporting victims of human trafficking from their care

# STATE REPORT CARD: CONNECTICUT

Total Score:

21<sub>/32</sub>

## Analysis:

Foster care benefits for children ends at the age of 23.<sup>58</sup> The state offers current and former youth in foster care housing assistance, tuition waiver for attending in-state universities, and the opportunity to reenter extended foster care.

Regarding Kinship Care, Connecticut statutes use language such as making a “reasonable effort” or “may consider” placing children with relatives. The state provides additional benefits to kinship care families. However, statutes make no mention of relatives receiving legal custody of children.<sup>59</sup> Cooperation with ICE is not mandatory.<sup>60</sup>

Laws in Connecticut require child welfare services to report children missing from care to law enforcement and the National Center for Missing and Exploited Children within 24 hours of the child going missing. In 2017, a bill was passed to create training for personnel from the Departments of Children and Families and Public Health on how to identify children in foster care who may be at risk of trafficking.<sup>61</sup>

Regarding anti-trafficking provisions, the state has created a human trafficking task force and implemented mandatory human trafficking awareness training for law enforcement.<sup>62</sup> Both sex and labor trafficking as well as Safe Harbor legislation is enacted. Trafficking victims can receive diversion services, vacate convictions, victim assistance and file civil suit damages. However, there is no statute that requires a lower burden of proof to convict child traffickers. Connecticut does not have a Foster Care Task Force.

Connecticut received the highest ranking from Human Rights Campaign’s 2016 State Equality Index, Working Toward Innovative Equality, and therefore receives 1.5 points. While considering potential placements for foster children, child welfare agencies must consider both the sexual and gender identity of the child, regardless of what the youth’s birth certificate or other legal documents say. Connecticut has no laws addressing LGBT youth homelessness, and therefore loses a point from its possible total.<sup>63</sup>

In Connecticut, potential foster parents undergo a national background check.<sup>64</sup> However, there is no regulation on disqualification for trafficking, domestic violence, or sex offender convictions, and there is no required training for foster parents.<sup>65</sup>

# CRITERIA BREAKDOWN

## Aging Out Policies

### ◆ Age when benefits are terminated

(1)19+ (2)21 (3)Above 21

### ◆ Policies & benefits

Voluntary reentry before 21

Housing assistance

College tuition waiver

## Kinship Care

### ◆ Level of preference given to family members

Requires giving preference

"Reasonable Effort" or "May Consider"

### ◆ Financial aid

Benefits for kinship care

Same aid as regular foster homes

### ◆ Legal custody

### ◆ Policies for children of undocumented parents

## Relevant Foster Care Provisions

### ◆ Background checks (child abuse: neglect and criminal)

All adults cross-checked in and out of state

All adults in-state only

### ◆ Applicant disqualified if convicted of sex/labor trafficking

### ◆ Applicant disqualified if on sex offender registry

### ◆ Applicant disqualified if convicted of domestic violence

### ◆ Foster parent training

Number of hours (up to 2)

Require specific course training

## Task Forces & Law Enforcement Training

### ◆ LE training

### ◆ Human trafficking TF

### ◆ Foster care task force

## LGBT Youth Protections

### ◆ Overall equality

Working towards full equality

Solidifying equality

Building equality

High priority for basic equality

### ◆ Non-discrimination laws for placing LGBTQ children in foster care

Sexual orientation

Gender identity

### ◆ Laws to address LGBTQ youth homelessness

## Relevant Anti-Trafficking Provisions

### ◆ State statute of:

Sex trafficking

Labor trafficking

### ◆ Diversion services and immunity from punishment (adults)

### ◆ Victim service & civil suit access

### ◆ Lower burden of proof for minors

### ◆ Safe harbor laws

Have law

Diversion from immunity

Victim services

### ◆ HTIC

## State Reporting Laws

### ◆ State has laws enacted that specifically address foster care children going missing from care

### ◆ States have laws enacted that specifically address foster care system reporting victims of human trafficking from their care



# STATE REPORT CARD: DELAWARE

Total Score:

17.5<sub>/32</sub>

## Analysis:

Foster care benefits for children end at the age of 21, but the state has not enacted extended foster care.<sup>66</sup> Thus, there is no policy on foster care voluntary reentry. Youth transitioning out of foster care receive housing assistance. There are no tuition waiver programs for youth pursuing post-secondary education.

Regarding kinship care, Delaware statutes use language such as making a “reasonable effort” or “may consider” placing children with relatives. The law states that legal custody may be given to relatives. The state provides additional benefits to kinship care families.<sup>67</sup> Cooperation with ICE is not mandatory.<sup>68</sup>

Delaware has not implemented the trafficking-related provisions of the Preventing Sex Trafficking and Strengthening Families Act. It has no explicit requirement for child welfare agencies to report missing children or children at risk of trafficking.<sup>69</sup>

The state does not have any human trafficking task force or training program for law enforcement.<sup>70</sup> Both sex and labor trafficking are criminalized, and the burden of proof to convict child traffickers is lower. Trafficking victims can receive diversion services, vacated convictions, victim assistance, and civil suit damages. Safe Harbor legislation is in place to protect minors who have been sexually exploited, but the legislation only includes diversion services.<sup>71</sup> Delaware has created a foster care task force.<sup>72</sup>

Human Rights Campaign, in their 2016 State Equality Index, labeled Delaware as Solidifying Equality. However, although the state prohibits the discrimination of foster children based on their sexuality, it makes no mention of gender identity. Furthermore, Delaware has no laws addressing LGBT youth homelessness.<sup>73</sup>

In Delaware, prospective foster parents undergo a national background check and the applicant will be disqualified if he or she has been convicted of domestic violence.<sup>74</sup> Potential foster parents will have to complete required training courses but the hours are not specified.<sup>75</sup>

# CRITERIA BREAKDOWN

## Aging Out Policies

### ◆ Age when benefits are terminated

(1)19+ (2)21 (3)Above 21

### ◆ Policies & benefits

Voluntary reentry before 21

Housing assistance

College tuition waiver

## Kinship Care

### ◆ Level of preference given to family members

Requires giving preference

"Reasonable Effort" or "May Consider"

### ◆ Financial aid

Benefits for kinship care

Same aid as regular foster homes

### ◆ Legal custody

### ◆ Policies for children of undocumented parents

## Relevant Foster Care Provisions

### ◆ Background checks (child abuse: neglect and criminal)

All adults cross-checked in and out of state

All adults in-state only

### ◆ Applicant disqualified if convicted of sex/labor trafficking

### ◆ Applicant disqualified if on sex offender registry

### ◆ Applicant disqualified if convicted of domestic violence

### ◆ Foster parent training

Number of hours (up to 2)

Require specific course training

## Task Forces & Law Enforcement Training

### ◆ LE training

### ◆ Human trafficking TF

### ◆ Foster care task force

## LGBT Youth Protections

### ◆ Overall equality

Working towards full equality

Solidifying equality

Building equality

High priority for basic equality

### ◆ Non-discrimination laws for placing LGBTQ children in foster care

Sexual orientation

Gender identity

### ◆ Laws to address LGBTQ youth homelessness

## Relevant Anti-Trafficking Provisions

### ◆ State statute of:

Sex trafficking

Labor trafficking

### ◆ Diversion services and immunity from punishment (adults)

### ◆ Victim service & civil suit access

### ◆ Lower burden of proof for minors

### ◆ Safe harbor laws

Have law

Diversion from immunity

Victim services

### ◆ HTIC

## State Reporting Laws

### ◆ State has laws enacted that specifically address foster care children going missing from care

### ◆ States have laws enacted that specifically address foster care system reporting victims of human trafficking from their care

Total Score:

21.5<sub>/32</sub>

## Analysis:

Foster care benefits end when the youth turns 21.<sup>76</sup> Housing assistance is provided for youth transitioning out of care as well as the opportunity to re-enter foster care. However, there is no tuition waiver program for youth attending college.

Regarding kinship care, D.C. statutes require that preference be given to placing children with relatives. There are no special benefits given to relatives that serve as foster parents, and relative and non-relative foster parents receive the same amount of aid. Statutes mandate that legal custody may be given to relatives.<sup>77</sup> Local law enforcement is not required to cooperate with ICE.<sup>78</sup>

D.C. has not implemented the trafficking-related provisions of the Preventing Sex Trafficking and Strengthening Families Act. Child welfare agencies are not required to report when a child goes missing from care, nor are agencies required to report or track rates of children being trafficked from care or screen children in care for signs of potential trafficking.<sup>79</sup>

D.C. has created a human trafficking task force and implemented human trafficking awareness training for law enforcement.<sup>80</sup> Safe Harbor legislation is enacted to protect minors who have been sexually exploited, and sex trafficking and labor trafficking are criminalized. Victims cannot vacate convictions of prostitution on their criminal records but there is mandated victim service plan as well as the opportunity to seek civil damages from their traffickers. D.C. has created a foster care task force.<sup>81</sup>

The District of Columbia received the highest ranking from Human Rights Campaign's 2016 State Equality Index, Working Toward Innovative Equality. Foster children cannot be discriminated against based on their sexuality or gender identity, nor can youth shelters discriminate against homeless LGBT youth seeking services.<sup>82</sup>

In the District of Columbia, prospective foster parents undergo a national background check, but applicants will not automatically be disqualified for trafficking, domestic violence, or sex offender convictions.<sup>83</sup> Potential foster parents will have to complete 30 hours of required training courses.<sup>84</sup>

# CRITERIA BREAKDOWN

## Aging Out Policies

### ◆ Age when benefits are terminated

(1)19+ (2)21 (3)Above 21

### ◆ Policies & benefits

Voluntary reentry before 21

Housing assistance

College tuition waiver

## Kinship Care

### ◆ Level of preference given to family members

Requires giving preference

"Reasonable Effort" or "May Consider"

### ◆ Financial aid

Benefits for kinship care

Same aid as regular foster homes

### ◆ Legal custody

### ◆ Policies for children of undocumented parents

## Relevant Foster Care Provisions

### ◆ Background checks (child abuse: neglect and criminal)

All adults cross-checked in and out of state

All adults in-state only

### ◆ Applicant disqualified if convicted of sex/labor trafficking

### ◆ Applicant disqualified if on sex offender registry

### ◆ Applicant disqualified if convicted of domestic violence

### ◆ Foster parent training

Number of hours (up to 2)

Require specific course training

## Task Forces & Law Enforcement Training

### ◆ LE training

### ◆ Human trafficking TF

### ◆ Foster care task force

## LGBT Youth Protections

### ◆ Overall equality

Working towards full equality

Solidifying equality

Building equality

High priority for basic equality

### ◆ Non-discrimination laws for placing LGBTQ children in foster care

Sexual orientation

Gender identity

### ◆ Laws to address LGBTQ youth homelessness

## Relevant Anti-Trafficking Provisions

### ◆ State statute of:

Sex trafficking

Labor trafficking

### ◆ Diversion services and immunity from punishment (adults)

### ◆ Victim service & civil suit access

### ◆ Lower burden of proof for minors

### ◆ Safe harbor laws

Have law

Diversion from immunity

Victim services

### ◆ HTIC

## State Reporting Laws

### ◆ State has laws enacted that specifically address foster care children going missing from care

### ◆ States have laws enacted that specifically address foster care system reporting victims of human trafficking from their care

# STATE REPORT CARD: FLORIDA

Total Score:

19<sub>/32</sub>

## Analysis:

Foster care benefits end when the youth turns 21.<sup>85</sup> Currently, there is housing assistance and a tuition waiver program for current and former foster youth. Rules governing this re-entry process are currently in development: youth who opted to not stay in extended foster care but later decide to reenter must submit an application to the community-based care agency for eligibility determination.

Regarding kinship care, Florida statutes use language such as making a “reasonable effort” or “may consider” placing children with relatives. The state provides additional benefits to kinship care families. However, statutes make no mention of relatives receiving legal custody of children.<sup>86</sup> Florida law enforcement cooperates with ICE and has no policies in place to protect children of undocumented parents.<sup>87</sup>

Though there is no law requiring child welfare agencies report children missing from care, Florida law does mandate child welfare agencies to screen and report foster child at risk of trafficking.<sup>88</sup>

In terms of anti-trafficking legislation, the state has created a human trafficking task force and implemented mandatory human trafficking awareness training for law enforcement.<sup>89</sup> However, the state partially enacted Safe Harbor legislation because Florida’s law directs juvenile victims to child welfare without making them immune from prostitution charges.<sup>90</sup> The anti-trafficking provisions in all other aspects are successful. Florida does not have a foster care task force, but does have a general task force centered on children.<sup>91</sup>

In 2016, Human Rights Campaign labeled Florida as High Priority to Achieve Basic Equality. There are no laws in place prohibiting discrimination based on the sexuality or gender identity of foster children. There is no law in place to address LGBT youth homelessness.<sup>92</sup>

In Florida, prospective foster parents undergo a national background check and the applicant will be disqualified if he or she has been convicted of domestic violence.<sup>93</sup> Potential foster parents will have to complete 21 hours of required training courses before being able to foster a child.<sup>94</sup>

# CRITERIA BREAKDOWN

## Aging Out Policies

### ◆ Age when benefits are terminated

(1)19+ (2)21 (3)Above 21

### ◆ Policies & benefits

Voluntary reentry before 21

Housing assistance

College tuition waiver

## Kinship Care

### ◆ Level of preference given to family members

Requires giving preference

"Reasonable Effort" or "May Consider"

### ◆ Financial aid

Benefits for kinship care

Same aid as regular foster homes

### ◆ Legal custody

### ◆ Policies for children of undocumented parents

## Relevant Foster Care Provisions

### ◆ Background checks (child abuse: neglect and criminal)

All adults cross-checked in and out of state

All adults in-state only

### ◆ Applicant disqualified if convicted of sex/labor trafficking

### ◆ Applicant disqualified if on sex offender registry

### ◆ Applicant disqualified if convicted of domestic violence

### ◆ Foster parent training

Number of hours (up to 2)

Require specific course training

## Task Forces & Law Enforcement Training

### ◆ LE training

### ◆ Human trafficking TF

### ◆ Foster care task force

## LGBT Youth Protections

### ◆ Overall equality

Working towards full equality

Solidifying equality

Building equality

High priority for basic equality

### ◆ Non-discrimination laws for placing LGBTQ children in foster care

Sexual orientation

Gender identity

### ◆ Laws to address LGBTQ youth homelessness

## Relevant Anti-Trafficking Provisions

### ◆ State statute of:

Sex trafficking

Labor trafficking

### ◆ Diversion services and immunity from punishment (adults)

### ◆ Victim service & civil suit access

### ◆ Lower burden of proof for minors

### ◆ Safe harbor laws

Have law

Diversion from immunity

Victim services

### ◆ HTIC

## State Reporting Laws

### ◆ State has laws enacted that specifically address foster care children going missing from care

### ◆ States have laws enacted that specifically address foster care system reporting victims of human trafficking from their care

# STATE REPORT CARD: GEORGIA

Total Score:

13.5<sub>/32</sub>

## Analysis:

Foster care benefits for children end at the age of 21, but the state has not enacted extended foster care.<sup>95</sup> Thus, there is no regulation on foster care voluntary reentry. Youth transitioning out of foster care receive housing assistance. There are no tuition waiver programs for youth pursuing post-secondary education.

Regarding kinship care, Georgia statutes use language such as making a “reasonable effort” or “may consider” placing children with relatives. The state provides additional benefits to kinship care families. However, statutes make no mention of relatives receiving legal custody of children.<sup>96</sup> Georgia law enforcement cooperates with ICE and has no policies in place to protect children of undocumented parents.<sup>97</sup>

Georgia has laws in place mandating child welfare agencies report children missing from care, evaluate cases of missing children from care for potential signs of trafficking, and provide relevant social services after the child has returned.<sup>98</sup>

The state has created a human trafficking task force and implemented mandatory human trafficking awareness training with specific curriculum for law enforcement.<sup>99</sup> Sex trafficking and labor trafficking are both criminalized. The burden of proof to convict child traffickers is lower as well. The state mandates a victim service plan for victims, but they cannot seek civil damages from their traffickers. Further, the state still needs to develop Safe Harbor legislation and vacate criminal records for victims convicted of prostitution. Georgia does not have a foster care task force.

In 2016, Human Rights Campaign labeled Georgia as High Priority to Achieve Basic Equality. Foster children are not protected from systematic discrimination based on their sexuality or gender identity, and there is no law in place to protect LGBT youth homelessness from discrimination at youth shelters.<sup>100</sup>

In Georgia, prospective foster parents undergo a national background check but applicants will not automatically be disqualified for trafficking, domestic violence or sex offender convictions.<sup>101</sup> Potential foster parents will have to complete required training courses, but the number of hours is not specified.<sup>102</sup>



# CRITERIA BREAKDOWN

## Aging Out Policies

### ◆ Age when benefits are terminated

(1)19+ (2)21 (3)Above 21

### ◆ Policies & benefits

Voluntary reentry before 21

Housing assistance

College tuition waiver

## Kinship Care

### ◆ Level of preference given to family members

Requires giving preference

"Reasonable Effort" or "May Consider"

### ◆ Financial aid

Benefits for kinship care

Same aid as regular foster homes

### ◆ Legal custody

### ◆ Policies for children of undocumented parents

## Relevant Foster Care Provisions

### ◆ Background checks (child abuse: neglect and criminal)

All adults cross-checked in and out of state

All adults in-state only

### ◆ Applicant disqualified if convicted of sex/labor trafficking

### ◆ Applicant disqualified if on sex offender registry

### ◆ Applicant disqualified if convicted of domestic violence

### ◆ Foster parent training

Number of hours (up to 2)

Require specific course training

## Task Forces & Law Enforcement Training

### ◆ LE training

### ◆ Human trafficking TF

### ◆ Foster care task force

## LGBT Youth Protections

### ◆ Overall equality

Working towards full equality

Solidifying equality

Building equality

High priority for basic equality

### ◆ Non-discrimination laws for placing LGBTQ children in foster care

Sexual orientation

Gender identity

### ◆ Laws to address LGBTQ youth homelessness

## Relevant Anti-Trafficking Provisions

### ◆ State statute of:

Sex trafficking

Labor trafficking

### ◆ Diversion services and immunity from punishment (adults)

### ◆ Victim service & civil suit access

### ◆ Lower burden of proof for minors

### ◆ Safe harbor laws

Have law

Diversion from immunity

Victim services

### ◆ HTIC

## State Reporting Laws

### ◆ State has laws enacted that specifically address foster care children going missing from care

### ◆ States have laws enacted that specifically address foster care system reporting victims of human trafficking from their care

# STATE REPORT CARD: HAWAII

Total Score:

15.5<sub>/32</sub>

## Analysis:

Foster care benefits end when the youth turns 21.<sup>103</sup> The state has no tuition waiver for youth pursuing post-secondary education but housing assistance is provided for youth transitioning out of care. Youth who opted to not stay in extended foster care but later decide so can reenter foster care.

Regarding kinship care, Hawaii statutes use language such as making a “reasonable effort” or “may consider” placing children with relatives. There are no special benefits given to relatives that serve as foster parents, and relative and non-relative foster parents receive the same amount of aid. Statutes make no mention of relatives receiving legal custody of children.<sup>104</sup> State law enforcement is not required to cooperate with ICE.<sup>105</sup>

Hawaii has not implemented the trafficking-related provisions of the Preventing Sex Trafficking and Strengthening Families Act. There are no state laws regarding children missing from care, child welfare agencies are not required to notify law enforcement when a child goes missing from care, nor are agencies required to track rates of children being trafficked from care or screen children in care for signs of potential trafficking.<sup>106</sup>

The state has created a human trafficking task force and implemented human trafficking awareness training for law enforcement.<sup>107</sup> Both sex and labor trafficking are criminalized and the burden of proof to convict child trafficker is lower. Victims of sex trafficking receive a victim service plan, can seek civil damages from their traffickers, and can get their conviction of prostitution vacated. Additionally, the state has passed Safe Harbor legislation to protect sexually exploited minors. Hawaii does not have a foster care task force.

Hawaii was given a ranking of Building Equality in the 2016 State Equality Index Ranking by Human Rights Campaign. Hawaii has no laws protecting foster children from discrimination based on their sexuality or gender identity, nor is there any law protecting them from such discrimination at homeless youth shelters.<sup>108</sup>

In Hawaii, prospective foster parents undergo a national background check but applicants will not automatically be disqualified for trafficking, domestic violence or sex offender convictions.<sup>109</sup> There is also no requirement of foster parent training.<sup>110</sup>

# CRITERIA BREAKDOWN

## Aging Out Policies

### ◆ Age when benefits are terminated

(1)19+ (2)21 (3)Above 21

### ◆ Policies & benefits

Voluntary reentry before 21

Housing assistance

College tuition waiver

## Kinship Care

### ◆ Level of preference given to family members

Requires giving preference

"Reasonable Effort" or "May Consider"

### ◆ Financial aid

Benefits for kinship care

Same aid as regular foster homes

### ◆ Legal custody

### ◆ Policies for children of undocumented parents

## Relevant Foster Care Provisions

### ◆ Background checks (child abuse: neglect and criminal)

All adults cross-checked in and out of state

All adults in-state only

### ◆ Applicant disqualified if convicted of sex/labor trafficking

### ◆ Applicant disqualified if on sex offender registry

### ◆ Applicant disqualified if convicted of domestic violence

### ◆ Foster parent training

Number of hours (up to 2)

Require specific course training

## Task Forces & Law Enforcement Training

### ◆ LE training

### ◆ Human trafficking TF

### ◆ Foster care task force

## LGBT Youth Protections

### ◆ Overall equality

Working towards full equality

Solidifying equality

Building equality

High priority for basic equality

### ◆ Non-discrimination laws for placing LGBTQ children in foster care

Sexual orientation

Gender identity

### ◆ Laws to address LGBTQ youth homelessness

## Relevant Anti-Trafficking Provisions

### ◆ State statute of:

Sex trafficking

Labor trafficking

### ◆ Diversion services and immunity from punishment (adults)

### ◆ Victim service & civil suit access

### ◆ Lower burden of proof for minors

### ◆ Safe harbor laws

Have law

Diversion from immunity

Victim services

### ◆ HTIC

## State Reporting Laws

### ◆ State has laws enacted that specifically address foster care children going missing from care

### ◆ States have laws enacted that specifically address foster care system reporting victims of human trafficking from their care

# STATE REPORT CARD: IDAHO

## Total Score:

# 9

/32

### Analysis:

Foster care benefits end when the youth turns 21, but the state has not enacted extended foster care.<sup>111</sup> Thus, there is no regulation on foster care voluntary reentry. Youth transitioning out of foster care receive housing assistance. There are no tuition waiver programs for youth pursuing post-secondary education.

Regarding kinship care, Idaho statutes use language such as making a “reasonable effort” or “may consider” placing children with relatives. No financial aid is given to kinship caregivers. Statutes make no mention of relatives receiving legal custody of children.<sup>112</sup> State law enforcement is not required to cooperate with ICE.<sup>113</sup>

Idaho has not implemented the trafficking-related provisions of the Preventing Sex Trafficking and Strengthening Families Act. There are no state laws regarding children missing from care, child welfare agencies are not required to notify law enforcement when a child goes missing from care, nor are agencies required to track rates of children being trafficked from care or screen children in care for signs of potential trafficking.<sup>114</sup>

The state does not have any established human trafficking task force but has human trafficking training programs available for law enforcement.<sup>115</sup> Further, the state criminalizes both sex and labor trafficking and the burden of proof to convict child traffickers is lowered. However, Idaho still lacks Safe Harbor legislation, vacation of convictions for trafficking victims, and mandated victim assistance. Idaho does not have a foster care task force, but does have task force centered on child welfare.<sup>116</sup>

In 2016, Human Rights Campaign labeled Idaho as High Priority to Achieve Basic Equality. Furthermore, Idaho has no laws protecting foster children from systematic discrimination based on their gender or sexual identity, and no laws addressing LGBT youth homelessness.<sup>117</sup>

In Idaho, prospective foster parents undergo a national background check but applicants will not automatically be disqualified for trafficking, domestic violence or sex offender convictions.<sup>118</sup> Potential foster parents will have to complete required training courses, but the number of hours is not specified.<sup>119</sup>

# CRITERIA BREAKDOWN

## Aging Out Policies

### ◆ Age when benefits are terminated

(1)19+ (2)21 (3)Above 21

### ◆ Policies & benefits

Voluntary reentry before 21

Housing assistance

College tuition waiver

## Kinship Care

### ◆ Level of preference given to family members

Requires giving preference

"Reasonable Effort" or "May Consider"

### ◆ Financial aid

Benefits for kinship care

Same aid as regular foster homes

### ◆ Legal custody

### ◆ Policies for children of undocumented parents

## Relevant Foster Care Provisions

### ◆ Background checks (child abuse: neglect and criminal)

All adults cross-checked in and out of state

All adults in-state only

### ◆ Applicant disqualified if convicted of sex/labor trafficking

### ◆ Applicant disqualified if on sex offender registry

### ◆ Applicant disqualified if convicted of domestic violence

### ◆ Foster parent training

Number of hours (up to 2)

Require specific course training

## Task Forces & Law Enforcement Training

### ◆ LE training

### ◆ Human trafficking TF

### ◆ Foster care task force

## LGBT Youth Protections

### ◆ Overall equality

Working towards full equality

Solidifying equality

Building equality

High priority for basic equality

### ◆ Non-discrimination laws for placing LGBTQ children in foster care

Sexual orientation

Gender identity

### ◆ Laws to address LGBTQ youth homelessness

## Relevant Anti-Trafficking Provisions

### ◆ State statute of:

Sex trafficking

Labor trafficking

### ◆ Diversion services and immunity from punishment (adults)

### ◆ Victim service & civil suit access

### ◆ Lower burden of proof for minors

### ◆ Safe harbor laws

Have law

Diversion from immunity

Victim services

### ◆ HTIC

## State Reporting Laws

### ◆ State has laws enacted that specifically address foster care children going missing from care

### ◆ States have laws enacted that specifically address foster care system reporting victims of human trafficking from their care

# STATE REPORT CARD: ILLINOIS

Total Score:

23.5<sub>/32</sub>

## Analysis:

Foster care benefits end at the age of 21.<sup>120</sup> Youth transitioning out of foster care are offered housing assistance. Current and former youth in foster care are eligible for a tuition waiver if they attend an in-state public university. If the youth opts out of care when he or she turns 18, he or she can still return to care afterwards until the age of 21.

Regarding kinship care, Illinois statutes use language such as making a “reasonable effort” or “may consider” placing children with relatives. There are no special benefits given to relatives that serve as foster parents, and relative and non-relative foster parents receive the same amount of aid. Statutes make no mention of relatives receiving legal custody of children.<sup>121</sup> State law enforcement are not required to cooperate with ICE.<sup>122</sup>

Illinois has laws in place mandating the reporting of missing children from care and identify, report, and assist foster children who have been victims of trafficking.<sup>123</sup>

Regarding anti-trafficking initiatives, the state has a human trafficking task force but no human trafficking awareness training for law enforcement.<sup>124</sup> Both sex trafficking and labor trafficking is criminalized in Illinois, and the burden of proof to convict child traffickers is lower. Victims of trafficking receive a mandated service plan, and law enforcement officers must refer prostitution cases involving minors to the Illinois Department of Children and Family Services.<sup>125</sup> Further, Cook County has created a Prostitution and Human Trafficking Intervention Court<sup>126</sup> and a foster care task force.<sup>127</sup>

Illinois received the highest ranking from Human Rights Campaign’s 2016 State Equality Index, Working Toward Innovative Equality. However, there are no laws protecting foster children from discrimination based on their sexuality or gender identity, nor are LGBT homeless youth protected from discrimination at shelters.<sup>128</sup>

In Illinois, prospective foster parents undergo a national background check and the applicant will be disqualified if he or she is on the sex offender registry or has been convicted of domestic violence.<sup>129</sup> Potential foster parents will have to complete required training courses, but the number of hours is not required.<sup>130</sup>

# CRITERIA BREAKDOWN

## Aging Out Policies

### ◆ Age when benefits are terminated

(1)19+ (2)21 (3)Above 21

### ◆ Policies & benefits

Voluntary reentry before 21

Housing assistance

College tuition waiver

## Kinship Care

### ◆ Level of preference given to family members

Requires giving preference

"Reasonable Effort" or "May Consider"

### ◆ Financial aid

Benefits for kinship care

Same aid as regular foster homes

### ◆ Legal custody

### ◆ Policies for children of undocumented parents

## Relevant Foster Care Provisions

### ◆ Background checks (child abuse: neglect and criminal)

All adults cross-checked in and out of state

All adults in-state only

### ◆ Applicant disqualified if convicted of sex/labor trafficking

### ◆ Applicant disqualified if on sex offender registry

### ◆ Applicant disqualified if convicted of domestic violence

### ◆ Foster parent training

Number of hours (up to 2)

Require specific course training

## Task Forces & Law Enforcement Training

### ◆ LE training

### ◆ Human trafficking TF

### ◆ Foster care task force

## LGBT Youth Protections

### ◆ Overall equality

Working towards full equality

Solidifying equality

Building equality

High priority for basic equality

### ◆ Non-discrimination laws for placing LGBTQ children in foster care

Sexual orientation

Gender identity

### ◆ Laws to address LGBTQ youth homelessness

## Relevant Anti-Trafficking Provisions

### ◆ State statute of:

Sex trafficking

Labor trafficking

### ◆ Diversion services and immunity from punishment (adults)

### ◆ Victim service & civil suit access

### ◆ Lower burden of proof for minors

### ◆ Safe harbor laws

Have law

Diversion from immunity

Victim services

### ◆ HTIC

## State Reporting Laws

### ◆ State has laws enacted that specifically address foster care children going missing from care

### ◆ States have laws enacted that specifically address foster care system reporting victims of human trafficking from their care



# STATE REPORT CARD: INDIANA

Total Score:

15<sub>/32</sub>

## Analysis:

Foster care benefits end when the youth turns 21, but extended care ends when the youth turns 20.<sup>131</sup> Youth receive housing assistance and the opportunity to re-enter extended care if they chose to opt out at 18. However, there is no tuition waiver program for youth in post-secondary education.

Regarding kinship care, Indiana statutes use language such as making a “reasonable effort” or “may consider” placing children with relatives. There are no special benefits given to relatives that serve as foster parents, and relative and non-relative foster parents receive the same amount of aid. Statutes make no mention of relatives receiving legal custody of children.<sup>132</sup> State law enforcement is not required to cooperate with ICE.<sup>133</sup>

Indiana has mandated the reporting of children missing from care, but has not implemented any reporting laws regarding trafficked children from care.<sup>134</sup>

The state has created a human trafficking task force and implemented mandatory human trafficking awareness training with specific curriculum for law enforcement.<sup>135</sup> Sex trafficking and labor trafficking are criminalized in the state and the burden of proof to convict child traffickers is lower as of 2012 when Indiana amended their sex trafficking statute to eliminate the criminal elements of force, fraud, or coercion for minors ahead of the 2011 Super Bowl. Trafficking victims receive a mandated service plan and can file civil damages against their traffickers; however, the victims charged with prostitution cannot get the conviction vacated from the record.<sup>136</sup> Additionally, Indiana lacks Safe Harbor legislation to protect minors. Indiana does not have foster care task force.

In 2016, Human Rights Campaign labeled Indiana as High Priority to Achieve Basic Equality. Furthermore, they have no laws to prohibit the discrimination of foster children based on their sexual or gender identity. There is no law in place to address discrimination of LGBT youth at shelters.<sup>137</sup>

In Indiana, prospective foster parents undergo a national background check and the applicant will be disqualified if he or she has been convicted of domestic violence.<sup>138</sup> Potential foster parents will have to complete 10 hours of training, but there is no specific curriculum.<sup>139</sup>

# CRITERIA BREAKDOWN

## Aging Out Policies

4/6

### ◆ Age when benefits are terminated

2/3

(1)19+ (2)21 (3)Above 21

### ◆ Policies & benefits

2/3

Voluntary reentry before 21

1/1

Housing assistance

1/1

College tuition waiver

0/1

## Kinship Care

2/6.5

### ◆ Level of preference given to family members

0.5/1

Requires giving preference

0/1

"Reasonable Effort" or "May Consider"

0.5/0.5

### ◆ Financial aid

0.5/1

Benefits for kinship care

0/1

Same aid as regular foster homes

0.5/0.5

### ◆ Legal custody

0/1

### ◆ Policies for children of undocumented parents

1/1

## Relevant Foster Care Provisions

3/6.5

### ◆ Background checks (child abuse: neglect and criminal)

1/1

All adults cross-checked in and out of state

1/1

All adults in-state only

0/0.5

### ◆ Applicant disqualified if convicted of sex/labor trafficking

0/1

### ◆ Applicant disqualified if on sex offender registry

0/1

### ◆ Applicant disqualified if convicted of domestic violence

1/1

### ◆ Foster parent training

1/2.5

Number of hours (up to 2)

1/2

Require specific course training

0/0.5

## Task Forces & Law Enforcement Training

2/3

### ◆ LE training

1/1

### ◆ Human trafficking TF

1/1

### ◆ Foster care task force

0/1

## LGBT Youth Protections

0/3.5

### ◆ Overall equality

0/1.5

Working towards full equality

0/1.5

Solidifying equality

0/1

Building equality

0/0.5

High priority for basic equality

0/0

### ◆ Non-discrimination laws for placing LGBTQ children in foster care

0/1

Sexual orientation

0/0.5

Gender identity

0/0.5

### ◆ Laws to address LGBTQ youth homelessness

0/1

## Relevant Anti-Trafficking Provisions

3/7

### ◆ State statute of:

1/1

Sex trafficking

0.5/0.5

Labor trafficking

0.5/0.5

### ◆ Diversion services and immunity from punishment (adults)

0/1

### ◆ Victim service & civil suit access

1/1

### ◆ Lower burden of proof for minors

1/1

### ◆ Safe harbor laws

0/2

Have law

0/1

Diversion from immunity

0/0.5

Victim services

0/0.5

### ◆ HTIC

0/1

## State Reporting Laws

1/2

### ◆ State has laws enacted that specifically address foster care children going missing from care

1/1

### ◆ States have laws enacted that specifically address foster care system reporting victims of human trafficking from their care

0/1

## STATE REPORT CARD: IOWA

Total Score:

19.5<sub>/32</sub>

### Analysis:

Foster care benefits for children end at the age of 20 but the state has not enacted extended foster care.<sup>140</sup> Thus, there is no regulation on foster care voluntary reentry. Youth transitioning out of foster care receive housing assistance. There are no tuition waiver programs for youth pursuing post-secondary education.

Regarding kinship care, Iowa statutes use language such as making a “reasonable effort” or “may consider” placing children with relatives. Law states that legal custody may be given to relatives. The state provides additional benefits to kinship care families.<sup>141</sup> State law enforcement is not required to cooperate with ICE.<sup>142</sup>

Iowa has mandated the reporting of missing children from care, as well as potential trafficking from care.<sup>143</sup>

The state does not have any established human trafficking task force but has implemented mandatory human trafficking training programs for law enforcement.<sup>144</sup> Sex trafficking and labor trafficking are criminalized in the state and the burden of proof to convict child traffickers is lower. The state has enacted statutes that facilitate restitution for victims of human trafficking. Safe Harbor legislation is enacted; minors charged with prostitution are diverted to the child welfare system but do not have immunity from criminal proceedings.<sup>145</sup> Iowa does not have a foster care task force.

Human Rights Campaign, in their 2016 State Equality Index, labeled Iowa as Solidifying Equality. However, its specific state laws do not protect LGBT youth in foster care. Children in care are not protected from discrimination based on their sexuality or gender identity, nor is there any law in place to address the discrimination of LGBT youth in homeless shelters.<sup>146</sup>

In Iowa, prospective foster parents undergo a national background check and the applicant will be disqualified if he or she is on the sex offender registry or has been convicted of domestic violence.<sup>147</sup> Potential foster parents will have to complete 30 hours of required training courses.<sup>148</sup>

# CRITERIA BREAKDOWN

## Aging Out Policies

### ◆ Age when benefits are terminated

(1)19+ (2)21 (3)Above 21

### ◆ Policies & benefits

Voluntary reentry before 21

Housing assistance

College tuition waiver

## Kinship Care

### ◆ Level of preference given to family members

Requires giving preference

"Reasonable Effort" or "May Consider"

### ◆ Financial aid

Benefits for kinship care

Same aid as regular foster homes

### ◆ Legal custody

### ◆ Policies for children of undocumented parents

## Relevant Foster Care Provisions

### ◆ Background checks (child abuse: neglect and criminal)

All adults cross-checked in and out of state

All adults in-state only

### ◆ Applicant disqualified if convicted of sex/labor trafficking

### ◆ Applicant disqualified if on sex offender registry

### ◆ Applicant disqualified if convicted of domestic violence

### ◆ Foster parent training

Number of hours (up to 2)

Require specific course training

## Task Forces & Law Enforcement Training

### ◆ LE training

### ◆ Human trafficking TF

### ◆ Foster care task force

## LGBT Youth Protections

### ◆ Overall equality

Working towards full equality

Solidifying equality

Building equality

High priority for basic equality

### ◆ Non-discrimination laws for placing LGBTQ children in foster care

Sexual orientation

Gender identity

### ◆ Laws to address LGBTQ youth homelessness

## Relevant Anti-Trafficking Provisions

### ◆ State statute of:

Sex trafficking

Labor trafficking

### ◆ Diversion services and immunity from punishment (adults)

### ◆ Victim service & civil suit access

### ◆ Lower burden of proof for minors

### ◆ Safe harbor laws

Have law

Diversion from immunity

Victim services

### ◆ HTIC

## State Reporting Laws

### ◆ State has laws enacted that specifically address foster care children going missing from care

### ◆ States have laws enacted that specifically address foster care system reporting victims of human trafficking from their care

# STATE REPORT CARD: KANSAS

Total Score:

16.5<sub>/32</sub>

## Analysis:

Foster care benefits end when the youth turns 21.<sup>149</sup> However, youth over 18 cannot be placed back in foster care. Housing assistance is offered to youth transitioning out of care and youth attending in-state public universities are eligible for tuition waiver.

Regarding kinship care, Kansas statutes use language such as making a “reasonable effort” or “may consider” placing children with relatives. No financial aid is given to kinship caregivers. Law states that legal custody may be given to relatives.<sup>150</sup> State law enforcement are not required to cooperate with ICE.<sup>151</sup>

Kansas has not implemented the trafficking-related provisions of the Preventing Sex Trafficking and Strengthening Families Act. There are no state laws regarding children missing from care, child welfare agencies are not required to notify law enforcement when a child goes missing from care, nor are agencies required to track rates of children being trafficked from care or screen children in care for signs of potential trafficking.<sup>152</sup>

The state has created a human trafficking task force and implemented human trafficking awareness training for law enforcement.<sup>153</sup> Sex and labor trafficking are criminalized and the burden of proof to convict child traffickers is lower. Sex trafficking victims cannot get prostitution charges vacated and cannot seek civil suit damages. In terms of Safe Harbor legislation, only partial requirement is met: immunity from criminal proceedings is based on age. When a law enforcement officer reasonably believes a person under 18 is a victim of human trafficking or otherwise being exploited sexually, he or she must take the victim into protective custody and deliver the child to a staff secure facility—the minor will not be placed in a juvenile detention facility.<sup>154</sup> Kansas has created a foster care task force.<sup>155</sup>

In 2016, Human Rights Campaign labeled Kansas as High Priority to Achieve Basic Equality. Furthermore, Kansas has no laws protecting foster children from systematic discrimination based on their gender or sexual identity, and no laws addressing LGBT youth homelessness.<sup>156</sup>

In Kansas, prospective foster parents undergo a national background check and the applicant will be disqualified if he or she has been convicted of domestic violence.<sup>157</sup> Potential foster parents will have to complete required training courses, but the number of hours is not specified.<sup>158</sup>

# CRITERIA BREAKDOWN

## Aging Out Policies

### ◆ Age when benefits are terminated

(1)19+ (2)21 (3)Above 21

### ◆ Policies & benefits

Voluntary reentry before 21

Housing assistance

College tuition waiver

## Kinship Care

### ◆ Level of preference given to family members

Requires giving preference

"Reasonable Effort" or "May Consider"

### ◆ Financial aid

Benefits for kinship care

Same aid as regular foster homes

### ◆ Legal custody

### ◆ Policies for children of undocumented parents

## Relevant Foster Care Provisions

### ◆ Background checks (child abuse: neglect and criminal)

All adults cross-checked in and out of state

All adults in-state only

### ◆ Applicant disqualified if convicted of sex/labor trafficking

### ◆ Applicant disqualified if on sex offender registry

### ◆ Applicant disqualified if convicted of domestic violence

### ◆ Foster parent training

Number of hours (up to 2)

Require specific course training

## Task Forces & Law Enforcement Training

### ◆ LE training

### ◆ Human trafficking TF

### ◆ Foster care task force

## LGBT Youth Protections

### ◆ Overall equality

Working towards full equality

Solidifying equality

Building equality

High priority for basic equality

### ◆ Non-discrimination laws for placing LGBTQ children in foster care

Sexual orientation

Gender identity

### ◆ Laws to address LGBTQ youth homelessness

## Relevant Anti-Trafficking Provisions

### ◆ State statute of:

Sex trafficking

Labor trafficking

### ◆ Diversion services and immunity from punishment (adults)

### ◆ Victim service & civil suit access

### ◆ Lower burden of proof for minors

### ◆ Safe harbor laws

Have law

Diversion from immunity

Victim services

### ◆ HTIC

## State Reporting Laws

### ◆ State has laws enacted that specifically address foster care children going missing from care

### ◆ States have laws enacted that specifically address foster care system reporting victims of human trafficking from their care

# STATE REPORT CARD: KENTUCKY

Total Score:

20.5<sub>/32</sub>

## Analysis:

Foster care benefits for youth end at the age of 21 but the state has not enacted extended foster care.<sup>159</sup> Thus, there is no regulation on foster care voluntary reentry. Youth transitioning out of foster care receive housing assistance. Youth in public in-state universities are eligible for tuition waiver programs.

Regarding kinship care, Kentucky statutes use language such as making a “reasonable effort” or “may consider” placing children with relatives. No financial aid is given to kinship caregivers. Law states that legal custody may be given to relatives.<sup>160</sup> State law enforcement is not required to cooperate with ICE.<sup>161</sup>

Kentucky has not implemented the trafficking-related provisions of the Preventing Sex Trafficking and Strengthening Families Act. There are no state laws regarding children missing from care, child welfare agencies are not required to notify law enforcement when a child goes missing from care, nor are agencies required to track rates of children being trafficked from care or screen children in care for signs of potential trafficking.<sup>162</sup>

The state has created a human trafficking task force and implemented mandatory human trafficking awareness training with specific curriculum for law enforcement.<sup>163</sup> Sex and labor trafficking are criminalized and the burden of proof to convict child traffickers is lower in the state of Kentucky. Victims receive assistance and can file civil damages against their traffickers. Minors who have been sexually exploited are well protected under Safe Harbor legislation but adult victims may not be able to have prostitution charges vacated. Kentucky has created a foster care task force.<sup>164</sup>

In 2016, Human Rights Campaign labeled Kentucky as High Priority to Achieve Basic Equality. Furthermore, Kentucky has no laws protecting foster children from systematic discrimination based on their gender or sexual identity, and no laws addressing LGBT youth homelessness.<sup>165</sup>

In Kentucky, prospective foster parents undergo a national background check and the applicant will be disqualified if he or she is on the sex offender registry or has been convicted of domestic violence.<sup>166</sup> Potential foster parents will have to complete 24 hours of required training courses.<sup>167</sup>



# CRITERIA BREAKDOWN

## Aging Out Policies

### ◆ Age when benefits are terminated

(1)19+ (2)21 (3)Above 21

### ◆ Policies & benefits

Voluntary reentry before 21

Housing assistance

College tuition waiver

## Kinship Care

### ◆ Level of preference given to family members

Requires giving preference

"Reasonable Effort" or "May Consider"

### ◆ Financial aid

Benefits for kinship care

Same aid as regular foster homes

### ◆ Legal custody

### ◆ Policies for children of undocumented parents

## Relevant Foster Care Provisions

### ◆ Background checks (child abuse: neglect and criminal)

All adults cross-checked in and out of state

All adults in-state only

### ◆ Applicant disqualified if convicted of sex/labor trafficking

### ◆ Applicant disqualified if on sex offender registry

### ◆ Applicant disqualified if convicted of domestic violence

### ◆ Foster parent training

Number of hours (up to 2)

Require specific course training

## Task Forces & Law Enforcement Training

### ◆ LE training

### ◆ Human trafficking TF

### ◆ Foster care task force

## LGBT Youth Protections

### ◆ Overall equality

Working towards full equality

Solidifying equality

Building equality

High priority for basic equality

### ◆ Non-discrimination laws for placing LGBTQ children in foster care

Sexual orientation

Gender identity

### ◆ Laws to address LGBTQ youth homelessness

## Relevant Anti-Trafficking Provisions

### ◆ State statute of:

Sex trafficking

Labor trafficking

### ◆ Diversion services and immunity from punishment (adults)

### ◆ Victim service & civil suit access

### ◆ Lower burden of proof for minors

### ◆ Safe harbor laws

Have law

Diversion from immunity

Victim services

### ◆ HTIC

## State Reporting Laws

### ◆ State has laws enacted that specifically address foster care children going missing from care

### ◆ States have laws enacted that specifically address foster care system reporting victims of human trafficking from their care

# STATE REPORT CARD: LOUISIANA

Total Score:

17.5<sub>/32</sub>

## Analysis:

Foster care benefits for youth end at the age of 21, but the state has not enacted extended foster care.<sup>168</sup> Thus, there is no regulation on voluntary reentry into foster care. Youth transitioning out of foster care receive housing assistance, but there is no tuition waiver program.

Regarding kinship care, Louisiana statutes use language such as making a “reasonable effort” or “may consider” placing children with relatives. There are no special benefits given to relatives that serve as foster parents, and relative and non-relative foster parents receive the same amount of aid. Statutes make no mention of relatives receiving legal custody of children.<sup>169</sup> Louisiana law enforcement cooperates with ICE and has no policies in place to protect children of undocumented parents.<sup>170</sup>

Louisiana has not implemented the trafficking-related provisions of the Preventing Sex Trafficking and Strengthening Families Act. There are no state laws regarding children missing from care, child welfare agencies are not required to notify law enforcement when a child goes missing from care, nor are agencies required to track rates of children being trafficked from care or screen children in care for signs of potential trafficking.<sup>171</sup>

Louisiana has created a human trafficking court,<sup>172</sup> human trafficking task force, and developed human trafficking awareness training for law enforcement.<sup>173</sup> Sex and labor trafficking are criminalized and the burden of proof to convict child traffickers is lower in the state. Victims of trafficking receive assistance and can seek civil damages from their traffickers. In terms of protection of minors, Louisiana presumes that a child under the age of 18 who has engaged in commercial sex acts is a victim in need of appropriate care and services.<sup>174</sup> Louisiana has created a foster care task force.<sup>175</sup>

In 2016, Human Rights Campaign labeled Louisiana as High Priority to Achieve Basic Equality. Furthermore, Louisiana has no laws protecting foster children from systematic discrimination based on their gender or sexual identity, and no laws addressing LGBT youth homelessness.<sup>176</sup>

In Louisiana, prospective foster parents undergo a national background check and the applicant will be disqualified if he or she has been convicted of domestic violence or human trafficking.<sup>177</sup> Potential foster parents will have to complete required training courses, but the amount of hours is not specified.<sup>178</sup>

# CRITERIA BREAKDOWN

## Aging Out Policies

### ◆ Age when benefits are terminated

(1)19+ (2)21 (3)Above 21

### ◆ Policies & benefits

Voluntary reentry before 21

Housing assistance

College tuition waiver

## Kinship Care

### ◆ Level of preference given to family members

Requires giving preference

"Reasonable Effort" or "May Consider"

### ◆ Financial aid

Benefits for kinship care

Same aid as regular foster homes

### ◆ Legal custody

### ◆ Policies for children of undocumented parents

## Relevant Foster Care Provisions

### ◆ Background checks (child abuse: neglect and criminal)

All adults cross-checked in and out of state

All adults in-state only

### ◆ Applicant disqualified if convicted of sex/labor trafficking

### ◆ Applicant disqualified if on sex offender registry

### ◆ Applicant disqualified if convicted of domestic violence

### ◆ Foster parent training

Number of hours (up to 2)

Require specific course training

## Task Forces & Law Enforcement Training

### ◆ LE training

### ◆ Human trafficking TF

### ◆ Foster care task force

## LGBT Youth Protections

### ◆ Overall equality

Working towards full equality

Solidifying equality

Building equality

High priority for basic equality

### ◆ Non-discrimination laws for placing LGBTQ children in foster care

Sexual orientation

Gender identity

### ◆ Laws to address LGBTQ youth homelessness

## Relevant Anti-Trafficking Provisions

### ◆ State statute of:

Sex trafficking

Labor trafficking

### ◆ Diversion services and immunity from punishment (adults)

### ◆ Victim service & civil suit access

### ◆ Lower burden of proof for minors

### ◆ Safe harbor laws

Have law

Diversion from immunity

Victim services

### ◆ HTIC

## State Reporting Laws

### ◆ State has laws enacted that specifically address foster care children going missing from care

### ◆ States have laws enacted that specifically address foster care system reporting victims of human trafficking from their care

# STATE REPORT CARD: MAINE

Total Score:

19<sub>/32</sub>

## Analysis:

Foster care benefits end when the youth turns 21.<sup>179</sup> Youth transitioning out of foster care are offered housing assistance. Current and former youth in foster care are eligible for a tuition waiver if they attend an in-state public university. If the youth opts out of care when he or she turns 18, he or she can still return to extended care.

Regarding kinship care, Maine statutes use language such as making a “reasonable effort” or “may consider” placing children with relatives. No financial aid is given to kinship caregivers. Statutes make no mention of relatives receiving legal custody of children.<sup>180</sup> State law enforcement is not required to cooperate with ICE.<sup>181</sup>

Maine mandates the reporting of children missing from care as well as potential cases of children trafficked from care.<sup>182</sup>

The state has created a human trafficking task force and implemented human trafficking awareness training for law enforcement.<sup>183</sup> Both sex and labor trafficking are criminalized and the burden of proof to convict child traffickers is lower. Victims can file civil damages against their traffickers but there is no mandatory victim assistance. Additionally, they cannot have prostitution or related charges vacated from their records and the state still lacks Safe Harbor legislation. Maine has created a foster care task force.<sup>184</sup>

Human Rights Campaign, in their 2016 State Equality Index, labeled Maine as Solidifying Equality. The state prohibits the foster care system from discriminating against children based on their sexuality or gender identity. However, there is no law in place to address LGBT youth homelessness.<sup>185</sup>

In Maine, prospective foster parents undergo a national background check and the applicant will be disqualified if he or she has been convicted of domestic violence.<sup>186</sup> Potential foster parents will have to complete required training courses, but the amount of hours is not specified.<sup>187</sup>

# CRITERIA BREAKDOWN

## Aging Out Policies

### ◆ Age when benefits are terminated

(1)19+ (2)21 (3)Above 21

### ◆ Policies & benefits

Voluntary reentry before 21

Housing assistance

College tuition waiver

## Kinship Care

### ◆ Level of preference given to family members

Requires giving preference

"Reasonable Effort" or "May Consider"

### ◆ Financial aid

Benefits for kinship care

Same aid as regular foster homes

### ◆ Legal custody

### ◆ Policies for children of undocumented parents

## Relevant Foster Care Provisions

### ◆ Background checks (child abuse: neglect and criminal)

All adults cross-checked in and out of state

All adults in-state only

### ◆ Applicant disqualified if convicted of sex/labor trafficking

### ◆ Applicant disqualified if on sex offender registry

### ◆ Applicant disqualified if convicted of domestic violence

### ◆ Foster parent training

Number of hours (up to 2)

Require specific course training

## Task Forces & Law Enforcement Training

### ◆ LE training

### ◆ Human trafficking TF

### ◆ Foster care task force

## LGBT Youth Protections

### ◆ Overall equality

Working towards full equality

Solidifying equality

Building equality

High priority for basic equality

### ◆ Non-discrimination laws for placing LGBTQ children in foster care

Sexual orientation

Gender identity

### ◆ Laws to address LGBTQ youth homelessness

## Relevant Anti-Trafficking Provisions

### ◆ State statute of:

Sex trafficking

Labor trafficking

### ◆ Diversion services and immunity from punishment (adults)

### ◆ Victim service & civil suit access

### ◆ Lower burden of proof for minors

### ◆ Safe harbor laws

Have law

Diversion from immunity

Victim services

### ◆ HTIC

## State Reporting Laws

### ◆ State has laws enacted that specifically address foster care children going missing from care

### ◆ States have laws enacted that specifically address foster care system reporting victims of human trafficking from their care

# STATE REPORT CARD: MARYLAND

Total Score:

18.5<sub>/32</sub>

## Analysis:

Foster care benefits for youth end at the age of 21.<sup>188</sup> Youth transitioning out of foster care are offered housing assistance. Current and former youth in foster care are eligible for a tuition waiver if they attend an in-state public university. If the youth opts out of care when he or she turns 18, he or she can still return to extended care.

Regarding kinship care, Maryland statutes use language such as making a “reasonable effort” or “may consider” placing children with relatives. There are no special benefits given to relatives that serve as foster parents, and relative and non-relative foster parents receive the same amount of aid. Statutes make no mention of relatives receiving legal custody of children.<sup>189</sup> Maryland law enforcement cooperates with ICE and has no policies in place to protect children of undocumented parents.<sup>190</sup>

Maryland has not implemented the trafficking -related provisions of the Preventing Sex Trafficking and Strengthening Families Act. There are no state laws regarding children missing from care, child welfare agencies are not required to notify law enforcement when a child goes missing from care, nor are agencies required to track rates of children being trafficked from care or screen children in care for signs of potential trafficking.<sup>191</sup>

The state has created a human trafficking task force and implemented human trafficking awareness training for law enforcement.<sup>192</sup> Both sex and labor trafficking are criminalized and the burden of proof to convict child traffickers is lower. Victims of trafficking cannot seek civil remedies against their traffickers and there is no mandatory victim assistance for them. Prostitution related charges can be vacated only if a victim can describe supporting evidence with particularity, and provide documentary evidence showing that the victim is entitled to relief.<sup>193</sup> The state also lacks Safe Harbor legislation to protect minors. Maryland has created a foster care task force.<sup>194</sup> Maryland was given a ranking of Building Equality in the 2016 State Equality Index Ranking by Human Rights Campaign. Children cannot be discriminated against in the foster care system based on their sexuality, but there is no such protection for gender identity. There is no law in place to address LGBT youth homelessness.<sup>195</sup>

In Maryland, prospective foster parents undergo a national background check and the applicant will be disqualified if he or she has been convicted of domestic violence or human trafficking.<sup>196</sup> Potential foster parents will have to complete 27 hours of required training courses.<sup>197</sup>

# CRITERIA BREAKDOWN

## Aging Out Policies

### ◆ Age when benefits are terminated

(1)19+ (2)21 (3)Above 21

### ◆ Policies & benefits

Voluntary reentry before 21

Housing assistance

College tuition waiver

## Kinship Care

### ◆ Level of preference given to family members

Requires giving preference

"Reasonable Effort" or "May Consider"

### ◆ Financial aid

Benefits for kinship care

Same aid as regular foster homes

### ◆ Legal custody

### ◆ Policies for children of undocumented parents

## Relevant Foster Care Provisions

### ◆ Background checks (child abuse: neglect and criminal)

All adults cross-checked in and out of state

All adults in-state only

### ◆ Applicant disqualified if convicted of sex/labor trafficking

### ◆ Applicant disqualified if on sex offender registry

### ◆ Applicant disqualified if convicted of domestic violence

### ◆ Foster parent training

Number of hours (up to 2)

Require specific course training

## Task Forces & Law Enforcement Training

### ◆ LE training

### ◆ Human trafficking TF

### ◆ Foster care task force

## LGBT Youth Protections

### ◆ Overall equality

Working towards full equality

Solidifying equality

Building equality

High priority for basic equality

### ◆ Non-discrimination laws for placing LGBTQ children in foster care

Sexual orientation

Gender identity

### ◆ Laws to address LGBTQ youth homelessness

## Relevant Anti-Trafficking Provisions

### ◆ State statute of:

Sex trafficking

Labor trafficking

### ◆ Diversion services and immunity from punishment (adults)

### ◆ Victim service & civil suit access

### ◆ Lower burden of proof for minors

### ◆ Safe harbor laws

Have law

Diversion from immunity

Victim services

### ◆ HTIC

## State Reporting Laws

### ◆ State has laws enacted that specifically address foster care children going missing from care

### ◆ States have laws enacted that specifically address foster care system reporting victims of human trafficking from their care



# STATE REPORT CARD: MASSACHUSETTS

Total Score:

20<sub>/32</sub>

## Analysis:

Foster care benefits for youth end at the age of 22.<sup>198</sup> Youth transitioning out of foster care are offered housing assistance. Current and former youth in foster care are eligible for a tuition waiver if they attend an in-state public university. If the youth opts out of care when he or she turns 18, he or she can still return to extended care.

Regarding kinship care, Massachusetts statutes require that preference be given to placing children with relatives. There are no special benefits given to relatives that serve as foster parents, and relative and non-relative foster parents receive the same amount of aid. Statutes make no mention of relatives receiving legal custody of children.<sup>199</sup> Massachusetts law enforcement cooperates with ICE has no policies in place to protect children of undocumented parents.<sup>200</sup>

Massachusetts has not implemented the trafficking-related provisions of the Preventing Sex Trafficking and Strengthening Families Act. Child welfare agencies are not required to notify law enforcement when a child goes missing from care, nor are agencies required to track rates of children being trafficked from care or screen children in care for signs of potential trafficking.

The state has created a human trafficking task force and implemented human trafficking awareness training for law enforcement.<sup>201</sup> Both sex and labor trafficking are criminalized and the burden of proof to convict child traffickers is lower. Victims can file civil damages against their traffickers and receive victim assistance. The state has enacted Safe Harbor legislation to protect minors but adult victims of sex trafficking cannot get prostitution charges vacated. Massachusetts has created a foster care task force.<sup>202</sup>

Massachusetts received the highest ranking from Human Rights Campaign's 2016 State Equality Index, Working Toward Innovative Equality. Children in state care cannot be discriminated against based on their sexuality or gender identity. However, there is no law in place to address the discrimination of LGBT youth in homeless shelters.<sup>203</sup>

In Massachusetts, prospective foster parents undergo a national background check but applicants will not be automatically disqualified for trafficking, domestic violence, or sex offender convictions.<sup>204</sup> Potential foster parents will complete required training courses, but the amount of hours is not specified.<sup>205</sup>

# CRITERIA BREAKDOWN

## Aging Out Policies

### ◆ Age when benefits are terminated

(1)19+ (2)21 (3)Above 21

### ◆ Policies & benefits

Voluntary reentry before 21

Housing assistance

College tuition waiver

## Kinship Care

### ◆ Level of preference given to family members

Requires giving preference

"Reasonable Effort" or "May Consider"

### ◆ Financial aid

Benefits for kinship care

Same aid as regular foster homes

### ◆ Legal custody

### ◆ Policies for children of undocumented parents

## Relevant Foster Care Provisions

### ◆ Background checks (child abuse: neglect and criminal)

All adults cross-checked in and out of state

All adults in-state only

### ◆ Applicant disqualified if convicted of sex/labor trafficking

### ◆ Applicant disqualified if on sex offender registry

### ◆ Applicant disqualified if convicted of domestic violence

### ◆ Foster parent training

Number of hours (up to 2)

Require specific course training

## Task Forces & Law Enforcement Training

### ◆ LE training

### ◆ Human trafficking TF

### ◆ Foster care task force

## LGBT Youth Protections

### ◆ Overall equality

Working towards full equality

Solidifying equality

Building equality

High priority for basic equality

### ◆ Non-discrimination laws for placing LGBTQ children in foster care

Sexual orientation

Gender identity

### ◆ Laws to address LGBTQ youth homelessness

## Relevant Anti-Trafficking Provisions

### ◆ State statute of:

Sex trafficking

Labor trafficking

### ◆ Diversion services and immunity from punishment (adults)

### ◆ Victim service & civil suit access

### ◆ Lower burden of proof for minors

### ◆ Safe harbor laws

Have law

Diversion from immunity

Victim services

### ◆ HTIC

## State Reporting Laws

### ◆ State has laws enacted that specifically address foster care children going missing from care

### ◆ States have laws enacted that specifically address foster care system reporting victims of human trafficking from their care

# STATE REPORT CARD: MICHIGAN

Total Score:

15<sub>/32</sub>

## Analysis:

Foster care benefits for youth end at 21.<sup>206</sup> Youth transitioning out of foster care receive housing assistance and can choose to re-enter extended care after they have aged out. There is no tuition waiver program for youth in post-secondary education.

Regarding kinship care, Michigan statutes use language such as making a “reasonable effort” or “may consider” placing children with relatives. There are no special benefits given to relatives that serve as foster parents, and relative and non-relative foster parents receive the same amount of aid. Statutes make no mention of relatives receiving legal custody of children.<sup>207</sup> State law enforcement is not required to cooperate with ICE.<sup>208</sup>

Michigan has not implemented the trafficking-related provisions of the Preventing Sex Trafficking and Strengthening Families Act. There are no state laws regarding children missing from care, child welfare agencies are not required to notify law enforcement when a child goes missing from care, nor are agencies required to track rates of children being trafficked from care or screen children in care for signs of potential trafficking.<sup>209</sup>

The state has created a human trafficking task force and implemented human trafficking awareness training for law enforcement.<sup>210</sup> Michigan criminalizes both sex and labor trafficking and the burden of proof to convict child traffickers is lower. However, the state still lacks laws to vacate prostitution charges for trafficking victims, and mandated victim assistance. In terms of Safe Harbor legislation, Michigan’s law reflects the bare minimum—rather than create a safe harbor law, it simply states that a person who solicits prostitution must be 16 years of age or older to be guilty of a crime.<sup>211</sup> Michigan does not have a foster care task force, but does have a task force focused on child welfare in general.<sup>212</sup>

In 2016, Human Rights Campaign labeled Michigan as High Priority to Achieve Basic Equality. Furthermore, Michigan has no laws protecting foster children from systematic discrimination based on their gender or sexual identity, and no laws addressing LGBT youth homelessness.<sup>213</sup>

In Michigan, prospective foster parents undergo a national background check and the applicant will be disqualified if he or she is on the sex offender registry.<sup>214</sup> After the screening is passed, potential foster parents will have to complete 12 hours of required training courses, before being able to foster a child.<sup>215</sup>

# CRITERIA BREAKDOWN

## Aging Out Policies

### ◆ Age when benefits are terminated

(1)19+ (2)21 (3)Above 21

### ◆ Policies & benefits

Voluntary reentry before 21

Housing assistance

College tuition waiver

## Kinship Care

### ◆ Level of preference given to family members

Requires giving preference

"Reasonable Effort" or "May Consider"

### ◆ Financial aid

Benefits for kinship care

Same aid as regular foster homes

### ◆ Legal custody

### ◆ Policies for children of undocumented parents

## Relevant Foster Care Provisions

### ◆ Background checks (child abuse: neglect and criminal)

All adults cross-checked in and out of state

All adults in-state only

### ◆ Applicant disqualified if convicted of sex/labor trafficking

### ◆ Applicant disqualified if on sex offender registry

### ◆ Applicant disqualified if convicted of domestic violence

### ◆ Foster parent training

Number of hours (up to 2)

Require specific course training

## Task Forces & Law Enforcement Training

### ◆ LE training

### ◆ Human trafficking TF

### ◆ Foster care task force

## LGBT Youth Protections

### ◆ Overall equality

Working towards full equality

Solidifying equality

Building equality

High priority for basic equality

### ◆ Non-discrimination laws for placing LGBTQ children in foster care

Sexual orientation

Gender identity

### ◆ Laws to address LGBTQ youth homelessness

## Relevant Anti-Trafficking Provisions

### ◆ State statute of:

Sex trafficking

Labor trafficking

### ◆ Diversion services and immunity from punishment (adults)

### ◆ Victim service & civil suit access

### ◆ Lower burden of proof for minors

### ◆ Safe harbor laws

Have law

Diversion from immunity

Victim services

### ◆ HTIC

## State Reporting Laws

### ◆ State has laws enacted that specifically address foster care children going missing from care

### ◆ States have laws enacted that specifically address foster care system reporting victims of human trafficking from their care

# STATE REPORT CARD: MINNESOTA

Total Score:

21<sub>/32</sub>

## Analysis:

Foster care benefits for youth end at the age of 21.<sup>216</sup> Youth transitioning out of foster care are offered housing assistance. Current and former youth in foster care are eligible for a tuition waiver if they attend an in-state public university. If the youth opts out of care when he or she turns 18, he or she can still return to extended care.

Regarding kinship care, Minnesota statutes use language such as making a “reasonable effort” or “may consider” placing children with relatives. There are no special benefits given to relatives that serve as foster parents, and relative and non-relative foster parents receive the same amount of aid. Statutes make no mention of relatives receiving legal custody of children.<sup>217</sup> State law enforcement is not required to cooperate with ICE.<sup>218</sup>

Minnesota requires child welfare agencies to report missing children from care, as well as any case of trafficking from care.<sup>219</sup>

Regarding anti-trafficking provisions, the state does not have any established human trafficking task force but has mandatory human trafficking training programs with specific curriculum for law enforcement.<sup>220</sup> Both sex and labor trafficking are criminalized and the burden of proof to convict child traffickers is lower. Trafficking victims receive victim assistance and can seek civil damages against their traffickers. However, they cannot vacate prostitution-related charges. Pertaining to minors, Minnesota children under the age of 16 who are engaged in or have engaged in commercial sex acts are eligible to participate in conditional diversion programs rather than automatic immunity.<sup>221</sup> Minnesota has created a foster care task force.<sup>222</sup>

Minnesota was given a rating of Building Equality in the 2016 State Equality Index Ranking by Human Rights Campaign. The state has no policy to protect children in care from discrimination based on their sexuality or gender identity, nor does the state have anti-discrimination laws protecting LGBT youth seeking services from homeless shelters.<sup>223</sup>

In Minnesota, prospective foster parents undergo a national background check and the applicant will be disqualified if he or she is on the sex offender registry or has been convicted of domestic violence.<sup>224</sup> Potential foster parents will have to complete 6 hours of required training courses.<sup>225</sup>

# CRITERIA BREAKDOWN

## Aging Out Policies

### ◆ Age when benefits are terminated

(1)19+ (2)21 (3)Above 21

### ◆ Policies & benefits

Voluntary reentry before 21

Housing assistance

College tuition waiver

## Kinship Care

### ◆ Level of preference given to family members

Requires giving preference

"Reasonable Effort" or "May Consider"

### ◆ Financial aid

Benefits for kinship care

Same aid as regular foster homes

### ◆ Legal custody

### ◆ Policies for children of undocumented parents

## Relevant Foster Care Provisions

### ◆ Background checks (child abuse: neglect and criminal)

All adults cross-checked in and out of state

All adults in-state only

### ◆ Applicant disqualified if convicted of sex/labor trafficking

### ◆ Applicant disqualified if on sex offender registry

### ◆ Applicant disqualified if convicted of domestic violence

### ◆ Foster parent training

Number of hours (up to 2)

Require specific course training

## Task Forces & Law Enforcement Training

### ◆ LE training

### ◆ Human trafficking TF

### ◆ Foster care task force

## LGBT Youth Protections

### ◆ Overall equality

Working towards full equality

Solidifying equality

Building equality

High priority for basic equality

### ◆ Non-discrimination laws for placing LGBTQ children in foster care

Sexual orientation

Gender identity

### ◆ Laws to address LGBTQ youth homelessness

## Relevant Anti-Trafficking Provisions

### ◆ State statute of:

Sex trafficking

Labor trafficking

### ◆ Diversion services and immunity from punishment (adults)

### ◆ Victim service & civil suit access

### ◆ Lower burden of proof for minors

### ◆ Safe harbor laws

Have law

Diversion from immunity

Victim services

### ◆ HTIC

## State Reporting Laws

### ◆ State has laws enacted that specifically address foster care children going missing from care

### ◆ States have laws enacted that specifically address foster care system reporting victims of human trafficking from their care

# STATE REPORT CARD: MISSISSIPPI

Total Score:

19<sub>/32</sub>

## Analysis:

Foster care benefits for youth end at the age of 21 but the state has not enacted extended foster care.<sup>226</sup> Thus, there is no regulation on foster care voluntary reentry. Youth transitioning out of foster care receive housing assistance. The state does not have tuition waiver programs.

Regarding kinship care, Mississippi statutes use language such as making a “reasonable effort” or “may consider” placing children with relatives. The state provides additional benefits to kinship care families. Statutes make no mention of relatives receiving legal custody of children.<sup>227</sup> State law enforcement is not required to cooperate with ICE.<sup>228</sup>

Mississippi has not implemented the trafficking-related provisions of the Preventing Sex Trafficking and Strengthening Families Act. There are no state laws regarding children missing from care, child welfare agencies are not required to notify law enforcement when a child goes missing from care, nor are agencies required to track rates of children being trafficked from care or screen children in care for signs of potential trafficking.<sup>229</sup>

The state has created a human trafficking task force and implemented human trafficking awareness training for law enforcement.<sup>230</sup> Both sex and labor trafficking are criminalized and the burden of proof to convict child traffickers is lower. Trafficking victims receive victim assistance, can seek civil damages from their traffickers, and can have prostitution related charges vacated. Safe Harbor legislation is passed as well. Mississippi does not have a foster care task force.

In 2016, Human Rights Campaign labeled Mississippi as High Priority to Achieve Basic Equality. Furthermore, Mississippi has no laws protecting foster children from systematic discrimination based on their gender or sexual identity, and no laws addressing LGBT youth homelessness.<sup>231</sup>

In Mississippi, prospective foster parents undergo a national background check, and the applicant will be disqualified if he or she is on the sex offender registry or has been convicted of domestic violence.<sup>232</sup> Potential foster parents will have to complete 27 hours of required training courses before being able to foster a child.<sup>233</sup>



# CRITERIA BREAKDOWN

## Aging Out Policies

### ◆ Age when benefits are terminated

(1)19+ (2)21 (3)Above 21

### ◆ Policies & benefits

Voluntary reentry before 21

Housing assistance

College tuition waiver

## Kinship Care

### ◆ Level of preference given to family members

Requires giving preference

"Reasonable Effort" or "May Consider"

### ◆ Financial aid

Benefits for kinship care

Same aid as regular foster homes

### ◆ Legal custody

### ◆ Policies for children of undocumented parents

## Relevant Foster Care Provisions

### ◆ Background checks (child abuse: neglect and criminal)

All adults cross-checked in and out of state

All adults in-state only

### ◆ Applicant disqualified if convicted of sex/labor trafficking

### ◆ Applicant disqualified if on sex offender registry

### ◆ Applicant disqualified if convicted of domestic violence

### ◆ Foster parent training

Number of hours (up to 2)

Require specific course training

## Task Forces & Law Enforcement Training

### ◆ LE training

### ◆ Human trafficking TF

### ◆ Foster care task force

## LGBT Youth Protections

### ◆ Overall equality

Working towards full equality

Solidifying equality

Building equality

High priority for basic equality

### ◆ Non-discrimination laws for placing LGBTQ children in foster care

Sexual orientation

Gender identity

### ◆ Laws to address LGBTQ youth homelessness

## Relevant Anti-Trafficking Provisions

### ◆ State statute of:

Sex trafficking

Labor trafficking

### ◆ Diversion services and immunity from punishment (adults)

### ◆ Victim service & civil suit access

### ◆ Lower burden of proof for minors

### ◆ Safe harbor laws

Have law

Diversion from immunity

Victim services

### ◆ HTIC

## State Reporting Laws

### ◆ State has laws enacted that specifically address foster care children going missing from care

### ◆ States have laws enacted that specifically address foster care system reporting victims of human trafficking from their care

# STATE REPORT CARD: MISSOURI

Total Score:

13.5/32

## Analysis:

Foster care benefits for youth end at the age of 21.<sup>234</sup> Youth transitioning out of foster care are offered housing assistance. Current and former youth in foster care are eligible for a tuition waiver if they attend an in-state public university. If the youth opts out of care when he or she turns 18, he or she can still return to extended care.

Regarding kinship care, Missouri statutes use language such as making a “reasonable effort” or “may consider” placing children with relatives. There are no special benefits given to relatives that serve as foster parents, and relative and non-relative foster parents receive the same amount of aid. Statutes make no mention of relatives receiving legal custody of children.<sup>235</sup> State law enforcement is not required to cooperate with ICE.<sup>236</sup>

Missouri has not implemented the trafficking-related provisions of the Preventing Sex Trafficking and Strengthening Families Act. There are no state laws regarding children missing from care, child welfare agencies are not required to notify law enforcement when a child goes missing from care, nor are agencies required to track rates of children being trafficked from care or screen children in care for signs of potential trafficking.<sup>237</sup>

In regard to anti-trafficking provisions, the state does not have any established human trafficking task force but does have mandatory human trafficking training programs for law enforcement.<sup>238</sup> Further, the state criminalizes both sex and labor trafficking and the burden of proof to convict child traffickers is lowered, as Missouri’s statute provides that a perpetrator’s lack of actual knowledge of a victim’s age is not an affirmative defense. Trafficking victims receive victim assistance, can seek civil damages against their traffickers, but cannot have prostitution related charges vacated and there is no Safe Harbor legislation. Missouri has created a foster care task force.<sup>239</sup>

In 2016, Human Rights Campaign labeled Missouri as High Priority to Achieve Basic Equality. Furthermore, Missouri has no laws protecting foster children from systematic discrimination based on their gender or sexual identity, and no laws addressing LGBT youth homelessness.<sup>240</sup>

In Missouri, prospective foster parents undergo a national background check but the applicant will not be automatically disqualified for trafficking, domestic violence, or sex offender convictions.<sup>241</sup> Potential foster parents have to complete required training but the courses and amount of hours are not specified.<sup>242</sup>

# CRITERIA BREAKDOWN

## Aging Out Policies

### ◆ Age when benefits are terminated

(1)19+ (2)21 (3)Above 21

### ◆ Policies & benefits

Voluntary reentry before 21

Housing assistance

College tuition waiver

## Kinship Care

### ◆ Level of preference given to family members

Requires giving preference

"Reasonable Effort" or "May Consider"

### ◆ Financial aid

Benefits for kinship care

Same aid as regular foster homes

### ◆ Legal custody

### ◆ Policies for children of undocumented parents

## Relevant Foster Care Provisions

### ◆ Background checks (child abuse: neglect and criminal)

All adults cross-checked in and out of state

All adults in-state only

### ◆ Applicant disqualified if convicted of sex/labor trafficking

### ◆ Applicant disqualified if on sex offender registry

### ◆ Applicant disqualified if convicted of domestic violence

### ◆ Foster parent training

Number of hours (up to 2)

Require specific course training

## Task Forces & Law Enforcement Training

### ◆ LE training

### ◆ Human trafficking TF

### ◆ Foster care task force

## LGBT Youth Protections

### ◆ Overall equality

Working towards full equality

Solidifying equality

Building equality

High priority for basic equality

### ◆ Non-discrimination laws for placing LGBTQ children in foster care

Sexual orientation

Gender identity

### ◆ Laws to address LGBTQ youth homelessness

## Relevant Anti-Trafficking Provisions

### ◆ State statute of:

Sex trafficking

Labor trafficking

### ◆ Diversion services and immunity from punishment (adults)

### ◆ Victim service & civil suit access

### ◆ Lower burden of proof for minors

### ◆ Safe harbor laws

Have law

Diversion from immunity

Victim services

### ◆ HTIC

## State Reporting Laws

### ◆ State has laws enacted that specifically address foster care children going missing from care

### ◆ States have laws enacted that specifically address foster care system reporting victims of human trafficking from their care

# STATE REPORT CARD: MONTANA

Total Score:

11.5<sub>/32</sub>

## Analysis:

Foster care benefits for youth end at the age of 21 but the state has not enacted extended foster care.<sup>243</sup> Thus, there is no regulation on foster care voluntary reentry. Youth transitioning out of foster care receive housing assistance. The state does not have any tuition waiver program for youth in post-secondary education.

Regarding kinship care, Montana statutes use language such as making a “reasonable effort” or “may consider” placing children with relatives. There are no special benefits given to relatives that serve as foster parents, and relative and non-relative foster parents receive the same amount of aid. Statutes make no mention of relatives receiving legal custody of children.<sup>244</sup> State law enforcement is not required to cooperate with ICE.<sup>245</sup>

Montana has not implemented the trafficking-related provisions of the Preventing Sex Trafficking and Strengthening Families Act. There are no state laws regarding children missing from care, child welfare agencies are not required to notify law enforcement when a child goes missing from care, nor are agencies required to track rates of children being trafficked from care or screen children in care for signs of potential trafficking.<sup>246</sup>

Montana has not created any human trafficking task force or developed human trafficking training programs for law enforcement.<sup>247</sup> Both sex and labor trafficking are criminalized and the burden of proof to convict child traffickers is lowered. There is no mandatory victim assistance for trafficking victims and they cannot seek civil damages against their traffickers; however, they can have prostitution related charges vacated. The state also lacks Safe Harbor legislation to protect minors. Montana does not have a foster care task force.

In 2016, Human Rights Campaign labeled Montana as High Priority to Achieve Basic Equality. Furthermore, Montana has no laws protecting foster children from systematic discrimination based on their gender or sexual identity, and no laws addressing LGBT youth homelessness.<sup>248</sup>

In Montana, prospective foster parents undergo a national background check and the applicant will be disqualified if he or she has been convicted of domestic violence.<sup>249</sup> Once the screening is passed, potential foster parents have to complete 18 hours of required training courses.<sup>250</sup>

# CRITERIA BREAKDOWN

## Aging Out Policies

### ◆ Age when benefits are terminated

(1)19+ (2)21 (3)Above 21

### ◆ Policies & benefits

Voluntary reentry before 21

Housing assistance

College tuition waiver

## Kinship Care

### ◆ Level of preference given to family members

Requires giving preference

"Reasonable Effort" or "May Consider"

### ◆ Financial aid

Benefits for kinship care

Same aid as regular foster homes

### ◆ Legal custody

### ◆ Policies for children of undocumented parents

## Relevant Foster Care Provisions

### ◆ Background checks (child abuse: neglect and criminal)

All adults cross-checked in and out of state

All adults in-state only

### ◆ Applicant disqualified if convicted of sex/labor trafficking

### ◆ Applicant disqualified if on sex offender registry

### ◆ Applicant disqualified if convicted of domestic violence

### ◆ Foster parent training

Number of hours (up to 2)

Require specific course training

## Task Forces & Law Enforcement Training

### ◆ LE training

### ◆ Human trafficking TF

### ◆ Foster care task force

## LGBT Youth Protections

### ◆ Overall equality

Working towards full equality

Solidifying equality

Building equality

High priority for basic equality

### ◆ Non-discrimination laws for placing LGBTQ children in foster care

Sexual orientation

Gender identity

### ◆ Laws to address LGBTQ youth homelessness

## Relevant Anti-Trafficking Provisions

### ◆ State statute of:

Sex trafficking

Labor trafficking

### ◆ Diversion services and immunity from punishment (adults)

### ◆ Victim service & civil suit access

### ◆ Lower burden of proof for minors

### ◆ Safe harbor laws

Have law

Diversion from immunity

Victim services

### ◆ HTIC

## State Reporting Laws

### ◆ State has laws enacted that specifically address foster care children going missing from care

### ◆ States have laws enacted that specifically address foster care system reporting victims of human trafficking from their care

# STATE REPORT CARD: NEBRASKA

Total Score:

18.5/32

## Analysis:

Foster care benefits for youth end at 21.<sup>251</sup> Youth transitioning out of foster care receive housing assistance and can choose to re-enter extended care any time before turning 21. There is no tuition waiver program for youth in post-secondary education.

Regarding kinship care, Nebraska statutes use language such as making a “reasonable effort” or “may consider” placing children with relatives. There are no special benefits given to relatives that serve as foster parents, and relative and non-relative foster parents receive the same amount of aid. Statutes make no mention of relatives receiving legal custody of children.<sup>252</sup> State law enforcement is not required to cooperate with ICE.<sup>253</sup>

Nebraska has not implemented the trafficking-related provisions of the Preventing Sex Trafficking and Strengthening Families Act. There are no state laws regarding children missing from care, child welfare agencies are not required to notify law enforcement when a child goes missing from care, nor are agencies required to track rates of children being trafficked from care or screen children in care for signs of potential trafficking.<sup>254</sup>

The state has created a human trafficking task force and implemented mandatory human trafficking awareness training with specific curriculum for law enforcement.<sup>255</sup> Both sex and labor trafficking are criminalized and the burden of proof to convict child traffickers is lower. Trafficking victims cannot have prostitution charges vacated and the law does not mandate victim assistance for them. However, they can seek civil damages against their traffickers. Safe Harbor legislation is also enacted in this state. Nebraska has created a foster care task force.<sup>256</sup>

In 2016, Human Rights Campaign labeled Nebraska as High Priority to Achieve Basic Equality. Furthermore, Nebraska has no laws protecting foster children from systematic discrimination based on their gender or sexual identity, and no laws addressing LGBT youth homelessness.<sup>257</sup>

In Nebraska, prospective foster parents undergo a national background check and the applicant will be disqualified if he or she is on the sex offender registry or has been convicted of domestic violence.<sup>258</sup> Potential foster parents will have to complete 21 hours of required training, but the courses are not specified.<sup>259</sup>

# CRITERIA BREAKDOWN

## Aging Out Policies

### ◆ Age when benefits are terminated

(1)19+ (2)21 (3)Above 21

### ◆ Policies & benefits

Voluntary reentry before 21

Housing assistance

College tuition waiver

## Kinship Care

### ◆ Level of preference given to family members

Requires giving preference

"Reasonable Effort" or "May Consider"

### ◆ Financial aid

Benefits for kinship care

Same aid as regular foster homes

### ◆ Legal custody

### ◆ Policies for children of undocumented parents

## Relevant Foster Care Provisions

### ◆ Background checks (child abuse: neglect and criminal)

All adults cross-checked in and out of state

All adults in-state only

### ◆ Applicant disqualified if convicted of sex/labor trafficking

### ◆ Applicant disqualified if on sex offender registry

### ◆ Applicant disqualified if convicted of domestic violence

### ◆ Foster parent training

Number of hours (up to 2)

Require specific course training

## Task Forces & Law Enforcement Training

### ◆ LE training

### ◆ Human trafficking TF

### ◆ Foster care task force

## LGBT Youth Protections

### ◆ Overall equality

Working towards full equality

Solidifying equality

Building equality

High priority for basic equality

### ◆ Non-discrimination laws for placing LGBTQ children in foster care

Sexual orientation

Gender identity

### ◆ Laws to address LGBTQ youth homelessness

## Relevant Anti-Trafficking Provisions

### ◆ State statute of:

Sex trafficking

Labor trafficking

### ◆ Diversion services and immunity from punishment (adults)

### ◆ Victim service & civil suit access

### ◆ Lower burden of proof for minors

### ◆ Safe harbor laws

Have law

Diversion from immunity

Victim services

### ◆ HTIC

## State Reporting Laws

### ◆ State has laws enacted that specifically address foster care children going missing from care

### ◆ States have laws enacted that specifically address foster care system reporting victims of human trafficking from their care



# STATE REPORT CARD: NEVADA

Total Score:

15.5<sub>/32</sub>

## Analysis:

Foster care benefits for youth end at the age of 21 but the state has not enacted extended foster care.<sup>260</sup> Thus, there is no regulation on voluntary reentry into foster care. Youth transitioning out of foster care receive housing assistance. There is no tuition waiver program for youth in post-secondary education.

Regarding kinship care, Nevada statutes use language such as making a “reasonable effort” or “may consider” placing children with relatives. Law states that legal custody may be given to relatives. The state provides additional benefits to kinship care families.<sup>261</sup> Nevada law enforcement cooperates with ICE and has no policies in place to protect children of undocumented parents.<sup>262</sup>

Nevada requires the reporting of missing children from state care, but it does not mandate reporting or screening of trafficked children from care.<sup>263</sup>

In terms of human trafficking initiatives, the state does not have any established human trafficking task force but has mandatory human trafficking training programs with specific curriculum for law enforcement.<sup>264</sup> Both sex and labor trafficking are criminalized and the burden of proof to convict child traffickers is lower. Trafficking victims receive victim assistance, can seek civil damages against their traffickers, and can have prostitution-related charges vacated. However, Nevada lacks Safe Harbor legislation to protect sexually exploited minors and does not have a foster care task force.

Human Rights Campaign, in their 2016 State Equality Index, labeled Nevada as Solidifying Equality. However, there are no laws protecting foster children from discrimination based on their sexuality or gender identity. There is no law in place to address LGBT youth homelessness.<sup>265</sup>

In Nevada, prospective foster parents undergo a national background check and the applicant will be disqualified if he or she has been convicted of domestic violence.<sup>266</sup> Potential foster parents have to complete 8 hours of required training, but there is no specific curriculum.<sup>267</sup>

# CRITERIA BREAKDOWN

## Aging Out Policies

### ◆ Age when benefits are terminated

(1)19+ (2)21 (3)Above 21

### ◆ Policies & benefits

Voluntary reentry before 21

Housing assistance

College tuition waiver

## Kinship Care

### ◆ Level of preference given to family members

Requires giving preference

"Reasonable Effort" or "May Consider"

### ◆ Financial aid

Benefits for kinship care

Same aid as regular foster homes

### ◆ Legal custody

### ◆ Policies for children of undocumented parents

## Relevant Foster Care Provisions

### ◆ Background checks (child abuse: neglect and criminal)

All adults cross-checked in and out of state

All adults in-state only

### ◆ Applicant disqualified if convicted of sex/labor trafficking

### ◆ Applicant disqualified if on sex offender registry

### ◆ Applicant disqualified if convicted of domestic violence

### ◆ Foster parent training

Number of hours (up to 2)

Require specific course training

## Task Forces & Law Enforcement Training

### ◆ LE training

### ◆ Human trafficking TF

### ◆ Foster care task force

## LGBT Youth Protections

### ◆ Overall equality

Working towards full equality

Solidifying equality

Building equality

High priority for basic equality

### ◆ Non-discrimination laws for placing LGBTQ children in foster care

Sexual orientation

Gender identity

### ◆ Laws to address LGBTQ youth homelessness

## Relevant Anti-Trafficking Provisions

### ◆ State statute of:

Sex trafficking

Labor trafficking

### ◆ Diversion services and immunity from punishment (adults)

### ◆ Victim service & civil suit access

### ◆ Lower burden of proof for minors

### ◆ Safe harbor laws

Have law

Diversion from immunity

Victim services

### ◆ HTIC

## State Reporting Laws

### ◆ State has laws enacted that specifically address foster care children going missing from care

### ◆ States have laws enacted that specifically address foster care system reporting victims of human trafficking from their care

# STATE REPORT CARD: NEW HAMPSHIRE

Total Score:

16<sub>/32</sub>

## Analysis:

Foster care benefits end when the youth turns 20 but the state has not enacted extended foster care.<sup>268</sup> Thus, there is no regulation on voluntary reentry into foster care. Youth transitioning out of foster care receive housing assistance. Current and former foster youth attending in-state public universities are eligible for a tuition waiver.

Regarding kinship care, New Hampshire statutes use language such as making a “reasonable effort” or “may consider” placing children with relatives. No financial aid is given to kinship caregivers. Law states that legal custody may be given to relatives.<sup>269</sup> New Hampshire state law enforcement is not required to cooperate with ICE.<sup>270</sup>

New Hampshire has not implemented the trafficking-related provisions of the Preventing Sex Trafficking and Strengthening Families Act. There are no state laws regarding children missing from care, child welfare agencies are not required to notify law enforcement when a child goes missing from care, nor are agencies required to track rates of children being trafficked from care or screen children in care for signs of potential trafficking.<sup>271</sup>

Regarding anti-trafficking initiatives, the state has a human trafficking task force but no human trafficking awareness training for law enforcement.<sup>272</sup> Further, the state criminalizes both sex and labor trafficking, and the burden of proof to convict child traffickers is lower. Trafficking victims receive victim assistance, can seek civil damages against their traffickers, and can have prostitution related charges vacated.<sup>273</sup> Safe Harbor legislation is passed but only partial requirement is met; minors who have been sexually exploited receive immunity but they do not necessarily get referred to diversion programs.<sup>274</sup> New Hampshire does not have a foster care task force, but does have a task force centered on child welfare in general.<sup>275</sup>

New Hampshire was given a rating of Building Equality in the 2016 State Equality Index Ranking by Human Rights Campaign. There are no laws prohibiting discrimination of foster children based on their sexuality or gender identity. Likewise, there is no law in place to address LGBT youth homelessness.<sup>276</sup>

In New Hampshire, prospective foster parents undergo a national background check but applicants will not be automatically disqualified for trafficking, domestic violence, or sex offender convictions.<sup>277</sup> Potential foster parents have to complete 21 hours of required training courses.<sup>278</sup>

# CRITERIA BREAKDOWN

## Aging Out Policies

### ◆ Age when benefits are terminated

(1)19+ (2)21 (3)Above 21

### ◆ Policies & benefits

Voluntary reentry before 21

Housing assistance

College tuition waiver

## Kinship Care

### ◆ Level of preference given to family members

Requires giving preference

"Reasonable Effort" or "May Consider"

### ◆ Financial aid

Benefits for kinship care

Same aid as regular foster homes

### ◆ Legal custody

### ◆ Policies for children of undocumented parents

## Relevant Foster Care Provisions

### ◆ Background checks (child abuse: neglect and criminal)

All adults cross-checked in and out of state

All adults in-state only

### ◆ Applicant disqualified if convicted of sex/labor trafficking

### ◆ Applicant disqualified if on sex offender registry

### ◆ Applicant disqualified if convicted of domestic violence

### ◆ Foster parent training

Number of hours (up to 2)

Require specific course training

## Task Forces & Law Enforcement Training

### ◆ LE training

### ◆ Human trafficking TF

### ◆ Foster care task force

## LGBT Youth Protections

### ◆ Overall equality

Working towards full equality

Solidifying equality

Building equality

High priority for basic equality

### ◆ Non-discrimination laws for placing LGBTQ children in foster care

Sexual orientation

Gender identity

### ◆ Laws to address LGBTQ youth homelessness

## Relevant Anti-Trafficking Provisions

### ◆ State statute of:

Sex trafficking

Labor trafficking

### ◆ Diversion services and immunity from punishment (adults)

### ◆ Victim service & civil suit access

### ◆ Lower burden of proof for minors

### ◆ Safe harbor laws

Have law

Diversion from immunity

Victim services

### ◆ HTIC

## State Reporting Laws

### ◆ State has laws enacted that specifically address foster care children going missing from care

### ◆ States have laws enacted that specifically address foster care system reporting victims of human trafficking from their care

3/6

1/3

2/3

0/1

1/1

1/1

2.5/6.5

0.5/1

0/1

0.5/0.5

0/1

0/1

0/0.5

1/1

1/1

3.5/6.5

1/1

1/1

0/0.5

0/1

0/1

0/1

2.5/2.5

2/2

0.5/0.5

1/3

0/1

1/1

0/1

0.5/3.5

0.5/1.5

0/1.5

0/1

0.5/0.5

0/0

0/1

0/0.5

0/0.5

0/1

5.5/7

1/1

0.5/0.5

0.5/0.5

1/1

1/1

1/1

1.5/2

1/1

0.5/0.5

0/0.5

0/1

0/2

0/1

0/1

# STATE REPORT CARD: NEW JERSEY

Total Score:

18<sub>/32</sub>

## Analysis:

Foster care benefits for youth end at the age of 21.<sup>279</sup> The state has a tuition waiver program for current and former youth attending in-state public universities. Youth transitioning out of the child welfare system receive housing assistance. Youth who have aged out can sign up for after-care services and the state offers voluntary re-entry for youth up to their 26th birthday.<sup>280</sup>

Regarding kinship care, New Jersey statutes use language such as making a “reasonable effort” or “may consider” placing children with relatives. There are no special benefits given to relatives that serve as foster parents, and relative and non-relative foster parents receive the same amount of aid. Statutes make no mention of relatives receiving legal custody of children.<sup>281</sup> New Jersey state law enforcement cooperates with ICE, and therefore does not attempt to keep families with undocumented relatives together.<sup>282</sup>

New Jersey has not implemented the trafficking-related provisions of the Preventing Sex Trafficking and Strengthening Families Act. There are no state laws regarding children missing from care, child welfare agencies are not required to notify law enforcement when a child goes missing from care, nor are agencies required to track rates of children being trafficked from care or screen children in care for signs of potential trafficking.<sup>283</sup>

Regards to anti-trafficking provisions, the state has created a human trafficking task force and implemented mandatory human trafficking awareness training with specific curriculum for law enforcement.<sup>284</sup> Both sex and labor trafficking are criminalized, and the burden of proof to convict child traffickers is lower. Trafficking victims receive victim assistance, can seek civil damages against their traffickers, and can have prostitution related charges expunged.<sup>285</sup> Safe Harbor legislation is passed as well. New Jersey does not have a foster care task force, but does have a task force centered on child welfare in general.<sup>286</sup>

Human Rights Campaign, in their 2016 State Equality Index, labeled New Jersey as Solidifying Equality. Discrimination of children in the foster care system based on sexuality or gender identity is prohibited. There is no law in place to address LGBT youth homelessness.<sup>287</sup>

In New Jersey, prospective foster parents undergo a national background check and the applicant will be disqualified if he or she has been convicted of domestic violence.<sup>288</sup> Potential foster parents will have to complete required training, but the courses and amount of hours are not specified.<sup>289</sup>

# CRITERIA BREAKDOWN

## Aging Out Policies

### ◆ Age when benefits are terminated

(1)19+ (2)21 (3)Above 21

### ◆ Policies & benefits

Voluntary reentry before 21

Housing assistance

College tuition waiver

## Kinship Care

### ◆ Level of preference given to family members

Requires giving preference

"Reasonable Effort" or "May Consider"

### ◆ Financial aid

Benefits for kinship care

Same aid as regular foster homes

### ◆ Legal custody

### ◆ Policies for children of undocumented parents

## Relevant Foster Care Provisions

### ◆ Background checks (child abuse: neglect and criminal)

All adults cross-checked in and out of state

All adults in-state only

### ◆ Applicant disqualified if convicted of sex/labor trafficking

### ◆ Applicant disqualified if on sex offender registry

### ◆ Applicant disqualified if convicted of domestic violence

### ◆ Foster parent training

Number of hours (up to 2)

Require specific course training

## Task Forces & Law Enforcement Training

### ◆ LE training

### ◆ Human trafficking TF

### ◆ Foster care task force

## LGBT Youth Protections

### ◆ Overall equality

Working towards full equality

Solidifying equality

Building equality

High priority for basic equality

### ◆ Non-discrimination laws for placing LGBTQ children in foster care

Sexual orientation

Gender identity

### ◆ Laws to address LGBTQ youth homelessness

## Relevant Anti-Trafficking Provisions

### ◆ State statute of:

Sex trafficking

Labor trafficking

### ◆ Diversion services and immunity from punishment (adults)

### ◆ Victim service & civil suit access

### ◆ Lower burden of proof for minors

### ◆ Safe harbor laws

Have law

Diversion from immunity

Victim services

### ◆ HTIC

## State Reporting Laws

### ◆ State has laws enacted that specifically address foster care children going missing from care

### ◆ States have laws enacted that specifically address foster care system reporting victims of human trafficking from their care

# STATE REPORT CARD: NEW MEXICO

Total Score:

15<sub>/32</sub>

## Analysis:

Foster care benefits for youth end at the age of 19 but the state has not enacted extended foster care.<sup>290</sup> Thus, there is no regulation on foster care voluntary reentry. Youth transitioning out of foster care receive housing assistance. Current and former youth in foster care attending in-state public universities are eligible for tuition waiver program programs.

Regarding kinship care, New Mexico statutes use language such as making a “reasonable effort” or “may consider” placing children with relatives. No financial aid is given to kinship caregivers. Law states that legal custody may be given to relatives.<sup>291</sup> New Mexico state law enforcement is not required to cooperate with ICE.<sup>292</sup>

New Mexico has not implemented the trafficking-related provisions of the Preventing Sex Trafficking and Strengthening Families Act. Child welfare agencies are not required to notify law enforcement when a child goes missing from care, nor are agencies required to track rates of children being trafficked from care or screen children in care for signs of potential trafficking.<sup>293</sup>

In regard to anti-trafficking provisions, the state has created a human trafficking task force and implemented mandatory human trafficking awareness training for law enforcement.<sup>294</sup> Both sex and labor trafficking are criminalized, and the burden of proof to convict child traffickers is lower. Trafficking victims receive victim assistance, can seek civil damages against their traffickers, and can have prostitution related charges, except for homicide, vacated.<sup>295</sup> However, the state lacks Safe Harbor legislation to protect minors and does not have a foster care task force.

New Mexico was given a rating of Building Equality in the 2016 State Equality Index Ranking by Human Rights Campaign. Discrimination of children in the foster care system based on sexuality or gender identity is prohibited. There is no law in place to address LGBT youth homelessness.<sup>296</sup>

In New Mexico, prospective foster parents undergo a national background check and the applicant will be disqualified if he or she has been convicted of domestic violence.<sup>297</sup> Potential foster parents will have to complete 12 hours of required training courses.<sup>298</sup>



# CRITERIA BREAKDOWN

## Aging Out Policies

### ◆ Age when benefits are terminated

(1)19+ (2)21 (3)Above 21

### ◆ Policies & benefits

Voluntary reentry before 21

Housing assistance

College tuition waiver

## Kinship Care

### ◆ Level of preference given to family members

Requires giving preference

"Reasonable Effort" or "May Consider"

### ◆ Financial aid

Benefits for kinship care

Same aid as regular foster homes

### ◆ Legal custody

### ◆ Policies for children of undocumented parents

## Relevant Foster Care Provisions

### ◆ Background checks (child abuse: neglect and criminal)

All adults cross-checked in and out of state

All adults in-state only

### ◆ Applicant disqualified if convicted of sex/labor trafficking

### ◆ Applicant disqualified if on sex offender registry

### ◆ Applicant disqualified if convicted of domestic violence

### ◆ Foster parent training

Number of hours (up to 2)

Require specific course training

## Task Forces & Law Enforcement Training

### ◆ LE training

### ◆ Human trafficking TF

### ◆ Foster care task force

## LGBT Youth Protections

### ◆ Overall equality

Working towards full equality

Solidifying equality

Building equality

High priority for basic equality

### ◆ Non-discrimination laws for placing LGBTQ children in foster care

Sexual orientation

Gender identity

### ◆ Laws to address LGBTQ youth homelessness

## Relevant Anti-Trafficking Provisions

### ◆ State statute of:

Sex trafficking

Labor trafficking

### ◆ Diversion services and immunity from punishment (adults)

### ◆ Victim service & civil suit access

### ◆ Lower burden of proof for minors

### ◆ Safe harbor laws

Have law

Diversion from immunity

Victim services

### ◆ HTIC

## State Reporting Laws

### ◆ State has laws enacted that specifically address foster care children going missing from care

### ◆ States have laws enacted that specifically address foster care system reporting victims of human trafficking from their care

# STATE REPORT CARD: NEW YORK

Total Score:

21.5<sub>/32</sub>

## Analysis:

Foster care benefits end when the youth turns 21.<sup>299</sup> Youth transitioning out of foster care receive housing assistance and can choose to re-enter extended care any time before turning 21. There is no tuition waiver program for youth in post-secondary education.

Regarding kinship care, New York statutes use language such as making a “reasonable effort” or “may consider” placing children with relatives. There are no special benefits given to relatives that serve as foster parents, and relative and non-relative foster parents receive the same amount of aid. Statutes make no mention of relatives receiving legal custody of children. New York state law enforcement is not required to cooperate with ICE.<sup>300</sup>

Child welfare agencies in New York must report children missing from care, but there are no requirements for screening or reporting children trafficked from care.<sup>301</sup>

The state has created a human trafficking task force and implemented mandatory human trafficking awareness training with specific curriculum for law enforcement.<sup>302</sup> Both sex and labor trafficking are criminalized, but the burden of proof is not lowered for child traffickers. New York was the first state to create a Human Trafficking Intervention Court and to allow vacation of prostitution-related charges. Trafficking victims are entitled to victim assistance and civil suit access. Additionally, children under the age of 16 who are engaged in or have engaged in commercial sex acts are eligible to participate in conditional diversion programs rather than automatic immunity.<sup>303</sup> New York does have a foster care task force.<sup>304</sup>

New York received the highest ranking from Human Rights Campaign’s 2016 State Equality Index, Working Toward Innovative Equality. Discrimination of children in the foster care system based on sexuality or gender identity is prohibited. There is no law in place to address LGBT youth homelessness.<sup>305</sup>

In New York, prospective foster parents undergo a national background check and the applicant will be disqualified if he or she has been convicted of domestic violence.<sup>306</sup> Potential foster parents will have to complete required training courses, but the amount of hours is not specified.<sup>307</sup>

# CRITERIA BREAKDOWN

## Aging Out Policies

4/6

### ◆ Age when benefits are terminated

2/3

(1)19+ (2)21 (3)Above 21

### ◆ Policies & benefits

2/3

Voluntary reentry before 21

1/1

Housing assistance

1/1

College tuition waiver

0/1

## Kinship Care

2/6.5

### ◆ Level of preference given to family members

0.5/1

Requires giving preference

0/1

"Reasonable Effort" or "May Consider"

0.5/0.5

### ◆ Financial aid

0.5/1

Benefits for kinship care

0/1

Same aid as regular foster homes

0.5/0.5

### ◆ Legal custody

0/1

### ◆ Policies for children of undocumented parents

1/1

## Relevant Foster Care Provisions

3/6.5

### ◆ Background checks (child abuse: neglect and criminal)

1/1

All adults cross-checked in and out of state

1/1

All adults in-state only

0/0.5

### ◆ Applicant disqualified if convicted of sex/labor trafficking

0/1

### ◆ Applicant disqualified if on sex offender registry

0/1

### ◆ Applicant disqualified if convicted of domestic violence

1/1

### ◆ Foster parent training

1/2.5

Number of hours (up to 2)

0.5/2

Require specific course training

0.5/0.5

## Task Forces & Law Enforcement Training

3/3

### ◆ LE training

1/1

### ◆ Human trafficking TF

1/1

### ◆ Foster care task force

1/1

## LGBT Youth Protections

2.5/3.5

### ◆ Overall equality

1.5/1.5

Working towards full equality

1.5/1.5

Solidifying equality

0/1

Building equality

0/0.5

High priority for basic equality

0/0

### ◆ Non-discrimination laws for placing LGBTQ children in foster care

1/1

Sexual orientation

0.5/0.5

Gender identity

0.5/0.5

### ◆ Laws to address LGBTQ youth homelessness

0/1

## Relevant Anti-Trafficking Provisions

6/7

### ◆ State statute of:

1/1

Sex trafficking

0.5/0.5

Labor trafficking

0.5/0.5

### ◆ Diversion services and immunity from punishment (adults)

1/1

### ◆ Victim service & civil suit access

1/1

### ◆ Lower burden of proof for minors

0/1

### ◆ Safe harbor laws

2/2

Have law

1/1

Diversion from immunity

0.5/0.5

Victim services

0.5/0.5

### ◆ HTIC

1/1

## State Reporting Laws

1/2

### ◆ State has laws enacted that specifically address foster care children going missing from care

1/1

### ◆ States have laws enacted that specifically address foster care system reporting victims of human trafficking from their care

0/1

# STATE REPORT CARD: NORTH CAROLINA

Total Score:

18.5<sub>/32</sub>

## Analysis:

Foster care benefits end when the youth turns 21.<sup>308</sup> Youth transitioning out of foster care are offered housing assistance. Current and former youth in foster care are eligible for a tuition waiver if they attend an in-state public university. If the youth opts out of care when he or she turns 18, he or she can still return to extended care.

Regarding kinship care, North Carolina statutes use language such as making a “reasonable effort” or “may consider” placing children with relatives. No financial aid is given to kinship caregivers. Law states that legal custody may be given to relatives.<sup>309</sup> North Carolina has no policies in place to protect children of undocumented parents.<sup>310</sup>

North Carolina has not implemented the trafficking-related provisions of the Preventing Sex Trafficking and Strengthening Families Act. There are no state laws regarding children missing from care, child welfare agencies are not required to notify law enforcement when a child goes missing from care, nor are agencies required to track rates of children being trafficked from care or screen children in care for signs of potential trafficking.<sup>311</sup>

The state has created a human trafficking task force and implemented human trafficking awareness training for law enforcement.<sup>312</sup> Sex trafficking and labor trafficking are criminalized in the state, and the burden of proof to convict child traffickers is lower. Safe Harbor legislation is enacted to protect sexually exploited minors. Victims of trafficking can have prostitution-related charges vacated and they receive victim assistance. However, they cannot file civil damages against their traffickers. North Carolina does not have a foster care task force.

In 2016, Human Rights Campaign labeled North Carolina as High Priority to Achieve Basic Equality. Furthermore, North Carolina has no laws protecting foster children from systematic discrimination based on their gender or sexual identity, and no laws addressing LGBT youth homelessness.<sup>313</sup>

In North Carolina, prospective foster parents undergo a national background check and the applicant will be disqualified if he or she has been convicted of domestic violence.<sup>314</sup> Potential foster parents will have to complete 30 hours of required training courses.<sup>315</sup>

# CRITERIA BREAKDOWN

## Aging Out Policies

### ◆ Age when benefits are terminated

(1)19+ (2)21 (3)Above 21

### ◆ Policies & benefits

Voluntary reentry before 21

Housing assistance

College tuition waiver

## Kinship Care

### ◆ Level of preference given to family members

Requires giving preference

"Reasonable Effort" or "May Consider"

### ◆ Financial aid

Benefits for kinship care

Same aid as regular foster homes

### ◆ Legal custody

### ◆ Policies for children of undocumented parents

## Relevant Foster Care Provisions

### ◆ Background checks (child abuse: neglect and criminal)

All adults cross-checked in and out of state

All adults in-state only

### ◆ Applicant disqualified if convicted of sex/labor trafficking

### ◆ Applicant disqualified if on sex offender registry

### ◆ Applicant disqualified if convicted of domestic violence

### ◆ Foster parent training

Number of hours (up to 2)

Require specific course training

## Task Forces & Law Enforcement Training

### ◆ LE training

### ◆ Human trafficking TF

### ◆ Foster care task force

## LGBT Youth Protections

### ◆ Overall equality

Working towards full equality

Solidifying equality

Building equality

High priority for basic equality

### ◆ Non-discrimination laws for placing LGBTQ children in foster care

Sexual orientation

Gender identity

### ◆ Laws to address LGBTQ youth homelessness

## Relevant Anti-Trafficking Provisions

### ◆ State statute of:

Sex trafficking

Labor trafficking

### ◆ Diversion services and immunity from punishment (adults)

### ◆ Victim service & civil suit access

### ◆ Lower burden of proof for minors

### ◆ Safe harbor laws

Have law

Diversion from immunity

Victim services

### ◆ HTIC

## State Reporting Laws

### ◆ State has laws enacted that specifically address foster care children going missing from care

### ◆ States have laws enacted that specifically address foster care system reporting victims of human trafficking from their care

# STATE REPORT CARD: NORTH DAKOTA

Total Score:

12/32

## Analysis:

Foster care benefits for youth end at the age of 21.<sup>316</sup> Youth transitioning out of foster care receive housing assistance. The state allows youth to reenter foster care but states that youth have only 6 months to return if they chose to leave foster care at the age of 18. There is no tuition waiver program for youth in post-secondary education.

Regarding kinship care, North Dakota statutes use language such as making a “reasonable effort” or “may consider” placing children with relatives. The state provides additional benefits to kinship care families. Statutes make no mention of relatives receiving legal custody of children.<sup>317</sup> North Carolina state law enforcement is not required to cooperate with ICE.<sup>318</sup>

North Dakota has not implemented the trafficking-related provisions of the Preventing Sex Trafficking and Strengthening Families Act. There are no state laws regarding children missing from care, child welfare agencies are not required to notify law enforcement when a child goes missing from care, nor are agencies required to track rates of children being trafficked from care or screen children in care for signs of potential trafficking.<sup>319</sup>

In regards to anti-trafficking provisions, the state has created a human trafficking task force and implemented human trafficking awareness training for law enforcement.<sup>320</sup> but still lacks major legislation. Although sex and labor trafficking is criminalized and the burden of proof is lower for child traffickers, there is no legislation on vacating convictions, civil suit access, and victim assistance. There is no Safe Harbor bill enacted but in North Dakota children can benefit from criminal and/or juvenile court immunity with required proof that a child is trafficked.<sup>321</sup> North Dakota does not have a foster care task force.

In 2016, Human Rights Campaign labeled North Dakota as High Priority to Achieve Basic Equality. Furthermore, North Dakota has no laws protecting foster children from systematic discrimination based on their gender or sexual identity, and no laws addressing LGBT youth homelessness.<sup>322</sup>

In North Dakota, prospective foster parents undergo a national background check but the applicants will not be automatically disqualified for trafficking, domestic violence, or sex offender convictions.<sup>323</sup> Potential foster parents will have to complete required training, but the courses and amount of hours is not specified.<sup>324</sup>

# CRITERIA BREAKDOWN

## Aging Out Policies

4/6

### ◆ Age when benefits are terminated

2/3

(1)19+ (2)21 (3)Above 21

### ◆ Policies & benefits

2/3

Voluntary reentry before 21

1/1

Housing assistance

1/1

College tuition waiver

0/1

## Kinship Care

2.5/6.5

### ◆ Level of preference given to family members

0.5/1

Requires giving preference

0/1

"Reasonable Effort" or "May Consider"

0.5/0.5

### ◆ Financial aid

1/1

Benefits for kinship care

1/1

Same aid as regular foster homes

0/0.5

### ◆ Legal custody

0/1

### ◆ Policies for children of undocumented parents

1/1

## Relevant Foster Care Provisions

1.5/6.5

### ◆ Background checks (child abuse: neglect and criminal)

1/1

All adults cross-checked in and out of state

1/1

All adults in-state only

0/0.5

### ◆ Applicant disqualified if convicted of sex/labor trafficking

0/1

### ◆ Applicant disqualified if on sex offender registry

0/1

### ◆ Applicant disqualified if convicted of domestic violence

0/1

### ◆ Foster parent training

0.5/2.5

Number of hours (up to 2)

0.5/2

Require specific course training

0/0.5

## Task Forces & Law Enforcement Training

2/3

### ◆ LE training

1/1

### ◆ Human trafficking TF

1/1

### ◆ Foster care task force

0/1

## LGBT Youth Protections

0/3.5

### ◆ Overall equality

0/1.5

Working towards full equality

0/1.5

Solidifying equality

0/1

Building equality

0/0.5

High priority for basic equality

0/0

### ◆ Non-discrimination laws for placing LGBTQ children in foster care

0/1

Sexual orientation

0/0.5

Gender identity

0/0.5

### ◆ Laws to address LGBTQ youth homelessness

0/1

## Relevant Anti-Trafficking Provisions

2/7

### ◆ State statute of:

1/1

Sex trafficking

0.5/0.5

Labor trafficking

0.5/0.5

### ◆ Diversion services and immunity from punishment (adults)

0/1

### ◆ Victim service & civil suit access

0/1

### ◆ Lower burden of proof for minors

1/1

### ◆ Safe harbor laws

0/2

Have law

0/1

Diversion from immunity

0/0.5

Victim services

0/0.5

### ◆ HTIC

0/1

## State Reporting Laws

0/2

### ◆ State has laws enacted that specifically address foster care children going missing from care

0/1

### ◆ States have laws enacted that specifically address foster care system reporting victims of human trafficking from their care

0/1



# STATE REPORT CARD: OHIO

Total Score:

14.5/32

## Analysis:

Foster care benefits for youth end at the age of 19 but the state has not enacted extended foster care.<sup>325</sup> Thus, there is no regulation on voluntary reentry into foster care. Youth transitioning out of foster care receive housing assistance. There is no tuition waiver program for youth in post-secondary education.

Regarding kinship care, Ohio statutes require that preference be given to placing children with relatives. The state provides additional benefits to kinship care families. Statutes make no mention of relatives receiving legal custody of children.<sup>326</sup> Ohio law enforcement cooperates with ICE and has no policies in place to protect children of undocumented parents.<sup>327</sup>

Ohio has not implemented the trafficking-related provisions of the Preventing Sex Trafficking and Strengthening Families Act. There are no state laws regarding children missing from care, child welfare agencies are not required to notify law enforcement when a child goes missing from care, nor are agencies required to track rates of children being trafficked from care or screen children in care for signs of potential trafficking.<sup>328</sup>

Regarding anti-trafficking legislation, the state has created a human trafficking task force and implemented mandatory human trafficking awareness training with specific curriculum for law enforcement.<sup>329</sup> Sex and labor trafficking is criminalized but the state has not lowered the burden of proof to convict child traffickers. Safe Harbor legislation is enacted to protect sexually exploited minors. Victims have access to victim assistance as well as civil suit damages. Further, Ohio law permits courts to expunge records to protect victims of human trafficking instead of vacating the charges.<sup>330</sup> Ohio does not have a foster care task force.

In 2016, Human Rights Campaign labeled Ohio as High Priority to Achieve Basic Equality. Despite this, Ohio has legislation protecting foster children from discrimination based on their sexuality and gender identity. However, there is no law in place to address LGBT youth homelessness.<sup>331</sup>

In Ohio, a criminal background check is only required for applicants with less than five years of residency in Ohio. However, all adults in the household undergo a national background check if any member desires to be a foster parent. The applicant will be disqualified if he or she has been convicted of domestic violence.<sup>332</sup> Before being able to foster a child, the prospective parents have to complete 30 hours of specific training courses.<sup>333</sup>

# CRITERIA BREAKDOWN

## Aging Out Policies

### ◆ Age when benefits are terminated

(1)19+ (2)21 (3)Above 21

### ◆ Policies & benefits

Voluntary reentry before 21

Housing assistance

College tuition waiver

## Kinship Care

### ◆ Level of preference given to family members

Requires giving preference

"Reasonable Effort" or "May Consider"

### ◆ Financial aid

Benefits for kinship care

Same aid as regular foster homes

### ◆ Legal custody

### ◆ Policies for children of undocumented parents

## Relevant Foster Care Provisions

### ◆ Background checks (child abuse: neglect and criminal)

All adults cross-checked in and out of state

All adults in-state only

### ◆ Applicant disqualified if convicted of sex/labor trafficking

### ◆ Applicant disqualified if on sex offender registry

### ◆ Applicant disqualified if convicted of domestic violence

### ◆ Foster parent training

Number of hours (up to 2)

Require specific course training

## Task Forces & Law Enforcement Training

### ◆ LE training

### ◆ Human trafficking TF

### ◆ Foster care task force

## LGBT Youth Protections

### ◆ Overall equality

Working towards full equality

Solidifying equality

Building equality

High priority for basic equality

### ◆ Non-discrimination laws for placing LGBTQ children in foster care

Sexual orientation

Gender identity

### ◆ Laws to address LGBTQ youth homelessness

## Relevant Anti-Trafficking Provisions

### ◆ State statute of:

Sex trafficking

Labor trafficking

### ◆ Diversion services and immunity from punishment (adults)

### ◆ Victim service & civil suit access

### ◆ Lower burden of proof for minors

### ◆ Safe harbor laws

Have law

Diversion from immunity

Victim services

### ◆ HTIC

## State Reporting Laws

### ◆ State has laws enacted that specifically address foster care children going missing from care

### ◆ States have laws enacted that specifically address foster care system reporting victims of human trafficking from their care

# STATE REPORT CARD: OKLAHOMA

Total Score:

20.5<sub>/32</sub>

## Analysis:

Foster care benefits for youth end at the age of 21, but the state has not enacted extended foster care.<sup>334</sup> Thus, there is no regulation on voluntary reentry into foster care. Youth transitioning out of foster care receive housing assistance. Current and former youth in foster care attending public in-state universities are eligible for a tuition waiver.

Regarding kinship care, Oklahoma statutes use language such as making a “reasonable effort” or “may consider” placing children with relatives. No financial aid is given to kinship caregivers. Law states that legal custody may be given to relatives.<sup>335</sup> Oklahoma law enforcement cooperates with ICE and has no policies in place to protect children of undocumented parents.<sup>336</sup>

Oklahoma requires child welfare agencies to report when children from care go missing and also report and evaluate cases of potential trafficking.<sup>337</sup>

Regarding anti-trafficking provisions, the state has created a human trafficking task force and implemented human trafficking awareness training for law enforcement.<sup>338</sup> Both sex trafficking and labor trafficking are criminalized and the burden of proof required to prosecute child traffickers is lowered. Safe Harbor legislation is passed as well. Further, victims of trafficking receive victim assistance and can file damage against their traffickers. Although the state allows prostitution-related charges to be vacated, the statute is ambiguous. Oklahoma’s statute offers relief for convictions of “prostitution-related” offenses but does not actually define this term.<sup>339</sup> Oklahoma has created a foster care task force.<sup>340</sup>

In 2016, Human Rights Campaign labeled Oklahoma as High Priority to Achieve Basic Equality. The state has no laws protecting LGBT youth from discrimination in the foster care system nor are there any anti-discrimination laws protecting LGBT children when they seek services are youth shelters.<sup>341</sup>

In Oklahoma, prospective foster parents undergo national background check and the applicant will be disqualified if he or she is on the sex offender registry or has been convicted of domestic violence.<sup>342</sup> Potential foster parents will have to complete 12 hours of specific training courses.<sup>343</sup>

# CRITERIA BREAKDOWN

## Aging Out Policies

### ◆ Age when benefits are terminated

(1)19+ (2)21 (3)Above 21

### ◆ Policies & benefits

Voluntary reentry before 21

Housing assistance

College tuition waiver

## Kinship Care

### ◆ Level of preference given to family members

Requires giving preference

"Reasonable Effort" or "May Consider"

### ◆ Financial aid

Benefits for kinship care

Same aid as regular foster homes

### ◆ Legal custody

### ◆ Policies for children of undocumented parents

## Relevant Foster Care Provisions

### ◆ Background checks (child abuse: neglect and criminal)

All adults cross-checked in and out of state

All adults in-state only

### ◆ Applicant disqualified if convicted of sex/labor trafficking

### ◆ Applicant disqualified if on sex offender registry

### ◆ Applicant disqualified if convicted of domestic violence

### ◆ Foster parent training

Number of hours (up to 2)

Require specific course training

## Task Forces & Law Enforcement Training

### ◆ LE training

### ◆ Human trafficking TF

### ◆ Foster care task force

## LGBT Youth Protections

### ◆ Overall equality

Working towards full equality

Solidifying equality

Building equality

High priority for basic equality

### ◆ Non-discrimination laws for placing LGBTQ children in foster care

Sexual orientation

Gender identity

### ◆ Laws to address LGBTQ youth homelessness

## Relevant Anti-Trafficking Provisions

### ◆ State statute of:

Sex trafficking

Labor trafficking

### ◆ Diversion services and immunity from punishment (adults)

### ◆ Victim service & civil suit access

### ◆ Lower burden of proof for minors

### ◆ Safe harbor laws

Have law

Diversion from immunity

Victim services

### ◆ HTIC

## State Reporting Laws

### ◆ State has laws enacted that specifically address foster care children going missing from care

### ◆ States have laws enacted that specifically address foster care system reporting victims of human trafficking from their care

# STATE REPORT CARD: OREGON

Total Score:

20<sub>/32</sub>

## Analysis:

Foster care benefits for youth end at the age of 21.<sup>344</sup> Youth transitioning out of foster care receive housing assistance and the state has tuition waiver programs. Youth can return to extended foster care but the reentry policies only cover Independent Living Programs.<sup>345</sup>

Regarding kinship care, Oregon statutes use language such as making a “reasonable effort” or “may consider” placing children with relatives. Law states that legal custody may be given to relatives. There are no special benefits given to relatives that serve as foster parents, and relative and non-relative foster parents receive the same amount of aid.<sup>346</sup> Oregon state law enforcement is not required to cooperate with ICE.<sup>347</sup>

Child welfare agencies in Oregon must report when children go missing from their care, but there is no such provision for potential cases of trafficking from care.<sup>348</sup>

In terms of anti-trafficking provisions, the state has created a human trafficking task force and implemented human trafficking awareness training for law enforcement.<sup>349</sup> Both sex trafficking and labor trafficking are criminalized and the burden of proof required to prosecute child traffickers is lowered. However, Safe Harbor legislation is lacking. Trafficking victims receive victim assistance, can file damages against their traffickers, but prostitution-related offenses cannot be vacated. Oregon has created a foster care task force.<sup>350</sup>

Oregon received the highest ranking from Human Rights Campaign’s 2016 State Equality Index, Working Toward Innovative Equality. Children in care are protected from discrimination based on the sexuality and gender identity. However, there is no law in place to address LGBT youth homelessness.<sup>351</sup>

In Oregon, prospective foster parents undergo a national background check and the applicant will be disqualified if he or she has been convicted of domestic violence.<sup>352</sup> Potential foster parents have to complete specific training courses before being able to foster a child, but the amount of hours is not specified.<sup>353</sup>

# CRITERIA BREAKDOWN

## Aging Out Policies

4.5/6

### ◆ Age when benefits are terminated

2/3

(1)19+ (2)21 (3)Above 21

### ◆ Policies & benefits

2.5/3

Voluntary reentry before 21

0.5/1

Housing assistance

1/1

College tuition waiver

1/1

## Kinship Care

3/6.5

### ◆ Level of preference given to family members

0.5/1

Requires giving preference

0/1

"Reasonable Effort" or "May Consider"

0.5/0.5

### ◆ Financial aid

0.5/1

Benefits for kinship care

0/1

Same aid as regular foster homes

0.5/0.5

### ◆ Legal custody

1/1

### ◆ Policies for children of undocumented parents

1/1

## Relevant Foster Care Provisions

3/6.5

### ◆ Background checks (child abuse: neglect and criminal)

1/1

All adults cross-checked in and out of state

1/1

All adults in-state only

0/0.5

### ◆ Applicant disqualified if convicted of sex/labor trafficking

0/1

### ◆ Applicant disqualified if on sex offender registry

0/1

### ◆ Applicant disqualified if convicted of domestic violence

1/1

### ◆ Foster parent training

1/2.5

Number of hours (up to 2)

0.5/2

Require specific course training

0.5/0.5

## Task Forces & Law Enforcement Training

3/3

### ◆ LE training

1/1

### ◆ Human trafficking TF

1/1

### ◆ Foster care task force

1/1

## LGBT Youth Protections

2.5/3.5

### ◆ Overall equality

1.5/1.5

Working towards full equality

1.5/1.5

Solidifying equality

0/1

Building equality

0/0.5

High priority for basic equality

0/0

### ◆ Non-discrimination laws for placing LGBTQ children in foster care

1/1

Sexual orientation

0.5/0.5

Gender identity

0.5/0.5

### ◆ Laws to address LGBTQ youth homelessness

1/1

## Relevant Anti-Trafficking Provisions

3/7

### ◆ State statute of:

1/1

Sex trafficking

0.5/0.5

Labor trafficking

0.5/0.5

### ◆ Diversion services and immunity from punishment (adults)

0/1

### ◆ Victim service & civil suit access

1/1

### ◆ Lower burden of proof for minors

1/1

### ◆ Safe harbor laws

0/2

Have law

0/1

Diversion from immunity

0/0.5

Victim services

0/0.5

### ◆ HTIC

0/1

## State Reporting Laws

1/2

### ◆ State has laws enacted that specifically address foster care children going missing from care

1/1

### ◆ States have laws enacted that specifically address foster care system reporting victims of human trafficking from their care

0/1

# STATE REPORT CARD: PENNSYLVANIA

Total Score:

17.25<sub>/32</sub>

## Analysis:

Foster care benefits for youth end at the age of 21.<sup>354</sup> Youth transitioning out of foster care receive housing assistance and can choose to re-enter extended care any time before turning 21. There is no tuition waiver program for youth in post-secondary education.

Regarding kinship care, Pennsylvania statutes use language such as making a “reasonable effort” or “may consider” placing children with relatives. No financial aid is given to kinship caregivers. Law states that legal custody may be given to relatives.<sup>355</sup> Pennsylvania state law enforcement is not required to cooperate with ICE.<sup>356</sup>

Pennsylvania requires that child welfare agencies report children missing from state care and when there are cases of potential trafficking of foster children.<sup>357</sup>

In terms of anti-trafficking provisions, the state has a human trafficking task force but no human trafficking awareness training for law enforcement.<sup>358</sup> Both sex trafficking and labor trafficking are criminalized and the burden of proof required to prosecute child traffickers is lowered. Safe Harbor legislation is enacted but it only refers minors to diversion services. The state has statutes that mandate victim assistance and civil suit access. Additionally, sex trafficking victims can petition to have prostitution related offenses vacated. Pennsylvania does not have a foster care task force.

In 2016, Human Rights Campaign labeled Pennsylvania as High Priority to Achieve Basic Equality. Pennsylvania has no anti-discrimination laws put in place to protect LGBT foster children. There is no law in place to address LGBT youth homelessness.<sup>359</sup>

In Pennsylvania, prospective foster parents undergo a national background check but the applicants will not be automatically disqualified for trafficking, domestic violence, or sex offender convictions.<sup>360</sup> Additionally, training for foster parents are available but there is no pre-parenting training required.<sup>361</sup>



# CRITERIA BREAKDOWN

## Aging Out Policies

### ◆ Age when benefits are terminated

(1)19+ (2)21 (3)Above 21

### ◆ Policies & benefits

Voluntary reentry before 21

Housing assistance

College tuition waiver

## Kinship Care

### ◆ Level of preference given to family members

Requires giving preference

"Reasonable Effort" or "May Consider"

### ◆ Financial aid

Benefits for kinship care

Same aid as regular foster homes

### ◆ Legal custody

### ◆ Policies for children of undocumented parents

## Relevant Foster Care Provisions

### ◆ Background checks (child abuse: neglect and criminal)

All adults cross-checked in and out of state

All adults in-state only

### ◆ Applicant disqualified if convicted of sex/labor trafficking

### ◆ Applicant disqualified if on sex offender registry

### ◆ Applicant disqualified if convicted of domestic violence

### ◆ Foster parent training

Number of hours (up to 2)

Require specific course training

## Task Forces & Law Enforcement Training

### ◆ LE training

### ◆ Human trafficking TF

### ◆ Foster care task force

## LGBT Youth Protections

### ◆ Overall equality

Working towards full equality

Solidifying equality

Building equality

High priority for basic equality

### ◆ Non-discrimination laws for placing LGBTQ children in foster care

Sexual orientation

Gender identity

### ◆ Laws to address LGBTQ youth homelessness

## Relevant Anti-Trafficking Provisions

### ◆ State statute of:

Sex trafficking

Labor trafficking

### ◆ Diversion services and immunity from punishment (adults)

### ◆ Victim service & civil suit access

### ◆ Lower burden of proof for minors

### ◆ Safe harbor laws

Have law

Diversion from immunity

Victim services

### ◆ HTIC

## State Reporting Laws

### ◆ State has laws enacted that specifically address foster care children going missing from care

### ◆ States have laws enacted that specifically address foster care system reporting victims of human trafficking from their care

# STATE REPORT CARD: RHODE ISLAND

Total Score:

13.5<sub>/32</sub>

## Analysis:

Foster care benefits for youth end at the age of 21 but the state has not enacted extended foster care.<sup>362</sup> Thus, there is no regulation on foster care voluntary reentry. Youth transitioning out of foster care receive housing assistance. Tuition waiver programs are available for current and former youth in foster care.

Regarding kinship care, Rhode Island statutes use language such as making a “reasonable effort” or “may consider” placing children with relatives. There are no special benefits given to relatives that serve as foster parents, and relative and non-relative foster parents receive the same amount of aid. Statutes make no mention of relatives receiving legal custody of children.<sup>363</sup> Rhode Island state law enforcement is not required to cooperate with ICE.<sup>364</sup>

Rhode Island has not implemented the trafficking-related provisions of the Preventing Sex Trafficking and Strengthening Families Act. Child welfare agencies are not required to notify law enforcement when a child goes missing from care, nor are agencies required to track rates of children being trafficked from care or screen children in care for signs of potential trafficking.<sup>365</sup>

Although sex and labor trafficking is criminalized and the burden of proof is lower for child traffickers in Rhode Island, there is no legislation on Safe Harbor, conviction vacation, civil suit access, and victim assistance. Further, the state has a human trafficking task force but no human trafficking awareness training for law enforcement.<sup>366</sup> Rhode Island does not have a foster care task force, but does have a task force centered on child welfare in general.<sup>367</sup>

Human Rights Campaign, in their 2016 State Equality Index, labeled Rhode Island as Solidifying Equality. Rhode Island’s child welfare agencies are prohibited from discriminating against children based on their sexuality or gender identity. There is no law in place to address LGBT youth homelessness.<sup>368</sup>

In Rhode Island, prospective foster parents undergo a national background check and the applicant will be disqualified if he or she has been convicted of domestic violence.<sup>369</sup> Potential foster parents will have to complete required training, but the courses and the amount of hours are not specified.<sup>370</sup>

# CRITERIA BREAKDOWN

## Aging Out Policies

### ◆ Age when benefits are terminated

(1)19+ (2)21 (3)Above 21

### ◆ Policies & benefits

Voluntary reentry before 21

Housing assistance

College tuition waiver

## Kinship Care

### ◆ Level of preference given to family members

Requires giving preference

"Reasonable Effort" or "May Consider"

### ◆ Financial aid

Benefits for kinship care

Same aid as regular foster homes

### ◆ Legal custody

### ◆ Policies for children of undocumented parents

## Relevant Foster Care Provisions

### ◆ Background checks (child abuse: neglect and criminal)

All adults cross-checked in and out of state

All adults in-state only

### ◆ Applicant disqualified if convicted of sex/labor trafficking

### ◆ Applicant disqualified if on sex offender registry

### ◆ Applicant disqualified if convicted of domestic violence

### ◆ Foster parent training

Number of hours (up to 2)

Require specific course training

## Task Forces & Law Enforcement Training

### ◆ LE training

### ◆ Human trafficking TF

### ◆ Foster care task force

## LGBT Youth Protections

### ◆ Overall equality

Working towards full equality

Solidifying equality

Building equality

High priority for basic equality

### ◆ Non-discrimination laws for placing LGBTQ children in foster care

Sexual orientation

Gender identity

### ◆ Laws to address LGBTQ youth homelessness

## Relevant Anti-Trafficking Provisions

### ◆ State statute of:

Sex trafficking

Labor trafficking

### ◆ Diversion services and immunity from punishment (adults)

### ◆ Victim service & civil suit access

### ◆ Lower burden of proof for minors

### ◆ Safe harbor laws

Have law

Diversion from immunity

Victim services

### ◆ HTIC

## State Reporting Laws

### ◆ State has laws enacted that specifically address foster care children going missing from care

### ◆ States have laws enacted that specifically address foster care system reporting victims of human trafficking from their care

# STATE REPORT CARD: SOUTH CAROLINA

Total Score:

16<sub>/32</sub>

## Analysis:

Foster care benefits for youth end at the age of 21, but the state has not enacted extended foster care.<sup>371</sup> Thus, there is no regulation on voluntary reentry into foster care. Youth transitioning out of foster care receive housing assistance. Tuition waiver programs are available for current and former youth in foster care.

Regarding kinship care, South Carolina statutes use language such as making a “reasonable effort” or “may consider” placing children with relatives. There are no special benefits given to relatives that serve as foster parents, and relative and non-relative foster parents receive the same amount of aid. Statutes make no mention of relatives receiving legal custody of children.<sup>372</sup> South Carolina law enforcement cooperates with ICE and has no policies in place to protect children of undocumented parents.<sup>373</sup>

South Carolina has not implemented the trafficking-related provisions of the Preventing Sex Trafficking and Strengthening Families Act. Child welfare agencies are not required to notify law enforcement when a child goes missing from care, nor are agencies required to track rates of children being trafficked from care or screen children in care for signs of potential trafficking.<sup>374</sup>

In terms of anti-trafficking provisions, the state has created a human trafficking task force and implemented human trafficking awareness training for law enforcement.<sup>375</sup> Both sex trafficking and labor trafficking are criminalized and the burden of proof required to prosecute child traffickers is lowered. However, Safe Harbor legislation is lacking. Trafficking victims cannot petition to get prostitution-related offenses vacated, but they receive victim assistance and can file civil damages against their traffickers. South Carolina has created a foster care task force.<sup>376</sup>

In 2016, Human Rights Campaign labeled South Carolina as High Priority to Achieve Basic Equality. Furthermore, South Carolina has no laws protecting foster children from systematic discrimination based on their gender or sexual identity, and no laws addressing LGBT youth homelessness.<sup>377</sup>

In South Carolina, prospective foster parents undergo a national background check and the applicant will be disqualified if he or she is on the sex offender registry, has been convicted of domestic violence or human trafficking.<sup>378</sup> Potential foster parents have to complete 14 hours of required training, but the curriculum of courses is not specified.<sup>379</sup>

# CRITERIA BREAKDOWN

## Aging Out Policies

### ◆ Age when benefits are terminated

(1)19+ (2)21 (3)Above 21

### ◆ Policies & benefits

Voluntary reentry before 21

Housing assistance

College tuition waiver

## Kinship Care

### ◆ Level of preference given to family members

Requires giving preference

"Reasonable Effort" or "May Consider"

### ◆ Financial aid

Benefits for kinship care

Same aid as regular foster homes

### ◆ Legal custody

### ◆ Policies for children of undocumented parents

## Relevant Foster Care Provisions

### ◆ Background checks (child abuse: neglect and criminal)

All adults cross-checked in and out of state

All adults in-state only

### ◆ Applicant disqualified if convicted of sex/labor trafficking

### ◆ Applicant disqualified if on sex offender registry

### ◆ Applicant disqualified if convicted of domestic violence

### ◆ Foster parent training

Number of hours (up to 2)

Require specific course training

## Task Forces & Law Enforcement Training

### ◆ LE training

### ◆ Human trafficking TF

### ◆ Foster care task force

## LGBT Youth Protections

### ◆ Overall equality

Working towards full equality

Solidifying equality

Building equality

High priority for basic equality

### ◆ Non-discrimination laws for placing LGBTQ children in foster care

Sexual orientation

Gender identity

### ◆ Laws to address LGBTQ youth homelessness

## Relevant Anti-Trafficking Provisions

### ◆ State statute of:

Sex trafficking

Labor trafficking

### ◆ Diversion services and immunity from punishment (adults)

### ◆ Victim service & civil suit access

### ◆ Lower burden of proof for minors

### ◆ Safe harbor laws

Have law

Diversion from immunity

Victim services

### ◆ HTIC

## State Reporting Laws

### ◆ State has laws enacted that specifically address foster care children going missing from care

### ◆ States have laws enacted that specifically address foster care system reporting victims of human trafficking from their care

# STATE REPORT CARD: SOUTH DAKOTA

Total Score:

11.5<sub>/32</sub>

## Analysis:

Foster care benefits end when the youth turns 21, but the state has not enacted extended foster care.<sup>380</sup> Thus, there is no regulation on foster care voluntary reentry. Youth transitioning out of foster care receive housing assistance. There is no college tuition waiver program available for current and former youth in foster care.

Regarding kinship care, South Dakota statutes use language such as making a “reasonable effort” or “may consider” placing children with relatives. No financial aid is given to kinship caregivers. Law states that legal custody may be given to relatives.<sup>381</sup> South Dakota state law enforcement are not required to cooperate with ICE.<sup>382</sup>

South Dakota has not implemented the trafficking-related provisions of the Preventing Sex Trafficking and Strengthening Families Act. Child welfare agencies are not required to notify law enforcement when a child goes missing from care, nor are agencies required to track rates of children being trafficked from care or screen children in care for signs of potential trafficking.<sup>383</sup>

Regarding anti-trafficking provisions, there is no human trafficking task force or training programs for law enforcement.<sup>384</sup> The state criminalizes sex and labor trafficking but the burden of proof required to convict child traffickers is the same as the cases that do not involve minors. There is neither legislation that protects sexually exploited minors nor legislation that allows prostitution charges to be vacated. Trafficking victims are only entitled to civil suit access. South Dakota does not have a foster care task force.

In 2016, Human Rights Campaign labeled South Dakota as High Priority to Achieve Basic Equality. Furthermore, South Dakota has no laws protecting foster children from systematic discrimination based on their gender or sexual identity, and no laws addressing LGBT youth homelessness.<sup>385</sup>

In South Dakota, prospective foster parents undergo a national background check and the applicant will be disqualified if he or she is on the sex offender registry.<sup>386</sup> Potential foster parents will have to complete 30 hours of required training courses before being able to foster a child.<sup>387</sup>

# CRITERIA BREAKDOWN

## Aging Out Policies

### ◆ Age when benefits are terminated

(1)19+ (2)21 (3)Above 21

### ◆ Policies & benefits

Voluntary reentry before 21

Housing assistance

College tuition waiver

## Kinship Care

### ◆ Level of preference given to family members

Requires giving preference

"Reasonable Effort" or "May Consider"

### ◆ Financial aid

Benefits for kinship care

Same aid as regular foster homes

### ◆ Legal custody

### ◆ Policies for children of undocumented parents

## Relevant Foster Care Provisions

### ◆ Background checks (child abuse: neglect and criminal)

All adults cross-checked in and out of state

All adults in-state only

### ◆ Applicant disqualified if convicted of sex/labor trafficking

### ◆ Applicant disqualified if on sex offender registry

### ◆ Applicant disqualified if convicted of domestic violence

### ◆ Foster parent training

Number of hours (up to 2)

Require specific course training

## Task Forces & Law Enforcement Training

### ◆ LE training

### ◆ Human trafficking TF

### ◆ Foster care task force

## LGBT Youth Protections

### ◆ Overall equality

Working towards full equality

Solidifying equality

Building equality

High priority for basic equality

### ◆ Non-discrimination laws for placing LGBTQ children in foster care

Sexual orientation

Gender identity

### ◆ Laws to address LGBTQ youth homelessness

## Relevant Anti-Trafficking Provisions

### ◆ State statute of:

Sex trafficking

Labor trafficking

### ◆ Diversion services and immunity from punishment (adults)

### ◆ Victim service & civil suit access

### ◆ Lower burden of proof for minors

### ◆ Safe harbor laws

Have law

Diversion from immunity

Victim services

### ◆ HTIC

## State Reporting Laws

### ◆ State has laws enacted that specifically address foster care children going missing from care

### ◆ States have laws enacted that specifically address foster care system reporting victims of human trafficking from their care



# STATE REPORT CARD: TENNESSEE

Total Score:

16.25<sub>/32</sub>

## Analysis:

Foster care benefits end when the youth turns 21.<sup>388</sup> Youth transitioning out of foster care receive housing assistance and can choose to re-enter extended care any time before turning 21. There is no tuition waiver program for youth in post-secondary education.

Regarding kinship care, Tennessee statutes use language such as making a “reasonable effort” or “may consider” placing children with relatives. There are no special benefits given to relatives that serve as foster parents, and relative and non-relative foster parents receive the same amount of aid. Statutes make no mention of relatives receiving legal custody of children.<sup>389</sup> Tennessee state law enforcement is not required to cooperate with ICE.<sup>390</sup>

Tennessee has not implemented the trafficking-related provisions of the Preventing Sex Trafficking and Strengthening Families Act. Child welfare agencies are not required to notify law enforcement when a child goes missing from care, nor are agencies required to track rates of children being trafficked from care or screen children in care for signs of potential trafficking.<sup>391</sup>

The state has created a human trafficking task force and implemented human trafficking awareness training for law enforcement.<sup>392</sup> Both sex and labor trafficking are criminalized and the burden of proof required to convict child traffickers is lowered. Additionally, Nashville has created a Human Trafficking Intervention Court.<sup>393</sup> Trafficking victims receive victim assistance, can seek civil damages against their traffickers, but cannot get prostitution-related offenses vacated. Further, the state has enacted Safe Harbor legislation; minors receive immunity and are referred to diversion services.<sup>394</sup> In Tennessee, the officer simply provides the minor with the telephone number for the National Human Trafficking Resource Center hotline and then releases the victim into the custody of his or her parent or legal guardian.<sup>395</sup> Tennessee does not have a foster care task force, but does have a task force centered on child welfare in general.<sup>396</sup>

In 2016, Human Rights Campaign labeled Tennessee as High Priority to Achieve Basic Equality. Furthermore, Tennessee has no laws protecting foster children from systematic discrimination based on their gender or sexual identity, and no laws addressing LGBT youth homelessness.<sup>397</sup>

In Tennessee, prospective foster parents undergo a national background check and the applicant will be disqualified if he or she is on the sex offender registry.<sup>398</sup> Training is available for foster parents, but it is not mandated for them to complete them before fostering a child.<sup>399</sup>

# CRITERIA BREAKDOWN

## Aging Out Policies

### ◆ Age when benefits are terminated

(1)19+ (2)21 (3)Above 21

### ◆ Policies & benefits

Voluntary reentry before 21

Housing assistance

College tuition waiver

## Kinship Care

### ◆ Level of preference given to family members

Requires giving preference

"Reasonable Effort" or "May Consider"

### ◆ Financial aid

Benefits for kinship care

Same aid as regular foster homes

### ◆ Legal custody

### ◆ Policies for children of undocumented parents

## Relevant Foster Care Provisions

### ◆ Background checks (child abuse: neglect and criminal)

All adults cross-checked in and out of state

All adults in-state only

### ◆ Applicant disqualified if convicted of sex/labor trafficking

### ◆ Applicant disqualified if on sex offender registry

### ◆ Applicant disqualified if convicted of domestic violence

### ◆ Foster parent training

Number of hours (up to 2)

Require specific course training

## Task Forces & Law Enforcement Training

### ◆ LE training

### ◆ Human trafficking TF

### ◆ Foster care task force

## LGBT Youth Protections

### ◆ Overall equality

Working towards full equality

Solidifying equality

Building equality

High priority for basic equality

### ◆ Non-discrimination laws for placing LGBTQ children in foster care

Sexual orientation

Gender identity

### ◆ Laws to address LGBTQ youth homelessness

## Relevant Anti-Trafficking Provisions

### ◆ State statute of:

Sex trafficking

Labor trafficking

### ◆ Diversion services and immunity from punishment (adults)

### ◆ Victim service & civil suit access

### ◆ Lower burden of proof for minors

### ◆ Safe harbor laws

Have law

Diversion from immunity

Victim services

### ◆ HTIC

## State Reporting Laws

### ◆ State has laws enacted that specifically address foster care children going missing from care

### ◆ States have laws enacted that specifically address foster care system reporting victims of human trafficking from their care

4/6

2/3

2/3

1/1

1/1

0/1

2/6.5

0.5/1

0/1

0.5/0.5

0.5/1

0/1

0.5/0.5

0/1

1/1

2.25/6.5

1/1

1/1

0/0.5

0/1

1/1

0/1

0.25/2.5

0.25/2

0/0.5

2/3

1/1

1/1

0/1

0/3.5

0/1.5

0/1.5

0/1

0/0.5

0/0

0/1

0/0.5

0/0.5

0/1

6/7

1/1

0.5/0.5

0.5/0.5

0/1

1/1

1/1

2/2

1/1

0.5/0.5

0.5/0.5

1/1

0/2

0/1

0/1

# STATE REPORT CARD: TEXAS

Total Score:

23.5<sub>/32</sub>

## Analysis:

Foster care benefits for youth end at the age of 22.<sup>400</sup> Youth transitioning out of foster care are offered housing assistance. Current and former youth in foster care are eligible for a tuition waiver if they attend an in-state public university. If the youth opts out of care when he or she turns 18, he or she can still return to extended care.

Regarding kinship care, Texas statutes use language such as making a “reasonable effort” or “may consider” placing children with relatives. The state provides additional benefits to kinship care families. Statutes make no mention of relatives receiving legal custody of children.<sup>401</sup> Texas law enforcement cooperates with ICE and has no policies in place to protect children of undocumented parents.<sup>402</sup>

Texas mandates that child welfare agencies report when children go missing from care, as well as cases of potential child trafficking.<sup>403</sup>

Regarding anti-trafficking legislation, the state has created a human trafficking task force and implemented mandatory human trafficking awareness training for law enforcement.<sup>404</sup> Both sex and labor trafficking are criminalized and the burden of proof required to convict child traffickers is lowered. Adult victims of sex trafficking receive victim assistance and can seek civil damages against their traffickers but prostitution related charges cannot be vacated. In terms of Safe Harbor legislation, the Texas Supreme Court has held that a child under the age of 14 may not be charged with prostitution because, under statutory rape laws, children may not legally consent to sex. This ruling represents a victory for child trafficking victim advocates. However, children aged 14 and older remain completely vulnerable in Texas to prosecution for prostitution-related offenses.<sup>405</sup> Texas has created a foster care task force.<sup>406</sup>

In 2016, Human Rights Campaign labeled Texas as High Priority to Achieve Basic Equality. The state prohibits child welfare agencies from discriminating children based on their sexuality or gender identity. There is no law in place to address LGBT youth homelessness.<sup>407</sup>

In Texas, prospective foster parents undergo a national background check and the applicant will be disqualified if he or she is on the sex offender registry, has been convicted of domestic violence or human trafficking.<sup>408</sup> Potential foster parents will have to complete 8 hours of required training courses before being able to foster a child.<sup>409</sup>

# CRITERIA BREAKDOWN

## Aging Out Policies

### ◆ Age when benefits are terminated

(1)19+ (2)21 (3)Above 21

### ◆ Policies & benefits

Voluntary reentry before 21

Housing assistance

College tuition waiver

## Kinship Care

### ◆ Level of preference given to family members

Requires giving preference

"Reasonable Effort" or "May Consider"

### ◆ Financial aid

Benefits for kinship care

Same aid as regular foster homes

### ◆ Legal custody

### ◆ Policies for children of undocumented parents

## Relevant Foster Care Provisions

### ◆ Background checks (child abuse: neglect and criminal)

All adults cross-checked in and out of state

All adults in-state only

### ◆ Applicant disqualified if convicted of sex/labor trafficking

### ◆ Applicant disqualified if on sex offender registry

### ◆ Applicant disqualified if convicted of domestic violence

### ◆ Foster parent training

Number of hours (up to 2)

Require specific course training

## Task Forces & Law Enforcement Training

### ◆ LE training

### ◆ Human trafficking TF

### ◆ Foster care task force

## LGBT Youth Protections

### ◆ Overall equality

Working towards full equality

Solidifying equality

Building equality

High priority for basic equality

### ◆ Non-discrimination laws for placing LGBTQ children in foster care

Sexual orientation

Gender identity

### ◆ Laws to address LGBTQ youth homelessness

## Relevant Anti-Trafficking Provisions

### ◆ State statute of:

Sex trafficking

Labor trafficking

### ◆ Diversion services and immunity from punishment (adults)

### ◆ Victim service & civil suit access

### ◆ Lower burden of proof for minors

### ◆ Safe harbor laws

Have law

Diversion from immunity

Victim services

### ◆ HTIC

## State Reporting Laws

### ◆ State has laws enacted that specifically address foster care children going missing from care

### ◆ States have laws enacted that specifically address foster care system reporting victims of human trafficking from their care

# STATE REPORT CARD: UTAH

Total Score:

15.5<sub>/32</sub>

## Analysis:

Foster care benefits for youth end at the age of 21 but the state has not enacted extended foster care.<sup>410</sup> Thus, there is no regulation on voluntary reentry into foster care. Youth transitioning out of foster care receive housing assistance. Current and former youth in foster care can receive a tuition waiver to attend an in-state public university.

Regarding kinship care, Utah statutes use language such as making a “reasonable effort” or “may consider” placing children with relatives. No financial aid is given to kinship caregivers. Law states that legal custody may be given to relatives.<sup>411</sup> Utah state law enforcement is not required to cooperate with ICE.<sup>412</sup>

Utah has not implemented the trafficking-related provisions of the Preventing Sex Trafficking and Strengthening Families Act. Child welfare agencies are not required to notify law enforcement when a child goes missing from care, nor are agencies required to track rates of children being trafficked from care or screen children in care for signs of potential trafficking.<sup>413</sup>

Regarding anti-trafficking provisions, the state has a human trafficking task force and optional human trafficking awareness training for law enforcement.<sup>414</sup>

Sex trafficking and labor trafficking are criminalized in Utah, but the burden of proof to convict child traffickers is not lowered. Safe Harbor legislation is passed to protect minors. Adult victims of sex trafficking receive victim assistance and can file civil damages against their traffickers but they do not have immunity to prostitution-related offenses. Utah does not have a foster care task force.

Utah was given a rating of Building Equality in the 2016 State Equality Index Ranking by Human Rights Campaign. The state prohibits child welfare agencies from discriminating against children based on their sexuality or gender identity. However, there is no law in place to address LGBT youth homelessness.<sup>415</sup>

In Utah, prospective foster parents undergo a national background check and the applicant will be disqualified if he or she has been convicted of domestic violence.<sup>416</sup> Potential foster parents will have to complete required training courses, but the amount of hours is not specified.<sup>417</sup>

# CRITERIA BREAKDOWN

## Aging Out Policies

### ◆ Age when benefits are terminated

(1)19+ (2)21 (3)Above 21

### ◆ Policies & benefits

Voluntary reentry before 21

Housing assistance

College tuition waiver

## Kinship Care

### ◆ Level of preference given to family members

Requires giving preference

"Reasonable Effort" or "May Consider"

### ◆ Financial aid

Benefits for kinship care

Same aid as regular foster homes

### ◆ Legal custody

### ◆ Policies for children of undocumented parents

## Relevant Foster Care Provisions

### ◆ Background checks (child abuse: neglect and criminal)

All adults cross-checked in and out of state

All adults in-state only

### ◆ Applicant disqualified if convicted of sex/labor trafficking

### ◆ Applicant disqualified if on sex offender registry

### ◆ Applicant disqualified if convicted of domestic violence

### ◆ Foster parent training

Number of hours (up to 2)

Require specific course training

## Task Forces & Law Enforcement Training

### ◆ LE training

### ◆ Human trafficking TF

### ◆ Foster care task force

## LGBT Youth Protections

### ◆ Overall equality

Working towards full equality

Solidifying equality

Building equality

High priority for basic equality

### ◆ Non-discrimination laws for placing LGBTQ children in foster care

Sexual orientation

Gender identity

### ◆ Laws to address LGBTQ youth homelessness

## Relevant Anti-Trafficking Provisions

### ◆ State statute of:

Sex trafficking

Labor trafficking

### ◆ Diversion services and immunity from punishment (adults)

### ◆ Victim service & civil suit access

### ◆ Lower burden of proof for minors

### ◆ Safe harbor laws

Have law

Diversion from immunity

Victim services

### ◆ HTIC

## State Reporting Laws

### ◆ State has laws enacted that specifically address foster care children going missing from care

### ◆ States have laws enacted that specifically address foster care system reporting victims of human trafficking from their care

4/6

2/3

2/3

0/1

1/1

1/1

2.5/6.5

0.5/1

0/1

0.5/0.5

0/1

0/1

0/0.5

1/1

1/1

2.5/6.5

1/1

1/1

0/0.5

0/1

0/1

1/1

0.5/2.5

0.5/2

0/0.5

1/3

0/1

1/1

0/1

1.5/3.5

0.5/1.5

0/1.5

0/1

0.5/0.5

0/0

1/1

0.5/0.5

0.5/0.5

0/1

4/7

1/1

0.5/0.5

0.5/0.5

0/1

1/1

0/1

2/2

1/1

0.5/0.5

0.5/0.5

0/1

0/2

0/1

0/1

# STATE REPORT CARD: VERMONT

Total Score:

16.5<sub>/32</sub>

## Analysis:

Foster care benefits for youth end at the age of 19 but the state has not enacted extended foster care.<sup>418</sup> Thus, there is no regulation on voluntary reentry into foster care. Youth transitioning out of foster care receive housing assistance. Current and former youth in foster care are eligible for a tuition waiver if they attend an in-state public university.

Regarding kinship care, Vermont statutes use language such as making a “reasonable effort” or “may consider” placing children with relatives. No financial aid is given to kinship caregivers. Law states that legal custody may be given to relatives.<sup>419</sup> Vermont state law enforcement is not required to cooperate with ICE.<sup>420</sup>

Vermont has not implemented the trafficking-related provisions of the Preventing Sex Trafficking and Strengthening Families Act. Child welfare agencies are not required to notify law enforcement when a child goes missing from care, nor are agencies required to track rates of children being trafficked from care or screen children in care for signs of potential trafficking.<sup>421</sup>

Regarding anti-trafficking provisions, the state has a human trafficking task force but no human trafficking awareness training for law enforcement.<sup>422</sup> Further, the state criminalizes both sex and labor trafficking and the burden of proof to convict child traffickers is lowered. Trafficking victims receive victim assistance, can seek civil damages against their traffickers, and can have prostitution-related charges vacated. Safe Harbor legislation is passed as well. Vermont has created a foster care task force.<sup>423</sup>

Vermont received the highest ranking from Human Rights Campaign’s 2016 State Equality Index, Working Toward Innovative Equality. The state prohibits child welfare agencies from discriminating against children based on their sexuality or gender identity. There is no law in place to address LGBT youth homelessness.<sup>424</sup>

In Vermont, a national background check is only required when the state check finds no convictions. However, all adults have to undergo a state-wide screening when any household member desires to be a foster parent. The applicant will also be disqualified if he or she has been convicted of domestic violence.<sup>425</sup> There is no regulation on foster parent pre-parenting training.<sup>426</sup>



# CRITERIA BREAKDOWN

## Aging Out Policies

### ◆ Age when benefits are terminated

(1)19+ (2)21 (3)Above 21

### ◆ Policies & benefits

Voluntary reentry before 21

Housing assistance

College tuition waiver

## Kinship Care

### ◆ Level of preference given to family members

Requires giving preference

"Reasonable Effort" or "May Consider"

### ◆ Financial aid

Benefits for kinship care

Same aid as regular foster homes

### ◆ Legal custody

### ◆ Policies for children of undocumented parents

## Relevant Foster Care Provisions

### ◆ Background checks (child abuse: neglect and criminal)

All adults cross-checked in and out of state

All adults in-state only

### ◆ Applicant disqualified if convicted of sex/labor trafficking

### ◆ Applicant disqualified if on sex offender registry

### ◆ Applicant disqualified if convicted of domestic violence

### ◆ Foster parent training

Number of hours (up to 2)

Require specific course training

## Task Forces & Law Enforcement Training

### ◆ LE training

### ◆ Human trafficking TF

### ◆ Foster care task force

## LGBT Youth Protections

### ◆ Overall equality

Working towards full equality

Solidifying equality

Building equality

High priority for basic equality

### ◆ Non-discrimination laws for placing LGBTQ children in foster care

Sexual orientation

Gender identity

### ◆ Laws to address LGBTQ youth homelessness

## Relevant Anti-Trafficking Provisions

### ◆ State statute of:

Sex trafficking

Labor trafficking

### ◆ Diversion services and immunity from punishment (adults)

### ◆ Victim service & civil suit access

### ◆ Lower burden of proof for minors

### ◆ Safe harbor laws

Have law

Diversion from immunity

Victim services

### ◆ HTIC

## State Reporting Laws

### ◆ State has laws enacted that specifically address foster care children going missing from care

### ◆ States have laws enacted that specifically address foster care system reporting victims of human trafficking from their care

2/6

0/3

2/3

0/1

1/1

1/1

2.5/6.5

0.5/1

0/1

0.5/0.5

0/1

0/1

0/0.5

1/1

1/1

1.5/6.5

0.5/1

0/1

0.5/0.5

0/1

0/1

1/1

0/2.5

0/2

0/0.5

2/3

0/1

1/1

1/1

2.5/3.5

1.5/1.5

1.5/1.5

0/1

0/0.5

0/0

1/1

0.5/0.5

0.5/0.5

0/1

6/7

1/1

0.5/0.5

0.5/0.5

1/1

1/1

1/1

2/2

1/1

0.5/0.5

0.5/0.5

0/1

0/2

0/1

0/1

# STATE REPORT CARD: VIRGINIA

Total Score:

13.5<sub>/32</sub>

## Analysis:

Foster care benefits for youth end at the age of 21.<sup>427</sup> Youth transitioning out of foster care are offered housing assistance. Current and former youth in foster care are eligible for a tuition waiver if they attend an in-state public university. If the youth opts out of care when he or she turns 18, he or she can still return to extended care later on. There is no limit on the number of times a youth may re-enter the program between the ages of 18-21 or limit on time elapsed between exit and re-entry.<sup>428</sup>

Regarding kinship care, Virginia statutes use language such as making a “reasonable effort” or “may consider” placing children with relatives. Law states that legal custody may be given to relatives. There are no special benefits given to relatives that serve as foster parents, and relative and non-relative foster parents receive the same amount of aid.<sup>429</sup> Virginia law enforcement cooperates with ICE and has no policies in place to protect children of undocumented parents.<sup>430</sup>

Virginia has not implemented the trafficking-related provisions of the Preventing Sex Trafficking and Strengthening Families Act. Child welfare agencies are not required to notify law enforcement when a child goes missing from care, nor are agencies required to track rates of children being trafficked from care or screen children in care for signs of potential trafficking.<sup>431</sup>

Regarding anti-trafficking provisions, the state does not have any established human trafficking task force but has optional human trafficking training programs for law enforcement.<sup>432</sup> Although sex and labor trafficking are criminalized and the burden of proof is lowered for child traffickers, there is no legislation on Safe Harbor, vacating convictions, civil suit access, or victim assistance. Virginia does not have a foster care task force.

In 2016, Human Rights Campaign labeled Virginia as High Priority to Achieve Basic Equality. The state only prohibits child welfare agencies from discriminating against children based on their sexuality, but makes no such protection for gender identities. There is no law in place to address LGBT youth homelessness.<sup>433</sup>

In Virginia, national background checks for prospective foster parents have only been in effect since July 1, 2017. The applicant will be disqualified if he or she has been convicted of domestic violence.<sup>434</sup> Potential foster parents will have to complete required training courses, but the amount of hours is not specified.<sup>435</sup>

# CRITERIA BREAKDOWN

## Aging Out Policies

### ◆ Age when benefits are terminated

(1)19+ (2)21 (3)Above 21

### ◆ Policies & benefits

Voluntary reentry before 21

Housing assistance

College tuition waiver

## Kinship Care

### ◆ Level of preference given to family members

Requires giving preference

"Reasonable Effort" or "May Consider"

### ◆ Financial aid

Benefits for kinship care

Same aid as regular foster homes

### ◆ Legal custody

### ◆ Policies for children of undocumented parents

## Relevant Foster Care Provisions

### ◆ Background checks (child abuse: neglect and criminal)

All adults cross-checked in and out of state

All adults in-state only

### ◆ Applicant disqualified if convicted of sex/labor trafficking

### ◆ Applicant disqualified if on sex offender registry

### ◆ Applicant disqualified if convicted of domestic violence

### ◆ Foster parent training

Number of hours (up to 2)

Require specific course training

## Task Forces & Law Enforcement Training

### ◆ LE training

### ◆ Human trafficking TF

### ◆ Foster care task force

## LGBT Youth Protections

### ◆ Overall equality

Working towards full equality

Solidifying equality

Building equality

High priority for basic equality

### ◆ Non-discrimination laws for placing LGBTQ children in foster care

Sexual orientation

Gender identity

### ◆ Laws to address LGBTQ youth homelessness

## Relevant Anti-Trafficking Provisions

### ◆ State statute of:

Sex trafficking

Labor trafficking

### ◆ Diversion services and immunity from punishment (adults)

### ◆ Victim service & civil suit access

### ◆ Lower burden of proof for minors

### ◆ Safe harbor laws

Have law

Diversion from immunity

Victim services

### ◆ HTIC

## State Reporting Laws

### ◆ State has laws enacted that specifically address foster care children going missing from care

### ◆ States have laws enacted that specifically address foster care system reporting victims of human trafficking from their care

5/6

2/3

3/3

1/1

1/1

1/1

2/6.5

0.5/1

0/1

0.5/0.5

0.5/1

0/1

0.5/0.5

1/1

0/1

3/6.5

1/1

1/1

0/0.5

0/1

0/1

1/1

1/2.5

0.5/2

0.5/0.5

1/3

1/1

0/1

0/1

0.5/3.5

0/1.5

0/1.5

0/1

0/0.5

/0

0.5/1

0.5/0.5

0.5/0.5

0/1

2/7

1/1

0.5/0.5

0.5/0.5

0/1

0/1

1/1

0/2

0/1

0/0.5

0/0.5

0/1

0/2

0/1

0/1

# STATE REPORT CARD: WASHINGTON

Total Score:

20.5<sub>/32</sub>

## Analysis:

Foster care benefits for youth end at the age of 21.<sup>436</sup> Youth transitioning out of foster care receive housing assistance and can choose to re-enter extended care. Eligible youth who do not elect to participate in the Extended Foster Care program on their 18th birthday will have until their 19th birthday to voluntarily request to participate in the Extended Foster Care program.<sup>437</sup> There is no tuition waiver program for youth in post-secondary education.

Regarding kinship care, Washington statutes use language such as making a “reasonable effort” or “may consider” placing children with relatives. Law states that legal custody may be given to relatives. There are no special benefits given to relatives that serve as foster parents, and relative and non-relative foster parents receive the same amount of aid.<sup>438</sup> Washington state law enforcement is not required to cooperate with ICE.<sup>439</sup>

Washington has not implemented the trafficking-related provisions of the Preventing Sex Trafficking and Strengthening Families Act. Child welfare agencies are not required to notify law enforcement when a child goes missing from care, nor are agencies required to track rates of children being trafficked from care or screen children in care for signs of potential trafficking.<sup>440</sup>

Regarding anti-trafficking provisions, the state criminalizes both sex and labor trafficking and the burden of proof to convict child traffickers is lowered. Trafficking victims receive victim assistance, can seek civil damages against their traffickers, and can have prostitution-related charges vacated. Safe Harbor legislation is passed as well. The state has created a human trafficking task force and implemented mandatory human trafficking awareness training with specific curriculum for law enforcement.<sup>441</sup> Washington does not have a foster care task force, but does have a task force centered on child welfare in general.<sup>442</sup>

Washington received the highest ranking from Human Rights Campaign’s 2016 State Equality Index, Working Toward Innovative Equality. The state protects foster children from discrimination in the system based on their sexuality and gender identity. There is no law in place to address LGBT youth homelessness.<sup>443</sup>

In Washington, prospective foster parents undergo a national background check and the applicant will be disqualified if he or she has been convicted of domestic violence.<sup>444</sup> Potential foster parents will have to complete required training courses, but the amount of hours is not specified.<sup>445</sup>

# CRITERIA BREAKDOWN

## Aging Out Policies

### ◆ Age when benefits are terminated

(1)19+ (2)21 (3)Above 21

### ◆ Policies & benefits

Voluntary reentry before 21

Housing assistance

College tuition waiver

## Kinship Care

### ◆ Level of preference given to family members

Requires giving preference

"Reasonable Effort" or "May Consider"

### ◆ Financial aid

Benefits for kinship care

Same aid as regular foster homes

### ◆ Legal custody

### ◆ Policies for children of undocumented parents

## Relevant Foster Care Provisions

### ◆ Background checks (child abuse: neglect and criminal)

All adults cross-checked in and out of state

All adults in-state only

### ◆ Applicant disqualified if convicted of sex/labor trafficking

### ◆ Applicant disqualified if on sex offender registry

### ◆ Applicant disqualified if convicted of domestic violence

### ◆ Foster parent training

Number of hours (up to 2)

Require specific course training

## Task Forces & Law Enforcement Training

### ◆ LE training

### ◆ Human trafficking TF

### ◆ Foster care task force

## LGBT Youth Protections

### ◆ Overall equality

Working towards full equality

Solidifying equality

Building equality

High priority for basic equality

### ◆ Non-discrimination laws for placing LGBTQ children in foster care

Sexual orientation

Gender identity

### ◆ Laws to address LGBTQ youth homelessness

## Relevant Anti-Trafficking Provisions

### ◆ State statute of:

Sex trafficking

Labor trafficking

### ◆ Diversion services and immunity from punishment (adults)

### ◆ Victim service & civil suit access

### ◆ Lower burden of proof for minors

### ◆ Safe harbor laws

Have law

Diversion from immunity

Victim services

### ◆ HTIC

## State Reporting Laws

### ◆ State has laws enacted that specifically address foster care children going missing from care

### ◆ States have laws enacted that specifically address foster care system reporting victims of human trafficking from their care

4/6

2/3

2/3

1/1

1/1

0/1

3/6.5

0.5/1

0/1

0.5/0.5

0.5/1

0/1

0.5/0.5

1/1

1/1

3/6.5

1/1

1/1

0/0.5

0/1

0/1

1/1

1/2.5

0.5/2

0.5/0.5

2/3

1/1

1/1

0/1

2.5/3.5

1.5/1.5

1.5/1.5

0/1

0/0.5

0/0

1/1

0.5/0.5

0.5/0.5

0/1

6/7

1/1

0.5/0.5

0.5/0.5

1/1

1/1

1/1

2/2

1/1

0.5/0.5

0.5/0.5

0/1

0/2

0/1

0/1

# STATE REPORT CARD: WEST VIRGINIA

Total Score:

12.5/32

## Analysis:

Foster care benefits end when the youth turns 21.<sup>446</sup> Youth transitioning out of foster care are offered housing assistance. Current and former youth in foster care are eligible for a tuition waiver if they attend an in-state public university. If the youth opts out of care when he or she turns 18, he or she can still return to extended care.

West Virginia statutes make no mention of placing foster children with relatives. No financial aid is given to kinship caregivers. Statutes make no mention of relatives receiving legal custody of children.<sup>447</sup> West Virginia state law enforcement is not required to cooperate with ICE.<sup>448</sup>

West Virginia has not implemented the trafficking-related provisions of the Preventing Sex Trafficking and Strengthening Families Act and receives no points for state reporting laws. There are no state laws regarding children missing from care, child welfare agencies are not required to notify law enforcement when a child goes missing from care, nor are agencies required to track rates of children being trafficked from care or screen children in care for signs of potential trafficking.<sup>449</sup>

In terms of anti-trafficking provisions, the state does not have any established human trafficking task force but has optional human trafficking training programs for law enforcement.<sup>450</sup> Both sex trafficking and labor trafficking are criminalized and the burden of proof required to prosecute child traffickers is lowered. However, West Virginia lacks Safe Harbor legislation. Trafficking victims can seek civil damages against their traffickers, but there is no mandated victim assistance. Further, victims convicted of prostitution may only petition to have charges vacated after the victim has ceased to be a victim of the trafficking or has sought services for victims of trafficking.<sup>451</sup> West Virginia does not have a foster care task force, but does have a task force centered on child welfare in general.<sup>452</sup>

In 2016, Human Rights Campaign labeled West Virginia as High Priority to Achieve Basic Equality. Furthermore, West Virginia has no laws protecting foster children from systematic discrimination based on their gender or sexual identity, and no laws addressing LGBT youth homelessness.<sup>453</sup>

In West Virginia, only a state background check is required for prospective foster parents. However, all adults in the house undergo this state-wide screening if any household member applies to be a foster parent. The applicant will be disqualified, if a conviction of domestic violence is found on the state record.<sup>454</sup> Before being able to foster a child, prospective foster parents complete required training courses, but the amount of hours is not specified.<sup>455</sup>

# CRITERIA BREAKDOWN

## Aging Out Policies

### ◆ Age when benefits are terminated

(1)19+ (2)21 (3)Above 21

### ◆ Policies & benefits

Voluntary reentry before 21

Housing assistance

College tuition waiver

## Kinship Care

### ◆ Level of preference given to family members

Requires giving preference

"Reasonable Effort" or "May Consider"

### ◆ Financial aid

Benefits for kinship care

Same aid as regular foster homes

### ◆ Legal custody

### ◆ Policies for children of undocumented parents

## Relevant Foster Care Provisions

### ◆ Background checks (child abuse: neglect and criminal)

All adults cross-checked in and out of state

All adults in-state only

### ◆ Applicant disqualified if convicted of sex/labor trafficking

### ◆ Applicant disqualified if on sex offender registry

### ◆ Applicant disqualified if convicted of domestic violence

### ◆ Foster parent training

Number of hours (up to 2)

Require specific course training

## Task Forces & Law Enforcement Training

### ◆ LE training

### ◆ Human trafficking TF

### ◆ Foster care task force

## LGBT Youth Protections

### ◆ Overall equality

Working towards full equality

Solidifying equality

Building equality

High priority for basic equality

### ◆ Non-discrimination laws for placing LGBTQ children in foster care

Sexual orientation

Gender identity

### ◆ Laws to address LGBTQ youth homelessness

## Relevant Anti-Trafficking Provisions

### ◆ State statute of:

Sex trafficking

Labor trafficking

### ◆ Diversion services and immunity from punishment (adults)

### ◆ Victim service & civil suit access

### ◆ Lower burden of proof for minors

### ◆ Safe harbor laws

Have law

Diversion from immunity

Victim services

### ◆ HTIC

## State Reporting Laws

### ◆ State has laws enacted that specifically address foster care children going missing from care

### ◆ States have laws enacted that specifically address foster care system reporting victims of human trafficking from their care

# STATE REPORT CARD: WISCONSIN

Total Score:

22.5<sub>/32</sub>

## Analysis:

Foster care benefits for youth end at the age of 21 but the state has not enacted extended foster care.<sup>456</sup> Thus, there is no regulation on voluntary reentry into foster care. Youth transitioning out of foster care receive housing assistance. Currently, there is no tuition waiver program for current or former youth in foster care.

Regarding kinship care, Wisconsin statutes use language such as making a “reasonable effort” or “may consider” placing children with relatives. The state provides additional benefits to kinship care families. However, statutes make no mention of relatives receiving legal custody of children.<sup>457</sup> Wisconsin state law enforcement is not required to cooperate with ICE.<sup>458</sup>

Wisconsin requires child welfare agencies to report cases of missing children from care as well as potential cases of trafficking from care.<sup>459</sup>

In regard to anti-trafficking provisions, the state has a human trafficking task force but no human trafficking awareness training for law enforcement.<sup>460</sup> Both sex and labor trafficking are criminalized, and the burden of proof required to convict child traffickers is lowered in the state. Trafficking victims can petition to vacate prostitution-related offenses and seek civil damages from their traffickers. However, the state does not offer mandatory victim assistance to survivors. Furthermore, minors who have been sexually exploited are referred to diversion programs, but may still be subjected to juvenile system proceedings.<sup>461</sup> Wisconsin does have a foster care task force.<sup>462</sup>

Wisconsin was given a rating of Building Equality in the 2016 State Equality Index Ranking by Human Rights Campaign. The state protects foster children from discrimination based on the sexuality, but not gender identity. Furthermore, there is no law in place to address LGBT youth homelessness.<sup>463</sup>

In Wisconsin, a national background check is only required for prospective foster parent with less than three years of residency in Wisconsin. However, all adults in the household undergo state-wide screening if any member applies to be a foster parent. The applicant will be disqualified if a he or she is on the sex offender registry, has been convicted of human trafficking or domestic violence.<sup>464</sup> Before being able to foster a child, the prospective parent has to complete 30 hours of required training courses.<sup>465</sup>



# CRITERIA BREAKDOWN

## Aging Out Policies

### ◆ Age when benefits are terminated

(1)19+ (2)21 (3)Above 21

### ◆ Policies & benefits

Voluntary reentry before 21

Housing assistance

College tuition waiver

## Kinship Care

### ◆ Level of preference given to family members

Requires giving preference

"Reasonable Effort" or "May Consider"

### ◆ Financial aid

Benefits for kinship care

Same aid as regular foster homes

### ◆ Legal custody

### ◆ Policies for children of undocumented parents

## Relevant Foster Care Provisions

### ◆ Background checks (child abuse: neglect and criminal)

All adults cross-checked in and out of state

All adults in-state only

### ◆ Applicant disqualified if convicted of sex/labor trafficking

### ◆ Applicant disqualified if on sex offender registry

### ◆ Applicant disqualified if convicted of domestic violence

### ◆ Foster parent training

Number of hours (up to 2)

Require specific course training

## Task Forces & Law Enforcement Training

### ◆ LE training

### ◆ Human trafficking TF

### ◆ Foster care task force

## LGBT Youth Protections

### ◆ Overall equality

Working towards full equality

Solidifying equality

Building equality

High priority for basic equality

### ◆ Non-discrimination laws for placing LGBTQ children in foster care

Sexual orientation

Gender identity

### ◆ Laws to address LGBTQ youth homelessness

## Relevant Anti-Trafficking Provisions

### ◆ State statute of:

Sex trafficking

Labor trafficking

### ◆ Diversion services and immunity from punishment (adults)

### ◆ Victim service & civil suit access

### ◆ Lower burden of proof for minors

### ◆ Safe harbor laws

Have law

Diversion from immunity

Victim services

### ◆ HTIC

## State Reporting Laws

### ◆ State has laws enacted that specifically address foster care children going missing from care

### ◆ States have laws enacted that specifically address foster care system reporting victims of human trafficking from their care

# STATE REPORT CARD: WYOMING

Total Score:

13<sub>/32</sub>

## Analysis:

Foster care benefits end when the youth turns 21 but the state has not enacted extended foster care.<sup>466</sup> Thus, there is no regulation on voluntary reentry into foster care. Youth transitioning out of foster care receive housing assistance. Currently, there is no tuition waiver program for current or former youth in foster care.

Regarding kinship care, Wyoming statutes require that preference be given to placing children with relatives. No financial aid is given to kinship caregivers. Statutes make no mention of relatives receiving legal custody of children.<sup>467</sup> Wyoming state law enforcement is not required to cooperate with ICE.<sup>468</sup>

Wyoming has not implemented the trafficking-related provisions of the Preventing Sex Trafficking and Strengthening Families Act. There are no state laws regarding children missing from care, child welfare agencies are not required to notify law enforcement when a child goes missing from care, nor are agencies required to track rates of children being trafficked from care or screen children in care for signs of potential trafficking.<sup>469</sup>

In terms of anti-trafficking provisions, the state has created a human trafficking task force and implemented mandatory human trafficking awareness training with specific curriculum for law enforcement.<sup>470</sup> Further, the state criminalizes both sex trafficking and labor trafficking, and the burden of proof required to prosecute child traffickers is lowered. However, Wyoming lacks Safe Harbor legislation. Adult trafficking victims can petition to have prostitution-related offenses vacated and receive services for trafficking victims, but cannot seek civil damages from their traffickers. Lastly, Safe Harbor legislation is passed in the state; children under 18 receive immunity from criminal proceedings and are diverted to alternative systems.<sup>471</sup> Wyoming does not have a foster care task force.

In 2016, Human Rights Campaign labeled Wyoming as High Priority to Achieve Basic Equality. Furthermore, Wyoming has no laws protecting foster children from systematic discrimination based on their gender or sexual identity, and no laws addressing LGBT youth homelessness.<sup>472</sup>

In Wyoming, prospective foster parents undergo a national background check and the applicant will be disqualified if he or she has been convicted of domestic violence.<sup>473</sup> Potential foster parents will have to complete 18 hours of required training courses before fostering a child.<sup>474</sup>

# CRITERIA BREAKDOWN

## Aging Out Policies

### ◆ Age when benefits are terminated

(1)19+ (2)21 (3)Above 21

### ◆ Policies & benefits

Voluntary reentry before 21

Housing assistance

College tuition waiver

## Kinship Care

### ◆ Level of preference given to family members

Requires giving preference

"Reasonable Effort" or "May Consider"

### ◆ Financial aid

Benefits for kinship care

Same aid as regular foster homes

### ◆ Legal custody

### ◆ Policies for children of undocumented parents

## Relevant Foster Care Provisions

### ◆ Background checks (child abuse: neglect and criminal)

All adults cross-checked in and out of state

All adults in-state only

### ◆ Applicant disqualified if convicted of sex/labor trafficking

### ◆ Applicant disqualified if on sex offender registry

### ◆ Applicant disqualified if convicted of domestic violence

### ◆ Foster parent training

Number of hours (up to 2)

Require specific course training

## Task Forces & Law Enforcement Training

### ◆ LE training

### ◆ Human trafficking TF

### ◆ Foster care task force

## LGBT Youth Protections

### ◆ Overall equality

Working towards full equality

Solidifying equality

Building equality

High priority for basic equality

### ◆ Non-discrimination laws for placing LGBTQ children in foster care

Sexual orientation

Gender identity

### ◆ Laws to address LGBTQ youth homelessness

## Relevant Anti-Trafficking Provisions

### ◆ State statute of:

Sex trafficking

Labor trafficking

### ◆ Diversion services and immunity from punishment (adults)

### ◆ Victim service & civil suit access

### ◆ Lower burden of proof for minors

### ◆ Safe harbor laws

Have law

Diversion from immunity

Victim services

### ◆ HTIC

## State Reporting Laws

### ◆ State has laws enacted that specifically address foster care children going missing from care

### ◆ States have laws enacted that specifically address foster care system reporting victims of human trafficking from their care

# ANALYSIS

The results from this state-by-state report card indicate that, despite evidence that the foster care system and trafficking are intricately linked, states have yet to take adequate steps to protect youth in the foster care system. Indeed, graded against our robust criteria, the highest score for any state was 23.5/32 (73%), with an average score of 17/32 (53%).

Thirty-one states including the District of Columbia received 4 points or higher on anti-trafficking provisions, an indication that addressing human trafficking has been a concern of national and state legislators. In fact, according to our criteria, all states recognize human trafficking as a crime, and specifically recognize sex trafficking and labor trafficking in their statutes. This is an improvement from 2013, when, for example, Pennsylvania and Colorado did not specifically criminalize sex trafficking. The burden of proof to convict child traffickers is also lowered in 47 states. This is an indication of the nation's effort to protect minors that have been sexually exploited as a result of sex trafficking, and of a change in the discourse from criminalization to protection. However, though child trafficking legislation has improved, and state governments have amended bills and statutes to protect sexually exploited minors, 20 states still have not enacted any Safe Harbor Law. Without Safe Harbor legislation, minors are left in the criminal justice system, without access to critical social services, and face detention and abuse by the system. Further, only 5 states have implemented a Human Trafficking Intervention Court. That, along with the lack of mandatory training for state law enforcement on human trafficking victim identification and protection, leaves many victims of sex trafficking in the criminal justice system instead of receiving appropriate treatment.

While trafficking policies are a category of their own, the intersection of human trafficking and foster care is often ridden with intricate complexities, including homelessness, being disconnected from family, being undocumented, and identifying as LGBT. For this reason, it is imperative for states to have effective foster care provisions and LGBT youth protections. According to our grading criteria, overall, states struggled most to succeed in the kinship care, reporting laws, and LGBT protections categories. In terms of kinship care, 33 states lacked an option for the kinship caregiver to acquire legal custody of the child in their care. Twenty-three states provide the same financial aid for both non-relative and relative care homes, instead of providing additional benefits to encourage kinship care. Seventeen states offer no benefits for kinship care families. Additionally, 18 states have entered into a 287(g) agreement with ICE which increases the likelihood that children in foster care will have an undocumented parent that has been detained or deported.

Thirty-four states have failed to implement appropriate state reporting laws, and it is perfectly legal for welfare agencies not to report a child missing from their care. Additionally, 45 states will not disqualify prospective foster parents for having sex offender or human trafficking convictions, which puts foster children at an unnecessary risk. Over

half of the states received zero points in the LGBT protections category. Only California and D.C. have any laws specifically to help LGBT youth experiencing homelessness or address the discrimination and abuse that LGBT youth face in foster care.

Although states struggled with kinship care policies, the current child welfare system is not completely broken. All 50 states and the District of Columbia provide background checks of potential foster parents. States generally did relatively well in the aging out policies category. According to our grading criteria, 35 states including the District of Columbia received 4 points or more on aging out policies. In 42 states, once youth are placed in the welfare system, foster care benefits don't terminate until they turn 21. Three states, Massachusetts, Texas, and Connecticut, provide foster care benefits to the recipients after they have turned 21.<sup>475</sup> This is a critical protective factor that prevents youth in foster care from ending up in human trafficking situations, as the youth receive more educational, financial, and social support and stability.<sup>476</sup>

In terms of assisting older children's transition out of care, currently every state has policies that mandate a transition plan for youth transitioning out of care. All 50 states also provide some sort of housing assistance, whether it is housing vouchers, Independent Living Programs, or voluntary re-entry to extended care. Housing assistance for youth who have left care is important as it allows more time for them to find employment or continue their education with secure housing in place. Aside from housing assistance, there is room for improvement in terms of policies for tuition waiver and extended foster care. Only half of the states provided tuition waivers for former or current youth in foster care to attend college, and 26 states do not have policies around voluntary return to extended foster care. In the best interest of protecting vulnerable youth within the foster care system from being trafficked, it is imperative that all criteria are considered when creating and implementing anti-trafficking and foster care provisions.

## AREAS FOR ADDITIONAL RESEARCH

The intersection of foster care and human trafficking is a many-headed hydra of an issue. As much as this study has attempted to present a comprehensive analysis of the current problems in the child welfare system and with anti-trafficking policy and practice, in some areas the necessary data just does not exist yet. It is important to highlight these areas so that future research can continue to illuminate the links between the foster care system and human trafficking.

There is much work to be done in terms of research about foster care. Although this study scores states based on their implementation of the Preventing Sex Trafficking and Strengthening Families Act, which mandates that state welfare agencies have developed procedures and policies for identifying and creating services for youth at risk of trafficking,<sup>477</sup> there is a lack of research about what these policies actually look like on a state level. It is unclear what kinds of services are available in terms of initial prevention and trauma counseling for youth who are already in or are entering foster housing who may be at risk

because of prior traumatic experiences, such as being trafficked. Another under-represented aspect of foster care research is data on reentry into care. This study scores states on their policies of extending reentry for youth over 18, and having those policies in place is an important factor, but there has yet to be any research on how many young adults are actually reentering care and what connection that may have to human trafficking.

In terms of human trafficking protections, there is a lack of knowledge about what law enforcement training on human trafficking actually looks like in the different states that received points for having such training programs. More research is needed on what curriculum is used to train law enforcement on issues such as victim protections and the trafficking of minors. Given the recent implementation of Safe Harbor Laws, the outcomes of youth referred to alternative systems need to be examined as well.

# RECOMMENDATIONS

More needs to be done to protect foster care youth from trafficking and sexual exploitation. Simply acknowledging their increased risk is not enough. To do this, here are several recommendations for states, as well as for national policy and child welfare agencies.

## RECOMMENDATIONS FOR STATE POLICY

1. States need to create more robust diversion programs and services to be made available for trafficking victims, including foster youth.
2. Law enforcement needs to be educated on human trafficking and properly trained so they can recognize the signs and know how to respond. Law enforcement agents need to be made aware of the important role they play in preventing trafficking, and the specific needs of the victims they may encounter. This training should also include information on child trafficking and the links between foster care and trafficking.
3. Similar to law enforcement, child welfare agencies, foster parents, student educators, and counselors must be trained to recognize signs of trafficking and how to respond.
4. States should refrain from entering into 287(g) agreements with ICE, which place children at risk of entering the foster care system due to their parents being deported and the lack of safety for kinship care from undocumented relatives.

## RECOMMENDATIONS FOR NATIONAL POLICY

The federal government needs to not just encourage but mandate that states act to prevent child trafficking. Improvements in the foster care system are crucial at the national level, including increased funding and stricter enforcement of the laws that relate to child welfare and human trafficking, such as the Preventing Sex Trafficking and Strengthening Families Act. We also recommend that the federal government does more to regulate the foster care system and remove disparities between the states. Specifically, at a national level:

1. Any person who has been convicted of human trafficking or domestic violence or listed as a sex offender should be banned from becoming a foster parent in any state.
2. The federal government should mandate that all states develop Safe Harbor laws to ensure that those who are trafficked will be treated as victims and not criminals.
3. Additional laws are needed to safeguard the rights of LGBT youth in the foster care system, as well. Anti-discrimination laws are needed to protect foster children from systematic discrimination based on their gender and sexual identity across all states. The same should apply for services for homeless youth, as LGBT youth deserve shelter regardless of their gender or sexuality.
4. Like the State Department's Trafficking in Persons Report, creating an annual state evaluation on the implementation of child welfare and human trafficking provisions would provide feedback to states on what they are doing well, what they need to improve on, and how they rank in comparison to other states.

## RECOMMENDATIONS FOR CHILD WELFARE AGENCIES

1. Child welfare agencies should pay more attention to cases of missing and runaway foster youth. Agencies should not only be mandated to immediately report missing children, but also to have screenings of returned children for any signs of trafficking or exploitation.
2. Agencies should screen each child entering the system for signs of trafficking.
3. Foster care youth should be educated on human trafficking and how to identify and report it if they see it happening or if they are being trafficked.
4. Child welfare agencies should conduct thorough background checks on all potential foster parents to eliminate the chance of children being placed in the homes of abusers or traffickers.
5. Kinship care benefits should be increased so families receive additional benefits in becoming foster parents, and families should also be encouraged to have legal custody of the youth.
6. To prevent foster youth homelessness in the first place, we recommend allowing children to stay in the system and receive benefits until they are at least 23. Transitional housing aid and university tuition waivers are possible ways to ensure that foster children are taken care of after exiting the system.



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