

Human Trafficking of Minors

A REFERENCE GUIDE FOR CPS WORKERS

Human Trafficking Definitions:

Per [KRS 529.010](#), Human trafficking refers to criminal activity whereby one (1) or more persons are subjected to engaging in:

- Forced labor services; or
- Commercial sexual activity through the use of force, fraud, or coercion, except that if the trafficked person is under the age of eighteen (18), the commercial sexual activity need not involve force, fraud, or coercion

According to [22 U.S. Code § 7102](#) – The definition of “severe forms of trafficking in persons” is:

- Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
- The recruitment, enticement, harboring, transporting, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
- Commercial Sex Act- any sex act on account of which anything of value is given to or received by any person.

Examples frequently seen in Kentucky include sexual favors for money, drugs, shelter, food, jewelry, gifts, etc.

Under federal and state laws, sex trafficking is any commercial sex (prostitution, pornography, or stripping) involving a minor and does not require there to be force, fraud, or coercion if the victim is under age 18. As for labor trafficking, the law does not differentiate between children and adults, therefore children must encounter force, fraud, or coercion to be victims of labor trafficking.

In some situations, both labor and sex trafficking can be present. An example of this could be that the child is being forced to work in an illegal massage parlor.

Human trafficking does not discriminate based on race, religion, sexual orientation, citizenship status, country of origin, socioeconomic, or family status.

Trafficking can occur in many different scenarios. Some examples of labor include domestic servitude, farm work, and door-to-door magazine or candy sales. Examples of sex trafficking include various areas of the sex industry, including commercial sex at truck stops, hotels, or private homes, strip clubs, escort services, familial trafficking, etc.

For reference:

A list of federal and state laws pertaining to human trafficking cases can be found at the bottom of this tip sheet.

Human Trafficking of Minors

A REFERENCE GUIDE FOR CPS WORKERS

What to do if you suspect or discover that a child is being trafficked:

- In case of an emergency, call 911 and request law enforcement immediately.
- Refer to DCBS' standards of practice (SOP) for human trafficking ([SOP 2.15.9](#));
- Contact the National Human Trafficking Hotline and Resource Center at 1-888-3737-888 to inform them of the case, and to get in touch with local human trafficking advocates and services.

Rights given to minor victims of human trafficking:

- They are not culpable for crimes committed as a direct result of their victimization;
- They are not to be arrested for prostitution or other “masking” offenses (runaway, truancy, out of control);
- They should not be detained in facilities inappropriate to their status as crime victims; and
- Any minor in a juvenile detention who discloses human trafficking in their history may have the right to have their case brought back before a judge for re-assessment and be routed to appropriate services.

Indicators of human trafficking:

It is important to note this is not an exhaustive list, and because the indicator exists does not automatically mean a child is being trafficked. When indicators of human trafficking are identified, it means the child is at higher risk of being trafficked.

AWOL behavior	Truancy	Frequent travel	Sudden behavior changes
Hungry/malnourished	Substance misuse	Survival sex	Tattoos/branding
Scripted storylines	Changes in possessions/attire	Inappropriately dressed for weather	Referencing sexual situations
Has older partners	History of STDs, STIs, abortions, or pregnancies	Possession of multiple cell phones, hotel keys, fake IDs, etc.	Physical abuse and/or sexual trauma
Withdrawn, depressed, suicidal ideations	Uses language associated with trafficking		

The Department of Homeland Security has questions to help assist in identifying human trafficking on their website at:

<https://www.dhs.gov/blue-campaign/indicators-human-trafficking>

Human Trafficking of Minors

A REFERENCE GUIDE FOR CPS WORKERS

Making a finding:

Consider the alleged perpetrator's status as a caretaker or non-caretaker while making a finding. The difference between caretaker and non-caretaker is non-caretakers do **NOT** receive a Notification of Findings Letter and **DO NOT** have due process to file an appeal.

Caretaker	Non-Caretaker
Substantiated	HT Confirmed
Unsubstantiated	HT Not Confirmed
Services Needed	N/A

- In some cases, the perpetrator is an unknown individual. DCBS can make a finding of HT Confirmed or HT Not Confirmed based on the investigation and disclosure. An unknown perpetrator does not limit DCBS' ability to make the appropriate finding.
- In the event of an unknown perpetrator being listed - if street names or nicknames are discovered during the course of the investigation, update the name listed in TWIST. If the alleged perpetrator's legal name is known but a street name or nickname is discovered, include this name in the individual assessment narrative. In either instance, report this to the Child Protection Branch, as this is used for monitoring purposes.

Legal Resources:

Federal Code

18 U.S. Code § 1591 Sex trafficking of children or by force, fraud or coercion

18 U.S. Code Ch. 17 Transportation For Illegal Sexual Activity and Related Crimes

State Statutes and Regulations

KRS 529.010 Definitions

KRS 600.020 Definitions for KRS Chapters 600 to 645

KRS 620.029 Duties of cabinet relating to children who are victims of human trafficking

KRS 630.125 Child not to be charged with or found guilty of status offense related to human trafficking

KRS 620.040 Duties of prosecutor, police and cabinet – Prohibition as to school personnel – Multidisciplinary teams

922 KAR 1:300 Child protective services

References:

[Know the Language of Human Trafficking: A Glossary of Sex Trafficking Terms](#)

[Shared Hope's glossary of Trafficking Terms](#)