



Amy Loudenbeck

REPRESENTING WISCONSIN'S 31ST ASSEMBLY DISTRICT

Testimony of Rep. Amy Loudenbeck
Senate Bill 618
Senate Committee on Judiciary and Public Safety
February 1, 2016

Good Morning Committee members and Chairman Wanggaard and thank you for the opportunity to testify on Senate Bill 618, which will align Wisconsin statutes with the new federal "Justice for Victims of Trafficking Act" by requiring Wisconsin to conduct child abuse investigations of children who have been alleged to be victims of sex trafficking, including cases involving non-caregivers, and recognize sex trafficked children as victims of child abuse and neglect.

This bill makes several important changes to state law which the Department of Children and Families will explain in detail during their testimony.

SB 618 expands what constitutes the crime of child sex trafficking, and includes child sex trafficking under the definition of abuse in the Children's Code. The addition of child sex trafficking to the definition of child abuse will require mandated reporters to report suspected cases of child sex trafficking to law enforcement and/or the child protective services agency, allowing for improved data collection and victim identification.

Additionally, this revised definition will require a child sex trafficking victim that is being abused by a non-caregiver to be screened in by a caseworker who may determine that a child in need of protection or services (CHIPS) order is appropriate. These important changes will allow child victims of sex trafficking get the support, protection and services they need.

Aligning Wisconsin state statutes and policies with the new federal requirements regarding sex trafficked children will improve current child welfare practice and help victims and potential victims receive services and support to meet their complex needs and help them heal. The statutory changes will also ensure the continuation of federal child welfare funding for the state of Wisconsin.

Thank you for your time.



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Governor Scott Walker
Secretary Eloise Anderson
Secretary's Office

Date: February 1, 2016

To: Members of the Senate Committee on Judiciary and Public Safety

From: Fredi-Ellen Bove, Administrator for the Division of Safety and Permanence

Re: Department Position on SB 618 – In Support

Senator Wanggaard and members of the Senate Committee on Judiciary and Public Safety,

Thank you for the opportunity to testify on SB 618. My name is Fredi-Ellen Bove and I am the Administrator for the Division of Safety and Permanence within the Wisconsin Department of Children and Families (DCF).

Sex trafficking of children and youth is a horrific crime and a growing phenomenon nationally and in Wisconsin. Precise data on the scope of sex trafficking of minors in Wisconsin is not available. However, based on the experience of law enforcement personnel and service providers, sex trafficking of minors is occurring throughout Wisconsin. SB 618 strengthens the mechanisms to respond to and serve children and youth who are victims of sex trafficking consistent with new federal requirements.

Recently passed federal legislation, the "Justice for Victims of Trafficking Act of 2015" (PL 114-22), requires that state child welfare systems must investigate all allegations of sex trafficking, including cases where the alleged maltreater is a non-caregiver. While some victims are trafficked by a parent or relative caregiver, many, if not most, minor sex trafficking victims are exploited by a trafficker who is not their caregiver.

SB 618 changes state statutes to strengthen the child welfare system's response to alleged cases of sex trafficking in ways that conform to the new federal requirements. Under current law, a person is guilty of child sex trafficking if he or she knowingly recruits, entices, provides, obtains, or harbors, or knowingly attempts to recruit, entice, provide, obtain, or harbor, any child for the purpose of commercial sex acts. This bill adds transporting or knowingly attempting to transport any child for the purpose of commercial sex acts to this crime so that Wisconsin's statutory definition of sex trafficking is similar to the federal definition.

Currently, Child Protective Service (CPS) agencies are permitted, but not required, to investigate reports of abuse or neglect by a non-caregiver maltreater. SB 618 mandates a CPS agency to initiate a diligent investigation into all cases of alleged child sex trafficking by a caregiver or non-caregiver to determine if the child is in need of protection or services. The bill also requires

law enforcement to report suspected cases of sex trafficking of a minor to the local CPS agency, regardless of whether an alleged maltreater is a caregiver or non-caregiver.

Current law does not identify sex trafficking of a child as abuse in Wisconsin Chapter 48, the Children's Code. SB 618 includes sex trafficking in the definition of abuse in the Children's Code, thereby clearly providing authority for child welfare agencies to respond and serve cases involving alleged sex trafficking.

Progress has been made in the past three-four years in the ability of child welfare agencies to investigate and serve sex trafficking victims. At the same time, we recognize that much additional progress is needed. Through the establishment of the recent state Human Trafficking Task Force and other efforts, the Department is committed to working with stakeholders throughout the state to create a robust, comprehensive and coordinated response and service system that is trauma-informed, culturally competent and victim-centered for children and youth who are victims or at risk of becoming victims of sex trafficking. SB 618 moves the state forward towards that goal and ensures that Wisconsin is in compliance with recent federal law.

The Department thanks Representative Loudenberg and Senator Harsdorf for sponsoring this bill. I also thank the Committee Chair, Senator Wanggaard, for holding this hearing and the Committee for your consideration of the Department's testimony. I am pleased to answer any of your questions.

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Testimony of Fierce Freedom
In Support of SB618
February 1, 2016

Dear members of the Committee for Judiciary and Public Safety,

I want to thank you for taking the time to listen to everyone about SB618. SB618 is vitally important in the fight against the fastest growing crime on the planet, human trafficking.

My name is Jodi Emerson and I am the Director of Public Policy and Community Relations for Fierce Freedom, located in Eau Claire. Fierce Freedom is a non-profit, based in the Chippewa Valley that educates and raises awareness about human trafficking. We do not provide direct services but frequently come in contact with those that have fallen victim to traffickers. One common thread amongst many of those stories is that, especially underage victims of trafficking, those that are trafficking are often non-caregivers. The perpetrator of the crime of human trafficking is often a boyfriend, or at least is disguised as one. These are often the hardest cases for law enforcement to deal with because the victim is unwilling to turn on someone they believe they love.

The trafficking of children is abuse and needs to be included in our state's definition of child abuse. Caregiver trafficking is already investigated but we need to take the step to add non-caregiver trafficking to that list as well.

One of my jobs with Fierce Freedom is speaking to community organizations about what trafficking is and what it looks like in our area. I was shocked when I was recently talking to a group of service providers and they were unaware of the fact that non-caregiver trafficking does not need to be investigated by DCF. They assumed that this was already happening in our state. Even those that deal with children, such as runaway youth services and school workers, assumed DCF would look into these cases. It is important that all youth in Wisconsin are protected against traffickers, regardless of who that trafficker is.

I believe that the passage of SB618 will help strengthen the laws in Wisconsin and help build cases that will put more traffickers in jail. I urge you to pass this important piece of legislation and help protect the children of Wisconsin.

Thank you for your time.

Jodi Emerson
Director of Public Policy and Community Relations
Fierce Freedom



WISCONSIN COALITION AGAINST SEXUAL ASSAULT

Testimony

To: Members of the State Senate Committee on Judiciary and Public Safety
From: Wisconsin Coalition Against Sexual Assault (WCASA)
Date: February 1 2016
Re: Senate Bill 618 (and SB 200), Child Sex Trafficking Legislation
Position: Support

The Wisconsin Coalition Against Sexual Assault (WCASA) appreciates the opportunity to offer this written testimony for your consideration. As you may know, WCASA is a statewide membership agency comprised of organizations and individuals working to end sexual violence in Wisconsin. Among these are the 51 sexual assault service provider agencies throughout the state that offer support, advocacy and information to survivors of sexual assault and their families.

WCASA thanks Chairman Wanggaard for bringing Senate Bill 618 forward for this hearing. WCASA also thanks the Wisconsin Department of Children and Families and the many sponsors of this bill on each side of the political aisle for working together to help bring the state in line with the federal Justice for Victims of Trafficking Act.

The National Center for Missing and Exploited Children estimates there are 100,000 prostituted children in the United States. The average age of entry into prostitution is between 12 and 14.ⁱ Wisconsin is not immune to this epidemic. Effectively confronting child sex trafficking requires a significant shift in our thinking as well as our policy.

According to the Legislative Reference Bureau, SB 618 expands the definition of child sex trafficking, adds child sex trafficking to the definition of abuse in the Children's Code, and, among other things, requires the reporting and investigation of potential child sex trafficking and prostitution cases.

WCASA supports this legislation. However, these investigations should result in holding pimps and johns accountable, while also treating sex-trafficked children as the victims of sexual exploitation that they are — not as criminals. Most of these victims have a prior history of abuse long before pimps and johns abuse them.ⁱⁱ Thus, these children should be treated as severely traumatized and abused victims requiring specialized services and counseling. At a minimum, authorities should not submit these children to criminal or delinquency proceedings.

Therefore, WCASA urges the committee to also support Senate Bill 200 /Assembly Bill 267. That legislation would be excellent in tandem with AB 618, thereby bringing state law in line with the federal Human Trafficking Protection Act by treating prostituted minors as victims of sexual exploitation instead of as delinquents. WCASA testified in support of AB 267 in the Assembly in October.

Treating sex-trafficked children as delinquents or criminals is self-defeating and harmful. It hinders victim cooperation, which is necessary to convict the real criminals — pimps and johns. The current approach also increases distrust of law enforcement and child protective services, which hinders efforts to prosecute pimps and johns. Most importantly, the isolation of detention and the stigma of being

treated as a delinquent serve only to exacerbate individuals' feelings of guilt and shame, ultimately re-traumatizing these child victims.ⁱⁱⁱ

While current law allows for a court to enter a consent decree or deferred prosecution agreement under the Juvenile Justice Code or adult criminal statutes, these measures are within the discretion of the court. This means child sex trafficking victims can still be treated as delinquents for prostitution unlike in Illinois and Minnesota.

In conclusion, SB 618 and SB 200 together could make significant headway in fighting child sex trafficking. We urge you to vote for SB 618 and to consider SB 200.

Thank you for your attention to this matter and for your continued efforts to reduce the prevalence of human trafficking in Wisconsin. If you have any questions, please feel free to contact me via the following contact information.

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ⁱ Sherman. Annie E. Casey Foundation. Detention Reform and Girls: 13 Pathways to Juvenile Detention Reform. 2005.

ⁱⁱ Geist. "Finding Safe Harbor: Protection, Prosecution, and State Strategies to Address Prostituted Minors," *Legislation and Policy Brief*: Vol. 4: Iss. 2, Article 3. 2012.

ⁱⁱⁱ Ibid.

testimony



To: Members of the Senate Committee on Judiciary
and Public Safety
Date: February 1, 2016
From: Tony Gibart, Director of Public Policy
Re: SB 618 – Defining Child Sex Trafficking as Child
Abuse & Creating System Response

Wisconsin Coalition Against Domestic Violence
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Chairperson Wanggaard and Members of the Committee, thank you for the opportunity to provide testimony on Senate Bill 618, the bill to bring Safe Harbor to child victims of sex trafficking in Wisconsin. My name is Tony Gibart, and I represent End Domestic Abuse Wisconsin. End Abuse is the statewide membership organization that is the voice for survivors of domestic violence and local domestic violence victim service providers. We support SB 618 and thank Senators Harsdorf and Olsen and Representatives Amy Loudenbeck, Jill Billings and LaTonya Johnson for authoring the bill.

As we came to the end of Human Trafficking Awareness Month yesterday, we can safely say trafficking is happening in all corners of our state. Arguably, the most vulnerable trafficking victims are commercially sexually exploited children. Studies have shown that the population identified as “high risk” youth, particularly runaway and homeless juveniles, are especially vulnerable to trafficking. The National Center for Missing and Exploited Children estimated 1 out of 7 endangered runaways reported in 2013 were likely child sex trafficking victims.

SB 618 would provide the statutory language law enforcement and service providers need to treat these child victims as they should – as victims of child abuse and maltreatment deserving of access to our child welfare system. By mandating the reporting and screening of these children, we can offer these vulnerable victims of abuse the path to healing.

SB 618 would be a critical step towards developing the necessary resources for this population. These highly specialized services should include medical and psychological treatment, emergency and long-term housing, education assistance, job training, language assistance, and legal services. We are encouraged by the Department of Children and Families draft plan made pursuant to the federal Preventing Sex Trafficking and Strengthening Families Act, which would deepen the positive impact of this bill by developing competencies for service providers. We see the creation and expansion of these services as an essential step which is necessary to complete the framework of care that the provisions of SB618 would initiate.

While there is still a great deal of work to do to adequately serve these child trafficking victims, SB 618 would be a strong step forward in developing the framework needed. I urge you to pass this legislation. If you have any questions, please contact me at 608.237.3254 or tonyg@endabusewi.org.