

HUMAN TRAFFICKING JUDICIAL CHECKLIST

Has child been victim of sex trafficking?

- A person knowingly transported, enticed, recruited, harbored, provided, or otherwise obtained the child by any means [Tex. Penal Code § 20A.01\(4\)](#); AND
 - Caused the child to engage in, or become the victim of, an enumerated sex offense [Tex. Penal Code § 20A.02\(a\)\(7\)](#);
 - Received a benefit from participating in a venture that involves an enumerated sex offense; OR
 - Engaged in sexual conduct with a trafficked child, [Tex. Penal Code § 20A.02\(a\)\(8\)](#)
- Child under 18 years of age, regardless of trafficker's knowledge [Tex. Penal Code § 20A.01\(1\)](#), [Tex. Penal Code § 20A.02\(b\)\(1\)](#)

What is child labor trafficking?

- A person knowingly:
 - Trafficked child with intent that the child engage in forced labor or services [Tex. Penal Code § 20A.01\(2\)](#), [Tex. Penal Code § 20A.01\(4\)](#), [Tex. Penal Code § 20A.02\(a\)\(5\)](#); OR
 - Received a benefit from participating in a venture that involves forced child labor or services including knowingly receiving forced child labor or services [Tex. Penal Code § 20A.02\(a\)\(6\)](#)
- Child under 18 years of age, regardless of trafficker's knowledge [Tex. Penal Code § 20A.01\(1\)](#), [Tex. Penal Code § 20A.02\(b\)\(1\)](#)

Under what circumstances will DFPS investigate trafficking?

- If a person traditionally responsible for child's care, custody, or welfare [Tex. Fam. Code § 261.001\(5\)](#):
 - Compelled or encouraged the child to engage in sexual conduct including child sex trafficking, prostitution, or compelling prostitution [Tex. Fam. Code § 261.001\(1\)\(G\)](#);
 - Knowingly caused, permitted, encouraged, engaged in, or allowed a child to be trafficked for sex or labor; OR
 - Failed to make a reasonable effort to prevent the child from being trafficked for sex or labor [Tex. Fam. Code § 261.001\(1\)\(L\)](#)

If child has been missing from foster care, were the following steps taken?

- DFPS made report:
 - To law enforcement and the National Center for Missing and Exploited Children (NCMEC)
 - No later than 24 hours after learning a child is missing or abducted [42 U.S.C. § 671\(a\)\(35\)](#)
- Within 24 hours of learning child missing or returned to care after missing, DFPS notified:
 - Law enforcement, court, child's AAL and GAL, and parents (unless no known location, TPR, or relinquishment) [Tex. Fam. Code § 264.123](#)
- After a missing child returns to care, DFPS interviewed the child about:
 - Why the child was missing;
 - Where the child stayed while missing; and
 - Whether the child was a victim of sex trafficking while missing [Tex. Fam. Code § 264.123\(f\)](#)

Are there any red flags to help identify child trafficking victims?

- Multiple runaways from foster care placement in a short period of time
- Changes in school attendance habits, appearance, socio-economic status and possessions, friend groups, interests, school activities, vocabulary, demeanor, attitude, and sexual behavior
- Unexplained injuries: bruising, swelling, redness, cigarette burns