

Proponent Testimony H.B. 461
House Criminal Justice Committee
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Dear Representative Fedor, Representative Galonski, and Members of the House Criminal Justice Committee,

I am a staff attorney and the current Greif Fellow in Juvenile Human Trafficking at OSU. As the Greif Fellow, I provide free legal representation to juvenile victims and survivors of trafficking. While located in Franklin County, we can accept cases throughout the state. Most of my clients are teenagers with delinquency charges related to their victimization in trafficking and are trying to pursue Safe Harbor. In my work, I also help connect clients with the task force and prepare them to share their stories to aid in the prosecutions of their traffickers.

I am testifying in support of H.B. 461, Protect Trafficked Minors. These are necessary changes to ORC §2152.021 (Safe Harbor), §2905.32 (Trafficking in Persons), and §2929.01 (Penalties and Sentencing – Human Trafficking). The changes create a more streamlined organization of the Safe Harbor procedure, and allow better access to justice and treatment programs for all our teenagers who have experienced trafficking. I strongly urge the passage of these proposed changes.

In its current state, county courts vary substantially in the application of procedure for Safe Harbor (2152.021F) including when GALs are appointed, the type of complaints permitted to be placed in abeyance, and the hearing procedure to enter Safe Harbor.

Overall the proposed changes to the Safe Harbor statute create a more streamlined organization of the procedure, will allow for more universal application in counties throughout the state, and will increase the ability of court to connect these teenage victims of trafficking with services, safe placement, and treatment providers more efficiently.

The proposed changes to the Safe Harbor statute will also allow for statewide timely appointments of a guardians ad litem or GALs. This appointment will take place as soon as the court has reason to believe that the child is a victim of trafficking, but prior to the finding that the act charged is related to the victimization. Currently, county courts vary in the appointment procedure of GALs under Safe Harbor. Some wait until after a child is accepted into Safe Harbor meaning that the court has made a finding that act charged is related to the child's victimization through trafficking without the perspective of a GAL.

Appointing a GAL early in the court process will aid in helping juvenile victims of trafficking more quickly access resources in the community and enter recovery, even if Safe Harbor abeyance is not utilized in the teenager's case. It is crucial that the juvenile court appoint a guardian ad litem as soon as the court has reason to believe that the child is a victim of

human trafficking. In these cases, there is a particular need for the guardian ad litem to be looking out for the best interests of the child. The GAL can independently investigate the surrounding circumstances and make recommendations to the court after an examination of all parties and options available in a case.

At a fundamental level, traffickers use a relationship or power dynamic to control another, exploiting that person for the trafficker's gain. Traffickers can be parents, mentors, family friends, relatives, boyfriends, girlfriends; literally any relationship can be used to exploit a personal vulnerability.

Human trafficking is a crime that commonly involves sex abuse and exploitation. These are issues where even if the parents are not directly involved, the victims can feel shrouded in cycles of shame and secrecy. Parents and other adults may not know all of the details of abuse, may not be trauma informed and misinterpret trauma responses, or may feel guilt or may blame the teenager for experiencing trafficking and being exploited. Having a GAL, who is an adult outside of parents or the child's own counsel, to represent the child's best interests in court and to make knowledgeable recommendations on treatment, placement, additional services, and other issues that arise, is extremely important in the effective application of the Safe Harbor statute.

I strongly support the removal of the distinction between minors to meet the elements of the trafficking in person statute and penalties and sentencing statute. This is not an issue of consent; this is abuse, exploitation and a child trying to survive.

The Greif Fellowship is currently in its fifth year. About 70% of the clients that have been identified as victims of trafficking initially got involved with the court system at ages 16 or 17. I can provide anecdotal evidence that many clients report initial recruitment into the life as being in early adolescence at 12 or 13. 16 and 17 year olds are still minors, children under the law: they can be told to go to school, they cannot emancipate, and the State can impose restrictions on working conditions for their protection, just a few among many other rules for children under 18.

My clients have typically experienced commercial sex trafficking; a common thread between their stories involves an older, more experienced adult manipulating the emotions and physical well-being of this teenager to more easily exploit them for the trafficker's gain. This is targeted manipulation, exploitation and abuse of a minor child, a teenager in the middle of adolescence with all that entails. There should be no distinction in the consequences for someone who engages in trafficking children under 16 years old to those who engage in trafficking children under 18 years old.

As a community, we should be supporting the needs of these children as they overcome darker realities than many of us can imagine. The changes proposed through H.B. 461 make a number of practical changes to support victim recovery and access to justice. I urge this Committee to pass H.B. 461.