

# THE CALL FOR REFORM

## THE NEED FOR CHANGE IN THE JUVENILE JUSTICE SYSTEM FOR SURVIVORS OF CSE

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Across the United States, there is a clear connection between the juvenile justice system and the commercial sexual exploitation of youth. This connection is multi-faceted, with many children in the system having previous experiences with sexual abuse and predators using the system to target vulnerable children for exploitation. Unfortunately, the system that was intended to support and protect minors from further harm has been manipulated into a mechanism for abusing and exploiting some of the most vulnerable children in our society.

A large majority of children entering the juvenile justice system have already experienced childhood sexual abuse as well as other forms of trauma. In fact, sexual abuse is one of the primary predictors of girls' entry into the juvenile justice system. In this setting, girls are four times more likely than boys to have experienced sexual abuse. A recent study in California found that 81% of juvenile-justice-involved girls had experienced one or more incidents of physical or sexual abuse, while a study in Oregon reported 93%. While in the system, girls are nearly twice as likely as boys to be found to have complex trauma (five or more adverse childhood experiences). These numbers are undeniable — traumatic experiences in childhood leave kids much more vulnerable to being placed in the juvenile justice system.

Sadly, the current state of the system compounds vulnerability rather than reducing it. Children in the juvenile justice system are isolated and disconnected from their support systems and exposed to harsh, invasive, and authoritarian systems that contribute to breaking down their physical boundaries and sense of agency. These experiences are damaging to any child's ability to recognize abuse and inappropriate actions, but much more so for children who entered the system with existing trauma. In addition, 88% of these kids live in facilities in which mental health counselors are not licensed professionals and are ill-equipped to adequately address their trauma.

Time spent in the juvenile justice system doesn't do any favors for vulnerable kids. In addition to the connection to prior abuse and placement in the system, these children are far more likely to

experience abuse and exploitation while in the system and after they exit it. Much of this can be attributed to the breakdown of autonomy, as well as the high rates of familial abuse. In these cases, children are often removed from their homes and placed into the state's custody rather than the perpetrator being removed, leaving the kids alone, unsupported, and vulnerable to further exploitation or abuse while in the system. In particular, girls in foster care with a history of sexual abuse fare far worse than other girls in the welfare system, being more likely to change placements, be placed in a restrictive or congregate care setting, exhibit symptoms of mental health challenges, and be involved in the juvenile justice system or the criminal justice system as an adult. A girl who leaves the juvenile justice system without the underlying abuse being addressed remains at high risk of subsequent sexual victimization throughout her life.

The need for reform is apparent. What would it take to change the juvenile justice system to better recognize, protect, and prevent further exploitation and abuse of children in its care? According to experts, the following actions would help the system build a foundation to see real change.

- **Develop comprehensive screening tools to better identify abused children as they enter the juvenile justice system** — It is well-known that most individuals who have experienced abuse or exploitation never report it and are never recognized. In the rare cases that a child tells someone, far too many are simply not believed by their parents, family members, law enforcement officers, prosecutors, and even judges. A child who is not believed once may never share their experience again, perpetuating continued abuse and exploitation. For marginalized populations in this space, including boys, LGBTQ+ individuals, and people of color, this experience is particularly prevalent despite the over-representation of these populations in exploitation and criminalization. In light of this reality, it is vitally important that the juvenile justice system improves its ability to recognize these vulnerable children as they enter the system. Developing comprehensive screening tools that are implemented and required throughout the process will help

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the system identify and protect them against future exploitation and abuse.

- **Develop and implement intensive training on the profile of victims and perpetrators for all professionals likely to come into contact with them** – One of the most significant barriers to identifying victims and survivors lies in the common perceptions of how they appear. Victims of abuse and exploitation represent every background, race, and socioeconomic class and are often not recognized because they don't fit the stereotype. This holds true for the perception of a perpetrator as well, which often leaves victims trapped in exploitation or abuse because others find it difficult to believe that an abuser could appear a certain way. The importance of training law enforcement, child welfare, and court representatives to look beyond stereotypes to recognize the signs of exploitation and abuse cannot be overstated. Training courses that focus on the signs and symptoms of abuse and exploitation rather than a certain profile empower these professionals to recognize victims, survivors, and perpetrators that would otherwise continue unidentified.
- **Develop programs to increase interactions between court officials and their charges** – With so many children in state custody, it can be very difficult for judges and child welfare representatives to truly understand the needs of each individual child in their care. Misunderstandings can lead to children not receiving the services that they need and feeling even more alone, which often results in higher runaway rates and all of the associated vulnerabilities. To address this, it is critical to build a legal system that listens to, encourages, and asks questions of the children in state custody. These efforts will help align the services provided with the actual needs of individual children, helping reduce the challenges these vulnerable children face in their daily lives.
- **Implement mandatory training on CSEC for all court employees, including judges, lawyers, clerks, etc.** – Employees who work in courts handling cases involving children need to be equipped to identify, report, and prompt investigations into potential abuse or trafficking situations. These individuals are uniquely positioned to encounter many victims and survivors, and opportunities to bring healing and freedom are being missed because they are not prepared. Training these individuals will not only empower them to prevent further trafficking but also help them understand the full effects of an abusive or exploitative experience on a child. Change in the legal system

concerning trafficking and abuse must begin with educating the people with the greatest opportunities to effect change.

It is time for the juvenile justice system to perform its intended role – preparing vulnerable children to live as healthy, productive members of our society. These kids cannot achieve that dream if they are constantly under threat of abuse and exploitation as they are now. Reforming the juvenile justice system includes addressing its role in allowing and even facilitating these crimes on children. To protect some of the most vulnerable in our society, there is a significant need to educate, train, and empower the system itself to prevent future opportunities for abuse and exploitation.