



## IOWA NETWORK AGAINST HUMAN TRAFFICKING AND SLAVERY (NAHT)

### Legislation endorsed and encouraged for passage by the 2018 Iowa Legislature

1. **The NAHT requests that the Iowa Legislature enact legislation requiring schools to provide training and supports for awareness and prevention of child sexual abuse and sexual assault in schools.**

#### **Sexual abuse prevention and awareness**

Sexual abuse prevention in Iowa schools will build protective factors for Iowa children, creating safer learning environments and better student achievement for all children. Safety from sexual abuse and exploitation begins by equipping adults working in a school system with knowledge and processes to recognize and respond to boundary violating behaviors, providing training on appropriate interventions, and developing internal school systems of reporting.

The most vulnerable group to be lured into sex trafficking are children and youth with a history of sexual abuse by parents, relatives or others. In addition, children and youth in Iowa's Foster Care system are also at high risk of being trafficked.

The NAHT would support a bill which requires that all public schools in Iowa implement a prevention-oriented child sexual abuse program which teaches:

- a. School personnel on how to recognize and respond to warning signs of sexual harassment, exploitation or abuse.
- b. Students in grades preK – 12th grade, age-appropriate techniques to recognize child sexual harassment, exploitation or abuse and tell a trusted adult.
- c. Parents and guardians warning signs of child sexual harassment, exploitation or abuse, plus needed assistance, referral or resource information to support sexually abused children and their families

#### **Recognizing and reporting**

Most teachers don't receive training in preventing, recognizing, or responding to child sexual abuse, either in their college coursework, or as part of their professional development.

87% of teachers say they would not report sexual abuse, even if a child disclosed to them, while only 11% of teachers said they would not report a case of suspected physical abuse or neglect.

The most common reasons for not reporting suspected child sexual abuse was their lack of confidence in their ability to identify it, and to respond appropriately to suspicions.

More than 80% of child molesters identified in schools or youth-serving organizations have no prior criminal records, according to national risk management experts.

### **Disclosure**

60% of children sexually abused never report the abuse.

In the year following training, educators in Texas increased their reports of child sexual abuse to authorities by 283%.

### **Iowa improvement & expansion of Erin's law**

Erin's Law was introduced as a Iowa House bill by Rep. Greg Heartsill in 2015, 2016 and 2017. An Erin's Law Study Bill did pass the Iowa House in 2017 but was not introduced in the Iowa Senate. For the past three years, the NAHT supported passage of Erin's Law by the Iowa Legislature. For 2018, the NAHT is supporting an expansion of what was known as Erin's Law.

Despite Iowa's lack of progress in passage of Erin's Law, last year five more states did adopt this legislation. In the order of passage, the following 31 state governments have passed Erin's Law:

- |                |                    |                   |                  |
|----------------|--------------------|-------------------|------------------|
| 1. Illinois    | 9. New Mexico      | 17. Pennsylvania  | 25. Alabama      |
| 2. Indiana     | 10. Utah           | 18. Rhode Island  | 26. Alaska       |
| 3. Maine       | 11. Tennessee      | 19. California    | 27. Montana      |
| 4. Missouri    | 12. New Hampshire  | 20. Texas         | 28. North Dakota |
| 5. Michigan    | 13. Connecticut    | 21. West Virginia | 29. Minnesota    |
| 6. Arkansas    | 14. Louisiana      | 22. Oklahoma      | 30. Maryland     |
| 7. Mississippi | 15. South Carolina | 23. Colorado      | 31. Delaware     |
| 8. Nevada      | 16. Vermont        | 24. Oregon        |                  |

2. **The Iowa NAHT asks that either the Iowa Supreme Court adopt rules or that the Iowa Legislature enact legislation to add human trafficking victims to Iowa's Rape Shield law.**

Iowa's rape shield law (Rule 5.412 Sexual abuse cases; relevance of victim's past behavior) does not currently extend rape shield protection to victims of sex trafficking. Iowa should enact laws that provide protections for Iowa sex trafficking victims in the trial process. State statutes and rules must have an adequate focus on all victims of sexual exploitation or abuse to ensure equal protection of those victims who pursue prosecution of their trafficker

The rape shield law in Iowa can be found in the Rules of Evidence, and the Iowa Supreme Court has primary authority to amend the rules of evidence. If the Supreme Court does not change this rule, the legislature will be asked to make changes to the statute. Once the code is changed, the Iowa Supreme Court should declare that it will uphold the state statute and rule of evidence change.

**The following is the proposed wording:**

“The victim’s sexual history or history of commercial sexual activity, the specific instances of the victim’s sexual conduct, and reputation evidence of the victim’s sexual conduct may not be offered as a defense in prosecutions for sex trafficking. In a prosecution for violations of the criminal provisions of [trafficking in person], the identity of the victim and the victim’s family must be kept confidential by ensuring that names and identifying information of the victim and victim’s family are not released to the public, including by the defendant.”

3. **The NAHT supports restoration of state funding for the Office to Combat Human Trafficking within the Iowa Department of Public Safety.**

SF2191 passed the legislature and was signed into law by the Governor Branstad on 4/7/16. As a result, the Office to Combat Human Trafficking was established in July 2016 within the Department of Public Safety. An initial appropriation of \$300,000 funded the office but was not included in the 2017 state budget. The NAHT supports restoration of funding for the Office to Combat Human Trafficking.

4. **The NAHT asks for the creation of a work group to examine current mandatory reporter training and certification requirements. By December 15, 2018, the work group should make its policy recommendations to the Iowa legislature.**

Overwhelmingly, professionals from across sectors report dissatisfaction in the current mandatory reporter training, and welcome comprehensive reform of Iowa's code.

More than 4,000 providers offer Mandatory Reporter training in Iowa, many of whom charge a fee for the training. Revision of the mandatory reporter code in Iowa would provide more direction to mandatory reporter trainers in Iowa and improve the function of reporting with Iowa Department of Human Services. Identification of human trafficking should be included and expanded in Mandatory Reporter training.

Iowa’s Mandatory Reporter law requires professionals who have frequent contact with children, such as those working in education, health, child care, social work, law enforcement, and mental health, to receive regular and frequent training in identifying and reporting concerns of child well-being.

More than 400,000 Iowans are required to be trained as Mandatory Reporters in Iowa. Failures in quality Mandatory Reporter requirements place Iowa’s most vulnerable populations at risk, clouds effective communication between Mandatory Reporters and the Iowa Department of Human Services, and puts professionals at risk for failure to report.

5. **The NAHT asks that the Iowa Legislature adopt legislation to require parents wishing to educate their children through private instruction (Independent Private Instruction or Competent Private) to annually notify the local superintendent of said intent and to complete homeschool registration.**

An annual notification by parents of intent to homeschool their children will create opportunities for collaboration between homeschool families and their district of residence.

Annual homeschool registration with a local public school superintendent's office will help to improve child protection for the more than 10,000 youth who are homeschooled in Iowa.

6. **The NAHT requests the Iowa legislature to adopt legislation to promote child and family resilience through trauma informed policies that prioritize prevention and increase protective factors for Iowa's children.**

Adversity in childhood has a direct impact on an individual's health outcomes and social functioning. The cumulative effects of multiple adverse childhood experiences (ACEs) have even more profound public health and societal implications. ACEs include physical, emotional, and sexual abuse; neglect; food and financial insecurity; living with a person experiencing mental illness or substance use disorder, or both; experiencing or witnessing domestic violence; and having divorced parents or an incarcerated parent. ACEs are common in Iowa.

Approximately one in five Iowa children has experienced three or more ACEs, the most common being divorced or separated parents, food and housing insecurity, and having lived with someone with a substance use disorder or mental health condition. Children with three or more ACEs have higher odds of failing to engage and flourish in school. The impact of ACEs in Iowa is evident through the rise in caseloads in the DHS, the acceleration of the opioid epidemic, which is both driving and affected by family dysfunction, and rising health care costs associated with adult chronic illness.

7. **The NAHT asks for the Iowa Legislature to enact legislation to expand and improve anti-human trafficking laws (same laws as in Nebraska) and thereby amend the Iowa code as follows:**

- a. Punish sex purchasers the same as traffickers by adding solicitation to the definition of human trafficking.
- b. Increase the penalty for trafficking minors under age 18 from 10 to up to 20 years.
- c. "Immunity" from prosecution for the trafficking victims.
- d. Iowa should add a civil penalty option for victims of trafficking.

8. **The NAHT supports the restoration of state funding cut in FY 2017-2018 to the Victim Services Division of the Iowa Attorney General's office.**

The 26% cut was much larger than that of other state divisions and departments. A cut of this size has negatively impacted victim service capacity including survivors of human trafficking. These survivors are among Iowa's most vulnerable, traumatized and abused. The NAHT believes that state funding for services to survivors of sexual assault and sex trafficking needs to be restored.