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DELAWARE

2023 Report Card

TIER II

GRADES ARE BASED SOLELY ON AN ANALYSIS OF STATE STATUTES. While we recognize the critical importance of non-legislative responses to propel progress, grading on statutory law provides a clear mechanism for evaluating policy goals across all states while ensuring that survivor-centered reforms are an enduring part of states' responses.

STATE HIGHLIGHTS:

- Between 2021-2023, raised score by 4.5 points.
- Extended foster care services are available to youth under 23 years of age, providing an especially vulnerable group of young people access to services and care that may mitigate risk factors to harm, including exploitation.
- Allows child and youth victims of sex or labor trafficking to seek accountability for their offenders through civil processes.
- Child and youth victims of sex or labor trafficking are provided an alternative to in-court testimony in proceedings against their offender.
- Buyers of sex with children can be prosecuted for child sex trafficking and commercial sexual exploitation offenses.

SAFE HARBOR STATUS:

One of 21 states that fail to fully prohibit the criminalization of minors for prostitution offenses; while minors are afforded immunity protections in one part of the Code, contradictory state law permits children to be subjected to juvenile delinquency proceedings for prostitution or loitering offenses.

Issue			Grade	Score	Summary
	1. Criminal Provisions		C	$\frac{12.5}{17.5}$	Policy goals accomplished related to buyer accountability under the trafficking law, trafficker accountability under state CSEC laws, mistake of age defenses, decoy defenses, and business entity liability under the trafficking law. Gaps remain related to buyer accountability under state CSEC laws and financial penalties.
	2. Identification of and Response to Victims		F	$\frac{8}{27.5}$	Policy goals accomplished related to foreign national victims and child abuse definitions. Gaps remain related to third party control, screening through child welfare and the juvenile justice system, non-criminalization for prostitution offenses, expanded non-criminalization, juvenile court jurisdiction, and non-caregiver trafficking cases.
	3. Continuum of Care		F	$\frac{5.5}{15}$	Policy goal accomplished related to extended foster care services. Gaps remain related to community-based services, MDT responses, services through child welfare and the juvenile justice system, and appropriations.
	4. Access to Justice for Trafficking Survivors		D	$\frac{9.5}{15}$	Policy goal accomplished related to civil remedies. Gaps remain related to civil orders of protection, crime victims' compensation, vacatur, restitution, and statutes of limitation.
	5. Tools for a Victim-Centered Criminal Justice Response		B	$\frac{8.5}{10}$	Policy goal accomplished related to alternatives to live, in-court testimony. Gaps remain related to hearsay exceptions, victim-witness supports, and privileged communications.
	6. Prevention and Training		F	$\frac{6}{15}$	Gaps remain in all areas, including training for child welfare, juvenile justice agencies, law enforcement, prosecutors, and school personnel as well as prevention education in schools.
EXTRA CREDIT		Youth		2	Protections related to civil remedies and alternatives to live, in-court testimony are extended to sex trafficked youth.
		Child Labor Trafficking		2	Protections related to civil remedies and alternatives to live, in-court testimony are extended to child labor trafficking victims.

OVERALL GRADE
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