

Youth, Rights & Justice

ATTORNEYS AT LAW

To: House Judiciary Committee, 2013 Oregon Legislative Assembly

From: Lynn Haxton, Staff Attorney, Youth, Rights & Justice

Date: February 18, 2013

Re: Testimony in Support of HB 2431/Raising a concern

Chair Barker and Members of the Committee:

My name is Lynn Haxton, I am a staff attorney at Youth, Rights & Justice. We have represented approximately 50,000 children in foster care and youth in the juvenile justice system since 1975.

I have been a staff attorney for the last nine years and have represented children who are victims of Commercial Sexual Exploitation (CSEC). I am a member of the Multnomah County CSEC Steering Committee, the Victim Services Implementation Team, and Multnomah County CSEC Legislative Committee.

Youth, Rights & Justice supports House Bill 2431 because it provides a defense to the crime of prostitution for children who are commercially sexually exploited.

Commercially Sexually Exploited Children in Oregon currently face a disjointed legal system that simultaneously views them as delinquent prostitutes, victims of compelling and promoting prostitution, and legally incapable of consenting to sex. This situation is analogous to recognizing a child who was raped by a relative as a sexual assault victim, while simultaneously arresting her for incest. Locally, nationally, and internationally, this view is changing and prostituted children are being recognized uniformly for what they truly are: victims of extreme sexual abuse.

HB 2431 sends the clear message that sexually exploited children are not criminally liable for the abuse they have endured. Identifying these children as child abuse victims and using the dependency statutes to remove them from dangerous situations will support them as victims and not treat them as criminals. In addition, children who fall under the dependency statutes are often eligible for federal money under Title IV-E and Medicaid which would provide them with further restorative support. Delinquent youths do not qualify for these federal funds.

Our only concern with this bill is the requirement that the district attorney or juvenile department file a petition in juvenile court may be in conflict with the dependency code which has specific legal sufficiency requirements for dependency petitions. We think language requiring a child abuse report and investigation by the Department of Human Services would be a more legally sound requirement.

This is a good bill, but one that requires a minor modification.