

children at Risk

TESTIMONY IN SUPPORT OF HB 1540 (REP. THOMPSON)

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ABOUT RTCS & CHILD TRAFFICKING

The approximately 60 residential treatment centers (RTCs) in Texas provide mental health treatment services, counseling, and education services to children and young adults who are experiencing difficulty with emotional disorders and/or substance abuse. Traffickers know that the children living in RTCs are among the most vulnerable, and they target RTCs in order to solicit these vulnerable children, including many children of color, into prostitution. They lurk in the parking lots or on the grounds, and entice minors by offering them drugs, a ride in their vehicle, or an afternoon's "freedom." In reality, these children are often sexually assaulted and trafficked.

Traffickers have been successful in luring and recruiting minors on RTC grounds because they are currently free to approach these extremely vulnerable youths without significant impediment.

We can protect the clients of residential treatment centers from traffickers by ensuring that peace officers are able to maximize time and resources at RTCs and by providing heightened penalties against persons trespassing on RTC grounds.

In Fiscal Year 2019, **1,973 children and youth were reported missing** from DFPS custody.¹ **As in prior years, the living arrangements from which children and youth are missing most frequently are Residential Treatment Centers and Emergency Shelters.**² Many of these missing children end up in sexually exploitative situations, including human trafficking. Some were recruited by traffickers directly from the parking lots of residential treatment centers (RTCs). The data table below, which shows the human trafficking screening results of client minors at four Texas RTCs, was provided by the Austin-based NGO **Allies Against Slavery** through their Lighthouse project.³ Because this data involves minors it has been completely de-identified, including the names and locations of the RTCs themselves.

	Number of Records	Percentage Clear Concern	Percentage Possible Concern	Percentage No Concern
Organization A	1014	32.64%	43.69%	23.67%
Organization B	65	32.31%	55.38%	12.31%
Organization C	224	87.95%	9.82%	2.23%
Organization D	17	70.59%	23.53%	5.88%

¹Children and Youth Missing from DFPS Conservatorship & Human Trafficking Initiatives Fiscal Year 2019 Annual Report, https://www.dfps.state.tx.us/About_DFPS/Reports_and_Presentations/Agencywide/documents/2020/2020-05-29_Children_Youth_Missing_from_DFPS_Conservatorship_and_Human_Trafficking_Data_FY2019.pdf

² *Id.* at pg. 4.

³ <https://alliesagainstsavery.org/lighthouse/>

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In all four of the RTCs examined, all have at least one-third of their clients screen at the highest level of vulnerability to trafficking—“clear concern”—meaning that these children have evidenced numerous risk factors for human trafficking. In two of the RTCs, a large majority of the clients screened at “clear concern.” These four RTCs also serve a majority female population, and two have a majority of minor clients who are of color.

WHAT HB 1540 DOES:

The proposed legislation requires all providers/ owners of RTCs to post “no trespassing” notices along the exterior boundaries of the property in accordance with rules to be promulgated by the Texas Health & Human Services Commission (“HHSC”), and grants HHSC authority to prescribe requirements regarding the form, placement, installation, and number of “no trespassing” notices for RTCs.

By posting the grounds and curtilage of RTCs as no-trespassing areas, law enforcement is automatically granted the power to stop persons in these areas, inquire as to their purposes, and request ID. This ability expedites enforcement, conserves law enforcement time and resources, and encourages more frequent patrols. Additionally, should a person trespass on RTC grounds, the proposed legislation connects this criminal activity to the higher penalties currently provided for in Texas law for areas deemed to be in need of high protection, such as disaster shelters and critical infrastructure sites.

The proposed language designates RTCs as child safety zones as well as gang- and drug-free zones, as defined by Texas law, but exempts RTC clients and their guardians from the enhanced penalties imposed by zones.

SUMMARY:

HB 1540 maximizes resources and helps protect the most vulnerable of our youth by incentivizing more frequent patrols at RTCs. Officers will not need to ‘stake-out’ RTC parking lots to observe potential bad actors over extended times in order to build a case for reasonable suspicion before approaching the subject. Instead, they may inquire as a person’s business at the RTC immediately if that person is in the parking lot or on the exterior grounds. HB 1540 will help protect the most vulnerable kids.

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