

## Human Trafficking: the Connection with the Child Welfare System



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JusticeMatters (JM) provides preventive and restorative legal services that **protect children and help survivors** of human trafficking and other traumas rebuild their lives, amplifying our clients' voices through advocacy, training, and leadership.

[www.justicemattersnc.org](http://www.justicemattersnc.org)




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## Intersections



**“Children in out-of-home care are at a particularly high risk of being trafficked....** A 2013 report by the HHS Administration on Children, Youth and Families (ACYF) cited a number of alarming statistics, including several studies showing that **50 to more than 90 percent of children who were victims of child sex trafficking had been involved with child welfare services.”**

Human Trafficking and Child Welfare: A Guide for Child Welfare Agencies, Child Welfare Information Gateway (July 2017), available at [www.childwelfare.gov/juvenile/trafficking\\_agencies.pdf](http://www.childwelfare.gov/juvenile/trafficking_agencies.pdf)




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## Human Trafficking

**“Human trafficking,**  
also known as trafficking in persons or  
modern day slavery,  
is a **crime** that involves the **exploitation of a person**  
for the purpose of **compelled labor**  
or a **commercial sex act.**”

Federal Strategic Action Plan on Services for Victims of Human Trafficking in the United States,  
available at: <https://www.acf.hhs.gov/otip/initiatives/federal-plan>




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## Human Trafficking

Under Federal and North Carolina law:

- **Minors involved in commercial sexual activity;**
- **Adults induced into commercial sexual activity** through force, fraud, or coercion; and
- **Children and adults induced to provide labor or services** through force, fraud, or coercion;

... are victims of human trafficking.

22 U.S.C. §§ 7101–7113 (2014)  
N.C. Gen. Stat. § 14-43.10-20 (2013)




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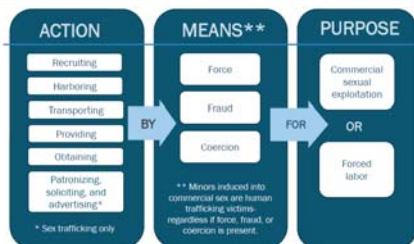
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### Trafficking Victims Protection Act of 2000 (TVPA)



Victims of Trafficking and Violence Protection Act of 2000 (TVPA), Pub. L. No. 106-386, 114 STAT. 1533, 1537, 1544 (2000)




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## Human Trafficking in NC

### § 14-43.11. Human trafficking.

- (a) A person commits the offense of human trafficking when that person
- knowingly or in reckless disregard of the consequences of the action **recruits, entices, harbors, transports, provides, or obtains** by any means another person with the **intent** that the other person be held in **involuntary servitude or sexual servitude** or
  - willfully or in reckless disregard of the consequences of the action **causes a minor to be held in involuntary servitude or sexual servitude.**
- (b) A person who violates this section is guilty of a Class F felony if the victim of the offense is an adult....a Class C felony if the victim of the offense is a minor.
- (c) ...**(c1) Mistake of age is not a defense** to prosecution under this section.
- Consent of a minor is not a defense** to prosecution under this section.
- (a) A person who is not a legal resident of North Carolina...shall be eligible for the public benefits and services of any State agency if the person is otherwise eligible for the public benefit and is a victim of an offense charged under this section....

N.C. Gen. Stat. § 14-43.11 (2013)



## Definition: Involuntary Servitude

### § 14-43.10(a)(3). Involuntary servitude.

The term includes the following:

- The **performance of labor**, whether or not for compensation, or whether or not for the satisfaction of a debt; and
- By **deception, coercion, or intimidation** using **violence or the threat of violence** or by any other means of **coercion or intimidation**.

N.C. Gen. Stat. § 14-43.10(a)(3) (2013)

#### HUMAN TRAFFICKING

##### Charlotte woman indicted for forced labor and document servitude

CHARLOTTE, N.C. – Lashelle Lynne Shackelford, 35, of Charlotte, was indicted Wednesday by a federal grand jury in the Western District of North Carolina on charges of forced labor and document servitude, which is the withholding of all individual's legal documents, following an investigation by U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI).

According to the indictment, the victim, an underage undocumented alien, was placed in Shackelford's care through the U.S. Department of Health and Human Services (HHS) Family Reunification Program, pending the initiation of an immigration petition for the immigrant alien.

Under the terms of the agreement with HHS, Shackelford provided to care for the victim, and to provide, among other things, proper living accommodations, food and clothing. According to the agreement, the victim could not work and could have scheduled weekend visits with his father.

The indictment alleges that since June 2008, Shackelford forced the victim to engage in various types of labor, including cleaning yards in her father's yard and cleaning her mother's home, without being paid for his services. The indictment also alleges that Shackelford did not provide adequate food to the victim or allow her to seek his father.

"No one should be forced to live in a world of isolation and servitude, as this victim was, particularly in a country that prides itself on freedom," said Bruce Robertson, acting general agent in charge of ICE HSI overseeing Georgia and the Carolinas. "It's a sad reflection on the human condition that people believe they are engaged in the best of institutions of another human being for profit and to break they can do so with respect. Today's indictment sends the message to those who traffic in human beings that ICE Homeland Security Investigations and its federal, state and local law enforcement partners are committed to punishing those who violate justice."

Shackelford allegedly threatened to report the victim to law enforcement authorities and immigration officials if he did not work for her or give her all the money he earned. Additionally, the indictment alleges that Shackelford withheld the victim's legal documents.

Shackelford is charged with one count of forced labor, which carries a maximum sentence of 20 years imprisonment and a fine of up to \$500,000, and one count of document servitude, which carries a maximum sentence of five years in prison and a fine of up to \$250,000.

U.S. V. Shackelford - Charlotte, NC (2011)



## Definition: Sexual Servitude

### § 14-43.10(a)(5). Sexual servitude.

The term includes the following:

- Any sexual activity** as defined in G.S. 14-190.13 **for which anything of value** is directly or indirectly given, promised to, or received by any person, which conduct is induced or obtained by coercion or deception **or which conduct is induced or obtained from a person under the age of 18 years;** or
- Any sexual activity** as defined in G.S. 14-190.13 that is performed or provided by any person, which conduct is induced or obtained by coercion or deception or which conduct is **induced or obtained from a person under the age of 18 years.**

N.C. Gen. Stat. § 14-43.10(a)(5) (2013)



## Definition: Means of Coercion

### § 14-43.10(a)(1). Coercion.

The term includes all of the following:

- Causing or threatening to cause **bodily harm** to any person, **physically restraining or confining** any person, or **threatening** to physically restrain or confine any person.
- Exposing or threatening to **expose any fact or information** that if revealed would tend to subject a person to criminal or immigration proceedings, hatred, contempt, or ridicule.
- Destroying, concealing, removing, confiscating, or possessing any actual or purported **passport** or other **immigration document**, or any other actual or purported **government identification** document, of any person.
- Providing a **controlled substance**, as defined by G.S. 90-87, to a person.

*N.C. Gen. Stat. § 14-43.10(a)(1) (2013)*




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## Definition: Means of Deception

### § 14-43.10(a)(2). Deception.

The term includes all of the following:

- Creating or confirming **another's impression of an existing fact or past event that is false** and which the accused knows or believes to be false.
- Maintaining the status or condition of a person arising from a pledge by that person of his or her **personal services as security for a debt**, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined, or preventing a person from acquiring information pertinent to the disposition of such debt.
- Promising benefits or the performance of services** that the accused does not intend to deliver or perform or knows will not be delivered or performed.

*N.C. Gen. Stat. § 14-43.10(a)(2) (2013)*




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## Safe Harbor Highlights

### Session Law 2013-368 "Safe Harbor Law"

- Clarified that **minors are immune from prosecution for prostitution**.
- Changed definition of "**abused juvenile**" to add those whose parents, guardians, custodians, or caretakers commit or allow to be committed an offense of human trafficking or involuntary servitude or sexual servitude against the child.
- Clarified that **mistake of age is not a defense** to human trafficking.
- Other provisions not focused on minors, including mandatory restitution.

*N.C. Gen. Stat. § 14-204(c) (2013), N.C. Gen. Stat. § 7B-101.1(g) (2013), N.C. Gen. Stat. § 14-43.11(c1) (2013)*




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## Immunity for Minors

### § 14-204(c). Immunity From Prosecution for Minors.

Notwithstanding any other provision of this section, if it is determined, after a reasonable detention for investigative purposes, that a person suspected of or charged with a violation of this section is a minor, that person shall be **immune from prosecution** under this section and instead shall be **taken into temporary protective custody as an undisciplined juvenile** pursuant to Article 19 of Chapter 7B of the General Statutes. Pursuant to the provisions of G.S. 7B-301, a law enforcement officer who takes a minor into custody under this section shall **immediately report** an allegation of a violation of G.S. 14-43.11 and G.S. 14-43.13 to the **director of the department of social services in the county where the minor resides or is found**, as appropriate, which shall **commence an initial investigation** into child abuse or child neglect within 24 hours pursuant to G.S. 7B-301 and G.S. 7B-302.

N.C. Gen. Stat. § 14-204(c) (2013)




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## Myths & Misconceptions

1. Human trafficking involves transporting the victim across a border.

2. Must not be a victim, because:

- Says he/she's not a victim
- Is attending school, shopping, or otherwise "free"
- Is not low-income
- Is not from another county
- Is not low-income
- Appears to be consenting

3. Must not be a trafficker, because:

- Minimal to no criminal history
- A parent or significant other to the victim
- A woman




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## Scope of Human Trafficking

### Crosses all geographic lines...

- Global: over 20 million victims estimated.
- National: hundreds of thousands of U.S. citizens believed to be trafficked within the U.S.
- North Carolina: believed to have one of the top ten highest rates of human trafficking in the U.S.

**& crosses all demographic lines.**




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## Why?

**Profit** for perpetrators



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**Vulnerability**  
of victim-survivors

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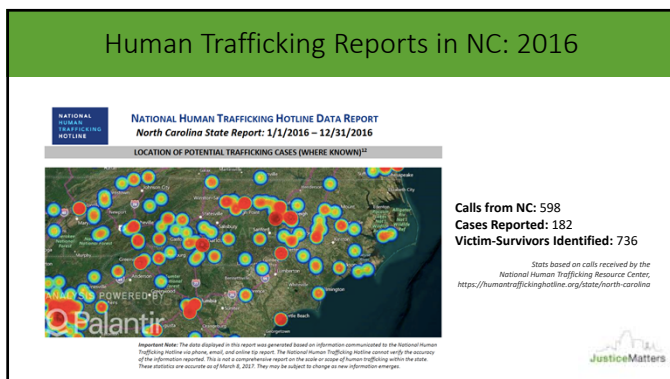
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## Human Trafficking Reports in NC: 2017

**Calls from NC: 984**

**Cases Reported: 258**

**Victim-Survivors Identified: 1,203**

Stats based on calls received by the National Human Trafficking Resource Center,  
https://humantraffickinghotline.org/state/north-carolina




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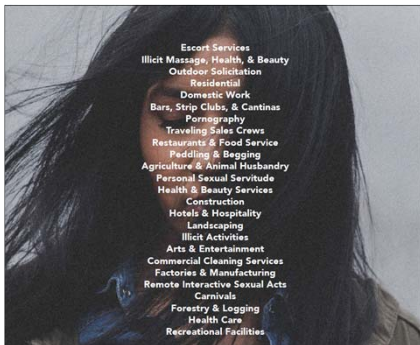
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"The Typology of Modern Slavery: Defining Sex and Labor  
Trafficking in the United States" - The Polaris Project




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## Intersections: Criminal Law

Survivor as:

Victim-Witness

→ assistance, restitution

Defendant

→ criminal defense

Convicted of Crime

→ expunction, vacatur

"Youth in the juvenile justice system may be **misidentified and treated as criminals** charged with prostitution, truancy, or petty theft **when, in actuality, they are being controlled by a trafficker.**"

Signs that a child or teen is a victim of human trafficking: "History of emotional, sexual, or other physical abuse; Signs of current physical abuse and/or sexually transmitted diseases; History of running away or current status as a runaway; Inexplicable appearance of expensive gifts, clothing, cell phones, tattoos, or other costly items; Presence of an older boyfriend or girlfriend; Drug addiction; Withdrawal or lack of interest in previous activities; Gang involvement."

Child Welfare and Human Trafficking, Child Welfare Information Gateway (July 2015), available at <https://www.childwelfare.gov/pubs/issue-briefs/trafficking>.




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## Intersections: Civil Law

- Tort: personal injury lawsuits
- Employment: wage and hour, discrimination, etc.
- Protective orders
- Family issues
  - A/N/D
  - Juvenile Delinquency
  - Family Court: divorce, legal custody, guardianship, name change petitions, TPR, adoption

**"Children and youth involved with the child welfare system due to abuse or neglect and then placed in foster care or group homes—as well as youth who are involved with the justice system, are homeless, or have run away—are all at high risk of being trafficked."**

Child Welfare and Human Trafficking, Child Welfare Information Gateway (July 2015), available at [www.childwelfare.gov/pubns/issue-briefs/trafficking](http://www.childwelfare.gov/pubns/issue-briefs/trafficking).




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## Intersections: Immigration Law

- T Nonimmigrant Status
- U Nonimmigrant Status
- VAWA Self-Petition
- Asylum
- Special Immigrant Juvenile Status (SIJS)
- Deferred Action for Childhood Arrivals (DACA)




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## T Visa

### Purpose

- Provides relief for persons who have been subject to sex and/or labor trafficking
- Aids law enforcement in their investigation and prosecution of crime
- Encourages victims to come forward

### Requirements

- Victim of sex or labor trafficking;
- Physically present in the U.S.;
- Comply with reasonable requests from law enforcement in investigating and prosecuting the crimes; and
- Extreme hardship if removed from the United States.




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## Special Immigrant Juvenile Status (SIJS)

### Purpose

- Provides relief for undocumented minors who have survived **abuse, neglect, or abandonment** by one or both parents.

### Requirements

- Under 21;
- Unmarried;
- Declared dependent by juvenile court because of abuse, neglect, or abandonment; and
- Not in child's best interest to return to his or her home country.




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## Impact of Immigration Relief

- **Legal Benefits**
  - Legal status in the United States
  - Employment authorization
  - Ability to petition for family members
  - Ability to apply for a Green Card (LPR)
- **Public Benefits**
  - Access to services
- **Social Benefits**
  - Positive impact on society




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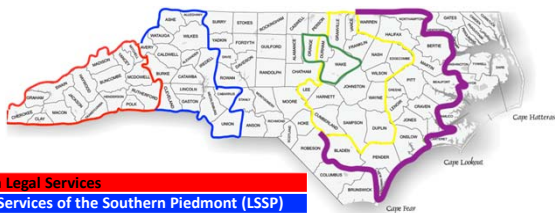
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## Free/Reduced-Cost Legal Services: SIJS



Pisgah Legal Services

Legal Services of the Southern Piedmont (LSSP)

U.S. Committee for Refugees and Immigrants

(USCRI)

JusticeMatters, Inc.




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## Combating Human Trafficking in NC

### North Carolina Human Trafficking Commission

- First created in SL 2012-142.
- Current structure established by SL 2013-368, which provided for permanent existence.
- Housed within NC DOJ, which provides administrative support.
- Twelve appointed members.
- Charged with leading anti-human trafficking efforts in North Carolina.

*N.C. Gen. Stat. § 143A-55.10 (2013)*

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## Key Statewide Resources & Initiatives in NC\*

### Victim Services

NC Governor's Crime Commission Victim Services Committee Funding Priority 2016, 2017, 2018  
Children's Advocacy Centers of NC

### Justice System

NC Administrative Office of the Courts: Human Trafficking & The State Courts Initiative  
NC Conference of District Attorneys: Child Trafficking Resource Prosecutor

### Training

2016 NC Certified Law Enforcement Training  
2017-2018 NC Human Trafficking Commission Regional Multidisciplinary Trainings

*\* This list is not exhaustive.*

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## Regional Response Efforts in NC\*

### Regional Response

County-Based Coalitions and Task Forces  
Rapid Response Teams

Project NO REST Pilot Sites

- Funded by: US DHHS Children's Bureau, NC Governor's Crime Commission
- Five-year project to address trafficking of youth through age 25 in North Carolina
- Primary focus: child welfare-involved youth
- Project Director: Dr. Dean Duncan ([www.projectnoreset.org](http://www.projectnoreset.org))

*\* This list is not exhaustive.*

**Task forces** are the strongest predictor of prosecution of human trafficking suspects and offenses.

Bouche, Farrell, and Wittmer, Identifying Effective Counter-Trafficking Programs and Practices in the US, at 17.

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## Human Trafficking & the State Courts



NORTH CAROLINA  
ADMINISTRATIVE OFFICE  
of the COURTS



### NC Court Goals and Strategic Priorities For Addressing Human Trafficking

#### Goals

- Goal 1: The scope, dynamics, consequences, and preferred responses to sex and labor trafficking will be commonly understood throughout North Carolina.
- Goal 2: The North Carolina judiciary and justice and community partners will identify and address every human trafficking involved incident.
- Goal 3: The North Carolina judiciary and justice and community partners will have the resources needed to address human trafficking.
- Goal 4: The North Carolina judiciary and justice and community partners will have a common understanding about their roles and responsibilities in collectively addressing trafficking involved dependency, delinquency, and status offense incidents.

#### Strategic Priorities

- Strategic Priority 1 - Create a common understanding of the forms, dynamics, and potential responses to human trafficking in North Carolina and understanding about the optimal judiciary role in addressing human trafficking.
- Strategic Priority 2 - Develop agreed-upon tools and processes for (1) identifying human trafficking-involved cases, (2) conducting comprehensive victim needs assessments, and (3) creating treatment plans for human trafficking victims.
- Strategic Priority 3 - Increase court, justice system, and community capacity for addressing human trafficking.



## Key Legislation in NC\*

### Session Law 2013-368

“Safe Harbor” for minors.

### Session Law 2015-279

Sex trafficking awareness and prevention in schools.  
(UNC-SSW School-Based Education and Response)

### Session Law 2017-151

Mandatory hotline posting law.

\* This list is not exhaustive.

**“Requiring the NHTRC number to be posted in public places is the most important provision for increasing the number of human trafficking arrests.”**

Vanessa Boudie, Amy Yarnall and Dana Wittmer, *Identifying Effective Counter-Trafficking Programs and Practices in the U.S. Legislative, Legal, and Public Opinion Strategies that Work*, 1 (Jan. 2016) (unpublished manuscript, available at <https://www.ncjrs.gov/App/Publications/abstract.aspx?ID=271816>).



## Key National Legislation Impacting NC



### Preventing Sex Trafficking and Strengthening Families Act 2014 (P.L. 113-183) requires title IV-E agencies to:

- Develop policies and procedures to identify, document, and determine appropriate services for children under the placement, care, or supervision of a child welfare agency and who are – or are at risk of becoming – sex trafficking victims;
- Implement protocols to locate children missing from foster care and, among other things, determine whether the child is a sex trafficking victim; and
- Report to US DHHS in 2017 and annually thereafter, the total number of children and youth who are victims of sex trafficking.

Human Trafficking and Child Welfare: A Guide for Child Welfare Agencies, Child Welfare Information Gateway (July 2017), available at [www.childwelfare.gov/pubPDFs/trafficking\\_agencies.pdf](https://www.childwelfare.gov/pubPDFs/trafficking_agencies.pdf)



## Key National Legislation Impacting NC



### Justice for Victims of Trafficking Act (JVTA) 2015 (P.L. 114-22)

- Requires States to assure and describe in their State plans for the Child Abuse Prevention and Treatment Act that they have provisions and procedures
  - to identify and assess all reports involving known or suspected child sex trafficking victims; and
  - for training child protective services workers about identifying, assessing, and providing comprehensive services to children who are sex trafficking victims, including efforts to coordinate with State law enforcement, juvenile justice, and social service agencies.
- Requires States to collect and report, to the maximum extent practicable, the number of children who are victims of sex trafficking as part of the National Child Abuse and Neglect Data System.
- Requires States to consider any child who is identified by a State as a victim of sex trafficking or severe forms of trafficking as a victim of "child abuse and neglect" and "sexual abuse", and provides for a State option to apply the trafficking portion of the definition to a person who has not attained age 24.

Human Trafficking and Child Welfare: A Guide for Child Welfare Agencies, Child Welfare Information Gateway (July 2017), available at [www.childwelfare.gov/jvta2015/trafficking\\_agencies.pdf](http://www.childwelfare.gov/jvta2015/trafficking_agencies.pdf)



## Serving Survivors of Human Trafficking: Identification, Trauma, and Cultural Humility



## Identifying Survivors



Human Trafficking Training



### "Red flags" that may indicate a human trafficking victim

Physical Health	Behavioral Health	Social Services	Public Health
<ul style="list-style-type: none"> <li>• Frequent treatment for STIs and injuries</li> <li>• High number of sexual partners</li> <li>• Multiple pregnancies/abortions</li> <li>• Exposure to toxic chemicals</li> <li>• Dental issues</li> <li>• Bruising and burns</li> <li>• Signs of self-harm</li> <li>• Weight loss or malnourishment</li> <li>• Respiratory issues</li> <li>• Suicide attempts</li> </ul>	<ul style="list-style-type: none"> <li>• Confusing or contradicting stories</li> <li>• Inability to focus or concentrate</li> <li>• Unaware of current date, location, or time</li> <li>• Protects the person who hurt them</li> <li>• Minimizes abuse</li> <li>• Guilt and shame about experiences</li> <li>• Suicidal ideations</li> <li>• Extreme timidity</li> </ul>	<ul style="list-style-type: none"> <li>• Absent from school</li> <li>• Failing grades</li> <li>• Withdrawn</li> <li>• Depressed</li> <li>• Sees school nurse for problems related to stress</li> <li>• Sudden increase in substance use</li> <li>• Change in dress</li> <li>• Age-inappropriate romantic partner</li> <li>• Change in friends</li> <li>• Repeat runaway</li> </ul>	<ul style="list-style-type: none"> <li>• Physical and sexual abuse</li> <li>• Psychological trauma</li> <li>• Occupational hazards</li> <li>• Poor living conditions</li> <li>• Depression and anxiety disorders</li> <li>• Communicable and non-communicable diseases (e.g. TB, hepatitis)</li> </ul>



## Identifying Child Survivors

Human Trafficking Training

SAR

Additional red flags in school-age children for social workers

Academic	Behavioral	Physical	Emotional	Social
<ul style="list-style-type: none"> <li>Academic problems (disengagement, under-performance for grade level)</li> <li>Unexplained absences all day or in the middle of the school day</li> <li>Truancy</li> </ul>	<ul style="list-style-type: none"> <li>Avoids eye contact</li> <li>Aggressive and involved in fights</li> <li>Verbal aggressiveness (swearing, inappropriate name calling)</li> <li>Wears clothing inappropriate for age and school environment</li> </ul>	<ul style="list-style-type: none"> <li>Visible bruises or scars</li> <li>Indications of self-harm</li> <li>Appears malnourished</li> <li>Signs of drug or alcohol addiction</li> <li>Chronic pain</li> <li>Fatigue</li> <li>Somatic symptoms</li> <li>Inappropriate tattoos</li> </ul>	<ul style="list-style-type: none"> <li>Low self-esteem</li> <li>Signs of depression, anxiety, or fear</li> <li>Anger outbursts</li> <li>Mistrust of authority</li> <li>Avoids discussing home life and personal or romantic relationships</li> <li>Inability to concentrate</li> <li>Dissociation</li> <li>Denial or self-blame for abuse</li> </ul>	<ul style="list-style-type: none"> <li>Much older boy or girlfriend (particularly when significant other controls movement, e.g. picks up child from school)</li> <li>Unstable or abusive home</li> <li>Explicit sexual or provocative photos online</li> <li>Runs away 3 or more times</li> </ul>

Texas Human Trafficking Prevention Task Force: Introduction to human trafficking: A Guide for Texas Education Professionals, Austin, TX - 2014 <http://www.texas.gov/education/trafficking.pdf>

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## Domestic Minor Sex Trafficking Power & Control Wheel



Source: The National Report on Domestic Minor Sex Trafficking, Shared Hope International, 2009.

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## Indicia of Vulnerability



FIGURE 3-1 Ecological model adapted to illustrate the possible risk factors for commercial sexual exploitation and sex trafficking of minors.  
NOTE: LGBT = lesbian, gay, bisexual, or transgender.

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### Risk Factor: Child Welfare System Involvement

#### Human Trafficking and Child Welfare: A Guide for Child Welfare Agencies

The growing awareness of human trafficking in the United States and abroad requires government and human services agencies to reevaluate old policies and develop new ones for identifying and serving victims. Due to their potentially unstable living situations, physical distance from friends and family, traumatic experiences, and emotional vulnerability, children involved with child welfare are at risk for being targeted by traffickers who are actively seeking children to exploit. Therefore, it is imperative that child welfare agencies be at the forefront of the response to and prevention of human trafficking. Additionally, recent Federal legislation established new requirements for child welfare agencies related to identifying and serving minor victims of human trafficking.

Human Trafficking and Child Welfare: A Guide for Child Welfare Agencies, Child Welfare Information Gateway (July 2017), available at [www.childwelfare.gov/pubPDFs/trafficking\\_agencies.pdf](http://www.childwelfare.gov/pubPDFs/trafficking_agencies.pdf)

#### Child Welfare and Human Trafficking

The growing awareness of human trafficking in the United States and abroad requires government and human services agencies to rethink old policies and develop new ones for identifying and serving victims. Child welfare agencies are on the front lines of these changes: Children and youth involved with the child welfare system due to abuse or neglect and then placed in foster care or group homes—as well as youth who are involved with the justice system, are homeless, or have run away—are all at high risk of being trafficked. Often, the lack of stability in their living situation, physical distance from friends and family, and emotional vulnerability put them at risk for traffickers who are actively seeking children and teens to exploit.

Child Welfare and Human Trafficking, Child Welfare Information Gateway (July 2015), available at [www.childwelfare.gov/pubPDFs/issuebrief/trafficking.pdf](http://www.childwelfare.gov/pubPDFs/issuebrief/trafficking.pdf)

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### Intersections

"A background of abuse and trauma—coupled with the impermanence of foster care or congregate care—can make children in out-of-home care especially vulnerable. A number of research and newspaper articles have pointed to the fact that **traffickers target children in foster care because of their increased vulnerability**. Traffickers exploit the fact that children in foster care—or those who have run away from care—may not be having their familial, emotional, or basic needs met. The traffickers promise to meet those needs—at times employing psychological manipulation and financial incentives to woo them—and then use violence, drugs, or physical control to retain and exploit them."

Human Trafficking and Child Welfare: A Guide for Child Welfare Agencies, Child Welfare Information Gateway (July 2017), available at [www.childwelfare.gov/pubPDFs/trafficking\\_agencies.pdf](http://www.childwelfare.gov/pubPDFs/trafficking_agencies.pdf)

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## Risk Factor: Childhood Sexual Abuse

"There is an intersection of child sexual abuse and human trafficking. Research indicates that the majority of sexually exploited children and adult sex workers have a prior history of child sexual abuse (Lalor & McElvaney, 2010). The National Institute of Justice found that people who were sexually abused as children were 28 times more likely than their non-abused peers to be arrested for prostitution (Widom, 1995). Some studies indicate that individuals engaged in survival sex work, a significant risk factor for trafficking, have an almost universal likelihood of having been sexually abused as children (Lalor & McElvaney, 2010). It is important to note that survival sex work is trafficking when minors are involved, and specific demographics are at higher risk than others. High rates of homeless and runaway youth are survivors of child sexual abuse and are at substantially increased risk for trafficking (Research Triangle Institute; Child Trends; Pacific Institute for Research and Evaluation, 2002). While 3-5% of the population is estimated to identify as lesbian, gay, bisexual and/or transgender, approximately 30% of homeless youth identified as lesbian, gay, or bisexual; almost 7% identified as transgender (University of Nebraska - Lincoln, 2014), placing them at substantially increased risk. The risk for homeless and runaway youth to be trafficked is exacerbated by the limited resources available to serve them.

Despite the dearth of research available, there are indications that traffickers are also likely to have a history of adverse childhood experiences. Interviews with a sample of ex-traffickers indicate extremely high rates of childhood physical abuse (88%) and sexual abuse (76%). A full 24% had been placed in foster care, while 48% report having run away due to physical and sexual abuse (Raphael, 2010)."

Recommendations for the Prevention of Child Sexual Abuse in North Carolina  
NC Coalition for the Prevention of Child Sexual Abuse, February 2015  
Submitted by the NC Human Trafficking Commission to the NC General Assembly pursuant to S.L. 2014-109.



## Risk Factor: Immigration Status



**The New York Times** <http://nyti.ms/20YIEJS>  
Nicholas Kristof JULY 16, 2016

TAPACHULA, Mexico — Elena was 11 years old when a gang member in her home country, Honduras, told her to be his girlfriend.

"I had to say yes," Elena, now 14, explained. "If I had said no, they would have killed my entire family."

Elena knew the risks because one of her friends, Jenesis, was also asked to be a gang member's girlfriend, and declined. Elena happened to see the aftermath, as Jenesis staggered naked and bleeding away from gang members.

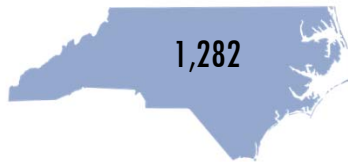
"She had been raped and shot in the stomach," Elena recalled in the blank tone of a child who has seen far too much. She paused and then added: "We don't know if she survived. Someone said she died at the hospital."

As for Elena, she said her duties as a gang member's girlfriend entailed working as a drug courier and a lookout, as well as intimacies that she didn't want to discuss. At this point in our conversation, her mother and younger sister began crying.

After years of such brutality, Elena and her family finally fled this year when the gang threatened to kill them so as to seize their home. "I just want to keep my children safe," the mother, Brenda, 36, explained, speaking here where they are



## Unaccompanied Children Released to NC Sponsors FY 2017 (Oct 2016 – Sept 2017)



Office of Refugee Resettlement, Administration for Children and Families,  
U.S. Department of Health & Human Services



## Victim-Centered Services

"The victim centered approach **seeks to minimize retraumatization associated with the criminal justice process** by providing the support of victim advocates and service providers, empowering survivors as engaged participants in the process, and providing survivors an opportunity to play a role in seeing their traffickers brought to justices.

In this manner, the victim centered approach **plays a critical role in supporting a victim's rights, dignity, autonomy, and self determination, while simultaneously advancing the government's and society's interest in prosecuting traffickers** to condemn and deter this reprehensible crime."

Federal Strategic Action Plan, 2013-2017 

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## Trauma-Informed Approach

"A trauma informed approach **includes an understanding of the physical, social, and emotional impact of trauma on the individual, as well as on the professionals who help them.**

A program, organization, or system that is trauma informed realizes the widespread impact of trauma and understands potential paths for healing; recognizes the signs and symptoms of trauma in staff, clients, and others involved with the system; and responds by fully integrating knowledge about trauma into policies, procedures, practices, and settings.

Federal Strategic Action Plan, 2013-2017



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## Trauma

"Trauma results from an event, series of events, or set of circumstances that is experienced by an individual as physically or emotionally harmful or threatening and that has lasting adverse effects on the individual's functioning and physical, social, emotional, or spiritual well-being."  
-SAMHSA



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- 3 I'm going to use two videos in my portion. I feel like videos do more for this audience than I can do by telling a story or dictating a vignette. These will serve as case examples.

Stefani Baca-Atlas, 4/5/2017

## Definition of TIC

TIC is “a strengths-based service delivery approach that is grounded in an understanding of and responsiveness to the impact of trauma, that emphasizes physical, psychological, and emotional **safety** for both providers and survivors, and that creates opportunities for survivors to rebuild a sense of control and **empowerment**.”

Substance Abuse and Mental Health Services Administration. Trauma-Informed Care in Behavioral Health Services. Treatment Improvement Protocol (TIP) Series 57. Rockville, MD: Substance Abuse and Mental Health Services Administration; 2014.




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## Principles of Trauma-Informed Care

1. Acknowledge trauma's impact on the individual
2. Prioritize recovery
3. Promote empowerment
4. Maximize choice and control
5. Encourage collaboration
6. Take steps to promote an environment of safety, respect, and acceptance
7. Accentuate individual's strengths
8. Reduce re-traumatization
9. Practice cultural humility
10. Seek consumer feedback

Elliott D.E., Bjalage P., Finkel R.D., Markoff L.S., and Reed BG. Trauma-informed or trauma-derived: Principles and implementation of trauma-informed services for women. *Journal of Community Psychology*. 2005;33:461-477




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## Cultural Humility

“**Cultural humility** is one construct for understanding and developing a process-oriented approach to competency. Hook, Davis, Owen, Worthington and Utsey (2013) conceptualize cultural humility as the ‘ability to maintain an interpersonal stance that is other-oriented (or open to the other) in relation to aspects of cultural identity that are most important to the [person]’ (p. 2).”

From “Reflections on Cultural Humility” on the APA website, [www.apa.gov](http://www.apa.gov).




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## TIC Tips for Agency Attorneys




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## Practical Applications

- Identify potential victims of human trafficking
- Respond when victims are identified
- Draft informed court orders
- Know SIJS requirements and pitfalls
- Collaborate with other attorneys
- Collaborate with law enforcement (when appropriate)
- View “reasonable efforts” requirements through the HT lens
- Use trauma-informed strategies to obtain helpful testimony
- Look for the strengths of the survivor




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## Identify potential victims of human trafficking

### Why?

- Affects “reasonable efforts”
- May provide access to resources
- Should affect case strategy

### What to look for in the A/N/D setting?

- Self-identification
- Significant power differential
- General signs of trauma
  - Negative or flat affect, concerning physical appearance, unhealthy behaviors, poor performance in school/work, etc.




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## Respond when victims are identified

Determine the Attorney role and the Agency's role in the following:

- Forensic interviews
- Victim's therapy
- With law enforcement
- In direct or cross-examination
- In drafting court orders




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## Draft informed court orders

- Make sure court orders are accurate! Language in A/N/D orders can affect immigration options.
- Learn the SIJS requirements and make sure orders contain all necessary FOFs and COLs. Check with an immigration attorney when necessary.




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## Know SIJS Requirements

A state court in the United States must decide:

- To declare that you are a dependent of the court or to legally place you with a state agency, a private agency, or a private person and
- It is not in your best interests to return to your home country (or the country you last lived in) and
- You cannot be reunited with a parent because of ANY of the following:
  - Abuse
  - Abandonment
  - Neglect
  - Similar reason under state law

– <https://www.uscis.gov/green-card/special-immigrant-juveniles/eligibility-sij-status/eligibility-status-sij>




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### Know SIJS Pitfalls

- Entering the Order as a Consent Order
- Insufficient facts
- Insufficient conclusions
- Including mental health issues of the child that may be seen as threatening or concerning (such as suicidal ideations) without explaining the plan for treatment
- Child is married




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### Collaborate with other attorneys

- Immigration Attorneys
- Assistant District Attorneys
- Defense Attorney or Juvenile's Attorney
- Guardian ad Litem Attorney Advocate
- Family Law Attorneys




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### Collaborate with law enforcement (when appropriate)

- Remember that Agency Attorneys and Law Enforcement Officers have different goals and different evidentiary standards
- Jurisdiction over the case may vary
  - local Sheriff's Department, city Police Department, FBI, SBI
- Recognize that a victim's experience with law enforcement may affect how helpful the victim is in your case




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### View “reasonable efforts” requirements through the human trafficking/trauma lens

- Remember the basic foundation:
  - cultural humility (if relevant) and trauma-informed
- Don’t ask the court to order things that would clearly re-traumatize HT victims; find alternative options
- Find therapists who understand human trafficking
- Don’t expect HT victims to behave the way you think a “good parent” should
  - behaviors that seem unusual or absurd to you may have a clear explanation connected to the trauma experienced
  - seek guidance from a trained specialist when preparing your case if possible
- Understand the reasons that victims may lie and adjust accordingly
  - Ex. obtain birth certificates for each case rather than trusting a parent’s statements




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### Use trauma-informed strategies to obtain helpful testimony (before trial)

#### Address the Court and Parties:

- Request use of the AOC equipment to allow for testimony outside of the court room when possible
- Ask to close the courtroom
- Be sure interpreters speak the proper dialect
- Respect and appropriately address any relevant cultural issues
- Arrange for manipulatives when possible




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### Use trauma-informed strategies to obtain helpful testimony (before trial)

- Prepare yourself to work with the witness:
  - Seek the input of victim’s therapist ahead of time when possible
  - Identify potential trauma triggers and address them ahead of time when possible
  - Learn your role within the witness’ safety plan for addressing triggers that do occur and follow it
  - Consult with colleagues for guidance
  - Schedule a time to meet with the witness and follow through consistently




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Use trauma-informed strategies  
to obtain helpful testimony  
(before trial)

- Prepare the witness:
  - Tell the types of questions you plan to ask
  - Provide very specific guidance on what to wear and what not to wear with examples
  - Show the courtroom ahead of time when possible
  - Describe the people and parties who will be present in court
  - Provide specific guidance on what procedures to expect in court
  - Describe the proper way to address a judge and what to expect from the specific judge hearing the case
  - Encourage the witness to have a support person (possibly therapist) present in the courtroom




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Use trauma-informed strategies  
to obtain helpful testimony  
(during trial)

- Know your role within the witness' safety plan for addressing triggers that do occur and follow it
- Use a calm voice
- Be patient
- Follow the witness' lead in developing the testimony when possible
- Use varying strategies to obtain the answers to difficult questions




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Use trauma-informed strategies  
to obtain helpful testimony  
(during trial)

- Verbally acknowledge the difficulty the witness may have with testifying or answering a specific question
- Ensure the availability of tissues and water on the witness stand
- Allow for, request, and encourage breaks when possible
- Check in with the witness during breaks
- Pay attention to the body language of the witness and others
- Be aware that people show different signs of distress – smiles and laughter can indicate fear and concern




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Use trauma-informed strategies  
to obtain helpful testimony  
(after trial)

- Request “gag orders”
- Encourage a therapy appointment immediately after court to allow for debriefing
- Make yourself available to talk with the witness after testifying when appropriate
- Set aside time to evaluate what worked and what didn’t work professionally
- Debrief with colleagues
- Engage in a stress-relieving activity
- Watch for signs of secondary trauma




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Find the Strengths of the Survivor

- Treat survivors with respect
- Allow survivors to maintain dignity
- Seize each interaction as an opportunity to grow personally and professionally




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We Need YOU on the Team!




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## Collective Response

Human Rights  
Public Safety  
Public Health

→ multi-disciplinary, multi-sector collaboration




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## Individual Response

### Connect to statewide efforts:

Join NC Human Trafficking Commission listserv: [HTC@ncdoj.gov](mailto:HTC@ncdoj.gov)

Attend NC Human Trafficking Commission meetings

Join Project NO REST: [www.projectnorest.org](http://www.projectnorest.org)

### Connect to regional efforts:

Join a regional response team, coalition, or task force.

Utilize the NHTRC hotline **1-888-373-7888**




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## Individual Response, cont.

Obtain  
further  
education &  
training:




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"There can be no keener revelation of a society's soul than the way in which it treats its children." - Nelson Mandela, Former President of South Africa




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## Contact Us

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This presentation is not intended to provide legal advice. If you need legal advice, or if you believe that someone you know is in need of legal advice, you should contact a competent, licensed attorney.




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## Resources

**Child Welfare and Human Trafficking.** Child Welfare Information Gateway (July 2015), available at <https://www.childwelfare.gov/pubs/issue-briefs/trafficking>.

Shared Hope International, **State Law Survey: Prohibiting Criminalization of Juvenile Sex Trafficking Victims Under State Prostitution Laws** (2015), available at [http://sharedhope.org/wp-content/uploads/2015/09/SharedHopeStateLawSurvey\\_Non-criminalizationofminors.pdf](http://sharedhope.org/wp-content/uploads/2015/09/SharedHopeStateLawSurvey_Non-criminalizationofminors.pdf) (last accessed Nov. 14, 2016).

Shared Hope International, **Non-Criminalization of Juvenile Sex Trafficking Victims, Just Response Policy Paper** (2016), available at <http://sharedhope.org/wp-content/uploads/2014/04/JUSTRESPONSE-POLICY-PAPER-NON-CRIMINALIZATION-OF-JUVENILE-SEX-TRAFFICKING-VICTIMS.pdf> (last accessed Nov. 14, 2016).

Vanessa Bouche, Amy Farrell and Dana Wittmer, **Identifying Effective Counter-Trafficking Programs and Practices in the U.S.: Legislative, Legal, and Public Opinion Strategies that Work**, i (Jan. 2016) (unpublished manuscript, available at <https://www.ncjrs.gov/App/Publications/abstract.aspx?ID=271816>).




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## Resources

### The American Bar Association Center on Children and the Law Polyvictimization and Trauma-Informed Advocacy

The project addresses the unmet need for trauma-informed legal advocacy and judicial decision-making for polyvictimized children. We create tools to incorporate trauma knowledge into daily legal practice.  
[http://www.americanbar.org/groups/child\\_law/what\\_we\\_do/projects/child-and-adolescent-health/polyvictimization.html](http://www.americanbar.org/groups/child_law/what_we_do/projects/child-and-adolescent-health/polyvictimization.html)

### The National Child Traumatic Stress Network (NCTSN)

#### Working with Unaccompanied and Immigrant Minors

Border and immigrant youth experience various types of traumatic events, not only during their journeys but also once they have arrived at their destination, that are related to war or persecution, abuse, trafficking, and violence. These may affect their mental and physical health. If you are working with youth who have found their way to the States without the presence of a caregiver these resources could be beneficial for you.  
<http://www.nctsn.org/content/working-unaccompanied-and-immigrant-minors>



## Resources

NC Human Trafficking Commission: [www.ncdoj.gov/Help-for-Victims/North-Carolina-Human-Trafficking-Commission.aspx](http://www.ncdoj.gov/Help-for-Victims/North-Carolina-Human-Trafficking-Commission.aspx)

NC Project NO REST: [www.projectnorest.web.unc.edu](http://www.projectnorest.web.unc.edu)

Human Trafficking and the State Courts Collaborative: [www.htcourts.org/](http://www.htcourts.org/)

National Human Trafficking Resource Center ("Polaris"): <https://polarisproject.org/>

USDHHS Office on Trafficking in Persons (OTIP): <https://www.acf.hhs.gov/otip>

USDHS Blue Campaign: <https://www.dhs.gov/blue-campaign>



## Resources

Federal Strategic Action Plan on Services for Victims of Human Trafficking in the United States, available at:  
<https://www.acf.hhs.gov/otip/initiatives/federal-plan>

The Typology of Modern Slavery: Defining Sex and Labor Trafficking in the United States, Polaris (March 2017), available at:  
<https://polarisproject.org/typology>

Human Trafficking and Child Welfare: A Guide for Child Welfare Agencies, Child Welfare Information Gateway (July 2017), available at:  
[https://www.childwelfare.gov/pup/cf/trafficking\\_agencies.pdf](https://www.childwelfare.gov/pup/cf/trafficking_agencies.pdf)

Identifying Effective Counter-Trafficking Programs and Practices in the U.S.: Legislative, Legal, and Public Opinion Strategies that Work, Vanessa Bouche, Amy Farrell and Dana Wittmer (Jan. 2016) (unpublished manuscript, available at [www.ncjrs.gov/App/Publications/abstract.aspx?nid=271816](http://www.ncjrs.gov/App/Publications/abstract.aspx?nid=271816)).

State Law Survey: Prohibiting Criminalization of Juvenile Sex Trafficking Victims Under State Prostitution Laws, Shared Hope International (2015), available at [http://sharedhope.org/wp-content/uploads/2015/09/SharedHopeStateLawSurvey\\_Non-criminalizationofminors.pdf](http://sharedhope.org/wp-content/uploads/2015/09/SharedHopeStateLawSurvey_Non-criminalizationofminors.pdf) (last accessed Nov. 14, 2016).

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