

BRIDGING THE SYSTEMS

Child Welfare, Trafficking, and Law Enforcement Working Together for Trafficked Children

On April 5, 2012, the National Center for Victims of Crime convened a roundtable of national, state, and local advocates, practitioners, and officials to consider two important issues relating to child victims of foreign and domestic trafficking: 1) the need to incorporate a child welfare response into anti-trafficking efforts, and 2) the need to provide legal representation to these victims. With the support of the Annie E. Casey Foundation, advocates working on human trafficking and child victimization, child welfare administrators from all levels, law enforcement, prosecutors, researchers, and legal advocates shared their experiences and perspectives on the needs of child victims of human trafficking.

While the range of stakeholders was broad, there was widespread agreement on recommendations to improve the national response to child victims of

human trafficking. The consensus reflected a need for legislative and policy changes, research priorities, required training, new resources, and steps to improve the legal representation of child trafficking victims.

Roundtable participants developed 26 recommendations for immediate next steps in the nation's effort to address the needs of child victims of trafficking. The recommendations have been endorsed by:

- ASISTA Immigration Assistance
- Center for the Human Rights of Children, Loyola University Chicago
- Connecticut Department of Children and Families
- National Center for the Prosecution of Child Abuse, National District Attorneys Association
- Polaris Project

RECOMMENDATIONS FOR ACTION

POLICY RECOMMENDATIONS

1. The Administration for Children and Families (ACF), U.S. Department of Health and Human Services, should issue a clear policy directive to child welfare administrators regarding their identification of, and response to, child victims of trafficking.
2. ACF and U.S. Immigration and Customs Enforcement (ICE), Department of Homeland Security, should issue policy directives clearly stating that child welfare administrators have the authority to certify a child for a U visa.
3. Accrediting agencies should develop child welfare standards relating to intake, assessment, and training about child victims of trafficking, for all levels of care (e.g., residential placement, foster care).
4. The juvenile justice system should routinely screen juveniles for trafficking at case intake and periodically thereafter.
5. State child welfare agencies should require foster homes and other placements to immediately report to law enforcement when a child in their care goes missing.
6. Juvenile justice and child welfare systems should collaborate with mental health and medical providers to better identify and meet the needs of child victims of trafficking.

LEGISLATIVE RECOMMENDATIONS

7. Congress should amend the Child Abuse Prevention and Treatment Act (CAPTA) to ensure that trafficking is included in state definitions of child maltreatment.
8. States should give judges authority to issue orders to protect child trafficking victims from harassment or intimidation by those involved in trafficking.
9. States should adopt Safe Harbor legislation that reframes child prostitutes as victims of child sexual exploitation and ensures that the criminal definition of sexual exploitation of a minor does not require a showing of “force, fraud, or coercion.”

10. States should examine their victim compensation and victim services laws to ensure child victims of trafficking are not barred from compensation or services due to arrests or convictions for offenses related to their trafficking victimization.
11. States should ensure that the criminal records of trafficking victims can be expunged of charges or convictions that resulted from the trafficking victimization.

RESEARCH RECOMMENDATIONS

12. Existing government data collection instruments and systems should be updated to capture data regarding trafficking cases.
 - a. The National Child Abuse and Neglect Data System (NCANDS), the National Youth in Transition Database (NYTD), and the Statewide Automated Child Welfare Information Systems (SACWIS) should be updated to include trafficking.
 - b. The National Incident-Based Reporting System (NIBRS) should be updated to capture the number of minors under 18 charged as prostitutes or identified as sexually exploited youth who are victims of sex trafficking.
13. The Department of Labor and Department of Justice should conduct research on the prevalence of labor trafficking and the needs of victims, including child victims.
14. Child welfare workers should be surveyed to determine how they currently identify and respond to child trafficking victims; whether there are statutory barriers hindering their responses to child trafficking victims; the training they need; and whether trafficking by persons other than parents or guardians falls within their definition of abuse or neglect. National membership organizations can be instrumental in conducting or facilitating this survey.
15. Existing programs for child victims of trafficking, both those that provide immediate stabilization and those that provide long-term treatment, should be evaluated.
16. Public and private funders should support demonstration projects to:

- a. Link child welfare agencies and trafficking experts to provide older adolescent victims, including those who remain in foster care until age 21, with trauma-informed therapy and other services;
 - b. Prevent child victims of trafficking from relapsing into commercial sexual exploitation, and provide special approaches to youth who flee placements or are arrested as a result of their trafficking involvement; and
 - c. Develop a strong model of well-supervised, survivor-led services.
17. The National Institute of Justice, U.S. Department of Justice, should research the comparative effects of those Safe Harbor laws that divert child victims of trafficking from the justice systems to child protective services versus those that provide immunity from prosecution to child victims of trafficking for prostitution.
18. The Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, and the Office of Runaway and Homeless Youth, Department of Health and Human Services, should research effective prevention of child trafficking in the child welfare system, including research on risk factors for being trafficked (e.g., abuse, running away, being thrown out of home, exposure to violence, and gang affiliation).

TRAINING RECOMMENDATIONS

19. State child welfare agencies and training academies, in consultation with expert advocacy organizations, should train child welfare personnel on the identification of, assessment of, and approaches to child victims of trafficking, and on accessing available immigration relief.
20. Child forensic interview training should be expanded to include training on interviewing suspected victims of trafficking, especially adolescent victims.
21. Law enforcement officers should receive training at the introductory level (police academies), overview level (roll-call trainings), and advanced level on child victims of trafficking and interacting with the child welfare system.
22. All officials within the juvenile justice system (judges, prosecutors, defense attorneys, and probation officers)

should be trained to recognize and respond to trafficking. National and state membership organizations for each of these professionals can lead the way.

RESOURCE RECOMMENDATIONS

23. ACF should, in coordination with the National Human Trafficking Resource Center, compile or create the following resources and make them available to child welfare professionals and others serving child victims of trafficking:
- a. assessment tools for child welfare workers to use in identifying child victims of trafficking or children at risk for being trafficked;
 - b. a repository of resources to promote the child welfare system's response to human trafficking, such as protocols, policies, position descriptions, and training materials; and
 - c. a directory of placement options for child victims of trafficking, including runaway and homeless youth shelters, secure facilities, and foster homes with specially trained families.

RECOMMENDATIONS TO IMPROVE LEGAL REPRESENTATION

24. All professionals involved with child victims of trafficking in a legal setting (prosecutors, defense attorneys, civil attorneys, guardians ad litem, court-appointed special advocates, and immigration attorneys) should engage in cross-training to understand the range of legal interests of the victim. This effort should be coordinated at the state level by human trafficking task forces and child welfare agencies.
25. Child welfare agencies should have a designated point of contact within the agency for immigration-related issues.
26. Systems of information and referral for legal assistance for child trafficking victims should be identified, supported, and advertised. National advocacy organizations can lead the way.

We hope these recommendations will be a blueprint for legislators, policy makers, victim service providers, legal services, and advocates in the field to guide the way toward addressing the many issues that arise with the trafficking of children. It may also serve to illustrate the complexities involved in these cases and why it is important to provide a holistic approach to supporting trafficking victims.

We extend many thanks to the roundtable participants for their assistance and contributions in thinking through these complex issues and working together to develop consensus. Their experiences and insights were invaluable in providing a comprehensive picture of this crime and suggesting meaningful, thoughtful changes that could affect the lives of many victims. A complete list of participants follows.

NATIONAL ROUNDTABLE PARTICIPANTS

April 5, 2012

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