



ASSISTING CHILD SEX TRAFFICKING VICTIMS IN JUVENILE COURT



 Children's Bureau

 UNIVERSITY of MARYLAND
SCHOOL OF SOCIAL WORK
RUTH YOUNG CENTER
FOR FAMILIES & CHILDREN



MARYLAND
LEGAL AID

Advancing
Human Rights and
Justice for All



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OUR GOAL

By the end of this training, participants will be able to:

1. Define child sex trafficking and the most common methods/manifestations.
2. Identify at least 5 risk factors which make youth in the child welfare system vulnerable to trafficking.
3. Describe how sex trafficking impacts victims.
4. Integrate best practices for identifying and meeting the unique legal needs of trafficked youth.



WHAT IS HUMAN TRAFFICKING?

Trafficking means recruiting, abducting, facilitating, transferring, harboring, or transporting a person, by threat or use of force, coercion, fraud or deception or by the purchase, sale, trade, transfer or receipt of a person, for purpose of subjecting that person to involuntary servitude, peonage, slavery, slave-like practices, sex trafficking, or forced or bonded labor services.

Trafficking Victims Protection Act of 2000, Sec. 103(8)(A-B)
Public Law 106-386 (2000).



THREE ELEMENTS OF TRAFFICKING

01

PROCESS: Recruiting OR Harboring OR Moving OR Obtaining *a person*

02

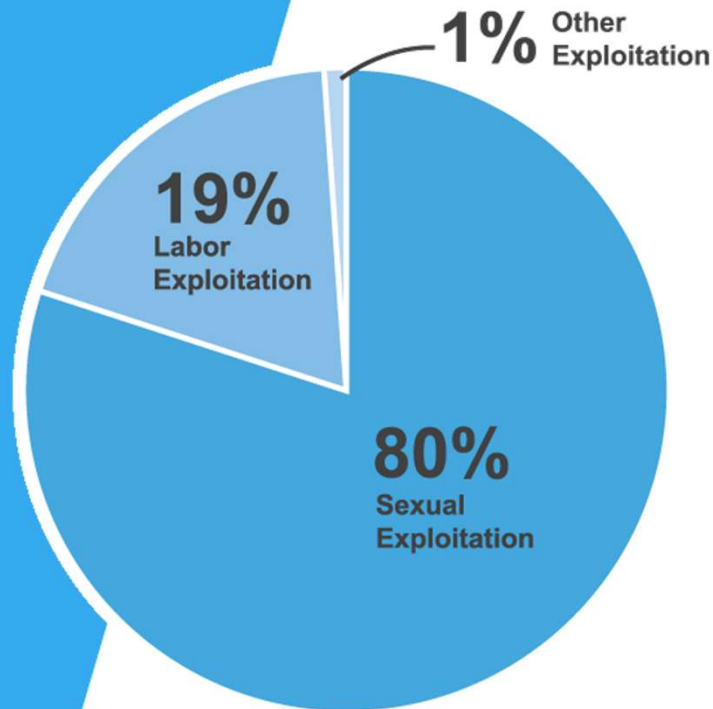
MEANS: *By Force OR Fraud OR Coercion*

03

END: *For the purposes of Involuntary Servitude OR Debt Bondage OR Slavery OR Sex Trade*

Source: Freedom Network Training Institute

PEOPLE ARE TRAFFICKED FOR:



- Domestic Service
- Commercial Sex Work
- Servile Marriage
- Factories
- Peddling
- Agriculture
- Criminal Activity
- Restaurant Work
- Construction
- Hotel/Motel Housekeeping
- Massage Parlors
- Nail Salons

Chart Source: TRAFFICKING IN PERSONS REPORT,
United States Department, accessed February 25, 2014.



WHAT IS CHILD SEX TRAFFICKING?

The recruitment, harboring, transportation, provision, or obtaining of a person for a commercial sex act in which the act is induced by force, fraud or coercion **OR in which the person performing the act is under the age of 18.**

Child sex trafficking refers to the trafficking of anyone under 18 and is a form of violence against children.

What is considered a commercial sex act?

Movement is **not required** for human trafficking to occur

Difference between trafficking and smuggling



FEDERAL TRAFFICKING LAWS

Trafficking Victims Protection Act (TVPA), P.L. 106-386 (2000)

- 1st federal law to define the crime of human trafficking, both labor and sex trafficking, and allocate significant funding for foreign born victims.
- Laid out criteria of force, fraud, or coercion and exemption for victims under 18.

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

- Filled funding gap for services to domestic victims.
- Expanded definition of child abuse to include human trafficking and child pornography
- Amended CAPTA to require state child welfare agencies to investigate reports of child trafficking, identify victims, provide comprehensive services, and train workers.
- Requirement that states report number of child sex trafficking victims to HHS.

Preventing Sex Trafficking & Strengthening Families Act, P.L. 113-183 (2014)

- States must identify, document and determine services for trafficked youth and those at risk, report to law enforcement within 24 hours.
- Include sex trafficking data in AFCARS system for submission to Feds.
- Locating and responding to children who run away from care (report to NCMEC).



MARYLAND TRAFFICKING LAWS

MD Criminal Code §11-303 Human Trafficking

- A person may not knowingly:
 - take or cause another to be taken to any place for prostitution;
 - place, cause to be placed, or harbor another in any place for prostitution;
 - Persuade, induce, entice, or encourage another to be taken to or placed in any place for prostitution;

Family Law Article (2012)

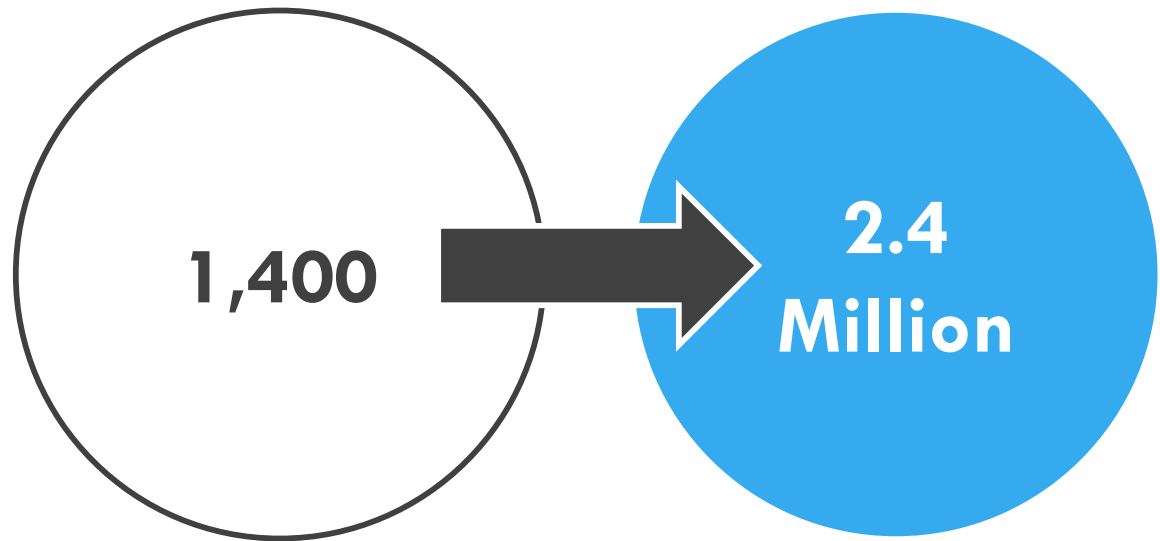
- Amended definition of child sexual abuse to include prostitution and human trafficking
- Article §5-701(x)(1) “sexual abuse ”means any act involving sexual molestation or exploitation by parent or other person w/ permanent or temporary care or custody or responsibility for supervision of child, or by any household or family member
- Article §5-701(x)(2) “sexual abuse” includes: (ii) human trafficking.
- COMAR 07.02.07.02 defines “human trafficking” as “any conduct prohibited by Criminal Law Article §11-303, Annotated Code of Maryland”

Courts and Judicial Proceedings

- §3-801 (x)(1): “sexual abuse” means an act that involves sexual molestation or exploitation of a child by: (i) A parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child; (ii) A household or family member.
- §3-801 (x)(2):
 - “sexual abuse” includes: (ii) human trafficking.



ESTIMATES OF CHILD TRAFFICKING



There is no true estimate of these crimes in the United States.

CHILDREN ARE TRAFFICKED LOCALLY

June 26, 2015

WBAL 11 News

3 Baltimore Strip Clubs Raided in Human Trafficking Case

May 4, 2015

WUSA 9 News

3 in Prince George's County Accused of Sex Trafficking Minors

April 10, 2015

USDOJ, Press Release

Registered Sex Offender Sentenced To 11 Years In Prison For Sex Trafficking Of A Minor—Caused a 15-Year-Old Runaway to Engage in Prostitution

June 9, 2014

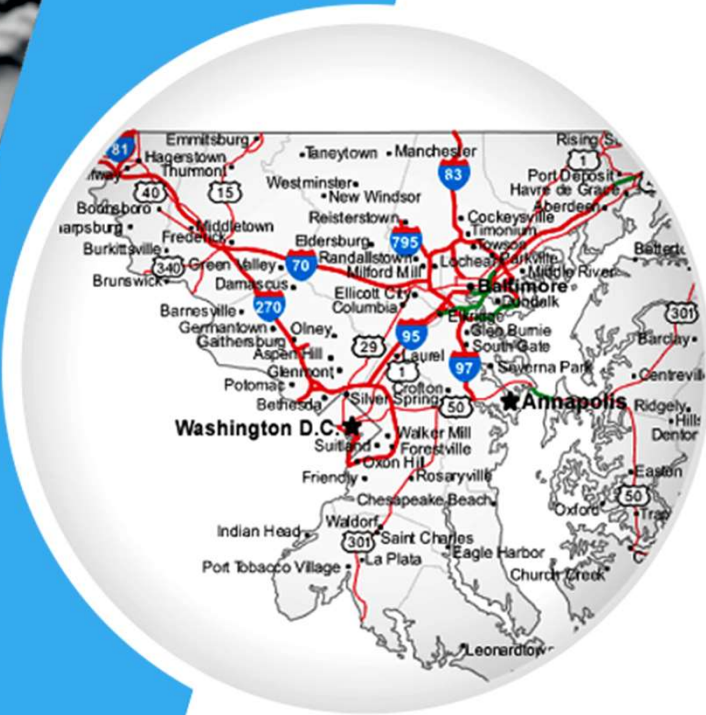
USDOJ, Press Release

Baltimore Man Pleads Guilty to Sex Trafficking of Minor—Prostituted 14-Year-Old Female



WHY MARYLAND?

- Centrally located: I-95 corridor, I-270, I-70
- International Airports
- Ideal central location on the trafficking circuit
- Truck stops
- Multiple vulnerable populations: Foster youth, unaccompanied minors, domestic servants, agricultural workers.
- Proximity to international institutions & embassies



Source: Maryland Human Trafficking Task Force website

MAKING OF A GIRL



The Making of a Girl





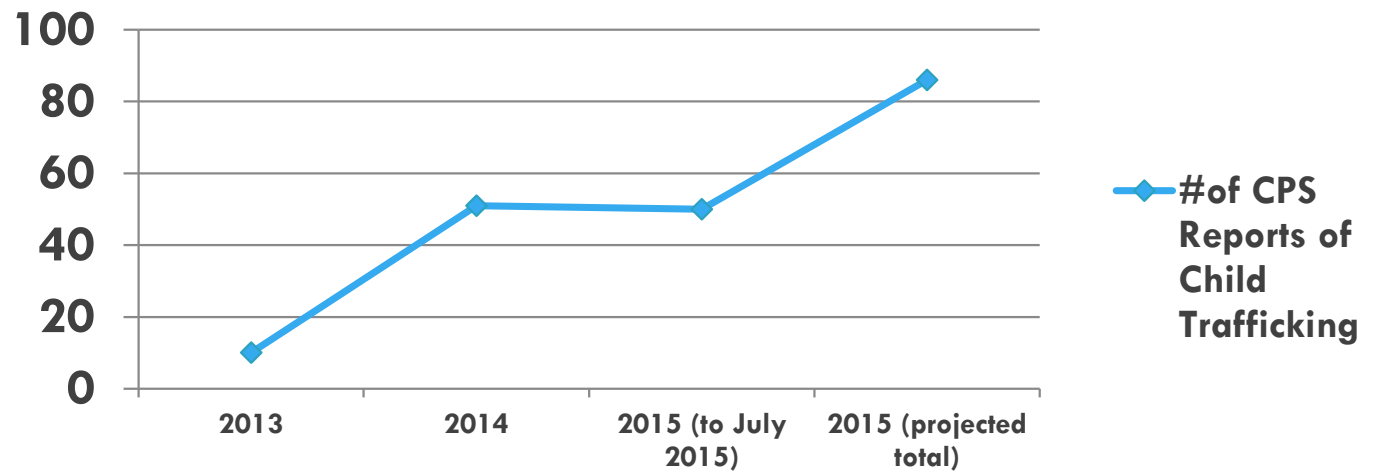
RISK FACTORS FOR YOUTH

- Poverty
- Desire to Improve Income or Incomes of Family
- Adventure /Opportunity
- Child Welfare history
- Abuse history
- LGBTQ
- Runaway/Homeless Youth

CHILD WELFARE & HUMAN TRAFFICKING

Youth who have had contact with the child welfare system are at a higher risk for commercial sexual exploitation than children who have not had involvement in the child welfare system.

CPS Reports of Child Trafficking in Maryland





RECRUITMENT

- Begins with honeymoon phase.
- Tangible and intangible needs determined.
- Trafficker begins to fulfill them.
- Isolation and removal of resources.
- May use victim's abuse history as method of misdirected empowerment for victim.
- Uses societal attitudes of prostitution to convince victim that he or she will no longer be accepted.



TYPES OF CHILD TRAFFICKING

Pimp Controlled

Gang Controlled

**Familial
Trafficking**

**Non Pimp
Controlled**



CHANGING THE LANGUAGE

“Child / Teen Prostitute”

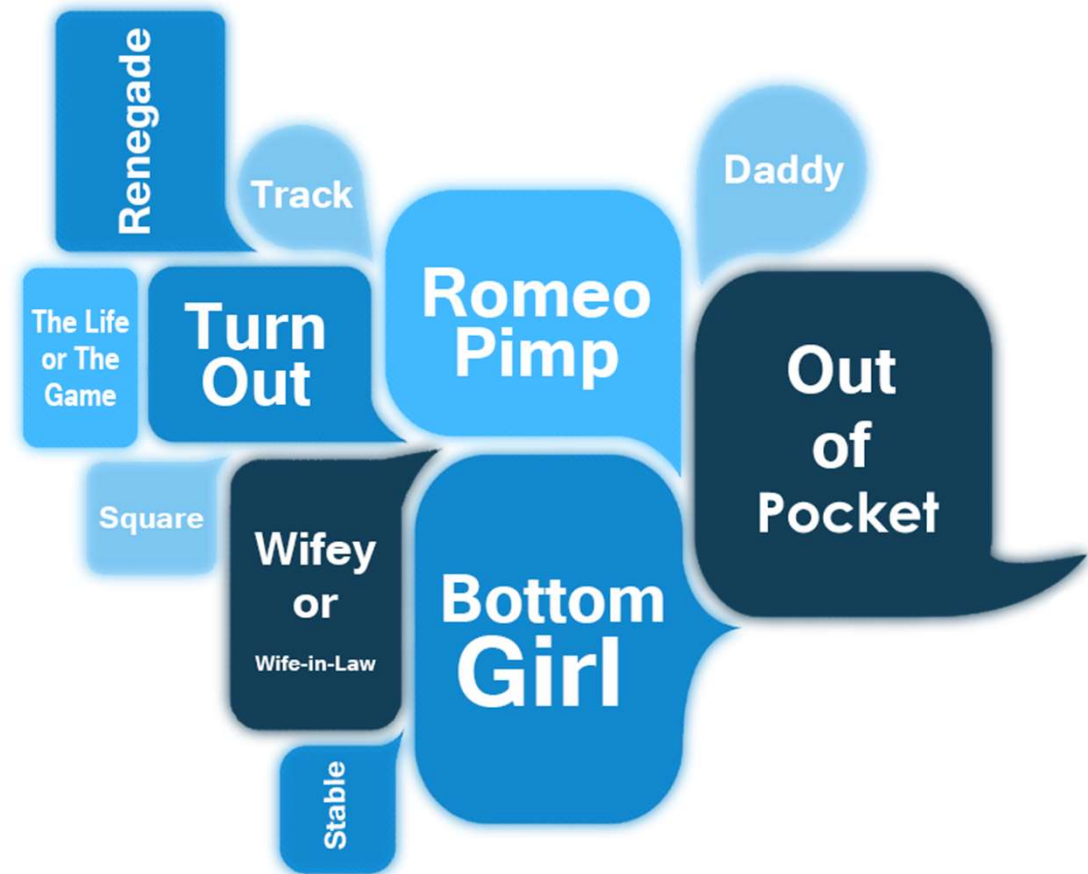
- Places blame on victim rather than recognizing the perpetrator
- Insult/ derogatory term
- Supports myths and misconceptions about prostitution
- Conjures image of “bad” kid that chose this “lifestyle”
- Labels crime and therefore the victim as a juvenile delinquent
- Invokes a criminal justice, rather than victim advocacy, response
- A label with a long-lasting stigma
- Narrow picture of single actor instead of multiple facilitators

Child Sex Trafficking Victim

- Recognizes child **cannot** developmentally, socially, legally **choose** to engage in commercial sex
- Describes what has happened to the child, rather than who they are
- Reminder that a crime has been committed against child victim
- Indicates multiple factors, persons and systems involved in the crime
- Victim term reminds responders to assess needs and use empowering approach
- If there was a victim, reminder that there is also a perpetrator



BUILDING FAMILY & BELONGING





**IDENTIFYING
VICTIMS OF HUMAN
TRAFFICKING**



WHO MIGHT IDENTIFY TRAFFICKING?

- Community organizations
- Law Enforcement
(Federal, State, & Local Police)
- Good Samaritans
- Consulates or embassies
- Other trafficked persons
- Witnesses
- Child welfare agencies
- Faith-based organizations
- Clinics & Hospitals
- Private Attorneys
- Judges
- Mental health service providers
- Domestic Violence & Sexual Assault Advocates
- Homeless & youth groups

SIGNS OF TRAFFICKING

- ✓ Under 18 and engaged in commercial sex acts
- ✓ Chronic runaways, gone for extended periods (indicates staying in hotels, attending hotel parties, or traveling long distances)
- ✓ Uses prostitution terminology, significant tattoos (initials of boyfriend, brands), nickname is prostitution related
- ✓ Arrested for prostitution or related masking charges
- ✓ Social media posts that are sexually provocative, show pictures of cash, or show youth staying in hotel
- ✓ Described as “promiscuous”, no. of sexual partners not consistent with age or development
- ✓ Romantic partner is significantly older, seems overly interested or controlling
- ✓ Is fearful, anxious, depressed, submissive, tense, or nervous/paranoid, avoids eye contact, especially regarding law enforcement





SIGNS OF TRAFFICKING

- ✓ Signs of physical/sexual abuse, restraint, confinement, torture, malnourished
- ✓ Not allowed to speak for themselves (3rd party insists on being present)
- ✓ Signs of gang involvement
- ✓ Little knowledge of whereabouts, what city he/she is in, disoriented
- ✓ Has access to money or material items that does not fit their situation (hair, nails, clothing, shoes, electronics)
- ✓ Not in control of own money or identification documents
- ✓ Claims of just visiting, inability to say where he/she is staying
- ✓ Has numerous inconsistencies in his/her story, reluctant to share information
- ✓ Reported recent sexual assault
- ✓ Moderate to severe substance abuse

SAMPLE SCREENING QUESTIONS



**KEEP
CALM
AND
ASK
QUESTIONS**

- ❖ Have you runaway from home? How long? Where did you go?
- ❖ Do you have any tattoos? What do they mean to you?
- ❖ How do you take care of yourself when on the run?
- ❖ Do you go by any nicknames?
- ❖ Do you have a boyfriend? How is your relationship?
- ❖ Has anyone ever asked you to have sex in exchange for something you needed?
- ❖ Was there ever a time you had to do something sexual to get something you needed? That can include somewhere to stay or for a meal.

SARA'S STORY

- Sara, age 17, is a transgender youth living at home. She tells her family about her desire to live as a woman but they're not accepting and kick her out.
- Her life savings consist of \$300, the clothes on her back and a suitcase. She recently graduated from high school, but does not have a job.
- Her friend Ed says she can spend a couple of nights at his place. Late one night, after 1 week of staying there, Ed says he's fed up and tells Sara he can't afford to have her stay. Sara begs him not to kick her out, pointing out it's below freezing and she's got nowhere to go. Ed agrees to let her stay, but tells her "You know its gonna cost for you to stay here right?" and then sexually assaults Sara that night. Sara is frightened and in pain but doesn't know where she would go if she left the apartment so she tries to block out what is happening.



"Sara"



“Sabine”

SABINE’S STORY

- Sabine (age 14) lives in a foster home in Rockville. She met Michael online two months ago and soon meets him in person. They start dating and she feels important for the first time ever. She’s not worried that he’s 32– he praises her maturity, when she dresses “hot” for him, and she is over the moon when he tells her he loves her. After years of 2nd hand clothes, Sabine’s ecstatic when Michael buys her a brand new outfit and sneakers for the start of 9th grade.
- When Sabine misses curfew for the 5th time, her foster mom asks DSS to find her a new home. Sabine decides to run away with Michael to Baltimore but when they get to the apartment, she’s surprised to find two older guys and three women in their 20’s there.
- Sabine is devastated when Michael kisses one of these women, Kitty, in front of her. Michael said she was “his girl”, she’s even gotten a tattoo on her lower back with his name on it....
- Michael reassures Sabine that she’s actually his number one, and explains how he really makes his money, by arranging dates for Kitty to go on. Michael tells Sabine she doesn’t have to do any dates that night, but makes a big deal of how proud he is of Kitty and how much money she makes. Trying to win back Michael’s affection, Sabine agrees to go with Kitty to The Block where they will set up her first date.



**SERVICE NEEDS OF
CHILD SEX
TRAFFICKING VICTIMS**





WHY DO VICTIMS STAY?

TRAUMA BONDING



Strong emotional ties that develop for the person that intermittently harasses, beats, threatens, abuses, or intimidates the other.

A feeling of fear as well as gratitude for being allowed to live.

It is purposeful and powerful.

Source: Dutton and Painter, 1981 and U.S. Department of Health and Human Services.



TRAUMA BONDING – Cont'd.

- ❖ A threat to one's survival and the belief that the abuser would carry it out.
- ❖ The presence of small acts of kindness from the abuser to the victim.
- ❖ Isolation from outside perspectives or people.
- ❖ Perceived inability to escape the situation.



TRAUMA AFFECTS MEMORY & BEHAVIOR

- ❖ Inability to recall aspects of an experience
- ❖ Inability to recall dates and times
- ❖ Remembers parts of an event, but not entire event from beginning to end
- ❖ Sleep disorders
- ❖ Inability to concentrate
- ❖ May “blank out” during an interview
- ❖ Shame and humiliation (withdrawal and isolation)
- ❖ Difficulty trusting others



MENTAL AND PHYSICAL EFFECTS OF HUMAN TRAFFICKING

- ❖ Physical health problems associated with beatings and rapes
- ❖ Reproductive health problems
- ❖ Malnutrition
- ❖ Mental health problems, including PTSD and somatic complaints resulting from trauma (headaches, chronic pain)
- ❖ Alcohol and drug use
- ❖ Extreme anxiety and fear
- ❖ Changed relationships with others (difficult to trust others)
- ❖ Self-destructive behaviors (including suicide attempts)
- ❖ Profound shame and guilt
- ❖ Changed perception of the perpetrator (trauma bonds, Stockholm Syndrome)
- ❖ Despair and hopelessness

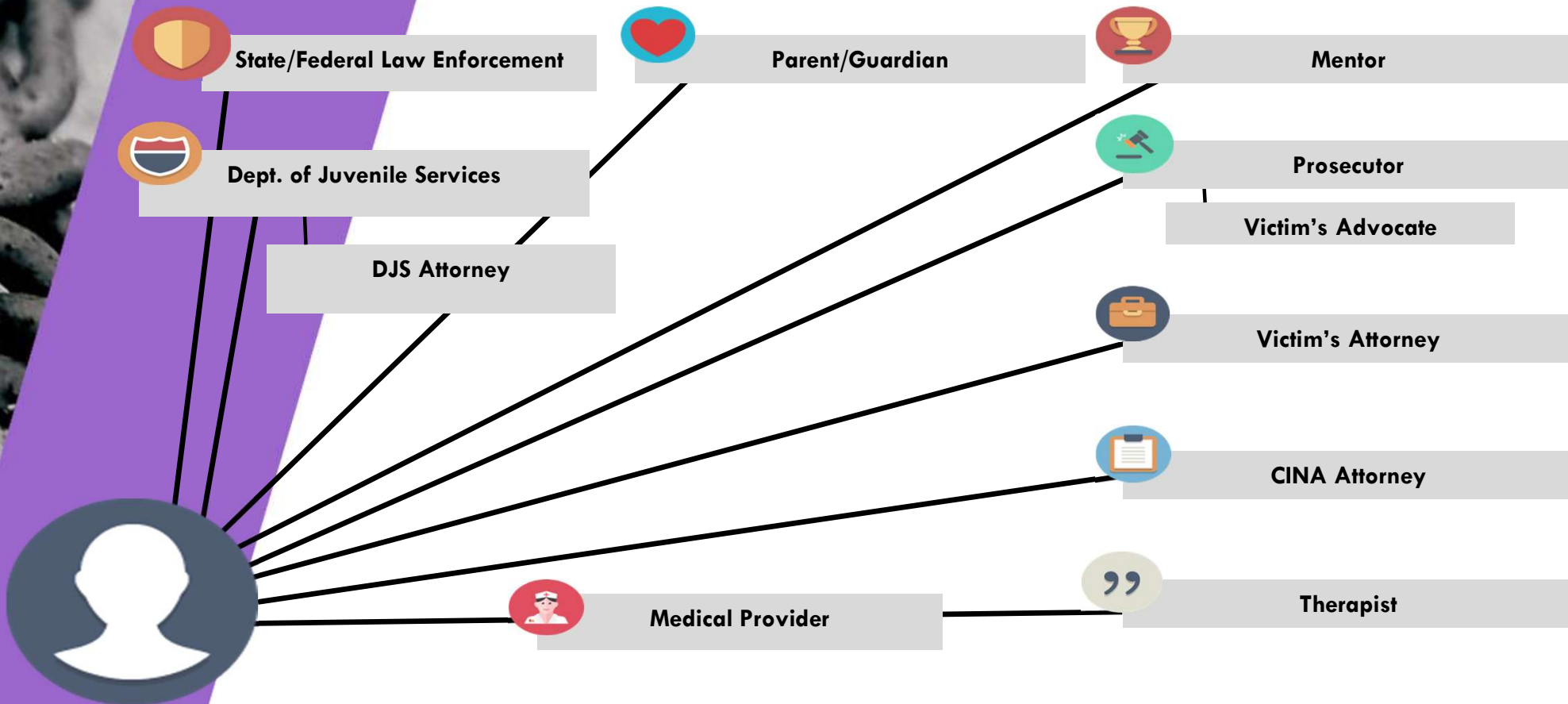
Source: Heather J. Clawson, Ph.D. and Lisa Goldblatt Grace, LICSW, *Finding a Path to Recovery: Residential Facilities for Minor Victims of Domestic Sex Trafficking*, U.S. Department of Health and Human Services; *Understanding and Addressing Violence Against Women: Human Trafficking*, World Health Organization (2012).



INITIAL ASSESSMENT

- ❖ Basic needs and Safety Assessment
- ❖ Language Capacity
- ❖ Emotional and financial connection to trafficker
- ❖ Survivor's current support systems and who's involved
- ❖ Stages of Change Model

CLIENT MAP





YOU WILL FIND THAT...

- ❖ Have distrust of authority figures or providers
- ❖ Are hostile or uninterested in receiving help
- ❖ Fear criminal or child welfare response
- ❖ Have intense loyalty to trafficker and family
- ❖ Face significant shame and societal stigma
- ❖ Have experienced “help” or “services” before
- ❖ Do not consider themselves victims
- ❖ Are often hard to locate or contact



CASE CONFIDENTIALITY

- ❖ Protect client's right to privacy
- ❖ Ensure relationship of trust and respect
- ❖ Protect client's personal safety and future welfare
- ❖ Maintain integrity of criminal case
- ❖ Use Informed Consent Letter for every situation
- ❖ Develop agency policy on handling media requests
- ❖ Develop agency policy on case management notes



TRAUMA INFORMED PRACTICE

- ❖ To be trauma informed means “to know the history of past and current abuse” in the life of your clients.”
- ❖ Incorporates knowledge about trauma into all aspects of service delivery
- ❖ Engages and empowers survivors
- ❖ Minimize re-victimization
- ❖ Facilitates empowerment
- ❖ Values self-care
- ❖ Harm reduction model

Source: Harris and Fallot (2001); Heather J. Clawson, Ph.D., Amy Salomon, Ph.D., and Lisa Goldblatt Grace, LISW, MPH, *Treating the Hidden Wounds: Trauma Treatment and Mental Health Recovery for Victims of Human Trafficking*, U.S. Dept. of Health and Human Services.



LANGUAGE ACCESS

- ❖ Linguistic competency \neq cultural competency
- ❖ Avoid using family, friends, and Good Samaritans as interpreters
- ❖ Do not overestimate professed English proficiency
- ❖ Proper interpretation can make or break a case
- ❖ Have pre- and post-briefing with interpreter



**ADVOCACY FOR CHILD
VICTIMS OF HUMAN
TRAFFICKING**



CHILD TRAFFICKING

THROUGH THE EYES OF A SURVIVOR



Withelma "T" Ortiz Walker Pettigrew shares her experience as both a former foster youth and trafficking survivor.

HEARING FROM “T”



Listen to the child



Meet them where
they are at



Youth involved in
multiple systems



Be careful with
placement moves



DIFFERENT LEGAL SYSTEMS

DIFFERENT ROLES

Criminal Law

Main Goal: Punish
Trafficker
Role of Victim:
Victim-Witness
Legal Remedies:
Restitution

Immigration Law

Main Goal: Legal
Status for Victim
Role of Victim: Self-
Petitioner
Legal Remedies:
Continued Presence,
U Visa, T Visa,
VAWA, SIJS, etc.

Civil Remedies

Main Goal:
Damages for
Plaintiff
Role of victim:
Plaintiff
Legal Remedies:
Money, property,
injunctions, etc.

Family Law

Main Goal:
Protection, Best
Interest of the Child
Role of the victim:
Can be petitioner
Legal Remedies:
Protective Order,
Custody

Juvenile Law Main Goal:

Permanency, Safety,
Well-Being, Best
Interest of the Child
Role of Victim:
Respondent
Permanency
Outcomes:
Reunification,
Custody and
Guardianship,
Adoption, APPLA

Source: Freedom Network Training Institute



PLACEMENT AND SERVICE NEEDS

- ❖ Don't be judgmental
- ❖ Advocate for what client wants
- ❖ Congregate care can imitate the 24/7 control of trafficking
- ❖ Access to trauma-informed victims services
- ❖ Alternative therapies: Clinician must be familiar with trafficking or sexual violence
- ❖ Safety Planning
- ❖ Victims need access to other trafficking survivors (groups, survivor mentoring)



VICTIM'S RIGHTS

DURING CRIMINAL JUSTICE PROCESS

- ❖ Explain process, who the different people are, their role, outline of proceedings and expectations.
- ❖ Minor victims should have their lawyer or trusted adult (victim advocate) accompany them in all legal proceedings.
- ❖ Law enforcement should minimize and prevent direct contact with trafficker.
- ❖ Maryland Victim's Rights
Criminal Procedure Title 11, Victims and Witnesses.



POST-CRIMINAL TRIAL ISSUES

- ❖ Victim Impact Statement
- ❖ Restitution
 - Payment by defendant for damages caused by his/her actions
 - Under TVPA, the court shall order convicted criminals to pay mandatory restitution “in the full amount of the victim’s losses.”
- ❖ Notification of Release
 - Bureau of Prison Victim / Witness Notification Act
 - Victim Information and Notification Everyday (VINE)
- ❖ Return of Personal Property



WHAT IF VICTIM HAS CRIMINAL HISTORY

STEMMING FROM HUMAN TRAFFICKING?

Expungement: The removal of records from public inspection (MD Judiciary Case Search).

Vacatur: To set aside or make void a court's judgment.

Shielding: To render a court record or police record inaccessible to members of the public.



KATIE'S STORY

Human Trafficking & Forced Pro



Questions?



THANK YOU FOR ATTENDING!

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