

Child Labor Trafficking: The Overlooked Child Welfare Issue

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ABSTRACT

This article examines the mobilization of the child welfare system to better protect child sex trafficking victims and argues that this same attention would benefit child labor trafficking victims. It discusses the impacts of The Preventing Sex Trafficking and Strengthening Families Act in 2014 and The Justice for Victims of Trafficking Act in 2015, similar updates to federal and state laws, including The Trafficking Victims Prevention and Protection Reauthorization Act in 2022, and how these legislative frameworks could have benefited child labor trafficking victims as well as child sex victims while saving resources. Finally, it presents recommendations for bringing child labor trafficking into the purview of the child welfare system.

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INTRODUCTION: INTERSECTION BETWEEN CHILD WELFARE AND TRAFFICKING

Reports and media coverage from across the country highlight the connection between the commercial sexual exploitation of children (hereinafter CSEC) and the child welfare system throughout the United States. Some estimate that as many as 80% of CSEC victims have had contact with the child welfare system.¹ In 2020, records from The National Child Abuse and Neglect Data System reveal that child welfare agencies determined 953 children and youth to have experienced sex trafficking that year.² In California, the California Child Welfare Council found that 50% to 80% of CSEC victims were formerly involved with the child welfare

¹ ADMIN. FOR CHILD., YOUTH & FAMILIES, U.S. DEP'T OF HEALTH & HUM. SERVS., GUIDANCE TO STATES AND SERVICES ON ADDRESSING HUMAN TRAFFICKING OF CHILDREN AND YOUTH IN THE UNITED STATES 3 (2013).

² CHILD.'S BUREAU, U.S. DEP'T OF HEALTH & HUM. SERVS., CHILD MALTREATMENT 2020 45 (2022), https://www.acf.hhs.gov/sites/default/files/documents/cb/child-maltreatment-report-2020_0.pdf.

system.³ In Connecticut, the Department of Children and Families reported that 86 out of 88 children identified as victims of trafficking for exploitation had previously received child welfare services.⁴

Compared to trafficking children for sexual exploitation, the issue of child labor trafficking in the United States is less researched and less frequently highlighted by the media. However, evidence demonstrates the need for the child welfare system to pay equal attention to this issue. In 2023, due to a 69% increase in children being employed illegally by companies, the Departments of Labor and Health and Human Services announced the formation of an interagency task force to combat child labor exploitation, among other actions.⁵ Part of this “increase” may have resulted from a lack of prior agency focus on child labor. Other contributing factors to this increase include the influx of unaccompanied migrant children and a lack of resources after government officials send minors with sponsors in the United States.⁶ Child labor trafficking victims work in various industries, including agricultural work, restaurant service, hair braiding, domestic work, forced peddling, and a range of illegal work activities.⁷ When victims are trafficked to perform illegal work, such conduct is commonly called human trafficking for forced criminality to distinguish situations where the labor performed may otherwise be lawful. The nuances of trafficking for forced criminality encompass and parallel the dynamics of sex-trafficked children arrested and convicted of crimes of commercial sex they were forced to commit. Traffickers orchestrate and direct their victims to commit crimes, like using false identification in the workplace or forcing them to steal. The upshot is greater control because the victims feel complicit in the criminal acts and are often misidentified as perpetrators of crime by the police instead of as victims. Identification and protection of child labor trafficking victims is possible with proper attention and care. However, exploitation, abuse, and the arrest of children for crimes they were forced to commit will continue if people ignore this crime or believe it does not occur in child welfare systems in the United States.

In light of the pervasive commercial exploitation of children in America for labor and sexual services, this article will discuss (1) the intersection of CSEC victims and the child welfare system; (2) the similar intersection of

³ CHILD.'S BUREAU, *supra* note 1; KATE WALKER, CAL. CHILD WELFARE COUNCIL, ENDING THE COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN: A CALL FOR MULTI-SYSTEM COLLABORATION IN CALIFORNIA 11 (2013).

⁴ CHILD.'S BUREAU, *supra* note 1.

⁵ Press Release, U.S. Dep't of Health & Hum. Servs., *Departments of Labor and Health and Human Services Announce New Efforts to Combat Exploitative Child Labor* (Feb. 27, 2023), <https://www.hhs.gov/about/news/2023/02/27/departments-labor-and-health-and-human-services-announce-new-efforts-combat-exploitative-child-labor.html>.

⁶ Hannah Dreier, *Alone and Exploited, Migrant Children Work Brutal Jobs Across the U.S.*, N.Y. TIMES (Feb. 28, 2023), <https://www.nytimes.com/2023/02/25/us/unaccompanied-migrant-child-workers-exploitation.html>.

⁷ FREEDOM NETWORK USA, CHILD TRAFFICKING FOR LABOR IN THE UNITED STATES (2015), <https://freedomnetworkusa.org/app/uploads/2016/12/HT-and-Child-Labor.pdf> [hereinafter FNUSA].

child labor trafficking victims and the child welfare system, including the dynamics of human trafficking for forced criminality that both sex and labor trafficking victims experience; (3) protections provided solely for sex trafficking victims in the child welfare system in The Preventing Sex Trafficking and Strengthening Families Act⁸ (hereinafter SFA) and The Justice for Victims of Trafficking Act⁹ (hereinafter JVTVA); (4) updates to federal and state legislative definitions of child abuse to include human trafficking, including the critical update in The Trafficking Victims Prevention and Protection Reauthorization Act¹⁰ (hereinafter TVPRA), to include all forms of human trafficking; and (5) recommendations for state child welfare systems to protect all child trafficking victims, including those exploited for labor.

A. Commercial Sexual Exploitation of Children and the Child Welfare System

State and federal governments have recognized that the child welfare system is one of the critical targets for the early identification and prevention of trafficking children for sexual exploitation. Media sources and reports have documented U.S. citizen youths trafficked in the sex industry.¹¹ Federal law clearly states that any person under 18 engaging in commercial sex is a victim of human trafficking.¹² Data concerning the connection between minors trafficked for commercial sex and the child welfare system are readily available as many states continue to arrest children for commercial sex acts despite federal and some state laws identifying them as victims. A review of juvenile records for commercial sex convictions generally shows whether a youth had prior involvement with the child welfare system. One study in 2012 found that of 72 commercially sexually exploited children processed through Los Angeles County's Succeed Through Achievement and Resilience Court Program, 56 of them (78%) received child welfare services.¹³ In 2010, of the 174 youth under the age of 18 arrested for prostitution-related charges, 59% were or had been involved in the child welfare system.¹⁴ Kamala Harris described the foster care system in California as "not working," expressly pointing to this high percentage of

⁸ Preventing Sex Trafficking and Strengthening Families Act, Pub. L. No. 113-183, 128 Stat. 1919 (2014).

⁹ Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22, 129 Stat. 227.

¹⁰ Trafficking Victims Prevention and Protection Reauthorization Act of 2022, Pub. L. No. 117-348, 136 Stat. 6211 (2023).

¹¹ OFF. OF THE ASSISTANT SEC'Y FOR PLAN. & EVALUATION, U.S. DEP'T OF HEALTH & HUM. SERVS., HUMAN TRAFFICKING INTO AND WITHIN THE UNITED STATES: A REVIEW OF THE LITERATURE 10 (2009); KRISTIN FINKLEA, ADRIENNE L. FERNANDES-ALCANTARA, & ALISON SISKIN, CONG. RSCH. SERV., No. R41878, SEX TRAFFICKING OF CHILDREN IN THE UNITED STATES: OVERVIEW AND ISSUES FOR CONGRESS 29 (2015).

¹² Sex Trafficking of Children by Force, Fraud, or Coercion, 18 U.S.C. § 1591(a).

¹³ WALKER, *supra* note 3, at 1.

¹⁴ ALLISON NEWCOMBE, ERIN FRENCH, KATE WALKER BROWN, & MICHELLE GUYMON, BUILDING BRIDGES: HOW LOS ANGELES COUNTY CAME TOGETHER TO SUPPORT CHILDREN AND YOUTH IMPACTED BY COMMERCIAL SEXUAL EXPLOITATION 23 (2020).

children arrested for commercial sex with ties to the child welfare system.¹⁵

However, these same data are not available for labor-trafficked children forced to commit other crimes by their traffickers, as cases of children committing these crimes would not be per se trafficking. There is also a lack of data because traffickers force children to work in various otherwise legal industries. The tragedy is that although child labor trafficking may be just as prevalent as trafficked children for sexual exploitation in the child welfare systems, members of the government have stalled legislative solutions, calling for “[m]ore investigation and discussion” before addressing the issue.¹⁶ For example, in California, organizations such as the County Welfare Directors Association of California actively lobby against broadening the definition of abuse or neglect to include labor trafficking.¹⁷ As a result, assembly bills in 2020, 2022, and 2023 failed.¹⁸ Thus, despite a “premature” characterization in 2014, legislators have still not addressed the issue today.¹⁹

B. *Child Labor Trafficking and the Child Welfare System*

Although data on sex and labor trafficking in the United States are incomplete, what is known is that human trafficking of children spans diverse industries nationwide, such as agriculture, restaurant work, hair and nail salons, peddling rings, domestic work, commercial sex, forced begging, and drug smuggling or cultivation.²⁰ Since 2007, the National Human Trafficking Hotline (NHTH) has identified 1,686 potential cases of child labor trafficking in the United States and 914 cases involving trafficking for sexual exploitation and trafficking for other forms of labor.²¹ The labor trafficking cases tracked by the NHTH included child victims engaged in sales peddling and begging (402); domestic work (223); traveling sales crews (221), food service work (100); agriculture (91); health and beauty services (366); restaurant and food services (100), agriculture (91) and construction (84).²² Statistics, however, do not tell the whole story because child welfare and law enforcement personnel’s current training focuses on trafficking for commercial sexual exploitation, not labor trafficking, among children and youth.

¹⁵ Marisa Gerber, *State Official Links Troubled Foster Care System to Human Trafficking*, L.A. TIMES (Jan. 30, 2015, 7:10 PM), <https://www.latimes.com/local/lanow/la-me-ln-foster-care-human-trafficking-20150130-story.html>.

¹⁶ GOVERNOR EDMUND G. BROWN, JR., A.B. 2035 VETO MESSAGE (Sept. 29, 2014).

¹⁷ Letter from Cathy Senderling-McDonald, Exec. Dir., Cnty. Welfare Dirs. Ass’n. of Cal., to Lisa Calderon, Assembly Hum. Servs. Comm. Chair (Mar. 29, 2022) (on file with author).

¹⁸ Assemb. B. 1985, 2019–2020, Reg. Sess. (Cal. 2020); Assemb. B. 1985, 2021–2022, Reg. Sess. (Cal. 2022); S. B. 998, 2023–2024, Reg. Sess. (Cal. 2023).

¹⁹ Assemb. B. 2035, 2013–2014, Reg. Sess. (Cal. 2014).

²⁰ OFF. OF SAFE & HEALTHY STUDENTS, U.S. DEP’T OF EDUC., *Human Trafficking of Children in the United States, A Fact Sheet for Schools* (Dec. 3, 2013), <https://www2.ed.gov/about/offices/list/oese/osh/factsheet.html>; OFF. ON TRAFFICKING IN PERS., U.S. DEP’T OF HEALTH & HUM. SERVS., NATIONAL LISTENING SESSION ON DATA TRENDS IN TRAFFICKING 45 (2020) [hereinafter OTP].

²¹ OTP, *supra* note 20.

²² *Id.*

Some specific case examples of labor-trafficked children identified and interviewed by The Coalition to Abolish Slavery & Trafficking (CAST) in the United States include:

Mary, a young Mexican girl, who was forced to peddle tamales on the street and was sexually assaulted in her family's home. While peddling on the street, a woman noticed bruises on her body and called the police. Police dropped Mary off at the local homeless shelter. She waited for help for over two months before being identified as a child trafficking victim by a staff member.²³

Jessica, who was 17 when traffickers recruited her to sell magazines in the southern United States. She was forcibly transported and made to work in various locations in the United States and finally escaped when she was 18. She went to a police department for help, but the police department considered her homeless and did not identify hers as a labor trafficking case.²⁴

Liz and Marty, two American youths, who were homeless after their families kicked them out. They answered a website ad for au pair services and traveled to the host family's home. There they were forced to work every day and sexually assaulted by the father of the household, who used drugs to sedate them.²⁵

Marco, 16, who was forced to smuggle drugs into the United States. He was violently beaten and watched as a friend was killed in front of him. Marco was convicted for selling drugs and sentenced to time in a juvenile hall instead of being identified as a victim of human trafficking.²⁶

These examples demonstrate that child victims of labor trafficking are victims of abuse and neglect in similar and overlapping ways to children trafficked for commercial sexual exploitation. CAST looked at its client data of over 1,300 clients from 2010 to early 2019, and CAST data showed that almost half of its clients were labor-trafficked. CAST's data also show that under-18 and transitional-aged youth (18–24) constituted 37.5% of CAST's trafficked population.

²³ Client Intake Interview with Mary R., Alliance to End Slavery & Trafficking (ATEST) (Nov. 20, 2014) (on file with author).

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

Two studies spanning from 2016 to 2018, which focused on CSEC and labor trafficking among homeless and runaway youth, show similarity to CAST's data. Covenant House, a runaway and homeless youth organization, interviewed 911 homeless youth in 13 cities. The youths were aged 17-25. In one study examining ten cities, including 2 in California, 124 of 641 youth were trafficked—92 for sex, 52 for labor, and 22 for both sex and labor. Thus, 74 out of 166 (45%) trafficked youth were trafficked for labor (including labor plus sex).²⁷ In Los Angeles, the proportion of trafficking for sexual exploitation and trafficking for labor was equal. The Covenant House study further found that labor trafficking was more prevalent than trafficking for sexual exploitation among homeless youth in Oakland, California (19% vs. 15%).²⁸ Significantly, when looking at the connection to the child welfare system in the 10-city study, youth with a history of involvement in the foster care system accounted for 26% of all labor-trafficked youth. The researchers concluded that “[y]outh between the ages of 17 and 19 need special attention because of their unique vulnerabilities.”²⁹

Data from Florida also show a strong connection between child labor trafficking and the child welfare system. In July 2018, after a lengthy study of over one million youth in the Florida child welfare system, the researchers found that 9% of trafficked youth in the child welfare system were labor trafficked.³⁰ The researchers, although documenting far fewer labor trafficking cases identified, found that labor trafficking allegations were more likely to be verified than sex trafficking allegations.³¹ The authors posit that child labor trafficking under-identification can be remedied within the child welfare system with proper training. However, barriers exist.³² For example, one caseworker in Florida ceased reporting suspected child labor when she found law enforcement unwilling to take such cases.³³

The Covenant House study, the CAST data, and Florida's child welfare data establish that child labor trafficking is a real phenomenon, nearly as prevalent as child sex trafficking. And the child welfare system is intertwined with both types. Yet, despite these facts, many federal and state protections exclude child labor trafficking.

²⁷ LAUREN T. MURPHY, LOY. UNIV. NEW ORLEANS MODERN SLAVERY RSCH. PROJECT, LABOR AND SEX TRAFFICKING AMONG HOMELESS YOUTH 4 (2016).

²⁸ *Id.* at 13.

²⁹ *Id.* at 5.

³⁰ Deborah A. Gibbs, Sue Aboul-Hosn, & Marianne N. Kluckman, *Child Labor Trafficking Within the U.S.: A First Look at Allegations Investigated by Florida's Child Welfare Agency*, 6 J. HUM. TRAFFICKING 435, 444 (2020).

³¹ *Id.* at 440.

³² *Id.*

³³ Dreier, *supra* note 6.

C. Child Labor Trafficking Often Involves Similar Dynamics to CSEC

Traffickers use common methods to lure and control similarly vulnerable children into both labor trafficking and/or sex trafficking. Notably, a 2013 study demonstrated that the identification of sex and labor trafficking cases could occur using a single questionnaire and appropriate training.³⁴ The study found that labor-trafficked children, similarly to children trafficked for sexual exploitation, are often recruited by family members or close family friends at an early age (e.g., two children recruited at 11 and 14).³⁵ The report further concluded that “[t]he dynamics of labor trafficking appeared very similar to those of sex trafficking, with traffickers exploiting vulnerable people’s desperation and isolation.”³⁶ The documentation of these overlapping factors and similarities is crucial to a thorough understanding. For example, due to the nature of this crime, many child trafficking victims will not self-identify as victims, regardless of the type of trafficking, since they often experience intense shame and distrust of authority figures.³⁷ Self-identification is also challenging for all child trafficking victims because many feel emotionally bonded or physically dependent on their traffickers.³⁸

According to health professionals, both types of trafficking—labor and sex—are equally harmful to children physically and psychologically:

The adverse health effects associated with child sex *and* labor trafficking are numerous and include traumatic injury from sexual and physical assault or work-related injury, sexually transmitted infections, nonsexually transmitted infections, chronic untreated medical conditions, pregnancy and related complications, chronic pain, complications of substance abuse, and malnutrition and exhaustion. Mental health consequences may include depression with suicide attempts, self-harm, flashbacks, nightmares, insomnia and other sleep problems, anxiety disorders, hypervigilance, self-blame, helplessness, anger and rage control problems, dissociative disorders, posttraumatic stress disorder, and

³⁴ COVENANT HOUSE, HOMELESSNESS, SURVIVAL SEX AND HUMAN TRAFFICKING: AS EXPERIENCED BY THE YOUTH OF COVENANT HOUSE NEW YORK 6 (2013).

³⁵ *Id.*

³⁶ *Id.* at 13.

³⁷ FNUSA, *supra* note 7, at 2; EVA KLAIN, AMANDA KLOER, DIANE EASON, IRENA LIEBERMAN, CAROL SMOLENSKI, ROBIN THOMPSON, AM. BAR ASS’N CIVIL LEGAL REMEDIES FOR HUMAN TRAFFICKING VICTIMS PROJECT, MEETING THE LEGAL NEEDS OF CHILD TRAFFICKING VICTIMS: AN INTRODUCTION FOR CHILDREN’S ATTORNEYS & ADVOCATES 13 (2009) [hereinafter KLAIN & KLOER].

³⁸ FNUSA, *supra* note 7; Natalie Kitroeff, *Stockholm Syndrome in the Pimp-Victim Relationship*, N.Y. TIMES (May 3, 2012, 12:18 PM), <https://archive.nytimes.com/kristof.blogs.nytimes.com/2012/05/03/stockholm-syndrome-in-the-pimp-victim-relationship/>.

other comorbid conditions.³⁹

The healthcare system is making strides to recognize labor trafficking, and the child welfare system needs to follow suit. In the 2020 article *Child Labor Trafficking Essentials for Forensic Nurses*, the author highlights that although child sex trafficking has been given more attention, forensic nurses are likely to encounter victims of child labor trafficking in their practice and that pediatric nurses need education in this area to identify and respond to this issue.⁴⁰

Additionally, children trafficked for sexual exploitation or labor are often arrested for the crimes their traffickers force them to commit.⁴¹ Recent studies show that traffickers often compel children to commit criminal acts like drug dealing, shoplifting, or theft, not just commercial sex. The 10-city survey of homeless youth served by Covenant House found that “[t]he vast majority (81%) of labor trafficking cases reported in this study were instances of forced drug dealing.”⁴² Drug sales occurred both through familial networks and coercion, as well as organized crime and gang activity. Additionally, “[o]ne youth compared the drug trade to sex trafficking, describing it as psychologically coercive and physically violent.”⁴³ A 2023 study of youth in New Jersey focused on looking at labor trafficking by forced criminality (LTFC) found that half of all identified human trafficking survivors among youth facing homelessness have been labor trafficked.⁴⁴ Among this group, the most common type of labor trafficking is LTFC.⁴⁵ CAST’s client data reflect traffickers enslaving children in drug cultivation, drug smuggling, drug “mule” activity, and drug extortion. Other common examples of unlawful conduct are stealing jewelry from persons, stealing checks from mailboxes, theft from jewelry stores, and other shoplifting. Many of CAST’s child labor-trafficked clients were enslaved by drug cartels, gangs, and other organized criminal entities, in addition to family members and guardians. “Traveling Sales Crews” and “Peddling Rings” are also often identified as common forms of child labor trafficking, usually involving U.S. citizens.⁴⁶

While legitimate sales are not crimes, some transactions can defraud

³⁹ Jordan Greenbaum, Dana Kaplan, & Janine Young, *Global Human Trafficking and Child Victimization*, 140 PEDIATRICS at 1, 3–4 (2017) (emphasis added).

⁴⁰ Gail Hornor, *Child Labor Trafficking Essentials for Forensic Nurses*, 16 J. FORENSIC NURSING 215 (2020).

⁴¹ Malika Saada Saar, *There Is No Such Thing As a Child Prostitute*, WASH. POST (February 17, 2014, 3:26 PM), https://www.washingtonpost.com/opinions/there-is-no-such-thing-as-a-child-prostitute/2014/02/14/631ebd26-8ec7-11e3-b227-12a45d109e03_story.html.

⁴² MURPHY, *supra* note 27.

⁴³ *Id.* at 32.

⁴⁴ Julia Einbond, Kaitlyn Zedalis, & Hanni Stoklosa, *A Case of Mistaken Identity: The Criminalization of Victims of Labor Trafficking by Forced Criminality*, 59-1 CRIM. L. BULL. Art. 2 (2023).

⁴⁵ *Id.*

⁴⁶ U.S. DEP’T OF HEALTH & HUM. SERVS. REGION XI, CALIFORNIA: EFFORTS TO COMBAT HUMAN TRAFFICKING 1 (2017).

the buyer or misrepresent where the proceeds go (e.g., to sham “charities”). As such, some such activities can constitute forced criminal behavior. For example, a 2015 study of “traveling sales crews” by Polaris found that “[m]anagers control nearly all aspects of the lives of [teenage] crew members,” including isolating them from outside society, imposing long work hours, employing “cult-like” peer pressure, confiscating identification, denying food, and making threats, including the threat of abandonment.⁴⁷ Twenty-four percent reported physical assault, and “[s]exual assault was also reported in dozens of cases.”⁴⁸

There is growing recognition that sex trafficking victims are victims of labor trafficking when they are forced to recruit, monitor, post online, or engage in other activities at the behest of their trafficker, promoting the commercial sex scheme. A victim is often sexually exploited by their trafficker, but they also may be forced into labor trafficking if they must recruit other individuals, teach others the “rules of the game,” post ads for the other individuals, handle money made by other victims, and even dole out punishments.⁴⁹ Thus, the tasks traffickers force victims to commit can convert the victims into sex traffickers by definition, but by definition, they are also victims of labor trafficking for forced criminality.

Further, the most under-recognized area of child labor trafficking for forced criminality is likely gang-involved youth. For example, it has been documented in Central America that gangs “actively recruit, train, arm, and subject children to engage in illicit activities – including assassinations, extortion, and drug trafficking.”⁵⁰ Further research in the UK has demonstrated gangs traffic “Runners” (young men aged 12–15 years who deal and move drugs) and “Teenies” (young men less than 10 years of age who are used to transport goods), using their victim’s infancy as a shield to law enforcement.⁵¹

The upshot is that those child labor trafficking victims, like children trafficked for sexual exploitation, are at risk of being detained or arrested—for crimes their traffickers forced them to commit—by law enforcement personnel, likely untrained in recognizing child labor trafficking. For example, a labor-trafficked child could develop a criminal record, a reputation, and a jaded view of authority that will burden the child for years. These consequences cause the child to remain vulnerable to the child’s

⁴⁷ POLARIS, KNOCKING AT YOUR DOOR, LABOR TRAFFICKING ON TRAVELING SALES CREWS 1 (2015).

⁴⁸ *Id.*

⁴⁹ DOMINIQUE ROE-SEPOWITZ, JAMES GALLAGHER, KIMBERLY HOGAN, & TIANA WARD, MCCAIN INST., A SIX-YEAR ANALYSIS OF SEX TRAFFICKERS OF MINORS: EXPLORING CHARACTERISTICS AND SEX TRAFFICKING PATTERNS (2021), <https://www.mccainstitute.org/resources/reports/a-six-year-analysis-of-sex-traffickers-of-minors/>.

⁵⁰ Thomas Boerman & Adam Golob, *Gangs and Modern-Day Slavery in El Salvador, Honduras and Guatemala: A Non-Traditional Model of Human Trafficking*, 7-3 J. HUM. TRAFFICKING 241–57 (2021).

⁵¹ Alessandra Glover Williams & Fiona Finlay, *County Lines: How Gang Crime is Affecting Our Young People*, 104 ARCHIVES DISEASE CHILDHOOD 730, 730–32 (2019).

traffickers or to being re-trafficked, as the systems designed to protect the child see the child as a criminal. These are the same vulnerabilities frequently highlighted for CSEC children. Additionally, in not training child welfare workers and others to understand that sex trafficking can include labor trafficking for forced criminality, children in this area will continue to be criminalized for labor their traffickers forced them to commit, including particularly serious crimes that could include charges of sex trafficking of another minor, despite being a victim themselves.⁵²

Such similar dynamics suggest that *all* commercially exploited children need specialized, comprehensive services and protections. All trafficked children need immediate access to shelter, medical care, and therapy through a child welfare system uniquely designed to protect abused children. All trafficked children have safety concerns and complex legal rights, and many require criminal justice advocacy, especially when their trafficking involves organized criminal networks and gangs. Thus far, child welfare systems in the United States have failed to identify and serve all child trafficking victims appropriately. As policymakers explore the role of child protective agencies in responding to trafficking, they must address labor trafficking and trafficking for sexual exploitation to protect all children from exploitation, abuse, and neglect.

II. FEDERAL FRAMEWORK FOR CSEC TRAFFICKING AND THE CHILD WELFARE SYSTEM

Five bills were introduced in the United States House and Senate in 2013–2014 that dealt with child trafficking and the child welfare system.⁵³ The primary focus of the proposed legislation was data collection, training centered on best practices, and reporting child welfare efforts involving child trafficking to Congress. The first bill, which attracted the most co-sponsors, was the Strengthening the Child Welfare Response to Trafficking Act.⁵⁴ It included provisions regarding data collection, training, and federal reporting requirements, which applied comprehensively to both children trafficked for sexual exploitation and children trafficked for labor. Yet none of the remaining proposed bills used the full federal definition of trafficking in persons, which includes labor trafficking.⁵⁵ Out of all the proposed

⁵² Alexandra F. Levy, *Innocent Traffickers, Guilty Victims: The Case for Prosecuting So-Called 'Bottom Girls' in the United States*, 6 ANTI-TRAFFICKING REV. 130 (2016).

⁵³ Strengthening the Child Welfare Response to Human Trafficking Act of 2013, S. 1823, 113th Cong. (2013); Preventing Sex Trafficking and Improving Opportunities for Youth in Foster Care Act, H.R. 4058, 113th Cong. (2014); Improving Outcomes for Youth at Risk for Sex Trafficking Act of 2013, S. 1518, 113th Cong. (2013); Supporting At-Risk Children Act, S. 1870, 113th Cong. (2013); Preventing Sex Trafficking and Strengthening Families Act, Pub. L. No. 113-183, 128 Stat. 1919 (2014).

⁵⁴ Strengthening the Child Welfare Response to Human Trafficking Act of 2013, S. 1823, 113th Cong. (2013).

⁵⁵ *Id.*; Improving Outcomes for Youth at Risk for Sex Trafficking Act of 2013, S. 1518, 113th Cong. (2013); Supporting At-Risk Children Act, S. 1870, 113th Cong. (2013); Preventing Sex Trafficking and Improving Opportunities for Youth in Foster Care Act, H.R. 4058, 113th Cong. (2014).

legislation around these issues in 2013–2014, only the SFA, which excludes labor trafficking victims from its provisions, was ultimately passed into law.⁵⁶

By excluding child labor from data collection and reporting, this new law failed to meet the goal of providing more competent, targeted services to all potentially exploited youth in the child welfare system. In addition to the moral imperative to protect vulnerable children, a more expansive definition of child trafficking would also provide long-term financial benefits for the government. Further, more comprehensive data collection would lead to more efficient provision of government-funded services, ultimately leading to more significant cost savings for taxpayers.

A. *The Preventing Sex Trafficking and Strengthening Families Act of 2014 (SFA)*

The SFA became federal law on September 29, 2014.⁵⁷ As the title suggests, Congress aimed at preventing youth in the foster care system from becoming victims of sex trafficking.⁵⁸ First, the act adds many substantive requirements for the state plans for foster care.⁵⁹ Under the SFA, the state plan must demonstrate that the state agency has developed policies and procedures for identifying, documenting, and determining appropriate services for any youth for whom the state agency has responsibility for placement, care, or supervision whom the state has reasonable cause to believe is, or is at risk of being, a victim of sex trafficking or a severe form of trafficking in persons.⁶⁰ This reference to “a severe form of trafficking in persons” is the only possible hint of labor trafficking victims in the SFA, despite this language found in the context of defining the term “sex trafficking victim.”⁶¹ The SFA also authorizes a state to develop these same policies and procedures for any individual under the age of 26, regardless of whether the individual was ever in the foster care system.⁶²

Additional provisions also specifically protected missing and runaway youth. For example, a new state plan requirement directs states to implement protocols for locating and responding to children who have run away from foster care, including screening missing children upon their return to determine if the child is a possible sex trafficking victim only.⁶³ This

⁵⁶ Preventing Sex Trafficking and Strengthening Families Act, Pub. L. No. 113-183, 128 Stat. 1919 (2014).

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Id.* at § 111.

⁶⁰ *Id.* at §§ 101, 111; State Plan for Foster Care and Adoption Assistance, 42 U.S.C.A. § 671(a)(9) (West 2023).

⁶¹ 42 U.S.C.A. § 675(9)(B) (West 2018); Improving Outcomes for Youth at Risk for Sex Trafficking Act of 2013, S. 1518, 113th Cong. (2013).

⁶² 42 U.S.C.A. § 671(a)(9) (West 2023); Strengthening the Child Welfare Response to Human Trafficking Act of 2013, S. 1823, 113th Cong. (2013).

⁶³ 42 U.S.C.A. § 671(a)(35) (West 2023); Preventing Sex Trafficking and Improving Opportunities for Youth in Foster Care Act, H.R. 4058, 113th Cong. (2014).

requirement also directs state agencies to immediately report information on missing or abducted youth to law enforcement authorities for entry into the National Crime Information Center database of the Federal Bureau of Investigation and to the National Center for Missing and Exploited Children.⁶⁴ The remaining provisions of the SFA focus on reporting and future research regarding trafficking youth for sexual exploitation.

The SFA also established the National Advisory Committee on the Sex Trafficking of Children and Youth in the United States (Committee), which advises the Secretary of Health and Human Services, the Attorney General, the Committee on Finance of the Senate, and the Committee on Ways and Means of the House of Representatives on policies concerning the nation's response to the sex trafficking of minors in the United States.⁶⁵ Congress directed the Committee to issue a report on State results and evaluation by January 2019.

This Committee first met in September 2018. During the first day of the meeting, appointed committee members discussed the need to look at the sex *and* labor trafficking of youth.⁶⁶ Nevertheless, during the second day of the meeting, the minutes indicate that, “[f]or the purpose of this committee, the focus will be on sex trafficking, and address child labor trafficking when related to its nexus to child sex trafficking.”⁶⁷ The Committee issued its report in September 2020, outlining many recommendations.⁶⁸ Despite the focus of the Committee on CSEC, notably in some recommendations, screening for sex *and* labor trafficking was recommended to “ensure proper identification.”⁶⁹

In 2022, the Committee issued another report detailing preliminary results from self-assessments conducted by twenty-nine states.⁷⁰ The survey results indicated that three states screened for sex and labor trafficking.⁷¹ However, with just one tangential reference to labor trafficking in one recommendation out of 127, the concern remains that legislators and federal government agencies will mostly receive reports and information on CSEC and, therefore, will not have the information they need to address the needs of all child victims appropriately. It is often a self-fulfilling prophecy that

⁶⁴ 42 U.S.C.A. § 671(a)(35)(B) (West 2023).

⁶⁵ National Advisory Committee on the Sex Trafficking of Children and Youth in the United States, 42 U.S.C.A. § 1314b (West 2014); Strengthening the Child Welfare Response to Human Trafficking Act of 2013, S. 1823, 113th Cong. (2013).

⁶⁶ NAT'L ADVISORY COMM. ON THE SEX TRAFFICKING OF CHILD. & YOUTH IN THE U.S., SUMMARY OF MEETING SEPTEMBER 13–14, 2018, 7–8 (2018).

⁶⁷ *Id.* at 13.

⁶⁸ NAT'L ADVISORY COMM. ON THE SEX TRAFFICKING OF CHILD. & YOUTH IN THE U. S., BEST PRACTICES AND RECOMMENDATIONS FOR STATES (2020), https://www.acf.hhs.gov/sites/default/files/documents/otip/nac_report_2020.pdf.

⁶⁹ *Id.* at 17.

⁷⁰ NAT'L ADVISORY COMM. ON THE SEX TRAFFICKING OF CHILD. & YOUTH IN THE U.S., PRELIMINARY STATE SELF-ASSESSMENT SURVEY OVERVIEW (2022), https://www.acf.hhs.gov/sites/default/files/documents/otip/NAC%20Preliminary%20State%20Self-Assessment%20Survey%20Overview_January%202022.pdf.

⁷¹ *Id.* at 27.

states can ignore an issue when they are not required to collect data on it or report the specialized services provided. With few states reporting limited data, the true picture of child labor trafficking is elusive. And other agencies, such as the National Center for Missing and Exploited Children, by statute, are only required to receive reports on CSEC, ignoring labor trafficked youth.⁷²

B. *The Justice for Victims of Trafficking Act of 2015 (JTVA)*

Further solidifying the federal focus on trafficking for sexual exploitation in the child welfare system, instead of focusing on all forms of trafficking, the JTVA became federal law in 2015.⁷³ The JTVA expanded the federal definition of “child abuse and neglect” and “sexual abuse” under the Victims of Child Abuse Act of 1990 to include sex trafficking—but not labor trafficking.⁷⁴ Additionally, under the JTVA, effective May 2017, states are required to have in place procedures (1) to identify and assess all reports involving children known or suspected to be victims of sex trafficking, and (2) to train child protective services workers about identifying, assessing, and providing comprehensive services for children who are sex trafficking victims, including efforts to coordinate with State law enforcement, juvenile justice, and social services agencies, such as runaway and homeless youth shelters.⁷⁵ These provisions focus states on training and collecting data on trafficking children for sexual exploitation, but not child labor trafficking.

III. FEDERAL AND STATE FRAMEWORKS FOR CHILD LABOR TRAFFICKING

A. *Federal Action Addressing Child Labor Trafficking in the Child Welfare System*

Since becoming federal law, Congress has amended and reauthorized The Victims of Trafficking and Violence Protection Act, hereinafter “TVPA,” frequently to better prevent human trafficking, protect victims, and prosecute offenders.⁷⁶ Recently, Congress amended this legislation through the TVPRA of 2022.⁷⁷ Notably, the TVPRA now directs state agencies to categorize child labor trafficking as child abuse.⁷⁸ However, the TVPRA of 2022 did not update the SFA, so the focus of data collection and reporting

⁷² Reporting Requirements of Electronic Communication Service Providers & Remote Computing Service Providers, 18 U.S.C. § 2258A.

⁷³ Justice for Victims of Trafficking Act of 2015, Pub. L. 114-22, 129 Stat. 227.

⁷⁴ *Id.* at § 802(c)(1).

⁷⁵ *Id.* at § 802(b).

⁷⁶ Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386, 114 Stat. 1464.

⁷⁷ Trafficking Victims Prevention and Protection Reauthorization Act of 2022, Pub. L. No. 117-348, 136 Stat. 6211 (2023).

⁷⁸ *Id.* at § 133.

by state agencies is still limited to sex trafficking.⁷⁹

B. State Action Addressing Child Labor and Sex Trafficking in the Child Welfare System

A review of state child abuse statutes reveals that at least thirteen states have taken action since the passage of the SFA in 2014 to update the definition of child abuse to include both trafficking for sexual exploitation and labor trafficking specifically. States whose definitions of child abuse expressly include labor trafficking are Connecticut,⁸⁰ Hawaii,⁸¹ Illinois,⁸² Indiana,⁸³ Kansas,⁸⁴ Kentucky,⁸⁵ Louisiana,⁸⁶ Massachusetts,⁸⁷ Mississippi,⁸⁸ North Carolina,⁸⁹ North Dakota,⁹⁰ Texas,⁹¹ and Utah.⁹² In all these states, the word “trafficking” is used in the relevant statutes, and it is defined to include *labor* as well as sex trafficking. Six states have followed the federal approach and included only sex trafficking or CSEC in their definition of state child abuse, including California,⁹³ Colorado, Florida, Iowa, Maine, and Minnesota. More than twenty-five states have yet to take action in this area. Those states must understand the importance of addressing both labor trafficking and trafficking for CSEC in their child welfare systems and have the correct information to make this decision.

The exclusion of child labor trafficking from the definition of child abuse has many consequences. First, a labor-trafficked child could be left in a trafficking situation because the law does not provide court protection. Further, child welfare and court personnel will not undergo training to look for child trafficking and, as such, will not identify victims. Finally, the data and statistics generated within the child welfare system will not include child labor trafficking, which will stymie the generation of data-driven policies.

IV. CHILD LABOR TRAFFICKING VICTIMS COULD HAVE EQUALLY BENEFITED FROM FEDERAL AND STATE PROTECTIONS

The role of child welfare in the prevention and intervention of human trafficking extends beyond protecting children trafficked for sexual exploitation. The SFA and the JVTA were essential steps forward in

⁷⁹ Strengthening the Child Welfare Response to Human Trafficking Act of 2013, S. 1823, 113th Cong. (2013).

⁸⁰ CONN. GEN. STAT. ANN. § 53-21 (West 2024).

⁸¹ HAW. REV. STAT. ANN. § 350-1 (West 2024).

⁸² 325 ILL. COMP. STAT. ANN. 5/3 (West 2024).

⁸³ CONN. GEN. STAT. ANN. § 53-21 (West 2024).

⁸⁴ KAN. STAT. ANN. § 21-5426 (West 2024).

⁸⁵ KY. REV. STAT. ANN. § 529.010 (West 2024).

⁸⁶ LA. CHILD. CODE ANN. art. 610 (West 2024).

⁸⁷ MASS. GEN. LAWS ANN. ch. 265, § 51 (West 2024).

⁸⁸ MISS. CODE ANN. § 97-3-54.1 (West 2024).

⁸⁹ N.C. GEN. STAT. ANN. § 115C-375.20 (West 2024).

⁹⁰ N.D. CENT. CODE ANN. § 50-25.1-02 (West 2024).

⁹¹ TEX. PENAL CODE ANN. § 20A.02 (West 2024).

⁹² UTAH CODE ANN. § 76-5-309 (West 2024).

⁹³ CAL. WELF. & INST. CODE § 300(b)(4) (West 2024).

assisting CSEC trafficking victims through the child welfare system, but they failed child labor trafficking victims by ignoring them. Therefore, it is essential to identify, document, protect, and serve all child victims of human trafficking who come into contact with the child welfare system.

It is far more cost-effective to include all child trafficking victims—those trafficked for both sexual exploitation and labor—in any reforms made to the child welfare system to deal with the following child commercial exploitation issues:

Data Collection and Training: Many of the changes needed in the child welfare system start with data collection and training. Development of these materials and resources is a one-time cost, and including all forms of child trafficking will not add to the initial expense. Further, as seen, CSEC may turn into labor trafficking and vice versa, and thus, organizations should collect information on all forms of trafficking up front, preventing later costs.

Tailored Services: Children trafficked for sexual exploitation and labor need similar tailored services to the unique dynamics of human trafficking. These services include access to shelter, necessities, mental health and medical care, case management, and legal services.

Commerce: Child trafficking, at its core, is about child exploitation for commercial purposes. The dynamics of why and how traffickers recruit children into CSEC trafficking or labor trafficking are strikingly similar, as are the bonds many children experience with their traffickers. Many children in both CSEC trafficking and labor trafficking experience “traumatic bonding” by becoming emotionally and physically dependent on their traffickers, making it challenging to identify potential trafficking victims.⁹⁴ Similarly to victims of CSEC trafficking, child victims of labor trafficking are often economically vulnerable to exploitation due to their need to provide financially for themselves or their families.⁹⁵

Human Trafficking for Forced Criminality: Both sex and labor trafficking victims are vulnerable to human trafficking for forced criminality. Until there is a greater understanding in the child welfare system and throughout

⁹⁴ FNUSA, *supra* note 7, at 3; KLAIN & KLOER, *supra* note 36, at 13; Kitroeff, *supra* note 38.

⁹⁵ FNUSA, *supra* note 7, at 3; OFF. OF THE ASSISTANT SEC’Y. FOR PLAN. AND EVALUATION, *supra* note 11.

the states that children can be forced to commit crimes that are the very labor or service that makes up the crime of child labor trafficking, children will continue to be arrested for the vast array of crimes their traffickers forced them to commit. Indeed, child sex trafficking victims may suffer from being arrested and convicted of the most serious crimes, including sex trafficking of minors. We will also continue to arrest some of the most vulnerable youth: those trafficked for gang-related activities. Then the cycle of exploitation, abuse, and criminalization of youth will continue.

V. MODEL HUMAN TRAFFICKING GUIDELINES FOR CHILD PROTECTION AGENCIES

In order to effectively fight child labor trafficking, federal and state legislation regarding the role of child protection agencies must focus on data collection, training, prevention, identification, and serving potential victims.⁹⁶ This multi-faceted strategy will preemptively protect children who are vulnerable to trafficking while also identifying and serving children victimized by trafficking. In addition, many of the following suggested guidelines mirror established protections for CSEC trafficking victims, and thus, legislators should broaden statutory language to include victims of labor trafficking as well.

A. Recommendation 1: Data Collection

Child protection agencies should implement a formal protocol for standardized data collection and regular reporting on at-risk trafficked youth. Standardized data collection on all trafficked youth should include separate categories for sexual exploitation and labor, an indication of whether labor-trafficked youth also experienced sexual violence, gender/gender identity, race/ethnicity, sex, whether the child was trafficked by a family member or exploited by a third party, age at recruitment, and the number of traffickers. It should also clearly identify if a sex or labor trafficked child experienced LTFC.

Given the sole focus of federal legislation on CSEC trafficking, many states do not follow this practice. For example, in 2017, the California Child Welfare Council adopted the WestCoast Children's Clinic Commercial Sexual Exploitation – Identification Tool (CSE-IT), which screens only for the commercial sexual exploitation of children.⁹⁷ Since 2015, WestCoast has

⁹⁶ *Human Trafficking Guidelines for Child Protection Agencies*, ALL TO END SLAVERY AND TRAFFICKING (May 13, 2013, 8:00 AM), <https://endslaveryandtrafficking.org/human-trafficking-guidelines-for-child-protection-agencies/>.

⁹⁷ DAVID T. PERRY, DANNA BASSON, & HANNAH HALEY, WESTCOAST CHILD.'S CLINIC, UNIVERSAL SCREENING MAKES EXPLOITATION VISIBLE 4 (2022), https://www.westcoastcc.org/wp-content/uploads/2022/12/WCC_Universal-Screening-Brief_August2022.pdf.

trained 8,000 service providers to recognize the signs of exploitation. These providers screened 134,000 youth and identified 15,197 youth with clear indicators of commercial sexual exploitation.⁹⁸ However, these workers did not receive training or guidance on identifying all forms of commercial exploitation of children. But recent research suggests a broadening approach—developing screening tools for sex and labor trafficking.⁹⁹

B. *Recommendation 2: Training*

All human trafficking training for child protection agencies should cover trafficking for commercial sexual exploitation and labor trafficking of foreign national and U.S. citizen children. This training should also contain explicit explanations of human trafficking for forced criminality, and case examples of children trafficked to commit a wide array of crimes. Child protection agencies should involve specialized service providers and human trafficking survivors in both the development and the delivery of the training, provided survivors receive compensation and support for such work. Providers can include runaway homeless youth services, LGBT youth organizations, and anti-trafficking and victim services agencies. All staff should be required to attend introductory human trafficking training and should attend continuing education training no less than once a year. This training must cover all forms of trafficking of girls, boys, and transgender youth. Advanced human trafficking training should be available and ideally required for those likely to interface with potentially trafficked youth. Child protection agencies should implement a formal protocol to ensure that basic human trafficking training is mandatory and regularly available for target staff. Child protection agencies should also contact emergency response partners, including police and emergency medical staff, to partner on basic training where possible.

Basic human trafficking training should include types of human trafficking, identification of trafficked youth, dynamics of exploited youth including forced criminality, the importance of early assessment of the therapeutic needs of trafficked youth, and understanding how child protection settings, group homes, foster homes, and emergency shelters are targets for trafficking. Advanced training topics around trafficked youth could include building trust, interview methods, safety issues, engaging parental or support systems, applying client-centered practice methods, available legal and financial benefits, criminal victim witness management, understanding risk factors for recruitment, understanding forms of legal redress, understanding the intersection between domestic and intimate partner violence with trafficking of minors, identifying marginalized youth

⁹⁸ *Id.*

⁹⁹ Makini Chisolm-Straker, Elizabeth Singer, David Strong, George T. Loo, Emily F. Rothman, Cindy Clesca, James d’Etienne, Naomi Alanis, & Lynne D. Richardson, *Validation of a Screening Tool for Labor and Sex Trafficking Among Emergency Department Patients*, J. AM. COLL. EMERGENCY PHYSICIANS OPEN, 2021, at 1.

populations at risk for less visible trafficking, trafficked youth with developmental delays, undocumented trafficked youth, and working with migrant farm worker youth. Accessible resources, such as The SOAR to Health and Wellness Training Program, provide “Responding to Human Trafficking Through the Child Welfare System” modules, among others.¹⁰⁰

C. Recommendation 3: Prevention

Training programs should explore early identification of youth at risk of trafficking for all front-line staff and implement a formal protocol for identifying at-risk youth. In addition, agencies should develop specialized programming or therapy for youth at risk for trafficking. Additionally, agencies should utilize organizations and speakers who can educate staff about youth at risk of trafficking. Further, agencies should identify and cultivate links to external programs for at-risk youth. Finally, child protection agencies should consider partnering with schools to do outreach and training, as schools are critical locations for prevention efforts. They should also work closely with the police, district attorneys’ offices, and public defenders’ offices to ensure that all personnel who may encounter youth forced to commit crimes for their traffickers’ benefit or review cases involving youth facing criminal charges receive training on this topic. They must also coordinate appropriate referral processes for these agencies to refer youth to child welfare programs instead of arresting them or criminally charging them. These protocols should generally be the same as those in place for CSEC youth.¹⁰¹

D. Recommendation 4: Identification

Child protection agencies should implement a formal protocol for identifying trafficked youth. While understanding that there are no magic-button intake questions, child protection intakes should be updated to include several critical questions about human trafficking, including human trafficking for forced criminality. For example, if the child answers “Yes” to these questions, the agency should refer the child to a human trafficking case management specialist for a more comprehensive screening. However, the term “human trafficking” should not be used with youth, as this is often a misunderstood or unclear term. Instead, screening questions should utilize youth-friendly terminology and focus on survival activities to identify potentially trafficked youth.

¹⁰⁰ SOAR Online, NAT’L HUM. TRAFFICKING TRAINING AND TECH. ASSISTANCE CTR., <https://nhhtac.acf.hhs.gov/soar/soar-for-individuals/soar-online> (last visited Jan. 16, 2024).

¹⁰¹ NAT’L ADVISORY COMM. ON THE SEX TRAFFICKING OF CHILD. AND YOUTH IN THE U.S., *supra* note 62, at 33.

E. Recommendation 5: Serving and Engaging Potential Victims

Agencies should provide training to help key front-line child protection staff engage with youth who may be victims of trafficking. Outreach workers, truancy officers, age-out planners, and other key stakeholders should receive training to help them engage vulnerable youth, including homeless youth communities, youth with mental illness, and youth with developmental delays.

Child protection agencies should make every effort to designate specialist caseworkers to specifically focus on working with youth identified as trafficked or strongly suspected as trafficked. Agencies should allow extended time in these cases because identifying trafficked youth often takes longer. Agencies should refer identified trafficked youth to therapists who have received advanced human trafficking training, especially those who understand the complex dynamics of human trafficking for forced criminality. Agencies should also share information about enrollment in Victims of Crime Act of 1984 compensation or other state benefits programs and provide referrals to attorneys with expertise in criminal victim witness advocacy or immigration expertise when needed.¹⁰²

Finding safe housing for trafficked youth can be challenging. Available options will depend on various factors, including gender, sexual orientation, and safety. Because this population often lacks stability, children who leave placement must be able to return to the same placement if they choose to do so. For example, it could take months or longer for youth to self-identify, so services should not be contingent on identification. Housing options should include placement with family or former guardian(s) with specialized support for family reunification, placement in specialized foster care with additional support, or referential residential care facilities. In addition, agencies should consider secure placement as a last resort and, when used, modeled after the strict requirements for children designated as harm to themselves or others.

CONCLUSION

The collective experiences of anti-trafficking organizations and youth services organizations working throughout the United States demonstrate the urgent need for child welfare agencies to identify and protect child victims of labor trafficking. To comprehensively address the problem of child trafficking, states must make a greater effort to collect data on the impact and scope of child labor trafficking within their borders. The child welfare system is a crucial place for this data collection effort to start. Future legislation at the state and federal levels should prioritize protecting *all* child trafficking victims. At the federal level, this could be achieved by simply amending the SFA and JVTA to cover children trafficked for labor under its

¹⁰² Victims of Crime Act of 1984, Pub. L. No. 98-473, § 1402, 98 Stat. 2170, 2170–71 (codified as amended at 34 U.S.C. § 20101).

provisions. Together, federal and state governments can combat the problem of child labor trafficking on the front lines by requiring child welfare agencies to report more wide-ranging data, offer specialized training, and provide competent services that identify and protect vulnerable youth. To quote Kamala Harris, “[p]art of what is insidious about human trafficking . . . is that people don’t see what they’re seeing.”¹⁰³

¹⁰³ Gerber, *supra* note 15.