



SB 998 (RUBIO) - THE HUMAN TRAFFICKING CHILD PROTECTION ACT

BILL SUMMARY

Led by Senator Susan Rubio, SB 998 will clarify the definition of "child abuse" to be inclusive of both sex and labor trafficking. By clarifying this definition, SB 998 aims to provide child victims of labor trafficking with the same model of care and protection within the child welfare system as children subjected to sex trafficking.

EXISTING LAW & HISTORY

Though under California and Federal law the definition of human trafficking includes both sex and labor trafficking, presently, the child welfare system in California only recognizes child sex trafficking as a form of "child abuse" thus excluding and ignoring children who are subjected to forced labor and other forms of labor trafficking.

Because the definition of "child abuse" explicitly excludes children subjected to labor trafficking, many of these children who are already coming into contact with the child welfare system are not being identified or supported, but instead overlooked and often times, arrested.

Prior to 2014, when the child welfare system did not even recognize sex trafficking as a form of child abuse, children who were subjected to forced prostitution were arrested and criminalized despite being victims of human trafficking. Only when the definition of child abuse explicitly included 'sex trafficking' did the child welfare system begin identifying and supporting these children.

SB 998 seeks to correct this oversight so that all children subjected to human trafficking are identified, protected and supported by the safety system designed to protect all children from abuse and harm.

¹ See Hannah Dreier, "Migrant Children Were Put to Work, U.S. Ignored Warnings," NEW YORK TIMES (Apr. 17, 2023), [available at https://www.nytimes.com/2023/04/17/us/politics/migrant-child-labor-biden.html#:~:text=U.S.%20Ignored%20Warnings%3A%20After%20The,Biden%20administration%20Ignored%20or%20m%20issued,See%20also%202022%20Findings%20on%20the%20Worst%20Forms%20of%20Child%20Labor,DEPT.%20OF%20LABOR,\(2023\),available%20at%20https://www.dol.gov/sites/dolgov/files/LAB/child_labor_reports/tda2022/2022-Findings-on-the-Worst-Forms-of-Child-Labor.pdf](https://www.nytimes.com/2023/04/17/us/politics/migrant-child-labor-biden.html#:~:text=U.S.%20Ignored%20Warnings%3A%20After%20The,Biden%20administration%20Ignored%20or%20m%20issued,See%20also%202022%20Findings%20on%20the%20Worst%20Forms%20of%20Child%20Labor,DEPT.%20OF%20LABOR,(2023),available%20at%20https://www.dol.gov/sites/dolgov/files/LAB/child_labor_reports/tda2022/2022-Findings-on-the-Worst-Forms-of-Child-Labor.pdf)

² "DOL Finds Poultry Processor Illegally Endangered Children in Dangerous Jobs, Robbed Workers of Wages, Retaliated by Firing Workers," DEPT. OF LABOR (Dec. 4, 2023), [available at https://www.dol.gov/newsroom/releases/whd/whd20231204](https://www.dol.gov/newsroom/releases/whd/whd20231204)

³ Annie Fukushima, A Survey of Child Welfare and Labor Trafficking in California, UNIVESRTY OF UTAH (Jan. 2020), [available at https://pact.cfpic.org/wp-content/uploads/2022/02/childwelfare_2020_whitepaper_afukushima-final-2.pdf](https://pact.cfpic.org/wp-content/uploads/2022/02/childwelfare_2020_whitepaper_afukushima-final-2.pdf)

WHY WE NEED SB 998

A report conducted by the United States Department of Labor (DOL) in 2022 found that there has been a 69% increase in the number of minors who are illegally employed in the U.S. since 2018.¹ California, similar to the rest of the nation, has focused on combating commercially sexually exploited children and has ignored identifying and supporting those who have been subjected to forced labor. In October 2023, poultry processing factories in La Puente and City of Industry were found to have employed young children working with dangerous machinery and excessive hours, which violated the federal child labor regulations. Additionally, these children were being threatened with retaliation if they cooperated with investigators by having their wages reduced.²

One survey found that child welfare workers in California cannot effectively identify child labor trafficking amongst children already in contact with the system.³ As a result, many children who are at risk or are currently labor trafficked are unidentified, unsupported, and ultimately, unable to leave abusive situations.

SB 998 DETAILS

SB 998 amends the Welfare and Institutions Code relating to human trafficking and will do the following:

- Require a social worker not to separate a victim of human trafficking from their legal guardian as long as the guardian did not put the child in danger.
- Require county child welfare agencies and probation departments, to work in consultation with the CA Department of Education, State Department of Health Care Services, law enforcement, and experienced agencies serving children and youth to expand policies and procedures to apply to children who are, or will be at risk of being victims of labor trafficking.
- Requires the Child Welfare Services' Case Management System to collect data on children who are victims of human trafficking no later than June 1, 2025.

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