

**IN PRACTICE**

## An Advocate's Guide to Protecting Trafficking Victims in the Child Welfare System

*by Allison Newcombe*

### Sammy's Story

Just after her 10<sup>th</sup> birthday, child protective services removed Sammy from her home due to her mother's physical abuse and substance use. Sammy shuffled through over 10 foster care placements, running away each time. At age 12, Sammy met another girl in her group home who convinced her to run away to her "boyfriend," an older man who would provide for them and help them escape the system. Unknown to Sammy, this "boyfriend" was a trafficker and gang member. For six months he physically and psychologically controlled Sammy, advertised her on the internet, and kept her in a hotel room where random men visited each day, paying for sexual acts. Sammy could not eat or drink until she met her daily quota.

After several months, Sammy came into contact with the police through a prostitution-sting operation. Sammy, now age 13, was arrested for prostitution and taken to juvenile hall. Neither her trafficker nor the dozens of men who came to her hotel room were arrested. The same police that arrested Sammy asked her to help them identify and testify against her trafficker. Knowing what would happen on the street if she did, and not trusting the officers who arrested her, Sammy refused.

Three weeks later, without receiving intervention services, Sammy was placed in another group home. Within a week, the trafficker located Sammy, kidnapped her, and forced her back into the commercial sex industry where he continued to abuse her physically and sell her for a profit.

### Understanding Commercial Sexual Exploitation

Every day, children like Sammy are recruited or kidnapped into the commercial sex industry, groomed by seasoned predators, and sold for sex. Unfortunately, due to legal inconsistencies and a basic lack of understanding of these children's victimization, youth often end up in the juvenile justice system without access to appropriate services.

In my practice representing commercially sexually exploited children in the child welfare and juvenile justice systems in Los Angeles, I have seen firsthand the challenges these youth face. Intervention and services are critical to help them heal and transition to healthy lives free from sexual exploitation. Civil legal advocacy around such issues as education and successfully transitioning from foster care are also key.

Over the past several years, public awareness has grown about the commercial sexual exploitation of children (CSEC) in the United States. There is increasing recognition that this heinous crime occurs within the United States,

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affects domestic children, and that these children are victims, not criminals. Nonprofit organizations and specialized programs have evolved, national awareness campaigns are growing, and lawmakers are beginning to prioritize this issue to protect these children. Yet these efforts are slow to trickle down to the streets, and children like Sammy continue to suffer. Once exploited by the sex industry, Sammy's life expectancy is just seven years.<sup>1</sup>

### What is "CSEC"?

CSEC is the "sexual abuse of a minor entirely, or at least primarily, for financial or other economic reasons."<sup>2</sup> CSEC encompasses many types of sexual exploitation, including child pornography, stripping, street prostitution, gang-based prostitution, escort services, phone sex lines, private parties, interfamilial pimping, and internet-based exploitation.<sup>3</sup> CSEC involves three parties—the child who is being exploited for profit (victim), an individual who is paying to sexually abuse the child (perpetrator), and the individual who is profiting financially from the child's sexual exploitation (trafficker).<sup>4</sup>

#### *The Victims*

**Young children.** The most significant risk factor for commercial sexual exploitation is young age—traffickers target young children because they are more vulnerable and easier to manipulate.<sup>5</sup> Studies show the average age that girls are first exploited is 12-14 years old, while the average age for boys is 11-13 years.<sup>6</sup> They are "too young to recognize they are being manipulated and too old to see themselves as helpless children, they come to endure, if not accept, their own exploitation because, rightly or wrongly, they do not see a better alternative."<sup>7</sup>

**Child welfare system involvement.** Studies consistently link the commercial sexual exploitation of children to the child welfare system.<sup>8</sup> The factors that cause a child to be involved with the child welfare system—abuse and neglect—also contribute to a child's risk of being exploited in the commercial sex industry.<sup>9</sup> Most victims have experienced emotional, physical, and/or sexual abuse in their home.

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Youth who have experienced sexual abuse are "twenty-eight times more likely to be arrested for prostitution at some point in their lives than children who [did] not."<sup>10</sup>

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These children experience a continuum of abuse, which can cause a child at an early age to link love with abuse.<sup>11</sup> Victims of early abuse in their own homes may be more willing to accept when their traffickers tell them they must

endure abuse to support the "family."<sup>12</sup> These children are also more likely to run away from home to escape abuse, or from foster care placements, resulting in homelessness and desperation. When out on the street, they face a higher risk of recruitment.<sup>13</sup>

**Foster care placement.** Being in foster care is also a risk factor for exploitation. There are fewer opportunities to create long-term relationships, less supervision by adults, and high rates of peer recruitment in foster care placements and group homes. Exploiters target this population because they are vulnerable.

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*One survivor noted:*

### **"Being in foster care was the perfect training for commercial sexual exploitation.**

I was used to being moved without warning, without any say, not knowing where I was going or whether I was allowed to pack my clothes. After years in foster care, I didn't think anyone would want to take care of me unless they were paid. So, when my pimp expected me to make money to support 'the family,' it made sense to me."<sup>14</sup>

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**Minorities.** While children across racial and socioeconomic backgrounds are at risk, most identified CSEC victims are minorities and have experienced poverty.<sup>15</sup> In California, a disproportionate number of CSEC victims are African American.<sup>16</sup>

**LGBTQ Youth.** Youth who identify as lesbian, gay, bisexual, transgender and/or questioning (LGBTQ) are also at high risk of exploitation, partially due to their overrepresentation in the homeless youth population.<sup>17</sup>

**Boys.** While most attention focuses on young women and girls, boys are at risk too and are often underrepresented in research and statistics around CSEC. Part of the reason for this is the methods of recruitment and control of boys are more discrete, with boys often being exploited by a peer rather than being controlled by a "pimp."<sup>18</sup> Boys are less likely to be identified as a victim by law enforcement or other agencies they come in contact with, and are also less likely than girls to self-identify.<sup>19</sup> While not highlighted as much as girls, studies show boys make up an equal percentage of CSEC victims.<sup>20</sup>

#### *The Traffickers*

Those who exploit these children—the traffickers—are

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## Child Sex Trafficking: Legal Overview

Laws and policies at the federal and state levels address child sex trafficking. Child advocates should be aware of the protections the following laws provide:

### Federal Trafficking and Victims Prevention Act (TVPA)

First passed in 2000 and reauthorized four times, the TVPA is the cornerstone federal human trafficking legislation that defines human trafficking. Under the TVPA, the term “severe forms of trafficking in persons” includes sex trafficking<sup>1</sup> in which a commercial sex act is induced by force, fraud, or coercion, *or in which the person induced to perform such act has not attained 18 years of age.*<sup>2</sup> The exclusion of the requirement of “force, fraud, or coercion” to establish that a person under 18 is a victim of trafficking – or rather, the presumption of coercion—coincides with the principal that an underage child cannot legally consent to sex and makes it clear that under federal law, any child involved in a commercial sex act and is under the age of 18 is by definition a victim.<sup>3</sup>

When first passed in 2000, the TVPA only provided funding for programs that helped foreign nationals. The 2005 reauthorization expanded these supports to include domestic victims.<sup>4</sup> The passage of the TVPA and its reauthorization in 2005 reflect an evolved understanding of CSE within the United States – while a serious international issue, many victims affected by human trafficking are domestic born and raised.

Despite progress at the federal level, there are still contradictions in state laws surrounding the age of consent for sex and the age of criminality for prostitution that lead to children like Sammy being unidentified as victims, and eventually landing in the juvenile justice system for crimes related to their own exploitation. Once in the juvenile justice system, these children are housed in locked facilities, rarely provided specialized services, often retraumatized, and eventually returned to the same communities where they were first victimized – beginning the exploitation cycle again.

### Safe Harbor Laws

While several states continue to prosecute youth for crimes relating to their exploitation, some states have passed safe harbor legislation, which addresses these legal inconsistencies by providing immunity from prosecution for prostitution-related offenses for minors. Safe harbor laws vary by state. Some states provide full immunity for children under the age of 18; other states’ safe harbor laws only apply to children under a certain age (typically 14 or 15) or only apply for first time offenders.<sup>5</sup> While a positive step, many safe harbor laws are limited in scope and do not provide adequate funding for comprehensive victim services.

### Justice for Victims of Trafficking Act of 2015:

In May, 2015 the Justice for Victims of Trafficking Act (JVTA) was passed.<sup>6</sup> The JVTA provides for increased funding for programs and services to support trafficking survivors, increases fines and penalties for offenders, and provides funding to support law enforcement and prosecutors. The bill also encourages states’ adoption of safe harbor laws, and establishes a survivor-led U.S. Advisory Council on Human Trafficking. The JVTA was supported by many advocates who called it “the most comprehensive and thoughtful piece of anti-trafficking legislation in years.”<sup>7</sup> However, some anti-trafficking advocates voiced concerns that the bill prioritizes funding for law enforcement over victim services, makes victim services dependent on cooperation with law enforcement, and inappropriately allows for prosecution of buyers of sex (or “johns”) as traffickers.<sup>8</sup>

For more information on the provisions of the Act, see Rhoden, Andrew. “What You Should Know about the Justice for Victims of Trafficking Act of 2015,” in the August 2015 *Child Law Practice* 34(8).

### Endnotes

1. 22 U.S.C. § 7102 (10). Sex trafficking is defined as “the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.”
2. 22 U.S.C. § 7102 (9).
3. Annitto, Megan. “Consent, Coercion, and Compassion: Emerging Legal Responses to the Commercial Sexual Exploitation of Minors,” *Yale Law & Policy Review* 30(1), 2011, 31.
4. Trafficking Victims Protection Reauthorization Act of 2005, Pub. L. No. 109-164, secs.2 (3)-(4), 203, 119 Stat. 3558, 3558-59(2006); Office of the Attorney General, U.S. Dep’t of Justice. *Attorney General’s Annual Report to Congress and Assessment of U.S. Government Activities To Combat Trafficking in Persons: Fiscal Year 2007, 2008, 22-23*, available at <http://www.justice.gov/archive/ag/annualreports/tr2007/agreporhumantrafficking2007.pdf>.
5. “Sex Trafficking of Minors and “Safe Harbor,” available at <http://www.polarisproject.org/what-we-do/policy-advocacy/assisting-victims/safe-harbor>
6. S.178 - Justice for Victims of Trafficking Act of 2015, available at <https://www.congress.gov/bill/114th-congress/senate-bill/178>.
7. Shared Hope letter to U.S. House of Representatives Speaker John Boehner and Minority Leader Nancy Pelosi, April 29, 2015, available at <http://sharedhope.org/wp-content/uploads/2015/05/Senate-JVTA-support-letter-for-House-2015-updated-orgs1.pdf>
8. Girls Educational & Mentoring Services. “Four Reasons Why We Don’t Support the JVTA and Why You Should Call Your Senator Today.” March 18, 2015, available at <http://www.gems-girls.org/shifting-perspective/four-reasons-why-we-dont-support-the-jvta-and-why-you-should-call-your-senator-today>; see also O’Hara, Mary Emily. “Even Anti-Trafficking Activists Want to Kill This Anti-Trafficking Bill.” *The Daily Dot*, March 22, 2015, available at <http://www.dailydot.com/politics/victims-groups-against-trafficking-act/>

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calculated and manipulative. They sell girls and boys because it's more profitable and less risky than drugs.<sup>21</sup> They specifically target those who they see as vulnerable – an extremely marginalized population, children living in poverty who lack their basic needs and crave a feeling of love and belonging. “Someone with low self-esteem is going to be your first choice,” explains a convicted pimp.<sup>22</sup>

The most common recruitment tactic is to act as a romantic partner, and draw a child in on the premise of a relationship.<sup>23</sup> Sometimes referred to as “romeo pimps,” these men will lure a young person in with flattery and gifts and shower them with love and affection, fulfilling their unmet emotional and basic needs. Youth will often refer to their traffickers as their “boyfriend” or their “daddy,” call other girls being exploited by the same trafficker their “wife-in-law,” and refer to the whole group as their “family,” accurately reflecting the voids in their life that first made them vulnerable to exploitation. One trafficker, Pimpin Ken, explains in his book, *Pimpology*, a disturbing “how to” manual, “(a)sk them what their dreams are and really listen to their answers. Then you can use that information to make your dreams come true.”<sup>24</sup> When describing how she was convinced to stay, one survivor notes, “Knowing my past, he used that against me.”<sup>25</sup>

It is only after the child is attached and feels a strong sense of love and commitment that the trafficker introduces violence, fear, and degradation, and forces the child to engage in commercial sex. Children are secluded from family and friends, given quotas to meet, and beaten into submission. To enforce the feeling of control, traffickers often “brand” a child—tattooing his name in a prominent place on her body—literally marking his property like cattle.

It is estimated that one trafficker in America may have between four-to-six victims at any one time, and earns a profit between \$150,000-\$200,000 annually per victim.<sup>26</sup> That means the average trafficker can profit upwards of \$1 million a year, tax-free.

### *The Perpetrators*

Little attention is paid to the perpetrators—those who are abusing children, and fueling the demand for the commercial sex industry. In Sweden, a country known for its harsh crackdown on the commercial sex industry, they are called “torsks,” slang for “loser.” In the United States, they are called “johns,” reflecting both their normality and our society’s apathy. By using the most generic of male names, John, we give them the same anonymity as an unknown patient in the emergency room. And while the child victims are taken away by the police, the “johns” barely get a slap on the wrist and are frequently offered a fine and a one-day “john school” in place of criminal charges.

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“Right now, there’s no cost. There has to be a cost to the purchaser, the customer who buys sex from a child.”

—Linda Smith, president and founder of Shared Hope International <sup>27</sup>

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### *Environmental Factors*

Nothing occurs in a vacuum. While individual risk factors—such as prior trauma and abuse and placement in foster care—contribute to the likelihood of a child being commercially sexually exploited, other factors need to be examined and addressed.

As a society, we have glorified the “pimp culture” to the point where the word “pimp” is used as a compliment in common parlance. Song lyrics, music videos, TV and movies reference pimps and their prowess, and images of the subjugation, domination and exploitation of women are rampant.

Poverty is another key influence that pushes young women towards sexual exploitation.<sup>28</sup> Racism and sexism also play clear roles, contributing to the disproportionate numbers of African-American girls in our juvenile justice system.<sup>29</sup>

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“Ironically, while pimps are often **glamorized**, the prostituted women who provide their profits are more likely to be **demonized**.”<sup>30</sup>

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### **Importance of Identification**

Lawyers, judges, and advocates in legal and public interest spheres are beginning to recognize children on their case-loads who are, or who have been, victims of CSE. While some youth self-identify, more often it is up to professionals to spot warning signs, intervene, and connect the child with services.

A recent study of CSEC service providers showed nearly three quarters of children served had been exploited for two or more years before they were referred to services, despite involvement in the child welfare, juvenile justice, school, or health care systems.<sup>31</sup> Once children are this deeply entrenched in commercial sexual exploitation, they have experienced extreme violence and trauma, making their recovery and stability more difficult. While unlikely to self-identify, in a recent study of survivors of CSEC, most respondents reported wanting help while they were being exploited.<sup>32</sup> Most survivors also reported that nobody ever, or hardly ever, reached out to help them while they were being exploited. Identifying and engaging victims early and connecting them to services is key.

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“I train thousands of professionals across the state and nation that work with children and in every audience a number of people are learning about this form of abuse for the first time. For many, attending my training is their first step to help children escape this horrific form of abuse.” —Nola Brantley, Founder and CEO, Nola Brantley Speaks!

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While there are warning signs—personal, educational, and legal—that may indicate a child is being exploited, none are determinative on their own. Red flags include:

- no identification or not in control of identification documents,
- inappropriate dress,
- homelessness,
- tattoos (particularly of another person’s name and in a predominant part of the body like face, neck or chest)
- new clothing and/or hair styles and nail treatments with no independent financial means,
- visible signs of abuse,
- frequent sexually transmitted infections (STIs) or pregnancies,
- older male or female friend,
- excessive truancy or tardiness from school,
- behind in grade level,
- developmentally delayed,
- behavioral problems,
- frequent contact with the juvenile justice system, or
- use of fake identification.<sup>33</sup>

These red flags can help start a conversation. Survivors have noted that having someone spot and raise the issue would have made a significant impact when they were trapped in exploitation.

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“This woman. If it wasn’t for her, I swear to god I would be dead right now.”  
—CSEC Survivor, referring to a teacher who persistently reached out to her when she was being exploited.<sup>34</sup>

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Currently, there is no research-backed, validated CSEC identification tool. Accurate and early identification of victims is critical to both establish more accurate data on the prevalence of CSEC and to properly serve children.<sup>35</sup> Recognizing this need, the West Coast Children’s Clinic, a

California-based mental health organization, recently created the Commercial Sexual Exploitation-Identification Tool (CSE-IT), which is now being piloted throughout 20 counties in California. Signs of exploitation are separated into 10 categories, and judged based on level of concern—no concern, possible concern, or clear concern. Categories to assess include: instability in life functioning, relationships, finances and belongings, technology use, physical health, risk behaviors, trauma exposure, trauma signs and symptoms, and coercion and grooming.<sup>36</sup>

Data collected from the pilot will be used to improve and validate the tool. Once fully implemented, the CSE-IT will help advocates across agencies quickly and appropriately identify exploited youth, thereby improving their ability to connect youth with meaningful services while also resulting in a more standardized method of data collection.

### Interagency Response to CSEC

CSEC victims have many needs and touch multiple systems during their exploitation, including education, juvenile justice, child welfare, public health, and mental health. Jurisdictions should intervene by building an interagency CSEC response that offers holistic, immediate, and long-term supports.<sup>37</sup> Nongovernmental agencies that serve CSEC victims should be included in this process.<sup>38</sup>

### Holistic Needs

Once identified as a victim of CSEC, service providers should take steps to connect youth with specialized services to meet their needs. Depending on the time of identification, these needs may include immediate crises response and an ongoing multidisciplinary response.

- *If the child is identified while still in imminent danger, such as in an emergency room or in a prostitution-sting, stabilization and safety planning is necessary.*<sup>39</sup>
- *If the child is stable at the time of identification, an assessment of ongoing needs should be made. Ongoing needs may include:*
  - health (physical health, mental health, sexual/reproductive health, and substance abuse),
  - housing and placement,
  - civil legal advocacy,
  - child welfare advocacy, and
- support and skill development (support networks, education, vocational and life skills).<sup>40</sup>

### Civil Legal Needs

Providing CSEC victims and survivors with civil legal advocacy can help empower and support them in building independent and healthy lives. Civil attorneys can play a vital role helping youth stabilize, and should be part of any ongoing support team for CSEC. Civil legal needs of CSEC include:

## Tips for Working with CSEC Survivors

by Nola K. Brantley

### 1) Treat survivors like they are more than their

**victimization.** Survivors of commercial sexual exploitation should not be seen only in terms of their victimization. They are unique individuals. While their victimization is part of their experience, it is not their whole experience. Getting to know CSEC survivors means getting to know the whole person, which includes little things such as their favorite subject in school, their hobbies, or a memorable day of their lives. Spending time talking about their varied life experiences and engaging in activities that allow you to get to know their whole person is critical.

### 2) Understand that many survivors have a lack of

**belief in humanity.** Many CSEC victims and survivors do not believe that anyone has their best interest in mind. This is part of the spiritual and social impact of their trauma. As a result, youth may say they do not want help, or be slow to build rapport or trust. It takes time and patience to show that you are an adult who can be trusted. Try to engage the youth by talking to them about what has worked or not worked in the past, find out about the youth's family history directly from the youth (rather than reading their file or speaking with other providers), and engage in activities they enjoy. This can also include making sure all the youth's basic needs are being met in a timely manner. Frequent contact is recommended to build and maintain trust and rapport.

### 3) Judgment shuts CSEC victims/ survivors down.

CSEC victims and survivors face a lot of judgment and negative stigma in society, including in their own communities and families. When engaging with CSEC be aware that they are especially sensitive to judgmental statements and looks. Try to see things from their perspective to gain understanding and reduce judgmental attitudes.

### 4) Know why the CSEC victim/ survivor was victim-

**ized.** In many cases, CSEC victims and survivors are revictimized for the same reason they were originally vulnerable to the commercial sex industry. It is critical to be aware of the original reason(s) the youth was vulnerable to exploitation – such as poverty, low self-esteem, or educational issues -- to assure the treatment team incorporates preventative services and support based on the youth's known current and past vulnerabilities. The traffickers are skilled at identifying and responding to these youths' needs – we need to make sure we are doing all we can do on our end to ensure we respond fully and appropriately.

**5) Shelter, school, and therapy are not enough.** CSEC victims and survivors need unconditional loving care,

patience, and understanding to heal. Addressing their basic and educational needs and providing therapeutic services are critical. However, if they are missing a meaningful connection to a caregiver or support network, there is a good chance they will remain vulnerable to revictimization.

**6) Exposure, Exposure, Exposure.** You can reduce CSEC victims' and survivors' risk to revictimization by ensuring they are exposed to a variety of new activities and experiences. These activities and experiences can range from exposure to arts, sciences, and sports to opportunities for travel. Exposure does not only open their minds and hearts to new possibilities, but also makes the small things the traffickers do to lure the victims seem less significant.

**7) Help victims build a support network.** CSEC victims and survivors can benefit from a wide network of support, including youth programs, mentors, social service programs, sports, etc. Part of CSEC victims and survivors vulnerability was their lack of support. Building their network of support helps reduce their vulnerability to re-exploitation.

**8) Revictimization is part of the CSEC recovery process and stages of change.** When working with CSEC victims and survivors, revictimization should be expected as part of the recovery process. Service providers should remain supportive and nonjudgmental during periods of revictimization and be ready to reassess where the victim/survivor is in this process upon returning for services.

**9) CSEC victims and survivors need opportunities to gain and practice new skills.** Many CSEC victims and survivors see themselves in purely sexual terms. Gaining new skills to see themselves in a new light is a critical part of their recovery. It is also important for them to gain both unpaid and paid opportunities to practice and grow those new skills.

**10) Always consider safety first when working with CSEC victims and survivors.** Advocates working with CSEC should consider safety both for the victim/survivor and for themselves. Some things to consider include:

- Is the meeting location with the victim/ survivor safe?
- Is anyone currently violently pursuing the victim/survivor?

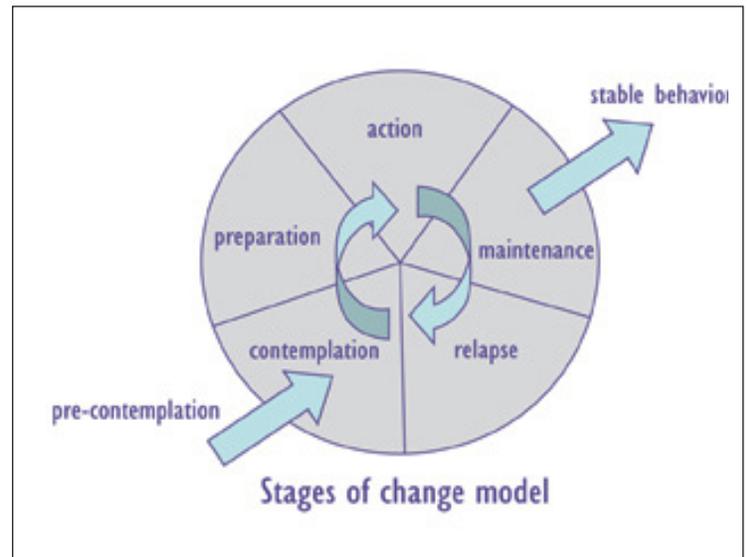
—Nola K Brantley, CEO, Nola Brantley Speaks!  
[www.nolabrantleyspeaks.org](http://www.nolabrantleyspeaks.org)

- securing public benefits,
- crime victim advocacy,
- re-entry legal services,
- education,
- housing,
- medical and mental healthcare,
- immigration,
- family law, including pregnant and parenting teen services,
- child welfare,
- identity theft and consumer fraud,
- outstanding medical bills,
- civil assessment for potential damages, and
- gathering identification records.

These services help survivors of exploitation take the next step and reinforces that they are capable of more than a life of exploitation, a message they frequently hear from their trafficker. If the youth is part of the child welfare or juvenile justice system, civil attorneys should always coordinate with the child’s attorney to ensure the civil advocacy does not interfere with the child’s court case.

Tips when providing civil legal services to CSEC:

- *Provide a victim-centered, strengths-based approach to build trust and rapport with clients.* Sexually exploited children have been treated as less-than by their families, traffickers, and their perpetrators and have been let down by adults in positions of power. They are wary, for good reason, when an adult offers to help. It is important for service providers to understand this and be patient. While establishing trust and rapport can be difficult, once established these youth are likely to remain in contact and reach out for help when they are ready. Focus on the strengths of the youth, set high yet achievable goals and involve the youth in developing their case plan.
- *Be consistent and manage expectations.* Be honest about what is and is not possible in the youth’s case, what the steps are, and the timeline. Make it clear what you expect of your client and what they can expect of you.
- *If necessary, modify internal procedures when working on cases involving CSEC victims.* For example, intake forms or questionnaires should be customized and respond to the unique trauma these youth have experienced. Case management procedures should be tailored around the likelihood of frequent episodes of running away, and not penalize a youth for being unresponsive over time. Also consider what individuals are working on these cases. While volunteers and pro bono attorneys are incredible supports in public interest law



offices, it is not appropriate to have them provide direct services to CSEC victims without prequalifying and training them, given the sensitivity of a victims’ exploitation and safety issues.

- *Require CSEC-specific training.* Ensure those in your office who work directly with or may interact with CSEC clients are appropriately trained and understand the dynamics of commercial sexual exploitation.

### Service Delivery

Few commercially sexually exploited children follow a linear path to leaving their exploitive relationship and restoring their lives. Instead, these youth will likely stagger through the stages of change and recovery multiple times before being fully ready to benefit from services (see Stages of Change model, above).<sup>41</sup> Service providers must understand that the re-victimization is not a failure of the program or the child, but rather an expected part of the process.

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“Re-victimization is part of the recovery process for most CSEC victims, similar to the recovery process for domestic violence victims, but it is not perpetual if the proper treatment and opportunities are gained.”  
 —Nola Brantley, Founder and CEO, Nola Brantley Speaks!

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Service delivery can also be made more difficult because many CSEC victims do not identify as victims, and may not seek, or be willing to engage in services. Many CSEC victims also exhibit Stockholm syndrome, an emotional bond formed with their trafficker, which can be the greatest barrier to leaving their exploitive life.<sup>42</sup> Effective service delivery is critical to help victims address their

needs and move toward lives free from exploitation.

Key elements include:

- *Interagency Collaboration and Holistic Case Management:* CSEC victims have needs that expand across agencies and providers. Efficient and comprehensive service delivery can best be achieved by establishing multidisciplinary teams, including the courts, judges, attorneys, social workers, probation officers, mental health providers, and case managers. Each individual's training and resources can provide different supports for the child at varying stages of exploitation and recovery.
- *Prioritizing Survivor-Led Change:* Engaging survivors is critical to develop and implement CSEC services and system-wide reform. Survivors should be included at all points of decision making, and can also offer invaluable support to youth through one-on-one mentorship, group support sessions, and supporting youth who are testifying against their traffickers.
- *Ongoing Case Management and Planning:* Providing services can be challenging due to the transitory lifestyle of a child who is still actively being exploited. However, advocates and attorneys can take many steps to make progress on their clients' case, even when the child is not actively participating.
- *Specialized Courts:* When the child is court-involved, specialized collaborative courts and/or specialized dockets can ensure maximum support and consistency to the child. This could include having a specialized child's attorney, judge, courtroom, and advocate. Girls courts are popping up across the country, as a response to the recognition that girls involved in the juvenile justice system require a specialized, gender-informed approach.<sup>43</sup> In Los Angeles, the Succeeding through Achievement & Resilience (STAR) Court is a specialized collaborative court in the delinquency system that reserves one day each week to hear cases for girls on probation who are victims of CSEC. The STAR Court partners with specialized advocates who are stationed in the courthouse and provide additional support to the youth and families.

## Conclusion

The commercial sexual exploitation of children in the United States is a longstanding problem. Only recently has it garnered national and bipartisan awareness and attention. While many jurisdictions have developed specialized programs and protocols, efforts are needed to ensure coordinated, system-wide change. There is still much to do to ensure children like Sammy do not continue to suffer through cycles of abuse, victimization, and criminalization. Whether through legislative advocacy or providing direct services, attorneys have a vital role to play in changing the

way our systems respond to and support these children, and in ensuring all children are treated justly under the law.

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## Endnotes

1. Walker, Kate. Cal. Child Welfare Council, *Ending The Commercial Sexual Exploitation of Children: A Call for Multi-System Collaboration in California*, 2013, 15, available at [http://www.youthlaw.org/fileadmin/ncyl/youthlaw/publications/Ending-CSEC-A-Call-for-Multi-System\\_Collaboration-in-CA.pdf](http://www.youthlaw.org/fileadmin/ncyl/youthlaw/publications/Ending-CSEC-A-Call-for-Multi-System_Collaboration-in-CA.pdf).
2. Estes, Richard J. & Neil Alan Weiner. *The Commercial Sexual Exploitation of Children in the U.S., Canada and Mexico*, Feb. 20, 2002, 10, available at [http://www.sp2.upenn.edu/restes/CSEC\\_Files/Complete\\_CSEC\\_020220.pdf](http://www.sp2.upenn.edu/restes/CSEC_Files/Complete_CSEC_020220.pdf).
3. Lloyd, Rachel & Amallia Orman. *Girls Educational & Mentoring Services, Training Manual on the Commercial Sexual Exploitation of Children*, March 2010. CSEC Community Intervention Project.
4. Estes & Weiner, 2002, at 9-10.
5. Smith, Linda A. et al. *The National Report on Domestic Minor Sex Trafficking: America's Prostituted Children*, 2009, 31, available at [http://sharedhope.org/wp-content/uploads/2012/09/SHI\\_National\\_Report\\_on\\_DMST\\_2009.pdf](http://sharedhope.org/wp-content/uploads/2012/09/SHI_National_Report_on_DMST_2009.pdf).
6. Friedman, Sara Ann. *And Boys Too*, 2013, 8, available at <http://traffickingresourcecenter.org/sites/default/files/And%20Boys%20Too%20-%20ECPAT%20USA.pdf>.
7. Sher, Julian. *Somebody's Daughter: The Hidden Story of America's Prostituted Children and the Battle to Save Them*, 2011, 311.
8. Walker, K. & F. Quraishi, 2014, 9; Gluck, E & M. Rricha. *Child Sex Trafficking and the Child Welfare System*. Washington, D.C.: First Focus, July 2014, available at <http://childwelfareparc.org/wp-content/uploads/2014/07/Sex-Trafficking-and-the-Child-Welfare-System.pdf>; Saada Saar, Malika. "Girls, Human Trafficking, And Modern Slavery In America." *Think Progress*, Oct. 6, 2012, available at <http://thinkprogress.org/health/2012/10/06/971401/girls-human-trafficking-and-modern-slavery-in-america/>
9. Walker, K. & F. Quraishi, 2014, 7.
10. Walker, 2013, 19.
11. Lloyd & Orman, 2010.
12. Ibid.
13. Bigelsen, Jayne. Homelessness, *Survival Sex and Human Trafficking: As Experienced by the Youth of Covenant House New York*, 2013, 14-15, available at <http://center.serve.org/nche/downloads/cov-hs-trafficking.pdf>.
14. Walker, 2013, 14.

15. Ibid.
16. Ibid..
17. Walker, K. & F. Quraishi. *From Abused and Neglected to Abused and Exploited: The Intersection Between the Child Welfare System and Child Sex Trafficking*, 2014, available at <http://youthlaw.org/wp-content/uploads/2015/03/FROM-ABUSED-AND-NEGLECTED-TO-ABUSED-AND-EXPLOITED.pdf>.
18. Figlewski, Brett M. & Lee W. Brannon. "Trafficking and the Commercial Sexual Exploitation of Young Men and Boys." In *Lawyer's Manual on Human Trafficking: Pursuing Justice for Victims*. Edited by Jill L. Goodman & Dorchen A. Leidholdt, 2011, 149, 155, available at <http://www.nycourts.gov/ip/womeninthecourts/LMHT.pdf>; see also, Moxley-Goldsmith, Taya. *Boys in the Basement: Male Victims of Commercial Sexual Exploitation*, Update. Alexandria, VA: American Prosecutors Research Institute, 2005, available at [http://www.ndaa.org/pdf/child\\_sexual\\_exploitation\\_update\\_volume\\_2\\_number\\_1\\_2005.pdf](http://www.ndaa.org/pdf/child_sexual_exploitation_update_volume_2_number_1_2005.pdf).
19. Friedman, 2013, 5; Estes & Weiner, 2002, 58-59.
20. Walker, 2013, 20.
21. Sher, 2011, 95 (noting that prostituted women are much more likely to be arrested than pimps); Saada Saar, 2012 (noting that the US government spends 300 times more money each year to fight drug trafficking than it does to fight human trafficking, and criminal penalties are generally more severe)
22. Sher, 2011, 103.
23. Polaris. *Sex Trafficking in the U.S.: A Closer Look at U.S. Citizen Victims*, 2015, 5, available at <http://www.polarisproject.org/human-trafficking/resources/us-citizen-sex-trafficking-closer-look>. [according to the Polaris Project's National Human Trafficking Hotline, Survivors report being recruited by a romantic situation (31.5%), someone posing as a benefactor (9.9%), responding to a job offer (9.9%), through a familial relation (9.5%), and through force (7.1%)]
24. Pimpin' Ken & Karen Hunter. *Pimpology: The 48 Laws of the Game*, 2008, 72.
25. Sher, 2011, 103.
26. Harris, Kamala D. "The State of Human Trafficking in California, 2012," 22, available at <http://oag.ca.gov/sites/all/files/agweb/pdfs/ht/human-trafficking-2012.pdf>.
27. Malarek, Victor. "The Johns: Sex for Sale and the Men who Buy It," Aug 2011, 283.
28. Estes & Weiner, 2002, 41-42.
29. Saadar Saar, Malika, et al. *The Sexual Abuse to Prison Pipeline: The Girls' Story*, 2015, 7, available at [http://www.law.georgetown.edu/academics/centers-institutes/poverty-inequality/upload/2015\\_COP\\_sexual-abuse\\_layout\\_web-2.pdf](http://www.law.georgetown.edu/academics/centers-institutes/poverty-inequality/upload/2015_COP_sexual-abuse_layout_web-2.pdf) (stating that the rate of girls' juvenile justice involvement is "growing disproportionately at key determinative points in the criminal justice process, including the decision to arrest and detain girls." While African American girls constitute 14 percent of the general population, they make up 33.2% of girls detained and committed).
30. Sher, 2011, 95.
31. Clemmons, Melinda. "Screening Tool Helps Identify Sexually Exploited Minors." *Chronicle of Social Change*, June 2015, available at <https://chronicleofsocialchange.org/news-2/screening-tool-helps-identify-sexually-exploited-minors/10409>.
32. Bouche, Dr. Vanessa. *A Report on the Use of Technology to Recruit, Groom and Sell Domestic Minor Sex Trafficking Victims*, Jan 2015, 27, available at <https://www.wearethorn.org/resources-and-research/use-of-technology-in-domestic-minor-sex-trafficking/>.
33. Walker, 2013, 20.
34. Bouch, 2015, 28.
35. Walker, Kate & Fiza Quraishi. From *Theory to Practice: Creating Victim-Centered Systems of Care to Address the Needs of Commercially Sexually Exploited Youth*, 2015, 8, available at <http://firstfocus.org/resources/report/from-theory-to-practice-creating-victim-centered-systems-of-care-to-address-the-needs-of-commercially-sexually-exploited-youth/>.
36. For more information on the CSE-IT visit <http://www.westcoastcc.org/cse-it/>.
37. S.B. 855 (CA 2014). ("The Legislature finds and declares that in order to adequately serve children who have been sexually exploited, it is necessary that counties develop and utilize a multidisciplinary team approach to case management, service planning, and provision of services, and that counties develop and utilize interagency protocols to ensure services are provided as needed to this population."); See also HR 4980, available at <https://www.congress.gov/bill/113th-congress/house-bill/4980/text>
38. Ibid.
39. LA County. *Law Enforcement First Responder Protocol for Commercially Sexually Exploited Children (CSEC)*, 2015, available at <https://www.lacounty.gov/law-enforcement-first-responder-protocol-for-csec>.
40. California Child Welfare Council, CSEC Action Team. *Holistic Needs of Commercially Sexually Exploited Children*, 2015 (on file with the CSEC Action Team)
41. Walker, 2013, 26-28, 78-82.
42. West Coast Children's Clinic. *Research to Action: Sexually Exploited Minors (SEM) Needs and Strengths*, 2012, 13, available at [http://www.westcoastcc.org/WCC\\_SEM\\_Needs-and-Strengths\\_FINAL.pdf](http://www.westcoastcc.org/WCC_SEM_Needs-and-Strengths_FINAL.pdf).
43. Brown, Patricia Leigh. "A Court's All-Hands Approach Aids Girls Most at Risk." *The New York Times*, Jan. 28 2014, available at [http://www.nytimes.com/2014/01/29/us/a-courts-all-hands-approach-aids-girls-most-at-risk.html?\\_r=0](http://www.nytimes.com/2014/01/29/us/a-courts-all-hands-approach-aids-girls-most-at-risk.html?_r=0)

(*K.E. v. Ind. Dep't of Child Servs.*, cont'd from p. 147)

Despite the father's criminal and substance abuse history, the trial court did not adequately balance his recent improvements at the time of the termination hearing against his patterns of conduct. Determining if the father could remedy the conditions that caused K.E.'s removal required assessing his fitness at the time of the termination hearing, considering evidence of changed conditions.

In addition, the evidence did not establish the father posed a threat to K.E.'s well-being. While the child welfare agency recommended termination on grounds that K.E. deserved permanency, the case manager said it was unlikely he would have been harmed by delaying termination. Regardless of whether the father's rights were terminated, he would have continued to be part of K.E.'s life, as long as he remained sober and law-abiding. K.E.'s paternal aunt, who had custody, testified that she hoped the father would become the child's caregiver and did not insist on immediate adoption. Moreover, parental rights are not to be terminated because a "better home" is available for the child.