Child Labor Trafficking is a Child Welfare Issue

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**Abstract**

This article will examine the recent mobilization of the child welfare system to better protect child sex trafficking victims and argue that this same attention would benefit child labor trafficking victims. It will also discuss the recently passed *Preventing Sex Trafficking and Strengthening Families Act* (P.L. 113-183) and discuss how the new federal framework could have benefited child labor trafficking victims as well as child sex victims.

**I. Introduction**

 Recent reports and media coverage from across the country have highlighted the connection of child sex trafficking or commercially sexually exploited children (CSEC) to the child welfare system across the United States. In fact, reports have estimated that as many as 50-80% of child sex trafficking victims have had contact with the child welfare system.[[1]](#footnote-1) In Los Angeles, 59% of the 174 juveniles arrested on prostitution-related charges in 2010 were in the foster care system, some of whom were recruited into prostitution from group homes.[[2]](#footnote-2) A report published by the California Child Welfare Council found that anywhere from 50%-80% of victims of commercial sexual exploitation are currently or were formerly involved with the child welfare system. [[3]](#footnote-3) In Connecticut, the Department of Children and Families reported that 86 out of 88 children identified as sex trafficking victims had been involved with child welfare services.[[4]](#footnote-4)

In comparison to child sex trafficking, the issue of child labor trafficking in the United States is less researched and less frequently highlighted by the media. However, the limited evidence available demonstrates the need for the child welfare system to pay equal attention to this issue. For example, in Florida, twenty-four children were involved in a child labor trafficking scheme where they were forced to sell items door to door until they were identified by an off-duty Florida Department of Child and Families worker.[[5]](#footnote-5) A similar scheme was identified in Colorado, where an anti-trafficking organization has helped children who were trapped in magazine sales crews.[[6]](#footnote-6) Child labor trafficking victims have been identified in a diverse array of industries, including agricultural work, restaurant service, hair braiding, domestic work, forced peddling, and a range of illegal work activities[[7]](#footnote-7) For example, in California, a newspaper reported the horrific tale of a girl who ran away from foster placement and was then kidnapped, confined in a metal box, sexually assaulted, and only allowed outside to cultivate marijuana for her captors.[[8]](#footnote-8) Child labor trafficking victims will be identified if an effort is made to look for them. They will continue to be exploited and abused if people continue to ignore this issue or believe this does not occur in the United States.

In light of the pervasive commercial exploitation of children in America for labor and sexual services, this paper will discuss (1) the intersection of child sex trafficking victims and the child welfare system; (2) the similar intersection of child labor trafficking victims and the child welfare system; (3) protections provided for trafficking victims in the child welfare system in the  *Preventing Sex Trafficking and Strengthening Families Act* and (4) recommendations for State Child Welfare Systems implementing this new law to protect all child trafficking victims, including those who are exploited for forced labor.

**II. Child Sex Trafficking and The Child Welfare System**

Media sources and recent reports have documented increasing identification of U.S. citizen youth who are being trafficked in the sex industry.[[9]](#footnote-9) Federal law is clear that any person under the age of eighteen engaging in commercial sex is a victim of human trafficking.[[10]](#footnote-10) However, many state laws contradict federal law and continue to permit the arrest of children for prostitution. For example, under current California state law, a child engaging in prostitution has committed a criminal act, even though the child cannot legally consent to sex and the adult who has hired the child has committed statutory rape.[[11]](#footnote-11) Only eighteen states have addressed this issue by enacting so-called “safe harbor laws,” which attempt to protect prostituted minors from the criminal and juvenile justice system.[[12]](#footnote-12) These laws operate in highly varied ways from state to state, as some decriminalize prostitution for minor offenders, some automatically divert minors engaged in prostitution to service programs, and others merely create an affirmative defense for a minor charged with prostitution.[[13]](#footnote-13)

In 2014, the National Human Trafficking Resource Center hotline, operated by Polaris, received reports of 5,042 human trafficking cases inside the United States.[[14]](#footnote-14) Of these cases, 3,770 (75%) involved sexual exploitation, while 1,581 (31.4%) involved minor victims.[[15]](#footnote-15) In 2014, the National Center for Missing & Exploited Children estimated that one in six endangered runaways reported to them were likely sex trafficking victims.[[16]](#footnote-16) 68% of these likely sex trafficking victims were in the care of social services or foster care when they ran away.[[17]](#footnote-17) Clearly, more efforts are needed to protect child trafficking victims from commercial sexual exploitation in the United States. One of the key targets for early identification and prevention must be the child welfare system, considering the astonishing statistic that as many as 50-80% of child sex trafficking victims have had contact with this system.[[18]](#footnote-18)

 Statistics from the past few years highlight the striking intersection between the child welfare system and child sex trafficking. In a 2013 nationwide FBI raid to recover child sex trafficking victims, the FBI reported that up to 60% of the recovered victims had some involvement with group homes or the foster care system.[[19]](#footnote-19) In 2007, the New York Office of Children and Family Services identified 2,652, child trafficking victims statewide, finding that 85% of these children had contact with the child welfare system, primarily in the form of abuse and neglect proceedings.[[20]](#footnote-20) This report also found that 75% of the child trafficking victims in New York City had been in foster care at some point in their lives.[[21]](#footnote-21) In 2010, an FBI agent estimated that 70% of children identified as sex trafficking victims in the state of Florida were foster youth.[[22]](#footnote-22)

Los Angeles County, California presents a particularly vivid portrait of the interconnected nature of child sex trafficking and the child welfare system. Of the 174 juveniles arrested on prostitution-related charges in 2010 in Los Angeles County, 59% were in the foster care system.[[23]](#footnote-23) In 2012, 72 commercially sexually exploited children were processed through Los Angeles County’s Succeed Through Achievement and Resilience (STAR) Court Program, 56 of them (78%) were involved with the child welfare system.[[24]](#footnote-24) In 2013, nearly 150 youth were arrested for prostitution in Los Angeles County and 89% of those arrested had some contact with the foster care system.[[25]](#footnote-25)

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

Far too often, the dialogue around human trafficking is centered on child sex trafficking or CSEC. When looking at the issue of commercial exploitation of American youth, it is important to recognize and discuss all forms of human trafficking, including both sex and labor trafficking. Sexual exploitation and forced labor are both included in the federal definition of human trafficking. The Trafficking Victims Protection Act (TVPA) of 2000, Section 103(9) defines “severe forms of trafficking in persons” as:

(A) sex trafficking 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; or

(B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.[[26]](#footnote-26)

 Although data on sex and labor trafficking in the United States is currently incomplete, what is known is that human trafficking of children spans across 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.[[27]](#footnote-27) Since 2007, the National Human Trafficking Resources Center (NHTRC) has identified 3,829 potential cases of labor trafficking in the United States, from which 489 cases (13%) were minor victims.[[28]](#footnote-28) Since 2012, the labor trafficking cases tracked by the NHTRC included victims engaged in sales crews/peddling rings (382 cases); domestic work (490 cases); food service work (228 cases); agriculture (152 cases); health and beauty services (112 cases); and small business, retail, and other industries (81 cases).[[29]](#footnote-29)

Some specific case examples of labor trafficked children identified in the United States include:

* **Mary**, a young Mexican girl, was forced to peddle tamales on the street and was sexually assaulted in her family’s home. While she was peddling on the street, a woman noticed bruises on her body and called the police. Police dropped Mary off at the local homeless shelter where she waited for help for over two months before being identified as a child trafficking victim by a staff member.[[30]](#footnote-30)
* **Jessica** was 17 when she was recruited 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. The police department considered her homeless and did not identify this as a labor trafficking case.[[31]](#footnote-31)
* **Liz and Marty**, two American youth were homeless after their families kicked them out of their homes and answered a website ad for au pair services. Once they were flown to the host family’s home, they were forced to work every day and sexually assaulted by the father of the household, who used drugs to sedate them.[[32]](#footnote-32)
* **Marco**, 16, 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 arrested for selling drugs and sentenced to time in juvenile hall instead of being identified as a victim of human trafficking.[[33]](#footnote-33)
* In Ashland, Ohio, a federal jury convicted three individuals of engaging in a labor trafficking conspiracy after the group held a cognitively disabled woman and her child against their will and forced them to perform manual labor.[[34]](#footnote-34) In addition to beatings and threats with vicious animals, the traffickers also threatened the mother with the possibility that authorities might take her child away.[[35]](#footnote-35) The traffickers forced the mother to hit her child while they recorded video, so that they could threaten to show the video to authorities in order to have the child removed.[[36]](#footnote-36)

These examples demonstrate that child victims of labor trafficking are clearly victims of abuse and neglect in similar ways to sex trafficked children. Because of the nature of this crime, many child sex and labor trafficking victims will not self-identify as victims, since they often experience intense shame and distrust of authority figures.[[37]](#footnote-37) Self-identification is also difficult for all child trafficking victims because many victims feel emotionally bonded or physically dependent on their traffickers.[[38]](#footnote-38) Similarly, both labor and sex trafficked children are often arrested for the crimes their traffickers force them to commit.[[39]](#footnote-39)These similar dynamics suggest that increasing the capacity of child welfare agencies to identify all types of trafficking victims could simultaneously increase the number of children who receive appropriate specialized services and assistance after being commercially exploited.

Organizations that serve homeless and exploited youth have demonstrated successful models for screening and identifying labor trafficked children. The Alliance to End Slavery and Trafficking (ATEST) recently conducted a survey of 42 runaway and homeless youth organizations.[[40]](#footnote-40) One organization had identified as many as 150 labor trafficked youth in the last three years, while another had identified 122 labor trafficked youth during this same time period.[[41]](#footnote-41) These survey responses indicate that these organizations were able to identify potential child labor trafficking cases by simply asking intake questions about child labor trafficking.

Covenant House, a non-profit organization which serves homeless, abandoned, abused, trafficked, and exploited youth, released a study in May 2013 entitled *Homelessness, Survival Sex and Human Trafficking: As Experienced by the Youth of Covenant House New York*, which identified both sex and labor trafficked youth among the youth it serves.[[42]](#footnote-42) This study interviewed 174 youth receiving services from Covenant House and found that 12% of these youth had experienced sex trafficking and 2.9% had experienced labor trafficking.[[43]](#footnote-43) Notably, the study demonstrates that identification of sex and labor trafficking cases can occur using a single questionnaire and appropriate training.[[44]](#footnote-44) The study found that labor trafficked children, similarly to sex trafficked children, are often recruited by family members or close family friends at an early age (e.g., two of the children identified were recruited at the age of 11 and 14) and that trafficking is employed as a tactic to further illegal activities such as drug sales.[[45]](#footnote-45) The report 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.” [[46]](#footnote-46)

All commercially exploited children are in need of specialized, comprehensive services and protections. Sex and labor 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 traffickers are connected to organized criminal networks and gangs.

Our child welfare system has failed to appropriately identify and serve **all** child trafficking victims. As we explore the role of child protective agencies in responding to trafficking, it must include both sex and labor trafficking in order to protect all children from exploitation, abuse, and neglect.

**IV. Federal Framework for Protection Under the *Preventing Sex Trafficking and Strengthening Families Act* of 2014**

1. **Background**

Five different bills were introduced in the United States House and Senate in 2013-2014 that dealt with child trafficking and the child welfare system. The primary focus of all of the proposed legislation was data collection, training centered on best practices, and reporting child welfare efforts involving child trafficking to Congress. The bill which had the most co-sponsors, the Strengthening the Child Welfare Response to Trafficking Act of 2013, included provisions regarding data collection, training, and federal reporting requirements which applied comprehensively to both sex and labor trafficked children.[[47]](#footnote-47) None of the remaining proposed bills used the full federal definition of trafficking in persons, which includes labor trafficking.[[48]](#footnote-48) Rather, the majority of the proposed bills focused exclusively on child sex trafficking in the child welfare system. Each of these bills could have been easily modified to include child labor trafficking. Out of all of the proposed legislation around these issues in 2013-2014, only the Preventing Sex Trafficking and Strengthening Families Act, which excludes labor trafficking victims from its provisions, was ultimately passed into law.[[49]](#footnote-49)

By excluding child labor from data collection and reporting, these bills fail to meet the goal of providing more competent, targeted services to 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 fiscal benefits for the government. A more comprehensive collection of data would lead to more efficient provision of government-funded services, which ultimately leads to greater cost savings for taxpayers.

1. **Provisions in the *Preventing Sex Trafficking and Strengthening Families Act* of 2014 that are directly relevant to human trafficking**

The Preventing Sex Trafficking and Strengthening Families Act [“the Act”] became law on September 29, 2014.[[50]](#footnote-50) The Act is aimed at preventing youth in the foster care system from becoming victims of sex trafficking. First, the bill adds many substantive requirements for the state plans for foster care.[[51]](#footnote-51) Under the Act, 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 who 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.[[52]](#footnote-52) This reference to “a severe form of trafficking in persons” is the only possible reference to labor trafficking victims in the Act, but it is used in the context of defining the term “sex trafficking victim.”[[53]](#footnote-53) The Act 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.[[54]](#footnote-54)

New protections are provided under the Act for missing and runaway youth, who are particularly vulnerable to trafficking.[[55]](#footnote-55) 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 a missing child upon her return to determine if the child is a possible sex trafficking victim.[[56]](#footnote-56) This 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.[[57]](#footnote-57)

The remaining provisions of the Act focus on reporting and future research regarding youth sex trafficking. A new state plan requirement mandates the reporting of instances of sex trafficking to law enforcement authorities within 24 hours of identifying a victim.[[58]](#footnote-58) The Act also requires data regarding the annual number of children who are identified as sex trafficking victims before entering foster care or while in foster care to be reported in the Adoption and Foster Care Analysis and Reporting System (AFCARS).[[59]](#footnote-59) On a national level, the Act directs the Secretary of Health and Human Services to report to Congress on: (1) children who run away from foster care and their risk of becoming sex trafficking victims, including characteristics of those children, factors associated with children running away, the experiences of children while absent from care, and trends in the number of runaway children; (2) state efforts to provide specialized services, foster homes, child care institutions, or other placements for child sex trafficking victims; and (3) state efforts to ensure that children in foster care form and maintain long-lasting connections to caring adults.[[60]](#footnote-60) Finally, the Act establishes the National Advisory Committee on the Sex Trafficking of Children and Youth in the United States, which will advise 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.[[61]](#footnote-61)

**V. Why Child Labor Trafficking Victims Could Have Equally Benefited From These Protections**

The role of child welfare in prevention and intervention of human trafficking extends beyond the protection of sex trafficked children. The Preventing Sex Trafficking and Strengthening Families Act was an important step forward in assisting victims through the child welfare system, but it only requires that data be collected about child victims of sex trafficking. While collecting this information is crucial to combating human trafficking, these data collection requirements focusing on sex trafficking are insufficient to assess the scope of the problem or to be used as a basis for the adoption of ~~e~~ffective solutions to combat human trafficking. It is also important to identify, document, protect, and serve the child victims of labor trafficking who come into contact with the child welfare system. Child welfare agencies are in a highly strategic position to prevent all forms of human trafficking. The protections established by the Preventing Sex Trafficking and Strengthening Families Act for child sex trafficking victims could be highly applicable to child victims of labor trafficking for the following reasons:

* **Like child sex trafficking victims, child labor trafficking victims are abused, neglected, and often sexually assaulted children.**
	+ A recent report examining both the common circumstances among sex and labor trafficked children 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.”[[62]](#footnote-62)
* **Child labor trafficking impacts not only foreign national children, but also U.S. citizen children.**
	+ In the period from Dec. 7, 2007 through May 31, 2014, the Human Trafficking Resource Center reported 619 cases of labor trafficked minors, as well as another 124 cases of minors trafficked for both sex and labor. Collectively, these cases comprised 16.53% of the 4,496 total minor cases reported to the National Human Trafficking Resource Center during this time period. From the total number of minor trafficking cases reported during this period, 2,143 (47.66%) were U.S. citizens or legal permanent residents.[[63]](#footnote-63)
	+ In the year 2014 alone, the National Human Trafficking Resource Center hotline received reports of 5,042 potential human trafficking cases in the United States and 1,581 of these cases involved minor victims. Of these cases involving minors, 143 (9%) were trafficked for labor, while 49 (3.1%) were trafficked for sex and labor. Out of those labor trafficking cases, 31 (22%) involved U.S. citizen or legal permanent resident victims. Similarly, there were 1,322 (83.6%) sex trafficking cases involving minors, out of which 558 (42.2%) involved U.S. citizens. [[64]](#footnote-64)
	+ Perhaps most compelling is a human rights lawyer, originally from Nevada, testifying to Congress in 2014 about his own experience being forced to provide domestic labor while being sexually abused as a young teenager and questioning why both labor and sex trafficking victims were not protected under the Act.[[65]](#footnote-65)
* **Better data collection is needed for all forms of child trafficking. If data is only collected by child welfare systems about child sex trafficking and not about child labor trafficking, the child welfare system will never be able to appropriately address this issue.**
	+ A May 2013 study entitled *Homelessness, Survival Sex and Human Trafficking: As Experienced by the Youth of Covenant House New York* identified both sex and labor trafficked youth among the individuals served by a large non-profit organization. The study demonstrates that identification of sex and labor trafficking cases can occur using a single questionnaire and appropriate training.[[66]](#footnote-66)
* **It is far more cost effective to include all child trafficking victims, both sex and labor, in any reforms made to the child welfare system to deal with child commercial exploitation issues.**
	+ 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. However, it will be more costly if all forms of trafficking are not included up front and these materials need to be developed again in the future.
	+ Child sex and labor trafficking victims need very similar specialized services that are tailored to the unique dynamics of human trafficking–including access to shelter, basic necessities, mental health and medical care, case management, and legal services.
* **Child trafficking at its core is about child exploitation for *commercial purposes*. The dynamics of why and how children are recruited into sex or labor trafficking is therefore strikingly similar, as are bonds that many children experience with their traffickers.**
	+ Many children in both sex and labor trafficking experience “traumatic bonding” by becoming emotionally and physically dependent on their traffickers, which can make it difficult to identify potential trafficking victims.[[67]](#footnote-67)
	+ Similarly to victims of sex trafficking, child victims of labor trafficking are often economically vulnerable to exploitation due to their need to provide financially for themselves or their families.[[68]](#footnote-68)

**VI. Model Human Trafficking Guidelines for Child Protection Agencies[[69]](#footnote-69)**

In order to effectively fight child labor trafficking, federal and state legislation regarding the role of child protection agencies must focus on training, prevention, identification, serving potential victims, and data collection. This multi-faceted strategy will preemptively protect children who are vulnerable to trafficking while also identifying and serving children who have been victimized in the past by labor trafficking. Many of the following suggested guidelines are already established for potential sex trafficking victims and can be easily expanded to include victims of labor trafficking as well.

1. **Training:**

All human trafficking trainings for child protection agencies should cover sex and labor trafficking of foreign national and U.S. citizen children. Child protection agencies should involve specialized service providers and human trafficking survivors in both the development and the delivery of trainings, provided that survivors should receive compensation and support for such work. Providers can include runaway homeless youth services, LGBT youth organizations, anti-trafficking and victim services agencies in the development and implementation of the trainings. All staff should be required to attend an introductory human trafficking training and should attend a continuing education training no less than once a year. These trainings must cover both labor and sex trafficking of girls, boys, and transgender youth. Advanced human trafficking training should be available, and ideally required, for those likely to interface with potential trafficked youth. A formal protocol should be implemented in order to ensure that basic human trafficking training is mandatory and regularly available for target staff. Child protection agencies should also reach out to emergency response partners, including police and emergency medical staff, to partner on basic trainings where possible.

Basic human trafficking training should include types of human trafficking, identification of trafficked youth, dynamics of exploited youth, 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, managing criminal victim witness issues, 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 populations at risk for less visible trafficking, trafficked youth with developmental delays, undocumented trafficked youth, and working with migrant farm worker youth.

1. **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. Specialized programming or therapy for youth at risk for trafficking should be developed. Additionally, organizations and speakers who can educate staff about youth at-risk to trafficking should be utilized as valuable resources. Links to external programs for at-risk youth should be identified and cultivated. Child protection agencies should consider partnering with schools to do outreach and training, as schools are critical locations for prevention efforts.

1. **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 key questions about human trafficking. If the child answers “yes” to any of these, then they should be referred 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. Intake questions may include, but are not limited to:

* Do you have access to your identification documents, or is someone else holding them?
* Have you worked for anyone without being paid or without being paid what you were promised?
* Have you had to miss school because you had to work?
* Have you ever done something sexual for money or food or a place to stay?
* Have you been involved sexually with people on the Internet like sending photos or videos to someone?
* Has an older person outside of your family ever asked you to leave home with them?
* Have you ever been arrested or committed a crime that you felt someone else forced you to do?
* Have you ever done something like holding or selling drugs or other things that may have gotten you in trouble, for someone else?
1. **Serving and Engaging Potential Victims:**

Trainings should be provided 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. Knowing that it often takes time for youth to disclose they have been trafficked, workers should be given extended time on these cases. Identified trafficked youth should be referred to therapists who have received advanced human trafficking training. Agencies should also share information about enrollment in VOCA (Victims of Crime Act) compensation or other state benefits programs, as well as providing referrals to attorneys with expertise in criminal victim witness advocacy or with immigration expertise when needed.

Finding safe housing for trafficked youth can be challenging. Available options will be dependent on a variety of factors including gender, sexual preference, and safety. Because this population often lacks stability, it is extremely important that children who leave placement should be able to return to the same placement if they choose to do so. It could take months or longer for youth to self-identify, so services should not be contingent on positive 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. Secure placement should be considered as a last resort, and when used it should be modeled after the strict requirements in place for children designated as a harm to themselves or others.

1. **Data Collection:**

A formal protocol for standardized data collection and regular reporting regarding all at-risk trafficked youth should be implemented. Standardized data collection on all trafficked youth should include separate categories for sex and labor, 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 number of traffickers.

**VII. 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. In order to address the problem of child trafficking comprehensively, 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. As states work to update their polices and procedures to comply with the ***Preventing Sex Trafficking and Strengthening Families Act* of 2014, they should consider updating these procedures to identify and protect all forms of child trafficking**. In the future, legislation at the state and federal level should prioritize protecting child labor trafficking victims, along with child sex trafficking victims. At the federal level, this could be achieved through simply amending the *Preventing Sex Trafficking and Strengthening Families Act* to cover children trafficked for labor under its provisions. Together, federal and state government 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 trainings, and provide competent services which mindfully identify and protect vulnerable youth.

1. U.S. Health and Human Services, Administration on Children, Youth and Families, Children’s Bureau, *Guidance to States and Services on Addressing Human Trafficking of Children and Youth in the United States*, 3 (Sept. 13, 2013) [hereinafter “ACYF Guidance”]*, available at* http://www.acf.hhs.gov/sites/default/files/cb/acyf\_human\_trafficking\_guidance.pdf. [↑](#footnote-ref-1)
2. *Id.*; Abby Sewell, *Most of L.A. County Youths Held for Prostitution Come from Foster Care,* L.A. Times*,* Nov. 27, 2012, http://articles.latimes.com/2012/nov/27/local/la-me-1128- sex-trafficking-20121128. [↑](#footnote-ref-2)
3. ACYF Guidance at 3, *see supra* note 1; Kate Walker, California Child Welfare Council, Ending the Commercial Sexual Exploitation of Children: A Call for Multi-System Collaboration in California (2013), available at http://www.youthlaw.org/fileadmin/ncyl/youthlaw/publications/Ending-CSEC-A-Call-for-Multi- System\_Collaboration-in-CA.pdf. [↑](#footnote-ref-3)
4. ACYF Guidance at 3, *see supra* note 1. [↑](#footnote-ref-4)
5. J.D. Gallop, *Police Say 24 Children Rescued from Human Trafficking Scheme*, FL. Today, Oct. 29, 2013, http://www.floridatoday.com/article/20131029/NEWS01/310290024/children-human-trafficking. [↑](#footnote-ref-5)
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10. 18 U.S.C. § 1591(a). [↑](#footnote-ref-10)
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