



Building
**Child Welfare
Response**
to Child Trafficking

Center for the Human Rights for Children, Loyola University Chicago

International Organization for Adolescents (IOFA)

CONTACT**Loyola's Center for the Human Rights of Children**

Katherine Kaufka Walts, J.D.

Director

Loyola University Chicago

25 E. Pearson St., Suite 800

Chicago, IL 60611

312-915-6350 p.

312-915-6353 f.

kkaufkawalts@luc.edu

www.luc.edu/chrc

International Organization for Adolescents (IOFA)

Shelby French, MSW, MSc

Executive Director

The International Organization for Adolescents (IOFA)

4305 N. Lincoln Ave., Suite E

Chicago, IL 60618

Tel: 773.404.8831

Fax: 773.404.8842

sfrench@iofa.org

www.iofa.org

www.iofa-talk.blogspot.com

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All tools and materials within this document were created by the International Organization for Adolescents (IOFA) with support from the Chicago Community Trust, and implementing partner the Illinois Department of Children and Family Services. Copyright pending 2011.

Acknowledgements

The authors would like to thank the following individuals for their invaluable contributions, input, and expertise.

Advisory Group

- Lorna Grenadier, MA, (retired) Victim Witness Coordinator/Program Analyst, U.S. Department of Justice, Anti-Trafficking Consultant
- Char Rivette, MSW, LCSW, Executive Director, Chicago Children's Advocacy Center
- Carol Smolenski, MA, Executive Director, ECPAT-USA
- Anita Weinberg, MSSW, JD, Clinical Professor and Director, Child Law Policy and Legislative Programs, Loyola University Chicago Law School

Editing and Support Team

- Alison Boak, President and Co-Founder, International Organization for Adolescents (IOFA)
- Charlotte Cahill, Resource Development Intern, International Organization for Adolescents (IOFA)
- Susan Rosas, Program Development Intern, International Organization for Adolescents (IOFA)

Design and Formatting

- Christine Zabel, Art Director & Designer

About the Authors

Katherine Kaufka Walts, J.D.,

Director, The Center for the Human Rights of Children at Loyola University Chicago

The Center for the Human Rights of Children represents, coordinates, and stimulates efforts of the Loyola University community to understand and protect the human rights of children utilizing an interdisciplinary approach. Prior to joining Loyola, Ms. Kaufka Walts served as the Executive Director of the International Organization for Adolescents (IOFA) from 2007 – 2009, and is currently a member of IOFA's Advisory Board. Prior to IOFA, Ms. Kaufka Walts managed the Counter-Human Trafficking project at the National Immigrant Justice Center, where she led a multi-disciplinary team and worked with several local, state, and federal law enforcement agencies on single and multiple-victim cases, and successfully represented dozens of victims of human trafficking in the United States, including several children and youth. She has been recognized as a national expert on human trafficking issues, has provided expert testimony to local, national, and international governmental bodies, including the U.S. Senate, Judiciary Subcommittee on Human Rights. Ms. Kaufka Walts continues to provide technical assistance, training and consultation to law enforcement, service providers, task forces and coalitions, government agencies, federal and local law enforcement, members of U.S. Congress, and media in the US and internationally on the subject of human trafficking. She has authored *The Commodification of Domestic Care: Illegitimacy of Care Work and the Exploitation of Migrant Workers* (Georgetown Immigration Law Journal), and *T Nonimmigrant Visa and Protection and Relief for Victims of Human Trafficking, A Practitioner's Guide* (Immigration Briefings, September 2006). She received her J.D. from the University of Wisconsin, and her B.A and B.S. from the University of Michigan.

In her former role as Executive Director of IOFA, Ms. Kaufka Walts was the primary creator and champion for the development of the handbook and the overall Building Child Welfare Response to Child Trafficking project. In her current role as Director of the Center for the Human Rights of Children, she will continue to develop and expand the project in collaboration with the International Organization for Adolescents (IOFA). Ms. Kaufka Walts can be reached at: kkaufkawalts@luc.edu.

Shelby French, MSW, MSc

Executive Director, International Organization for Adolescents (IOFA)

Ms. French has over 20 years of experience in the fields of non-profit management and development, social service provision, economic and community development, and the identification and treatment of trauma in vulnerable populations. Currently, she is the Executive Director for The International Organization for Adolescents (IOFA) and before that served on the IOFA board for two years. For over four years, she worked for The Rotary Foundation first as the Program Officer for Humanitarian Grants, and then as their Economic and Community Development Specialist. Ms. French also worked for seven years with CARE in the area of resource development, as the manager for CARE's first overseas volunteer program and as an emergency response team member in East Timor and Eritrea. Additionally, Shelby has served as the social services manager for the anti-trafficking program at Heartland Alliance and as a therapist for multi-cultural populations, working with victims and offenders of sexual abuse and violence at the Center for Contextual Change. She has a Masters in Social Work from the School of Social Service Administration at the University of Chicago, and a Master of Science in Development Studies from the School of Oriental and African Studies at the University of London. She has traveled and worked in over 32 countries.

Ms. French and her team at IOFA contributed to the writing and editing of the handbook and will continue to work with the Center for the Human Rights of Children at Loyola University in further project development and expansion. Ms. French can be reached at: sfrench@iofa.org.

Heather Moore, MSW

An Independent Consultant on human trafficking and program development and a Lecturer on Social Welfare Policy and Policy and Practice in Social Service Organizations at the University of Southern California School of Social Work, Ms. Moore has spent the last fifteen years working in international community and program development and social services to refugees, asylees, and survivors of human trafficking. Prior to starting her consultancy, Ms. Moore served as the Client Services Director for the Coalition to Abolish Slavery and Trafficking in Los Angeles, where she established the country's first women's shelter dedicated exclusively for survivors of trafficking. At CAST, she managed direct social and legal services programs and developed new models for service delivery to enhance outcomes for both staff and clients. Ms. Moore also led a coalition of service providers dedicated to expanding and strengthening services to trafficking survivors in L.A. County and participated in national coalitions working to improve U.S. policy on human trafficking. She is a certified Freedom Network Training Institute trainer and provides trainings and technical consultation to service providers, attorneys, law enforcement, governments, and community groups on service provision, program development, and multi-sector collaboration in anti-trafficking work. She has presented at local, national, and international venues and conferences on the issue of human trafficking and recently served on the California State Advisory Council on Refugee Assistance and Services. She provides expert testimony in human trafficking litigation and independent consultation to assist individuals, programs, and governments develop greater capacity to assist survivors of trafficking and other crimes.

Ms. Moore contributed to the case management chapter in the handbook and has provided invaluable guidance for the overall Building Child Welfare Response to Child Trafficking project.

Sehla Ashai, JD, Anti-Trafficking Program Specialist, The International Organization for Adolescents (IOFA)

Ms. Ashai is the Anti-Trafficking Program Specialist at the International Organization for Adolescents (IOFA). Prior to her work at IOFA, she worked as a staff attorney for the National Immigrant Justice Center's Counter-Trafficking Project, where she provided legal services to more than 40 adult and child victims of human trafficking, specializing in immigration and criminal justice system advocacy. She has also been a legal consultant and trainer for Heartland Alliance's child trafficking prevention project in Haiti, which commenced after the January 12, 2010, earthquake. She is a graduate of University of Michigan Law School, and was a recipient of the Henry Bates and Clara Belfield Overseas Fellowship to conduct research on gender discrimination and citizenship law in Indian-Administered Kashmir. This research resulted in an article entitled "The Jammu and Kashmir State Subjects Controversy," published in the Drexel Law Review Symposium on South Asia and the Law, Spring 2010. Ms. Ashai assisted with development and writing of content for the handbook and has provided invaluable guidance on management of the overall Building Child Welfare Response to Child Trafficking project.

Our Missions

Loyola's Center for the Human Rights of Children

Recognizing that children require special protections, the Center for the Human Rights of Children pursues an agenda of interdisciplinary research, education, and service to address critical and complex issues affecting children and youth, both locally and globally. The Center applies a human-rights approach to the problems affecting children, reaffirming the principle of the indivisibility of human rights and the importance of promoting economic, social, cultural, civil, and political rights of children. Moreover, it does so with respect for the rights and responsibilities of parents, teachers, and other caregivers entrusted with raising children.

Loyola's Center for the Human Rights of Children represents, coordinates, and stimulates efforts to understand, protect and apply the human rights of children.

The Center seeks guidance and inspiration from the tradition of Catholic teachings on social justice and the United Nations Convention on the Rights of the Child.

International Organization for Adolescents (IOFA)

The International Organization for Adolescents (IOFA) is an independent, nonprofit organization with 501(c)(3) status in the United States. IOFA was founded in 1999 in response to a gap in programming and services for the most vulnerable adolescents around the world. Based in Chicago, IOFA has worked in partnership with local organizations in over 20 countries to develop and implement sustainable programs and services for youth.

IOFA is dedicated to improving the lives of young people by addressing critical and emerging issues affecting vulnerable adolescents around the world. IOFA envisions a world where adolescents and youth are no longer subject to exploitation, violence and neglect; a world where every young person is able to exercise their human rights and realize their full potential as positive and productive members of society. IOFA's current program areas include efforts to combat human trafficking, the empowerment of youth, and the support of orphaned youth transitioning to adulthood.



international organization for adolescents

Preparing people to lead extraordinary lives

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INTRODUCTION

Shelby French, MSW, MSc, Executive Director, International Organization for Adolescents (IOFA)

Human trafficking is arguably one of the most disturbing human rights abuses of our time. The United States Department of Justice has estimated that between 14,500 and 17,500 foreign men, women, and children are trafficked into the United States each year.¹ These estimates, however, do not include U.S. citizens who have been trafficked, including an estimated 293,000 young people who may be at risk for being trafficked specifically for the sex trade.²

Women and children may comprise as much as eighty percent of the total number of victims of human trafficking.³ These unprotected young children and adolescents are forced into prostitution, domestic servitude, restaurant work, and other types of exploitative labor, or simply find ways to survive on the street.

While estimates indicate that thousands of child trafficking victims exist in the United States, very few have been identified and recovered. Between 2001 and 2009, only 212 foreign minors were successfully recognized by U.S. authorities as victims of trafficking.⁴ Many more, unnoticed and unidentified, continue to be exploited in slave-like conditions.

Human trafficking is a relatively new issue and emerging area of knowledge for most social service, legal, and law enforcement professionals. It was only in 2000 that the first federal anti-trafficking statute, the Trafficking Victims Protection Act (TVPA), was enacted. Thousands of organizations and agencies are unaware of this law and other state laws that provide critical support and protect the rights of victims. Even fewer have been adequately trained or prepared to respond to child victims of trafficking, and fewer still have incorporated policies, protocols, and case management techniques to serve this population appropriately.

¹United States Department of Justice, Attorney General's Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons, Fiscal Year 2005 (June 2006), 3.

²A child victim of human trafficking in the U.S. is defined as any child who not yet attained the age of 18 engaged in commercial sexual exploitation (regardless of force, fraud, or coercion) or forced labor by force, fraud or coercion. Victims of child trafficking are protected by law under the Federal Victims of Trafficking and Victims Protection Act of 2000 and Illinois state anti-trafficking legislation (HB 1469) passed in 2005. The figure of 293,000 young people comes from Richard J. Estes and Neil Alan Weiner, Executive Summary, *Commercial Sexual Exploitation of Children in the U.S., Canada and Mexico*, University of Pennsylvania (February 2002 revision), 11-12.

³United States Department of Justice, Attorney General's Annual Report to Congress and Assessment of the U.S. Government Activities to Combat Trafficking in Persons, Fiscal Year 2009 (July 2010), 19.

⁴*Ibid*, 19.

Many organizations are hesitant to create specific services for an additional population and do not have the funding to pursue training or update their operational systems as needed. Moreover, the protection of children has rarely been included in government-funded initiatives to combat human trafficking in the United States. The majority of victims are minors, yet support for this group has not been considered a priority.

The child welfare field is only beginning to recognize the need to prepare for and address the issue of child trafficking. For the past decade, child protection agencies across the United States have been unprepared to address the problem, despite laws requiring child welfare agencies to serve trafficked children. Additionally, the general public is becoming more aware of the issue via movies, documentaries and campaigns focusing on the issue.

Politicians, human rights organizations, and child protection advocates are developing and passing new legislation to protect and respond to the issue of trafficking in our communities. For example, in the state of Illinois, child protection professionals have been called to action by the new Illinois Safe Children Act signed by Governor Quinn in August 2010. This new law removes the criminal status of juvenile prostitution and identifies children who are prostituted as victims of human trafficking, with no exceptions. The law calls upon the Illinois Department of Children and Family Services (IDCFS) to respond to these victims and provide appropriate support and case management. The level of awareness about child trafficking will continue to grow and will inevitably influence the work of service providers charged with the protection of children and youth.

illinois

The Illinois State Children Act removes the criminal status of juvenile prostitution and identifies children who are prostituted as victims of human trafficking, with no exceptions.

The Gap: Lack of Appropriate Identification and Response Mechanisms for Child Victims of Trafficking within State and Private Child Welfare Agencies

The first point of contact for a child victim of trafficking will most likely be law enforcement in conjunction with a state child welfare agency. Unfortunately, most state child protection professionals do not have the training, protocols or procedures to identify and respond appropriately to child trafficking cases. These cases are complex and time-consuming and can frustrate even the most seasoned professional, particularly if the case involves a child without citizenship or who lacks immediate evidence of a parent or guardian. As a result, most foreign victims of human trafficking do not receive trafficking specific, victim-centered services. They are often referred to immigration officials and deported. Additionally, children and youth who are U.S. citizens are often misidentified as juvenile prostitutes or criminals and placed in the juvenile justice system. Both foreign and U.S.-citizen victims are often left without critical support, are subsequently re-trafficked, and remain vulnerable to further exploitation and abuse.

Along with other anti-trafficking organizations, the International Organization for Adolescents (IOFA) recognized this critical gap and began development of a targeted solution to the problem. Evaluation results from child welfare professionals trained by IOFA revealed that the majority of state child welfare advocates and service providers were not aware of federal and state anti-human-trafficking laws or that non-government and government resources and programs exist to help respond to trafficked children. Additionally, many state child welfare advocates and professionals indicated that they had encountered trafficked children or youth previously in their work, but because they did not know it at the time, the children slipped through the cracks and were never identified as trafficking victims.

Children and youth who are U.S. citizens are often misidentified as juvenile prostitutes or criminals and placed in the juvenile justice system.

Many child welfare advocates asked IOFA for further guidance in identifying trafficked children and youth and providing appropriate services or referrals for this specialized population. From these requests, the Building Child Welfare Response to Child Trafficking project was born.

The Solution: The Building Child Welfare Response to Child Trafficking Project

In 2007, the International Organization for Adolescents (IOFA), under the leadership of Katherine Kaufka Walts the then Executive Director, developed and launched the **Building Child Welfare Response to Child Trafficking** project. The purpose of this project is to build the capacity of child welfare agencies and service providers to identify and respond to this often invisible and underserved population. The primary goals are to ensure that children are correctly identified as trafficked persons and that they receive the appropriate protections and referrals to specialized services to which they are entitled under federal and state laws. This project, supported by funding from the Chicago Community Trust, takes place over a two year period ending in mid-2011.

IOFA identified the Illinois Department of Children and Family Services (IDCFS) in Illinois as the first implementing partner for the project. IDCFS is one of the largest state government child welfare agencies in United States; it addresses the needs of thousands of children and youth every day. IOFA and IDCFS worked together to develop innovative and sustainable training and advocacy efforts on child trafficking for the child protection units within the agency.

The project was designed to increase identification of cases, ensure that child trafficking victims receive full access to the legal and human rights afforded to them under the law, and ultimately to prevent further child trafficking. The project team focused on enabling child protection staff to identify and access key protections and services for victims, including special visas for undocumented victims, public benefits, job training programs, foster care, assistance in the criminal justice system, and mandatory restitution offered under the Trafficking Victims Protection Act (2000) and applicable state laws.

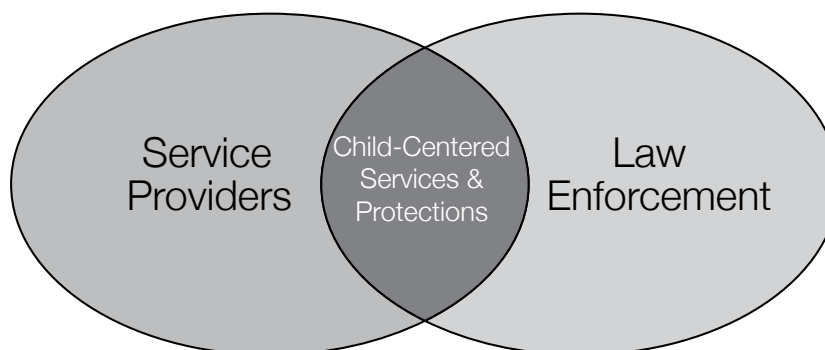
The **Building Child Welfare Response to Child Trafficking** project in Illinois is a comprehensive effort, and IOFA and IDCFS continue to collaborate on additional activities in the second year of the project.

The primary goals of the project are to **ensure that children are correctly identified as trafficked persons and that they receive the appropriate protections and referrals ...**

Desired Outcomes for the Building Child Welfare Response to Child Trafficking project in Illinois include:

- 1 State child welfare staff can screen and identify child victims of all forms of human trafficking, recognizing that both U.S. citizens and foreign national children can be trafficked within the U.S.
- 2 State child welfare staff understand the unique needs of child victims of human trafficking.
- 3 Child-centered services and protections for trafficked children are successfully coordinated between service providers and law enforcement.
- 4 State child welfare staff are knowledgeable about state and federal laws, benefits, protections, and resources available to child victims of both sex and labor trafficking.
- 5 The child protective system caring for child victims of trafficking in Illinois is based upon best practices in support of victims as they recover from their trauma and rebuild their lives.

Working Together is Key



To achieve these outcomes, IOFA is developing key resources and tools for use within IDCFS, including the **Building Child Welfare Response to Child Trafficking Handbook** outlined in this publication. The handbook is a critical resource for state child welfare systems and other service provider settings.

We hope that this publication and tools within it can serve as a launching point for other organizations and agencies incorporating trafficking-specific policies and protocols into their work.

How to Use the Handbook

IOFA is partnering with the Center for the Human Rights of Children (CHRC) at Loyola University to publish this overview of the project, leverage the project to other agencies within Illinois and across the United States, and further develop and expand a comprehensive rights-based approach to child trafficking.

Child welfare organizations and service providers within Illinois and across the United States can use this handbook in a variety of work environments. It is formatted to assist agencies and service providers in determining how this process can be integrated and implemented into existing service delivery systems.

The following components are designed to assist readers in understanding and using the information and tools provided:

- **Glossary of Key Terms**
- **Summary of Legislation Relevant to Child Trafficking**
- **Chapter Introduction** – an overview of what each chapter contains, who should use it, and other considerations in applying the information to your service setting
- **Case Studies** - examples of actual cases that reinforce information provided in the adjacent sections
- **Notes** – reminders and clarifications of concepts and issues presented
- **Practice Pointers** – best practices for service providers when working with child victims of trafficking

Human trafficking differs across varied geographic areas and populations. We recommend that agencies and professionals ask a few key questions to determine the possible scope and type of trafficking that may exist within your target population or geographic area.

Key Questions

- 1 Are young runaways or youth at risk prevalent in your area?
- 2 Are minors being arrested for “juvenile prostitution?”
- 3 Are there isolated immigrant communities?
- 4 Is there a consistent demand for low wage or day labor?
- 5 Are there seasonal fluctuations in the need for labor?
- 6 Is sex trade activity prevalent, including dance clubs, massage parlors, suspected brothels, or local internet activity?
- 7 Are there major transportation hubs and or intra- or interstate movement?
- 8 Has your community experienced human trafficking in the past?
- 9 Have trafficking victims been found in your community?
- 10 Have you suspected trafficking activities in your community?

Alone, these questions cannot determine if trafficking exists in your community. However, they can help identify the vulnerabilities that lead to human trafficking and serve as a starting point for agencies or professionals who may come across victims in their work.

Who Should Read or Use this Publication?

IOFA and CHRC strongly believe that this project is applicable to a variety of agencies and service providers working with children who may be at risk for trafficking. These include but are not limited to:

- Child protection and welfare agencies
- Government and non-governmental organizations
- Legal clinics
- Law enforcement at all levels
- Hospitals and health centers/clinics
- Consulates and immigration professionals
- Emergency response agencies and professionals
- Corporate employers who subcontract hiring and employment services
- All education professionals (teachers, counselors, administrators, school health providers, board members)

Although the Illinois project is still in progress, the partners in this effort believe the immediate distribution of this handbook meets a critical and urgent need. There is a common misperception that trafficking and the exploitation of children are atrocities that happened long ago or that occur somewhere else in the world. The reality is that human trafficking occurs every moment of every day, throughout rural, suburban, and urban areas of the United States.

Human trafficking is a form of modern-day slavery that affects both US citizens and foreign nationals. Minors represent the smallest pool of victims identified to date by government authorities in the United States. It is imperative that all first responders – especially state child welfare and protection agencies, organizations and individual professionals working with children and youth – be properly trained and provided with key resources to identify and respond effectively to this vulnerable population.

IOFA and CHRC would like to identify other partners for further implementation of this project. Our team is available for further discussion and consultation with agencies and service providers who are interested in adopting this project and implementing the tools within this handbook. We hope the information presented can advance the movement to protect the rights of children and youth who have been impacted by human trafficking in the United States. We look forward to hearing your feedback and determining how this project can assist in the overall effort to combat child trafficking worldwide.

Summary and Overview of Handbook

The purpose of the Building Child Welfare Response to Child Trafficking project is to build the capacity of state and private child welfare agencies to respond to human trafficking cases involving children. As part of the project, a toolkit was developed to assist our first implementing partner, the Illinois Department of Children and Family Services (IDCFS), with the following four topics:

Identification & Investigation (including child trafficking screening tools)

Case Management

Legal Protections & Advocacy

Referrals and Resources

Identification & Investigation (Chapters One and Two)

State child welfare agencies, including IDCFS, have existing policies and procedures to address “indicators” of various forms of child maltreatment. IOFA created a new indicator document and policy guidelines for IDCFS that define and address the issue of human trafficking of children. The “Screening Tools for Child Trafficking” include the statutory elements of both state and federal law, case examples, questions intake staff and investigators can ask, and guidance regarding questioning children and victims of human trafficking.

Case examples comprise those that were successfully prosecuted by various law enforcement agencies to demonstrate the diversity of such cases, including labor and sex trafficking cases, and cases involving both U.S.-citizen and foreign national children who were victims of human trafficking. Additionally, IOFA consulted with several social service organizations, law enforcement agencies, and human trafficking hotline staff across the country to solicit input regarding “red flag” language or case descriptions that may indicate potential human trafficking cases involving minors.

IOFA also reviewed existing intake forms being used by child protection investigators, as well as draft operating guidelines developed by the IDCFS human trafficking internal workgroup. At the request of IDCFS, IOFA created two types of intake forms, including a “brief” form to be incorporated into child protection investigator packets, and a longer form that supervisors would use once their staff flagged a potential case using the “brief” form. The forms ensure that proper definitions of human trafficking are being utilized, provide practical descriptions of possible scenarios and indicators for investigators to use, and clearly articulate “action” steps to be taken if there is a suspected trafficking case.

Case Management (Chapter Three)

This section of the toolkit addresses issues of safety, social service provision, mental health, physical health, and internal referrals. Recognizing that IDCFS case managers and supervisors were already addressing these issues, and employing evidence-based methods and procedures to address traditional child protection issues, IOFA developed templates of forms designed specifically for working with trafficked victims that also employed several standard components of case management instruments.

IOFA utilized the services of consultant Heather Moore, MSW, a nationally recognized human trafficking expert, to assist IOFA in developing a Child Trafficking Case Management Toolkit for IDCFS. The documents and guidelines reflect current best practices in case management methods and techniques for human trafficking victims and take into account existing forms, protocols, and procedures being employed by DCFS and mandated by Illinois child welfare law.

IDCFS reviewed these documents and stated that many (but not all) features and sections of the forms were already part of existing IDCFS case management forms and procedures. At the time of publication, the department was in the process of reviewing each form and identifying where there may be gaps in addressing the specific needs of child trafficking victims within existing IDCFS documents.

Legal Protections and Advocacy (Chapter Four)

This section of the toolkit addresses criminal justice procedures and issues, immigration protections and services, civil remedies available to victims, and safe repatriation of foreign nationals. While child protection staff may be familiar with legal issues and protections addressing more traditional forms of maltreatment, they may not be familiar with the immigration remedies available to non-U.S.-citizen minors who are victims of human trafficking, the rights of U.S.-citizen and non-U.S.-citizen child trafficking victims hold under state and federal laws, and the process for obtaining public benefits and services these children need.

Additionally, it was clear that most child protection agencies are not aware of several federal programs and services available to child victims of trafficking or of legal mandates to report child trafficking incidents to the U.S. Department of Health and Human Services within 24 hours of discovering a potential child trafficking victim.

Referrals and Resources (Chapter Five)

As are most child protection agencies, IDCFS is already working with a large network of referral agencies to provide care and supervision for children in their care. To complement its existing referral resources, IOFA provided IDCFS with a list of local, state, and federal human trafficking agencies and experts in the field of criminal justice/law enforcement, health and human services, mental health, shelter, and youth development and services.

The list also includes local and national human trafficking hotline numbers and agencies with grants to provide technical assistance.

These four primary topics represent the first stage of a larger more comprehensive effort to build capacity and expertise about child trafficking within state and private child welfare agencies. Next steps and recommendations for further work are identified in the Conclusion section of this publication. IOFA and CHFC strongly believe this is only the beginning of the work that needs to be done. We will be developing further tools and resources to accompany the current version of the **Building Child Welfare Response to Child Trafficking Handbook** in the coming year.

Child Trafficking Glossary of Terms

Child abuse and neglect: Any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, sexual abuse, or exploitation, or an act or failure to act that presents an imminent risk of serious harm. This definition may vary state by state.

Child protection: State agency that offers protective services in order to prevent any further harm to the child and to other children in the family, stabilizing the home environment and preserving family life whenever possible. The Child Abuse Prevention and Treatment Act (CAPTA) is one of the key pieces of legislation that guides child protection in the United States. CAPTA, at its inception, was signed into law in 1974 (P.L. 93-247), and is reauthorized every eight years.

Child welfare: The child welfare system is a group of services designed to promote the well-being of children by ensuring safety, achieving permanency, and strengthening families to enable them to successfully care for their children. While the primary responsibility for child welfare services rests with the states, the federal government plays a major role in supporting states in the delivery of services through funding of programs and legislative initiatives.

Coercion: Threats of serious harm to, or physical restraint of, any person; any scheme, plan or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to, or physical restraint against, any person; or the abuse or threatened abuse of the legal process.

Commercial sex act: Any sex act where anything of value is given to or received by any person.

Commercial sexual exploitation of a child: The use of any person under the age of 18 for sexual purposes in exchange for cash or in-kind favors; it can occur between a child and a customer, the pimp/trafficker, or others (including family members) who profit from children for these purposes.

Force: The use of any form of physical force, including rape, beatings, and confinement, to control victims.

Fraud: False offers that induce people into trafficking situations. For example, women and children reply to advertisements promising jobs as waitresses, maids, and dancers in other countries and are then trafficked for purposes of prostitution, pornography, or forced labor or services once they arrive at their destinations.

Harboring: To receive or hold a person in a place without legal authority.

Immigrant child: A person under the age of 18 who was born in a country outside of the United States.

Induce: To lead or move by persuasion.

Involuntary servitude: A condition of servitude induced by means of any scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint; or the abuse or threatened abuse of the legal process.

Recruitment: The process of enlisting or convincing a person to join with another person for a stated purpose.

Refugee: A person outside of his or her country of nationality who is unable or unwilling to return because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

Repatriation: The act of returning to one's country of origin. In the case of trafficked children, this could also mean reunifying the child with his or her family or caregiver.

Rights-based approach: The use of human rights as a framework to guide the development process. It starts from the assumption that people have a human right to achieve economic, social and cultural development.

Servitude/slavery: The condition whereby a person is forced to perform labor or services against his or her will by another person.

Sex trafficking: The recruitment, harboring, transportation, provision, or obtaining of a person under the age of 18 for the purpose of a commercial sex act, or the recruitment, harboring, transportation, provision or obtaining of a person over 18 years old, using force, threats of force, fraud, or coercion, for the purpose of a commercial sex act.

T nonimmigrant status: An immigration status created by the federal Trafficking Victims Protection Act of 2000 to protect women, children and men who are the victims of human trafficking. Also called a T visa, this status allows victims of severe forms of trafficking in persons to remain in the United States and receive work authorization and access to temporary public benefits. T visas are issued by U.S. Citizenship and Immigration Services within the Department of Homeland Security.

CHAPTER ONE

Identification and Investigation

The Identification and Investigation chapter provides child protection staff, investigators, case workers, and other service providers with basic information on human trafficking as well as methods and tools to identify child victims. It includes checklists, key questions, and screening mechanisms that child protection staff, investigators, case workers, and other service providers can copy or print out for reference in investigations, intake, and initial interviews. Information and resources include:

- Background, Definition, and Statistics on Human Trafficking
- Human Trafficking vs. Human Smuggling Reference Table
- Sex Trafficking of Minors (including federal and state definitions and case studies)
- Labor Trafficking of Minors (including federal and state definitions and case studies)
- Child Trafficking Indicator Checklists
- Interview Considerations and Questions
- Red Flags During Intake
- Rapid Screening Tool (RST) for Child Trafficking
- Comprehensive Screening and Safety Tool (CSST) for Child Trafficking

We strongly recommend that staff become familiar with the statutes and definitions of trafficking before using any of the tools included in the handbook. Additionally, we strongly recommend consulting with IOFA and the Center for the Human Rights of Children for additional assistance before formally integrating the tools and resources into existing systems.

THE DEFINITION OF HUMAN TRAFFICKING

While the term “trafficking” implies international movement, human trafficking can occur within state lines, and can involve U.S.-citizen or non-U.S.-citizen victims. Human trafficking occurs in cities, the suburbs, and rural areas. Human trafficking may involve a range of other criminal activity and maltreatments under state or federal statutes that is not limited to trafficking offenses, such as harboring, kidnapping, rape, sexual assault, assault, child labor, child abuse, neglect, torture, and transportation for prostitution. Illinois and federal law both define human trafficking as a crime.

Human trafficking of children is _____

The recruitment, harboring, transportation, provision or obtaining of a child for labor or services through the use of force, fraud, or coercion. Under federal and Illinois law, the definition of sex trafficking (any commercial sex act, including prostitution and pornography) does not require that there be force, fraud, or coercion if the victim is under 18 years of age.

Victims identified in Illinois have included:

- Girls from India, Bangladesh, and West Africa brought to Chicago suburbs to work as domestic servants
- Young boys from Central America brought to Chicago to be sexually exploited
- Eastern European students and young girls forced to dance in strip clubs in Chicago and Midwest
- Teenagers from China sold into debt bondage and forced to work off their debt in restaurants in Chicago and Midwest
- Thousands of U.S. citizen runaway youth engaged in the sex trade

The state of Illinois and the federal government have created criminal statutes that define human trafficking, which is also known as modern-day slavery. Both state and federal laws define human trafficking as forced labor or services or commercial sexual exploitation of children. It is important that both forms of human trafficking are explored during the identification process. In some cases, children may be victims of both labor and sex trafficking. It’s critical to understand the specific definitions of trafficking and not to rely on assumptions of what human trafficking does or does not look like.

GLOBAL AND LOCAL STATISTICS

Global estimates suggest there are upwards of **27 million people** in slavery around the world.

The U.S. Government estimates that **14,500 – 17,500 men, women, and children** are trafficked into the U.S. each year.

Chicago and Illinois have been identified as a **national hub of human trafficking** by The New York Times.

16,000 women and girls are commercially sexually exploited in the metropolitan Chicago area, with an average age of 12 years old at entry. Over 60% enter prostitution before the age of 18.

CASE STUDY

Irina is sixteen years old and from the Ukraine. She responded to an ad in the newspaper for placement as a nanny for a family in the United States. She was told she would take care of two young children, be able to attend school part-time, and would have the weekends free. Instead, she was forced to work 7 days a week. Her documents were withheld, and she also had to care for an elderly parent who was ill. She slept in the basement and was not allowed out of the house. The employers were physically and verbally abusive to her and threatened to turn her into authorities if she tried to escape.

NOTE Ages of Child Victims: The term “child trafficking” refers to any minor under the age of 18 years. Under federal and state laws, a 16-or 17-year-old trafficking victim is to be treated the same as a 12-year-old trafficking victim. Many older minors walk, talk, and appear to be mini-adults. Society often sees these teenagers as having the capacity to be complicit in prostitution and as criminals themselves. Minors of this age are often the most difficult to treat and as a result are often neglected and de-prioritized by child welfare and protection services.

NOTE Groups of Victims: Human trafficking cases can often involve groups of victims, and may include both minors and adults.

HUMAN TRAFFICKING VS HUMAN SMUGGLING

Human trafficking is often confused with other crimes, such as child abuse, child labor, smuggling, or child exploitation. All of these crimes can co-mingle in one human trafficking case. However, it is important to be able to distinguish individuals who are “smuggled,” versus “trafficked,” into the country.

Smuggling	Trafficking
Unauthorized border crossing/facilitated illegal entry	Trafficking is a crime against a person
One-time incident	Can include a one-time incident of smuggling, plus subsequent exploitation via force labor, services, or sexual exploitation
Smuggled persons seen as violators of the law	Trafficked persons seen as victims by the law
No continued relationship with smuggler (a.k.a. “coyote” or “snakehead”)	Relationship with smuggler or trafficker continues

Children who are smuggled into the country are still to be viewed as victims if, after they were smuggled, they were then subsequently trafficked on U.S. soil. Human trafficking may involve a smuggling transaction, but also usually involves an ongoing relationship with the smuggler or the trafficking network, using force, fraud, or coercion to elicit labor, services, or commercial sexual exploitation.

For example: a child is promised a better life or work in the United States, and is later smuggled across the border. He then reunites with his family, and is not necessarily a victim of trafficking. However, if that child is taken across the border, and then taken to work at a brothel, farm, factory, restaurant, or home under threatening or coercive measures, the situation is a human trafficking case.

NOTE Trafficking Does Not Require Physical Movement.

Although the word “trafficking” implies movement, a victim of human trafficking may never cross international or state lines. The process by which traffickers lure victims into forced labor or commercial sexual exploitation can include recruiting, harboring, moving, or obtaining a person. A child can be recruited within the borders of one state, and coerced, defrauded, and/or forced to engage in labor or commercial sexual exploitation in the same location.

SEX TRAFFICKING OF A MINOR

Sex trafficking of minors occurs when minors are involved in commercial sex acts, including prostitution and pornography. Sex trafficking cases involving minors do not require force, fraud, or coercion as they do for adults over 18 years. This exception is analogous to statutory rape; both state and federal law provide that a minor has no agency to consent to commercial sex acts, regardless of what the minor states or believes. Therefore, any person under 18 years of age engaged in any type of commercial sexual activity is deemed a victim of human trafficking under Illinois and federal laws. Child sex-trafficking victims have been found working in brothels, hotels, in trailers on farms, at truck stops, on the street, and in individuals' homes. Trafficking victims do not need to be literally "locked up" by their trafficker, and sometimes attend school and participate in other normal activities.

A new state law called the Illinois Safe Children Act (2010) eradicates the pejorative term "juvenile prostitute" from Illinois statutes and requires that minors engaged in commercial sexual activities be treated as victims of human trafficking and not as juvenile offenders. The Illinois Safe Children Act also mandates that children be identified and served through IDCFS as minor victims of trafficking with access to all the services and support provided through federal and state laws.

While the Illinois Safe Children Act increased criminal penalties for offenses related to exploiting minors in prostitution, both federal and Illinois criminal statutes define the actual crime of sex trafficking. These statutes can serve as important resources for the proper identification of sex trafficking or sexual servitude of a minor.

Trafficking victims do not need to be literally "locked up" by their trafficker, and sometimes attend school and participate in other normal activities.

NOTE **Location of Sex Trafficking:** Venues where children are trafficked for sex include truck stops, motels, casinos, the internet, homes, apartment buildings, and condos.

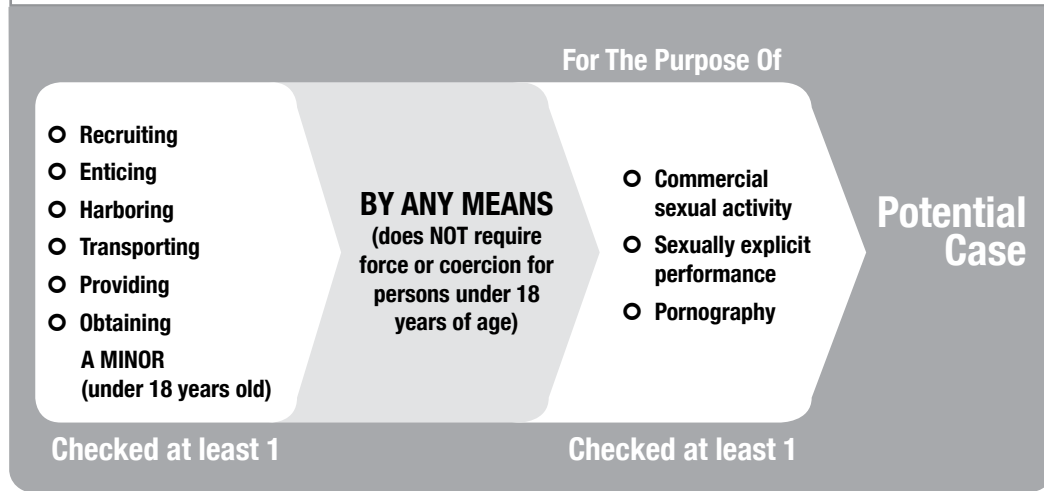
Illinois Criminal Definition of Sex Trafficking

Involuntary servitude of a minor [sex trafficking], 720 ILCS 5/9(c)

To knowingly recruit, entice, harbor, transport, provide, or obtain by any means, or attempt to recruit, harbor, provide, or obtain by any means, another person under 18 years of age, knowing that the minor will engage in commercial sexual activity, a sexually explicit performance, or the production of pornography, or cause or attempt to cause a minor to engage in commercial sexual activity, a sexually-explicit performance, or the production of pornography.

Identification Tool

Use this flow chart and checklist as a quick tool for identifying possible cases of sex trafficking of a minor. If at least one element occurs in each column, you have a potential case of sex trafficking of a minor under the Illinois statute.



NOTE Self-Identification: Child trafficking victims, especially sex trafficking victims, may not always self-identify as children or minors. Often, in cases involving children, traffickers coach their victims to state they are eighteen years of age or older. Agencies working with this population should have a process in place for accurate identification and age verification of children.

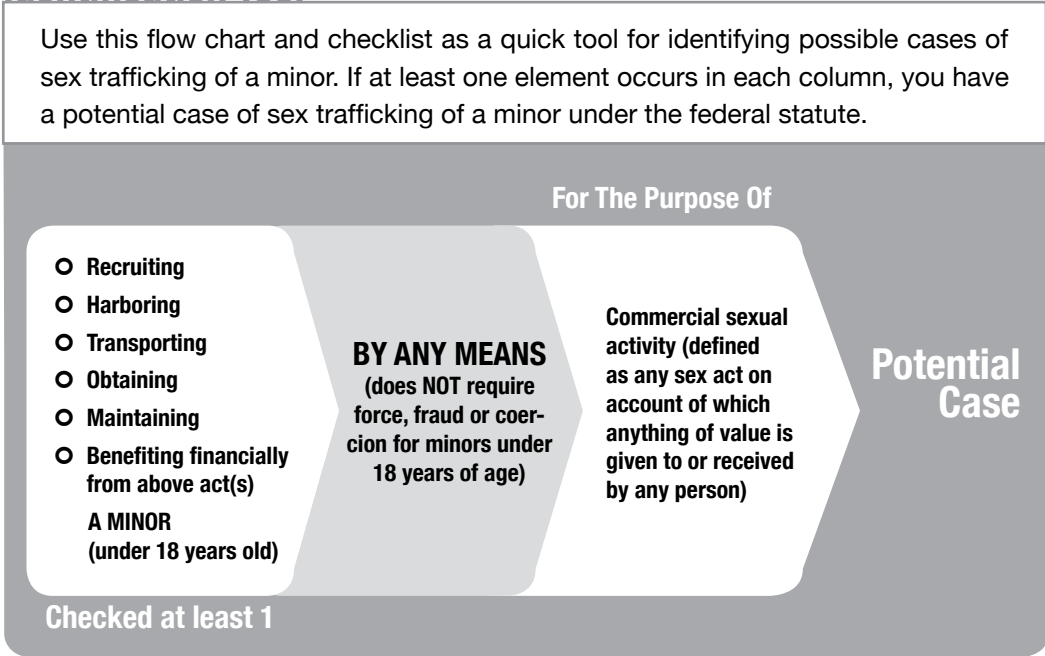
Any minor involved with prostitution is considered a victim of human trafficking: under the law.

Federal Criminal Definition of Sex Trafficking

Sex trafficking of children or by force, fraud, or coercion, 18 USC § 1591

To knowingly recruit, harbor, transport, provide, obtain, or maintain a person, or to benefit financially from such action, knowing or in reckless disregard of the fact that force, threats of force, fraud, or coercion will be used to cause the person to engage in a commercial sex act, or that the person is under 18 years old and will be caused to engage in a commercial sex act.

Identification Tool



NOTE Children and “force:” Children are an exception to the “means” component of the human trafficking definition. Sex trafficking cases do not require force, threats of force, fraud, or coercion when involving minors. Any minor involved with prostitution is considered a victim of trafficking.

Case Examples of Sex Trafficking of a Minor

The following sex trafficking cases were successfully prosecuted by the U.S. Department of Justice Civil Rights Division and are some examples (but do not represent all instances) of sex trafficking cases involving minors.

1. *U.S. v. Pipkins*, 412 F.3d 1251 (11th Cir. 2005). Between 1997 and 2001, defendants held numerous girls as young as 12 against their will and forced them to perform repeated commercial sex acts. Children were trafficked from Atlanta, Georgia to Alabama, Tennessee, Nevada, California, New York and Florida. The ringleaders were convicted under federal racketeering, human trafficking, and slavery criminal statutes.
2. *U.S. v. Wild and Gutierrez*. Defendants transported three young girls between the ages of 14 and 17 from Central America and Mexico across state lines to Dallas, Texas, to prostitute them and use the proceeds to finance the defendants' drug habits and pay the rent. On May 5, 2004, defendant Shannon Marie Wild was convicted of violating four counts of 18 U.S.C. § 2423(a) (transportation of a minor for illegal sexual activity) and one count of 18 U.S.C. 1591(a)(2) (sex trafficking of a minor) and sentenced to 121 months in prison to be followed by three years supervised release. Defendant Gutierrez was charged with violating one count of § 1591(a)(2).
3. *United States v. Love*. Defendant recruited and provided 13-year-old victim with a fake ID saying she was 18 before sending her on to the street for prostitution. On September 14, 2004, defendant admitted to the commercial sexual exploitation of the victim and was sentenced to 87 months in prison for sex trafficking of children.
4. *United States v. Lakireddy*, 4:00-cr-40028 (N.D. California). Defendants brought numerous young girls from India into the United States and placed them in sexual bondage. On June 19, 2001, defendant Lakireddy Bali Reddy pleaded guilty to trafficking women and girls into the United States to place them in sexual servitude and was sentenced to 97 months in prison and ordered to pay \$2,000,000 restitution to the victims.
5. *United States v. Rojas, et al*, No. 1:03-cr-00542 (N.D. Georgia). Defendants lured a 16-year-old girl and another Mexican teenager into coming to the United States with promises of legitimate employment and long-term romance. Victims were then transported to Atlanta and forced into commercial sexual exploitation. Victims were forced to perform commercial sex with between 10 and 25 men per day. On August 27, 2004, defendant Jose Reyes Rojas pleaded guilty to a sex trafficking charge for his role in promoting and profiting from the commercial sexual exploitation of a Mexican juvenile.

LABOR TRAFFICKING OF A MINOR

Labor trafficking of children can occur in restaurants, factories, farms, people's homes, strip clubs, or bars, with children working as domestic servants, nannies, house cleaners, dancers, or beggars.

Threats to harm the child or his or her family are ways to deter the child from running away. Unreasonable debts, fines for not properly following "rules" or working hard enough, and threats of law enforcement intervention are often used to coerce children into forced labor, though they are not the only means of doing so. Similar to sex trafficking cases, labor trafficking victims do not need to be literally "locked up," and sometimes attend school or church and participate in other normal activities.

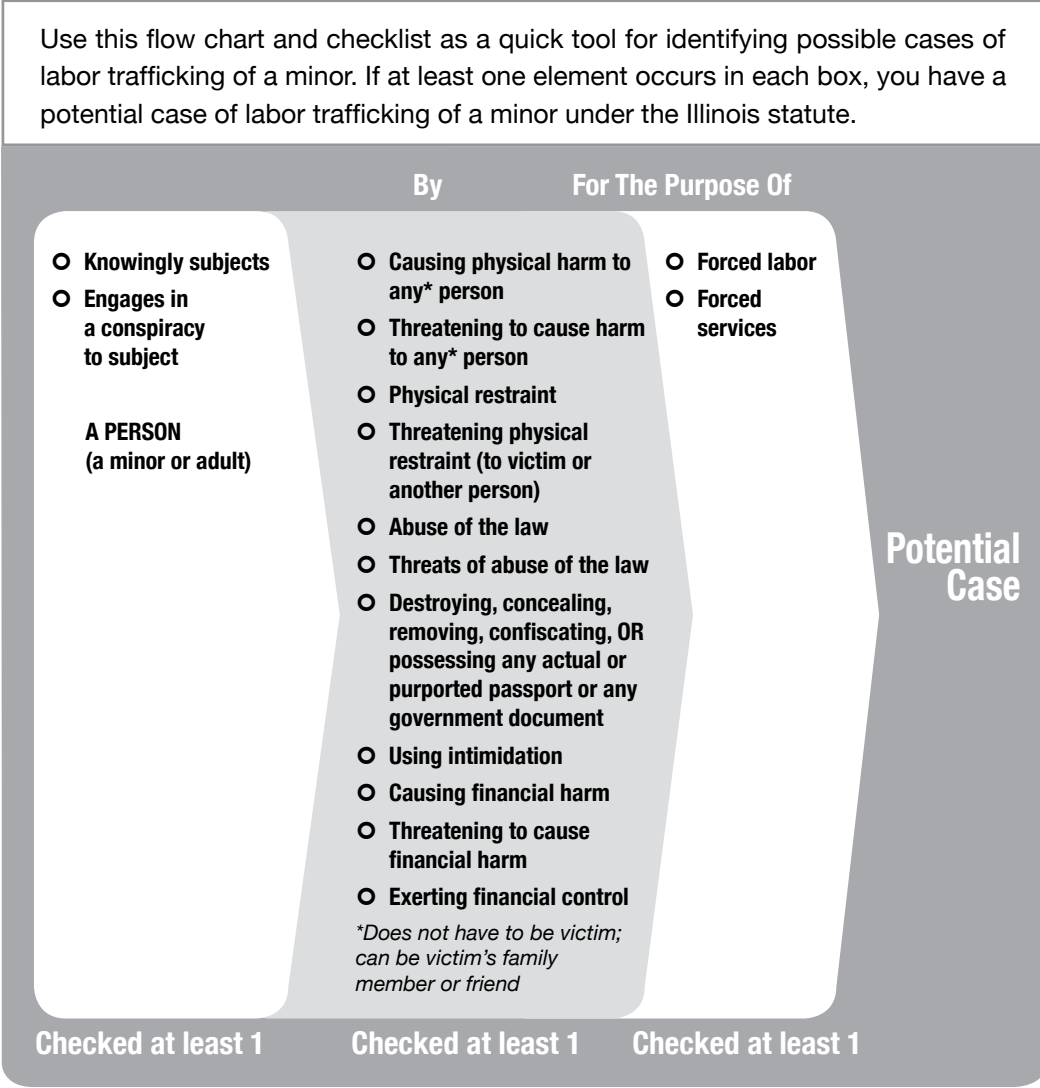
There are two primary resources for the proper identification of labor trafficking or the involuntary servitude of a minor: the Illinois Criminal Definition of Labor Trafficking and the Federal Definition of Labor Trafficking.

Illinois Criminal Definition of Labor Trafficking

Involuntary Servitude [labor trafficking] 720 ILCS 5/10-9(b)

To knowingly subject, attempt to subject, or engage in a conspiracy to subject another person to forced labor or services through (a) any scheme, plan, or pattern intending to cause or threatening to cause serious harm to any person; (b) physically restraining or threatening to physically restrain another person; (c) abusing or threatening to abuse the law or legal process; (d) knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport, immigration document, or any actual or purported government identification document of another person; (e) blackmail; (f) by using intimidation; (g) or causing or threatening to cause financial harm to or exerting financial control over any person.

Identification Tool



Labor trafficking of children can occur in restaurants, factories, farms, people’s homes, strip clubs, or bars; with children working as domestic servants, nannies, house cleaners, dancers, or beggars.

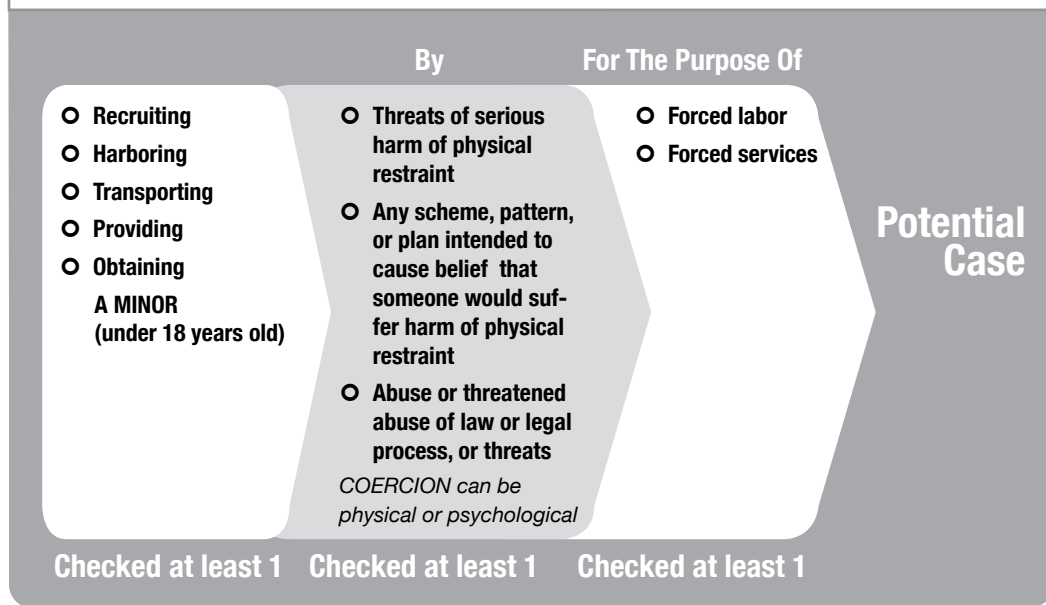
Federal Definition Of Labor Trafficking

Forced Labor - 18 USC §1589

To knowingly provide or obtain the labor or services of a person (1) by threats of serious harm to, or physical restraint against, that person or another person; (2) by means of any scheme, plan, or pattern intended to cause the person to believe that, if the person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint; or (3) by means of abuse or threatened abuse of law or legal process.

Recommendation

Use this flow chart and checklist as a quick tool for identifying possible cases of labor trafficking of a minor. If at least one element occurs in each box, you have a potential case of labor trafficking of a minor under the federal statute.



Case Examples Of Labor Trafficking Of A Minor

The following cases were successfully prosecuted by the U.S. Department of Justice Civil Rights Division and are some examples (but do not represent all instances) of labor trafficking cases involving minors.

1. *United States v. Mubang*, 8:03-cr-00539 (D. Maryland). Defendant brought an 11 year old Cameroonian national to her home in Maryland and subjected her to involuntary servitude. The victim was isolated from family and friends and required to cook, clean, and act as 24-hour nanny for defendant’s children over the course of a two-year period. The victim was not permitted to go to school, nor was she allowed to become friends with other children her age. Defendant verbally abused victim and beat her with fists, a broom handle, a cable, and a high-heeled shoe. The defendant was sentenced to 17½ years of imprisonment.

2. *United States v. Zavala, et al*, No. 2:04-cr-00962 (E.D. New York). Between June 1, 1999 and June 21, 2004, defendants illegally obtained visas for Peruvian aliens seeking to come into the United States (New York) then charged the aliens a smuggling fee ranging from \$6,000 to \$13,000. Defendants compelled more than 69 Peruvian illegal aliens, including 13 children under the age of 18, to perform work by confiscating their passports and threatening to turn them over to authorities. Defendants kept most of victims' paychecks and left them only \$50 or less per week on which to live and support their families. On April 6, 2006, defendant Ibanez was sentenced to 135 months in prison. In November 2005, defendant Zavala was sentenced to 15 years in prison.
3. *United States v. Rosales-Martinez, et al*, No 3:05-cr-00148 (D. New Jersey). Victims (minors and adults) were charged smuggling fees between \$10,000 and \$25,000 by their traffickers, lived in apartments in Union City and Guttenberg, New Jersey, and were forced to work at bars in those towns to repay the smuggling fees. The girls were required to work at least six nights a week at a bar owned by Rosales-Martinez. The young women were required to wear provocative clothing and to act seductively around the male patrons to entice the men to buy beers. Rosales-Martinez had instructed the underage Honduran women to obtain false identification documents to show that they were at least 21 years old. The girls were verbally abused, and one underwent a forced abortion. The young women's tips were based upon the total number of beers the men purchased. To ensure that the Honduran girls paid their smuggling fees, the girls had to join a "Society" or "Sociedad" – a system by which the young women were forced to contribute a sum of money each week into a pool to pay off their smuggling debt.
4. *United States v. Djoumessi*. 538 F. 3d 547 (6th Cir. 2008). Between October 1996 and February 2000 the defendants forced a Cameroonian girl, whom they had brought to the United States illegally, to work against her will as a domestic servant in their home. The jury found that Evelyn Djoumessi forced the girl to take care of the defendants' children and perform household chores without pay, and beat her with a belt, a spoon, and a shoe in order to force her to comply with these demands. The judge found that in addition to forcing her to work as a domestic servant, Joseph Djoumessi sexually abused the victim. The defendants, prior to enactment of the federal Trafficking Victim Protection Act, had been charged in state court with child abuse and criminal sexual conduct, and were sentenced to serve 9 - 15 years in prison (Joseph) and placed on three years probation and ordered to do housework for three years (Evelyn). The victim, who had been denied a chance to attend school, has recently graduated from college.

CASE STUDY

Gildardo is a fifteen year old boy from Mexico who came to the United States to be reunited with a relative in Chicago. A local recruiting agency offered him a job at a Chinese restaurant in northern Wisconsin. He would have to make his own arrangements and pay for travel to the restaurant. When he arrived, Gildardo was forced to work 12 to 15-hour days, 7 days a week, washing dishes, cleaning, and cooking. His only meal was a bowl of rice once a day. If he complained about being tired or asked to be paid, he was threatened with deportation and physical violence. Hot grease from the stove burned his skin, and he began to get sores from the chemicals in the cleaning supplies. He was not provided gloves or an apron for protection. Gildardo eventually escaped through a window, [in the middle of winter with no coat or boots] and walked to a local church. Church members helped him return to Chicago via bus.

NOTE **The Trafficker Profile:** Traffickers come from all backgrounds and economic levels. They include, but are not limited to, family members, individuals associated with organized crime, wealthy diplomats who bring domestic servants to their posts, spouses or other close relatives/family friends, and smaller “mom & pop” operations. A trafficking victim may call his or her trafficker his or her “employer,” “boyfriend,” or “pimp,” “uncle,” “aunt,” or “guardian.”

CHILD TRAFFICKING INDICATOR CHECKLISTS

The lists of indicators below will provide guidance to service providers on how to identify possible evidence of child trafficking. This is just a sample of possible indicators of child trafficking of a minor (some indicators are same/overlap between sex and labor trafficking) but represent those that have been most common in past cases.. They are listed in several categories including the type of trafficking and whether the indicator is physical or psychological.

Although there are some redundancies across these categories, we strongly recommend that an assessment of a potential trafficking situation be conducted from a variety of angles and perspectives.

Sex Trafficking Indicator Checklist

- Shows evidence of mental, physical, or sexual abuse
- Cannot or will not speak on own behalf
- Is not allowed to speak to you alone; is being controlled by another person
- Does not have access to identity or travel documents or documents appear fraudulent
- Works long hours
- Is paid very little or nothing for work or services performed
- Has heightened sense of fear or distrust of authority
- Gaps in memory
- Someone else was in control of migration to U.S. or movement into Illinois
- Lives at workplace/with employer, or lives with many people in confined area
- Is not in school or has significant gaps in schooling
- Has engaged in prostitution or commercial sex acts
- Any mention of a pimp/boyfriend
- Any child working where “pay” goes directly towards rent, debt, living expenses/necessities, fees for their journey
- Exploitation on the internet, online ads
- Threats of traffickers reporting child to police/immigration

continued

Sex Trafficking Indicator Checklist *continued*

- Threats to child's parents, grandparents, siblings, or own minor children
- Methods of control that leave no visible, physical signs of abuse
- Sleeping/living separately from the "family" (in garage or on the floor instead of bedroom)
- Forced to sell drugs, jewelry, magazines on the street
- Excess amount of cash
- Hotel keys
- Chronic runaway/homeless youth
- Lying about age/false ID
- Inconsistencies in story
- Unable or unwilling to give local address or information about parents
- Presence of older male or boyfriend who seems controlling
- Injuries/signs of physical abuse
- Inability or fear to make eye contact
- Demeanor: fearful, anxious, depressed, submissive, tense, nervous
- Is not enrolled in school
- Does not consider self a victim
- Loyalty, positive feelings toward trafficker
- May try to protect trafficker from authorities.

Labor Trafficking Indicator Checklist

- Family relationships not clear
- Child may not be biological child of “parent” in the home
- No evidence of legal guardian
- Child may be aware that the “parents” are not actually his/hers parents
- Child working for “aunt” or “uncle”
- Child excluded from family events, i.e. going to church, vacation, parties
- Child physically exhausted; works long hours
- Fearful of family living with (may or may not present as formal guardian)
- Responsible for child care, elder care, or cleaning – often hidden as chores
- Child may come from culture where it is common for domestic workers to be children
- Shows evidence of mental, physical, or sexual abuse
- Cannot or will not speak on own behalf
- Is not allowed to speak to you alone; is being controlled
- Has heightened sense of fear or distrust of authority
- Gaps in memory
- Someone else was in control of migration to U.S. or movement into Illinois
- Lives at workplace/with employer, or lives with many people in confined area
- Lying about age/false ID
- Inability to make or fear of eye contact
- Inconsistencies in story
- Demeanor: fearful, anxious, depressed, submissive, tense, nervous
- Is not enrolled in school (if child is attending school, child may opt to disclose to trusted teacher or school)

Physical Indicator Checklist

- Signs of physical abuse or neglect
- Accompanied and transported by dominating or controlling person
- Employer (or alleged guardian) provides housing for client and numerous other “employees”
- Refers to employer/boyfriend using slang such as “Daddy”
- Repeated curfew violations, keeps unusual hours, chronic truancy/tardiness from school or does not attend school
- Experiencing malnourishment, poor sanitation/hygiene, sleeping disorders, respiratory problems, hearing problems, back problems, or urinary difficulties
- Exhibits over-sexualized behavior
- Age-inappropriate control over income or schedule
- No form(s) of identification or documentation appears fraudulent
- Substantiated inappropriate restrictions in the home (physical restraints, closed circuit cameras)

... we strongly recommend that an assessment of a potential trafficking situation be conducted from a variety of angles and perspectives.

Psychological Indicator Checklist

- Overly submissive
- Exhibits fear, tension, shame, humiliation, nervousness
- Exhibits a loss of sense of time or space
- Exhibits paranoia or hyper-vigilance
- Lack of ability or unwillingness to identify him/herself as victim
- Combative or manipulative attitude
- Self-hatred: cutting, suicidal tendencies
- Difficulty concentrating
- Over-sexualized demeanor/behaviors
- Social withdrawal due to fear of stigmatization
- Personality disorder
- Lack of life skills
- Fear of authority figures, especially law enforcement
- Refusal to act or participate due to apathy and hopelessness

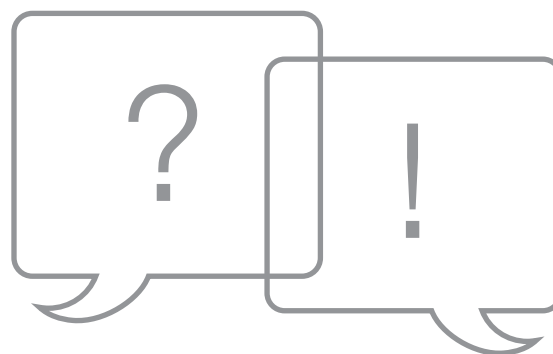
NOTE **What constitutes child sex trafficking?** “Child sex trafficking” is commercial sexual exploitation of children, prostitution of children, child pornography or a commercial sex act.

The term “commercial sex act” means any sex act on account of which anything of value is given to or received by any person. Citation: PUBLIC LAW 106–386, Section 103(3)

CONDUCTING THE INITIAL INTERVIEW

The interview process is an important part of the identification and investigation process. Following are some recommended strategies and questions to include in an initial interview with a potential victim of trafficking.

These questions should follow general introductions and “warm up” questions that help build some level of trust between the interviewer and the child. Some victims may not be ready to answer the more challenging questions listed here and may require more time to feel safe with service providers and others involved with the case.



BUILD

◎ PRACTICE POINTER

Interview Techniques:

- ▶ Use open-ended questions. Leading questions can confuse the child or potentially influence his or her answers.
- ▶ Do not immediately identify the client as a “victim.” Victims may not always identify themselves as such if they have recently come out of a trafficking situation.
- ▶ Be sensitive to asking too much too soon. Most victims will be reluctant to answer direct questions regarding the enforcement tactics the trafficker used or abuse they endured.
- ▶ Try to spread out the initial interview process over a number of sessions

TRUST

Considerations During the Interview Process

If the potential victim does not speak fluent English and/or is a foreign national, contact an independent, trusted interpreter and follow the suggested safety guidelines:

- Ask the potential victim if it is OK to use an interpreter from their community (i.e. Guatemalan victim, Guatemalan interpreter). Often (but not always) traffickers and victims come from the same community/nationality, and victims may be less willing to share information if the interpreter represents that community.
- To ensure the interpreter is not allied with the trafficker do not use children, neighbors, friends, adults, or anyone present at the scene to interpret.
- Request the interpreter provide verbatim (word for word) interpretation and refrain from having side conversations with the victim.
- Explain to the victim the interpreter's role and the confidentiality applied to the conversation.
- Avoid asking about immigration status at the beginning of the interview – this can be intimidating. Immigrant victims may or may not have legal status.
- Explain your role and distinguish yourself (as an authority figure) from law enforcement since many foreign victims are often told that law enforcement will not help them and deport them.
- Be sensitive to cultural and religious differences and, if possible, seek help in understanding them prior to the interview.

Be realistic about how much information can be collected during the first interview with a child that has experienced extreme trauma.

Traffickers often threaten their victims with direct harm or harm to someone else (family or friend) if they talk to anyone about their situation.

Traffickers often tell victims that law enforcement and authority figures are not to be trusted. This may affect the ability of the child to see service providers as “helpers” and not “threats.”

Victims may exhibit symptoms of Stockholm syndrome and be emotionally attached to their trafficker. They may believe that their trafficker “loves” them or is looking out for them, and therefore may want to protect the trafficker. For example, a victim may be initially reluctant to answer leading questions such as, “Were you beaten?” or “Were you forced to have sex with someone?” or “Did they threaten you?” But they may talk about it in the context of “rules” of the house or place of employment, things they did not like about their job or services they were expected to perform, or how different the work was from what was promised or expected.

Be aware that the child’s caregiver or parent may also be the child’s trafficker, or that the trafficker may lie and claim to be the child’s parent or caregiver.

There is no one “type” of human trafficking case or type of victim class. Cases are very diverse. For example, some child trafficking victims are allowed to go to school while others are not.

Use simple, non-technical language in your interview. For example, instead of, “Were you coerced or forced to perform this work?” you may try “What would happen if you didn’t want to work that day?” Or “Did you ever look for another job? (and if not) “Why?” An individual expressing fear of his or her employer or caretaker should raise a “red flag,” and elements of trafficking should be explored in greater detail.

Use short, open ended, non-judgmental questions. For example, “How did you meet “John” and why didn’t you leave when he told you to turn tricks or hit you?” is both a compound question, and a judgmental (“why didn’t you leave?”) question.

An individual expressing fear of their employer or caretaker should raise a “red flag.”

INTERVIEW QUESTIONS

The following is a list of possible questions that service providers can use to identify the core elements of human trafficking. Remember that the state and federal laws emphasize the **subjective** belief of the victim and his or her circumstances. It does not matter what you or someone else thinks they could or should have done in that situation, but what the child believed during the course of their exploitation. This list is not comprehensive and only provides samples of possible questions.

<p>THE PROCESS</p> <ul style="list-style-type: none"> ○ Recruiting ○ Harboring ○ Transporting ○ Providing ○ Obtaining <p>A MINOR (under 18 years old)</p> <p>Checked at least 1</p>	<p>THE MEANS</p> <ul style="list-style-type: none"> ○ Psychological ○ Physical ○ Financial ○ (or combination) <p>(sex trafficking does not require a show of force, fraud, or coercion for minors)</p> <p>Checked at least 1</p>	<p>THE PURPOSE</p> <ul style="list-style-type: none"> ○ Labor or services ○ Commercial sex act <p>Checked at least 1</p>
<div style="display: flex; align-items: center;"> <div style="writing-mode: vertical-rl; transform: rotate(180deg); font-size: 2em; font-weight: bold; margin-right: 10px;">QUESTIONS</div> <div style="flex-grow: 1;"> <ul style="list-style-type: none"> • How did you come to Illinois (or U.S. if child is non-U.S. citizen)? • Who arranged for your documents to travel here? Where are your documents or ID? • Did someone else give you your ID? When was the last time you saw your documents? What happened when you asked for your documents? • What kind of job were you offered? How did you find out about it? • What was promised to you if you did this work? Who made the promises? • How is your situation different than what you were promised? • What were the “rules” at the place you worked (or lived)? • What kind of job were you offered? How did you find out about it? • What was promised to you if you did this work? Who made the promises? • How is your situation different than what you were promised? • Were you ever hurt? Did someone say they would hurt you or someone you know? • Did you try to leave? Did anyone else you worked with try to leave? If so, what happened? What would happen if you didn’t want to work? • Were you ever told anything about the police (or immigration authorities)? If so, what? • Do you have a debt to pay off? Do you owe anyone money? • Were you able to talk to your family and friends? If you were, were you alone? • Were you paid? How much and how often? </div> <div style="margin-left: 10px;"> <ul style="list-style-type: none"> • What kind of work did you do? • How did (your employer or guardian/ your boyfriend) make money? • Tell me what the rules were where you worked and/or lived? <p>(Seek indicators of any type of labor, service, or commercial sex act)</p> </div> </div>		

RED FLAGS DURING INTAKE PROCESS

Hotline workers and investigators for state child welfare agencies are often the “first responders” to potential child trafficking cases, responding to calls by mandatory reporters and the public regarding potential abuse and neglect cases. However, the general public, law enforcement, and even child trafficking victims will not know what “human trafficking” is or self-identify as such, and may use different terms to describe cases of human trafficking.

The following is a brief (but not comprehensive) list of language often used to describe child trafficking cases. The language refers to circumstances described by callers who may have been potential victims or third party observers of potential human-trafficking cases. The list is derived from previous trafficking hotline calls (to law enforcement and service providers), and intakes with service providers working with child trafficking victims:

- “Slave” or “slave-like”
- “Treated me like a slave”
- “S/he is treated like a slave”
- “I can’t talk long”
- “Not allowed to use the phone”
- “I am being forced...”
- “S/He is making me...”
- Being “sold”
- Cooking and cleaning for family
- Working a lot/too much
- Threats of deportation
- No identification
- Passport taken away
- Debt to pay off
- Fear of employer or alleged guardian
- (Victim) Told to lie about age or unsure of age
- (Victim) Doesn’t know how they got here (Illinois, U.S.)
- (Victim) Told would be deported
- Any reference to prostitution, pornography, or commercial sex acts
- Any reference to “pimp”
- (Victim) Making money for boyfriend
- Threats to family: “have your family hurt” or “have your family killed” “hunt down your family”
- Not allowed to go shopping
- Cannot talk to visitors
- Must stay in room when visitors in house
- Eats meals separately from family
- Sleeps in basement or garage
- Escorted or supervised when out
- Living with a bunch of people
- Never been to a doctor
- Not allowed to socialize with friends or outsiders (or anyone)
- Not allowed to talk on the telephone
- Not allowed/cannot go to school
- Not allowed/cannot have friends
- Not allowed to leave the house

CHAPTER TWO

Screening Tools for Child Trafficking: Description and Use

The following screening tools are designed to help guide the process of identification of a potential child victim of trafficking. The tools were originally created for a state child welfare agency and specifically for our first implementing partner, IDCFS. However, each tool can be adapted to other types of organizations and service provider settings. We encourage you to copy or download these documents for use in your organization, although we strongly recommend consulting with IOFA or CHRC at Loyola University before putting the tools into practice. The tools include *Rapid Screening Tool for Child Trafficking* and the *Comprehensive Screening and Safety Tool for Child Trafficking*.

... each tool can be adapted to other types of organizations and service provider settings.

Rapid Screening Tool (RST) for Child Trafficking – Provides a quick overview of the primary components included within the definition of human trafficking. It should not be used as the only method to determine if trafficking exists. However, this less comprehensive tool can provide an initial determination of the situation and guidance for moving forward.

Some service providers may use this tool exclusively, especially if the agency is not fully trained or prepared to provide more intensive case management for child trafficking victims. These agencies should refer the client to a trafficking-informed agency if trafficking is initially suspected and especially if the agency does not have the resources or training to serve the immediate and long term needs of the client.

Comprehensive Screening and Safety Tool (CSST) for Child Trafficking – The Comprehensive Screening and Safety Tool (CSST) should be employed after the Rapid Screening Tool (RST) for Child Trafficking if trafficking is suspected or confirmed. The tool documents the scope, nature, severity, and impact of suspected cases of trafficking, assesses the child’s safety, and helps to develop appropriate plans of action for case management and legal purposes.

This tool can be used by agencies that have the capacity to meet the needs of child trafficking victims and will subsequently open a case file for the victim. Attempt to answer questions in the indicator questionnaire and safety assessment tool together (e.g., do not repeat questions unnecessarily). Once human trafficking is suspected, use this tool for investigation, case management, documentation, and response. It includes three parts:

1. Basic Identifying Information of Investigator(s) and Client
2. Child Trafficking Indicator Questionnaire — more in-depth questions to determine scope and severity of possible child trafficking case
3. Child Trafficking Safety Assessment Form — This form is intended to assist the caseworker in ascertaining potential risks posed by the trafficker, employer* or guardian to the client, the client’s family, and to any staff working with the client. The goal of the tool is to create a service plan that will maximize the safety of all involved. Great care should be taken to ask questions in a sensitive manner, allowing the client to answer at his or her own pace. Caseworkers should remind client of confidentiality, how this information will be handled and should only document minimum details.

*The term “employer” should be replaced when there is a more appropriate term or name (e.g., “aunt” “boyfriend,” etc.).

RAPID SCREENING TOOL (RST) for CHILD TRAFFICKING

PROCESS/ACTION	Potential victim was or is currently being recruited, enticed, induced, harbored, transported, or obtained by family member, stranger, employer, or acquaintance.
YES NO	
<input type="checkbox"/>	<input type="checkbox"/> Child has been accompanied OR transported to current location from anywhere in U.S. or from another country; OR
<input type="checkbox"/>	<input type="checkbox"/> Child has been promised things (e.g., job, payment, housing, school, legal status, improved circumstances/better life) in exchange for movement from one residence/community/city/state/country to another; OR
<input type="checkbox"/>	<input type="checkbox"/> Child is being kept or has been kept in someone's home or place of business without (or with undetermined) legal status, or lives with employer; OR
<input type="checkbox"/>	<input type="checkbox"/> Child appears to have been "bought" or "sold." (If "yes" to this particular action, proceed to Comprehensive Screening and Safety Tool immediately or refer to appropriate services as needed)

MEANS	Potential victim has suffered physical harm, physical restraint, abuse of legal process, withholding or control of identification documents, financial harm/control, enticement, coercion, verbal threats, threats to harm (physically or financially) family members, scheme or plan, intimidation
YES NO	
<input type="checkbox"/>	<input type="checkbox"/> Evidence of physical harm OR threats of harm to child or child's family or friends; OR
<input type="checkbox"/>	<input type="checkbox"/> Child told to distrust authority figures; OR
<input type="checkbox"/>	<input type="checkbox"/> Identification documents (legitimate or fraudulent) have been taken away or manipulated; OR
<input type="checkbox"/>	<input type="checkbox"/> Child is isolated (from family, friends, or community); OR
<input type="checkbox"/>	<input type="checkbox"/> Child is not receiving payment for employment or services, or has "quota" of money to be earned for labor or (sexual) services, or not in control of money earned; or broken promises over type of work (sexual or labor) engaged in.

PURPOSE	Potential victim has been forced into involuntary servitude, commercial sexual activity, debt bondage, or forced labor.
YES NO	
<input type="checkbox"/>	<input type="checkbox"/> Child has engaged in any labor or services (e.g., retail, factory, farm, household, babysitting, cooking, restaurant, hotel, massage/spa, construction, exotic dancing, etc.) OR
<input type="checkbox"/>	<input type="checkbox"/> Evidence of prostitution or pornography (if "yes" to this particular action, proceed to Full Comprehensive Screening and Safety Tool immediately); OR,
<input type="checkbox"/>	<input type="checkbox"/> Child owes a debt (for any reason)

AFTER COMPLETING THE RAPID SCREENING TOOL

If you answered "Yes" at least once in two or more sections, and you ARE ABLE to open a case file and serve the client at your agency, please proceed to the Comprehensive Screening and Safety Tool.

If you answered "Yes" at least once in two or more sections and you are UNABLE to open a case file or serve the client at your agency, immediately call the *National Trafficking Resource Hotline* for referral sources or consult with a local provider with expertise in trafficking (see Resource Guide).

Or, if you are undecided about the results, call the *National Trafficking Resource Hotline* for referral sources or consult with a local provider with expertise in trafficking (see Resource Guide).

At all points in the process, consult with a supervisor for next steps if trafficking is suspected.

COMPREHENSIVE SCREENING AND SAFETY TOOL (CSST) for CHILD TRAFFICKING

Basic Identifying Information

PERSON CONDUCTING INVESTIGATION	
DCFS OFFICE/POS AGENCY	
ADDRESS	
PHONE	DATE OF SCREEN

ALLEGED CHILD VICTIM (ACV)	
ADDRESS	
AGE	DATE OF BIRTH <input type="radio"/> MALE <input type="radio"/> FEMALE
OPTIONAL FOR FOREIGN PERSONS	
PASSPORT #	VISA # ALIEN RESIDENT #
DCFS CASE #	DCFS CASE NAME:

CHILD TRAFFICKING INDICATOR QUESTIONNAIRE

This form provides a more in-depth assessment for the required elements of human trafficking. Remember that the state and federal law emphasizes the subjective belief of the victim and their circumstances.

It does not matter what you or someone else thinks they could or should have done in that situation, but what the child believed during the course of their exploitation. Note that some of the questions may overlap/apply to two or more elements of human trafficking. This list is not comprehensive and only provides samples of possible questions.

A. PROCESS

	YES <input type="radio"/>	NO <input type="radio"/>
Is there evidence that the child was (a) recruited, OR (b) provided to another person, OR (c) obtained, OR (d) harbored?		
<ul style="list-style-type: none"> • How did you get here (or come to Illinois or U.S. if child is a non-U.S. citizen)? • Who arranged for your documents to travel here? Where are your documents or ID? • What were your parents told when you came here (the recruitment or obtaining could have occurred by traffickers with the child’s parents, and not with the child directly)? • Are you in school? • Did someone else give you your current ID? When was the last time you saw your documents? • What kind of job were you offered? How did you find out about it? What was promised to you if you did this work? Who made the promises? • What was promised to you if you did this work? Who made the promises? • Were you allowed to leave the house/apartment (or place of employment)? If so, under what conditions (e.g. school, shopping, accompanying children) • Did someone else give you your ID? When was the last time you saw your documents? What happened when you asked for your documents? 		

NOTES

CHILD TRAFFICKING INDICATOR QUESTIONNAIRE

B. MEANS

Is there evidence of force OR fraud OR coercion – psychological or physical – in the recruitment/moving/transporting process or as a means of inducing work or sexual services? Remember: Force, fraud, or coercion does not need to be present for child victims of sex trafficking

YES

NO

Examples include physical assault, verbal abuse (e.g. “you’re stupid” “you’re worthless,” “no one will believe you”), false promises, presence of a debt that child or child’s parents owe, threats of abuse to child or child’s friends or family, threats to shame or harm child, sexual assault or rape, lies, promises of better life or love in exchange for service, threats of legal abuse (e.g. “the police will hurt you/won’t help you”)

- What were the “rules” at the place you worked (or lived)?
- Did someone else give you your ID? When was the last time you saw your documents (drivers license, school ID, passport, etc.)? What happened when you asked for your documents?
- What was promised to you if you did this work?
- How is your situation different from what you were promised?
- Are you (or were you) hurt?
- Are you allowed to go to school? (Some trafficked children are allowed to go to school so as to not arouse suspicion; others are not)
- Tell me about what you didn’t like about your situation (or “your job,” “what you were told to do”) and why.
- How many hours did you work?
- Did you try to leave? Did anyone else you worked with try to leave? If so, what happened? What would happen if you didn’t want to work?
- Were you ever told anything about the police (or immigration authorities)? If so, what?
- Do you have a debt to pay off? Do you owe anyone money?
- Were you able to talk to your family and friends? If you were, were you alone?
- Were you paid? How much and how often? Were you told to make a certain amount of money (i.e. a quota)?
- Were you able to keep your money? Tell me more about any rules about making money.
- Do you owe anyone any money? If so, how much? What are the rules about paying it back?
- Any evidence of physical indicators of child trafficking.
- Any psychological indicators of child trafficking.

NOTES

CHILD TRAFFICKING INDICATOR QUESTIONNAIRE

C. END

Is there evidence of any type of labor, services or sexual services/exploitation being performed by the child, currently or in the past?	YES ○	NO ○
<p><i>Examples include (but are not limited to) prostitution, pornography, strip clubs, massage parlors, any erotic services, factory work, housecleaning, baby sitting, hotels, construction, gardening/landscaping, farm work (picking blueberries, strawberries, dairy, etc.), restaurant work, sales of magazine subscriptions or trinkets, and begging.</i></p> <ul style="list-style-type: none"> • How did you make money? How did your employer make money? • What were you told to do to pay off your debt (if mention of previous debt)? • Tell me about the work you did. • Tell me about your day. 		

NOTES

AFTER completing the Child Trafficking Indicator Questionnaire

If the answers to A, B, and C above are “Yes”
<ul style="list-style-type: none"> ○ Immediately contact a legal professional for assistance with the case ○ Conduct the “Child Trafficking Safety Screening Assessment Form” ○ Begin case management appropriate to child trafficking victims (see case management chapter)
If the answer to two or fewer questions is “Yes”
Consult a supervisor to confirm assessment and identify appropriate next steps.

CHILD TRAFFICKING SAFETY ASSESSMENT FORM

SCREENING DATE	DCFS CASEWORKER
CLIENT NAME	CASE NUMBER

This form is intended to assist the caseworker in ascertaining potential risks posed by the employer* or guardian to the client, the client's family, and to any staff working with the client to create a service plan that will maximize the safety of all involved. Additionally, service providers may want to inquire about other activities that increase risk, including organized crime, gang involvement, etc.

Great care should be taken to ask questions in a sensitive manner, allowing the client to answer at his or her own pace. Caseworkers should remind client of confidentiality, how this information will be handled and should document minimum details only.

**The term "employer" should be replaced when there is a more appropriate term or name (e.g., "aunt" "boyfriend," etc.).*

	YES	NO
A. HISTORY OF THREATS AND VIOLENCE		
When you were working, did anyone ever threaten to harm you for any reason? (Example: Not working to employer's satisfaction; getting sick; etc.)		
Did anyone ever actually harm you for any reason? If so, can you tell me a little bit about what happened? (Briefly note physical violence.) <i>If client is overwhelmed and doesn't answer this question, you can provide the following list of more specific questions:</i> <ul style="list-style-type: none"> • Were you ever hit (i.e. struck/slapped with a hand, struck with an object)? • Were you ever burned? • Did someone touch you where they weren't supposed to? • Did someone try to have or have sex with you? Did someone ask you to have sex with anyone else? • Did someone ever take pictures with a camera or video camera of you? Tell me what you were doing? 		
Did anyone ever threaten to harm you if you ran away or if you told anyone what was happening to you? If yes, what did they tell you would happen?		
Was anyone (including survivor) ever caught trying to run away OR caught after they escaped? If so, what happened?		

A. HISTORY OF THREATS AND VIOLENCE <i>continued</i>	YES	NO
Did your employer ever force you to use drugs? If yes, please list the drugs.		
Did your employer/s ever use weapons? If yes, please list the weapons.		
Was your employer/s engaged in any other illegal activity?		

B. PRESENT SITUATION	YES	NO
When you were working, did anyone ever threaten to harm you for any reason? (Example: not working to employer's satisfaction; getting sick; etc.)		
Has your employer attempted to contact you either directly or through someone else since you left?		
Are you in touch with anyone your employer knows?		
Is the employer from same geographic, ethnic, or religious community as the child?		
Have all interpreters and other parties involved in this case (particularly those of same geographic, ethnic, cultural, or religious background as child) been carefully screened for ties to employer?		
Has child been sufficiently removed from any areas where exploitation took place? Consider all services, including shelter, foster home, school, community-based services, etc.		
Is the child a material witness or otherwise involved in a state or federal criminal case against the employer?		
What is current location of employer? <input type="radio"/> Jail <input type="radio"/> At large within U.S. <input type="radio"/> At large overseas <input type="radio"/> Unknown		
Are any of the employer's associates still at large?		

C. ASSESSMENT OF RISK TO FAMILY OR LOVED ONES	YES	NO
Did anyone ever threaten to harm your family or someone you care about if you ran away or told anyone what was happening to you? If so, what did they tell you would happen?		
Do you know if your employer/s ever harmed another worker's family or loved ones for any reason? If so, please describe how they were harmed.		
Does your employer/s know where your family or loved ones are now?		
Has anyone contacted your family to try to find you?		
Has anyone threatened or harmed your family?		

SUMMARY

From the answers provided in the boxes above, are any of the following key risks present?

- History of threats
- Is trafficker at large?
- History of physical violence
- Is trafficker under investigation?
- Presence of threats to child
- Is child fearful?
- Presence of threats to family
- Is the child a flight risk?

AFTER completing the Child Safety Assessment Form

If one or more of these key risks are checked

Service providers should consult with supervisor, child's attorney, guardian ad litem, etc. to develop and implement specific safety plan that addresses each of the relevant areas of risk.

CHAPTER THREE

Case Management Tools and Resources

The Case Management chapter provides child protection staff, investigators, case workers, and other service providers with case management suggestions and tools to use with child victims of trafficking. Child victims of trafficking have experienced extreme levels of trauma. The following recommendations will help reduce the intensity of the experience for the client and create stability and predictability in their new lives. Information and resources include:

New Client Checklist – This list provides an overview of issues that should be addressed and documents to be included in the case file. Some of these documents are provided in the toolkit while others may be adapted from existing organizational forms (release of information, intake form, etc.).

Sample Client Confidentiality Form – This form was utilized by IDCFS and can serve as a basic template for other service providers.

Goal Attainment and Scaling – This tool can be used for development of service plans in a manner that is not overwhelming and is trauma-informed.

Tripartite Assessment and Service Plan – Child victims of trafficking come into care with complex needs. This template provides a method for collecting all the information necessary and a comprehensive list of possible areas requiring support.

We strongly recommend that staff become familiar with the statutes and definitions of trafficking before using any of the tools or checklists included in the toolkit. Additionally, we strongly recommend consulting with IOFA and the Center for the Human Rights of Children before formally integrating the tools and resources into existing systems.

New Client Checklist

Intake and First Appointment

Use Key Intake Documents

- Privacy Notice/Limits on Confidentiality
- Informed Consent and Releases of Info
- Rapid Screening Tool or Comprehensive Screening and Safety Tool as appropriate
- Provide appointment calendar and folder/envelope to organize docs

Perform Assessment Of Basic Needs

- Interpretation by a safe and appropriate source
- Food and non-food provision
- Short and long term housing options
- Phone cards
- Mental health assessment
- Medical and dental examinations
- Items not provided by foster family or guardian or other sources of support

Case Assessment Process and Key Documents for Case File

Partition I - Case Management Forms

- Intake form and key intake documents
- Cover sheet/quick reference for pertinent info
- Any documentation from the referent
- Additional release of information forms
- Tri-Partite Assessment & Service Plan

Partition II - Health Documents

- Client appointment schedule
- Copies of medical diagnoses and medication lists (with permission)
- List of possible referral sources for ongoing health needs

Partition III - Legal/ Immigration Documents

- Copy of state ID or other Identifying documents (library or school card)
- Copy of passport, visa or country ID – if available
- Copy of T Visa, EAD
- Copy of Social Security Card
- ORR Certification Letter/Letter of Eligibility (for minors)
- Any other key immigration documents as collected

Partition IV - Benefits/Assistance Documents

- Match Grant Letter if applicable
- DPSS Paperwork
- List of referrals and service providers assisting client

Partition V - Education/Employment/Housing

(Put housing separate, if room)

- Referral forms for job search assistance
- Enrollment forms
- FAFSA
- Applications for supportive housing

Partition VI - Case Notes

Child Trafficking-Informed Consent Form

The Illinois Department of Children and Family Services hold the responsibility to secure the wellbeing of minors in the State of Illinois. As your Caseworker/Social Worker, it is my responsibility to work with you and whoever's on our team (your guardian(s) and/or family members, school staff, attorney) to create a plan, with goals for your future, to help you stay safe and healthy. I will assist you in identifying your needs for services in housing, health, mental health, education, legal assistance, etc., and will do everything I can to help you get the services you need.

You have the right to say what you think and feel and to talk to me about anything that is troubling you about your case so I can try to help. You also have a right to have your personal information handled in a confidential manner. No one in this office will share your personal information with an outside person or party unless you have signed an Authorization for Release of Information, (show document) OR the outside party is legally entitled to information about your case (provide example). Please know that I discuss my clients with my supervisor and a limited group of coworkers for support and advice on how to do my job well.

Please know that under the law, I am bound to notify medical services and/or law enforcement if I learn that someone I am working with may harm themselves or another person, or is abusing or endangering the life of a child under the age of 18 or an elderly person over 65.

Once our "team" has agreed to a plan for services, I will follow through on this plan with you by coordinating the necessary services and will remain involved with you until your situation has stabilized and your case is closed with IDCFS. Over time, you may have other Caseworkers help out as well.

I want you to get the best services available, so it is important that we be open and honest with each other and work together as a team. We have a responsibility to communicate, to set and evaluate goals, and either change them or make new ones when we need to.

Signature of Client/Guardian

Date

For clients who do not read, write, and/or speak English:

This release has been interpreted to me in my own language.

Signature of Client/Guardian

Date

Signature of Interpreter

Date

GOAL ATTAINMENT SCALING

Goal attainment scaling is a process for establishing realistic goals with a client in a manner that is trauma-informed and initiates self-determination. These tips are designed to help service providers achieve the greatest level of stability and success with case management of child victims of trafficking.

The goals of the process are:

- To identify strengths and to establish goals that are important to the client
- To present the process in a phased manner so client does not get overwhelmed
- To develop reasonable expectations and achieve perspective
- To work in partnership in developing of a service plan
- To build client's capacity to recognize incremental progress and better manage challenges to success

Tips for Goal Attainment Scaling:

1. Prepare for goal attainment process by having some ideas of your own about the client's case to assist client in articulating what they want.
2. Avoid broad goal setting when client is in crisis or clearly overwhelmed. Utilize basic crisis intervention techniques instead.
3. If client is or becomes overwhelmed, encourage him or her to limit goals to two or three—even just one if necessary. This will help client prioritize and, hopefully, realize that many of the things they seek to accomplish can only be done once other things are accomplished.
4. Do not put words in the client's mouth. Act as a coach to help him or her articulate his or her own priorities.
5. Be patient. It may be very difficult for the client to distinguish between goals and outcomes. The following example provides a framework for delineating goals and outcomes.

EXAMPLES

A. Goal: To get my kids back: Employment

1	2	3	4	5
Least favored outcome		Somewhat favored outcome		Most favored outcome
Get cut off from welfare without finding a job	Stay on welfare, without finding a job	Stay on welfare, with a low-paying job in the meantime	Get off welfare, but not necessarily with the job I want	Get off welfare, with permanent, adequate job that will enable me to support my kids

TRIPARTITE ASSESSMENT & SERVICE PLAN

AX DATE

CASE ID

CLIENT NAME

PART 1 [Individual Factors]

AGE and DEVELOPMENT						
AGE			DEVELOPMENTAL STAGE			
	YEARS	MONTHS	COGNITIVE LEVEL			
			TEMPERAMENT			
PAST COPING/ADJUSTMENT (May be reported by child, parents, and or teacher, if present)						
	GOOD	FAIR	POOR	HOBBIES/INTERESTS (LIST)		
HOME						
SCHOOL						
INTERPERSONAL/PEERS						
EDUCATION						
LAST GRADE ACHIEVED		WHERE (STATE/COUNTRY)				
HAS CHILD BEEN ACADEMICALLY ASSESSED?	Y	N	IF SO, IN WHAT GRADE SHOULD CHILD BE PLACED?			
DATE OF Ax		NAME OF ASSESSOR				
	BEGINNER	INTERMEDIATE	ADVANCED	FLUENT	EDUCATIONAL GOALS	
ENGLISH SPEAKING PROFICIENCY						
ENGLISH READING PROFICIENCY						
ENGLISH WRITING PROFICIENCY						
JOB TRAINING AND EMPLOYMENT *for children of age to work legally						
PREVIOUS EMPLOYMENT						
SKILLS						
EMPLOYMENT GOALS						

TRIPARTITE ASSESSMENT & SERVICE PLAN

PART 1 [Individual Factors]

LIFE SKILLS (If age appropriate)							
	GOOD	FAIR	POOR		GOOD	FAIR	POOR
PUBLIC TRANSPORTATION				POST OFFICE			
READING SIGNS				PHONES/COMMUNICATIONS			
HEALTHY RELATIONSHIPS				PARENTING			
FINANCIAL LITERACY				OTHER			
HEALTH/MEDICAL HISTORY (Reported by self, parents if present, doctor if present)							
PAST MEDICAL EXAM	Y	N	DATE	LOCATION			
MD NAME (if known)							
SERIOUS ILLNESSES, OPERATIONS, INJURIES SINCE BIRTH (approximate dates/age and outcome)							
CURRENT MEDICAL COMPLIANTS							
PHYSICAL INJURIES/TRAUMA							
OBGYN ISSUES							
DENTAL ISSUES							
VISION ISSUES							
TUBERCULOSIS/COMMUNICABLE DISEASE ASSESSMENT							
						YES	NO
Has the client experienced significant weight loss recently?							
Has the client experienced sweating or chills during sleep?							
Has the client experienced persistent cough throughout day for more than 3 weeks?							
Has the client been coughing up any blood?							
Has the client ever been diagnosed with TB or other serious illness?							
CURRENT MEDICATIONS							
NAME OF MEDICATION	DOSAGE	HOW LONG	PURPOSE/CONDITION	PRESCRIBING MD			

TRIPARTITE ASSESSMENT & SERVICE PLAN

PART 1 [Individual Factors]

PRE-TRAFFICKING ABUSE HISTORY								
PHYSICAL ABUSE		Y	N	REPORTED	Y	N	AGE AT INCIDENT	
SINGLE EPISODE	Y	N	REPEATED	Y	N	PERPETRATOR(S)		
OUTCOME								
SEXUAL ABUSE		Y	N	REPORTED	Y	N	AGE AT INCIDENT	
SINGLE EPISODE	Y	N	REPEATED			PERPETRATOR(S)		
OUTCOME								
EXPOSURE TO TRAUMATIC EVENTS								
TRAFFICKING ABUSE HISTORY (Limit details to only what you need to know to develop service plan.)								
PHYSICAL ABUSE		Y	N					
SEXUAL ABUSE		Y	N					
EXPOSURE TO TRAUMATIC EVENTS								
DSM-IV DIAGNOSIS (if known)								
AXIS I		SUCIDAL IDEATION		Y	N	IF YES, ACTION TAKEN		
AXIS II								
AXIS II		PRESENCE OF SUBSTANCE ABUSE/ADDICTION		Y	N	(If unsure, refer to substance abuse screening)		
CHILD'S PERSONAL PERCEPTION OF KEY PROBLEMS, NEEDS, AND GOALS (Integrate throughout service plan.)								

TRIPARTITE ASSESSMENT & SERVICE PLAN

PART 2 [Situational Factors]

PRESENCE OF LOSS FACTORS			
SEPARATION FROM FAMILY MEMBERS (list relationship and length of separation)			
DEATH OF FAMILY MEMBERS (list relationship and cause of death)			
LOSS OF FAMILIAR ENVIRONMENT			
LOSS OF FAMILIAR ROLE/STATUS			
LOSS OF BODY PART OR FUNCTION			
PSYCHOSOCIAL AND ENVIRONMENTAL PROBLEMS			
DSM-IV – AXIS IV DX (if known)			
PERSON-IN-ENVIRONMENT CLASSIFICATION			
PRESENCE OF STIGMA/SHAME ASSOCIATED WITH VICTIMIZATION			
PHYSICAL SAFETY (Refer To Safety Screening)			
	YES	NO	If yes to any, detail action in service plan
IS THE CHILD IN ANY PHYSICAL DANGER?			
IS THE CHILD'S FAMILY IN ANY PHYSICAL DANGER?			
ARE THERE ANY RISKS TO DCFS STAFF?			
SAFETY OF SCHOOL ENVIRONMENT			
	YES	NO	If no, add to service plan
HAS SCHOOL BEEN ASSESSED FOR SAFETY?			
DOES CHILD FEEL EMOTIONALLY PREPARED TO BEGIN SCHOOL?			
DOES CHILD HAVE SAFE METHOD OF TRANSPORTATION TO SCHOOL AND SCHOOL-RELATED ACTIVITIES?			

TRIPARTITE ASSESSMENT & SERVICE PLAN

PART 2 [Situational Factors]

LEGAL NEEDS			
	YES	NO	
DOES CHILD HAVE IMMIGRATION ATTORNEY SKILLED IN SERVING HUMAN TRAFFICKING SURVIVORS?			
HAS CHILD BEEN ASKED TO BE REPRESENTED BY THE EMPLOYER'S ATTORNEY?			
DOES THE CHILD HAVE AN ADVOCATE FOR ANY CRIMINAL PROCEEDINGS?			
DOES THE CHILD HAVE A CIVIL ATTORNEY?			
HAVE PROSECUTORS AND/OR LAW ENFORCEMENT BEEN BRIEFED BY CHILD OR CHILD'S ADVOCATE ON HER/HIS SAFETY CONCERNS?			
CHILD'S PERCEPTION OF PROBLEMS, NEEDS, AND GOALS <i>(integrate throughout service plan)</i>			

TRIPARTITE ASSESSMENT & SERVICE PLAN

PART 3 [Support Networks]

NUCLEAR FAMILY MEMBERS						
LOCATION OF PARENTS						
	YES	NO				
ARE PARENTS AWARE OF CHILD'S TRAFFICKING/ EXPLOITATION/VICTIMIZATION?						
DOES CHILD WANT THEM TO KNOW?						
WERE PARENTS INVOLVED IN CHILD'S TRAFFICKING?						
WERE PARENTS INVOLVED IN PRE-TRAFFICKING ABUSE OF CHILD?						
DO PARENTS TEND TO SHOW A JUDGMENTAL ATTITUDE TOWARD THE CHILD'S BEHAVIOR?						
HOW RESPONSIVE ARE PARENTS TO THE CHILD'S NEEDS?	NOT AT ALL / SOMEWHAT / VERY					
STATE OF PARENTAL RIGHTS						
EXTENDED FAMILY MEMBERS						
DESCRIBE NATURE OF THE RELATIONSHIPS, INDICATING MOST SUPPORTIVE RELATIVE TO THE CHILD AS NO.1 AND SO ON.						
	NAME	RELATIONSHIP	HOW FREQUENTLY ARE THEY IN CONTACT WITH CHILD?			
			Rarely	Monthly	Weekly	Daily
1						
2						
3						
4						
5						
TO WHAT EXTENT DO THE VIEWS OF THE EXTENDED FAMILY DIFFER OR AGREE WITH THOSE OF THE NUCLEAR FAMILY ON MATTERS PERTAINING TO THE CHILD? (Give details)						

TRIPARTITE ASSESSMENT & SERVICE PLAN

PART 3 [Support Networks]

SCHOOL/PEERS/SOCIAL NETWORK						
CHILD'S GRADE IN SCHOOL		HOW MANY FRIENDS DOES CHILD HAVE? (Indicate if not local)				
IF FRIENDS ARE/WERE INVOLVED IN TRAFFICKING EXPERIENCE, HAVE THEY ESCAPED TRAFFICKER?				YES	NO	
ARE THESE SUSTAINABLE RELATIONSHIPS THAT WILL PRESERVE PHYSICAL/EMOTIONAL SAFETY?						
COMMENTS						
WHAT ARE CHILD'S GOALS FOR DEVELOPING PEER SUPPORT? (Assess if child is interested in speaking with other survivors)						
WHAT KIND OF EMOTIONAL SUPPORT CAN SCHOOL OFFER? (school counselor, group support, skilled staff)						
RELIGIOUS AFFILIATIONS						
DOES THE CHILD/FAMILY PARTICIPATE IN RELIGIOUS SERVICES?		YES	NO	IF YES, GIVE NAME		
				IF YES, HOW FREQUENTLY? (Circle one option)	WEEKLY	HOLIDAYS
DOES CHILD GLEAN SUPPORT FROM RELIGIOUS ACTIVITIES?				IF NO, WOULD S/HE LIKE TO	Y	N
WOULD RECONNECTING WITH RELIGIOUS ACTIVITIES HELP CHILD FEEL MORE OR LESS SUPPORTED AT THIS TIME?						
COMMENTS						
NEIGHBORHOOD / CULTURAL AFFILIATIONS						
IS THE CHILD/FAMILY INVOLVED IN NEIGHBORHOOD/CULTURAL ACTIVITIES?		YES	NO	IF YES, GIVE NAME		
				IF YES, HOW FREQUENTLY? (Circle one option)	WEEKLY	HOLIDAYS
ARE THERE ANY TABOOS CASEWORKER SHOULD KNOW ABOUT TO DEVELOP CULTURALLY/RELIGIOUSLY APPROPRIATE CASE PLAN?				IF YES, EXPLAIN TABOOS		
CHILD'S PERCEPTION OF PROBLEMS, NEEDS, AND GOALS. (Integrate throughout service plan.)						

CHAPTER FOUR

Legal Protections and Advocacy

This chapter is designed to assist attorneys, legal professionals, and advocates in building a basic understanding of human trafficking and to help promote appropriate legal advocacy for children who are victims of human trafficking. The chapter includes:

- Background, Definition, and Statistics on Human Trafficking
- Sex Trafficking of Minors (including federal and state definitions, and case studies)
- Labor Trafficking of Minors (including federal and state definitions, and case studies)
- Legal Advocacy for Victims of Human Trafficking
- Protections Available to Child Trafficking Victims Under the Criminal Justice Process
- The Right to Restitution
- Immigration Assistance and Benefits Available to Non-U.S.-Citizen Child Trafficking Victims

The basic overview of human trafficking below and the descriptions of sex and labor trafficking are also outlined in Chapter One: Identification and Investigation. However, we assume that certain professionals and service providers will use those sections that pertain to their profession first, so key concepts and statutes are repeated for each audience.

BACKGROUND

The U.S. government estimates that 14,500 – 17,500 men, women, and children are trafficked into the U.S. each year. Chicago and Illinois have been identified as a national hub of human trafficking by The New York Times. Research shows that 16,000 women and girls engage in prostitution in the Chicago metro area, with an average age of 12 years old at entry and over 60% entering prostitution before the age of 18.⁷ This is significant in that federal and Illinois law state that any minor, regardless of consent, engaged in prostitution or commercial sexual activities is a victim of human trafficking.

Identified human trafficking victims in Illinois have included estimated thousands of U.S. citizen runaway youth engaged in the sex trade, girls from India, Bangladesh, and West Africa brought to Chicago suburbs to work as domestic servants, young boys from Central America brought to Chicago to be sexually exploited, Eastern European students and young girls forced to dance in strip clubs in Chicago and the Midwest, and teenagers from China sold into debt bondage and forced to work off their debt in restaurants in Chicago and the Midwest.

Human trafficking may involve a range of other criminal activity and maltreatments under state or federal statutes that is not limited to trafficking offenses, such as harboring, kidnapping, rape, sexual assault, assault, child labor, child abuse, neglect, torture, and transportation for prostitution. Illinois and federal law both define human trafficking as a crime.

Human trafficking of children:

The recruitment, harboring, transportation, provision or obtaining of a child for labor or services through the use of force, fraud, or coercion. Under federal and Illinois law, sex trafficking (any commercial sex act, including prostitution and pornography) does not require that there be force, fraud, or coercion if the victim is under 18 years of age.

⁷Raphael, Jody and Deborah L. Shapiro, “Sisters Speak Out: The Lives and Needs of Prostituted Women in Chicago – A Research Study,” Center for Impact Research (2002)

SEX TRAFFICKING OF A MINOR

Sex trafficking of minors occurs when minors are involved in commercial sex acts, including prostitution and pornography. Sex trafficking cases do not require force, fraud, or coercion when involving minors as they do for adults over 18 years. This exception is analogous to statutory rape. The presumption under both state and federal law is that a minor has no agency or developmental capacity to consent to commercial sex acts, regardless of what the minor states or believes. Therefore, any person under 18 years of age engaged in any type of commercial sexual activity is deemed a victim of human trafficking under Illinois and federal laws. Child sex trafficking victims have been found working in brothels, hotels, in trailers on farms, at truck stops, on the street, and in individuals' homes. Trafficking victims do not need to be literally "locked up" by their trafficker, and sometimes attend school and participate in other normal activities.

A new state law called the Illinois Safe Children Act (2010) eradicates the pejorative term "juvenile prostitute" from Illinois statutes, and requires that minors engaged in commercial sexual activities be treated as victims of human trafficking, and not as juvenile offenders. The Illinois Safe Children Act also mandates that children be identified and served through IDCFS as minor victims of trafficking with access to all the services and support provided through federal and state laws.

While the Illinois Safe Children Act increased criminal penalties for offenses related to exploiting minors in prostitution, both federal and Illinois criminal statutes define the actual crime of sex trafficking. These statutes can serve as important resources for the proper identification of sex trafficking or sexual servitude of a minor.

Federal and Illinois law state any minor, regardless of consent, engaged in prostitution or commercial sexual activities is a victim of human trafficking.

SEX TRAFFICKING OF A MINOR – CRIMINAL STATUTES

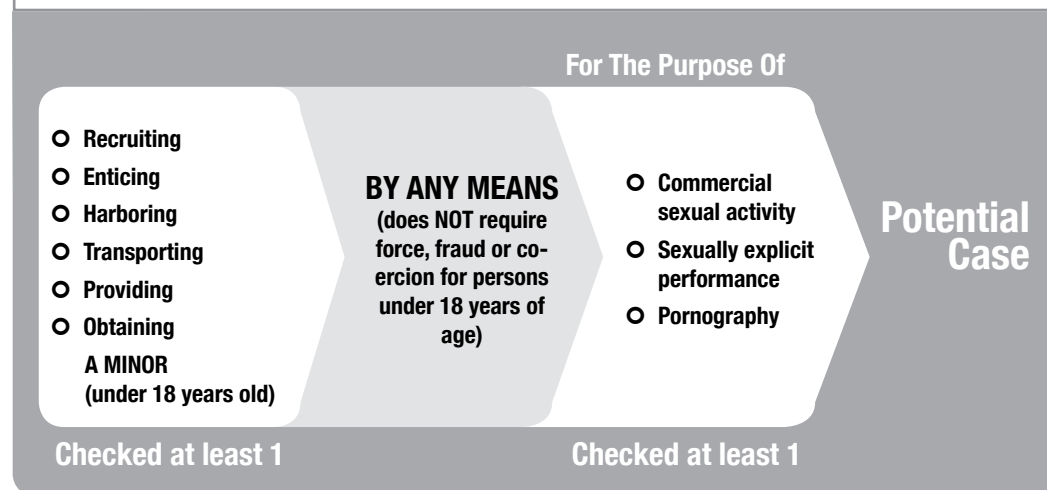
Illinois Criminal Definition of Sex Trafficking

Involuntary servitude of a minor [sex trafficking], 720 ILCS 5/10A-10(b)

To knowingly recruit, entice, harbor, transport, provide, or obtain by any means, or attempts to recruit, harbor, provide, or obtain by any means, another person under 18 years of age, knowing that the minor will engage in commercial sexual activity, a sexually explicit performance, or the production of pornography, or cause or attempt to cause a minor to engage in commercial sexual activity, a sexually-explicit performance, or the production of pornography.

Recommendation

Use this flow chart and checklist as a quick tool for identifying possible cases of sex trafficking of a minor. If at least one element occurs in each box, you have a potential case of sex trafficking of a minor under the Illinois statute.



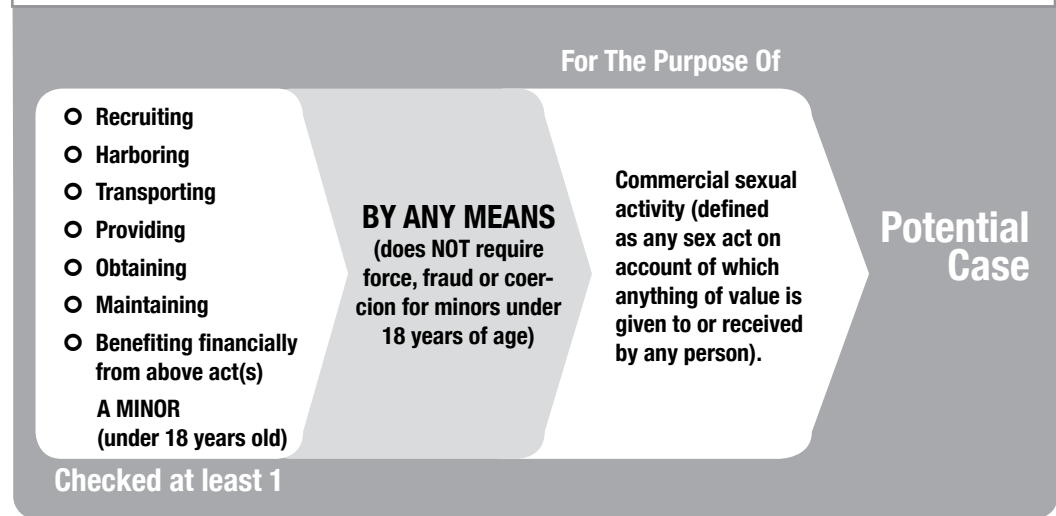
Federal Criminal Definition of Sex Trafficking

Sex trafficking of children or by force, fraud, or coercion, 18 USC § 1591

To knowingly recruit, harbor, transport, provide, obtain, or maintain a person, or to benefit financially from such action, knowing or in reckless disregard of the fact that force, threats of force, fraud, or coercion will be used to cause the person to engage in a commercial sex act, or that the person is under 18 years old and will be caused to engage in a commercial sex act.

Recommendation

Use this flow chart and checklist as a quick tool for identifying possible cases of sex trafficking of a minor. If at least one element occurs in each box, you have a potential case of sex trafficking of a minor under the federal statute.



Case Examples of Sex Trafficking Cases Involving Minors

The following sex trafficking cases were successfully prosecuted by the U.S. Department of Justice Civil Rights Division and are some examples (but do not represent all instances) of sex trafficking cases involving minors.

1. *U.S. v. Pipkins*, 412 F.3d 1251 (11th Cir. 2005). Between 1997 and 2001, defendants held numerous girls as young as 12 against their will and forced them to perform repeated commercial sex acts. Children were trafficked from Atlanta, Georgia to Alabama, Tennessee, Nevada, California, New York and Florida. The ringleaders were convicted under federal racketeering and human trafficking and slavery criminal statutes.
2. *U.S. v. Wild and Gutierrez*. Defendants transported three young girls between the ages of 14 and 17 from Central America and Mexico to Dallas, Texas, to prostitute them and used the proceeds to finance the defendants drug habits and pay the rent. On May 5, 2004, defendant Shannon Marie Wild was convicted of violating four counts of 18 U.S.C. § 2423(a) (transportation of a minor for illegal sexual activity) and one count of 18 U.S.C. 1591(a)(2) (sex trafficking of a minor) and sentenced to 121 months in prison to be followed by three years supervised release. Defendant Gutierrez was charged with violating one count of § 1591(a)(2).
3. *United States v. Love*. Defendant recruited and provided 13-year-old victim with a fake ID saying she was 18 before sending her on to the street for prostitution. On September 14, 2004, defendant admitted to the sexual commercial exploitation of the victim and was sentenced to 87 months in prison for sex trafficking of children.
4. *United States v. Lakireddy*, 4:00-cr-40028 (N.D. California). Defendants brought numerous young girls from India into the United States and placed them in sexual bondage. On June 19, 2001, defendant Lakireddy Bali Reddy pleaded guilty to trafficking women and girls into the United States to place them in sexual servitude and was sentenced to 97 months in prison and ordered to pay \$2,000,000 restitution to the victims.
5. *United States v. Rojas, et al*, No. 1:03-cr-00542 (N.D. Georgia). Defendants lured a 16-year-old girl and another Mexican teenager into coming to the United States with the promise of legitimate employment and long-term romance. Victims were then transported to Atlanta and forced into commercial sexual exploitation. Victims were forced to perform commercial sex with between 10 and 25 men per day. On August 27, 2004, defendant Jose Reyes Rojas pleaded guilty to a sex trafficking charge for his role in promoting and profiting from the commercial sexual exploitation of a Mexican juvenile.

LABOR TRAFFICKING OF A MINOR

Labor trafficking of children can occur in restaurants, factories, farms, people's homes, strip clubs, or bars, with children working as domestic servants, nannies, house cleaners, dancers, or beggars. Threats to harm the child or his or her family are ways to deter the child from running away. Unreasonable debts, fines for not properly following "rules" or working hard enough, and threats of law enforcement intervention are often used to coerce children into forced labor, though they are not the only means of doing so.

Similar to sex trafficking cases, labor trafficking victims do not need to be literally "locked up" and sometimes attend school or church, and participate in other normal activities. There are two primary resources for the proper identification of labor trafficking or involuntary servitude of a minor.

LABOR TRAFFICKING OF A MINOR – CRIMINAL STATUTES

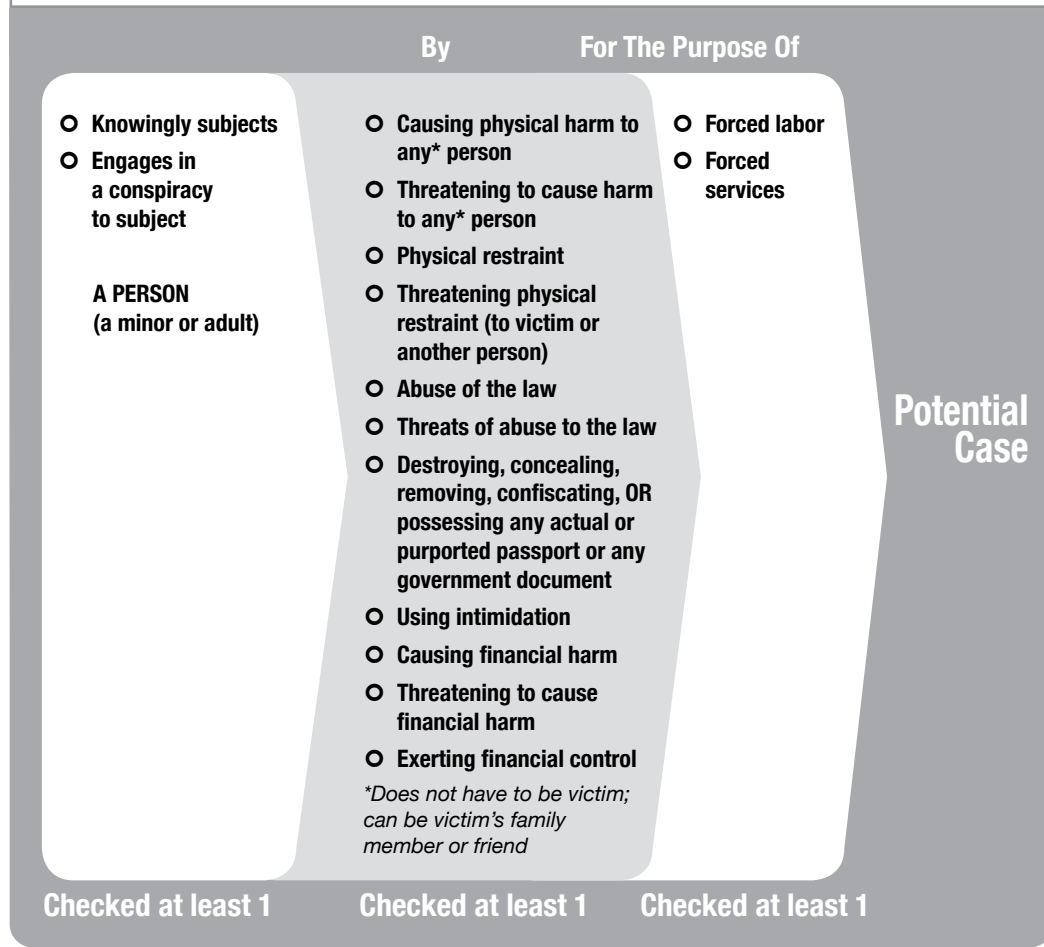
Illinois Criminal Definition of Labor Trafficking

Involuntary Servitude [labor trafficking] 720 ILCS 5/10A(a).

To knowingly subject, attempt to subject, or engage in a conspiracy to subject another person to forced labor or services through (a) any scheme, plan, or pattern intending to cause or threatening to cause serious harm to any person; (b) physically restraining or threatening to physically restrain another person; (c) abusing or threatening to abuse the law or legal process; (d) knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport, immigration document, or any actual or purported government identification document of another person; (e) blackmail; (f) by using intimidation; (g) or causing or threatening to cause financial harm to or exerting financial control over any person.

Recommendation

Use this flow chart and checklist as a quick tool for identifying possible cases of labor trafficking of a minor. If at least one element occurs in each box, you have a potential case of labor trafficking of a minor under the Illinois statute.

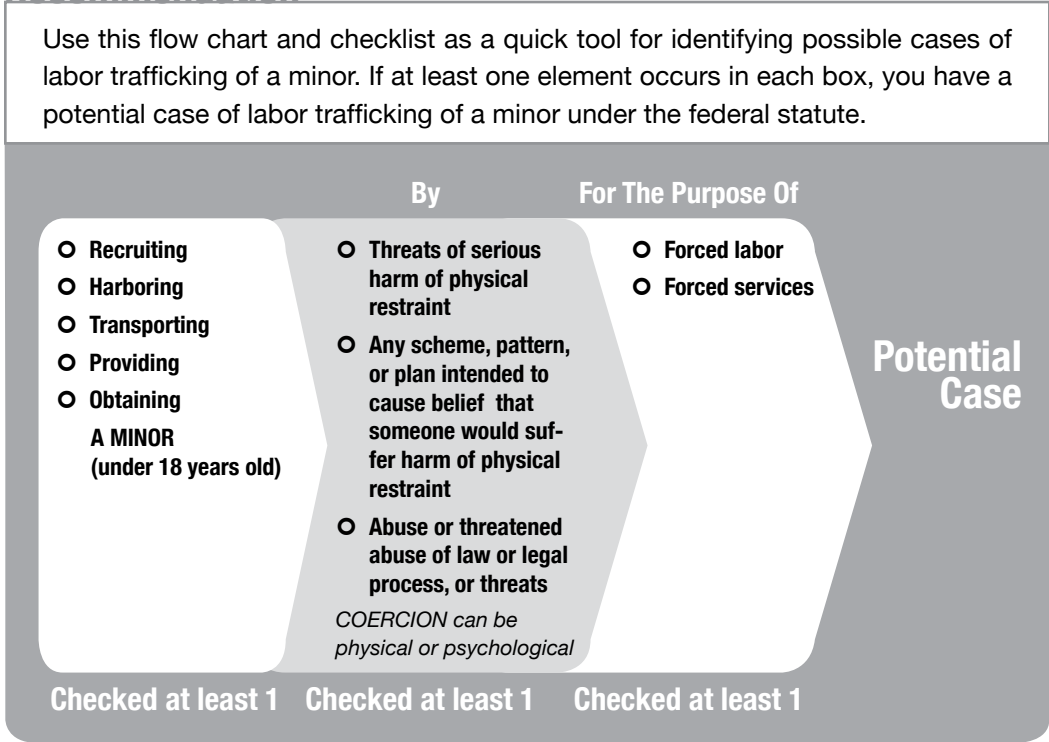


Federal Definition of Labor Trafficking

Forced Labor - 18 USC §1589

To knowingly provide or obtain the labor or services of a person (1) by threats of serious harm to, or physical restraint against, that person or another person; (2) by means of any scheme, plan, or pattern intended to cause the person to believe that, if the person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint; or (3) by means of abuse or threatened abuse of law or legal process.

Recommendation



Case Examples of Labor Trafficking of Minors

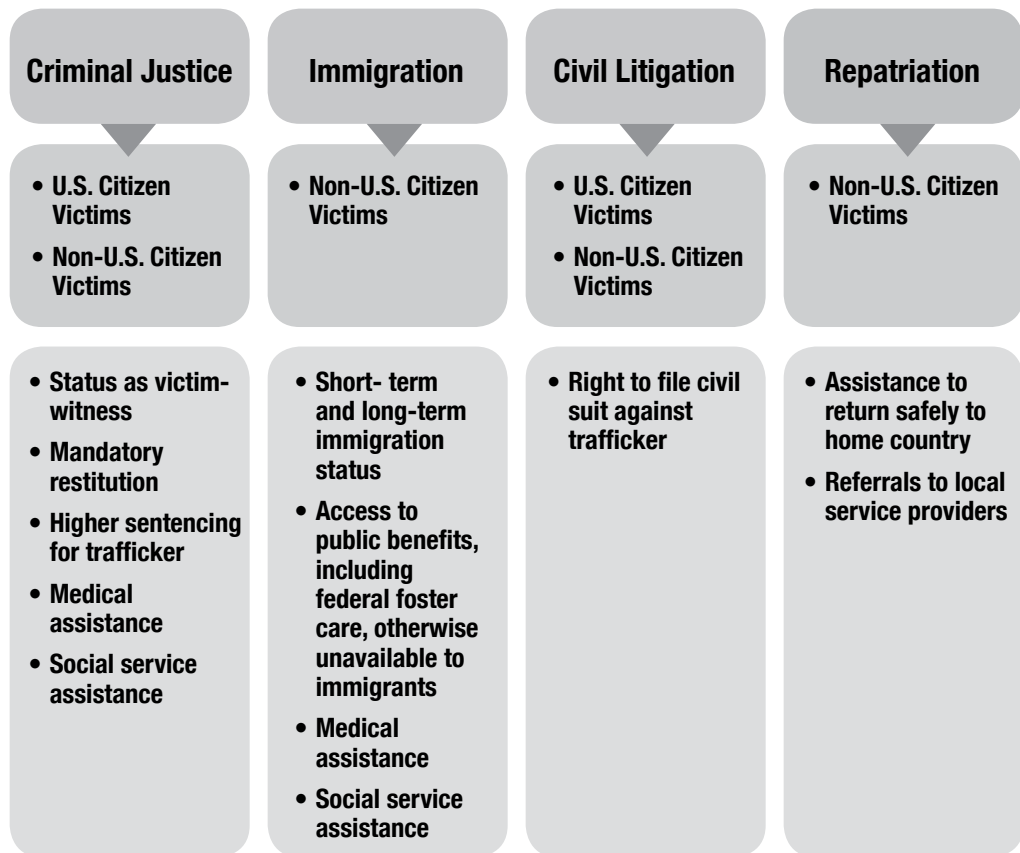
The following cases were successfully prosecuted by the U.S. Department of Justice, Civil Rights Division, and are some examples (but do not represent all instances) of sex trafficking cases involving minors.

1. *United States v. Mubang*, 8:03-cr-00539 (D. Maryland). Defendant brought an 11-year-old Cameroonian national to her home in Maryland and subjected her to involuntary servitude. The victim was isolated from family and friends and required to cook, clean, and act as 24-hour nanny for defendant's children over the course of a two-year period. The victim was not permitted to go to school, nor was she allowed to become friends with other children her age. Defendant verbally abused victim, and beat her with fists, a broom handle, a cable, and a high-heeled shoe. Defendant was sentenced to 17 ½ years of imprisonment.
2. *United States v. Zavala, et al*, No. 2:04-cr-00962 (E.D. New York). Between June 1, 1999 and June 21, 2004, defendants illegally obtained visas for Peruvian aliens seeking to come into the United States (New York) then charged the aliens a smuggling fee ranging from \$6,000 to \$13,000. Defendants compelled more than 69 Peruvian illegal aliens, including 13 children under the age of 18, to perform work by confiscating their passports and threatening to turn them over to authorities. Defendants kept most of victims' paychecks and left them only \$50 or less per week on which to live and support their families. On April 6, 2006, defendant Ibanez was sentenced to 135 months in prison. In November 2005, defendant Zavala was sentenced to 15 years in prison.
3. *United States v. Rosales-Martinez, et al*, No. 3:05-cr-00148 (D. New Jersey). Victims (minors and adults) were charged smuggling fees between \$10,000 and \$25,000 by their traffickers, lived in apartments in Union City and Guttenberg, New Jersey, and were forced to work at bars in those towns to repay the smuggling fees. The girls were required to work at least six nights a week at a bar owned by Rosales-Martinez. The young women were required to wear provocative clothing and to act seductively around the male patrons to entice the men to buy beers. Rosales-Martinez had instructed the underage Honduran women to obtain false identification documents to show that they were at least 21 years old. The girls were verbally abused, and one underwent a forced abortion. The young women's tips were based upon the total number of beers the men purchased. To ensure that the Honduran girls paid their smuggling fees, the girls had to join a "Society" or "Sociedad" – a system by which the young women were forced to contribute a sum of money each week into a pool to pay off their smuggling debt.

4. *United States v. Djoumessi*, 538 F.3d 547 (6th Cir. 2008). Between October 1996 and February 2000 the defendants forced a Cameroonian girl, whom they had brought to the United States illegally, to work against her will as a domestic servant in their home. The jury found that Evelyn Djoumessi forced the girl to take care of the defendants' children and perform household chores without pay and beat her with a belt, a spoon, and a shoe in order to force her to comply with these demands. The judge found that in addition to forcing her to work as a domestic servant, Joseph Djoumessi sexually abused the victim. The defendants, prior to enactment of the federal Trafficking Victim Protection Act, had been charged in state court with child abuse and criminal sexual conduct, and were sentenced to serve 9 - 15 years in prison (Joseph) and placed on three years probation and ordered to do housework for three years (Evelyn). The victim, who had been denied a chance to attend school, recently graduated from college.

LEGAL ADVOCACY FOR VICTIMS OF HUMAN TRAFFICKING

Under both federal and Illinois law, victims of human trafficking, including children, are entitled to various benefits and protections. The following outlines the four main areas for legal assistance for victims of human trafficking:



PROTECTIONS AVAILABLE TO CHILD TRAFFICKING VICTIMS UNDER THE CRIMINAL JUSTICE PROCESS

Status as a Victim-Witness

The Trafficking Victim Protection Act (TVPA), states that law enforcement, non-governmental organizations, service providers, and government agencies must treat victims of human trafficking with a “victim-centered” approach. Under federal law, victims of human trafficking (U.S.-citizen and non-U.S.-citizen victims) are legally entitled to the following:

- Safety
- Privacy
- Information about their case
- Legal representation
- To be heard in court
- Medical attention
- Access to appropriate social services
- Compensation for damages
- Repatriation (return home for foreign victims)
- Seek residence (stay in the U.S. for foreign victims)

The TVPA and Illinois criminal statutes have provided for increased sentencing for those charged with human trafficking crimes. This provides additional safety to victims of human trafficking, ensuring that perpetrators are behind bars for longer periods of time.

NOTE **Protection Does Not Equal Prosecution.** Traffickers do not need to be charged or convicted of human trafficking crimes in order for victims to receive appropriate protections and services. It is not uncommon for trafficking perpetrators to a) plead to lesser charges, b) be prosecuted on non-trafficking charges, or c) be investigated, but not pursued fully in the criminal justice system (due to lack of evidence or resources, or for a variety of other reasons). Victims of human trafficking are still eligible for social services, medical attention, legal advocacy, and immigration relief as applicable. Consult with Victim Witness Coordinators at the Dept. of Justice Human Trafficking Unit or a competent victims-rights or immigration attorney for more information.

Under both Illinois and federal law, any minor under the age of 18 engaged in commercial sexual activity (i.e., prostitution or pornography) is deemed a victim of human trafficking, regardless of consent. Similarly, if a victim of human trafficking (labor or sex) does not have legal status, they should still be treated as a victim of a crime, not a violator of immigration laws. Foreign victims have access to immigration relief and protection, which will be discussed shortly.

Child trafficking victims are often targets of other forms of maltreatment (child abuse, sexual assault, battery, domestic violence, etc.) that are part of the trafficking scheme. Advocates are advised to work closely with respective victim-witness coordinators to protect children's rights and to ensure access to resources and information about their cases.

A victim may receive information on available services according to specific need. This referral could be counseling, medical assistance, emergency shelter and transportation, relocation, or state crime victim compensation information. Upon request, additional information specific to the investigation, such as when charges are filed, upcoming trial dates or logistics should be made available to the victim.

Whether in conjunction with other crimes, as or a victim of human trafficking, advocates should consult with Illinois and federal guidelines and policies regarding the rights of victim-witnesses, including:

- Victims of Child Abuse Act (42 USC § 13001 et seq.). Ensures protection of children in court and throughout the criminal justice system.
- Attorney General Guidelines (18 USC § 3509)
 - ▶ Extension of child abuse statute of limitations
 - ▶ Consultation with multidisciplinary teams
 - ▶ Privacy and protection
 - ▶ Closing the courtroom and alternatives to in-court testimony

Under both Illinois and federal law, any minor under the age of 18 engaged in commercial sexual activity (i.e., prostitution or pornography) is deemed a victim of human trafficking, regardless of consent.

THE RIGHT TO RESTITUTION

Restitution is when the criminal offender is required to repay, as a condition of his or her sentence, the victim or society in money or services. Under federal and Illinois anti-trafficking laws, child trafficking victims are eligible for mandatory restitution for the value of the services performed to the trafficker.⁸

The value of the services performed, regardless of their legality, can be determined in several ways. For example, in a sex trafficking case, law enforcement may calculate the total profit victims generated for traffickers through prostitution or pornography. In a labor case, investigators/law enforcement may calculate the wages owed to the victim under appropriate labor laws.

Restitution for victims is often part of a plea agreement, or can also be issued by a judge during sentencing. Various types of information and criteria are considered by prosecutors and judges when determining restitution orders, including the victim impact statement, and information submitted by investigators, case managers, and advocates working with the victim. Information considered includes (but is not limited to):

- Financial harm to victim (present and future) or victim's family
- Emotional distress
- Future medical (mental and physical health) needs
- Lost wages/opportunity
- Overtime wages
- Educational or Vocational Expenses

Sometimes, traffickers may appear to be insolvent or assets were not seized during the investigation to provide for restitution via the criminal justice process, and subsequently limit restitution afforded to victims. Advocates might consider referring clients to civil attorneys to pursue a private right of action or to assist in enforcing restitution orders (see civil action section).

Restitution for victims is often part of a plea agreement, or can also be issued by a judge during sentencing.

⁸ 720 ILCS 5/10A-10(c)

IMMIGRATION ASSISTANCE AND BENEFITS AVAILABLE TO NON-U.S. CITIZEN CHILD TRAFFICKING VICTIMS

State and federal law recognize that undocumented victims of human trafficking are often punished for their immigration status, as opposed to being treated as victims. (See TVPA 2000 and IL HB 1469.) Traffickers often threaten to exploit the victim's status, or lack thereof, by stating: "If you tell anyone, I will report you to immigration" or "You have no rights, you're an illegal alien."

Under Illinois and federal law, child trafficking victims without lawful immigration status are eligible for various forms of short-and-long term immigration relief, such as continued presence or T nonimmigrant status. *Advocates should always consult with an immigration attorney familiar with the TVPA when working with non-U.S.-citizen trafficking victims to determine the best options.* Immigration relief is an important step to counter the trafficker's control and assist the victim in his or her recovery process.

Following are six forms of immigration relief available to child victims of trafficking:

1. Continued Presence

The TVPA provides the authority for federal law enforcement agents to permit an undocumented individual's "continued presence" in the United States if it is determined that the individual is a victim of human trafficking and a potential witness in a potential trafficking investigation. Continued presence does not convey any form of immigration status, like a visa, but does provide for temporary permission to remain in the U.S., temporary work authorization, and access to public benefits via a certification letter issued by the Office for Refugee Resettlement.

Children who receive continued presence may not re-enter the U.S. if they depart the country, and they must inform law enforcement if they decide to relocate to another state. Under the TVPA Reauthorization of 2008 (Section 205), federal law enforcement agencies have been given the authority to parole (i.e., bring to the U.S. temporarily) family members of children as necessary, especially those that may be in danger of retaliation as a result of the victim's escape from the trafficking situation and/or cooperation with US law enforcement officials.⁹

Continued presence requests can take anywhere from two to four months to process, which is much faster than a visa application. The forms are not available to the public, but can be requested via Victim Witness Coordinators at the U.S. Department of Justice, Civil Rights Division Trafficking Unit (1-888-428-7581), or the Department of Homeland Security 202-732-5827; Marie.Martinez@dhs.gov). Continued presence provides for permission to lawfully remain in the country for around one year, and can be renewed upon request.

⁹ "Federal law enforcement officials shall endeavor to make reasonable efforts to protect the safety of trafficking victims, including taking measures to protect trafficked persons and their family members from intimidation, threats of reprisals, and reprisals from traffickers and their associates."

Federal law enforcement agencies that can request continued presence on behalf of a victim include the Federal Bureau of Investigation (FBI), a U.S. Attorney (USA), the Department of Justice (DOJ), or Immigration and Customs Enforcement (ICE).

CONSULAR PRACTICE POINTER

Child welfare agencies should promptly follow the consular notice requirements of the Vienna Convention on Consular Relations as soon as they take a foreign national child into child protective custody or institute a state court action that could affect parental rights. Agencies should consult with immigration counsel to ensure such action does not subject the child or family to danger, especially in child trafficking cases.

NOTICE

2. T Nonimmigrant Status:

Federal law provides longer-term legal protection to child trafficking victims and an opportunity to obtain lawful immigration status in the U.S. through T nonimmigrant status, which is also known as the T visa. While the process for continued presence must be initiated by federal law enforcement, a victim or his or her representative may petition for T nonimmigrant status by filing an application with United States Citizenship and Immigration Services.

T nonimmigrant status provides the following:

- Lawful immigration status for four years (with an option to extend)
- Work authorization for four years
- A certification letter to establish eligibility to receive federal and state public benefits
- Option to apply for lawful permanent residency after three years (and later citizenship)
- Options for qualified family members to join the victim in the United States

Child trafficking victims can seek T derivative status for their parents and unmarried siblings under 18 years old. This is a critical tool for child trafficking victims to reunify with family members. Additionally, it provides security and a response to real or perceived threats to family members in the country of origin. Unlike continued presence, minors are not required to prove cooperation with law enforcement to be eligible for a T visa.

3. Other Forms of Immigration Relief

Continued presence and T visas are not the only immigration options for child trafficking victims. Sometimes, due to facts in the case, a victim of human trafficking may be eligible for other forms of legal protection in lieu of continued presence or a T visa. For example, a child trafficking victim with deceased parents may qualify for Special Immigrant Juvenile Status (SIJS), which provides a faster path to lawful permanent residency than the T visa. Consult with an immigration attorney to determine what form of relief is in your client's best interest. Below is a list of some possible options (although there may be others):

- U nonimmigrant status: for victims of certain qualifying crimes who assist government officials in investigating or prosecuting such criminal activity
- Special Immigrant Juvenile Status (SIJS): for certain immigrant children who have been abused, abandoned, or neglected by their parents
- Violence Against Women Act (VAWA) Self-Petition: for immigrants who have been abused by a qualifying family member who is a U.S. citizen or lawful permanent resident
- Asylum: for immigrants fleeing persecution on the basis of race, religion, nationality, or membership in a particular social group

4. Certification and Access to Benefits

Immigration and welfare reform in 1996 disqualified many immigrants from public benefits. The TVPA provides an exception to victims of human trafficking, providing them with access to federal and state benefits akin to those of a refugee or asylee.

Unlike adults, minor victims of trafficking do not need to receive continued presence or T nonimmigrant status in order to receive federal and state benefits. The child trafficking victim's representative can request an eligibility letter directly from the U.S. Department of Health and Human Services, Office of Refugee Resettlement (ORR) to allow the child to access various benefits including:

- Match grant programs
- Temporary Assistance for Needy Families (TANF)
- Social Security Income (SSI)
- Medicaid
- Food stamps
- Assistance from legal service corporations
- Department of Labor Job Corps
- Federal financial aid (for education)
- Unaccompanied Refugee Minor (URM) Program (Federal Foster Care)

Many of these benefits are time sensitive; ensure your client is in a position to take advantage of the time period in which certain benefits are available.

5. Civil Action

Under the TVPA Reauthorization Act of 2003, the U.S. government provided that victims of human trafficking have a right to file a civil suit against their traffickers.¹⁰ Any civil action should be stayed until the conclusion of the criminal case. The TVPA Reauthorization Act of 2008 also provides that victims filing a civil right of action have access to continued presence in the country until the civil suit is resolved.¹¹ The regulations for continued presence for victims filing a civil claim have not yet been issued, and advocates should consult with federal victim witness coordinators and attorneys experienced with civil litigation cases on behalf of human trafficking victims. (See Resource Guide)

6. Repatriation

Federal law provides that child trafficking victims who want to return home can do so (provided there are no safety issues). The International Organization for Migration (IOM) has a program designed to assist victims of trafficking in repatriating and returning home, including assistance with flights and referrals to service providers and shelters in the home country. For more information, see the Resource Guide.

... minors are not required to prove cooperation with law enforcement to be eligible for a T visa.

¹⁰ 18 U.S.C. § 1595(a).

¹¹ 22 U.S.C. § 7105(c)(3)(A)(iii).

CHAPTER FIVE

Human Trafficking Resource Guide

The following list of local, state, and national resources is designed to complement existing IDCFS referrals and resources for children who are victims of abuse, neglect, and/or violence. This resource guide should be updated on an annual basis to reflect changes in personnel and legislation as necessary.

Case Management Resources

INTERNATIONAL AND NATIONAL CASES

ORGANIZATION	DESCRIPTION	CONTACT PERSON(S)	NUMBER AND EMAIL
International Organization for Migration	<ul style="list-style-type: none"> To assist foreign born child trafficking victims who are interested in returning home. IOM will also assist in obtaining identification documents and contacting family members in home countries. 		Tel: 202.862.1826 Fax: 202.862.1879 Email: TIPDC@iom.int
Office for Refugee Resettlement/Office for Trafficking in Persons (A/TIP), U.S. Dept. of Health & Human Services, Anti-Trafficking in Persons Division	<ul style="list-style-type: none"> Provides assistance to service providers and law enforcement regarding immigrant children who are victims of human trafficking. Federal law requires federal, state, local officials to notify U.S. Dept. of Health & Human Services within 24 hours of discovering a foreign child who may have been trafficked. 	Ann Dandridge Lane <i>Child Specialist</i> Marianne Skelly, MSW, Esq. <i>Child Protection Specialist</i>	Tel: 202.401.4732 ann.lane@acf.hhs.gov Tel: 202.205.4582 marianne.skelly@acf.hhs.gov www.acf.hhs.gov/trafficking (fact sheets on identification, legal benefits, public benefits) http://www.acf.hhs.gov/trafficking/about/eligibility_child_victims.pdf
U.S. Dept. of Health and Human Services	<ul style="list-style-type: none"> National Human Trafficking Resource Center Hotline provides referrals for service providers in your area (Mon-Sun, 24 hour). Does not open an investigation. 		Tel: 1.888.373.7888

ORGANIZATION	DESCRIPTION	CONTACT PERSON(S)	NUMBER AND EMAIL
Lutheran Immigration and Refugee Service Children's Services	<ul style="list-style-type: none"> ▪ Provides resettlement for unaccompanied youth. Works through licensed child welfare affiliates to provide indirect financial support for housing, food, clothing, and other necessities; medical care; intensive social work case management; independent living skills training; education (esp. ESL); mental health services; family tracing; and legal assistance. ▪ Accepts nationwide referrals. 		<p>Tel: 410.230.2757</p> <p>childrenservices@lirs.org</p>
U.S. Conference of Catholic Bishops Migration and Refugee Services Children's Services	<ul style="list-style-type: none"> ▪ Provides resettlement for unaccompanied youth (and LIRS). Works through licensed child welfare affiliates to provide indirect financial support for housing, food, clothing, and other necessities; medical care; intensive social work case management; independent living skills training; education (esp. ESL); mental health services; family tracing; and legal assistance. 		<p>Tel: 202.541.3352</p> <p>mrs@uscceb.org</p>
Children of the Night	<ul style="list-style-type: none"> ▪ Provides assistance to children who are forced to prostitute on the streets. ▪ Has a 24-bed home in Los Angeles suburb to provide refuge, food, clothing, school, counseling, and emotional support. ▪ Age Group: 11-17. ▪ Criteria: Child prostitutes who voluntarily wish for assistance. ▪ Referrals: Nationwide. 		<p>Tel: 818.908.4474</p> <p>24 Hour Hotline: 1.800.551.1300</p> <p>http://www.childrenofthenight.org</p>
The Trauma Center	<ul style="list-style-type: none"> ▪ Provides mental health and case management technical assistance (nationwide) to service providers and law enforcement on human trafficking issues. 	Dr. Elizabeth Hopper, PhD	617.232.1303 x211
U.S. Dept. of Justice and federal law enforcement agency victim witness coordinators (under "Law Enforcement Resources")	<ul style="list-style-type: none"> ▪ Victim witness coordinators can assist with case management referrals and provide information about resources to assist victims of human trafficking. 		

ILLINOIS CASES

ORGANIZATION	DESCRIPTION	CONTACT PERSON(S)	NUMBER AND EMAIL
Illinois State Refugee Coordinator Department of Human Services	<ul style="list-style-type: none"> Provides assistance regarding benefits, services, and programs available for foreign born children (and adults) who are victims of human trafficking. (Foreign trafficking victims are treated similarly as refugees/asylees in the U.S.) 	Dr. Edwin Silverman	Tel: 312.793.7120 edwin.silverman@illinois.gov http://www.acf.hhs.gov/programs/orr/policy/orr_regulations.htm
National Immigrant Justice Center (Chicago, IL)	<ul style="list-style-type: none"> Provides legal services (assistance with obtaining public benefits and immigration visas/protection) and case management assistance to non-U.S.-citizen victims of human trafficking. Provides technical assistance to organizations in other parts of IL 	Angela Hernandez <i>(legal services)</i> ahernandez@heartlandalliance.org	Tel: 312.660.1370 (general) Tel: 312.660.1322 (legal services intake for victims of trafficking only) http://www.immigrantjustice.org
Cross Cultural Interpretation Services of Heartland Alliance	<ul style="list-style-type: none"> CCIS is a provider of language services in Chicago. Interpreters are available to travel all over Chicago, the western and southern suburbs, as well as the North Shore suburbs. Provides foreign language interpreting services in a variety of settings, including health care interpreting, medical interpreting, mental health interpreting, reading assessment interpreting, and telephonic interpreting. 		Tel: 312.660.1300 http://www.heartlandalliance.org/ccis/
Legal Assistance Foundation of Metropolitan Chicago (LAFMC)	<ul style="list-style-type: none"> Provides legal services to immigrant victims of crime and victims of domestic violence. 		Tel: 312.341.1070
International Organization for Adolescents (IOFA)	<ul style="list-style-type: none"> IOFA provides training and technical assistance to service providers (legal and social) on child trafficking cases in US and internationally. 	Shelby French <i>Executive Director</i> Sehla Ashai <i>Anti-Trafficking Program Specialist</i>	Tel: 773.404.8831 sfrench@iofa.org sashai@iofa.org www.iofa.org www.iofa-talk.blogspot.com
Chicago Alliance Against Sexual Exploitation (CAASE)	Provides legal representation for individual survivors of sexual assault and sex trafficking in civil litigation and within the context of the criminal system.	Kaethe Morris <i>Legal Director</i>	kmh@caase.org

ORGANIZATION	DESCRIPTION	CONTACT PERSON(S)	NUMBER AND EMAIL
The Chicago Child Advocacy Center	<ul style="list-style-type: none"> ▪ Provides forensic support services, general support services and mental health services to victims of abuse, including sexual abuse. 		1240 South Damen Avenue Chicago, IL 60608 Tel: 312.492.3700 Fax: 312.492.3760 info@chicagocac.org
Salvation Army – STOP-IT	<ul style="list-style-type: none"> ▪ Serves all persons, including children and adults, women and men, impacted by sex or labor trafficking. ▪ Conducts training seminars to raise awareness about human trafficking. ▪ Provides practical assistance to community services providers to assist in recognizing possible trafficked persons. ▪ Provides comprehensive case management to victims of trafficking. ▪ 24-hour hotline for access to outreach workers. 	Erin Knowles <i>Program Manager</i>	erin.knowles@usc.salvationarmy.org 24-hour Hotline: 877.606.3158 Office Tel: 773.275.6233
Salvation Army – PROMISE	<ul style="list-style-type: none"> ▪ Leads a task force on commercial sexual exploitation of children ▪ Has a residential home for women and girls who are victims of sex trafficking, featuring long term trauma treatment, life skills training, spiritual support, education, anger management, money management and recreational activities. ▪ The program can accommodate eight young women and girls, (ages 12-21). 	Frank Massolini <i>PROMISE Director</i> Jennifer Mitchell <i>Assistant Director of PROMISE</i>	Frank: 312.291.7916 Jennifer: 312.291.7942

Law Enforcement Resources

NATIONAL

ORGANIZATION	DESCRIPTION	CONTACT PERSON(S)	NUMBER AND EMAIL
U.S. Department of Justice, Civil Rights Division – Victim Witness Coordinator	<ul style="list-style-type: none"> DOJ Civil Rights Division prosecutes human trafficking cases in the U.S. involving U.S.-citizen and foreign born victims. 	Matt Gallagher <i>Victim Specialist</i>	Tel: 202.316.1130 matthew.gallagher@usdoj.gov
U.S. Department of Justice, Civil Rights Division – Human Trafficking Hotline	<ul style="list-style-type: none"> This hotline number is used to report cases of human trafficking (sex and labor) to federal law enforcement; reporting a case will open an investigation at DOJ. 		Tel: 888.428.7581 M-F, 9 AM-5 PM. www.usdoj.gov/whatwedo/whatwedo_ctip.html
US Dept. of Justice, Child Exploitation Unit	<ul style="list-style-type: none"> The Child Exploitation Unit prosecutes sex trafficking cases involving minors. 		Tel: 202.514.5780 M-F, 9 AM-5 PM. EST http://www.usdoj.gov/criminal/ceos/
Immigration and Customs Enforcement	<ul style="list-style-type: none"> ICE investigates human trafficking cases involving foreign-born victims. Ensure that children are represented by an immigration attorney or legal advocate when working with ICE or federal law enforcement agencies. 	Marie Martinez <i>Victim Witness Coordinator</i>	Tel: 202.907.5994 marie.martinez@dhs.gov Immigration and Customs Enforcement 500 12th Street NW, MS 5101/ RM 6218 Washington DC 20536 Tel: 202.732.5797 BB:202.321.6008 alexandra.levi@dhs.gov

LOCAL

Chicago Human Trafficking Task Force, Chicago Police Department	<ul style="list-style-type: none"> The Chicago Human Trafficking Task Force (CTTF) is a multi-agency task force dedicated to protecting human trafficking victims and investigating and prosecuting traffickers. 	Ozvaldo Valdez	Hotline: 773.533.FREE (3733) Cell: 312.296.9460
Cook County Human Trafficking Task Force, Cook County State's Attorney's Office	<ul style="list-style-type: none"> The Cook County Human Trafficking Task Force is a new, multi-agency task force with both law enforcement and service providers, dedicated to investigating and prosecuting trafficking crimes and to securing protections for victims of trafficking. 	Jennifer Greene <i>Cook County State's Attorney's Office</i>	jennifer.greene@cookcountyil.gov

ORGANIZATION	DESCRIPTION	CONTACT PERSON(S)	NUMBER AND EMAIL
Federal Bureau of Investigations (FBI), Civil Rights Division – Northern District of Illinois		Jeffrey Moore	jeffrey.moore@ic.fbi.gov FBI Chicago 2111 W. Roosevelt Road Chicago, IL 60608 Tel: 312.421.6700
Illinois Attorney General Office, Child Exploitation	<ul style="list-style-type: none"> ▪ To report child pornography in Illinois. 		reportchildporn@atg.state.il.us http://www.illinoisicac.org/
Federal Bureau of Investigations (FBI), Civil Rights Division – Southern District of Illinois		Mark Ranck	Mark. Ranck@ic.fbi.gov Tel: 217.522.9675

Summary of Services Available to Victims of Trafficking*

Both international and domestic victims of human trafficking are eligible for services to help them recover from their ordeal and rebuild their lives. The Senior Policy Operating Group (SPOG) Subcommittee on Domestic Trafficking prepared this chart to outline the types of services available to domestic and international trafficking victims. As the chart indicates, domestic human trafficking victims – both U.S. citizens and lawful permanent residents – are largely eligible for the same benefits and services as international victims.

SERVICE	AGENCY	DOMESTIC VICTIMS				INTERNATIONAL VICTIMS	
		CITIZEN & ADULT	RESIDENT & ADULT	CITIZEN & MINOR	RESIDENT & MINOR	ADULT	MINOR
Child Nutrition Programs	USDA	N/A	N/A	Yes	Yes	N/A	Yes
Food Stamp Program	USDA	Yes	Yes, after waiting period**	Yes	Yes, after waiting period**	Yes	Yes
Women, Infants and Children (WIC)	USDA	Yes	Yes	Yes	Yes	Yes	Yes
Refugee Cash and Medical Assistance	HHS-ACF	No	No	No	No	Yes	Yes
Services to Victims of Torture	HHS-ACF	No	Yes	No	Yes	Yes	Yes
Temporary Assistance for Needy Families (TANF)	HHS-ACF	Yes	Yes, after waiting period**	Yes	Yes, after waiting period**	Yes	Yes
Health Screenings	HHS-CDC	Yes	Yes	Yes	Yes	Yes	Yes
Medicaid	HHS-CMS	Yes	Yes, after waiting period**	Yes	Yes, after waiting period**	Yes	Yes
State Children's Health Insurance Program (SCHIP)	HHS-CMS	N/A	N/A	Yes	Yes, after waiting period*	N/A	Yes
Health Resources and Services Admin. (HRSA) Programs	HHS-HRSA	Yes	Yes	Yes	Yes	Yes	Yes
Substance Abuse and Mental Health Services Admin. (SAMHSA) Programs	HHS-SAMHSA	Yes	Yes	Yes	Yes	Yes	Yes
Public Housing Program	HUD	Yes	Yes	Yes	Yes	Yes	Yes
Tenant-Based Vouchers	HUD	Yes	Yes	Yes	Yes	Yes	Yes
Victims of Crime (VOCA) Emergency Funds	DOJ-Civil Rights	Yes	Yes	Yes	Yes	Yes	Yes
Emergency Witness Assistance	DOJ-Civil Rights	Yes	Yes	Yes	Yes	Yes	Yes
Victim Rights and Services	DOJ-Civil Rights	Yes	Yes	Yes	Yes	Yes	Yes
Witness Protection	DOJ-Civil Rights	Yes	Yes	Yes	Yes	Yes	Yes
OVC Services for Trafficking Victims Discretionary Grant	DOJ-OVC	No	No	No	No	Yes	Yes
VOCA Victim Assistance/Compensation	DOJ-OVC	Yes	Yes	Yes	Yes	Yes	Yes
One-Stop Career Centers & Job Corps	DOL	Yes	Yes	Yes	Yes	Yes	Yes

*Based on outlines submitted by agencies participating in the SPOG Subcommittee on Domestic Trafficking

**These programs require a five-year waiting period before immigrants and refugees who become lawful legal residents are eligible for services

CHAPTER SIX

Integrating Trafficking Response Protocols and Services within the Child Welfare System: The Illinois Case Study

Katherine Kaufka Walts, JD, Director, The Center for the Human Rights of Children, Loyola University

While the child welfare system is tasked with responding to children and youth who have been abused and neglected, “human trafficking” is rarely invoked as a form of child abuse by child welfare professionals. Child maltreatment and allegations are narrowly defined within child protection. The Federal Child Abuse Prevention and Treatment Act (CAPTA), as amended by the Keeping Children and Families Safe Act of 2003, defines child abuse and neglect as, at minimum:

- Any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, sexual abuse or exploitation; or
- An act or failure to act that presents an imminent risk of serious harm.

Most states, including Illinois, recognize four major types of maltreatment: physical abuse, neglect, sexual abuse, and emotional abuse. While human trafficking of children often includes these major forms of maltreatment, the phenomenon of human trafficking is often treated outside of child protection agencies. The purpose of this project was to identify ways in which all forms of human trafficking of children and adolescents, including both sex and labor trafficking, could be integrated within existing child protection and child welfare protocols and services, as well as to identify areas in which new policies, protocols, or services needed to be created by child welfare agencies to develop capacity to respond appropriately to human trafficking cases.

The following provides an overview of the development of the “Building Child Welfare Response to Child Trafficking” project.

Phase I

Between 2005 and 2007, Katherine Kaufka Walts, an attorney representing child victims of trafficking, conducted approximately eight half- or full-day training sessions to introduce the concept and legal definitions of human trafficking to various groups of child welfare professionals working for the Illinois Department of Children and Family Services (IDCFS). The trainings utilized the Freedom Network Training Institute’s “Human Trafficking: Basic Tools for Effective Response” training.¹²

The curriculum included an overview of human trafficking (including both labor and sex), types of victims, types of traffickers and trafficking networks, legal definitions and protections offered to victims, social service case management issues and models, multi-agency collaboration, and referrals to services. The training included use of video, case study examples involving U.S.-citizen and non-U.S.-citizen child survivors of human trafficking, and interactive exercises.

Some professionals who attended the training were directly employed by the respective state child protection agencies, others were subcontractors. Training participants included investigators, intake staff, case workers, training and development staff, and involved professionals from both child protection and child welfare support services. Each training session included approximately 25-75 individuals. Evaluation instruments were utilized to measure knowledge and beliefs about human trafficking both before and after the training.

The evaluation results provided two very important indicators:

1. Human trafficking training significantly impacted the propensity of participants to identify children who were victims of human trafficking.
2. Participants stated that while the training was helpful, their responses to child trafficking victims would be limited by the existing policies and protocols within their respective departments.

Before and after each training, one of the first questions participants were asked was, “Do you think you have ever encountered a victim of human trafficking?” The results of the training were dramatic: On average, the number of “yes” answers to the question increased over 200% after the training.

¹² IOFA is a co-founder and regional coordinator of the Freedom Network Training Institute, a national training institute comprising experts in the legal, social service, mental health, and advocacy fields who work with survivors of human trafficking. See www.freedom-networkusa.org.

The evaluations demonstrated that the child welfare staff consistently did not self-identify as having knowledge about legal protections, public benefits, non-governmental organizations, and special programs designated for child victims of trafficking before the training. These results showed the importance and value of specialized training on the topic of human trafficking, as well as the propensity of child protection professionals to identify more child trafficking cases after training.

The qualitative responses to the training, however, showed critical limitations within the system that could not be resolved by further training alone. Participants stated: “Our supervisors need this training, otherwise we won’t be able to follow-through on these cases,” and “We need this information to be included in our intake forms,” and “Our existing protocols don’t address this issue or population, and therefore my response will be limited.” Perhaps the most frank statement from a child protection investigator was: “Unless there’s a box indicating ‘human trafficking’ for me to check on my forms, the case will not be identified as such.”

For example, investigators could only use existing child abuse and maltreatment intake forms, which did not include human trafficking as a formal allegation, provided to them. Participants frequently requested that the information presented in these trainings be institutionalized within departments and respective divisions. The feedback indicated that trainings provided by external agencies could only have a limited and short-term impact on the work of child protection professionals. The critical needs were to build the capacity of IDCFS child welfare professionals from within the department and to adapt policies and protocols to support identification and response to child victims of trafficking.

The need for institutional capacity building in the area of child trafficking is not limited to the state of Illinois. In October 2008, IOFA conducted a similar training in New York with approximately 70 participants from the Administration for Children and Family Services (ACS). The pre- and post-evaluation results were similar, both quantitatively and qualitatively. ACS participants indicated a higher propensity to identify and work with victims of human trafficking after receiving training, as well as indicating that they would like to receive additional training and to incorporate aspects of it within their respective divisions via formal policies and protocol.

The critical needs were to build the capacity of IDCFS child welfare professionals from within the department and to adapt policies and protocols to support identification and response to child victims of trafficking.

Phase II

IOFA scheduled several meetings with IDCFS officials to discuss the evaluation results and the possibility of a longer-term project to work collaboratively on the issue. IDCFS was already involved in local and statewide task forces addressing issues of child sexual exploitation and unaccompanied minors. Additionally, IDCFS was developing an internal working group to identify how the department could better respond to such cases, as well as to human trafficking more broadly. The working group consisted of representatives from IDCFS Training and Development, Trauma Unit, Delinquency Unit, Substance Abuse Unit, and the Legal Department.

While IDCFS was committed to addressing human trafficking, their internal capacity and expertise was limited to addressing traditional forms of maltreatment and neglect. IDCFS sought input from IOFA's staff of experts who had worked directly with trafficked children and adolescents. IOFA provided input and helped to enhance existing training, policies, and protocols, as well as creating new ones as necessary, which the department could integrate within its existing structure. Additionally, IOFA developed the key components of the Building Child Welfare Response to Child Trafficking project.

Building Child Welfare Response to Child Trafficking Project Description

The purpose of this project is to build the capacity of child welfare agencies and professionals to identify and respond to this often invisible and underserved population. The primary goals are to ensure that children are correctly identified as trafficked persons and that they receive the appropriate protections and referrals to specialized services to which they are entitled under federal and state laws. IOFA will provide training, technical assistance, and capacity building to in order to make appropriate changes to existing training programs, policies, and procedures.

Project Objectives

Increase the ability of child welfare and protection staff to screen and identify child victims of all forms of human trafficking.

- Increase child welfare and protection staff's understanding of the unique needs of child victims of human trafficking, including both U.S.-citizen and foreign-national children.
- Improve and increase the coordination of child-centered services and protections for trafficked children, including coordination between service providers and law enforcement.
- Improve the care of child victims of human trafficking by ensuring that child welfare and protection staff are knowledgeable about both state and federal laws and benefits, protections, and resources that are available to child victims of sex trafficking and labor trafficking.
- Change the current system of care for child victims of trafficking in Illinois to one that is based on best practices that provide key areas of support for child trafficking victims as they recover from their abuse and rebuild their violence-free lives. Support would include attending school, preparing for economic self-sufficiency, and becoming productive members of society.

In 2008, a memorandum of understanding was signed between Director Erwin McEwen of IDCFS and IOFA to support a Building Child Welfare Response to Child Trafficking project. Shortly thereafter, IOFA received a grant from the Chicago Community Trust to implement project activities.

Phase III

IOFA and IDCFS began working together over a series of several meetings with IOFA staff and the IDCFS human trafficking working group. IOFA began familiarizing itself with the various policies and procedures of the department and its divisions to see where elements of human trafficking were already being addressed, as well as to identify gaps and areas in which to develop capacity. IOFA provided a preliminary training to the internal IDCFS human trafficking working group to help identify areas where child trafficking issues, including legal definitions, legal protections, and recovery services and case management issues for both U.S.-citizen and non-citizen children could be integrated within existing IDCFS protocols. This training was also made available via video conference and web to other IDCFS staff. Over 3,000 staff members were eventually trained.

Shortly after the project began, two significant issues arose:

1. No tracking mechanism to distinguish human trafficking cases existed within the department.
2. The existence of certain legal limitations within child protection to address child trafficking cases.

Challenges to Tracking Human Trafficking Cases within Child Protection Systems

IDCFS may have been providing existing services to child victims of human trafficking; however, these cases were likely to be classified as various types of abuse or neglect as defined by the Illinois Child Abuse and Neglect Act and CAPTA. Currently, Illinois child protection intake and services are managed by the Statewide Automated Child Welfare Information System (SACWIS). This system is a comprehensive automated intake and case management tool. Incoming reports of abuse, abandonment, or neglect are entered into the SACWIS system database. All staff in IDCFS and private agencies that provide primary case management services to DCFS children use SACWIS to collect and manage the information necessary to facilitate the delivery of child welfare support services, including family support and family preservation. The SACWIS intake system used by IDCFS and child welfare agencies does not include “human trafficking” (or related terms such as “sex trafficking,” “labor trafficking,” “involuntary servitude,” etc.) as an input field for reported types of child maltreatment. The types of maltreatments within the Illinois SACWIS system address various forms of abuse and neglect and include head injuries, substance misuse, environmental harm, domestic violence, malnutrition, sexual abuse, incest, and various forms of physical abuse. Consequently, any potential human trafficking case would need to be categorized under one of the existing fields, prohibiting any database management or collection of data on specific child trafficking cases within IDCFS.

Some aspects of child trafficking do overlap with existing forms of maltreatment and abuse that are currently identified within the SACWIS system. However, the distinction is important as perpetrators of human trafficking could receive harsher sentences than those associated with child abuse or neglect. Victims of human trafficking are also eligible for mandatory restitution, as well as potential immigration protections and public benefits, particularly for those children who did not have citizenship or legal status in the United States, or who would not otherwise qualify for such benefits. Additionally, human trafficking victims often have social, medical, and mental health service needs that are distinct from other abuse and neglect cases.

As a result, the internal IDCFS Human Trafficking Workgroup, in collaboration with IOFA, began discussion of creating a new allegation of human trafficking that could be incorporated within the existing SACWIS system. The allegation has been drafted and is currently in process for final approval and implementation. As a result, the internal IDCFS Human Trafficking Workgroup, in collaboration with IOFA, began discussion of creating a new allegation of human trafficking that could be incorporated within the existing SACWIS system. In February 2009, IDCFS drafted and published Allegation of Harm #40/90, which creates a new allegation of human trafficking of children, for public comment. The department received hundreds of responses. At time of the publication, the authors were informed that IDCFS is instructing its staff to use interim Allegation #10/60¹³ for all human trafficking cases, and that Allegation #40/90 is in the process of being reviewed and revised by the Illinois Joint Committee on Administrative Rules. The new human trafficking allegation is tentatively scheduled to become active in early 2011.

Limitations of child protection to address all human trafficking of children cases

There are several limitations to the ability of child protective services to identify and appropriately serve trafficked children and youth. In Illinois, as in most states, child protection laws regulate inter- and intra-familial child abuse and maltreatment conducted by a parent, caretaker, or qualified guardian. In many (but not all) human trafficking cases, the “abuser” is a third-party perpetrator – a paramour, intimate partner, pimp, employer, relative, or other type of non-qualifying guardian or caretaker. This significantly impacts the scope of state child welfare’s response to human trafficking cases. To expand the scope of child protection’s response to these cases, changes that expand the definitions of qualifying perpetrators must be made to federal and state legislation. Illinois recently passed the Illinois Safe Children Act (HB 1469), which creates new categories in the definition of “abused child”¹⁴ within the Abused and Neglected Child Reporting Act (325 ILCS 5/3) and the

¹³#10 Substantial Risk of Physical Injury/ Environment Injurious to Health and Welfare/#60 Substantial Risk of Physical Injury/Environment Injurious to Health and Welfare. Procedures 300 - Services Delivered By The Department. 300 .APPENDIX B – THE ALLEGATIONS SYSTEM. From the Illinois Department of Child and Family Services web resources (November 2009) : http://dcfswebresource.dcf.illinois.gov/procedures/procedures_300/P300-12.htm#P3716_363274

¹⁴“Any child under the age of 18 whose ‘parent or immediate family member, or any person responsible for the child’s welfare, or any individual residing in the same home as the child, or a paramour of the child’s parent’ commits or allows to be committed against the child one of the following crimes: involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons for forced labor or services.”

definition of “abused minor” within the Juvenile Court Act (705 ILCS 405/2-3).¹⁵ While these legislative changes certainly expand the scope of child protection to respond to human trafficking cases, they do not address all potential child trafficking case scenarios.

The following human trafficking cases may not be covered under existing federal and Illinois definitions of “abused child” or “abused minor”

“Girl X”, a 15 year old resident of Cook County. She lives with her parents, but spend a lot of time with her new “boyfriend” who promised her a better life and emotional security. Boyfriend begins to pimp Girl X out to his friends, and forces Girl X to prostitute herself.

“Boy Z” is sixteen and from China. His parents sent him to the United States to work, which includes paying of a smuggling debt of \$60,000 plus interest. To pay off this debt, Boy Z is forced to work at several restaurants across the Midwest, working 12-14 hour days, 7 days a week, with no option to go to school or find alternative employment. He also lives onsite at the restaurants.

“Girl Y” is fourteen years old and from India. She is an orphan, and was recruited to live and work for another Indian couple in a wealthy suburb outside of Chicago. She was not formally adopted, and was smuggled into the country by her employers who provided her a false passport. She cooks, cleans, and takes care of two small children full-time. Her employers do not allow her to go to school or communicate with others. She suffers ongoing physical and sexual abuse from her employers.

In the majority of child protection cases, IDCFS works toward family reunification. However, in many child trafficking cases, family reunification may not be in the child’s best interest necessitating temporary or permanent state care and guardianship. Often, there may not be a family to return to (or the family is out of the country), or there are no responsible or qualifying adults to care for the child – factors that precipitated the trafficking situation itself. In such cases, the state becomes the de facto guardian, and children are placed for adoption, with foster care families, or in group residential facilities. This can become challenging for older, adolescent children who are more difficult to place within state foster care systems.

In some cases, non-citizen, unaccompanied immigrant minors are referred to consulates or in some cases to the Department of Homeland Security or the Office of Refugee Resettlement Division of Unaccompanied Minors. The latter may trigger removal proceedings (a.k.a. “deportation”), which violates the rights of human trafficking victims under international, federal, and several state laws. It is imperative that children are screened for trafficking and safety and that child protection workers and service providers assess for suitable placement options before a child is sent to their home country, otherwise; these children face risks of being re-trafficked.

¹⁵“ Any minor under 18 years of age whose parent or immediate family member, or any person responsible for the minor’s welfare, or any person who is in the same family or household as the minor, or any individual residing in the same home as the minor, or a par-amour of the minor’s parent: commits or allows to be committed against the minor one of the following crimes: involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons for forced labor or services; or allows, encourages or requires a minor to commit any act of prostitution.”

IOFA and CHFC continue to work on the Building Child Welfare Response project and are pleased with the initial outcomes. We are looking at ways to build the capacity of other agencies and organizations to support the work of IDCFS. A state agency cannot do all of the work alone. A well-trained, proactive, and supportive non-profit environment is critical to the overall effort to combat the trafficking of children and youth.

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CONCLUSION & NEXT STEPS

Shelby French, MSW, MSc., Executive Director, IOFA

Katherine Kaufka Walts, JD, CHRC, Loyola University

Application and Use of the Handbook

IOFA and the Center for the Human Rights of Children at Loyola University strongly believe that the Building Child Welfare Response to Child Trafficking handbook can serve as a useful resource for state child welfare agencies, government agencies that focus on human trafficking, private child welfare organizations, and other service providers who want to integrate trafficking-specific policies and procedures into their operational systems.

We suggest that agencies review the information and forms within the handbook and identify those that would be most beneficial to the operations of each organization. Additionally, IOFA and CHRC can facilitate trainings and provide guidance on implementation of a curriculum related to use of the handbook, and customize the content of the handbook for different child welfare settings and professionals.

This handbook is just one component in addressing the complexity of child trafficking. We strongly recommend that interested organizations contact IOFA or CHRC for assistance in adopting the handbook and initiating this project in your state or organizational context.

IOFA and CHRC can facilitate trainings, provide guidance and customize the content the of the handbook for different child welfare settings and professionals.

Project Outcomes and Successes

IOFA and IDCFS met the planned outcomes of the first year of the project. As expected, there were a number of challenges and delays to implementation of all project objectives. However, both organizations were able to launch the primary objectives of the project and to integrate the key policies and protocols into existing IDCFS mechanisms. Below is a summary of phase one outcomes.

Outcome One

Updates made to existing mechanisms and creation of new processes for screening, identification, and provision of appropriate services to child and adolescent victims of trafficking

IDCFS identified a child trafficking work group to participate in ongoing meetings and dialogue with IOFA to further the goals of this project. Individuals from IDCFS Training and Development, Trauma Unit, Delinquency Unit, Substance Abuse Unit, and the Legal Department participated as members of the work group, in addition to IOFA's Executive Director. Approximately 10-12 IDCFS staff (part of the aforementioned task force) participated in conference calls and meetings with IOFA twice a month to advance this part of the project. These meetings included a) review of previous discussions, b) review of materials and documents IOFA has edited or created to help screen, identify and assist child trafficking victims, and c) dialogue regarding existing IDCFS policies and procedures, and discussion with IOFA about how to make necessary amendments to address child and adolescent trafficking.

IOFA reviewed several IDCFS documents and advised changes to systems protocol. At the time of this publication, the following documents were in the process of being integrated into IDCFS systems.

1. **Rapid Screening Tool for Child Trafficking** – This document will be used by all IDCFS home investigators. Any potential child trafficking cases will be referred to appropriate personnel.
2. **Comprehensive Human Trafficking Screening Tool** – This identification tool is designed to a) screen for human trafficking; b) assesses safety; and c) determine immediate referrals.
3. **Human Trafficking of Children Indicator Policy and Training Guide** – This document will be used in IDCFS policy protocols, and information will be utilized in a future training.
4. **Human Trafficking Resource Guide** – International, National, and State Assistance - IOFA identified 22 new referrals for IDCFS that are child trafficking-specific. Referrals are local and national service providers (social and legal), government agencies, and experts providing technical assistance on the issue.

IDCFS took IOFA's suggestions to revamp institutional policy very seriously. IDCFS drafted a new allegation of harm of "human trafficking of children," which was finalized and published for public comment. IDCFS is currently in the process of reviewing comments received in response to the allegation and has forwarded it to the Joint Committee on Administrative Rules (JCAR) for final review. Child trafficking as a separate allegation will help track the number of child trafficking victims identified in Chicago and Illinois. As mentioned earlier, currently there is no formal tracking mechanism on a state level. If JCAR approves this new allegation, IDCFS will be one of the first state child welfare agencies in the nation to formally adopt a policy and tracking mechanism that specifically addresses child trafficking victims. As a result, IDCFS caseworkers will be required to undergo more comprehensive training on identification and service delivery to child victims of trafficking.

Outcome Two

Front-line IDCFS staff has increased capacity to advocate effectively for child victims of human trafficking

IOFA conducted video-conference training for IDCFS staff at nine sites across the state. This initial training provided basic tools to identify and address human trafficking cases. IOFA subsequently worked with the Office of Training & Professional Development at IDCFS to assist with integration of trafficking-specific material into existing training modules. Although the original scope of this project planned for the development and implementation of a stand-alone human trafficking training curriculum, IDCFS requested that the main focus of the project be placed on developing and revising documents and pushing forward a state-wide policy change. IDCFS continued to request technical assistance from IOFA as its Training Department embedded human trafficking awareness and trauma-treatment components into its existing modules. A description of these modules follows:

1. **Foundation Training** – A "building human trafficking awareness" component has been embedded into this 5-week long mandatory training for all new IDCFS caseworkers.
2. **Learning Collaborative Trainings** – This is an IDCFS learning model made up of a series of mandatory trainings, offered once per quarter, covering a variety of topics, such as: "basic human trafficking," "psych first aid," "trauma 101," "trauma 201," and "child & adolescent needs and strengths (CANS)." The "basic human trafficking" training focuses on how to work with adult family members and their children, the "trauma 201" training is a more complex trauma training that incorporates child trafficking victim issues, and the "CANS" training teaches procedures and indicators that lead to human trafficking and guides services.

Prior to this project, there was no formal training addressing human trafficking within IDCFS's Office of Training & Professional Development. Since these human trafficking components have been formally embedded in current IDCFS training modules, more than 3,157 IDCFS caseworkers have participated in trainings that address child trafficking identification and recovery services.

Outcome Three

Coordination of child-centered services and protections for trafficked children, especially between service providers and law enforcement

IOFA identified and compiled a resource guide of 22 new referral sources for IDCFS that are child- trafficking specific. This guide has now been expanded to 26 referral sources and resources for service providers. Referrals include local and national providers of social and legal services, government agencies, and experts providing technical assistance on the issue. Additional referrals are still being researched and reviewed. Additionally, IOFA continues to review current referral policies and procedures for abuse and neglect cases, and plans to create a policy document outlining coordination of services between service providers (within and outside of IDCFS) and law enforcement agencies for child trafficking cases.

Challenges and Constraints

The Building Child Welfare Response to Child Trafficking project is a large undertaking. The partners in the project anticipated that there would be many expected and unforeseen challenges moving forward with all aspects of the project. Below are some of the key obstacles to full project implementation that additional state child welfare agencies and private child welfare agencies should anticipate and address before considering implementation of the project in full.

Overstretched Training Schedules for State Child Welfare Agency Staff.

IDCFS staff are required to receive training in a variety of vital areas related to their work. An additional separate training curriculum, while critical, can task their overly burdened training schedules. IOFA and IDCFS did their best to incorporate trafficking elements into existing trainings so that an additional mandatory training requirement did not need to be added during the first phase of the project. However, as more child victims are properly identified and taken into care, a separate trafficking-specific curriculum is imperative to providing appropriate responses and services to all clients.

Lack Of Support From All Key Parties Within A State Welfare Agency.

Most state child welfare agencies are very large, often bureaucratic, and have competing pressures and priorities. Staff turnover and changes of assignment can change the dynamic of a working group and impede overall progress. Some aspects of the project are difficult to implement without full and total buy-in from all participating departments and key decision makers. Identification of strong and consistent champions at the top levels of any organization is critical for full and successful implementation of this comprehensive effort.

Inability to Move Forward with All Phases of Project Due to Delays and Concerns with Implementation of a New Allegation.

Without a formal allegation of harm that considers child trafficking a separate maltreatment, the IDCFS trafficking work group members argue that caseworkers may identify potential child trafficking victims, but not report them because there is no formal procedure in place to do so. Fortunately, IDCFS has agreed to incorporate the *Child Trafficking Screening & Assessment Tools* into the agency's state-wide electronic database, known as the Intake Assessment (IA) and Child & Adolescent Needs and Strengths (CANS) system. This process is awaiting the IDCFS IT department's implementation. Thus, even if the allegation policy is not approved by JCAR in the near future, the basic screening tools will have been embedded in the system.

No Direct Mandate to Work with Child Victims of Trafficking.

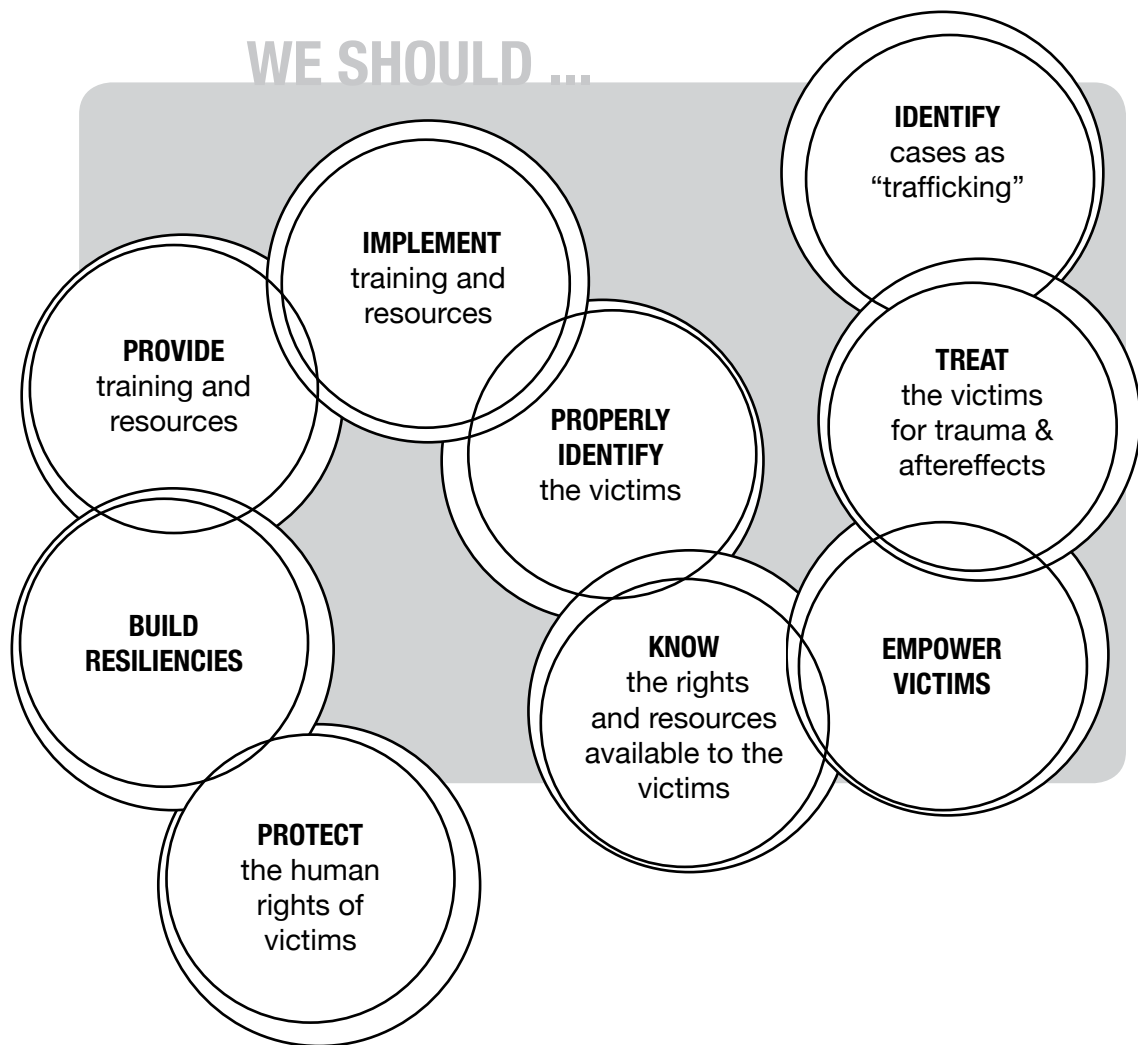
Many state child welfare agencies fail to see child victims of trafficking as part of their mandate. They work with families and focus on the reunification of the family if at all possible. Child victims of trafficking are often isolated, separated from a safe family structure, or already living completely on their own. The partners within this project strongly believe that a state child welfare agency is, and will continue to be, the primary body to respond to the most severe cases of abuse, neglect and exploitation. Certainly, human trafficking falls within these categories and should be directly included in the mandate of any organization responsible for the protection of children and adolescents.

Identification and Response to Child Victims of Trafficking are Different from Identification and Response Mechanisms for Other Types of Clients.

More and more agencies, professionals, and members of the general public are becoming aware of and rightly concerned with the realities of child trafficking. There would be a number of serious consequences if training and resources around child trafficking were not provided and comprehensively implemented within agencies and organizations responsible for the welfare of children and adolescents. Without the capacity to properly identify victims of trafficking, children and adolescents may be reintegrated into unsafe and exploitative situations. Without knowledge of the rights and resources available to victims of trafficking, children and adolescents can be accidentally deported or charged with a crime by untrained professionals. Additionally, if trauma and its aftereffects are not effectively treated, the impact of a trafficking scenario on the child can be exacerbated, prolonged, and ultimately devastating to children as they transition to adulthood. Moreover, if cases are not identified as "trafficking," we will never be able to quantify the actual number of victims and could lose the opportunity to design better outreach efforts for effective rescue and restoration.

Because of the increase in public awareness, it is assumed that there will be an increase in pressure on state child welfare agencies to include child victims of trafficking within their mandate. There are examples of new and emerging legislation and legal decisions; recently in Illinois, New York, and Connecticut; that equate any sexual exploitation of a child with trafficking.

Moreover, identification and response to child victims of trafficking are very different from identification and response mechanisms for other types of clients. The laws and protective mechanisms are different and very specialized. Client experiences are highly traumatic and the level of maltreatment can be more severe and the effects longer-lasting than other abusive situations. Child victims of trafficking often have other existing vulnerabilities that were present before the trafficking situation and these vulnerabilities, if not effectively treated, will create further opportunities for exploitation.



Policy Considerations

Current federal and state child protection regulations and protocols are sorely outdated and ill-equipped to respond to human trafficking cases of children in the United States. The following provides an overview of challenges and recommendations for states to better serve child trafficking victims.

1. Funding

Child welfare agencies around the country are currently underfunded and overstretched. This is compounded by the current budget crisis and deficits faced in several states, including Illinois. Child welfare agencies desperately need resources for training and support of staff to better protect their clients, including child trafficking victims. Additionally, many referral agencies that work with state child welfare agencies are also experiencing budget cuts, hiring freezes or lay-offs. As states consider ongoing budget cuts, protecting the rights and services available to the most vulnerable members of our communities – children – should remain a priority.

2. Limited Role of Child Protection as Currently Defined

The government's intervention in child maltreatment is grounded in the concept of *parens patriae*—a legal term that asserts that government has a role in protecting the interests of children and in intervening when parents or qualifying caretakers fail to provide proper care. This concept is codified in our federal and state child protection laws. Human trafficking of children may involve cases whereby parents fail to take adequate measures to protect their child from or are directly responsible for the commercial sexual abuse or forced labor of their children. In such cases, there is a clear mandate for child protection to become involved in child trafficking cases.

However, sexual and labor exploitation of children also often occurs by non-qualifying caretakers – employers, extended family members, strangers, intimate partners, pimps, gang members, organized crime, community members, family associates, etc. In some cases, the trafficker may be alleging they are a parent or family member, when in fact they are not; or, the trafficking may be occurring outside of the child's home or residence. Additionally, there have been some child trafficking cases where the trafficker is not residing in the same household as the child. In order to effectively respond to the diversity and potential scope of child trafficking cases in the United States, federal and state child protection agencies should consider expanding the definition of qualifying perpetrators.

Many child trafficking victims have no family. Parentless and homeless youth are often targeted for various forms of exploitation, including human trafficking. Placement and permanency divisions of state child welfare agencies should develop protocols and policies and improve capacity to address this population of child trafficking victims.

Policy Directives

It is imperative for agencies to incorporate a “human trafficking” allegation or label for child abuse hotline reports, which generates a Critical Incident report to child welfare authorities. Currently, most states do not have such a label within their reporting system.

Additionally, each state should have a policy directive to address how child welfare agencies and child protection units should proceed with child trafficking reports and how child protection staff will handle suspected trafficking situations. Considerations to include in the development of such policies and protocols should include the following:

- Addressing child trafficking cases involving both citizen and non-U.S. citizen children.
- Coordination with appropriate local, state and federal law enforcement agencies.
- Multidisciplinary case staffing and referrals.
- The process of obtaining “certification” and eligibility letters for non-citizen child trafficking victims from the US Department of Health and Human Services, Office of Refugee Resettlement.
- Placement options, including both state and federal foster or kinship care, for both citizen and non-citizen child victims.
- Methods and resources for safe repatriation to the home country, which include safety and suitability assessments.
- Reference to various immigration options available to non-citizen child trafficking victims, including T visas, U visas, SIJ, VAWA and asylum.
- Confidentiality and non-disclosure policies for child trafficking victims.
- Training for not just state child welfare and protection units, but also state agency subcontractors and referral providers including community based care agencies, mandated reporters, residential shelters, guardians ad litem, mental health professionals, child protection teams, child welfare services, child victim advocates, child welfare attorneys, consulates, and refugee services providers.
- Legal advocacy for both citizen and non-citizen children involved in juvenile justice or criminal justice proceedings against the trafficker.
- Prevention initiative and education. Many trafficked children have had contact with child protection services in some degree – as current wards of the state or were in foster care or group homes at the time of their recruitment and/or victimization through pornography and prostitution. Case workers can help prepare vulnerable groups of youth to protect themselves from potential traffickers and recognize potentially risky situations.

Additional Recommendations for Moving Forward

The Building Child Welfare Response to Child Trafficking in Illinois process and handbook provides child welfare agencies and professionals with a strong foundation for integrating child victims of trafficking into existing child protection operations and processes. However, this handbook is specifically designed to help with the initial identification and crisis response period. The period following identification and rescue can be the most critical time for child and adolescent victims. Appropriate assistance and collaboration with legal, law, and social service providers is essential so as to secure key support during the restoration process. State welfare agencies must be organized in their response and be able to identify and obtain the necessary support for each client.

The challenges identified above need to be addressed and rectified for proper and full implementation of project activities. Additionally, IOFA and the CHRC strongly recommends that IDCFS and other state welfare agencies adopt a child protection specific training curriculum that would support the key components within the handbook and expand the capacity of child protection staff to identify and respond to victims as quickly as possible. IOFA and the CHRC will be developing these resources in the next phases of project implementation.

The protection of a child and adolescent victims of trafficking is a comprehensive process. A few missing pieces within this process can have a detrimental effect on the overall success of the case and the protection of the child. IOFA and the CHRC are dedicated to building upon this project and recommend longer term support mechanisms and rehabilitation processes specifically for child and adolescent victims of trafficking. Future editions of this handbook will focus on the response process and include:

- Methods and best practices for effective collaboration between state child welfare agencies, other social service agencies, legal professionals, and law enforcement
- Recommendations for trauma-informed, victim-centered case management
- Key components for supportive state or federal legislation
- Special needs of adolescent victims of trafficking

The initial impetus of the Building Child Welfare Response to Child Trafficking project was to address systemic gaps in knowledge, policies, and procedures within local child welfare agencies in the United States. A handbook alone cannot do all of this. IOFA and the Center for the Human Rights of Children also support this effort through the provision of training, technical assistance, and capacity-building efforts to make appropriate changes to existing training programs, policies and procedures. With additional funding, it is hoped that the final result will be a replicable project that can be adopted by other state and private child welfare agencies throughout the United States and internationally.

