



**State of Florida  
Department of Children and Families**

**Charlie Crist**  
*Governor*

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*Secretary*

# **LEGAL BEST PRACTICES GUIDE**

## ***for the Protection of Child Victims of Human Trafficking***

**September 2009**

Developed under the Protections for Child Victims of Human Trafficking Project; a Project funded by a grant from the U.S. Department of Health and Human Services, Office of Refugee Resettlement, and administered by the State of Florida, Department of Children and Families (contract LK867). The Project is led by Florida Immigrant Advocacy Center (FIAC), with assistance from Florida State University's Center for the Advancement of Human Rights, International Rescue Committee, Southeastern Network of Youth & Family Services, Robin H. Thompson & Associates, and The LB Hoffman Group.

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### Disclaimer:

**The information contained in this guide is not and should not be construed as legal advice. An individual or entity should not act or refrain from acting on the information in this guide without seeking appropriate legal advice.** This guide provides general references and general information only, and may not reflect the latest legislative, administrative, or judicial authority. DCF expressly disclaims all liability to any party from actions or reliance, or from the lack of action or reliance, made using the contents of this guide.

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# The Legal Best Practices Guide and You

## WHAT is this Guide?

- An overview of information helpful to identify, assist, and effectively represent children who are victims of human trafficking
- A list of definitions, red flags, case illustrations, tips, laws, and other resources about working with child victims of human trafficking

## WHO should use it?

- Those who work with children, especially professionals who aid at-risk children and youth
- Attorneys, legal advocates, judges, judicial staff, and any others connected with the justice system

## WHY use it?

- Only a fraction of all trafficked children are properly identified
- Trafficking cases are extremely complicated
- Trafficked children can access special benefits, but meeting their needs requires the collaboration of multiple professionals and organizations
- It was developed by experienced professionals from a cross-section of disciplines, all with firsthand knowledge of the diverse subject matter

## HOW should it be used?

- As a reference
- **NOT** as a “how-to-guide”
- **NOT** as a replacement for experienced legal support. Readers should consult with an experienced attorney in immigration or juvenile matters to ensure that a child receives the best possible representation throughout the process.

# Introduction

## 1. Why You Need to Know About Child Trafficking

Florida is often noted as third in the nation in terms of the number of people being trafficked into the state. Eighty percent of those who are trafficked are women and children. The government estimates that up to 17,500 people are trafficked into the United States annually. Getting a handle on the numbers of trafficked children, and specifically the numbers by state, has proved more elusive. Experts believe that only a fraction of all trafficked children are properly identified. In addition, trafficked children seldom – if ever – self-identify, meaning that many children who would fit the profile of a trafficked child don't seek relief. Florida has already seen a number of successful prosecutions of traffickers of children, but there are many more children who are not protected, and whose traffickers have not been caught. If your work brings you in contact with children, you need to recognize child trafficking and know your responsibilities.

Florida law outlines its goals for *all* dependent children and provides, at §39.4085, F.S., that: The health and safety of children should be of paramount concern and, therefore, the legislature establishes the following goals for children in shelter or foster care:

- To enjoy individual dignity, liberty, pursuit of happiness, and the protection of their civil and legal rights as persons in the custody of the state.
- To have their privacy protected, have their personal belongings secure and transported with them, and, unless otherwise ordered by the court or if their safety could be compromised, have uncensored communication, including receiving and sending unopened communications and having access to a telephone. (See *Section 4: Placement or Repatriation of a Trafficked Child* and *Section 5: Dependency* for further information about the safety risks faced by trafficked children and their risk of being re-trafficked and further harmed by the traffickers.)
- To have a full risk, health, educational, medical and psychological screening and, if needed, assessment and testing upon adjudication into foster care.

These goals are important to keep in mind when working with cases involving trafficked children.

**Tip:** Uncensored communication and unrestricted access to others could pose a problem in human trafficking cases. Law enforcement should be consulted because contact between the trafficked child and the traffickers (or those allied with the traffickers) could endanger the child and compromise ongoing investigations. If determined to be safe, it is important to allow communications between family members and the child. Otherwise, the child will often worry about family members' safety and well-being.

## 2. The Legal Best Practices Guide and How Can It Help You

This Legal Best Practices Guide is an easy-to-use reference meant for people who work on cases involving children. It provides information on the main areas that are important for you to know. It is designed to give attorneys, judges, judicial staff and any others connected with the justice system information about how to identify, assist, and effectively represent children who are trafficked. This Guide is not meant as a replacement for experienced legal support. Readers should consult with an experienced attorney in immigration or juvenile matters to ensure that a child receives the best possible representation throughout the process.<sup>1</sup>

Although the Guide provides an overview of federal and state law with regard to trafficking and abused children, it is geared to assist lawyers, social workers and interested parties operating in Florida. It is not meant to be an exhaustive resource; additional sources of information are listed in *Appendix C*. Also understand that the words “child” and “client” are used interchangeably to reflect the professional’s perspective in his or her relationship to the individual s/he is assisting. Similarly, the Department of Children and Families alternatively is referred to as DCF or “the Department.”

The Guide is divided into six sections and each section is divided into the following subsections:

- Key Points and Red Flags
- Case Illustrations
- Tips
- In-depth Topic Discussion

If you would like more information about this Guide, please contact:

- Regina Bernadin, Refugee Service Program Human Trafficking Coordinator, [Regina\\_bernadin@dcf.state.fl.us](mailto:Regina_bernadin@dcf.state.fl.us); 305-376-1948; or
- Florida Immigrant Advocacy Center (FIAC), *Lucha* Project, [www.fiacfla.org](http://www.fiacfla.org); 305-573-1106.

## 3. Legal Authorities

Authorities (Please refer to *Appendix A* for the full text of relevant statutes).

- a. Florida Statutes relevant to child trafficking: §39.201, F.S.; §39.301, F.S.; §409.9531 F.S.; §787.06, F.S.; §796.035, F.S.; and §796.045, F.S.
- b. Federal Statutes relevant to human trafficking: 18 U.S.C. §§ 1581, 1584, 1589-1595; and 22 U.S.C. §7105.
- c. Department of Children and Families Operating Procedure: CF Operating Procedure 175-14.

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<sup>1</sup> Please see Appendix C for a list of legal service providers who specialize in these areas.

## 4. Terms and Acronyms

The following are terms and acronyms used in this Guide and common to human trafficking cases.

### TERMS

**Caregiver:** The parent, legal custodian, permanent guardian, adult household member, or other person responsible for a child's welfare.

**Children's Legal Services:** A statewide law firm within the Department of Children and Families. CLS attorneys are employed by the Department and represent the State of Florida, acting through the Department in its *parens patriae* role, in fulfilling the duties as set forth in Chapter 39, F.S. CLS's duty in representing the State is to ensure the health, safety and well being of children and the integrity of families when they come into contact with the Department as a result of an allegation of abuse, abandonment or neglect.

**Coercion:** The 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:** Where anything of value is given to or received by any person in exchange for the performance of a sex act.

**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 occurs between the child and a "customer," the pimp/trafficker, or others who profit from the trade of children for these purposes.

**Continued Presence:** Temporary immigration relief granted to eligible non-citizen victims of human trafficking, who are potential witnesses of human trafficking, in order to assist in the investigation or prosecution of the trafficker.

**Debt Bondage:** The status or condition of a debtor arising from a pledge by the debtor of his or her personal services or of those of a person under his or her control as a security for a debt. Traffickers or recruiters exploit an initial debt the worker assumed as part of the terms of employment.

**Destination Country:** Country to which victims are trafficked.

**Force:** The use of physical and psychological harm and confinement to control victims.

**Fraud:** The use of deception which may include false offers or false promises to induce people to work against their will.

**Harboring:** Providing shelter or refuge to a person with the knowledge that the person will be enslaved.

**Induced:** To lead or move by persuasion.

**Involuntary Servitude:** A condition of servitude induced by 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.

**Non-Citizen Child:** An unmarried person under the age of 21 years who was not born in the United States, has not been naturalized, or is not otherwise considered a United States citizen.

**Peonage:** The holding a person against his or her will to pay off a debt.

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

**Repatriation:** The act of returning someone to his or her country of origin.

**Servitude:** Slavery; the condition where a person is forced to perform labor or services, against his or her will.

**Sex Trafficking:** Recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.

**Slavery:** The condition where a person is forced by another person to perform labor or services against his or her will.

**Smuggling or Human Smuggling:** Facilitating the illegal entry of a person across an international border.

**Source Country:** Trafficking victim's country of origin.

**T Visa:** Non-immigrant visa (temporary immigration status) granted to an eligible non-citizen victim of human trafficking for at least four years, which leads to lawful permanent residence.

**Trafficking or Human Trafficking:**

- a. “Severe form of trafficking in persons” (Federal) means: Sex trafficking in which a commercial sex act is induced by force, fraud or coercion or in which the person induced to perform such act is under 18; or the recruitment, harboring, transportation, provision or obtaining of a person for labor or services, through the use of force, fraud or coercion, for the purpose of subjecting that person to involuntary servitude, peonage, debt bondage, or slavery.
- b. Human Trafficking (State): the transporting, soliciting, recruiting, harboring, providing, or obtaining another person for transport. It is a crime for any person to knowingly engage, or attempt to engage, in human trafficking with the intent or knowledge that the trafficked person will be subjected to forced labor or services; or to benefit financially by receiving anything of value from participation in a venture that has subjected a person to forced labor or services.

**Transit Country:** Country through which a trafficking victim passes to reach destination country

**U Visa:** Non- immigrant visa (temporary immigration status) that allows non-citizens who have suffered substantial physical or mental abuse as a result of being the victims of certain crimes, including human trafficking, to remain lawfully in the country for a specified period of time.

**Unaccompanied Refugee Minor (URM) Program:** Assistance program which provides in-home placement options for trafficked children. In Florida, Department of Children and Families receives funding from the Office of Refugee Resettlement (ORR) to subcontract with local community-based agencies to provide URM care. ORR also subcontracts with national organizations, such as Lutheran Immigration and Refugee Services (LIRS) and U.S. Conference of Catholic Bishops (USCCB) to assist with the placement of children into local URM care.

## ACRONYMS

<b>API</b>	Asian Pacific Islander
<b>BJA</b>	Bureau of Justice Assistance, U.S. Department of Justice
<b>CIS</b>	U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services (also referred to as USCIS)
<b>CLS</b>	Florida Department of Children and Families, Children's Legal Services
<b>CPI</b>	Child Protective Investigator
<b>DCF</b>	The State of Florida Department of Children and Families
<b>DHS</b>	U.S. Department of Homeland Security
<b>DOJ</b>	U.S. Department of Justice
<b>DUCS</b>	U.S. Department of Health and Human Services, Office of Refugee Resettlement, Division of Unaccompanied Children's Services
<b>GAO</b>	U.S. Government Accountability Office
<b>HHS</b>	U.S. Department of Health and Human Services
<b>ICE</b>	U.S. Department of Homeland Security, Immigration and Customs Enforcement
<b>ILO</b>	International Labor Organization
<b>IOM</b>	International Office on Migration
<b>LEA</b>	Law Enforcement Agency Endorsement
<b>LIRS</b>	Lutheran Immigration and Refugee Services
<b>LPR</b>	Lawful Permanent Resident
<b>NGO</b>	Non-Governmental Organization
<b>ORR</b>	U.S. Department of Health & Human Services, Office of Refugee Resettlement
<b>ORS</b>	Florida Department of Children and Families, Office of Refugee Services
<b>OVC</b>	U.S. Department of Justice, Office for Victims of Crime
<b>OVW</b>	U.S. Department of Justice, Office on Violence Against Women
<b>SIJS</b>	Special Immigrant Juvenile Status
<b>TVPA</b>	Trafficking Victims Protection Act of 2000 (federal)
<b>TVPRA 2003</b>	Trafficking Victims Protection Reauthorization Act of 2003 (federal)
<b>TVPRA 2005</b>	Trafficking Victims Protection Reauthorization Act of 2005 (federal)
<b>TVPRA 2008</b>	Trafficking Victims Protection Reauthorization Act of 2008 (federal)
<b>UNODC</b>	United Nations Office on Drugs and Crime
<b>USC</b>	United States Citizen
<b>URM</b>	Unaccompanied Refugee Minor
<b>USCCB</b>	U.S. Conference of Catholic Bishops
<b>VAWA</b>	Violence Against Women Act
<b>VSC</b>	U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services, Vermont Service Center

## 5. Human Trafficking and How You Might Encounter It

Human trafficking is often called “modern-day slavery.” At its core, it is the buying and selling of human beings for forced labor. In Florida, human trafficking laws are in effect at the federal and state levels, and are similar in their definitions and prohibitions. Federal law offers victims a range of benefits, including immigration relief. Like federal law, state law criminalizes forced labor, and generally provides the same kinds of benefits that all abused and neglected children and other crime victims can receive.

**Case:** *Marco, an impoverished homeless boy, is approached by human traffickers in Guatemala.<sup>2</sup> The traffickers promise Marco lucrative employment at a restaurant in the United States. Marco agrees, and the traffickers arrange for his illegal entry into the country. Upon arrival, the boy — who speaks only Spanish — is told that he must work eighteen hours a day in a taquería and live in an unfurnished apartment with other boys who work at the taquería. Marco is paid far less than minimum wage, and his “rent” is deducted from his meager earnings. The traffickers threaten to punish Marco severely if he attempts to leave. The traffickers prohibit him from having guests or dating. After eight years of exploitation under these conditions, Marco manages to escape and contact the authorities and seeks protection as a victim of human trafficking.*

You might encounter a trafficked child in a variety of ways — both in your professional and personal life:

- Law enforcement raids a job site (field, sweatshop, brothel) and finds both adults and children being exploited. You are asked to represent a child, or the child enters the child protective system;
- You are defending or prosecuting a child who is charged with prostitution or any other crime;
- You are a lawyer or a judge dealing with a non-citizen child in a dependency case;
- You are a guardian ad litem in a case where a child has been sexually abused or involved in the commercial sex industry; or
- You notice that a child in your neighborhood does not go to school, looks malnourished and fearful, and/or has burn marks on her legs.

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<sup>2</sup> “Marco” is a fictional name. The story described above is that of the plaintiff in *Abrica v. Campestre Corp.*, No. 04-02723 (N.D. Cal. filed July 7, 2004).

**Case:** *Simone was made to believe she was an orphan in Haiti, and brought to the U.S. by a Haitian family. She did not attend school, slept on a rolled-up mattress on the dining room floor, and bathed in the backyard with a garden hose. For six years, she washed dishes, made beds and cooked for a family that beat her and hid her in a closet when visitors arrived.*<sup>3</sup>

## 6. Federal and State Laws

### FEDERAL LAW

The Federal Trafficking Victims Protection Act (TVPA) of 2000 was ground breaking legislation.<sup>4</sup> Among its many provisions, it outlines the actions that constitute trafficking. The TVPA also created a new non-immigrant visa, the T visa, to provide temporary relief to victims of trafficking crimes and to encourage victims who were hesitant to testify because of deportation fears. The T visa provides a child trafficking victim with temporary residency for four years, and potential permanent residency (LPR or “green card” status). The T visa requires adults to cooperate with law enforcement, but children are exempt and need not collaborate with law enforcement to receive this visa.

The TVPA defines “severe form of trafficking in persons” as “sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age” or “the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.” 22 U.S.C. §7102(8).

**Case:** *Julie, a 16-year-old girl from Memphis, Tennessee, ran away from her abusive home. At the bus station, she met a man who convinced her to fly to South Florida with him. He promised her that he would be her boyfriend, that he would buy her jewelry, and that they would go to the Bahamas together. Upon their arrival in Florida, he said she had to earn at least \$500 a day through street prostitution to prove that she was “his woman.” Julie was arrested after propositioning an undercover officer. Upon her identification as a juvenile, prostitution charges against the girl were dropped and she was correctly identified as a victim of trafficking.*

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<sup>3</sup> Court TV News, “Florida human trafficking case exposes child servitude among Haitian immigrants,” October 17, 2007. Available at: [http://www.courttv.com/news/2007/1017/slavery\\_ap.html](http://www.courttv.com/news/2007/1017/slavery_ap.html) (last visited Jun 2, 2008).

<sup>4</sup> See Appendix A.

## FLORIDA LAW

In recent years, Florida has passed legislation to address human trafficking and care for its victims. The legislature has acknowledged that thousands of victims are trafficked annually across international borders worldwide and that many of these victims are trafficked into Florida.

Florida law defines “human trafficking” as: “transporting, soliciting, recruiting, harboring, providing, or obtaining another person for transport.” It further provides that:

“Any person who knowingly:

- (a) Engages, or attempts to engage, in human trafficking with the intent or knowledge that the trafficked person will be subjected to forced labor or services;  
or
- (b) Benefits financially by receiving anything of value from participation in a venture that has subjected a person to forced labor or services;

commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.” (Florida Statutes §787.06, sec. 3)

See *Appendix A* for full texts and citations of federal and Florida human trafficking laws.

**Caution!** Remember that trafficking is part of a continuum of labor abuses. It is possible for a worker to be exploited under labor laws, but not be trafficked unless the activity meets the legal definition of human trafficking. Like trafficking, labor exploitation is against the law, even if the person being exploited is not documented.

## Section 1.

### Caregivers and Traffickers

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#### 1. Key Points About Traffickers

- Parents may sell their children to traffickers.
- Parents may give their child to a trafficker because the trafficker has tricked them into believing that they will provide the child with a better life in the US.
- The child's parent or caregiver may also be the child's trafficker.
- A trafficker may lie and say she or he is the child's parent or caregiver.
- A child's relatives may be in collusion with, or be sympathetic to, the trafficker.

#### 2. Why This Is Important to Know

- "Caregivers" under Florida law, are given rights to know about a child's status and placement if that child is removed from a home for abuse or neglect.
- A judge may try to place a child with a relative or non-relative caregiver when that child is removed from a home.
- Caregivers approved by the court as temporary placements will have access to information about the child.
- To the trafficker, the child is a potential witness in a criminal case against them. Traffickers may use information about the child's status, placement, school and daily routine to attempt to contact, abduct, or harm the child.
- Repatriation of a child to his or her country of origin can be dangerous. It should not be done if the parents were involved in the trafficking scheme because that child will be at a high risk of being re-trafficked.

#### 3. What You Should Do

- Fully explore any relative placements to make sure that the placement is safe from the trafficker. Work with law enforcement to make this determination.
- Choose an alternative and do not advocate for a relative placement if you cannot determine if the relative is allied with the trafficker.
- Ask to close the courtroom to the public and any person, including relatives and former caregivers who might be aligned with the traffickers. Seek to limit the disclosure of any information that might allow the traffickers to harm the child.

**Case:** *Min-li, a 12-year-old girl from China, was found by police working in a restaurant. She said her “uncle” was taking care of her, and that she lived with him and other people in a trailer three blocks from the restaurant. She had burn marks on her arms and legs and the police suspected that she was sexually abused. The child protective investigator confirmed several maltreatments and suspected that Min-li might be a victim of trafficking. Min-li was moved into a temporary foster care home until the hearing took place. At the hearing, a woman claiming to be Min-li’s aunt said she would take care of Min-li. The aunt produced identity documents for herself and Min-li. The Children’s Legal Services attorney, who collaborated with law enforcement, had learned the aunt was allied with a trafficking network in New Jersey. The attorney was able to successfully argue to the court that the child would be in great danger if placed with the aunt.*

#### 4. Current Law and Practice Regarding Caregivers

When a trafficked child is removed from the trafficking situation and placed in shelter, the child is not out of danger. The child is a potential criminal prosecution witness and the trafficker may be motivated to intimidate, kidnap or even kill the child. The trafficker may attempt to take advantage of dependency law to gain access to the child and “insider” knowledge about the dependency case.

Florida law, rule, and procedure favor finding alternative placements to traditional foster care. For example, §39.402(17), F.S. requires the court to make inquiries about possible relative placements when that child is at a shelter. It also imposes an ongoing duty for the parent to report possible relative placements. Likewise, the Administrative Code 65C 30.003 requires DCF to search for all possible relative placements and for other appropriate adults willing and able to care for the child. The emphasis on placing the child in a familiar surrounding is not always in a trafficked child’s best interest.

The trafficker may use a seemingly suitable family member or other adult to attempt to gain temporary custody of the child. A person with actual custody of the child will be given “participant” status under §39.01(50), F.S.; will be entitled to notice of all hearings; and may be heard by the court without seeking leave to intervene. If legal custody is granted at disposition, §39.701(7)(a)12(b), F.S. will entitle the custodian to a judicial review social study report replete with details of interest to the trafficker.

The person responsible for making placement of a trafficked child must be fully aware of the situation surrounding the crime, those involved, and those who might be associated with the traffickers. The normal background screening will not answer these questions. It will take time and the cooperation of the child before the true situation may be understood. In the meantime, those who may push for a quick relative or non-traditional foster care placement for a trafficked child should be reminded of the special dangers posed by trafficking and that Florida Statutes makes the health and safety of the children served the paramount concern. See §39.001(1)(b)1, F.S. (2008).

## Section 2.

### Working with Federal, State and Local Authorities, Law Enforcement and Non-Governmental Organizations

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#### 1. Why It Is Important to Collaborate

A trafficked child has many needs and, therefore, multiple systems will impact that child's life. These needs include:

- Interpretation
- Housing
- Food and clothing
- Medical care (including gynecological and dental care)
- Mental health counseling
- Transportation
- Legal and immigration services
- Safety planning
- Education/schooling
- Literacy/English as a Second Language (ESL) training
- Protection
- Help contacting and ensuring safety of loved ones; economically assisting loved ones
- Job placement
- Repatriation or reunification

A single organization **will not** be able to meet all of a child's needs. Furthermore, services should be coordinated because the actions of one agency will have an impact on the work and results of another. Collaboration can maximize resources and bring about stability for the child sooner. Lack of coordination may impede progress in meeting a child's short-term and/or long-term needs.

**Tip:** There are multiple systems that impact a child's welfare and they inevitably overlap:

- Health care
- Law enforcement
- Child protective services
- Courts and prosecution
- Governmental and administrative agencies (Labor, Agriculture, Business and Professional Regulation)
- Non-profit, non-governmental systems (Legal services, domestic violence and sexual violence programs, immigration and child welfare advocates, faith based organizations)

There is a host of situations where **collaboration will be important**, such as to:

- Make sure there is a proper and full investigation
- Prosecute the trafficker
- Protect the victim
- Prevent trafficking of others
- Meet the victim's needs
- Apply for an "eligibility letter" which will allow the child to receive benefits
- Keep communities safe
- Ensure safety of staff
- Use limited resources wisely and efficiently

**Case:** *Zana was 16 when she left Albania. Her family was very poor. An employment contractor promised that, if she came to the U.S., she would work as a nanny and housekeeper. The man who brought Zana to the U.S. told her that she owed him \$25,000 for transport and that she had to work as a prostitute in order to pay off this debt. She did this, and was forced to use crack cocaine, for two weeks because she would have been beaten and raped if she did not obey. The FBI and local police raided the brothel where the traffickers housed Zana, other women, and minors. The authorities interviewed Zana and took her to a local domestic violence program for safety.*

*Zana does not speak English and feels alone and misunderstood. She is petrified that she will be found and killed, and that the traffickers will harm her family in Albania. She is depressed and has dental and gynecological problems. Zana will need a range of assistance from many professionals and agencies. These include legal services, housing, medical and dental care, mental health services, substance abuse treatment, crisis intervention, protection, education, life skills, justice system orientation, interpretation, and immigration assistance.*

## 2. **Role of Federal and State Law Enforcement in Human Trafficking Cases**

Federal and state laws make human trafficking a crime. A primary role of law enforcement is to act as a first responder in potential cases of human trafficking. Both federal and state agents can identify cases, which they will then investigate and attempt to prosecute. Law enforcement involvement in a case of a child victim of trafficking can also aid social and legal service providers who would like to obtain interim and long-term assistance on behalf of an identified victim. (See *Section 3: Social Services, Benefits and Immigration Relief*). It is important for the child's attorney to be involved so that the child's best interests and voice can be heard throughout any criminal investigation and prosecution. This will require the attorney to closely monitor the case; inform and advise the client of its progress; advocate for the client during depositions and other discovery; and be able to fully discuss the client's options with him or her.

**Federal government authorities** may include:

- Immigration and Customs Enforcement (ICE), part of the U.S. Department of Homeland Security (DHS)
- U.S. Attorneys (in Florida, there are three U.S. Attorney Districts: Northern, Middle and Southern)
- Federal Bureau of Investigation (FBI), part of the U.S. Department of Justice (DOJ)
- Office of Refugee Resettlement (ORR), part of the U.S. Department of Health and Human Services (HHS)
- U.S. Department of Labor
- U.S. Equal Employment Opportunity Commission (EEOC)

**State and Local government authorities** include:

- Florida Department of Law Enforcement (FDLE)
- Local law enforcement – sheriff’s offices and municipal police departments
- State Attorneys – Florida has 20 state attorneys
- Department of Children and Families (DCF), Office of Refugee Services
- County Health Departments

**Tip:** Law enforcement, child welfare authorities, and nongovernmental organizations with expertise in victims of trafficking may apply to ORR for a non-citizen child’s “eligibility letter”. Sometimes, law enforcement does not realize that they need to apply to DHS for “continued presence” (immigration relief that allows the child to remain in the U.S. during the pendency of the investigation and prosecution). The attorney for the child needs to advocate for law enforcement to apply for continued presence.

### **3. Role of Non-Governmental Organizations (NGOs) in Human Trafficking Cases**

Trafficked children have suffered greatly. Their ability to survive depends on how quickly they can get help. Certain NGOs have the skills to deliver these services. They have an important role in human trafficking cases involving children. **In Florida, NGOs** include:

- Immigrant and worker advocacy organizations
- Legal service agencies
- Social service organizations
- Local community-based care agencies, including those contracted by DCF to provide other in-home placement options as part of the Unaccompanied Refugee Minor Program
- Domestic violence and sexual violence centers
- The faith community

## 4. **What to Do Before You Have a Case**

- Check to see if there are any multidisciplinary anti-trafficking task forces in your area. Find out who the members are. Join if you are able. These task forces include law enforcement, prosecution, non-governmental victim services, child welfare services, child advocates, mental health professionals, homeless organizations, health care providers, educators, and many others. These are the people the attorney will call on for necessary client assistance.
- Get to know your local anti-trafficking law enforcement officers. Contact with both federal and state authorities is critical in order to understand what is happening with the case where your client is a witness. This is an ongoing responsibility as there can be turnover in many federal and state agencies.
- Know the contacts in your local and state DCF offices who are responsible for helping refugee/non-citizen children and trafficked persons.
- Look into the availability of Guardians ad Litem (GAL) for trafficking cases and see if they are familiar with human trafficking and children. In Florida, a GAL must be appointed in “any criminal proceeding if the minor is a victim of or witness to child abuse, neglect or if the minor is a victim of a sexual offense.” §914.17, FS.
- Contact a reputable and knowledgeable immigration attorney who understands human trafficking.
- See if there are civil remedies that might be pursued. These include recovery under federal law, state law, and civil causes of action such as torts. (A full listing of resources is found at *Appendix C*) Some criminal law violations specifically allow for private rights of action.
- Educate yourself on human trafficking. Join relevant list serves or regularly check key websites to learn about cases being prosecuted and to receive updates. (See *Appendix C* for resource information.)

**Tip:** Non-citizen *and* U.S. citizen children who are trafficked are eligible for services. U.S. citizen children who are trafficked do not need letters of “eligibility” and are entitled to the same social services as other U.S. citizen children who are abused or neglected. For both citizen and non-citizen cases, DCF is central to these children receiving help. DCF has an established network to provide the victim with shelter, medical care, cash assistance, legal services, and social services, among others. DCF’s Statewide Human Trafficking Coordinator (See *Appendix C*) can help navigate the system and provide information on statewide contacts, available services, and law enforcement matters. DCF’s Children’s Legal Services attorney, who represents the State on behalf of the child; and – if present – the attorney who represents the child in placement and custody matters, should coordinate with NGOs and other DCF departments to address the child’s legal needs.

## Section 3.

### Social Services, Benefits and Immigration Relief

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A trafficked child is entitled to a wide range of services, benefits and relief. Therefore, it is important for that child to be identified as a victim of trafficking.

- Trafficked children who are U.S. citizens are entitled to the same treatment as U.S. citizen children who are abused, abandoned, and neglected.
- Non-citizen children who are trafficked are entitled to immigration relief and to many of the same benefits as U.S. citizen children who are trafficked.
- Immigration relief for a trafficked child allows for that child to remain in the U.S. and be reunited in the U.S. with certain family members.

#### 1. The Eligibility Letter and Its Importance<sup>5</sup>

Certification and Eligibility are terms used to describe a process that the Department of Health and Human Services (HHS), Office of Refugee Resettlement (ORR) uses to officially declare that a non-citizen is a “victim of a severe form of trafficking.” A child does not have to be “certified” but s/he does need to obtain an “eligibility” letter from HHS to receive a wide range of federal benefits. (Adults are “certified” and receive a “certification letter.” Children are deemed “eligible” and receive an “eligibility letter.”)

The most recent reauthorization of the TVPA (TVPRA 2008) grants 90-day interim assistance to non-citizen children believed to be victims of human trafficking. For interim **OR** long-term assistance, law enforcement, child welfare authorities, and NGOs with expertise in victims of trafficking may request the letter of eligibility if there is credible information that a child may have been subjected to a severe form of trafficking. The child does not have to cooperate with law enforcement to receive the letter. However, for practical purposes, it is good to coordinate with law enforcement. If federal authorities are asked to be involved, it is likely that federal law enforcement will require access to the victim and information from the case manager before they will issue a statement that they believe the child is a victim of “a severe form of trafficking.”

Once the requestor submits a statement to ORR that a child is believed to be a victim of trafficking, ORR may issue interim relief or long-term assistance, depending on the evidence at hand. For long-term assistance, a letter of eligibility will be necessary. The victim or the victim’s advocate may then present the letter to social service providers as proof of eligibility. Benefit issuing agencies must call ORR’s toll-free trafficking victim verification hotline at 1-866-401-5510 to verify the child’s eligibility for benefits and inform HHS of the benefits for which that child has applied.

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<sup>5</sup> OMB 0970-0362, expiring 10/31/2009. Contact ORR for updated information, as this will change.

## 2. Social Services Benefits Available to Trafficked Children

A U.S. citizen child who is a victim of trafficking is eligible for the same services as a U.S. citizen child who is abused or neglected. **If the child victim is a non-citizen**, s/he may receive federally-funded benefits and services, to the same extent as a refugee. If the child has not received an eligibility letter, or is in the process of applying, s/he may receive:

- Legal assistance
- A range of services, from emergency shelter to case management and health screening
- Program services necessary for safety and life
- Food, shelter, crisis and other services
- Florida Crime Victim Compensation

**In addition** to the above, a child who is deemed “eligible”, whether for interim or long-term assistance, can also receive:

- Certain welfare benefits (TANF, Medicaid, Refugee Cash and Medical Assistance, Refugee Social Services, Match Grant, Health Screening and Food Stamps)
- Education
- Job skills training and placement
- English as a Second Language (ESL) classes
- Life skills
- Counseling
- Unaccompanied Refugee Minor (URM) Program, Foster care or other in-home placement

**Tip:** It is very important to work with an advocacy organization that is familiar with the trafficked child’s rights regarding social services AND his or her legal rights. A list of some of the organizations that provide this kind of assistance is found in *Appendix C*. Contact Refugee Services at 850-488-3791 for more information about victim rights and possible benefits.

## 3. Immigration Relief Available to Trafficked Children

Trafficked children can be:

- U.S. citizens;
- Lawful Permanent Residents (a.k.a. green card holders);
- Non-immigrant visa holders (e.g., visitors, students);
- Asylees or refugees; or
- Present in the U.S. without lawful status.

**Caution!** Immigration law is complicated. Always contact an immigration attorney if you are working with a child who is not a U.S. citizen.

**The following list of immigration relief is not exhaustive, other remedies might be available** and requirements and benefits are different depending on the relief sought. It is important to explain to the child all the benefits and responsibilities under each immigration relief so the child can make an informed decision.

#### **A. Continued Presence (CP)**

- Temporary permission to remain in the U.S. for a period of one year.
- Granted at the request of law enforcement investigating the case.
- Renewable annually, if necessary.
- Gives access to employment authorization.
- Leads to eligibility or certification letter for public benefits.

**Tip:** Even if the child is not going to work, having an Employment Authorization Document (EAD) is needed for identification. This will also allow the child to request a social security card.

#### **B. T Visa**

- Created especially for trafficked persons under federal law.
- Grants the applicant a four-year non-immigrant visa (temporary visa).
- Can include immigration relief for a child's family (if under age 21, a child can sponsor her spouse, children, parents, and unmarried siblings under 18).
- Child need not show "force, fraud or coercion" if s/he has been a victim of sex trafficking; however, a child recruited for labor trafficking must show this.
- To get a T visa, a child trafficking victim is not required to assist law enforcement (adults must do this).
- If granted before a child turns 18, the child is eligible for the Office of Refugee Resettlement's (ORR) Unaccompanied Refugee Minor (URM) Program.
- Child must apply for Lawful Permanent Resident (LPR) status, also called "adjustment of status", before the T visa expires.

**Case:** *Luisa was trafficked at age 17. She escaped her traffickers and collaborated in the investigation and prosecution of the traffickers. While she had CP, she went into URM Program care. After ensuring that her parents were not involved in the trafficking, Luisa applied for a T visa and petitioned for her mother, her brother under the age of 18, and her minor child, who was 2-years-old.*

**Tip:** The URM Program is a specialized foster care program for refugee, trafficked, and other non-citizen youth. Children may stay in the URM Program until they finish high school or turn 21, and may receive intensive case management, education, health care, mental health counseling, and independent living skills training. The URM Program also assists in family reunification and repatriation services. Contact Refugee Services at 850-488-3791 for more information about the URM Program in Florida.

### **C. Special Immigrant Juvenile (SIJ) Visa**

- Provides abused, abandoned and neglected non-citizen children with legal permanent resident status.
- Cuts off family relationship, as the applicant cannot petition for his or her parent(s).
- To qualify for SIJ Status, a minor must be:
  - i. Declared dependent in a U.S. juvenile court; or
  - ii. Under custody of a state agency in the U.S., and reunification with one or both parents is not viable; and
  - iii. Not in his or her best interest to return to the country of origin.

### **D. U Visa**

- Created especially for victims of certain violent crimes who suffered substantial physical, mental and/or emotional abuse as a result of that crime.
- Grants the applicant a four-year visa.
- Can include immigration relief for a child's family (if under age 21, a child can sponsor her spouse, children, parents, and unmarried siblings under 18).
- Can obtain lawful permanent resident status if s/he resides in the U.S. continuously for three years after receiving the U visa.
- Must apply for adjustment of status, or LPR status, before the U visa expires.

**Case:** *Natalya escaped her traffickers when she was 16-years-old. She had been physically and psychologically abused by the labor contractors who promised her a modeling career. Instead, they brought her from Russia to the Florida Panhandle and forced her to clean motel rooms. She is entitled to petition for a U visa based on the physical violence. She is also eligible to apply for a T visa because she was forced to work. Her mother is dead and no one can locate her father so she is also eligible for Special Immigrant Juvenile Status.*

## **E. Asylum**

- Must establish that s/he has suffered persecution or has a well-founded fear of persecution on account of five grounds, one of which is membership in a social group.

**Case:** *Celia was part of a group of ten young women, all under 18, recruited from Veracruz, Mexico by traffickers to work as nannies and waitresses in Miami, Florida. Upon arrival in Miami, Celia and others were forced to work as prostitutes in a local brothel. The traffickers kept their money and refused to let them leave. The traffickers recruited hundreds of young girls from this particular area in Mexico in a similar manner. They threatened the girls and their families with death should they ever report these crimes. Celia has a case for asylum based on her membership in a social group as a “young woman from Veracruz trafficked for prostitution in the U.S.”.*

## **F. Violence Against Women Act (VAWA) Relief**

- Provides children the ability to “self-petition” for their immigration status without consent or knowledge of the abusive parent.
- Must be victims of abuse committed by U.S. citizens and lawful permanent resident (LPR) parents.
- Must show that the child has resided with the U.S. citizen or LPR parent, and “has been battered by, or has been the subject of extreme cruelty perpetrated by” that parent.
- Children can self-petition from abroad if abused by a U.S. citizen or a LPR who is a member of the armed forces or who works for the U.S. government, or if some of the abuse occurred in the U.S.

**Case:** *Sandra is seduced and brought into the U.S. by a man who promises to love her and care for her. She falls in love and marries him. Once they are married, he begins to abuse Sandra. He makes her work at a dance club and collects all of her salary. He also keeps all of her documents from her, and threatens to tell her family about her work. Sandra is eligible to self-petition under VAWA and to apply for a T visa.*

## Section 4.

### Placement or Repatriation of a Trafficked Child

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**Repatriation** refers to the return of a child to that child's country of origin.

**Placement** refers to the process of finding a safe and appropriate place for that child to live, which may mean with a relative or other person in the U.S.; in a state-provided or facilitated home (such as foster care or the Unaccompanied Refugee Minor Program); or in another country which is neither that child's country of origin or the U.S.

#### 1. **Overview:**

- Repatriation or placement is appropriate in cases where the placement country can meet the immediate and long-term safety, physical, mental, emotional and medical needs of the child. To the extent possible, the Department of Children and Families (DCF) shall confirm that there is court supervision, however brief, where the child is being placed.
- Home or family assessments should be conducted by reputable partner agencies in the country of origin. Resources, living situation, access to services, including education and who will have primary responsibility/custody of the child should also be taken into consideration.
- Throughout the entire process, the child's attorney ad litem, including the child's immigration attorney, shall be consulted to determine any pending legal actions (criminal, civil, immigration) for which the presence of the child in the United States is necessary.
- Once the dependency court determines that repatriation is in the child's best interest, DCF shall assist and ensure that the child is adequately prepared for repatriation by:
  - i. Identifying and seeking the services of a local non-governmental organization (NGO) which can provide further assistance to the child upon return;
  - ii. Providing counseling services to the child; and
  - iii. Facilitating contact and discussions regarding reunification between the child and his/her family.
- Once the child is returned to the country of origin, the court shall hold a status hearing within 30 days to review the success of the repatriation or placement. The court shall determine whether the best interests of the child require a subsequent hearing or services, or if there is a need to alert the appropriate authorities of a child's possible return to the trafficker.

- The placement process will result in costs. To the extent possible, DCF should work to find funding to support the repatriation, home study, monitoring, transportation, and other costs associated with this process.

## 2. Placement or Repatriation of Trafficked Children

- Most children who have been trafficked are at risk of being re-trafficked. Making sure they are safe from past and potential future traffickers is crucial. Retaliation and reprisals from traffickers are especially likely if the victim is cooperating with the authorities, particularly law enforcement, but also with DCF, the courts, or the state.
- A child who is trafficked may long for home and may want to be with family members and familiar surroundings.
- Make sure that a decision by the court is in that child's best interest, and if that child wants to go home, that s/he has freely made the decision to return home.
- Repatriation to the child's country of origin and a safe placement is that child's right.
- It is not easy to ensure that a child will be safe if s/he is going to a foreign country or even back to home or relatives in the U.S.
- Whether the child is a non-citizen or a U.S. citizen, the best interests of the child standard must apply and safety, permanency, and well-being must be assured.

**Tip:** The trafficked child's caretaker may be abusive or may be allied with the traffickers. The parent may have sold the child to the trafficker. For this reason, you should try to determine the past experiences that child has had with that caretaker. For instance, was that child abused? How did the child come in contact with the trafficker? Such information is important to know before any information is given to that parent or caretaker. If you suspect that the child was trafficked by the parent or caretaker who is seeking custody or with whom the child might be placed, inform the court and/or relevant parties at DCF and enlist the help of an attorney and other experts in child psychology for support.<sup>6</sup>

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<sup>6</sup> Adapted from The IOM Handbook on Direct Assistance for Victims of Trafficking, International Organization for Migration. Geneva, Switzerland (2007) p. 209.

### **3. Considerations and Risk Assessments for Repatriation of a Trafficked Child to a Foreign Country**

#### **Consider these questions:**

- What is the extent and impact of trafficking in the foreign country?
- Is the country concerned one of trafficking origin, transit, or destination, or any combination thereof?
- How many trafficking victims may be expected to seek service delivery organization assistance?
- To what extent is trafficking controlled by organized criminal groups?
- What is the known or estimated capacity of traffickers to plan and implement reprisals against the victims and/or service delivery organization staff?
- What is the capacity of the local law enforcement agencies?
- What is the extent of endemic corruption, and how does it add to the level of risk?
- What is the level of governmental commitment and support combating trafficking in human beings?<sup>7</sup>

### **4. Resources for More Information:**

- Department of Children and Families: Statewide Trafficking Coordinator, Regina Bernadin, Miami: 305-377-7917 or Tallahassee 850-488-3791.
- United States State Department, Trafficking In Persons Office – see the latest annual Trafficking in Persons Report for a list of country trafficking responses <http://www.state.gov/g/tip/>
- International Organization on Migration (IOM) – See IOM, an intergovernmental organization that specializes in immigration matters and assistance for immigrants; <http://www.iom.int/jahia/jsp/index.jsp>
- Consulates – Develop relationships with different consulates to assess their positions with respect to the issue of human trafficking. Or, check with DCF to see if they have information. Sometimes traffickers have connections within the consulates and you must make sure that the consulate is not allied with the traffickers.
- UNICEF – See <http://www.unicef.org/infobycountry/index.html> for country-by-country descriptions and [http://www.unicef.org/protection/index\\_exploitation.html](http://www.unicef.org/protection/index_exploitation.html) for information on child trafficking.

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<sup>7</sup> Adapted from IOM p. 4.

- In-country non-governmental organizations – Check with the IOM (above) for suggestions.
- United Nations International Labour Organization – For country profiles and information, see: <http://www.ilo.org/global/lang--en/index.htm>. See also ILO Action Against Trafficking in Human Beings (2008): [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_090356.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_090356.pdf).
- For a wealth of information about immigration and children, see: <http://brycs.org/documents/HighlightedResourcesWINTER2008.pdf> and <http://www.brycs.org/childtrafficking.htm>

Also, see *Appendix C* for a list of other contacts and information.

**Caution!** In several cases, government agents – including Consular personnel – have been involved in human trafficking schemes.

**Tip:** In order to protect the child victim of trafficking, in cases where human trafficking is known or suspected, Children’s Legal Services should seek the appointment of 1) an attorney ad litem, 2) an experienced guardian ad litem, and 3) an experienced immigration attorney before contacting the Consulate, parents, or legal guardians in the United States or abroad.

## 5. Guidelines for Safe Placement

- **The best interest of the child** has to be the paramount consideration for all parties during the whole process (pursuant to Florida law and the United Nations Convention on the Rights of the Child, and usually specified in the national laws or policy/practice of the referring country);
- Participation and the **right of the child to express** his or her views freely;
- The **consent** of the parent or legal guardian;
- **Tracing of the family** (so long as family tracing does not jeopardize the best interests of the child or the rights of the family members being traced);
- Sufficient information and **counseling** of the child and/or the guardian;
- **Home or family assessment** should be done to determine the availability of family support (consent and ability of the family to care for the child) or an appropriate care provider as well as reintegration mechanisms in the receiving country;

- Depending on the laws in the referring country, the child should come under the **protection of the social service institutions** acting in *loco parentis*. Where this is so, permission must be sought from the agency concerned before the minor is removed from the country;
- Where there is **suspicion of family-related trafficking**, the court, case managers and relevant parties must be informed and **a family assessment should be made** to clarify if family involvement was a factor in the trafficking process.<sup>8</sup>

**Case:** *Soledad is a 15-year-old girl who was trafficked to Florida from Guatemala. She told her attorney that she was sexually abused by a relative before she left her small hometown and came to the U.S. to work as a maid. After she was rescued, she said that she did not want to stay in the U.S., that she missed her mother and family and she wanted to go home. She agreed to talk to law enforcement about the trafficking. The attorney was worried about repatriation for Soledad since she came from an abusive situation and could be re-trafficked, but she had to follow her client's wishes. The court-appointed guardian ad litem did not believe that return to Guatemala was in the child's best interest. The case is pending. What should happen next?*

## 6. Home and Family Assessments

A family assessment will indicate whether it is in the best interests of the child to return to that home and, regarding trafficking, should also reveal if the parents or caretakers are safe or if the child is at risk for being re-trafficked. The assessment should also indicate if the child will have access to needed services such as health care, counseling, education, and a guardian or advocate. The ability to conduct a family assessment is dependent on many factors, including the different resources and laws of the country where placement is to occur. Are there non-governmental organizations in-country that can assist you? Are they safe and reliable? How can you find out? Most often, the Florida-based, local community-based care agency should pay for the family assessment.

**Before repatriating or placing** a child, there **must be a plan in place** for meeting that child's needs. This plan should be developed in consultation with the case management team from DCF, the courts, the child's guardian and attorney, and appropriate persons in the home country.

**Caution!** It can be time-intensive to build trust with a child. The child may not be truthful; a child may try to go back to the trafficker due to prior threats or bonds with the trafficker; or the child may be ashamed to return to his/her family of origin.

<sup>8</sup> Adapted from IOM p.65.

## Section 5.

### Dependency Cases

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#### 1. Key Points About Trafficked Children in the Dependency Court System.

- Most dependent children come into the system with a clear identity, a past, at least one known parent, a community, and school history. Most trafficked children lack this clear identity.
- Child victims of trafficking meet the statutory definition of a dependent child.
- The organized, criminal nature of trafficking presents physical dangers to the child, parents, and caregivers.
- Trafficked children often have needs different from those of most dependent children.
- Traditional assumptions about reunification, reasonable efforts, visitation, and temporary placement may not apply.

#### 2. Why This Is Important to Know

- Until the child protection system knows the full and true identity of a child, it cannot protect that child, determine best interests or accomplish real permanency.
- If the dependency system properly classifies trafficked children as dependent, the system can provide the protection and services that these children need.
- Trafficking victims face physical dangers from criminals looking to silence a witness, exact revenge, or set an “example” to others who might try to escape the enslavement of trafficking.
- Most child abuse and neglect victims need counseling and support to be “made whole,” but unless the system understands the special needs of trafficking victims, the help offered could be ineffectual at best, or a re-victimization at its worst.
- Dependency statutes, rules and operating procedures come with presumptions designed to benefit most dependent children, but trafficked children are in a unique situation and may actually be harmed by a process that favors quick reunification, non-foster care placements, and fast tracked permanency.

### 3. What You Should Do

- Fully investigate the identity and background of all children that may have been trafficked. Work closely with law enforcement and do not assume that the child or the child's relatives are motivated to tell you the truth.
- Be aware that many stakeholders in the dependency system will not see a child trafficking victim as a dependent. Make sure that these children are not classified simply as delinquents, illegal immigrants, or some one else's problem.
- Be aware that a criminal network may try to harm – including murder – the child or the child's family. Be careful when accepting offers of placement or visitation from family members or friends until you know for sure they are not in league with the traffickers. Seek to close court hearings to the public and limit disclosure of information that might lead traffickers to the child, especially information that discloses placement, school, or time and location of visits.
- Seek out professionals with experience and training dealing with child trafficking victims who can provide evaluations and treatment plans that recognize the special type of trauma these victims have experienced.
- Avoid reliance on presumptions that fit most dependent children. Focus on the unique circumstances of each child to determine that child's best interest.
- For placement of trafficked children, see Section 4 of this Guide. Thorough investigation of the possible trafficking of that child must be done so that the child is not placed in the home country or with relatives who will subject the child to trafficking again.

**Case:** *14-year-old Gloria and 15-year-old Margarita, cousins from Mexico, were arrested in Florida during a drug raid. The police had evidence that the girls were active in the selling of drugs, and suspected prostitution. Handcuffed and sent to juvenile detention, neither spoke English. They qualified for home detention, but the person who came to pick them up did not have proper identification. A report was called in to the Hotline by Juvenile Justice.*

*A bilingual CPI interviewed the girls, who claimed they were in Florida with their parents' permission, visiting an adult uncle and a cousin. They readily admitted that they were in the country illegally and begged to be sent back home to Nuevo Progreso, a border town. The investigator consulted with the Children's Legal Services attorney and a shelter hearing was held before the same judge who handles delinquents. The children were released to DCF, but ran away within 24 hours.*

*Two days later, the children were located by police and placed in secure detention. The CPI visited the children every day for the next two weeks. Slowly, the children began to trust authorities and told their story. They began their journey as runaways and were befriended by an adult male named Hector, who promised to marry Margarita and take care of Gloria. They thought they were going to Texas, and were surprised when they ended up in Florida. When they arrived here, Hector turned them over to another man they knew only as “Tio.” Tio, or “uncle” in Spanish, was a stranger to them. They begged to go back home, but he said that they owed money for their trip and had to earn their way back.*

*They admitted that they were afraid to be in detention and asked if they could be placed quickly at a neighbor’s house. After an investigation, the neighbor was found to be an associate of Tio, and DCF arranged instead for a licensed foster home in another city. Children’s Legal Services, after consulting with law enforcement, provided the Mexican Consulate with notification required under the Vienna Convention. When a shelter review hearing was held in the judge’s chambers, Children’s Legal Services explained why the children who were dependent should not be handled as traditional runaways or illegal immigrants. The local prosecutor was also present and explained the danger posed to the children by the drug/trafficking network. The judge was convinced that it was necessary to extend the shelter time frame beyond the statutory 30 days. This allowed enough time to locate the parents, verify their identity, and determine that they were not complicit in the trafficking.*

*For four months, while awaiting the home study from Mexico, the children received special counseling and treatment for depression and post-traumatic-stress disorder. In treatment, Margarita disclosed that Tio prostituted her, and raped Gloria when she refused.*

## **4. Current Dependency Law and Practice**

### **A. Identity Verification**

The lack of a clear personal history, verifiable school records, or a birth certificate, are signs that a child, or their caregiver may not be who they claim. Sometimes parents are trying to conceal a criminal past, undocumented immigration status or a past abuse history. Trafficked children often will not have documentation, but rather official-looking, forged documents.

Under the Florida Administrative Code, 65C- 30.004, all children must have their identification verified shortly after entering the dependency system. Verification must occur within 15 days of a child’s removal from home or within 15 days of transfer to a services unit for court ordered in-home supervision. For children born out-of-the country, verification may take longer, but a request must be made within 15 days.

Identity verification is an important child safety requirement binding on the Department and all community-based care providers. Dependency stakeholders must insist on strict adherence. The

inability to verify a child's birth may be the first clue a judge, attorney, caseworker or guardian has that a child is trafficked.

**Tip:** Some children born in other countries were born in places where there is no nearby hospital. As it is often customary for a mother to give birth at home, the child may never have been officially registered. The concept of a birth certificate may be unfamiliar to them. Immigration law takes this fact into consideration and, in some cases, it will accept affidavits from individuals who attended the birth of a child in place of a birth certificate.

## **B. Dependency Jurisdiction**

Recognizing that a child is trafficked may be the first step to obtaining the services and protection of the dependency system, but that protection will never happen unless the Hotline accepts the call, an investigator recognizes trafficking as a dependency issue, and a Children's Legal Services attorney presents a case for jurisdiction to a judge.

In the past, some trafficked children were shut out of dependency services when their cases were viewed as something other than a "Chapter 39" issue. These children were handled as delinquents, illegal immigrants, or runaways and faced detention, deportation, and forced return to the very people who had trafficked them.

The definition of a dependent child has not changed significantly in many years, and has always been broad enough to include child victims of trafficking. Yet many professionals failed to view a child forced or coerced into labor or the sex trade as a dependent absent direct involvement of a parent or legal custodian in the crime.

Section 39.301(15) defines a child found to be dependent as a child abused, abandoned or neglected by a parent or legal custodian **OR** a child who has no parent available to provide supervision and care. Children who are trafficked are either abused by complicit parents, or their parents were unable to provide the supervision and care needed to protect them.

Additional resistance to finding trafficked children dependent was a reading of the Abuse Hotline statute to limit investigations to abuse by parents or other caregivers. The Florida Legislature ended the confusion by amending Florida Statute 39.301 to require the Hotline to accept reports of human trafficking of a child.

### C. The Dependency Process

Dependency professionals must act to protect a child from the physical danger of traffickers. They must also take steps to heal the mental and emotional trauma the child has experienced. It is important to understand the dependency process and to highlight those areas of special risk for trafficked children and to note those parts of the process that provide opportunity for healing.

**Caution!** Trafficking is a lucrative business and a serious felony. Those involved in a trafficking network may be facing the loss of thousands of dollars, and their freedom if a trafficked child were to testify against them. These criminals may also seek to make an example out of the child or exact revenge for leaving the network. Traffickers may pose as relatives, may coerce a relative, or may even be a relative and use dependency law to be kept informed of the child's whereabouts and vulnerability.

### D. Notice of Shelter Hearing

The majority of dependency cases commence with the taking of a child into custody by a Child Protection Investigator (CPI). The parents or legal custodians are notified to appear before the Dependency Judge the next day. Notification is given to both legal and biological parents, and fathers who are named by the unmarried mother.

Under the Zahid Jones Act, effective July 1, 2009, the Children's Legal Services attorney is required to notify any relative who has requested notification, of the date, time, and location of all proceedings and hearings involving the child, and to notify the relative that he or she has the right to attend all subsequent proceedings and hearings, to submit reports to the court, and to speak to the court regarding the child.

**Tip:** Under the Zahid Jones Act, the court can release the attorney from notifying a relative if the court finds that the relative's involvement is impeding the proceedings or is detrimental to the child's well-being.

### E. Purpose of the Shelter Hearing

The purpose of the "Shelter Hearing"(Shelter) is for the court to appoint counsel for the parents; appoint a Guardian ad Litem (GAL, who represents the child's best interests); and, more significantly, to determine if there is probable cause to believe that the child is dependent based on allegations of abuse, abandonment, or neglect or substantial risk of same. The court also must decide whether placement of the child in shelter care is, or is not, in the best interest of the child. The court determines whether or not the home situation presents a substantial and immediate danger to the child's physical, mental or emotional safety, which cannot be mitigated by the provision of preventive services and placement somewhere other than in a shelter. The court then determines if the shelter placement is, therefore, necessary to protect the child.

Specific findings made as to the basis of the danger may include:

- the child was abused, abandoned, or neglected; or is/are suffering from, or in imminent danger of, injury or illness as a result of abuse, abandonment, or neglect;
- the custodian has materially violated a condition of placement imposed by the court; or
- the child has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care.

Placement and visitation decisions are made by the court at the Shelter. The court has the authority to restrict contact between the child and specific enumerated individuals. It is also possible, upon request, for the court to require certain actions by the Department or the parent(s) which may include providing birth certificates and school records.

Shelter hearings are fairly swift summary proceedings, which may or may not include testimony. Some parents may not even appear at these hearings and many parents consent to the Sheltering of the child, which eliminates the necessity of testimony.

The Department is required to show that reasonable efforts were made to avoid removal or must prove that available services would not ensure the safety of the child in their own home.

**Tips:** Judges depend upon the thoroughness of the CPI in confirming who is a parent, step-parent, grandparent, or other relative or non-relative. Therefore, prior to the Shelter, the CPIs must be diligent and assure that no fraudulent ID or documents are presented. Birth certificates as proof of parentage or marriage certificates, if they exist, might be preferable documents.

- Appropriate background checks and source checking are important tools if trafficking is suspected. Cautionary measures may be requested at the Shelter, such as prohibiting contact with specified suspects. Sexually Transmitted Disease (STD), or complete SAVE exams, might also be requested, and have proven to be revealing.
- If a child, particularly one under the age of consent (16), is determined to be pregnant, it is essential to determine who the father is. In suspected trafficking cases, this could prove to be key to a criminal prosecution.
- DNA may even be required, and should be requested immediately. It could put to rest claims that other children are “siblings” or the suspect a blood relative. A blood relative, even a parent, could be a trafficker.

- If the “parent”, “Auntie”, or “Uncle” is the suspected trafficker, the court must be urged not to put a child into their care. Otherwise, it is likely that they will never reappear for the arraignment.
- Caution must be taken not to reveal the location of a child suspected of being trafficked. The trafficker or a compatriot may be in court seeking to take the child again. Any caretaker must be given adequate and appropriate warnings, and staff should take cautionary steps according to the risk posed.
- Schools and daycare centers should not be overlooked as targeted locations for retaking a trafficked child. Personnel should be warned, including the sharing of a photo of the suspected trafficker.
- Any reasonable efforts to avoid removal or in-home services must be weighed against any ongoing danger to the child. Trafficking presents uncommon risks that need to be considered when considering an in-home service.

## **F. Children’s Legal Services Attorney**

Attorneys who bring Dependency cases must be on the alert to deceit from a variety of sources. Children may not be who they, or others, say they are; parents may not be either who, or what, they claim to be; relatives or employers may not be who, or what, they claim; ‘parents’ may be co-conspirator traffickers; and a parent may themselves be trafficked. If the attorneys for the state do not demand diligence by the CPIs and case workers regarding strict proof of ID, kinship, and nationality, they may unwittingly become a player in furthering a trafficking scheme. Opportunities for a trafficked individual to come to the attention of authorities are limited. It is essential that the opportunity to remove them not be lost due to lack of diligence.

## **G. Parent’s Attorney**

Attorneys who represent parents need to be alert to any inconsistencies they are hearing from their clients. Attorneys need to avoid inadvertently being pulled into any furtherance of a trafficking conspiracy. Ethics would require that they not permit perjured testimony. If the attorney has more than a suspicion that the parties are not who they represent themselves to be, it is his or her ethical obligation, at the least, to contact The Florida Bar Ethics Hotline for an opinion. Withdrawal due to conflict may be necessary. In turn, judges and attorneys for the state should take a second look if such a motion is presented.

## **H. Guardian ad Litem Attorney**

Educating volunteers on the telltale signs of human trafficking is essential. Due to the trust often placed in GAL volunteers by those in their care, it is quite possible that a child will reveal, or attempt to reveal, the realities of their life before being given an out-of-home placement. Therefore, protocols for proper, consistent inquiry of a possible victim of trafficking must be

established. Revelations may occur when not expected. Again, protocols must be established for the volunteers to be able to respond in such a way that the revelations can be used in court, for later prosecution, if need be.

## **I. Dependency Petition**

The Children’s Legal Services attorney files a formal petition on behalf of the state seeking to have the court find the child dependent under Chapter 39 of Florida Statutes. The petition must be verified under oath and must set forth allegations of fact that would, if proven, support a finding of dependency. It is important to tie the facts of the child’s trafficking experience to the legal theory case. The legal theory will most likely be “abuse, abandonment or neglect by a parent” or “the unavailability of the parent to provide sufficient supervision and care to protect the child.”

### **Tips:**

- Dependency courts are busy and case loads can be high. Even well-meaning professionals may be tempted to decide that the case is better handled in another court. Traffickers have greater access to a child who is treated as a delinquent, runaway, or illegal immigrant. Attorneys for the state should anticipate these dangerous suggestions and, by careful pleading and preparation, be ready to defend dependency jurisdiction.
- A diligent search is required if a parent cannot be located for service of the dependency petition. The state has the obligation (and, consequentially, the court) to assure that the affidavit is truly reflective of a diligent search, and not a pro forma search. It is quite possible that a heretofore un-located parent may surface if a diligent search is done.
- The consequence of failing to do an exhaustive search is that an opportunity to rejoin a parent with a previously taken or kidnapped child may be lost.

## **J. Processing the Case**

**Arraignments** are the next formal hearing in the sequence of proceedings. It occurs no later than 28 days from the Shelter Hearing. Once again all parents (legal, biological, or named) must be notified of the Arraignment. Relatives who make a request must also be notified.

Parents are served with a Summons and a copy of the Dependency Petition. If counsel has not previously been appointed, it would be done at this proceeding. If one or both parents are not available to be served, the court will direct the Department to undertake a diligent search to locate them. The case will be continued to locate or complete the diligent search. If the parents cannot be found, the court may proceed to find dependency and set the case for disposition.

At the Arraignment, if a Consent (similar to a plea) or Admission is entered by both parents, a Pre-dispositional Study (PDS) will be ordered, and the case will be set for a Disposition and

Case Plan Acceptance Hearing within 15 days. If either parent enters a denial, the case will be docketed for trial to occur no later than 30 days from the Arraignment.

Arraignments also serve as a required shelter review. No child may be held in shelter, pending adjudication, for longer than 60 days from removal. or more than 30 days after adjudication, unless a disposition is entered. These time limits work to provide swift resolution of dependency proceedings, and this is in the best interest of most children.

A trafficking victim presents an extraordinary case. A quick resolution of the case, before all of the facts can be developed, may be detrimental – or even deadly – to a child. The law allows the court to extend the timeframe in extraordinary situations to allow a party to prepare the case. This extension is limited by law to no more than 60 days in a 12-month period, but this may not be enough – especially when facing international home-studies, criminal trials, and traumatized witnesses. (The law allows an exception to the 60-day limit, but the moving party must be prepared to prove, with substantial evidence, that a child’s best interest will be detrimentally affected without a delay in the proceedings.)

**Tip:** During each stage of the dependency process, it is important to coordinate and collaborate with law enforcement. Very likely, this coordination will be with federal law enforcement; however, local law enforcement may also be highly involved in the case.

## **K. Disposition Hearing**

A **Disposition Hearing** is conducted by the court when a child has been found to be dependent, either by trial or consent. At the hearing the court will enter or withhold an adjudication of dependency. The court will determine if further services are needed to protect the child, and if these services can be offered in the child’s own home or if the best interest of the child require placement or continuance in out-of-home care.

The court may also place the child in the home of a parent, with whom the child was not residing when the dependency arose, and terminate jurisdiction. The law requires that a child who is not returned home must be placed in the custody of a requesting parent who did not cause, or contribute to, the child’s dependency, unless it can be proven by competent evidence that placement with this parent would be a danger to the child. The court cannot make this placement without a home study, and must give all parties an opportunity to present evidence.

If there is a concern that a non-custodial parent will be a danger to the child, Children’s Legal Services and the Guardian ad Litem attorney must be prepared to present substantial evidence of this danger. It is NOT enough to present arguments on best interest or a negative home study. Case law clearly establishes that the placement decision is not a “best interest test”, but is based on a finding of actual danger.

## **Tips:**

- The Pre-dispositional Study, if prepared thoroughly, can reveal critical information about the family. Inconsistencies or gaps may be noted which would require further inquiry, perhaps the need for fingerprinting of parents in order to obtain an accurate and complete background.
- Birth Certificates should be viewed and birth towns double-checked.
- Numerous schools, or locations of a parent, should be suspect and double-checked. Inquiry should be done as to the reason for the high number.
- Claims by caregivers that a child was born out-of-wedlock and the birth mother "gave" the child to them should prompt inquiry. Ask for documentation.

## **L. Case Plan Acceptance**

The **Case Plan** is a statutorily mandated plan for resolving the dependency of children under the court's supervision. The plan is negotiated with the parents, the child, the Guardian ad Litem, and the state. In addition to tasks for the parents, the plan will lay out a road map of services for the family and the child. The plan lasts for no longer than 9 months, and is reviewed periodically for compliance.

The case plan must be designed to meet the special needs of the child. Trafficked children have the need to: be free of re-victimization; be treated for their trauma by professionals who have experience and an understanding of the needs of trafficking victims; and have input into their own temporary and permanent placements. Special steps may be needed to arrange for home studies in other countries for international victims, or through the Interstate Compact for domestic victims. All of the child's needs should be addressed in the plan.

## **M. Judicial Reviews**

Periodic **Judicial Reviews** throughout the life of the case are scheduled. The case plan is reviewed, and the progress made on tasks and services are evaluated by the court. A child may be reunified or have their placement and custody changed at these reviews. The law favors relative placement if a child cannot be reunified with a parent. With trafficking victims, all non-licensed placements require extra vigilance to determine identity and safety.

**Caution!** If the 'parent' or proposed relative placement suddenly disappears, among the many reasons may be that s/he feared that his or her true roles – perhaps those of traffickers – were going to be discovered.

## Section 6.

### Delinquency - Prosecution and Defense: What To Do When Children Are Trafficked.

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#### What Prosecutors and Defense Counsel Need to Know

Children are vulnerable to traffickers, whether the traffickers are labor contractors, pimps, kidnappers, or other organized criminal enterprises. Traffickers can force children to commit crimes such as prostitution or transporting of drugs. Consequently, law enforcement and others may see trafficked children as criminals – not as victims. Children may also commit crimes such as misdemeanor theft, driving without a license, or loitering; which are precipitated by their status as child trafficking victims. Attorneys and others in the justice system must be able to recognize if a child is a victim of human trafficking so that the state **does not unknowingly revictimize** a child victim of trafficking. Defense counsel also have a duty to recognize that child's status. The failure to recognize human trafficking could result in that child being found guilty; not receiving life-saving assistance; and – if a non-U.S. citizen – not obtaining immigration relief and being deported.

**Case:** *Jorge, a 15-year-old boy from Mexico, was arrested by police for reckless driving and for driving without a license. He told police he came to the U.S. to work and to send money home. He told his public defender that he worked 15 hours a day, six days a week, and that he slept in the same room with five other workers. The night he was arrested, he had taken the car keys when the foreman, Carlos, passed out drunk. He and the others were very hungry—they needed food and knew of a small store close by. Jorge said his boss took his identification documents and that he was very afraid of Carlos and the other bosses. He pleaded guilty on the advice of his attorney and was adjudicated delinquent. The likelihood that he was a victim of child trafficking was overlooked.*

#### A. Prosecution

##### When a Child Is Arrested and Not Identified As a Victim

Prosecutors need education about human trafficking, as they could be prosecuting child victims of trafficking without knowing it. Prosecutors and others in law enforcement may be the first ones to discover that a juvenile defendant is, in fact, the victim of human trafficking because law enforcement officers are entitled to review records which are typically considered confidential (i.e., records from DCF, health records, and school records).

##### When a Child Is the Victim in a Case

Prosecutors may prefer to prosecute crimes other than human trafficking because human trafficking is a newer, more unfamiliar crime designation; and may be harder to prove. Not prosecuting human trafficking crimes, however, could have a severe negative impact on the victim: **the child cannot**

**get needed benefits** if s/he is not identified and assisted as a victim of trafficking. The victim and work to address his or her needs must be at the center of the work—not just what is required to make the strongest case for the state.

Consider charging a defendant with human trafficking **and** other crimes, such as sexual battery, kidnapping, assault, and false imprisonment. Charging multiple offenses, and working with federal authorities, can make for a stronger case and better collaborations.

**Tip:** Prosecutors should also work with other federal authorities in the investigation of the case and charge all applicable state violations as well.

## **B. Defense**

Like others in the justice system, defense counsel needs to be fully educated about human trafficking. If a person is trafficked and forced to commit a crime, that person may not have the requisite *mens rea*, or state of mind, required to prove a crime has been committed. Defense attorneys must be able to recognize when their clients have been the victims of human trafficking, and must communicate their client's status to the prosecuting agency/agencies. By doing so, the prosecution will be able to weigh whether there are mitigating circumstances which would warrant a lesser sentence for the crime for which the defendant is accused. More importantly, this will help the prosecution determine whether the defendant should be prosecuted at all, given the fact that s/he is a victim. Also, the defense counsel cannot competently represent a client if s/he does not know whether the client is a victim. The defense lawyer will also not know to link the client to the services and immigration relief that s/he may so sorely need, and be entitled to receive.

### **Tips:**

- Know everyone who is playing a role in that child's life and is impacting her/his welfare.
- Don't immediately ask about immigration status. This can cause the child to shut down or become confused because a young child may not understand "immigration".
- Prosecutors: Keep an open ear with the public defender. Offer immunity to the child as an option.
- Defense: Explain and support the child's status as a victim of trafficking.
- Coordinate with the victim advocate and the non-governmental advocates and attorney who are representing a child.
- Educate advocates and allies in the public defenders' and prosecutors' offices, law enforcement, and others about human trafficking.
- Promote Continuing Legal Education (CLE) programming on human trafficking within the Florida Prosecuting Attorneys Association, the Florida Public Defender Association, and the Florida Association of Criminal Defense Lawyers.

# Appendices

## Appendix A – Relevant Laws

### I. Federal laws – Trafficking Victims Protection Act of 2000, 22 USC 7102, PL 106-386

(8) SEVERE FORMS OF TRAFFICKING IN PERSONS.—The term “severe forms of trafficking in persons” means—

(A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or

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

(9) SEX TRAFFICKING.—The term “sex trafficking” means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.

#### ***Notes on Federal laws:***

There have been three subsequent reauthorizations of the TVPA which have amended the 2000 Act from which the above definitions are excerpted. You can access them as follows at:

-12/10/08 [William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110_cong_bills&docid=f:h7311h.txt.pdf)  
[http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110\\_cong\\_bills&docid=f:h7311h.txt.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110_cong_bills&docid=f:h7311h.txt.pdf)

-01/10/06 [Trafficking Victims Protection Reauthorization Act of 2005](http://www.state.gov/g/tip/laws/61106.htm)  
<http://www.state.gov/g/tip/laws/61106.htm>

-01/07/03 [Prosecutorial Remedies and Other Tools To End the Exploitation of Children Today Act of 2003 \(PROTECT Act\)](http://www.state.gov/g/tip/laws/120170.htm) <http://www.state.gov/g/tip/laws/120170.htm>

-01/07/03 [Trafficking Victims Protection Reauthorization Act of 2003](http://www.state.gov/g/tip/laws/61130.htm)  
<http://www.state.gov/g/tip/laws/61130.htm>

-10/28/00 [Victims of Trafficking and Violence Protection Act of 2000](http://www.state.gov/g/tip/laws/61124.htm)  
<http://www.state.gov/g/tip/laws/61124.htm>

#### ***Immigration:***

Federal immigration laws, relevant to human trafficking, including T and U visas, are explained and can be accessed in 2 documents listed in Appendix C:

*Identification and Legal Advocacy for Trafficking Survivors, 3rd Edition*  
*New York Anti-Trafficking Network*

[http://www.ny-anti-trafficking.com/assets/docs/t\\_visas\\_manual\\_3rd\\_edition\\_2009.pdf](http://www.ny-anti-trafficking.com/assets/docs/t_visas_manual_3rd_edition_2009.pdf)

*A Guide for Legal Advocates Providing Services to Victims of Trafficking, Legal Aid Foundation of Los Angeles* <http://www.lafla.org/clientservices/specialprojects/trafres.asp>

*Legal Services Corporation (LSC) laws for assisting victims of trafficking:*  
<http://www.lsc.gov/laws/vtpa.php>

**39.301 Initiation of protective investigations.--**

(1) Upon receiving an oral or written report of known or suspected child abuse, abandonment, or neglect, or that a child is in need of supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care, the central abuse hotline shall determine if the report requires an immediate onsite protective investigation. For reports requiring an immediate onsite protective investigation, the central abuse hotline shall immediately notify the department's designated children and families district staff responsible for protective investigations to ensure that an onsite investigation is promptly initiated. For reports not requiring an immediate onsite protective investigation, the central abuse hotline shall notify the department's designated children and families district staff responsible for protective investigations in sufficient time to allow for an investigation. At the time of notification of district staff with respect to the report, the central abuse hotline shall also provide information on any previous report concerning a subject of the present report or any pertinent information relative to the present report or any noted earlier reports.

(2)(a) The department shall immediately forward allegations of criminal conduct to the municipal or county law enforcement agency of the municipality or county in which the alleged conduct has occurred.

(b) As used in this subsection, the term "criminal conduct" means:

1. A child is known or suspected to be the victim of child abuse, as defined in s. 827.03, or of neglect of a child, as defined in s. 827.03.
2. A child is known or suspected to have died as a result of abuse or neglect.
3. A child is known or suspected to be the victim of aggravated child abuse, as defined in s. 827.03.
4. A child is known or suspected to be the victim of sexual battery, as defined in s. 827.071, or of sexual abuse, as defined in s. 39.01.
5. A child is known or suspected to be the victim of institutional child abuse or neglect, as defined in s. 39.01, and as provided for in s. 39.302(1).
6. A child is known or suspected to be a victim of human trafficking, as provided in s. 787.06.

**409.9531 Services to immigrant survivors of human trafficking, domestic violence, and other serious crimes.--**The Department of Children and Family Services shall establish a structure by which the department shall:

(1) Provide services to immigrant survivors of human trafficking, domestic violence, and other serious crimes, during the interim period between the time the survivor applies for a visa and

receives such visa from the United States Department of Homeland Security or receives certification from the United States Department of Health and Human Services.

(2) Ensure that immigrant survivors of serious crimes are eligible to receive existing state and local benefits and services to the same extent that refugees receive those benefits and services.

(3) Ensure that immigrant survivors of serious crimes have access to state-funded services that are equivalent to the federal programs that provide cash, medical services, and social service for refugees.

(4) Provide survivors of serious crimes with medical care, mental health care, and basic assistance in order to help them secure housing, food, and supportive services.

(5) Create a state-funded component of the cash, medical, and social services programs for refugees for the purpose of serving immigrant survivors during the temporary period while they wait for federal processing to be completed.

(6) Provide that a sworn statement by a survivor is sufficient evidence for the purposes of determining eligibility if that statement is supported by at least one item of additional evidence, including, but not limited to:

(a) Police and court records;

(b) News articles;

(c) Documentation from a professional agency;

(d) Physical evidence; or

(e) A statement from an individual having knowledge of the circumstances providing the basis for the claim.

(7) Develop a public awareness program for employers and other organizations that may come into contact with immigrant survivors of human trafficking in order to provide education and raise awareness of the problem.

**772.104 Civil cause of action.--**

(1) Any person who proves by clear and convincing evidence that he or she has been injured by reason of any violation of the provisions of s. 772.103 shall have a cause of action for threefold the actual damages sustained and, in any such action, is entitled to minimum damages in the amount of \$200, and reasonable attorney's fees and court costs in the trial and appellate courts.

(2) As an alternative to recovery under subsection (1), any person who proves by clear and convincing evidence that he or she has been injured by reason of any violation of the provisions of s. 772.103 due to sex trafficking or human trafficking shall have a cause of action for threefold the amount gained from the sex trafficking or human trafficking and in any such action is entitled to

minimum damages in the amount of \$200 and reasonable attorney's fees and court costs in the trial and appellate courts.

(3) In no event shall punitive damages be awarded under this section. The defendant shall be entitled to recover reasonable attorney's fees and court costs in the trial and appellate courts upon a finding that the claimant raised a claim which was without substantial fact or legal support. In awarding attorney's fees and costs under this section, the court shall not consider the ability of the opposing party to pay such fees and costs. Nothing under this section shall be interpreted as limiting any right to recover attorney's fees or costs provided under other provisions of law.

**787.05 Unlawfully obtaining labor or services.**--Any person who knowingly obtains the labor or services of a person by:

(1) Causing or threatening to cause bodily injury to that person or another person;

(2) Restraining or threatening to restrain that person or another person without lawful authority and against her or his will; or

(3) Withholding that person's governmental records, identifying information, or other personal property,  
commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

**787.06 Human trafficking.**--

(1)(a) The Legislature finds that human trafficking is a form of modern-day slavery. Victims of human trafficking are young children, teenagers, and adults. Thousands of victims are trafficked annually across international borders worldwide. Many of these victims are trafficked into this state. The Legislature finds that victims of human trafficking are subjected to force, fraud, or coercion for the purpose of sexual exploitation or forced labor.

(b) The Legislature finds that while many victims of human trafficking are forced to work in prostitution or the sexual entertainment industry, trafficking also occurs in forms of labor exploitation, such as domestic servitude, restaurant work, janitorial work, sweatshop factory work, and migrant agricultural work.

(c) The Legislature finds that traffickers use various techniques to instill fear in victims and to keep them enslaved. Some traffickers keep their victims under lock and key. However, the most frequently used practices are less obvious techniques that include isolating victims from the public and family members; confiscating passports, visas, or other identification documents; using or threatening to use violence toward victims or their families; telling victims that they will be imprisoned or deported for immigration violations if they contact authorities; and controlling the victims' funds by holding the money ostensibly for safekeeping.

(d) It is the intent of the Legislature that the perpetrators of human trafficking be penalized for their illegal conduct and that the victims of trafficking be protected and assisted by this state and its agencies. In furtherance of this policy, it is the intent of the Legislature that the state Supreme Court, The Florida Bar, and relevant state agencies prepare and implement training programs in

order that judges, attorneys, law enforcement personnel, investigators, and others are able to identify traffickers and victims of human trafficking and direct victims to appropriate agencies for assistance. It is the intent of the Legislature that the Department of Children and Family Services and other state agencies cooperate with other state and federal agencies to ensure that victims of human trafficking can access social services and benefits to alleviate their plight.

(2) As used in this section, the term:

(a) "Financial harm" includes extortionate extension of credit, loan sharking as defined in s. 687.071, or employment contracts that violate the statute of frauds as provided in s. 725.01.

(b) "Forced labor or services" means labor or services obtained from a person by:

1. Using or threatening to use physical force against that person or another person;
2. Restraining, isolating, or confining or threatening to restrain, isolate, or confine that person or another person without lawful authority and against her or his will;
3. Using lending or other credit methods to establish a debt by that person or another person when labor or services are pledged as a security for the debt, if the value of the labor or services as reasonably assessed is not applied toward the liquidation of the debt, the length and nature of the labor or services are not respectively limited and defined;
4. Destroying, concealing, removing, confiscating, withholding, or possessing any actual or purported passport, visa, or other immigration document, or any other actual or purported government identification document, of that person or another person;
5. Causing or threatening to cause financial harm to any person; or
6. Fraud or coercion.

(c) "Human trafficking" means transporting, soliciting, recruiting, harboring, providing, or obtaining another person for transport.

(d) "Maintain," when used in relation to labor services, means to secure continued performance thereof, regardless of any initial agreement on the part of the victim to perform such type service.

(3) Any person who knowingly:

(a) Engages, or attempts to engage, in human trafficking with the intent or knowledge that the trafficked person will be subjected to forced labor or services; or

(b) Benefits financially by receiving anything of value from participation in a venture that has subjected a person to forced labor or services;

commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) The Criminal Justice Standards and Training Commission shall establish standards for basic and advanced training programs for law enforcement officers in the subjects of investigating and preventing human trafficking crimes. After January 1, 2007, every basic skills course required for law enforcement officers to obtain initial certification must include training on human trafficking crime prevention and investigation.

(5) Each state attorney shall develop standards of instruction for prosecutors to receive training on the investigation and prosecution of human trafficking crimes and shall provide for periodic and timely instruction.

**796.035 Selling or buying of minors into sex trafficking or prostitution; penalties.**--Any parent, legal guardian, or other person having custody or control of a minor who sells or otherwise transfers custody or control of such minor, or offers to sell or otherwise transfer custody of such minor, with knowledge that, as a consequence of the sale or transfer, force, fraud, or coercion will be used to cause the minor to engage in prostitution or otherwise participate in the trade of sex trafficking, commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

**796.045 Sex trafficking; penalties.**--Any person who knowingly recruits, entices, harbors, transports, provides, or obtains by any means a person, knowing that force, fraud, or coercion will be used to cause that person to engage in prostitution, commits the offense of sex trafficking, a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A person commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the offense of sex trafficking is committed against a person who is under the age of 14 or if such offense results in death.

**895.02 Definitions.**--As used in ss. 895.01-895.08, the term:

23. Chapter 787, relating to kidnapping or human trafficking.

25. Section 796.03, s. 796.035, s. 796.04, s. 796.045, s. 796.05, or s. 796.07, relating to prostitution and sex trafficking.

32. Section 827.071, relating to commercial sexual exploitation of children.

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CHAPTER 2009-95  
Committee Substitute for  
Committee Substitute for Senate Bill No. 168

An act relating to human trafficking; creating within the Department of Children and Family Services the Florida Statewide Task Force on Human Trafficking; prescribing the membership of the task force; providing for members of the task force to serve without compensation or reimbursement for per diem and travel expenses; providing specific responsibilities and duties of the task force and its members; requiring that the task force prepare a final report by a specified date; providing duties of the Florida State University Center for the Advancement of Human Rights; abolishing the task force on a specified date; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Florida Statewide Task Force on Human Trafficking.—

(1) The Legislature declares that the purpose of this act is to create a public and private task force to examine and analyze the problem of human trafficking and to plan for a coordinated, humane response for victims of human trafficking through a review of existing programs, a clarification of existing options for such victims, and revised policy efforts to coordinate governmental and private efforts.

(2)(a) There is created within the Department of Children and Family Services the Florida Statewide Task Force on Human Trafficking, a task force as defined in s. 20.03, Florida Statutes. The task force is created for the express purpose of examining the problem of human trafficking and recommending strategies and actions for reducing or eliminating the unlawful trafficking of men, women, and children into this state.

(b) The task force shall consist of the following governmental members, or a designee:

1. The executive director of the Department of Law Enforcement, who shall serve as co-chair.
2. The Secretary of Children and Family Services, who shall serve as co-chair.
3. The Chief Financial Officer.
4. The Commissioner of Agriculture.
5. The Attorney General.
6. The State Surgeon General.
7. The statewide prosecutor.
8. The executive director of the Florida Commission on Human Relations.
9. The Secretary of Business and Professional Regulation.
10. A sheriff.
11. A police chief.

(c) The task force shall consist of the following nongovernmental members, or a designee:

1. The executive director of the Florida State University Center for the Advancement of Human Rights.
2. The executive director of the Florida Immigrant Advocacy Center.
3. The secretary of the Coalition of Immokalee Workers.
4. The executive director of the Florida Coalition Against Human Trafficking.
5. The executive director of the Florida Freedom Partnership.

6. The executive director of Gulf Coast Legal Services.
7. The executive director of the Florida Council Against Sexual Violence.
8. The executive director of the Florida Coalition Against Domestic Violence.

(d) The Governor shall appoint the sheriff and police chief by July 1, 2009. The Governor may appoint ex officio members at any time.

(e) Members of the task force shall serve without compensation or reimbursement for per diem and travel expenses.

(3)(a) The task force shall receive the Statewide Strategic Plan currently being formulated by the Florida State University Center for the Advancement of Human Rights. The strategic plan shall be presented to the task force at the first meeting of the task force no later than November 1, 2009.

(b) The work of the task force is to receive, revise, and propose a plan of implementation of the strategic plan no later than October 1, 2010.

(4) The Florida State University Center for the Advancement of Human Rights shall:

(a) Collect and organize data concerning the nature and extent of trafficking of persons in Florida and measure and evaluate the progress in the state in preventing trafficking, protecting and providing assistance to victims of trafficking, and prosecuting persons engaged in trafficking activities;

(b) Identify available federal, state, and local programs in this state which provide services to victims of trafficking, including, but not limited to, health care and human services, housing services, education services, legal assistance, job training or preparation classes, interpreting services, English as a Second Language classes, and victim's compensation;

(c) Evaluate approaches to increase public awareness of trafficking, particularly the risks of becoming a trafficking victim; the common recruitment techniques; the use of debt bondage, blackmail, forced labor and services, prostitution, and other coercive tactics; the crime victims' rights; and the reporting of recruitment activities involved in trafficking;

(d) Analyze the current state, local, and federal criminal statutes for their adequacy in addressing trafficking and, if the analysis determines that those statutes are inadequate, recommend revisions to those statutes or the enactment of new statutes that specifically define and address trafficking; and

(e) Consult with governmental and nongovernmental organizations, especially those specializing in stopping trafficking or representing diverse communities disproportionately affected by trafficking, in developing recommendations to strengthen state and local efforts to prevent trafficking, protect and assist victims of trafficking, and prosecute traffickers.

(5) The task force is abolished July 1, 2011.

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor June 1, 2009.

Filed in Office Secretary of State June 1, 2009.

## **Appendix B – Department of Children and Families Key Documents**

- I. CF Operating Procedure 175-14
- II. Human Trafficking of Children Indicator Tool
- III. Job Aid: Human Trafficking of Children
- IV. Protections for Child Victims of Trafficking Information Kit

CF OPERATING PROCEDURE  
NO. 175-14

STATE OF FLORIDA  
DEPARTMENT OF  
CHILDREN AND FAMILIES  
TALLAHASSEE, May 1, 2009

### Family Safety

#### INTAKES AND INVESTIGATIVE RESPONSE TO HUMAN TRAFFICKING OF CHILDREN

1. Purpose. This operating procedure describes the special requirements for Intakes and subsequent actions relating to human trafficking of children.

2. Scope. This operating procedure applies to Department and contracted provider staff involved in child welfare. The term "Department" includes the Florida Abuse Hotline; Child Protective Investigations with the Department and Sheriff's offices and Community Based Care staff with Lead Agencies with direct contracts to the Department and sub-contracts with Lead Agencies.

3. Authority.

a. §39.201, Florida Statutes (F.S.); §39.301, F.S.; §39.5075, F.S.; §409.9531 F.S.; §787.06, F.S.; §796.035, F.S.; and §796.045, F.S.

b. 18 U.S.C. §§ 1581, 1584, 1589-1595; and 22 U.S.C. § 7105.

c. Trafficking Victims Protection Act 2000, PL 106-386, 114 Stat. 1464 (Oct. 28, 2000).

d. Immigration and Nationality Act: §101(a)(15)(T).

e. Code of Federal Regulations: 8 CFR 214.11(a).

f. Rules: 65C-9.003, Florida Administrative Code (FAC); 65C-30.003, F.A.C.; 65C-30.007, F.A.C.; and 65C-28-30, F.A.C.

4. Definitions. For the purposes of this operating procedure, the following definitions will apply:

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

b. 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 occurs between the child and a "customer," the pimp/trafficker or others who profit from the trade of children for these purposes.

c. Debt Bondage. When a person under control of another person promises to pay money owed with his or her labor or through the personal services of a child under his or her control as a security for debt.

d. Force, Fraud or Coercion.

(1) Force involves the use of rape, beatings and confinement to control victims. Forceful violence is used especially during the early stages of victimization, known as the "seasoning process", which is used to break victims' resistance to make them easier to control.

(2) Fraud often involves false offers that induce people into trafficking situations. For example, women and children will reply to advertisements promising jobs as waitresses, maids and dancers in other countries and are then trafficked for purposes of prostitution once they arrive at their destinations.

(3) Coercion involves 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.

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

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

g. Induced. To lead or move by persuasion.

h. Non-Governmental Organization Advocate/Agency. Local service agencies and case managers across the country which help victims of Human Trafficking get assistance such as housing, medical care, mental health services and referrals for pro bono legal help. These agencies and personnel are not to be confused with the Community-Based Care Lead Agencies or subcontracted providers used to manage Florida's dependency system.

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

j. 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.

k. Repatriation. The act of returning to one's country of origin. In the case of trafficked children, this could also mean reunifying with that child's family.

l. Servitude. Slavery; the condition where a person is forced to perform labor or services, against his or her will, by another person.

m. Sex Trafficking. The recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.

n. Slavery. The condition where a person is forced to perform labor or services, against his or her will, by another person.

o. T Visa. A visa created by the Trafficking Victims Protection Act of 2000 to protect women, children and men who are the victims of human trafficking. The T visa allows victims of severe forms of trafficking in persons to remain in the United States and assist federal authorities in the investigation and prosecution of human trafficking cases. T visas are issued by the Department of Homeland Security.

p. Trafficked. The state of a person who is or has been a victim of human trafficking.

q. Trafficking or Human Trafficking.

(1) Severe form of trafficking in persons (Federal) means:

(a) Sex trafficking in which a commercial sex act is induced by force, fraud or coercion or in which the person induced to perform such act is under 18; or,

(b) The recruitment, harboring, transportation, provision or obtaining of a person for labor or services, through the use of force, fraud or coercion, for the purpose of subjecting that person to involuntary servitude, peonage (where someone is held against their will to pay off a debt), debt bondage, or slavery.

(2) Human trafficking (State) means the transporting, soliciting, recruiting, harboring, providing, or obtaining another person for transport. It is a crime for any person to knowingly engage, or attempt to engage, in human trafficking with the intent or knowledge that the trafficked person will be subjected to forced labor or services; or to benefit financially by receiving anything of value from participation in a venture that has subjected a person to forced labor or services.

5. Responsibilities.

a. The Florida Abuse Hotline.

(1) For any intake of alleged human trafficking of a child:

(a) Response priority will be assigned based upon risk assessment.

(b) Enter all maltreatments that apply to the situation including Human Trafficking (for example, Physical Injury, Sexual Abuse, etc.).

(c) If the only information is a report alleging human trafficking, the maltreatment Human Trafficking must be entered.

(d) Obtain complete information on why the reporter suspects human trafficking.

(e) If the child/teen is being prostituted by someone or commercially sexually exploited, enter the Human Trafficking maltreatment.

(2) In a case where human trafficking is suspected, enter a special conditions intake of Caregiver Unavailable for any situation when a child/teen is arrested or seeks health care and will not provide any information about their parent(s) or who they live with.

b. Child Protective Investigations. In addition to the directives provided by Chapter 39, F.S. and Florida Administrative Code 65C-29, a child protective investigator will have the following responsibilities as related to Human Trafficking:

(1) If Human Trafficking is identified as a maltreatment by the Florida Abuse Hotline or the child protective investigator suspects trafficking at any time throughout the course of an investigation, the investigator must immediately contact the appropriate county sheriff or other law enforcement agency, including federal law enforcement authorities in the geographic area in which the alleged human trafficking has occurred or where the victim is present or residing. If the alleged trafficking occurred in a jurisdiction different from where the victim is present or residing, contact law enforcement in the jurisdiction where the victim is present or residing to inform law enforcement that the

trafficking occurred elsewhere. If the law enforcement agency accepts the case for criminal investigation, the respective agencies will coordinate investigations as directed per s. 39.301(2)(c). If law enforcement does not accept the case for criminal investigation or proceeds with an independent investigation, the child protective investigator must document these decisions in the Florida Safe Families Network (FSFN). If Human Trafficking is discovered during the course of the investigation, the investigator will add Human Trafficking to the Investigation as a maltreatment.

(2) As soon as the child protective investigator suspects human trafficking, a multidisciplinary staffing shall be held to include, but not be limited to, a representative from Children's Legal Services and the Office of Refugee Services Child Trafficking Coordinator or knowledgeable victim advocate.

(3) For information on identifying and responding to Human Trafficking, both the Hotline Job Aid and Human Trafficking Indicator Tool are available on Florida's Center for the Advancement of Child Welfare Practice website located at: <http://centerforchildwelfare.fmhi.usf.edu/kb/default.aspx>.

(4) Unique Circumstance: Parent/Caretaker Determination. Human traffickers will often pose as, or may be, the child's parent, relative, caregiver or legal custodian. The Department will not place a child who is suspected to be a victim of human trafficking with a parent, relative, caregiver or legal custodian until there is a determination that that person in question is not a trafficker or allied with the trafficker. The Department shall coordinate this determination with law enforcement.

c. Community Based Care Lead Agencies.

(1) If Human Trafficking is suspected, immediately contact the appropriate county sheriff or other law enforcement agency, including federal law enforcement authorities in the geographic area in which the alleged human trafficking has occurred or where the victim is present or residing. If the alleged trafficking occurred in a jurisdiction different from where the victim is present or residing, contact law enforcement in the jurisdiction where the victim is present or residing to inform law enforcement that the trafficking occurred elsewhere.

(2) Make a report to the Florida Abuse Hotline on any new or existing case where there is suspicion of Human Trafficking (i.e., further disclosure from victims or additional allegations surface).

(3) Retain primary case management responsibilities when Human Trafficking is called into the Florida Abuse Hotline on an existing case. If the human trafficking maltreatment is verified, a multidisciplinary staffing shall be held to include, but not limited to, representatives from Children's Legal Services, Child Protective Investigations, and the Office of Refugee Services child trafficking specialist or knowledgeable victim advocate. The Contracted Service Provider will take the lead in coordinating services for the trafficked child.

(4) For information on identifying and responding to Human Trafficking, both the Hotline Job Aid and Human Trafficking Indicator Tool are available on Florida's Center for the Advancement of Child Welfare Practice website located at: <http://centerforchildwelfare.fmhi.usf.edu/kb/default.aspx>.

(5) For immigrant children not determined to be victims of Human Trafficking, please follow s. 39.5075, F.S., on determining dependency and immigration status.

6. Unique Service Options for Child Victims of Human Trafficking.

a. Determination of Services. The determination of services and placement of a child who is a victim of trafficking is dependent on many factors which differ from situations where trafficking is not an issue.

(1) Certification and Eligibility are terms used to describe a process that the Department of Health and Human Services, Office of Refugee Resettlement (HHS or ORR) uses to officially declare that a foreign national is eligible to receive benefits. A child does not have to be “certified” but s/he does need to obtain an “eligibility” letter from HHS to receive a wide range of benefits. (Adults are “certified” and receive a “certification letter.” Children are deemed “eligible” and receive an “eligibility letter.”)

(2) The process to obtain an eligibility letter should be coordinated with a local non-governmental organization advocate and law enforcement. (Call the Federal Anti-Trafficking Resource Hotline 1-888-3737-888 for information about local anti-trafficking programs.)

(3) Federal law enforcement will require access to the victim and information from the Non-Governmental Organization Advocate before they will issue a statement that they believe the child is a victim of “a severe form of trafficking.” A Child Protective Investigator cannot make this request on his or her own without law enforcement assistance.

(4) Once a law enforcement agency has issued a statement to ORR that a child is believed to be a victim of trafficking, ORR may issue a letter of eligibility. The victim or the victim’s advocate may then present the letter to social service providers as proof of eligibility. Benefit issuing agencies must call ORR’s toll-free trafficking victim verification hotline at 1-866- 401-5510 to verify the child’s eligibility for benefits and inform HHS of the benefits applied for.

(5) It is very important to work with an advocacy organization that is familiar with BOTH the victim’s rights regarding social services and his/her legal rights. Contact Refugee Services at 850-488-3791 for more information about victim rights and possible benefits.

b. Pre-Certification/Pre-Eligibility. Pre-certified/pre-eligible victims of human trafficking residing in the state of Florida who have filed or are in the process of filing an application for a T Visa or are in the process of seeking certification/eligibility as a victim of human trafficking from ORR may be eligible for existing state benefits and services to the same extent as a refugee for a temporary period while they wait for the federal processing or certification/eligibility to be completed. The benefits are comparable to Refugee Cash Assistance (RCA) or Temporary Aid for Needy Families (TANF); Refugee Medical Assistance (RMA); Food Stamps (FS); and Refugee Social Service programs. Contact Refugee Services at 850-488-3791 for the contact information of the benefits provider and for more details.

c. Eligibility (Children). Benefits to children who receive an eligibility letter may include: Refugee Cash Assistance (RCA) or Temporary Assistance to Needy Families (TANF); Social Security Income (SSI); Medicaid or Refugee Medical Assistance (RMA); Health Screening; Food Stamps (FS); Match Grant; as well as entry into Refugee Social Services programs that may include adult education, legal services, employment assistance, youth and family services, and child care. Contact Refugee Services at 850-488-3791 for the contact information of local Refugee Social Services programs or for more details.

d. Unaccompanied Refugee Minor Program (URMP). The Unaccompanied Refugee Minor Program (URMP) is a federally funded foster care placement option for non-U.S. citizen child victims of human trafficking managed by Refugee Services. Children must receive an eligibility letter from ORR and be reclassified to unaccompanied refugee minor status by ORR prior to entering the URMP. A caseworker seeking URMP as a placement option should immediately contact Refugee Services at 850-488-3791 and ask for the child to be reclassified to unaccompanied refugee minor status. Reclassification, for purposes of entering the URMP, can only be initiated by the Director of Refugee Services. Caseworkers will be required to share information about the case/child with Refugee Services. Not all children will be placed in the URMP; if the child is safe and has bonded with a family in mainstream foster care, the Department may not interrupt that placement unless necessary.

7. Other Service Options for Child Victims of Human Trafficking.

a. Repatriation/Reunification. Repatriation/Reunification is available for an immigrant child in whose best interests it is to return to his/her home country, and for whom there is not a risk of being re-trafficked.

b. Licensed Out of Home Care. Licensed Out of Home Care is available for children who are immigrants and non-immigrant US citizen children if they are victims of trafficking. These programs include foster care, group homes and other therapeutic settings. Placement in these programs will proceed only when the facility or placement agency is informed of the child's status as a victim of human trafficking. This is important as these children may be considered a high risk for being runaways.

BY THE DIRECTION OF THE SECRETARY:

DAVID L. FAIRBANKS  
Assistant Secretary for  
Programs



## Human Trafficking of Children Indicator Tool

This tool is for Child Protective Investigators to assist them in understanding human trafficking and identifying children who are victims. It **does not** represent all instances of human trafficking or areas that may be explored to determine if human trafficking is present.

Florida and Federal law both define human trafficking. Trafficking of children is generally understood to be:

*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 Florida law, sex trafficking (such as prostitution, pornography, exotic dancing, etc.) **does not** require there be force, fraud, or coercion if the victim is under 18.*

*Trafficking victims may be smuggled into and within the U.S., arrive with a legitimate visa or be U.S. citizens.*

*Trafficking occurs in many different situations including domestic servitude, construction, landscaping, the sex industry, factories and sweatshops migrant farm work, service industries such as nursing homes, cleaning services, bars and restaurants and the food industry.*

### Possible indicators of human trafficking:

The child:

- Shows evidence of physical, mental, or sexual abuse
- Cannot or will not speak on own behalf and/or is non-English speaking
- Is not allowed to speak to you alone
- Is being controlled
- Does not have access to identity and/or travel documents
- Works unusually long hours and is unpaid or paid very little
- Will not cooperate, e.g., gives you wrong information about identity and living situation
- Is not in school or has significant gaps in schooling
- Lives at his/her workplace or with employer and/or lives with many people in a small area
- Has a heightened sense of fear and distrust of authority
- Has engaged in prostitution or commercial sex acts

### Interview Considerations:

- Use an interpreter if the victim does not speak fluent English.
  - If you need an interpreter, contact an independent and trusted source for help in interpretation.
  - Do not use children, adults, neighbors, or friends who are present at the scene to interpret.

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Mission of the Florida Department of Children and Families: Protect the vulnerable, promote strong and economically self-sufficient families, and advance personal and family recovery and resiliency.

- Make sure the interpreter is not allied with the trafficker.
  - Make sure the interpreter understands trafficking.
  - Understand how to work with interpreters and that it can be a slow process that requires word for word interpretation (not summaries).
- It is rare for child victims of human trafficking to identify themselves as being trafficked. More often than not, victims will present to the Department or Community Based Care providers due to another form of abuse, neglect, or abandonment.
  - If you suspect a child is a victim of human trafficking, it is important that the child be gently interviewed and that the suspected trafficker(s) not be present, because during interviewing process, the trafficker(s) may try to intimidate the child or not allow the child to speak for themselves. Question him or her from an unbiased and non-judgmental point of view. Doing otherwise could discourage them from being truthful or seeking help from the Department or Community Based Care, law enforcement or other providers.
    1. The child may be frightened of threats or retribution by the trafficker when the authorities get involved. The child may also fear being taken from familiar people or places.
    2. The child could be embarrassed and ashamed by the work s/he was forced to do and the abuse s/he endured.
    3. The child's cultural norms may make talking to you or about these experiences very difficult.
  - Know that it may take several interviews to establish trust and a long time to determine if a child has been trafficked.
  - Be sensitive to cultural and religious differences and seek help to understand them prior to the interview.
  - Be aware that the child's parent or caregiver may also be the child's trafficker and that the trafficker may lie and say s/he is the child's parent or caregiver.
  - Remember that every human trafficking case is different.
  - Do not ask about immigration at the beginning of the interview; this can be intimidating.

**What to do if you suspect or discover that a child is trafficked:**

1. **Call 911** if there is **immediate danger** or a medical emergency.
2. You must **add Human Trafficking as a maltreatment** along with any other alleged maltreatments before closing the case. If there is not an open investigation, call the Florida Abuse Hotline and report human trafficking. (800-96-ABUSE or 800-962-2873)
3. If you suspect human trafficking, **contact law enforcement**. You may call the U.S. Department of Justice at 888-428-7581 or the following local anti-trafficking task force Points of Contact at the three United States Attorneys Offices in Florida to report the crime:

*Northern District – 850-942-8439 ~ Middle District – 239-461-2225 ~ Southern District – 305-961-9001*

4. If you **need more information** concerning human trafficking, contact the Department of Children and Families, Refugee Services: 850-488-3791. If law enforcement is not available, please contact the Anti-Trafficking in Person's Hotline at 202-401-4732.

QUESTIONS TO CONSIDER	INFORMATION TO BE ALERT TO
<p><b>Living Environment</b></p> <p><i>Asking where the child lives (bathes, eats and sleeps), as well as his or her family situation can reveal a great deal. Ask the child to show you where they sleep, eat, bathe, play, go to school, or work. In addition, the child’s ability to leave the home and play, as well as visit friends will also indicate levels of control and possible trafficking.</i></p>	<ul style="list-style-type: none"> <li>• The child’s “home” environment likely will lack personal effects, or the child’s “room” will be shabby, small and different from the rest of the house. His/her bed may be crammed in small spaces with other cots or sleeping pallets. No or few toys will be present.</li> <li>• The yard may be fenced and access to phones denied.</li> <li>• The child may be forced to live in the same place s/he works (such as behind a restaurant, in a motel with other workers, etc.)</li> <li>• The child may not know where s/he is living because the traffickers might lie to the child about their whereabouts, move them around or may and isolate them so they cannot establish relationships and get help.</li> <li>• Traffickers severely restrict the child’s movements and ability to contact anyone, play with other children and develop friendships or speak to anyone. Even if allowed to leave the home, the child is likely afraid to escape because of the trafficker’s threats and control.</li> </ul>
<p><b>State of Mind</b></p> <p><i>Asking about threats to the child or child’s family can be important, as is determining if the child has been hit, or otherwise harmed as punishment or as a way to deter the child from running away and complying with the trafficker’s demands.</i></p> <p><b>School and Work</b></p> <p><i>Asking questions about daily routines can help paint the picture – school, or in the alternative, work will help you to understand if the child is being trafficked. Asking about any money they owe the “boss” or if they get paid can also provide key information.</i></p>	<ul style="list-style-type: none"> <li>• Traffickers may threaten to have the child deported or arrested if s/he tries to leave, call the police or disobey the rules.</li> <li>• Traffickers often use violent retribution when a child disobeys. They may harm the child physically or mentally, e.g., by threatening to hurt them or their family members if they try to leave the trafficker. The child may be scared to leave because the trafficker has identification/immigration documents or the child knows s/he is not in the US legally. The child may also have been told by parents to obey the trafficker, to work and to send money home.</li> <li>• The trafficker may deny and minimize any information given by the child regarding harm or force. The trafficker may say that they have the child’s or parents’ consent to work or be in Florida. Child victims of trafficking typically do not attend school. When they do go to school, they may appear underfed, may wear badly worn or dirty clothes, or may appear shy or frightened. They may also have a history of truancy or of acting out, be aggressive, depressed or have disciplinary referrals.</li> <li>• Child victims often are forced to work to pay off their “debt” rather than attend school. Any money that the child earns is usually deducted from the debt that the traffickers say they owe. This debt often includes payment for travel expenses, clothing, food, and/or rent.</li> </ul>

<p><b>School and work (continued)</b></p> <p><i>Note: younger children may not understand issues like a debt or who their boss is – these areas may only be appropriate for older children.</i></p>	<ul style="list-style-type: none"> <li>• The cost of these items is usually exaggerated by the trafficker. Investigators should note how many hours per day or week the child works, how or if they are compensated, and if they receive their earnings directly or via their employer or someone else.</li> <li>• The trafficker may deny that the child is being forced to work, commit commercial sex acts or may claim that the child’s wages are being sent home to help his/her family.</li> </ul>
<p><b>Other considerations</b></p> <p><i>Where the child’s family lives, their birthplace, how they arrived in the U.S. and/or Florida are ways to find out if the child has been tricked, sold or is being trafficked.</i></p> <p><i>Asking about immigration status can be threatening and is not recommended to do at the beginning. A child may not know details about passports and other identification papers either.</i></p>	<ul style="list-style-type: none"> <li>• Children are often transported across international and/or state borders as well as within a state.</li> <li>• The child may be abducted but often is recruited with the promise of getting a job, going to school, reuniting with family or having basic needs met (such as shelter). Children come with the hope they can work to help their impoverished families. Parents may sell their children or unwillingly give them over to the care of a trafficker who promises to give the children an education, raise them and give them work. Once in the hands of the trafficker, children may be often forced or coerced into working or forced to work off a travel “debt”.</li> <li>• Immigration and identification documents may be held by the child’s trafficker or employer to deter escape.</li> <li>• Traffickers can be relatives, friends, or other individuals. They may also be from the same ethnic background.</li> <li>• There is always a risk that any adults present may be traffickers or allied with them. The trafficker may pose as a relative or may actually be related to the child. During interviewing process, they may try to intimidate the child or speak for the child. If trafficking is suspected the child should be interviewed without the suspected trafficker.</li> </ul>



## Job Aid: Human Trafficking of Children

Human trafficking of children and adults is a form of modern day slavery that occurs in Florida and throughout the world. Human trafficking is a crime under both Florida and federal laws. Most cases are jointly handled by state and federal law enforcement officials.

Human Trafficking of a Child: The recruitment, harboring, transportation, provision or obtaining of a child for labor or services through the use of force, fraud, or coercion. Sex trafficking is a commercial sex act which includes prostitution, pornography, exotic dancing.

Trafficking occurs in many different situations including domestic servitude, construction, landscaping, the sex industry, factories and sweatshops, migrant farm work, begging, service industries such as nursing homes, cleaning services, bars and restaurants and the food industry.

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**Authority:** Section 787.06, F.S. makes human trafficking and benefiting from human trafficking a second degree felony. Section 39.301, F.S. requires the Florida Abuse Hotline to accept reports of alleged human trafficking of a child. Title 18 U.S.C. §§ 1581-1595 contains federal law on human trafficking including definition of "severe form of trafficking."

**Policy:** The Hotline will accept reports/intakes about human trafficking of children.

### Factors to Consider:

- Indicators for human trafficking will frequently contain incidents of physical abuse, sexual abuse, or neglect while others may meet criteria for special conditions such as Caregiver Unavailable.
- Most callers will not use the phrase "human trafficking" when making a report. Law enforcement, however, is more likely to call the matter "human trafficking" or say that the child has been "trafficked."
- Under federal law, whenever a child is induced to commit a commercial sex act (including prostitution), that child is considered to be a victim of trafficking.
- Trafficked children may reside with or accompany other children and adults who are not trafficked.
- Traffickers may pose as relatives and caregivers; relatives and caregivers may enslave and traffic their own children.

- Traffickers may be organized crime or they may be smaller criminal enterprises; traffickers can also be “mom and pop” operations.
- The alleged perpetrator/trafficker may be unknown or may have a fictitious identity.

**Potential scenarios:**

The following situations could represent human trafficking of a child. The list does not include every possible situation.

A neighbor sees children playing in the yard and they appear to be taken care of. There is another child who is rarely seen, is school-aged, and who may be of the same or different ethnicity. This child does not appear to go to school or does not go regularly and does not seem to be taken care of in the same way as the other children -his clothes are dirty or worn, he has poor hygiene, and/or seems underfed and frightened.

There is a commercial farm that grows vegetables. For the past week, every weekday between 11:30 a.m. and 1:30 p.m., four children are seen at this farm picking vegetables alongside adults. The children appear to be between the ages of eight and twelve and school is in session.

A health care provider is attending to a child/teen who will not give any information about her parent(s) or who she lives with; the provider suspects the child has mild mental retardation and is not getting the special care she needs.

An adult brings a child into a health care setting because the child was exposed to harmful chemicals, or was injured on the job, and the adult leaves. No one is there to give consent for treatment.

A neighbor notices that many men are coming and going from one of the houses on their street. Sometimes they also see children who seem to live there being picked up in a van on weekend nights and are kept out all night.

Law enforcement calls about a young woman whom they arrested in the street for prostitution. She was processed as an adult but appears very young and has superficial injuries and questionable identifying marks such as a name tattooed on her neck. She appears to be pregnant. She insists that she is 19 and her boyfriend will bail her out soon.

Someone who just stayed at a motel calls to say that a child/teen who works there speaks little or no English and seems afraid when trying to talk to them.

School counselors find out through word-of-mouth that a mother is getting her teen daughter, who has cognitive disabilities, to dance in a strip club.

### **Accepting an Intake and Coding Guidelines:**

The Hotline will complete a full assessment of all allegations.

The Hotline will accept an intake when:

- There is reasonable cause to suspect abuse, neglect or abandonment by a caregiver.
- The information meets criteria for a special conditions intake.
- There is reasonable cause to suspect human trafficking of a child by a caregiver or non-caregiver.
- A professional reporter who works with human trafficking cases suspects or is reporting human trafficking.

### **Coding Guidelines:**

Select the Human Trafficking maltreatment when:

- There is reasonable cause to suspect human trafficking of a child by a caregiver or non-caregiver.
- A professional reporter who works with human trafficking cases suspects or is reporting human trafficking.
- The information causes the Hotline counselor to suspect human trafficking.

If the reporter suspects or is reporting human trafficking, the Hotline will document that in the allegation narrative.

Documentation in the reporter narrative:

- When the reporter did not mention human trafficking but the counselor suspects the maltreatments described might be indicative of human trafficking the counselor will document in the reporter narrative that the reporter did not mention human trafficking and the reasons the counselor suspects it.
- When the Hotline counselor accepts a Special Conditions intake and suspects human trafficking, the counselor will document in the reporter narrative the reasons they suspect human trafficking.

For all situations, the response priority will be based on the risk assessment.

- When in doubt, ask a supervisor or manager



# Protections for Child Victims of Human Trafficking\*

## INFORMATION KIT

### I. Awareness and Identification

#### A. Identification of a Trafficked Child or Situation

It is rare for child victims of human trafficking to identify themselves as being trafficked. More often than not, victims will present to the Department of Children and Families (DCF) or Community Based Care providers due to another form of abuse, neglect, or abandonment.

#### B. Indication that a Child May be a Victim of Human Trafficking

*Please note that this list of indicators is not exhaustive.*

The Child:

- Shows evidence of physical, mental, or sexual abuse.
- Is non-English speaking.
- Cannot or will not speak on own behalf.
- Is being controlled.
- Does not have access to identity and/or travel documents.
- Works unusually long hours and is unpaid or paid very little.
- Will not cooperate, e.g., gives you wrong information about identity and living situation.
- Is not in school or has significant gaps in schooling.
- Lives at his/her workplace or with employer and/or lives with many people in a small area.
- Has a heightened sense of fear and distrust of authority.
- Has engaged in prostitution or commercial sex acts.

### II. Appropriate Procedures

#### A. Best Practices That Should Be Used With a Child Victim of Human Trafficking

- Use a qualified, non-biased interpreter if the victim does not speak fluent English.
- It is important that the child be gently interviewed and that the suspected trafficker(s) not be present. The child should be questioned in an unbiased and non-judgmental manner. Doing otherwise could discourage them from seeking help or making a disclosure.
- Do not ask about immigration status at the beginning of the interview; this can be intimidating.
- Know that it may take several interviews to establish trust and a long time to determine if a child has been trafficked.
- Be sensitive to cultural and religious differences.
- Be aware that the child's parent or caregiver may be the child's trafficker or that the trafficker may lie and say s/he is the child's parent or caregiver.

## **B. Differentiation between Criminals and Child Victims of Trafficking**

Traffickers solicit children to do illegal acts like prostitution, selling or transporting drugs, and committing other crimes. Even though these are illegal acts, the victim is not guilty of a crime because they are enslaved and their freedom of choice is restricted. The involvement of child victims in criminal activities does not undermine their status as both a child and a victim, or their related rights to special protection.

## **C. Protections of Potential Child Victims During Police Interviews**

Prior to the interview with the trafficked child, the investigator should inquire whether prior interviews have already been conducted by any person or agency. Cases should be coordinated between the victim's advocate and the law enforcement agencies involved to ensure that victims of trafficking are not repeatedly interviewed. Also, a trusted and qualified interpreter should be used if the victim does not speak English. As much as possible, the interviewer and interpreter, should be of the same gender as the trafficked child, dressed in civilian clothes, trained in administering child-friendly/sensitive interview methods and knowledgeable about the issue of child trafficking.

## **D. Security Needs of Trafficked Children**

A trafficked child can be snatched by his/her traffickers or lured to meet them, believing that the child is following her families' wishes, that the trafficker is her boyfriend, that the child is tied through debt bondage or that is under a voodoo spell which will cause harm to family and self, if the traffickers are not obeyed. Therefore, strict confidentiality is necessary to avoid the trafficker(s) from obtaining information on the child's whereabouts. Shelter staff, law enforcement agents and others who are working with the child must adhere to confidentiality and privilege laws and screen individuals to whom they provide information on the victim. All necessary measures need to be taken to protect the privacy and identity of child victims to ensure the safety and security of the victim and his or her family.

## **E. Benefits Available to Foreign-born Child Victims of Human Trafficking**

- To receive a wide range of benefits, a child needs to obtain an "eligibility" letter from the U. S. Department of Health and Human Services (HHS). The process to obtain an eligibility letter should be coordinated with a local non-governmental organization advocate and law enforcement. Once a law enforcement agency has issued a statement to HHS that a child is believed to be a victim of trafficking, HHS may issue a letter of eligibility. The victim or the victim's advocate may then present the letter to benefit issuing agencies.
- Benefits to children who receive an eligibility letter may include: Refugee Cash Assistance or Temporary Assistance for Needy Families; Social Security Income; Medicaid or Refugee Medical Assistance; Health Screening; Food Stamps; Match Grant; as well as entry into Refugee Social Services programs that may include adult education, legal services, employment assistance, youth and family services, and child care.
- Child victims of human trafficking have the option of entering (1) the Unaccompanied Refugee Minors Program or URMP, a federally funded foster care placement for non-U.S. citizen immigrant child victims of human trafficking, (2) licensed Out of Home Care (programs including foster care, group homes and other therapeutic settings) or (3) being repatriated and/or reunified with their families in their home country.

### III. Florida and National Laws

#### A. Background and Statistics on the Crime of Human Trafficking in Florida

- Prime Destination States: Florida, Texas, New York, and California.
- The United States (U.S.) government estimates that 14,500-17,500 annually, 80% women and children.
- Globally, accounts range from 600,000 to 4 million people trafficked worldwide each year.
- There are 27 million people in slavery around the world.
- Identified trafficking victims in Florida have included: women from Latin America and Eastern Europe, as well as U.S. teenage runaways, forced into prostitution; male and female immigrant farm laborers from Central America; Eastern European women exploited while working in hotels; U.S. citizen homeless men recruited for farm labor; and girls from Haiti, Honduras, and India held as house slaves.
- Florida also continues to see high profile child trafficking cases. One reason for this is that it is a popular destination state for U.S. teenage runaways and also for foreign national minors fleeing poverty, sexual abuse, or violence in their homelands.

#### B. Information on Federal and Florida Human Trafficking Laws

Human trafficking is now criminalized and is punishable under both federal (Victims of Trafficking and Violence Protection Act of 2000 §103) and Florida law (787.06, F.S). Cases can be investigated at local, state and federal levels and prosecuted at the state or federal level.

#### C. Some Differences between Smuggling and Human Trafficking

*Please note that smuggling may be part of a trafficking scheme and smuggling may turn into human trafficking.*

Smuggling	Human Trafficking
Planned to come to the U.S.	May or may not have planned to come to the U.S.
Freedom of movement.	Restricted movement.
No continued relationship with smuggler/"coyote" after arriving in the destination country.	Unable to flee from the trafficker's control.
Smuggling is the unauthorized crossing of a border.	Labor or services obtained through force, fraud, or coercion (if a child is a victim of sex trafficking, force, fraud or coercion need not be proven).

#### D. Florida Child Trafficking Cases

Here are examples of two child trafficking cases in Florida.

##### **The Osley-Greer Case: Sex Trafficking of U.S. Minors**

Demond Osley met a 17-year-old girl in Detroit and convinced her to fly to South Florida with him. He promised her that he would be her boyfriend, that he would buy her jewelry, and that they would go to the Bahamas together. Upon their arrival in Florida, he ordered her to earn at least

\$500 a day through street prostitution. When she fell short of this amount, Osley beat her, stuck a gun in her mouth, and threatened to kill her. Osley then sold the girl to another “pimp” named Stacey Greer. Greer assumed control of the minor, forcing her to engage in prostitution and also took nude photos of the girl to post on the internet. In November 2006, she was arrested after propositioning an undercover officer. Upon her identification as a juvenile, prostitution charges against the girl were dropped. The U.S. Attorney’s Office in Miami secured convictions in federal court against both men for sex trafficking of a minor.

### **The Pompee Case: Forced Labor Exploitation of an Immigrant Minor**

Rose, a native of Haiti, was six years old when her mother died of AIDS. She was placed in the care of the Pompee family in Port-au-Prince and worked in their home as a house servant and nanny. She was allowed almost no schooling. In 1995, the Pompees smuggled Rose, who was nine years old, into the United States. The Pompees purchased a \$400,000 home in Pembroke Pines where for the next four years, Rose was held as a domestic servant and forced to sleep on the floor. She was raped almost nightly by the Pompee’s adult son and beaten routinely. Though allowed to attend school, she was required to clean the house from the moment she returned from school. The Pompees did not allow her any personal possessions, and she was fed very little. Rose tried to escape but police returned her home. Then Rose responded by telephone to a televised ad for a modeling agency. During daily calls, Rose slowly revealed details of her exploitation, and finally disclosed that she was being raped. Employees of the agency called police and the school that Rose attended. The principal at the school confirmed that Rose was constantly late, never had school supplies, and frequently had no appetite. When rescued, Rose was twelve years old. She was malnourished, infected with gonorrhea and suffered from nightmares. Marie and Willy Pompee were charged with harboring an undocumented alien. Marie Pompee pleaded guilty to the harboring charge; however, Willie Pompee escaped to Haiti and is now a fugitive.

## **IV. Linkages**

### **A. Trafficking Related Hotline Numbers and Websites**

#### **State and Local**

- Department of Children and Families, Refugee Services – 850-488-3791
- Local law enforcement
- Local federal authorities
  - Northern District – 850-942-8439
  - Middle District – 239-461-2225
  - Southern District – 305-961-9001
- Florida Immigrant Advocacy Center (FIAC), Lucha Project – 305-573-1106, [www.fiacfla.org](http://www.fiacfla.org)
- Florida Freedom Partnership (FFP) – 866-443-0106, [www.floridafreedom.org](http://www.floridafreedom.org)
- Florida State University, Center for the Advancement of Human Rights – 850-644-4550, [www.cahr.fsu.edu](http://www.cahr.fsu.edu)

#### **National**

- US Department of Justice – Civil Rights Division, [www.usdoj.gov/whatwedo/whatwedo\\_ctip.html](http://www.usdoj.gov/whatwedo/whatwedo_ctip.html)  
888-428-7581
- US Department of Health and Human Services, [www.acf.hhs.gov/trafficking](http://www.acf.hhs.gov/trafficking) ~ 888-3737-888
- Lutheran Immigration and Refugee Services (LIRS), [www.lirs.org](http://www.lirs.org)
- US Conference of Catholic Bishops (USCCB), [www.usccb.org](http://www.usccb.org)

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## Appendix C – Key Websites and Other Resources

### Resources in Florida:

- Florida Department of Children and Families, Refugee Services  
[www.dcf.state.fl.us/refugee/index.shtml](http://www.dcf.state.fl.us/refugee/index.shtml) Tallahassee: 850- 488-3791 or Miami: 305-377-7917
- Florida’s Center for the Advancement of Child Welfare  
<http://centerforchildwelfare.fmhi.usf.edu/kb/humantraf/Forms/AllItems.aspx>
- United States Attorneys Offices/ Local Federal Authorities
  1. Northern District - 850-942-8439
  2. Middle District - 239-461-2225
  3. Southern District - 305-961-9001
- Legal Services for Human Trafficking
  1. Florida Immigrant Advocacy Center (FIAC) *Lucha* Project, [www.fiacfla.org](http://www.fiacfla.org) - 305-573-1106
  2. FSU Center for the Advancement of Human Rights (CAHR), [www.cahr.fsu.edu](http://www.cahr.fsu.edu) - 850-644-4550

### Federal or Nationwide Resources

- Federal Government Resources:
  1. U.S. Department of Justice – Civil Rights Division  
[www.usdoj.gov/whatwedo/whatwedo\\_ctip.html](http://www.usdoj.gov/whatwedo/whatwedo_ctip.html);
  2. U.S. Health and Human Services [www.acf.hhs.gov/trafficking](http://www.acf.hhs.gov/trafficking) (888-373-7888).
  3. U.S. Attorneys Kids Page – (useful to explain workings of justice system; children can translate as exercise.) [www.usdoj.gov/usao/eousa/kidspage](http://www.usdoj.gov/usao/eousa/kidspage)
- Lutheran Immigration and Refugee Services (LIRS) - [www.lirs.org](http://www.lirs.org)
- U.S. Conference of Catholic Bishops - [www.usccb.org](http://www.usccb.org)
- Freedom Network USA - [www.freedomnetworkusa.org](http://www.freedomnetworkusa.org)
- International Social Services – United States of America Branch, Inc. (ISS-USA)  
443-451-1200, [iss-usa@iss-usa.org](mailto:iss-usa@iss-usa.org), [www.iss-usa.org](http://www.iss-usa.org)

## Topical Guides and Legal References

*Identification and Legal Advocacy for Trafficking Survivors, 3rd Edition*  
New York Anti-Trafficking Network

<http://www.ny-anti-trafficking.com/assets/docs/t visa manual 3rd edition 2009.pdf>

*A Guide for Legal Advocates Providing Services to Victims of Trafficking, Legal Aid Foundation of Los Angeles* <http://www.lafla.org/clientservices/specialprojects/trafres.asp>

*The IOM Handbook: Direct Assistance for Victims of Trafficking, International Organization for Migration*

[http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published\\_docs/books/CT%20handbook.pdf](http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published_docs/books/CT%20handbook.pdf)

*Interviewing Trafficked Person's Guidelines, World Health Organization*

<http://www.who.int/gender/documents/en/final%20recommendations%2023%20oct.pdf>

*Gaining the Trust of Your Victim-Witness: A Guide for Law Enforcement Working Human Trafficking Cases, Humanatis, Kelly Heinrich & Jennifer Podkul*

<http://www.humanatis.com/publications.html>

*Care for Trafficked Children, USCCB* [http://www.brycs.org/documents/guidelines-care\\_for\\_trafficked\\_children.pdf](http://www.brycs.org/documents/guidelines-care_for_trafficked_children.pdf)

*Litigation on Behalf of Victims of Human Trafficking, Third Edition* Werner, D and Kim, K. Published by the Immigrant Justice Project, a project of the Southern Poverty Law Center (October 13, 2008) [http://www.splcenter.org/pdf/static/splc\\_human\\_trafficking.pdf](http://www.splcenter.org/pdf/static/splc_human_trafficking.pdf)

From the American Bar Association at <http://www.abanet.org/domviol/tip/>

1. *Human Trafficking Cases: How and Why to Use an Expert Witness* Florrie Burke and Joy Zaremka [http://www.abanet.org/domviol/pdfs/Trafficking\\_Experts.pdf](http://www.abanet.org/domviol/pdfs/Trafficking_Experts.pdf)
2. *Meeting the Legal Needs of Child Trafficking Victims: An Introduction for Children's Attorneys & Advocates, Eva Klain and Amanda Kloer* [http://www.abanet.org/domviol/pdfs/DV\\_Trafficking.pdf](http://www.abanet.org/domviol/pdfs/DV_Trafficking.pdf)
3. *Meeting the Legal Needs of Human Trafficking Victims: An Introduction for Domestic Violence Attorneys & Advocates, Jean Bruggeman and Elizabeth Keyes* [http://www.abanet.org/domviol/pdfs/DV\\_Trafficking.pdf](http://www.abanet.org/domviol/pdfs/DV_Trafficking.pdf)

*Collaborating to Help Trafficking Survivors: Emerging Issues and Practice Pointers, Family Violence Prevention Fund (July 2007)* at [www.endabuse.org](http://www.endabuse.org)  
<http://www.endabuse.org/userfiles/file/ImmigrantWomen/Collaborating%20to%20Help%20Trafficking%20Survivors%20Final.pdf>

*Special Immigrant Juvenile Status in Florida: A Guide for Judges, Lawyers and Child Advocates (June 2007).* Adelson, W. Contact Florida State University, Center for the Advancement of Human Rights, [http://www.cahr.fsu.edu/sub\\_category/articles.html](http://www.cahr.fsu.edu/sub_category/articles.html)