

# Guardian ad Litem in Human Trafficking cases

Court Appointed Special Advocates of Franklin County

Office of Justice Policy and Programs

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## CASA of Franklin County's Involvement

- ◇ In 2018, CASA of Franklin County began accepting appointments for participants in the Empowerment program.
- ◇ Expanded to accepting appointments for Delinquency and Abuse/Neglect/Dependency cases in which human trafficking is suspected.
- ◇ CASA has been GAL for 25 Empowerment participants and at least 48 youth suspected of having been trafficked who have not participated in the Empowerment program.

# Human Trafficking Crime Definition

- ◆ Human Trafficking – crime in which people profit from the control and exploitation of others.
- ◆ This includes commercial sexual exploitation or forced labor.
- ◆ Crime is committed by anyone involved in the process who does any of the following: recruit, harbor, transport, provide, obtain, patronize, solicit, advertise (sex trafficking only).



# Human Trafficking Crime Definition

- ◆ Force, fraud or coercion must be used for it to be human trafficking, except for sex trafficking of minors.
- ◆ Force includes physical assault, sexual assault, or confinement.
- ◆ Fraud is an act of deception with criminal intent.
- ◆ Coercion includes threats of serious harm against any person, which includes the abuse or threatened abuse of the legal process.



# Safe Harbor Law

- ◇ **Voluntary** diversion available to juvenile victims of human trafficking, charged with delinquency offense that is a result of their victimization, up to 12 months to complete.
- ◇ Legal Standard: Child qualifies if:
  - **Per Se** - Child has been charged with solicitation/loitering to engage in prostitution, prostitution, or victim in a criminal case against someone charged with human trafficking
  - OR
  - There is **“reason to believe”** child is a victim of human trafficking
  - AND
  - Child has been charged with a delinquency offense and there is a **“nexus”** between the charge and the victimization.
- ◇ Successful completion if **“satisfactory compliance”** then dismiss and expunge.

# Empowerment Program

- ◆ Dedicated docket – similar to Specialized Docket – collaborative environment
- ◆ 5 Phases – Orientation, Stabilization, Growth & Development, Compliance, Empowerment
- ◆ Graduation – Child shares a little about their journey, what they learned in the program, and next steps. Charge is dismissed and record expunged.
- ◆ Meets 2<sup>nd</sup> and 4<sup>th</sup> Thursdays from 9a.m. – noon; 1:30 – 4 p.m.
- ◆ Empowerment Coordinator sends updates ahead of time.
- ◆ CASAs send updates to EC on Mondays before court.
- ◆ Staffing for all cases is from 9 – 10 a.m.
- ◆ Morning docket includes lockups and zoom from residentials.



Magistrate Larry Sanchez



# Non-Empowerment Cases

- ◆ Many HT cases that CASA of Franklin County is involved with are Abuse/Neglect/Dependency (AND) cases, same kind as non-HT CASA cases.
- ◆ Sometimes CASA is appointed to delinquency cases in which HT is an issue, but the child does not participate in Empowerment. (voluntariness)
- ◆ CASA may be appointed to Minor Parent in an AND case for their child.
- ◆ The child we are appointed to may have more than one case, or more than one kind of case.
- ◆ CASA may be appointed to all of a child's cases, or just some. Regardless of whether we are appointed, we attend all hearings and follow all cases.
- ◆ Some cases may be in other counties.
- ◆ We may not know at the outset which combination or complexity of cases.





# Tracking Human Trafficking Cases

Our focus is serving youth, whether they have been trafficked or are at risk of being trafficked.

Is the diagnostic tool used solely for data collection or is it necessary to serve the youth more effectively?

Will it cause more harm than good to dig for a disclosure?

Who is the best available person to complete diagnostic tool?





## Human Trafficking Cases vs. Other Cases

- ◆ Human Trafficking cases do not all look the same, but there are some common themes.
- ◆ Cases move more quickly and require more frequent visits, court appearances, collaboration, and more initiative with investigation. One visit per month is rarely enough.
- ◆ More resistance from other professionals who may have different priorities or view some youth as victims and not others.



# Differences - Collaboration

There are often more professionals on each case. Keep track of who they are, maintain regular communication, network. If other professionals have not been trained about human trafficking, offer to provide materials to help other professionals recognize red flags and issues.

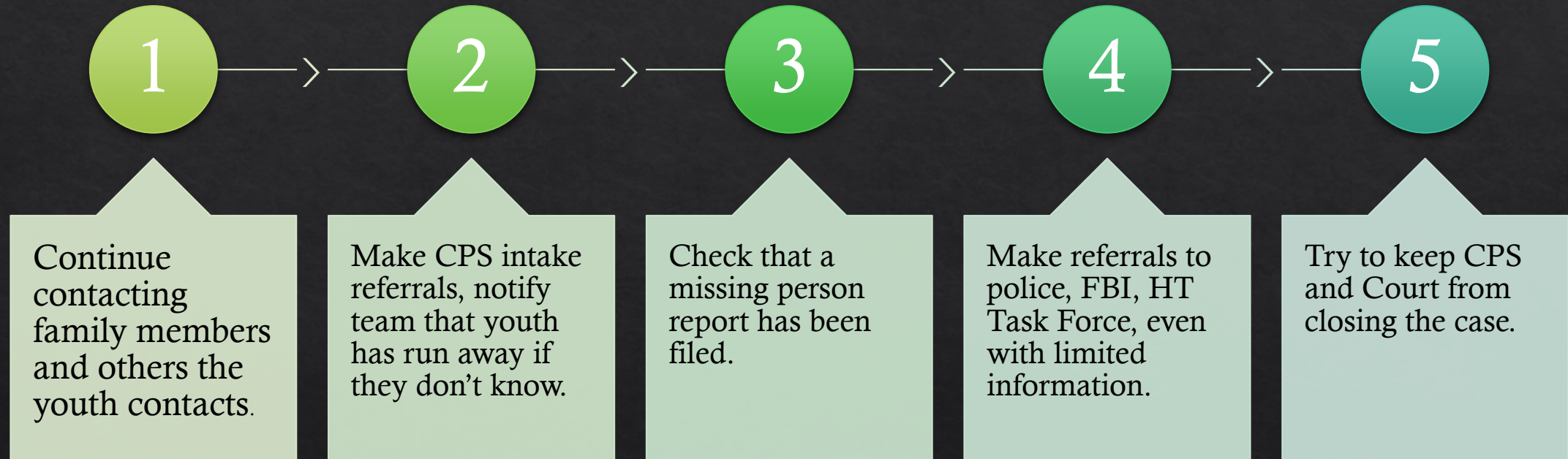
- GAL for youth
- Parents
- Extended Family Members
- Foster Parents
- Group Home/Residential Staff
- CPS Caseworker
- CPS Supervisor
- CPS Attorney
- Prosecutor
- Attorney for Youth
- GAL for Minor Parent's Child
- Police/FBI/HT Task Force
- Immigration Attorney
- Probation Officer / JCES
- Magistrate/Judge
- Dedicated Docket Coordinator
- Teacher
- Tutor
- Surrogate Parent
- Mentor
- School Guidance Counselor
- Therapist
- (Gracehaven) Case Manager
- Hospital Case Manager



# Differences – Runaway – what can you do?

Praise	Praise youth when they make good choices, including not running away.
Prevention	Talk to youth about risks of running away, safety planning, and how to seek help if they end up in a bad situation.
Continue	If a youth has run away, continue calling and texting them, encourage the youth to come back.
Answer	When possible, answer your phone after hours and for unknown numbers.
Discernment	Do not drive around dangerous places looking for the youth.

# Differences – Running Away – what can you do?



# What Can You do?



Practice Regular  
Self Care



Be Aware of  
Secondary Trauma



# Differences - Expectations

What is success?

What can be  
achieved in the  
timeline of the  
case?

Check your  
privilege.

Two steps  
forward, one step  
back

Manipulative  
behavior

# Differences - What is a good placement?

Least-restrictive, most family-like setting.

GAL may have more involvement in recommending placement.

GAL may need to investigate available family members/kinship that CPS cannot approve as placement.

What is available to the child? Criteria?  
Consider triggers and relationships.

Lack of available secure residential placements.  
Impact of Family First Prevention Services Act  
Qualified Residential Treatment Programs

# Differences – Tools and Strategies

Electronic Monitoring  
Device (EMD)/ankle  
monitor/GPS

Detention/Release  
\*OVERUSED!\*

Avoid jailing victims  
wherever possible.

Secure transport

Evaluations – PSI, BHJJ,  
mental health,  
psychological evaluation,  
human trafficking  
screening tool, education,  
substance abuse.







## Differences – Tools and Strategies

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File Safe Harbor motion for  
Delinquency

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Dedicated docket participation  
(voluntary)

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Incentives – be creative, specific to the  
youth's situation

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Be aware of HT specific resources in  
your community

# Differences – Tools and Strategies

When to file a  
Dependency  
complaint – for  
youth, minor child

Who should file?

Bridges Program

Check facts in  
Records – police,  
hospital, mental  
health, school, CPS





# Educational Issues

Has youth been  
enrolled in school? Is  
there a gap?  
How to supplement?

Has youth been  
evaluated for  
Individualized  
Education Program  
(IEP) or 504 plan?

Alternative schools  
Recovery High School  
Credit Recovery  
Vocational Training

Counseling at school



# Immigration Issues

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Does youth have documentation? Is it current and accessible?

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Is there a deportation hearing? Refer to immigration attorney.

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Is youth an undocumented child without parents in the United States? File for Special Immigrant Juvenile Status (SIJS) findings with Juvenile Court and refer.

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Has the child been trafficked while in the United States? Eligible for T-Visa?

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Are there community resources to support the youth's cultural needs? Interpreter? Cultural liaison? Are these individuals neutral?



# Kinds of Cases - Immigration

Youth may have been sent to the United States alone to provide for family.

Youth may have been brought to the United States by family and then abandoned or sent with traffickers.

Youth or their family may owe a debt to smugglers, who are aggressively seeking repayment.

Youth may reside with relatives or non-relatives, who may not be who they say they are. Interview youth multiple times and individually. Utilize an interpreter, cultural liaison.

Watch for labor trafficking as domestic servant, worker in a business, agriculture, or criminal enterprise.

Pregnancy is common; myth that having a child in the United States is a pathway to citizenship compels some men to impregnate young female immigrants.

# Kinds of Cases

## Domestic Minor Sex Trafficking

Survival sex, youth performing sexual acts in exchange for food, shelter, drugs.

Youth may have run away, possibly from an abusive family home, foster care, group home, or residential facility.

Youth may be living in family or group home and leaving for periods of time.

Youth may miss school or fall asleep while in school.

Could be familial trafficking, family member providing access to child in exchange for material benefit.

Pimp “boyfriend” may be involved. Perpetrator or trafficker may be female, or same-age peer.



## Kinds of Cases

### Gang Affiliation – Labor Trafficking



Youth may be involved in gang in exchange for meeting basic needs, protection.

Youth may be compelled to engage in criminal enterprise, including violent crime.

Sometimes youth may be exploited in multiple ways simultaneously.

Other professionals may not view youth as a victim. Be aware of competing interests.



# Building Trust and Rapport

- ◇ Be consistent – Be there when you say you will. Call when you say you'll call. If something changes, communicate immediately and directly.
- ◇ Trauma Informed – “what happened?” NOT “what did you do?” Use open-ended questions.
- ◇ Use their language, as long as it's authentic – resist the urge to reclassify people according to your viewpoint.
- ◇ Distinguish person from behavior







# Building Trust and Rapport

- ◆ Don't be an authority figure – this is different than accountability
- ◆ Create a place where youth can succeed in a relationship and not be judged.
- ◆ Not all business – enjoy an activity or food together
- ◆ End interviews and visits by asking if youth has questions for you, anything they want you to know, and if there's anything you can do or that they need. Then follow up about it.