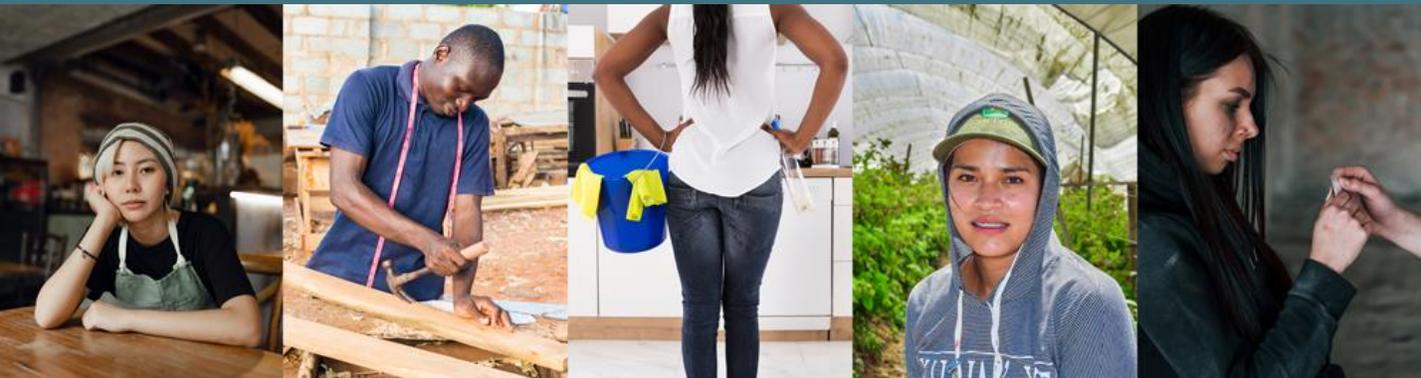


The Child Welfare Response to Labor Trafficking in California

A Ten-County Case Study on Integrating a Response to Child Labor Trafficking



September 2020



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Resource Development Associates, 2020

About Resource Development Associates

Resource Development Associates (RDA) is a consulting firm based in Oakland, California, that serves government and nonprofit organizations throughout California as well as other states. Our mission is to strengthen public and non-profit efforts to promote social and economic justice for vulnerable populations. RDA supports its clients through an integrated approach to planning, grant-writing, organizational development, and evaluation.

About Child and Family Policy Institute of California (CFPIC)

The mission of the CFPIC is to advance the development of sound public policy and promote program excellence in county Human Services Agencies through research, education, training and technical assistance.

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How to Use this Brief and Toolkit

This brief is intended to serve as a resource for child welfare agencies, advocates, and policymakers who are working to strengthen supports for victims of all forms of child trafficking.

This brief focuses on the response of child welfare agencies to child labor trafficking in California. While child sex trafficking and the commercial sexual exploitation of children has risen to the forefront of attention from the public and child welfare agencies, child labor trafficking has not received as much attention. Moreover, there has been a limited amount of work in capturing counties' efforts to address the issue. This document seeks to address these gaps through the following structure:

Figure 1. Outline and Goals of this Brief

Part I. Introduction	Part II. Overview of the Issue	Part III. Efforts to Address Labor Trafficking	Part IV. Recommendations
<ul style="list-style-type: none">• Introduction to the issue and PACT model	<ul style="list-style-type: none">• Summarize data and research on child labor trafficking	<ul style="list-style-type: none">• Describe progress and lessons learned from a case study of 10 counties' efforts to integrate a response to child labor trafficking	<ul style="list-style-type: none">• Integrate research to provide state and county-level recommendations

This brief is accompanied by a user-friendly online toolkit to provide easy access to valuable county, state and federal resources. The online toolkit can be found here: <https://cfpic.org/projects/pact/childlabortrafficking>

You may also click on the individual icons to be directed to each online resource page.

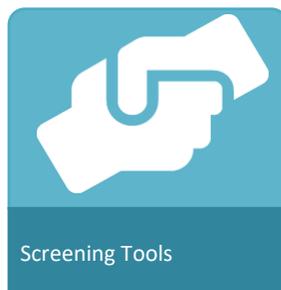


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I. Introduction

For the past decade, California has led the nation in human trafficking cases.ⁱ In 2019, one-third of human trafficking cases in California involved the trafficking of children and youth under the age of 18.ⁱⁱ In response, state and local jurisdictions have dedicated resources to stop child trafficking, including the development of systems for identification, prevention, and victim services.

From 2016-2018, between 13% to 17% of child trafficking cases in California involved labor trafficking or both sex and labor trafficking.

Like the nation overall, California's efforts have focused particularly on sex trafficking, or the commercial sexual exploitation of children. States and counties have created task forces and coalitions, launched public awareness campaigns, and formed partnerships with community-based providers. In this time, the child welfare system has become a focal point in protecting children and youth who have experienced or are at risk of sex trafficking. In 2014, the signing of Senate Bill (SB) 855 clarified that children who had experienced or were at risk of sex trafficking fell under the purview of child welfare agencies and created a statewide Commercially Sexually Exploited Children (CSEC) Program, an opt-in program administered by the California Department of Social Services (CDSS).ⁱⁱⁱ The CSEC Program prompted local child welfare systems to develop policies and procedures, interagency agreements, and community-based services to prevent and address child sex trafficking.

Among the potential trafficking cases reported to the National Human Trafficking Hotline (NHTH) from California from 2016 to 2018, the majority of cases involving youth were related to sex trafficking (78% to 84%). Labor trafficking, or the commercial exploitation of a child for their labor or services, comprised approximately 8% to 12% of these cases.^{iv} While data on youth who experience both sex and labor trafficking is limited, NHTH data indicated that between 3% to 6% of reported child trafficking cases involved both forms of exploitation.^v Despite this intersection, few state or local protocols exist to identify and respond to children and youth who have experienced or are at risk of labor trafficking.^{vi}

This brief highlights labor trafficking research and promising practices in establishing an integrated response to child sex and labor trafficking, with a focus on the work of a cohort of 10 California child welfare agencies. The goal is to further efforts to ensure that children and youth who have experienced or are at risk of labor trafficking are provided equal access to supports in achieving stability.

Definitions and Terms Used in this Brief (See Appendix A for full list of terms and citations)

- **Child trafficking** refers to instances of labor and/or sex trafficking of any person under the age of 18. Under U.S. federal law, "severe forms of trafficking in persons" includes both sex trafficking and labor trafficking.^a
- **Child sex trafficking** is the recruitment, harboring, transporting, providing, obtaining, soliciting, or patronizing of a child for the purpose of engaging in a commercial sex act.^a
- **Commercial sexual exploitation of children** is when children are provided anything of value, including food, shelter, or payment, in exchange for the performance of a sexual act.^{a,b} The terms sex trafficking and commercial sexual exploitation of children are often used interchangeably. All commercially sexually exploited children meet the definition of sex trafficking under state and federal law. This brief uses both terms.
- **Child labor trafficking** is the recruitment, harboring, transporting, providing, or obtaining of a child 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.^a

^a U.S. Department of Health and Human Services, Office on Trafficking in Persons, ^b California Welfare and Institution Code

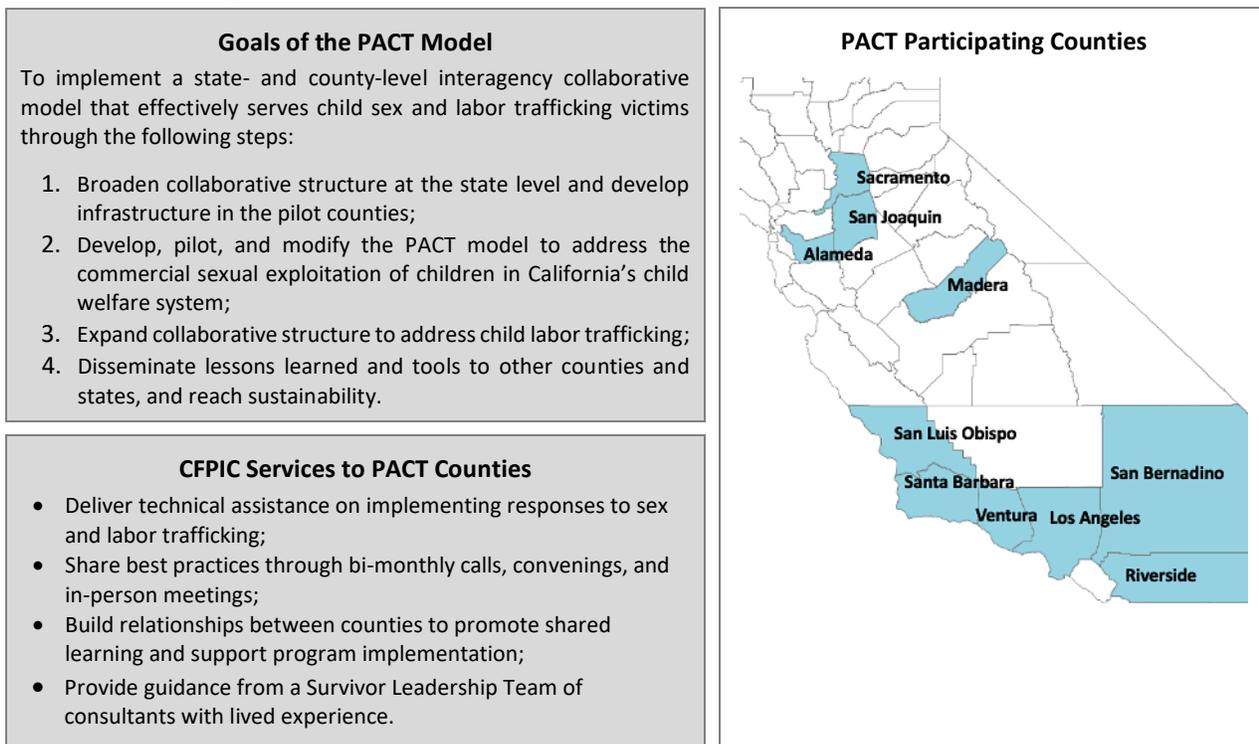
Overview of the PACT Model and Participating Counties

Preventing and Addressing Child Trafficking (PACT) is a five-year, federally funded effort administered by the CDSS to assist the state and local child welfare agencies to build and implement a collaborative model that effectively serves children and youth who have experienced, or are at risk of, sex and labor trafficking.^{vii}

Because child welfare protocols and programs in California are developed on a county-by-county basis, PACT focuses on building a platform for participating counties to collaborate with one another to address challenges, and share best practices. CDSS contracted with the Child and Family Policy Institute of California (CFPIC), staffed by a PACT director and a team of survivor consultants, to provide direct administrative and technical assistance to 10 child welfare agencies participating in the PACT cohort. Resource Development Associates (RDA) was contracted to evaluate the successes and challenges of implementing the PACT model. Figure 2 highlights PACT goals, participating counties, and services provided.

PACT is unique among statewide programs in that it models a comprehensive and integrated approach to child trafficking, including an explicit focus on child labor trafficking. In a sequenced approach, counties first developed a collaborative CSEC model. Then, they built on the CSEC response to incorporate child labor trafficking.

Figure 2. Overview of the PACT Model, CFPIC Services, and Pilot Counties



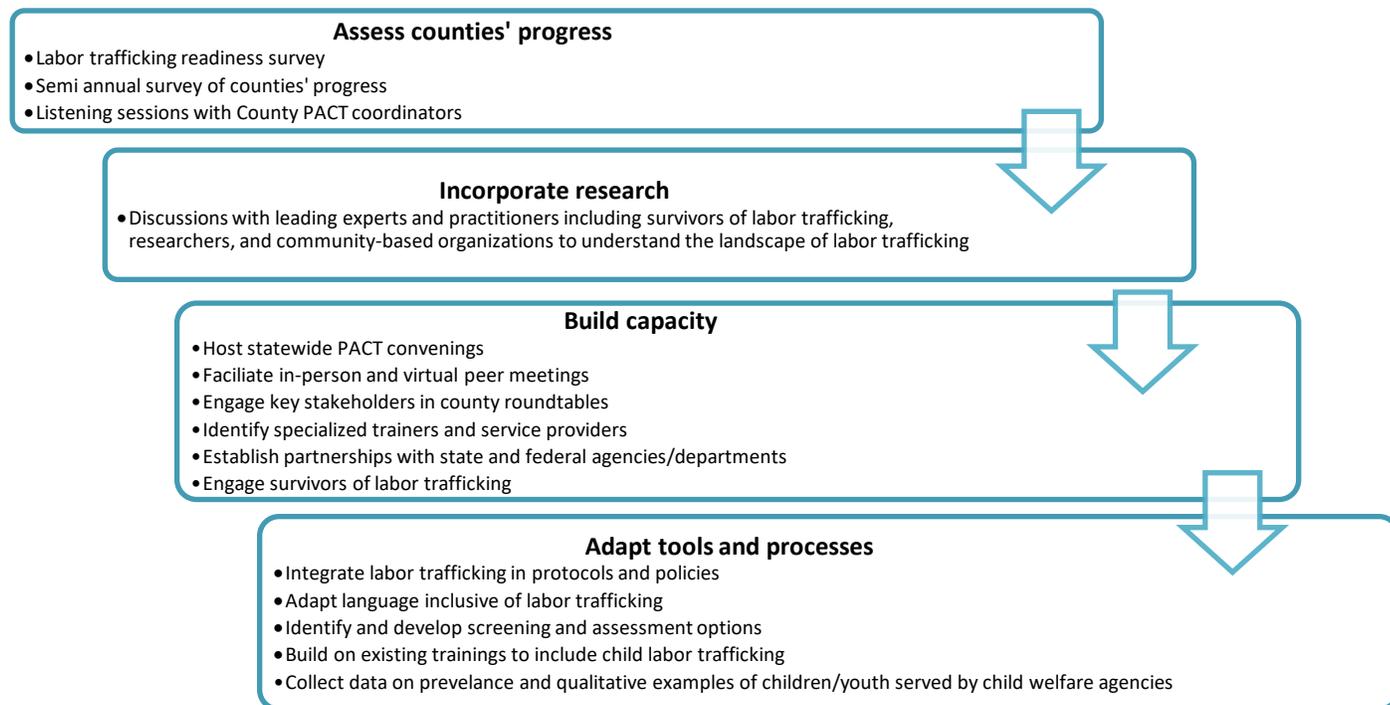
Research Approach and Data Sources

The information in this brief is based on collaborations between CFPIC and RDA with PACT counties, key stakeholders, and experts on child trafficking. CFPIC and RDA undertook the efforts below to collect data and develop recommendations.

Labor Trafficking Needs Assessment

As PACT transitioned to include a focus on labor trafficking, CFPIC conducted a needs assessment to gather a baseline understanding of PACT counties' readiness to expand and integrate their current CSEC Program model to address both sex and labor trafficking. Through an iterative process (see Figure 3), CFPIC gained insights into participating counties' needs and began the process of adapting tools and technical assistance to support them in building a comprehensive approach to child trafficking.

Figure 3. CFPIC Labor Trafficking Needs Assessment and Implementation Process



Project Evaluation

RDA collected data from multiple sources regarding child welfare agencies' successes, challenges, and barriers to addressing child labor trafficking. RDA integrated each data source by conducting a thematic analysis to identify commonalities and differences across sources. Throughout the analysis process, the team consulted with CFPIC to validate their understanding of the emerging findings. Data sources included:

- Labor Trafficking Readiness Survey
- County Steering Committee Stakeholder Survey
- Review of literature on child labor trafficking
- Labor trafficking-focused listening sessions with child welfare agencies in PACT counties
- Labor trafficking-focused listening sessions with community-based organizations (CBOs)
- Focus groups with survivors of labor trafficking
- Key informant interviews with CSEC coordinators in PACT counties and other experts

II. Overview of the Issue

This section provides essential information for individuals and organizations seeking to understand the definition, occurrence, and dynamics of child labor trafficking in California. Increased awareness of child labor trafficking is crucial for identifying and serving victims, alerting communities to the importance of addressing the issue, and building a collaborative statewide response that engages public agencies, law enforcement, direct service providers, and businesses. Just as child labor trafficking is an emerging issue of focus for the child welfare system, research and legislation in the field are also emerging and constantly evolving.

Questions addressed by this section:

- *What is child labor trafficking?*
- *How prevalent is child labor trafficking in California?*
- *Who is vulnerable to child labor trafficking?*
- *Where and how does child labor trafficking occur?*
- *How does child labor trafficking intersect with the child welfare system?*

What is Child Labor Trafficking?

The **U.S. federal government** defines labor trafficking as the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purposes of subjection to involuntary servitude, peonage, debt bondage, or slavery (22 USC § 7102). One important distinction between child labor trafficking and child sex trafficking is that force, fraud, and/or coercion must be present in labor trafficking, while any minor involved in a commercial sex act is automatically considered a victim of sex trafficking regardless of the presence of those elements.

Force involves physically restraining or harming a victim. **Fraud** deceives victims about aspects of their employment including job duties, work conditions, and payment. **Coercion** includes threats of serious psychological and/or physical harm to the victims or their loved ones, or real or threatened abuse of the legal system (for instance, threats of deportation or prosecution by the police). These elements distinguish labor trafficking from illegal child labor (if children are underage or working in prohibited settings) or exploitation (if children are not paid fairly) based on the Fair Labor Standards Act (FLSA).^{viii,ix} The spectrum of child labor is illustrated in Figure 4. and does not need to rise to the level of child labor trafficking to be harmful to children. See Appendix A for a full list of terms related to child labor trafficking.



How Prevalent Is Child Labor Trafficking in California?

According to the National Human Trafficking Hotline, California has experienced the highest number of trafficking cases among U.S. states each year since 2007.^{xiii} Among the potential trafficking cases reported to the NHTH from California from 2015 to 2019, between 26% to 32% were children or youth.^{xiv} As shown in Table 1, the majority of cases in California involving youth between 2016 to 2018 were related to sex trafficking (78% to 84%). Labor trafficking comprised approximately 8% to 12% of these cases, and an additional (3% to 6%) involved both sex and labor trafficking.^{xv}

Figure 5. Number of California Cases Reported to the Hotline where the Situation Involved Minors

	2016	2017	2018
Labor	39 (8%)	58 (12%)	39 (11%)
Sex	410 (83%)	412 (84%)	272 (78%)
Other/not specified	18 (4%)	7 (1%)	15 (4%)
Sex and Labor	26 (5%)	15 (3%)	21 (6%)
Total	493	492	347

Source: Polaris NHTH

Due to limited data collection and a lack of awareness surrounding labor trafficking, the prevalence of child labor trafficking is likely higher than documented. Although the NHTH maintains one of the most extensive data sets on human trafficking in the U.S., the resource relies on reports from individual callers and may not capture the full prevalence of labor trafficking cases. Child Welfare data on child labor trafficking is minimal, as most counties do not distinguish between sex and labor trafficking in the state Child Welfare System database. In addition, more research is necessary to better understand the dynamics of child labor trafficking and the co-occurrence of commercial sexual exploitation among specific groups such as tribal, LGBTQ+, male, and immigrant children and youth. While data is limited, there are emerging studies on child labor trafficking from surveys, journalistic accounts, and reports that describe a subset of the overall cases.^{xvi}

Who is Vulnerable to Child Labor Trafficking?

Traffickers target vulnerable and marginalized children and youth from diverse backgrounds. Children and youth are at especially high risk for labor trafficking as they may lack the experience and knowledge to recognize abusive employment practices and suspicious job offers. Some youth feel the only way to support their families is to work, even if they can only do so illegally, making them susceptible to recruitment for fraudulent, illegal, or abusive work. Traffickers prey on an individual's vulnerabilities, which may include poverty, young age, status as a runaway or homeless youth, criminal record, disabilities, sexual orientation or gender identity, immigration status, and racial or ethnic marginalization. Nationally, between 2007-2019, nearly half (49%) of reported child labor trafficking victims were identified as male, while 9% of reported child sex trafficking victims were male.^{xvii}

Labor trafficking impacts both foreign-born and U.S.-born children and youth. Foreign-born children and youth, regardless of immigration status, may be at risk for labor trafficking both during and after entry to the U.S., including situations in which traffickers make false promises of payments or threaten youth with violence or deportation.^{xviii} Foreign-born children and youth often face additional barriers to reporting or leaving trafficking situations due to language barriers, immigration status, visa status, lack of familiarity with the U.S. legal system, and fear of authorities. Unaccompanied undocumented minors and/or foreign-born children and youth who fall under the category of "refugee" may be at risk of labor trafficking due to trauma and toxic stress experienced in their country of origin, throughout the migration journey, and as they acclimate to their new communities. There is an emerging awareness that youth born in the U.S., particularly those who have unstable economic or family support systems and those with experience in the foster care and/or juvenile justice system, are also at high risk for labor trafficking.

Child trafficking victims are often subjected to multiple forms of exploitation and may have a history of complex trauma. Poly-victimization describes a person's exposure to multiple forms of exploitation, which increases the risk of experiencing additional forms of violence. Victims of labor trafficking may have a prior history of adverse childhood experiences in addition to simultaneously experiencing sexual harassment or labor violations in the workplace. Other examples of poly-victimization include intersections with domestic violence, substance-induced offenses, sexual assault, sex trafficking, and identity theft.^{xix}

Where and How Does Child Labor Trafficking Occur?

Labor trafficking occurs in communities of all sizes and in a variety of industries and locations. Nationally, the most common settings for child labor trafficking are peddling and begging, domestic work, traveling sales crews, restaurant and food service, agriculture, and construction; additionally, common settings where child sex and labor trafficking intersect are bars and clubs, illicit massage, and health and beauty industries.^{xx} Urban counties may attract youth to work in sales or restaurant jobs, while rural areas may attract more agricultural workers.^{xxi} Traffickers involved in child labor trafficking are most commonly family members or employers. In many scenarios, they are in a position to gain the victim's trust—such as foster parents, intimate partners, employment recruiters, or landlords—although they may also be unknown to the victim.^{xxii}

Forced criminality and debt bondage are under-recognized forms of child labor trafficking. Forced criminality involves a child being forced or coerced to commit a range of crimes such as drug dealing, drug cultivation, shoplifting, or theft. While statewide safe harbor laws have been enacted to ensure that children are not criminalized for engaging in commercial sex, trafficking victims are frequently arrested and convicted for other crimes they were forced to commit by their trafficker, creating barriers to identification and long-term stabilization. Debt bondage is a form of modern slavery that involves work to repay one's own or a family member's debt, wherein the terms of repayment are such that the debt can never be repaid.

There are areas of significant overlap between sex trafficking and labor trafficking. Victims of sex trafficking may be subject to labor trafficking, and vice versa. For example, both types of trafficking may intersect when a victim is required to provide both commercial sexual services and other duties such as massage, housekeeping, or selling drugs.

Labor trafficking victims often suffer in silence and rarely come forward on their own. Traffickers exert a level of control that prevents victims from disclosing what is happening to them out of fear of retaliation. As a result, victims rarely report this crime, which makes it especially important for the people they encounter to recognize the signs of labor trafficking and know how to respond.

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Signs or indicators of labor trafficking may include:

- Performing work without pay, or not paid what promised.
- Isolated, fearful of and/or controlled by an “employer.”
- Owes a debt they feel they cannot repay.
- Limited or no access to identification or legal documents.
- Monitored by another person when working or interacting with others.
- Working in dangerous conditions, without proper safety gear, training, adequate breaks.
- Gaps in attendance, inability to go to school, or exhausted because they “had” to work.
- Transported to multiple states or regions.
- Has a “parent,” “guardian” or other adult “sponsor” with no evidence of legal guardianship.
- Performs extensive household work beyond common chores for their age.
- Demonstrates visible signs of malnourishment, bruises, and/or shows other forms of physical, sexual, emotional, and spiritual abuse.
- Arrested or involved with law enforcement due to forced criminal activity.

Real Life Examples of Child Labor Trafficking*

- Mason answers an ad for easy money and travels in a van across the U.S. selling magazines door to door for an exploitative crew leader.
- Fatima enters the U.S. on a student visa and is told she is now expected to be the family live-in “housekeeper and nanny.”
- Jessica gets kicked out of her house after revealing she is gay. She finds work as a nanny and faces threats from her employer who denies her pay.
- Angel doesn’t make her quota for sex for the day and is forced to sell drugs on the side.
- Juan works long hours trimming on an isolated marijuana farm to pay off an increasing debt, which includes his travel to the job site, use of tools, housing and food. His employer threatens to call ICE on him if he leaves.
- Camila is forced to carry drugs over the Tijuana border for her “boyfriend”; upon entering the U.S., she is also sold for sex.
- Gigi’s family is tricked into believing she will have a better life in America by a fraudulent adoption agency.

**Names have been changed*

How Does Child Labor Trafficking Intersect with the Child Welfare System?

The child welfare system is broadly charged with protecting children and youth from abuse and neglect.

County child welfare agencies create a continuum of services designed to ensure children are safe and families have the necessary support to care for their children. Child labor trafficking or the commercial exploitation of a child for their labor or services is highly relevant to child welfare systems for several key reasons:

- ✓ Child labor trafficking frequently intersects with commercial sexual exploitation;
- ✓ Children with experience in foster care or the juvenile justice system are at a particularly high risk for labor trafficking;
- ✓ Child labor trafficking may involve the failure or inability of the parent or guardian to adequately supervise or protect the child [WIC 300(b)(1)].^{xxiii} This includes, but is not limited to, children who were labor trafficked by a parent or guardian; and
- ✓ Concerns around child labor or child labor exploitation do not need to rise to the level of child labor trafficking to be harmful to children.

Federal and state legislation has recognized the role of child welfare systems in addressing child trafficking.

The California legislature has invested in the child welfare system’s capacity to identify and serve commercially sexually exploited children. Following the creation of the CSEC Program in 2014, California codified the Federal Preventing Sex Trafficking and Strengthening Families Act through SB 794, prompting all county child welfare and probation agencies to create protocols to identify, report, document, and serve children who are at-risk of or victims of sex trafficking.^{xxiv} Thus far, California state legislation has not included provisions to explicitly address child labor trafficking. Federal legislation has defined the child welfare system’s response to child trafficking (see PSTSFA and JVTA in the table below); however, while both laws reference “severe forms of human trafficking,” they cite only the parts of the TVPA definition that are specific to sex trafficking.^{xxv} At least 13 other states have expanded their definitions of child abuse to include labor trafficking, thereby offering legal protections through state child welfare systems.^{xxvi}

Figure 6. Federal and State (*) Legislation Related to Child Welfare and Human Trafficking

2000	Trafficking Victims Protection Act (TVPA - Public Law 106–386) and subsequent reauthorizations (2003, 2005, 2008, and 2013) established the national framework for the federal response to human trafficking, implementing an approach based on prevention, prosecution, and protection. The TVPA, as amended, requires Federal, State, or local officials to notify HHS within 24 hours of discovering a child who may be a foreign victim of trafficking, to facilitate the provision of assistance.
2006	Human services: immigrants (CA Senate Bill 1569): Made noncitizen victims of trafficking, domestic violence, and other serious crimes eligible for public social services and health care services to the same extent as individuals who are admitted to the United States as refugees.
2013	Preventing Sex Trafficking and Strengthening Families Act (PSTSFA; Public Law 113–83): Required that child welfare agencies report the number of children in their purview identified as sex trafficking victims. Addressed commercial sexual exploitation but not labor trafficking.
2014	*Commercially Sexually Exploited Children Program (CA Senate Bill 855): Shifted the purview of child trafficking response from juvenile justice to child welfare. Led to a statewide endeavor to address the commercial sexual exploitation of children by creating the CSEC Program.
2014	*Sexually Exploited and Trafficked Minors Act (CA AB 2035): Would have clarified that child abuse in California includes labor and sex trafficking and expanded the CSEC Program to include all forms of child trafficking. Vetoed by Governor Brown.
2014	Justice for Victims of Trafficking Act (JVTA; Public Law 114–22): extends the PSTSFA by requiring that states respond to all child sex trafficking victims, including those not otherwise under child welfare supervision.
2015	*CA Senate Bill 794: Enacted provisions of the federal PSTSFA; requires counties to develop protocols for commercially sexually exploited youth and for youth who run away or go missing from foster care.
2016	*CA Senate Bill 1322: Precludes minor victims of commercial sexual exploitation from being arrested and charged with prostitution. Does not offer legal protections for victims of commercial sexual exploitation or labor trafficking who are forced to engage in illicit activities by their trafficker.

III. Efforts to Address Labor Trafficking in PACT Counties

Prior to their participation in PACT, most county child welfare agencies had not taken steps to address child labor trafficking. This section summarizes progress and lessons learned from PACT counties’ efforts to address labor trafficking. First, **key takeaways** from PACT counties are presented. Next, there is a discussion of **progress and lessons learned in six key areas**. These areas were identified based on the components that guided CSEC Program implementation, as mandated by legislation.^{xxvii} Together, they form a framework used by the PACT director to assess and support participating counties to address child labor trafficking.

Figure 7. Key Areas Assessed

Key Area	Corresponding Toolkit Sections
<p>1. Prevention and Awareness</p> <ul style="list-style-type: none"> ✓ Are there known efforts to prevent child labor trafficking in the county? ✓ Are there known efforts to raise awareness of the specific industries of concern in the county? 	
<p>2. Staff Training</p> <ul style="list-style-type: none"> ✓ Has the child welfare agency integrated child labor trafficking into staff training? ✓ Are child welfare agency staff and partners trained to recognize, identify, and respond to the indicators of child labor trafficking? 	
<p>3. Screening and Identification</p> <ul style="list-style-type: none"> ✓ Does the child welfare agency have a screening tool for both sex and labor trafficking? ✓ To what extent does the child welfare agency collect data in order to understand occurrence or co-occurrence of labor trafficking? 	
<p>4. Policies and Protocols</p> <ul style="list-style-type: none"> ✓ Does the child welfare agency have protocols in place, for instance: a designated point of contact, multidisciplinary teams (MDTs), flow chart of roles and responsibilities, 24-hour federal report for foreign born child/youth, etc.? ✓ Do child welfare agency documents, titles, and policy language inclusive of child labor trafficking? ✓ Are counties engaging survivors in the development of their child trafficking response? 	 
<p>5. Interagency Collaboration</p> <ul style="list-style-type: none"> ✓ Is there a presence and buy-in of a steering team, coalition, and/or taskforce in the county? ✓ Is there collaboration with agencies including local and federal law enforcement, justice partners, CBOs, or faith-based communities? 	 
<p>6. Service Delivery</p> <ul style="list-style-type: none"> ✓ Have service delivery structures and programs been adapted to support children and youth who have experienced or are at risk of labor trafficking? ✓ Are services for youth who have experienced or are at risk of labor trafficking available, accessible, and effective? 	 

Key Takeaways from PACT Counties

In the absence of legislative mandates, it takes time to build buy-in and capacity to incorporate a focus on child labor trafficking. Unlike the CSEC Program, child welfare agencies' efforts to address child labor trafficking are not guided by mandates; moreover, the State CSEC program provides counties with direct funding to address CSEC programming, whereas PACT does so indirectly through its services to PACT counties. Given this context, the majority of participating counties were initially uncertain about how to approach child labor trafficking, citing concerns of capacity to tackle added initiatives and increased workload. Through the support of PACT, counties' engagement increased as a strategy was developed to leverage the strengths of the existing programming to address child labor trafficking and its intersection with sex trafficking.

Early implementation has largely focused on raising awareness, training staff, and strengthening partnerships.

Because awareness about labor trafficking tends to be much lower than sex trafficking, PACT counties have

"Not everyone is on board with the same level of understanding of labor trafficking but are open to training. They want to understand what this looks like and understand exploiters. It's about being open to more trainings to and assess what to do to effectively intervene."

- Southern County PACT Coordinator

focused on building knowledge both internally and with partner agencies. Most commonly, participating counties have begun to incorporate labor trafficking into existing trainings on sex trafficking. A few counties have made headway in building relationships with existing and new partners who are critical to the integration of their child trafficking response, including the education system (schools, districts, offices of education) and law enforcement. There is still work needed to formalize the inclusion of labor trafficking with key public agencies and CBOs.

The process of building a structure around labor trafficking parallels the growth of the CSEC Program. Challenges reflected by PACT counties mirror the implementation of the CSEC Program, when many counties had not instituted processes for data collection, trainings, utilizing multidisciplinary teams (MDTs), and survivor engagement. Participant counties can leverage the upfront work and grow human resources, such as coalition building, existing services, and emergency response protocols, to integrate labor trafficking in their current child trafficking response.

"I think we are still in the information sharing phase, really trying to get an understanding of how big and pervasive this issue is for our clientele. Similar to when we were getting an understanding of CSEC, we have to make sure staff are skilled in interviewing and what it looks like and what our clients experience."

- Bay Area County PACT Coordinator

Readiness to address child labor trafficking varies based on counties' existing foundation for response to child sex trafficking. PACT counties with pre-existing funding and structures to address child sex trafficking have a foundation on which to build. In counties still growing their infrastructure to respond to sex trafficking, it has been more challenging to develop buy-in and capacity among child welfare leadership and partners to incorporate a child labor trafficking focus in their programs.

Survivor and CBO involvement and collaboration are critical to building a response to child labor trafficking. Survivors of labor trafficking and CBOs serving labor trafficking victims offer a rich foundation to inform an infrastructure to address child labor trafficking. Survivors are crucial for identifying gaps in services and informing person-centered, trauma-informed services. With the exception of a few PACT counties, most have not or only somewhat engaged survivors in leadership roles to advise on child trafficking protocols and services. On the other hand, CBOs have served as strong collaborators for training and prevention efforts.

Key Area 1. Prevention & Awareness

Counties' Progress and Support from PACT

Among PACT counties, awareness about child labor trafficking has grown through access to information and technical assistance. All County PACT coordinators are aware that child labor trafficking occurs in their counties and have identified key at-risk populations and industries of concern in their geographic region. Knowledge is still growing about labor trafficking involving U.S.-born youth, as well as the co-occurrence of sex and labor trafficking. Participation in PACT convenings and meetings has heightened awareness of the problem and the importance of addressing it. However, limited understanding of the definition of labor trafficking, coupled with a lack of screening tools, has inhibited widespread awareness.

"There could be forms of labor exploitation, trafficking, and control we are mislabeling. I think that it is helpful to...recognize it's not a new population—it's the kids we already interact with."

- Southern County PACT Coordinator

Partner agencies such as law enforcement and schools have gaps in understanding how to identify and respond to labor trafficking. Law enforcement agencies and schools are key partners in recognizing and responding to child labor trafficking. However, school settings, service providers, and law enforcement agencies continue to experience gaps in understanding about how to identify and support child victims of labor trafficking.

PACT counties are undertaking creative strategies to increase awareness of labor trafficking. Participating counties have increased awareness among the public and partner agencies through efforts including email campaigns, inclusion of labor trafficking in required postings of human trafficking hotline information, and larger scale human trafficking awareness events. Counties noted that small steps, such as highlighting labor trafficking in collaborative meetings, are helpful for building momentum and interest with key stakeholders.

County Examples

- A county in the earlier stages of implementation sends weekly "awareness campaign" emails throughout their department as a low-cost method to stimulate awareness about child labor trafficking.
- One Southern California county hosted a survivor of labor trafficking to speak at a January National Slavery and Human Trafficking Prevention Month event.

Lessons Learned

Identifying champions within partner agencies helps generate buy-in for labor trafficking prevention. Individual staff members within partner agencies who are supportive of labor trafficking prevention efforts can help advance counties' work in this area. Counties may develop a list of potential partners that may support labor trafficking prevention efforts. Developing partnerships with local offices of education and disseminating resources on red flags can support awareness and prevention efforts.

Survivors of labor trafficking are crucial players for building awareness with partners, especially in areas where the labor trafficking response is new. Survivors play important roles in shaping the public perception of the realities and experiences of child labor trafficking within local communities. The PACT counties benefited from the support and consultation of the PACT Survivor Leadership Team consisting of individuals with lived experience of various forms of trafficking. This was especially helpful for counties that lack survivor leadership.

"I do presentations to give a better view of how to approach a victim or survivor of human trafficking.... [Counties are] asking for more training, for more advice."

- PACT Survivor Consultant

Key Area 2. Staff Training

Counties' Progress and Support from PACT

Some participating counties have developed trainings, or supplemented existing trainings, with child labor trafficking content. Since PACT began its labor trafficking efforts in early 2019, some counties have begun to supplement existing CSEC trainings with trainings on child labor trafficking. However, though there is interest across all PACT counties to receive training, existing trainings are not uniformly attended by staff within child welfare departments.

CFPIC has leveraged CBOs to develop regional trainings on labor trafficking, and is working to scale the trainings across PACT counties. In their role as a provider of technical assistance, CFPIC has focused efforts on bolstering PACT counties' training resources through identifying and bridging relationships with key regional CBO training partners who have expertise in supporting survivors of child sex and labor trafficking.

PACT counties have leveraged CSEC Program funding to support labor trafficking training. CDSS has determined CSEC Program funds may be leveraged to train social workers on sex and labor trafficking, insofar as the training demonstrates an intersection with sex trafficking and would benefit their current programming.

County Examples

- One coastal county is working to leverage CSEC Program funds to bring in subject matter experts and deepen trainings to include labor trafficking.
- Regional trainings on child labor trafficking have been developed in partnership with CBOs including Coalition to Abolish Slavery and Human Trafficking (CAST, Southern California), International Rescue Committee (the Sacramento IRC, Northern California), and Central Valley Against Human Trafficking (CVAHT, San Joaquin Valley).

Lessons Learned

Bolstering general training on working with victims of all types of child trafficking has ripple effects on services for youth who experience labor trafficking. As will be discussed in the service delivery section of this brief, survivors identified several important components of services, regardless of the type of exploitation they experienced. Trainings in specialized skills – for instance, “micro-skills” training on topics such as motivational interviewing, trauma informed service provision, intervention strategies for working with homeless and runaway youth, harm reduction and safety planning—are also beneficial for serving labor trafficked youth.

CBOs with a history of serving labor trafficked youth, especially national or statewide non-profits, are key partners for building capacity for child welfare agencies to train staff. CBOs have served as strong partners, collaborators, and trainers. CBOs that serve labor trafficking victims are equipped to inform participating counties and draw from a local understanding. CBOs are also able to implement new trainings without the bureaucratic hurdles that public agencies face.

“In government there is a lack of being able to do things on a moment's notice—it can take up to six months to get a training approved. A nonprofit or task force has less barriers to this.”

- Southern County PACT Coordinator

Key Area 3. Screening and Identification

Counties' Progress and Support from PACT

Most child welfare agencies do not have a system in place to screen children for labor trafficking, and have identified very few cases of child labor trafficking. In a survey from October 2019 to March 2020, nine out of 10 PACT counties reported that they did not receive any specific referrals for child labor trafficking. However, child welfare workers frequently described cases of child abuse or neglect that included elements of child labor trafficking. Through the CSEC Program, most counties have implemented the Commercial Sexual Exploitation Identification Tool (CSE-IT). A majority of child welfare providers expressed hesitance to add further screenings to the suite of tools currently employed, citing a burden on staff and/or lack of resources to implement additional tools.

“There is confusion over how to code the intersection of labor trafficking, youth involved in criminal activities, and CSEC. They can only choose one of the sub-abuse categories. The issue isn’t whether we provide services but how we document the data to know prevalence.”

- Southern County PACT Coordinator

CFPIC has liaised between participating counties, the CDSS, and experts to identify effective screening tools and advise future adaptation to the new state child welfare data management system to improve data collection. Given the overlap between sex and labor trafficking, the PACT director has assessed each county’s capacity for integrating labor trafficking screening tools with tools to screen for sex trafficking. Simultaneously, the PACT director has collaborated with CBOs and researchers to determine the best practices for screening tools. The PACT director’s efforts coincide with a state workgroup that is discussing the need for mandatory data fields in the new CWS data management system, Child Welfare Services – California Automated Response and Engagement System (CWS-CARES).

PACT Example

- PACT has encouraged counties to adapt their current screening methods integrating questions from evidence-based tools which are inclusive of child labor trafficking. Some counties are adapting their existing CSEC screening tools with labor trafficking questions used by their local CBOs or referring to a designated human trafficking advocate for further assessment.

Lessons Learned

Screening for labor trafficking can be integrated with CSEC screening tools. Given similar warning signs, as well as the common co-occurrence of sex and labor trafficking, counties can incorporate screening for labor trafficking into their existing CSEC screening processes. Further research, training, and consultation are needed to develop a consensus regarding which questions and methods to incorporate.

Child labor trafficking data is especially limited in California’s child welfare case management system.^{xxviii} The Child Welfare Services Case Management System (CWS/CMS) can capture the prevalence of child labor trafficking under certain abuse categories.^{xxix} However, this method of data collection is not widely known or utilized. The new data system to be released by the CDSS provides opportunities to address data collection issues moving forward.

There are opportunities to partner with interagency task forces and CBOs to identify effective screening tools. CBOs that serve labor trafficked youth have developed their own intake and/or screening tools. These resources can be useful in developing systematized or uniform screening tools.

Key Area 4. Policies and Protocols

Counties' Progress and Support from PACT

Most PACT counties are in the early stages of building internal policies and procedures around child labor trafficking. The majority of PACT counties have not incorporated labor trafficking in policies and procedures for various reasons, including limited legislative mandates and a lack of comprehensive knowledge or information. With support from PACT, some participating counties have made progress toward protocol development for addressing child labor trafficking. All PACT counties have developed and refined MDT protocols for children and youth who are at-risk or victims of sex trafficking, yet few counties indicated they were using MDTs for labor trafficking cases. Most participating counties also indicated that they have a designated person who is notified of cases involving child labor trafficking.

PACT has provided supporting documents and guidance on developing policies and procedures. The PACT director has supported participating counties with building on their existing frameworks—whether it be with MDTs, data collection, or inter-agency policies—to extend to labor trafficked youth. PACT counties have found that supporting language for protocols has been especially helpful. The PACT Survivor Leadership Team have continued to offer consultation during the development of training and awareness materials, guidance on service provision, and have been available for review of policies and procedures.

County Examples

- A Southern California county changed the name of their program to the READY Program (Respectfully Empowering and Defining Yourself) to be more strength-based and inclusive of different types of trafficking.
- A Southern California county updated their mandated reporting policy to include children who experience labor trafficking, as called for by the Child Abuse and Neglect Reporting Act (CANRA).

Lessons Learned

Existing systems and policies provide a strong foundation for building an effective response. PACT counties have demonstrated all counties can draw from their experience building a response to child sex trafficking and consider how to integrate labor trafficking into existing policies and agreements. For instance, existing agreements with law enforcement such as joint response for victims or locate and recovery can include a provision for child labor trafficking.

Survivor input on the development of processes to serve youth who have experienced labor or commercial sexual exploitation is critical. Most participating counties have not engaged survivors in leadership roles in developing protocols or processes. Survivor input is key in supporting providers in creating practices, policies, and activities that avoid re-traumatizing youth.

“PACT’s biggest strength is their survivor group and the way that they bring their lens to support us. The group has been able to review our policies and documents. We don’t have a survivor on our steering committee so that is helpful.”

- Central County PACT Coordinator

Key Area 5. Interagency Collaboration

Counties' Progress and Support from PACT

Some PACT counties have incorporated additional language and new partners in their interagency trafficking response. Some county steering committees or human trafficking task forces/coalitions have begun to include child labor trafficking in their child trafficking response. In some PACT counties, including the Office of Education and law enforcement partners at steering committee meetings, MDTs, or Child and Family Teams (CFTs) has led to greater coordination of services in labor trafficking cases and improved awareness across systems.

"Our [interagency] MOU uses the term 'child trafficking' in addition to CSEC, with the intent that potentially moving forward we could expand definitions of labor trafficking... Things have been done to make it easier to incorporate labor trafficking."

- Southern Coast County PACT Coordinator

CFPIC has supported the development of protocols for referring trafficking cases between several PACT counties. CFPIC has facilitated regional collaborations between PACT counties and regions that encounter similar issues or populations to strengthen their referrals and protocols.

Collaborations between CBOs and child welfare agencies are in emergent stages. CBOs that serve youth who are at risk of or experience labor trafficking have been crucial partners in areas such as prevention, awareness, and training. Without clear referral processes in place, CBOs and child welfare agencies do not consistently refer child labor trafficking cases to one another or share information, despite having identified child labor trafficking cases.

County Examples

- CFPIC facilitated a partnership between a Central Valley county, a faith-based CBO that bridges resources to serve victims of human trafficking, and a service-provider in an adjacent county that serves youth who have been trafficked.
- A coastal county established a labor trafficking sub-committee within their steering committee and connected with the U.S. Committee for Refugees and Immigrants (USCRI) to identify resources for foreign national youth who are trafficked. They have identified a recent child labor trafficking case and are collaborating with other counties on how to improve their response.

Lessons Learned

Training and education on labor trafficking can be incorporated into existing frameworks (for instance, steering committees or task forces) to enlist buy-in from current partners. Education and training are important steps for engaging existing partners to address child labor trafficking. PACT counties may leverage existing events or summits to elevate labor trafficking education and training to partner agencies. The awareness and education on the issue support the development and alignment of policies, agreements, and future partnerships around the topic.

A collective, interagency response to child labor trafficking implementation calls for relationships with additional agencies and providers. While the needs of both sex and labor trafficked children and youth are similar and many specialized service providers serve victims of all forms of trafficking, eligibility and expertise varies. Fewer resources exist for labor trafficked children and youth specifically. PACT counties should consider partnerships with legal service providers surrounding civil, criminal and/or immigration concerns, workers' rights and unions, job and employment agencies, culturally specific organizations, and governmental departments such as Department of Labor and Refugee Programs Bureau. Accordingly, counties can leverage regional resources and connect with organizations beyond those that primarily serve youth who have been victims of sex trafficking.

Key Area 6. Service Delivery

Counties' Progress and Support from PACT

The availability of services specific to labor trafficking varies by county and region. Some PACT counties have well-established organizations with experience serving labor trafficking victims. In most cases, these organizations focus on serving foreign nationals. Some participating counties, especially in rural/agricultural communities, expressed concern that they are unprepared to handle a potential increase in caseloads if additional labor trafficking cases are identified.

PACT counties have sought to incorporate services for specific at-risk populations, including labor trafficking victims. PACT counties have increasingly nuanced their approaches to implementing the CSEC Program, with many counties focusing on the needs of specific populations as they intersect with sex trafficking. Within this context, counties have initiated focal areas including male youth, LGBTQ youth, homeless and runaway youth, and youth at risk of or victims of labor trafficking.

County Examples

- A Southern California county defined three priority areas for child trafficking prevention efforts: male victims and survivors, LGBTQ victims and survivors, and labor trafficking.
- CFPIC promoted a training on special considerations for serving Native American youth who have experienced or are at risk of trafficking.

Lessons Learned

Survivors of both sex and labor trafficking identified tenets of successful interventions and service provision.

Survivors point to elements that were important in their experience with services regardless of the type of exploitation they experienced, such as connection with a trusted advocate, consistency, continuity of care, and being comprehensive and trauma informed. Labor trafficking survivors particularly noted the importance of services being responsive to the needs of the individual, whether it be their culture, age, gender-identity, or sexual orientation.

"Before you address the trauma, the first thing you have to do is address basic needs. If you can't stabilize their housing and food and medical, they're not going to be able to focus on anything deeper."

-PACT Survivor Consultant

Organizations that serve labor trafficking victims often reflect a crisis orientation with insufficient support for ongoing recovery and healing. Support services provided by child welfare agencies and/or CBOs often exist for situations after a victim's rescue or crisis. As victims experience waves of trauma or needs beyond the immediate crisis, there is a need for ongoing mental health services and supports. If available, service providers should consider clearly communicating an open-door policy, as survivors expressed that they mistakenly thought services would stop after a lapse in communication with service providers.

Awareness and training on labor trafficking is crucial to connecting youth to appropriate services that do not re-traumatize them. An assessment of an individual's basic needs, experiences of exploitation and length of time trafficked, cultural background, and intersections with sex trafficking, sexual assault and/or domestic violence among other crimes, are all important factors in determining appropriate referrals to specific organizations and developing an individualized service plan. Services that are specialized for victims of child sex trafficking may be appropriate to serve victims of child labor trafficking, particularly with co-occurrence; however, ultimately this will depend on the organization's capacity to integrate and adapt programming to meet comprehensive needs.

IV. Recommendations

California's CSEC Program laid the groundwork for county child welfare agencies to develop a coordinated response to child trafficking. Since 2014, PACT counties have built on that groundwork to make great strides in developing awareness, implementing screening tools, creating internal and interagency protocols, and expanding services for youth who have experienced or are at risk of trafficking.

Until recently, county efforts focused almost solely on sex trafficking, with minimal awareness of the prevalence and co-occurrence of child labor trafficking. A lack of funding and legislative mandates to address labor trafficking resulted in uncertainty about how to build a response. PACT has played an important role in guiding counties to assess existing resources and develop action plans to integrate their child trafficking response to include labor trafficking. Through PACT, CFPIC supported participating counties to identify connections between existing programming and a labor trafficking response. All 10 PACT counties have become invested in addressing labor trafficking and are in the initial phases of implementing a more comprehensive child trafficking approach in their work.

PACT counties' efforts have demonstrated a similar trajectory as the CSEC Program. Raising awareness about labor trafficking has been foundational for developing the buy-in and collaboration that is needed for effective identification and response to labor trafficking. Moreover, awareness and education promote a shared understanding that is needed for aligning policies, agreements, and future partnerships around the issue. Survivors and CBOs have been key partners in developing an integrated child trafficking response.

While there is an increased awareness and movement to strengthen trainings and partnerships to address child labor trafficking, much work remains in the areas of screening and identification, data collection, and interagency collaboration. As the state and counties move forward in developing a comprehensive child trafficking response within child welfare, it will be important for the CDSS and county child welfare systems to consider their roles in partnership with other systems. This section details policy changes and institutional efforts that are recommended to strengthen the state and county response to labor trafficking. The recommendations were developed by CFPIC with input from the CDSS and collaborations with child trafficking experts and researchers. Recommendations are structured by jurisdiction. Some of these recommendations may rely on changes to statutory authority and in some cases additional funding to fully implement. While many of these recommendations will not be easy to immediately achieve due to a lack of legislative mandate or financial support, all of them together will help California move toward a comprehensive and effective service delivery system to support child victims of labor trafficking.

Recommendations for CDSS

Statewide Guidance

1. **Provide guidance to California counties on how to implement a statewide, coordinated community response to prevent child labor trafficking and its intersection with child sex trafficking by building upon the CSEC Program enacted by SB 855.** PACT's pilot model can act as an initial roadmap for child welfare agencies and their partners to build capacity to prevent, early identify, and serve labor trafficked youth. Children who have been victims of or are at risk of labor trafficking fall under the purview of the child welfare system. This includes youth whose victimization has an intersection with sex trafficking, who are labor trafficked by parents or guardians, or are labor trafficked due to the failure or inability of the parent or guardian to adequately supervise or protect the child [WIC 300(b)(1)].

Screening and Identification

2. **Agree on a shared definition of child labor trafficking and provide options for current screening tools that are inclusive of all forms of child trafficking.** Limited understanding of the definition of child labor trafficking and lack of widespread implementation of screening and/or assessment tools inclusive of child labor trafficking within child welfare agencies has led to minimal identification of labor trafficking victims. To promote consistency of screening statewide, the CDSS can provide options for evidence-based tools researched in child welfare settings to support counties as they adapt their tools for use at the county level.
3. **Better understand prevalence of labor trafficking by systematically collecting data on children and youth who have experienced labor trafficking and the co-occurrence of sex trafficking.** The current lack of reliable data is a significant barrier to understanding and addressing the existing needs of this population. The CDSS should track the prevalence of child labor trafficking and the co-occurrence of labor and sex trafficking, allowing documentation of multiple types of exploitation within development of the new CWS CARES system. In addition, there should be methods to differentiate between forced criminality and labor trafficking within legal industries and required fields denoting length of time trafficked and age of first known occurrence. Guidance and training to improve consistency in data capture and instruction on how to identify and collect data on all forms of child trafficking should be disseminated to all California child welfare agencies and probation department staff.

Training and Technical Assistance

4. **Ensure training on child trafficking incorporates an explicit focus on child labor trafficking.** The Child Trafficking Response Unit, established in response to SB 855 legislation, has a goal to ensure all counties in California have adequate training, know how to build collaborative partnerships and can identify service resources to address the needs of children and youth who are at risk or victims of any form of trafficking. To this end, the CDSS should consider requiring current statewide training contractors and all future Requests for Proposals (RFPs) to address the intersection of child labor and sex trafficking in training curricula.

- 5. Provide technical assistance and consultation to California counties through building expertise on prevention, identification, and intervention strategies to serve children and youth at risk of or experiencing child labor trafficking.** The CDSS currently provides consultation, resources, and support to public and private agencies in California serving children and youth at risk or victims of sex trafficking or other severe forms of trafficking. The CTRU can act as a mechanism to offer consultative expertise to support California counties in adapting and integrating their child trafficking response to address child labor trafficking and its intersection with sex trafficking. Coordination between the CDSS and the federal Office on Trafficking in Persons will be important to facilitate training on the TVPA mandated reporting requirement and subsequent provision of assistance to non-citizen minor victims.

Collaboration

- 6. Explore statewide mechanisms to gather input from key stakeholders on how to improve a system level response to child labor trafficking and its intersection with child sex trafficking.** A statewide coordinated and comprehensive response to child trafficking requires input from key federal, state and local stakeholders. The Little Hoover Committee's June 2020 report *Human Trafficking: Coordinating a California Response*, recommended that a California Anti-Human Trafficking Council (with a specific sub-committee dedicated to combatting labor trafficking) be established within the Governor's Office. The participation of CDSS in such platforms can provide opportunity for collaboration across sectors and serves to increase the protection and availability of comprehensive services to victims of all forms of human trafficking, advocating for the specific needs of minor victims. Any mechanism for collaboration should reflect the diverse regions and populations of the state and include representatives of law enforcement, health and human services agencies, academia, labor organizations, victim service providers, advocates, state and local representatives, and survivors of all forms of human trafficking.
- 7. Foster internal collaboration within the CDSS to promote awareness and coordination of supports available to victims of child labor trafficking.** This may include but is not limited to coordination with the CDSS Child Trafficking Response Unit, the CDSS Office of Child Abuse Prevention, and the CDSS Refugee Program Bureau, which administers the Trafficking and Crime Victim Assistance Program (TCVAP) and the California Unaccompanied Refugee Minors Program. In addition, coordination with the CDSS Office of Tribal Affairs will be important to bridge relationships with the California Indian Tribes, Counties, and Tribal Governments in partnership with Native American stakeholders.

Survivor Engagement

- 8. Engage with survivors from diverse backgrounds and perspectives to improve systems that serve victims of trafficking.** A survivor-informed approach ensures that program design, implementation and evaluation take into account lived experience; guiding recommendations to support an effective statewide response to children and youth at-risk of, or experiencing any form of trafficking. The CDSS should include the input of those with lived experience of child labor trafficking when advocating for systems level change or improvement by utilizing existing

mechanisms such as PACT's Thriver Advisory Team, the CSEC Action Team's Survivor Advisory Board, and other entities. Survivors of child labor and/or sex trafficking should be included in any effort without requiring public disclosure of their experience or exploitation, should be representative of the diverse regions and populations of the state, and should be compensated fairly for their expertise and work as subject matter experts.

Recommendations for Counties

Prevention and Public Awareness

- 1. Ensure public awareness campaigns and outreach activities are inclusive of all forms of child trafficking.** Counties can increase awareness by bridging partnerships with local, regional and statewide taskforces and coalitions that comprehensively address child trafficking. Collaborate with stakeholders in California including law enforcement, CBOs, child-serving agencies, anti-trafficking experts, tribal organizations, government entities, and other relevant parties on awareness campaigns and outreach activities that are inclusive of child labor trafficking.

Training

- 2. Include information regarding child labor trafficking and its intersection with sex trafficking in county trainings.** This could include updating existing county training mechanisms and/or subcontracting with providers who hold the expertise necessary to comprehensively train on both child labor and sex trafficking.
- 3. Provide specialized training to social workers regarding considerations in working with immigrant youth.** Foreign-born victims of labor and/or sex trafficking are eligible for additional services through the provision of the TVPA and subsequent California legislation. Supporting foreign born victims of child trafficking may include collaboration with the Refugee Program Bureau (which administers the Trafficking and Crime Victim Assistance Program and the California Unaccompanied Refugee Minors Program); and collaboration with the Office on Trafficking in Persons to fulfill the TVPA requirement that Federal, State, or local officials notify HHS within 24 hours after discovering a foreign national child victim to facilitate the provision of assistance (22 U.S.C. § 7105).

Screening and Identification

- 4. Adapt current screening tools and assessments to be inclusive of child labor trafficking.** Limited understanding of the definition of child labor trafficking and lack of widespread implementation of screening and/or assessment tools inclusive of child labor trafficking within child welfare agencies have led to minimal identification. Counties should work collaboratively and in partnership with the CDSS to develop a shared definition of child labor trafficking and adapt existing tools, or include additional tools that use a trauma-informed approach to increase screening and identification of child labor trafficking and its intersection with sex trafficking.

- 5. Improve data collection to understand the prevalence of child labor trafficking.** Significant improvement to data collection will require an adaptation within the new CWS data management system, CWS-CARES (yet to be launched). In the meantime, counties can consider tracking substantiated allegations of child labor trafficking, by utilizing the existing abuse category 'Exploitation' and sub-abuse categories 'Exploiting Child's Labor,' or 'Involving Child in Criminal Behavior' (to delineate labor trafficking in illicit or illegal industries) found within the Child Welfare Services/Case Management System (CWS/CMS).

Policies and Procedures

- 6. Utilize the existing SB 855 County Opt-In CSEC Program Model to serve victims of child labor trafficking that currently fall under the purview of child welfare.** This includes youth whose victimization has an intersection with sex trafficking, who are labor trafficked by parents or guardians, or are labor trafficked due to the failure or inability of the parent or guardian to adequately supervise or protect the child [WIC 300(b)(1)]. Counties can leverage funding from CSEC Program Appropriation for training and capacity building on child labor trafficking as it intersects with sex trafficking.
- 7. Expand County CSEC Steering Committees to provide leadership and expertise on the intersection of child sex and labor trafficking.** County CSEC Steering Committees provide ongoing oversight and support on interagency protocols to ensure county agencies and partners effectively collaborate to better identify and serve youth at risk or victims of sex trafficking. This mechanism can be expanded to explicitly address the intersection of child sex trafficking with child labor trafficking and should consider additional stakeholders to address any gaps in services or resources.
- 8. Update the language in all relevant policies and procedures to be inclusive of child labor trafficking.** Language can be changed from Sex Trafficking, CSEC, or Domestic Minor Sex Trafficking to inclusive terminology such as Child Trafficking or Commercial Exploitation of Children.
- 9. Make available and utilize MDTs and CFTs for labor trafficked children and youth.** A multi-disciplinary response has proven successful in the collaboration of key stakeholders and available services in order to coordinate and address the ongoing and wide range of complex short, transitional, and long-term needs that exist for victims of sex trafficking. Counties can build on the existing mechanisms to support identified victims of child labor trafficking and their caregivers. Teaming strategies can serve to proactively plan for triggering events and be individualized to each child or youth's experience. Counties may consider the inclusion of additional CBOs or partners as needed and available.

Collaboration and Survivor Engagement

- 10. Collaborate with local, statewide, federal, and tribal partners to ensure comprehensive, trauma-informed, culturally and linguistically appropriate service delivery to children and youth who have experienced labor trafficking.** Counties can collaborate with providers that specialize in serving this population and increase partnerships with individuals and agencies who may offer unique supports such as workforce development programs, cultural and immigration centers, or civil attorneys. Counties can clarify processes for referrals and coordination with CBOs and tribal organizations in order to ensure victims receive comprehensive services and individualized services.

- 11. Collaborate with Indian Tribes, Counties, and Tribal Governments as well as working with Native American stakeholders and tribal organizations, including law enforcement, to create a joint response to child labor trafficking and its intersection with sex trafficking.** Tribal communities have unique, culturally sensitive, and trauma-informed responses to human trafficking based on their legal status, existing services, and other factors. Government agencies and nongovernmental organizations should consult with each tribal nation on the best way to identify and respond to human trafficking involving Native American victims or crimes occurring on tribal lands. In addition, it is important to identify service delivery partners who can meet the needs of indigenous individuals who may not be from a federally recognized tribe, including indigenous Unaccompanied Undocumented Minors.

- 12. Engage with survivors from diverse backgrounds and perspectives to inform county-level work.** Include the input of those with lived experience through participation on advisory boards and involvement in community-wide anti-trafficking efforts, which may include the development of public awareness campaigns, prevention or training curriculum, and direct service provision. Survivors of child labor and/or sex trafficking should be included in any effort without requiring public disclosure of their experience or exploitation, should be representative of the diverse regions and populations of the state, and should be compensated fairly for their expertise and work as subject matter experts.

Appendix A. Definitions Related to Child Trafficking

Unless otherwise noted, definitions come from U.S. Code definitions stipulated by the Trafficking Victims Protection Act of 2000 (TVPA).¹

- **Child labor:** Refers to children who are illegally employed (not of working age) in work that is harmful to them physically or prevents them from their education.²
- **Child labor exploitation:** Child labor exploitation occurs when children (under 18 years of age) are legally employed but are denied basic labor rights, such as breaks or minimum wages.³
- **Child trafficking:** Instances of labor and/or sex trafficking of any person under the age of 18 in which the person being trafficked has not attained 18 years of age.
- **Child labor trafficking:** A victim of labor trafficking is anyone subjected to “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.” Throughout the document, the term child labor trafficking is applied in situations pertaining to minor victims.
- **Child sex trafficking:** The recruitment, harboring, transportation, provision, or obtaining of a person for the purposes of a commercial sex act, in which the person induced to perform such an act has not attained 18 years of age.
- **Coercion:** (a) Threats of serious harm to or physical restraint against any person; (b) 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 (c) the abuse or threatened abuse of the legal process.
- **Commercial sex act:** Any sex act on account of which anything of value is given to, or received by, any person.
- **Commercial sexual exploitation of children:** Refers to a range of crimes and activities involving the sexual abuse or exploitation of a child for the financial benefit of any person or in exchange for anything of value (including monetary and non-monetary benefits) given or received by any person. Commercial sexual exploitation of children is not legally defined by federal statute or case law. However, several federal criminal provisions can be applied to conduct that falls within this definition of commercial sexual exploitation of children, including 18 U.S.C. § 1591, 2251, and 2423(c).⁴
- **Debt bondage:** A form of coercion whereby the status or condition of a debtor arises from a pledge

¹ Cornell Law School Legal Information Institute. 22 U.S. Code § 7102 – Definitions.

<https://www.law.cornell.edu/uscode/text/22/7102>

² Owens, C., Dank, M., Breaux, J., Banuelos, I., Farrell, A., Pfeffer, R., Bright, K., Heitsmith, R., & McDevitt, J. (2014). *Understanding the organization, operation, and victimization process of labor trafficking in the United States*. Urban Institute. https://www.urban.org/research/publication/understanding-organization-operation-and-victimization-process-labor-trafficking-united-states/view/full_report

³ Dottridge, M. & Jordan, A. (2012). *Children, adolescents and human trafficking: Making sense of a complex problem* [Issue Paper]. American University Washington College of Law, Center for Human Rights and Humanitarian Law. <https://resourcecentre.savethechildren.net/node/7120/pdf/7120.pdf>

⁴Office of Juvenile Justice and Delinquency Prevention. Commercial Sexual Exploitation of Children. See: <https://ojjdp.ojp.gov/programs/commercial-sexual-exploitation-children>

The Child Welfare Response to Labor Trafficking in California

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by the debtor of his or her personal services, or of those of a person under his or her control, as a security for debt. If the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined, or in other words the debt never goes down or is never “worked off.”

- **Domestic servitude:** A form of labor trafficking where individuals work within their employers’ households, and provide services such as cooking, cleaning, child-care, elder care, gardening and other household work. Domestic workers may or may not live in their employer’s homes. Victims of domestic servitude commonly work 10 to 16 hours a day for little to no pay. Their ability to move freely is most often restricted. Employment in private homes increases vulnerability and isolation of victims of trafficking.⁵
- **Forced child labor (also referred to as child labor trafficking):** Forced labor means all work or service which is exacted from any person under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily. In this document, the term “forced labor or/and indentured labor” includes forced or indentured child labor.⁶
- **Human trafficking:** “Severe forms of human trafficking” is defined as: the recruitment, harboring, transportation, provision, or obtaining of a person for 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 labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
- **Involuntary servitude:** A condition of servitude induced by means of (a) 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 (b) the abuse or threatened abuse of the legal process.
- **Labor trafficking:** 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.
- **Peonage:** Labor with threat of harm that is connected to a debt. A status or condition of involuntary servitude based on real or alleged indebtedness.⁷
- **Severe forms of trafficking in persons:** (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.
- **Slavery:** The state of being under the ownership or control of someone where a person is forced to work for another.⁸

⁵ Polaris. <https://humantraffickinghotline.org/labor-trafficking-venuesindustries/domestic-work>

⁶ 19 U.S. Code § 1307. Convict-made goods; importation prohibited. <https://www.law.cornell.edu/uscode/text/19/1307>

⁷ Office on Trafficking in Persons. Fact Sheet Human Trafficking. <https://www.acf.hhs.gov/otip/resource/fshumantrafficking>

⁸ Office on Trafficking in Persons. Fact Sheet Human Trafficking. <https://www.acf.hhs.gov/otip/resource/fshumantrafficking>

Endnotes

- ⁱ Coalition to Abolish Slavery & Human Trafficking. (2019). *Child labor trafficking in California: October 2019 update*. <https://www.castla.org/wp-content/uploads/2019/11/ChildLaborTraffickinginCAOct2019final.pdf>
- ⁱⁱ National Human Trafficking Hotline. (2019). *California statistics*. Retrieved from <https://humantraffickinghotline.org/state/california>
- ⁱⁱⁱ National Center for Youth Law. (2014, June 24). *California governor signs legislation to protect commercially sexually exploited children* [Press release]. Retrieved from <https://youthlaw.org/california-governor-signs-legislation-to-protect-commercially-sexually-exploited-children/>
- ^{iv} National Human Trafficking Hotline. (2019, February 20). Personal correspondence.
- ^v National Human Trafficking Hotline. (2019, February 20). Personal correspondence.
- ^{vi} Center for the Human Rights for Children, Loyola University Chicago. International Organization for Adolescents. (2011). *Building child welfare response to child trafficking*. <https://www.luc.edu/media/lucedu/chrc/pdfs/BCWRHandbook2011.pdf>
- ^{vii} Awarded from the U.S. Department of Health and Human Services (HHS), Administration for Children and Families (ACF), and Children’s Bureau (CB). CDSS developed PACT in response to a federal grant program of the Administration for Children and Families (ACF) that encouraged states to design innovative approaches to child trafficking prevention in response to Public Law 113-183, the Preventing Sex Trafficking and Strengthening Families Act.
- ^{viii} The Fair Labor Standards Act (FLSA) of 1938 included protections for youth 14 to 17 years old who enter the workforce, defining who is covered by the FLSA youth provisions and who is exempt, setting minimum age and wage standards, and identifying the hazardous occupations in which youth under 18 cannot be employed. U.S. Department of Labor, Wage and Hour Division. *Child Labor Requirements in Nonagricultural Occupations Under the Fair Labor Standards Act (FLSA)*. <https://www.dol.gov/agencies/whd/child-labor/nonagriculture>
- ^{ix} Owens, C., Dank, M., Breaux, J., Banuelos, I., Farrell, A., Pfeffer, R., Bright, K., Heitsmith, R., & McDevitt, J. (2014). *Understanding the organization, operation, and victimization process of labor trafficking in the United States*. Urban Institute. https://www.urban.org/research/publication/understanding-organization-operation-and-victimization-process-labor-trafficking-united-states/view/full_report
- ^x The [Labor Commissioner’s child labor law booklet](#) contains comprehensive information about child labor laws, school attendance, wage, hour, and age requirements, restrictions, employer requirements and work permits. It also includes references and links to the state [Labor Code](#), the [Education Code](#) and other relevant laws and regulations.
- ^{xi} Owens et al. (2014).
- ^{xii} Dottridge, M. & Jordan, A. (2012). *Children, adolescents and human trafficking: Making sense of a complex problem* [Issue Paper]. American University Washington College of Law, Center for Human Rights and Humanitarian Law. <https://resourcecentre.savethechildren.net/node/7120/pdf/7120.pdf>
- ^{xiii} Coalition to Abolish Slavery & Human Trafficking. (2019). *Child labor trafficking in California: October 2019 update*. <https://www.castla.org/wp-content/uploads/2019/11/ChildLaborTraffickinginCAOct2019final.pdf>
- ^{xiv} National Human Trafficking Hotline. (2019). *California statistics*. Retrieved from <https://humantraffickinghotline.org/state/california>
- ^{xv} National Human Trafficking Hotline. (2019, February 20). Personal correspondence.
- ^{xvi} Fukushima, A.I. (2020). *A survey of child welfare and labor trafficking in California: A white paper* [White paper]. University of Utah. <https://anniefukushima.com/2020/01/20/a-survey-of-child-welfare-and-labor-trafficking-in-california-a-white-paper/>
- ^{xvii} National Human Trafficking Hotline, Polaris (2020). Trends in Child Trafficking from the National Human Trafficking Hotline. Presented as part of the National Listening Session – Data Trends in Child Trafficking, April 14, 2020. Office on Trafficking in Persons.
- ^{xviii} Deborah A. Gibbs, Sue Aboul-Hosn & Marianne N. Kluckman (2019) Child Labor Trafficking within The U.S.: A First Look at Allegations Investigated by Florida’s Child Welfare Agency, *Journal of Human Trafficking*, DOI: 10.1080/23322705.2019.1594551
- ^{xix} Dykoshak, T., Lohman, M. & Prestholdt, J. (2019). *Labor trafficking protocol guidelines: Identifying and responding to victims of labor trafficking 24 years old and under*. The Advocates for Human Rights. https://www.theadvocatesforhumanrights.org/uploads/labor_trafficking_protocol_guidelines_final.pdf

The Child Welfare Response to Labor Trafficking in California

A Ten-County Case Study on Integrating a Response to Child Labor Trafficking

^{xx} National Human Trafficking Hotline, Polaris (2020).

^{xxi} Gibbs, Aboul-Hosn, & Kluckman. (2019).

^{xxii} National Human Trafficking Hotline, Polaris (2020).

^{xxiii} Welfare and Institutions Code – WIC Article 300 states, in part: (b) (1) The child has suffered, or there is a substantial risk that the child will suffer, serious physical harm or illness, as a result of the failure or inability of his or her parent or guardian to adequately supervise or protect the child, or the willful or negligent failure of the child's parent or guardian to adequately supervise or protect the child from the conduct of the custodian with whom the child has been left, or by the willful or negligent failure of the parent or guardian to provide the child with adequate food, clothing, shelter, or medical treatment.

See: https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=WIC§ionNum=300.

^{xxiv} Brown, K.W. (2020). *California CSEC Policy Compendium*. National Center for Youth Law <https://youthlaw.org/publication/california-csec-policy-compendium/>

^{xxv} Gibbs, Aboul-Hosn, & Kluckman. (2019).

^{xxvi} Coalition to Abolish Slavery & Human Trafficking. (2019). *Child labor trafficking in California: October 2019 update*. <https://www.castla.org/wp-content/uploads/2019/11/ChildLaborTraffickinginCAOct2019final.pdf>

^{xxvii} SB 855 required that counties develop: MDT approaches to case management, planning, and provision of CSEC services; interagency protocols and steering committees to facilitate collaboration and communication across county agencies that handle CSEC cases; staff training in CSEC identification and service provision; and data collection to identify and track CSEC in child welfare agencies.

^{xxviii} CDSS will be shifting to a new data system, Child Welfare Services – California Automated Response and Engagement System (CWS-CARES).

^{xxix} For instance: injury Harm Detail Code 858: 'Exploiting Child's Labor', Injury Harm Detail Code 860: 'Other Exploitation', Special Projects Code: 'V- Human Trafficking- Forced Labor', Special Projects Code: 'Human Trafficking'