

Addressing Child and Youth Trafficking in Dependency Cases

Removal Decisions Benchcard

Judicial officers play a critical role in determining whether a child or youth should be removed from their home due to trafficking concerns. Understanding the complexities of minor trafficking—whether for sex, labor, or forced criminality—is essential in making informed removal decisions that prioritize the child’s safety and well-being. This benchcard serves as a guide for judicial officers to assess trafficking-related cases, ask key questions, consider available interventions, and track outcomes effectively. By implementing trauma-informed and evidence-based judicial practices, courts can help break cycles of exploitation and support the long-term stability of trafficked children and youth.

Note: the term “child” is used to refer to both children and youth.

Key Considerations for Judicial Officers

Understanding the Case

- Determine whether the child has been a victim of **sex trafficking or labor trafficking** under the **Trafficking Victims Protection Act of 2000**.

The [Trafficking Victims Protection Act of 2000](#) and its subsequent reauthorizations recognize and define two primary forms of human trafficking:

- Sex trafficking is the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act 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. (22 U.S.C. § 7102(11)(A)).
- Forced labor is the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. (22 U.S.C. § 7102(11)(B)).

- Review any available **social worker reports** or investigative findings to corroborate suspicions of trafficking.

- Consider the child's **living conditions**, including whether they have been homeless, have had unstable housing, or have been in situations that increase vulnerability to trafficking (e.g., poverty; family violence; displacement).
- Assess how the child has met their **basic needs**, such as food, clothing, and medical care, and whether they have been prevented from seeking medical attention.
- Evaluate the child's **educational status**, including whether the child has been attending school regularly and if there have been absences that indicate possible exploitation.
- Determine if the child has been **engaged in work**, either in a business, in the home, or elsewhere, to assess potential labor trafficking concerns.
- Consider whether the child is involved, or has been involved, in the **juvenile justice system** and if this could be connected to **forced criminality**.
- Identify whether the trafficking was **familial or third-party-related**, recognizing that cases involving third-party traffickers do not typically screen in through child welfare agencies unless the trafficker was in a caregiving role, but are typically referred to law enforcement for criminal investigation.
- Understand the **role of the parents**, including whether the parent(s) facilitated the trafficking, failed to protect the child from the trafficking, and if they were coerced or threatened themselves.
- Explore whether there is a **protective parent** or other trusted adult who can help ensure the child's safety.
- Consider whether there are **legal avenues for protection**, including protective orders or legal status adjustments for undocumented minors who are trafficking victims.

Critical Questions

Disclaimer: The following questions are intended to help judicial officers assess child and youth trafficking cases. However, asking these questions in open court may not always be safe or appropriate, as it could put the child or youth at further risk or cause additional trauma. Judicial officers should consider the setting, the presence of support persons, and the potential for coercion or intimidation before questioning a child or youth. Whenever possible, trauma-informed practices should be used, and professionals trained in trafficking and child welfare should be consulted.

Questions About the Child & Family

- What is the **family's history**? Have there been prior instances of abuse/neglect?
- What are the **child's living conditions**? Are they homeless, or have they been moving between unstable housing situations?
- Is the child **attending school regularly**? If not, what are the reasons for their absences?

- Is the child performing any **work**? If so, in what setting, what times, and under what conditions?
- Does the child have a history of **running away**?
- Does (or will) the child have **unsupervised access to social media** and/or the internet?
- Is the child receiving **necessary medical care** and attending medical appointments?
- Has there been any **coercion, force, or threat** made against the child or their family?

Questions About the Trafficking

- How do we know (or why do we suspect) that **trafficking occurred**?
- Is trafficking **still occurring**? If so, what immediate interventions are necessary?
- What was/is the **context of the trafficking situation**? How did the family reach this point?
- **Who was/is responsible** for the trafficking?
- Did the **parents know about the trafficking**? Were they involved, or did they attempt to intervene?
- Have the parents made any **past attempts to protect** the child? If so, were they successful?
- Are there any **ongoing investigations** that might provide further insight?

Questions About System Intervention

- What has the Department done to **mitigate the threat** and assist in removing the child from danger?
- What steps in **harm reduction** has the Department taken?
- Is there a **protective parent or guardian**? If so, what support do they need?
 - What other protective factors exist within the child's environment?
- What **services and support networks** are available for the child and family?
 - If the child is a Tribal member, has the child's Tribe and/or local Tribal services and supports been sought?
 - What crisis services are immediately available for the child?
- Are there **resources available** that could significantly change the living circumstances of the child?
- Does the youth have (or will have) an **attorney**?
- Does youth have (or will have) a **child advocate**?
- Are there **other legal options** available for the child's protection?

- Are there **unique risk factors for this child**, such as their sexual identity, gender identity, and gender expression (SOGIE) or systemic discrimination issues?

Services & Support for Youth and Families

- [Child Advocacy Centers](#)
- Trauma-responsive and survivor-centered case management
- Shelter and crisis counseling
- Medical and mental health services
- Support networks and wraparound care (e.g., [WiSe](#))
- Education and vocational services (e.g., [WorkSource Youth Programs](#))
- Specific trafficking support organizations, such as:
 - [Washington Anti-Trafficking Response Network \(WARN\)](#)
 - [Real Escape from the Sex Trade \(REST\)](#)
 - [Organization for Prostitution Survivors \(OPS\)](#)
 - [Scarlet Road](#)
 - [API Chaya](#)
 - [YouthCare](#) (King County)
 - Local and tribal resources (each county should maintain a guide)

Data Tracking Considerations for Courts

- **Number of removal petitions filed** where trafficking was a primary reason.
- **Number of youth identified as trafficking victims**, and whether cases involved sex trafficking, labor trafficking, or forced criminality.
- **Services offered and accessed**: Number of children and families receive trafficking-specific services, and types of services utilized.
- **Cross-system involvement**: How often trafficked youth have prior or concurrent involvement in child welfare, juvenile justice, or other systems.
- **Effectiveness of interventions**: Monitoring outcomes such as school attendance, access to medical care, and overall well-being of trafficked youth.
- **Gaps in service provision**: Identifying areas where services are lacking to improve responses and advocacy for trafficking victims.
- **Legal outcomes**: Tracking protective measures put in place, including restraining orders, guardianship changes, and immigration relief for undocumented minors.

Additional Judicial Resources

[Child Sex Trafficking On-Ramps and Off-Ramps Infographic \(NCJFCJ\)](#)

[Familial Trafficking Warning Signs \(Shared Hope International\)](#)

[What Should Judicial Officers Know About Domestic Child Sex Trafficking? \(NCJFCJ\)](#)

[Responding to Sex Trafficking in Your Jurisdiction \(Center for Court Innovation\)](#)

[Bench Card for the Trauma-Informed Judge \(NCTSN\)](#)

[Child Labor vs. Child Labor Exploitation vs. Child Labor Trafficking Venn Diagram](#)

[Labor Trafficking of US Minors](#)

*This benchcard is a product of the collaborative work done through the
[Family Well-Being Community Collaborative's Child & Youth Trafficking Workgroup.](#)*