

Addressing Child and Child Trafficking in Dependency Cases

Placement Decisions Benchcard

Judicial officers must weigh numerous factors when determining the most appropriate and protective out-of-home placement option for a child who has experienced trafficking. Placement decisions must account not only for the immediate safety of the child but also their long-term stability, healing, and development. A trauma-responsive and culturally competent approach is essential in making informed decisions that reflect both the child's best interest and their expressed preferences. This benchcard serves as a guide for judicial officers to assess trafficking-related cases, ask key questions, consider available interventions, and track outcomes effectively.

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

Key Considerations for Judicial Officers

Understanding the Case

- **Child voice is essential.** Ask the child where they want to be and who they feel safe with. When possible and safe, let the child speak first in court to express their views.
- **Request full disclosure from child welfare.** Judicial officers often receive incomplete or unclear information. Insist on transparency about risk factors, placement history, and available services – when safe to do so. If not safe to do so in open court, request an opportunity for a confidential filing by DCYF where the story is clear and the victim is protected.
- Evaluate whether proposed placements have any **direct or indirect connection to the trafficking**. This includes any history with traffickers, prior failure to protect, or households where others may be vulnerable or exploited.
- Consider whether **criminal history and child welfare background checks** of all adults in the proposed placement's household have been completed, including checks for sex offenses, domestic violence, substance abuse, exploitation, or other behaviors indicating possible risk to the child.
- **Do not assume that familial placement is always the safest option** for the family. A sibling may also be vulnerable to trafficking or may create unsafe relational dynamics, and/or other relatives may have knowledge of or be complicit in the trafficking.
- **Balance the child's preference with their best interest**, understanding that a child may request a placement that feels familiar but is not safe.

- Consider **placement dynamics** - particularly if other children are present in the home who may be at risk or may contribute to unsafe dynamics.
- Consider the child's **history of running away from placements**. Determine what has contributed to prior instability and what safety planning or harm reduction approaches might help the child feel safe enough to stay.
- Review whether it is in a child's best interest to remain in their school of origin, recognizing that sometimes **remaining in the same school could put a child at risk** of continued or future trafficking.
- Consider what the child's **access to internet enabled devices** will be in the placement while remaining aware that these devices may have **location tracking apps** and **access to social media accounts** that could compromise the safety of the child and placement.
- **Recognize survival strategies, not just red flags.** Behaviors like lying, avoiding eye contact, or shutting down may reflect coping mechanisms learned through exploitation. Dissociation, flat affect, or aggressive behaviors may be signs of trauma response—not "bad behavior."
- Explore **cultural and identity-based needs** in out-of-home placement, especially for child who are LGBTQIA+, Indigenous, BIPOC, or from immigrant communities - these children are disproportionately represented in trafficking cases and may face unique barriers to safe placement.
- **Avoid placement in detention or jail** unless absolutely necessary for immediate safety. While sometimes used as a last resort, detention is not a placement.
- **Use court authority to create safer conditions.** Judicial officers may issue protection orders, limit internet access, or direct the department to provide necessary support in order to ensure safety of the child in out-of-home placement.

Critical Questions

Disclaimer: The following questions are intended to help judicial officers assess out-of-home placement in 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

- Where does the child **want to be placed**? Who do they **feel safe** with?
- What **trauma history** does the child have, and how might it impact behavior?
- Has the child **previously run from placements**? What would help them stay?

- Does the child have their own **cell phone and/or other internet enabled device**?
 - Has it been checked for location **tracking apps and malware**?
 - Would the trafficker, or people complicit in the trafficking, be able to **contact the child** on the device, whether through talk, text, social media, or other route?
 - What is the placement's **ability to restrict or impose limitations** on the child's use of their cell phone and/or other internet enabled device?
- Does the child **identify as LGBTQIA+**? Are there concerns of discrimination or difficulty finding affirming placements?
- What **services and supports** are available for this child and the proposed placement?

Questions About the Placement

- Are there **trusted adults** who could offer a safe, stable environment?
- Does the proposed placement have **any known connection to the trafficking** or trafficker?
- Is the proposed placement **supportive and non-blaming** toward the child?
- Is the proposed placement willing to **learn about trafficking and provide trauma-informed care**?
- Will the child have **access to their school, services, and trusted adults** while living with the proposed placement?
- Will the child have **unsupervised internet or social media access** while living with the proposed placement?
- Are there **other vulnerable children** in the proposed placement's home who may be at risk of trafficking?
- What **support network** will the child have in the proposed placement?

Questions About System Intervention

- Are there **immediate options for temporary or emergency placement** (24–48 hours) if a permanent option is unsafe?
- Are there **legal tools** (e.g., protection orders) to support the safety of the proposed placement?
- What **harm reduction strategies** can be used to support safety, even if a child may still run?

Services & Support

- [Child Advocacy Centers](#)
- Harm reduction strategies (e.g., how can we help them stay safe in the placement; how can they stay in contact with safe people)

- Parenting/caregiving support (e.g., local support groups)
- Education and resources on trafficking to support caregivers.
 - [Human Trafficking: A Guide for Parents and Caregivers](#) (OVC)
 - [Educational Resources on Trafficking For Youth & Caregivers](#) (San Diego Youth Services)
 - [Talking with Youth about Human Trafficking: A Resource Guide for Caregivers](#) (STAC Survive and Thrive Advocacy Center)
 - [Internet Safety Workbook for Tweens](#) (*\$ Paid Resource*)
 - [Washington Trafficking Help](#)
 - Local and tribal resources (each county should maintain a guide of culturally specific/appropriate services)

Data Tracking Considerations for Courts

- Number of **emergency/temporary placements** used prior to identifying stable placement.
- **Time from trafficking identification to placement** in a safe setting.
- Number of **placement disruptions** within 6 months of trafficking identification.
- Incidents of **re-exploitation and running away** post-placement.
- Number of children **placed in one of their preferred placements**.
- Number of **caregivers participating in supportive services** related to trafficking.
- Analysis of **placement stability and service access** across demographic groups (e.g., race, ethnicity, gender identity, and SOGIE).

Additional Recommendations

- **Listen to the child early in the hearing**—give them the opportunity to speak first when appropriate.
- **Balance the child's stated preference with their best interest**, being mindful of internal biases.
- **Use trauma-responsive practices**—understand behavior through the lens of coping mechanisms and dissociation.
- **Ask directly about tribal affiliation** and ensure the child is connected to tribal supports if applicable.
- **Be honest and direct** about what is known and unknown.

- **When in doubt, ask:**

- “Where is a place you wouldn’t run from?”
- “What would it take to keep you in school?”
- “Who do you feel safe with?”

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 & Child Trafficking Workgroup](#).*