Foreword from the Committee Chair..................................................................................................................1
By Allyson D. Burger, Esq.

Child Trafficking: Protecting “Our” Children.....................................................................................................3
By Eufemia Cabrera-D’Amour, Esq.

News and Announcements .................................................................................................................................8

ARTICLES >>

Foreword from the Committee Chair
By Allyson D. Burger

The New Year is barely upon us and our Children have been at the forefront of our news headlines on a near daily basis. Our hearts have been shattered by the near-constant reports of school shootings plaguing our country, occurring nearly three times per week, on average. The questions permeating our newsfeeds, political debates and dinner tables all revolve around what laws must be enacted to best safeguard our youth. The bravery of the Children-survivors themselves has already inspired change, but we must be committed to advocacy on their behalf. This Committee is a community of individuals from all over the map, who all share an interest in the protection of Children under the Law. Please do share with us what’s being done in your locality to better ensure our Children’s safety. What plans have been put in action? What has worked and hasn’t worked thus far? The more we share, the more we can work together to improve conditions for our nation’s Children as a whole.
In Other News:
On February 20, 2018, a lawsuit was filed against the Florida Department of Children and Families, based upon the allegation that the Agency has failed to provide adequate accommodations and care for foster Children. The class action suit was filed on behalf of approximately 2,000 Children in foster care in Miami-Dade and Monroe Counties. The crux of the Complaint is such that between 2016-2017, hundreds of Children were bounced between 10 or more different placements. Allegedly, there were 27 children who were bounced between 80-140 different foster homes while in foster care. The suit demands system-wide change to improve the experiences of Florida’s Children in foster care and informs as to the detrimental effect on a Child’s sense of stability that comes from being bounced home-to-home.

I am eager to see where this lawsuit leads and will be sharing my findings with the Committee as the case continues to unfold. For those of you who are interested, the H.G. v. Carroll Complaint can be found at: http://www.childrensrights.org/wp-content/uploads/2018/02/2018.021-Complaint.pdf

I also wanted to apprise our Members that for the third time over the course of the last five months, New York State has recognized the presumption of legitimacy for same-sex couples. This ever-evolving topic was explored within our Fall Newsletter and continues to be adjudicated, constantly revisiting the definition of parentage. In the case of Matter of Joseph O. v. Danielle B., New York’s Appellate Division Second Department unanimously held that a Child born to a same-sex couple is presumed to the Child of the spouses, and that the male sperm donor was estopped from asserting parental rights. I urge you to check out the Decision here: http://www.courts.state.ny.us/reporter/3dseries/2018/2018_01192.htm

On a personal note, as I am due to give birth to my second Child any day now, I am especially heartened by the advocacy I see demonstrated left and right. I am always interested in hearing about the causes that pique your interest and want to hear more about what’s going on in your locales. Sharing your experiences with us, by way of Articles for our upcoming newsletters, is a great way to get involved and be heard. Please let us know as soon as possible if you’re interested in submitting any of the following for inclusion in our upcoming Spring Newsletter:

1. Short articles re: recent legal developments (200-300 words);
2. Committee activities;
3. Opportunities for participation in YLD and ABA events;
4. Announcements of upcoming events of interest; and
5. Online resources for new lawyers re: basic training in both substantive and practical aspects of law (approx. 500 words)

If you’d like to contribute towards our upcoming Spring Newsletter about any topic that piques your interest, please do not hesitate to contact myself at adburger@scrlp.com or our Vice-Chair, Jessie Conradi at jessie.conradi@gmail.com.

Child Trafficking: Protecting “Our” Children
By Eufemia Cabrera-D’Amour, Esq.

The month of January is typically celebrated as the start of a new year. It’s a month of attempts to keep up with individual resolutions; it’s the inauguration of our country’s president every 4 years; it’s the celebration of the late Martin Luther King, Jr.; but it also serves as National Slavery and Human Trafficking Prevention month. It culminates in the annual celebration of National Freedom Day on February 1, 2018.¹

This article seeks to focus specifically on the youngest victims of human trafficking; our country’s children. In 2016 it was reported that 300,000 of our children in the United States are victims of child sex trafficking.²

“Our” children aren’t just the kids we have with our spouses, raise within our extended families, or the children we know personally that we have come to love but they are also the children within our communities in general. These are children that may have low self-esteem; children that may been the victims of abuse; children that may lack proper guidance; or for any host of reasons have found themselves trying to make it on their own. They are our children because they are still yet too young to completely fend for or protect themselves. Schools, civil groups, police, counselors, medical personnel and attorneys all play a major role in raising awareness and protecting America’s children swept into lives of human trafficking.
What is human trafficking?

According to the website antislavery.org, when children are trafficked, no violence or coercion needs to be involved. Simply bringing them into exploitative conditions constitutes trafficking. Furthermore, human trafficking involves recruitment, harboring or transporting people into a situation of exploitation through the use of violence, deception or coercion and forced to work against their will; in short human trafficking is akin to slavery. In February 2017 The Huffington Post reported that the act of enslaving others was still very much alive. Moreover, that 75-80% of human trafficking and slavery was for sex.iii

How does trafficking work?

The perpetrators of this crime (the traffickers, johns, pimps) don’t fit a single stereotype. They represent every social, ethnic, and racial group. Some perpetrators are involved with local gangs, others are members of larger nationwide gangs and criminal organizations, and some have no affiliation with any one group. Traffickers can also be women – in fact, many women run established rings around the country.iv

Traffickers often prey upon a child’s vulnerability and use psychological pressure and intimidation to control the child for financial benefit relating to their sexual exploitation.v

Children as targets

Children that go unprotected are most obviously at risk for this type of exploitation. Many of the children forced into this illicit human trafficking are as young as 5 or 6 years old. According to UNICEF every two minutes a child is being prepared for sexual exploitation. 1.2 million children alone are being trafficked every year. This number excluded the millions already being held captive by trafficking. UNICEF also reports that approximately 30 million children have lost their childhood through sexual exploitation over the past 30 years.

Through the use of technology, in person encounters and direct targeting of children in need of care traffickers have unlimited ways to lure away young people. The majority of
traffickers now recruit children online through social networking apps and sites and use the information obtained through these methods to relate to, and build trust with, children more quickly. For those often disconnected from family and friends, homeless children are particularly susceptible to traffickers who will lure them with the promise of food, warmth, and even false love. Once snatched from the streets without anyone noticing, they are sold for the highest price, their dignity and sense of self destroyed.

Many victims of sexual trafficking were also victims of sexual abuse sometime in their past. Often having already endured a life of physical, sexual, or psychological abuse. Many of those abused will likely flee and become “runaways”, making them more likely to become homeless and to find themselves exchanging sex for necessities. Further, they are more likely to enter the foster care system, entering group homes where they are more likely to be targeted by pimps who will traffic them.

Child sex trafficking and children in foster care

According to Human Trafficking Search, a global resource database on human trafficking for the purpose of educating and raising awareness of the issue, there is a link between foster care and human trafficking. It is estimated that 60 percent of child sex trafficking victims have a history in the child welfare system. Persons who are isolated, homeless or have a history of mental, physical or emotional abuse are likely targets for trafficking. Unfortunately, many foster children fall into, or have fallen into, one or more of these categories. For those who age out or runaway from foster care being out on the street increases their risk of sexual trafficking. According to the National Center for Missing and Exploited Children, of the nearly 25,000 runways reported in 2017, one in seven were likely to be victims of child sex trafficking. Just as alarming is the fact that 88% of these victims were in the care of social services or foster care when they were reported missing.

Legal concerns
Victims of child sex trafficking are often charged with prostitution, prostitution related offenses or other offenses resulting from their victimization. Girls are disproportionately affected by these practices as they comprise 76% of all juvenile arrests for prostitution. Racial and ethnic disparities also cannot be ignored as nationally, 57% of all juvenile prostitution arrests involve Black children, which is more than any other racial group. Victims are frequently arrested for non-violent status offenses directly related to their exploitation, like truancy and running away. But it has not yet become a practice that young people are interviewed upon arrest about possible victimization and thus traffickers go uncharged. Furthermore, young people go untreated for the trauma and are not provided opportunities to receive services that might otherwise free them from the grasp of their trafficker.

**Warning signs/what to look for**

On a broad scale it is important that we educate ourselves on what to look for. ICE Foundation compiled a list of ten warning signs:

- Appears malnourished or shows signs of physical abuse.
- Avoids eye contact and interactions with authority figures.
- Offers responses that seem scripted or rehearsed in social interactions.
- Working in an inappropriate environment or doing age inappropriate tasks.
- Has few personal possessions.
- Claims to be just visiting or will not identify where she or she lives/stays.
- Inconsistencies about past, where they are from, etc.
- Does not wear weather-appropriate clothing.
- Has tattoo despite being underage.
- Possession of prepaid cell phone, hotel cards or other keycards.

**Combating the problem**
So, what can be done to better protect young people trying to find their way, those in care or those aging out of the foster care system? For starters states must individually increase their efforts to provide support for those transitioning out of foster care. In many states there isn’t a transition plan in place, so young people who are too old to continue in care are often released to the streets with their belongings and possibly some money for transportation but without a home to go to. At least a general awareness of the issue is also important. Knowing the warning signs and understanding that the risk for our young people is wide spread. It should also be clear that young people in foster care are not the only children suffering from abuse or at risk.\textsuperscript{xvi} In fact, traffickers seek out even those that have familial support. Traffickers may pose as boyfriends or new associates, family members, foster parents, friends, gangs, or trusted adults.\textsuperscript{xvii}

To combat this growing problem, DOJ has encouraged law enforcement agencies nationwide to change policies that once treated youth exploited in the sex trade as offenders, and to instead view such children as victims of child sexual abuse and sex trafficking. Several jurisdictions have implemented first responder protocols that mandate responders to refer identified victims to child welfare or community-based services rather than rely on punitive measures. Organizations like, Rights4Girls and the National Council of Juvenile and Family Court Judges have also developed a National Judicial Institute to train judges to better identify and respond to child sex trafficking victims when they appear in their courtrooms.\textsuperscript{xviii}

\textit{If you suspect someone is a victim of trafficking, call the National Human Trafficking Hotline 1-888-373-7888.}
NEWS AND ANNOUNCEMENTS

Register for the 2018 ABA YLD Spring Conference
The YLD Spring Conference will be held in Louisville, Kentucky from May 10, 2018 through May 12, 2018. Registration is now open at ambar.org/YLDSpring18. The Spring Conference always promises worthwhile CLE programming, speakers, and special events. If there is a topic that you’d like to see showcased for potential Spring Conference programming, please let us know ASAP so that we can convey a proposal to the ABA (on or before March 9, 2018)!

[ii] https://www.huffingtonpost.com/entry/the-shocking-truth-of-child-sex-trafficking_us_582de812e4b0eaa5f14d417d
[vii] http://www.covenanthousega.org/HumanTrafficking-282?gclid=Cj0KCQiAnuDTBDRDUARIsAL41eDqdLMYqrfvO83rUasThYHYeItIVZL_pm_h31mNSoegjKc0v6y7neA0aAlReEALw_wcB
[viii] https://www.huffingtonpost.com/entry/the-shocking-truth-of-child-sex-trafficking_us_582de812e4b0eaa5f14d417d
[ix] Id
[xi] Id
[xiv] Id
[xv] https://icefoundation.org/can-recognize-signs-child-trafficking/