October is National Bullying Prevention Month and Domestic Violence Awareness Month! In recognition, The Children and the Law Fall 2016 Newsletter provides readers with articles on how bullying can be prevented in schools, historical facts on human trafficking and the effects of domestic violence on children.
ARTICLES

How Parents Can Hold Schools Accountable to Prevent Bullying

By: Toya Carmichael

October is National Bullying Prevention Month, which may lead to the dissemination of information via posters and handouts in schools encouraging children to avoid areas where bullies hang out or to report cyber bullying to parents and authorities. Tips on how preventing bullying tend to focus on the individual concerned parent or child, but there seems to be a lack of collaboration between parents and schools working together as an organized unit to create unified school and community culture that proactively encourages respect, teaches children how to show compassion, and values good citizenship. When bullying does occur, parents report feeling left unsupported and even challenged by schools in their attempts to bring forth relief for their children.

How can parents protect their children from repeat acts or serious instances of bullying while balancing the competing interests of protecting children harmed by bullying and not criminalizing youth bullies? Local governments and school districts around the country have taken different approaches by requiring schools to implement action plans that aim to prevent bullying and render appropriate actions when bullying occurs. For example, the Council of the District of Columbia enacted the Youth Bullying Prevention Act of 20121 (the “Act”). The Act requires educational institutions, city agencies, and grantees that work with youth to establish a bullying prevention policies, train employees about bullying, implement timelines for investigations, provide an appeals process for parties dissatisfied with initial investigations, establish a city-wide task anti-bullying task force and requires the Mayor to review the effectiveness of these policies.

Legislation like the Act shifts the responsibility to prevent bullying from the parent and child. Instead, the Act creates a streamlined model for prevention and accountability that the schools and agencies must use to protect children and work with parents to come to appropriate resolutions when instances of bullying do occur. This month, instead of putting the onus on children to prevent bullying by keeping their hands to themselves, parents in communities like the District of Columbia should review the policies for their children’s schools to find out whether the institutions have actions plans in place to keep kids safe and communities bully-free. Find out what the law requires and use legislation like the Youth Bullying Prevention Act of 2012 to hold schools accountable both act proactively and swiftly to prevent and stop bullying.

Learn more about the Youth Bullying Prevention Act of 2012
Learn more about Bullying Prevention

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After searching Backpage.com, he scrolled upon an ad with a young woman he wanted to meet. The ad showed a beautiful, voluptuous young woman, nearly nude, with whom he wanted to spend some time. The ad listed prices as 15-20-$60; 30 Min-$80; 1 Hr-$110. There was also a phone number listed and he called. On the other end of the phone he heard the sweet voice of a woman who was eager to meet him. After arranging a date and time, he showed up to the hotel. After entering the room, instead seeing the voluptuous young lady he saw in the photos, he saw a voluptuous teenager named Mercedes.

The question: who is responsible for Mercedes being sold online for sex? Mercedes, her pimp or the Internet Service Providers (ISP) who allowed the advertisement to be posted on their webpage? Further, does technology make it more challenging to catch and prosecute pimps? Pimps are selling children via cell phones, social media, email, and online through websites such as Backpage.com. Due to advancements in technology, it is virtually impossible to catch the pimps, unless information is provided against them. Although there may be a record of phone conversations or computer communication, the use of pre-paid cell phones and fake email addresses makes this very difficult. As current law reads, if the pimps are not caught, no one is held responsible other than the exploited minor and the potential individual who is soliciting prostitution services.

Child prostitution and the exploitation of children is not a new idea, it is sometimes considered both the oldest and the “youngest profession”. Sexual exploitation has been regarded as one area that is often misunderstood and the necessary steps to eradicate child prostitute worldwide have yet to be taken. Child prostitution occurs when a minor performs sexual intercourse or other sexual acts in exchange for money. Living on the streets and away from family provides an idealized view of prostitution that is often enticing to children who have just left home. In 1910, the White-Slave Traffic Act (Mann Act) was the first statute to address the prostitution of juveniles. The act was created to address the issues of slaves transported across state lines for “immoral purposes”. Several decades later, laws were passed focusing more on punishment and increasing penalties for persons who committed crimes involving the exploitation of minors. Law enforcement is often disorganized when handling the problem of child prostitution as evidenced by the lack of documentation and statistics on this epidemic. Prostituted children present a spectrum of challenges and they often feel no solace from law enforcement nor social service agencies because they believe they are left without the benefits.

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4 See Cleveland v. United States, 329 U.S. 14, 17 (1964); Depasquale v. Gonzales, 196 F. App’x 580, 582 (9th Cir. 2006) (“The federal definition of prostitution is ‘engaging in promiscuous sexual intercourse for hire.’”)(citing 22 C.F.R. § 40.24 (b)); see also Model Penal Code §251.2
5 Domestic Minor Sex Trafficking Hearing p. 2
7 Id.
8 18 U.S.C. §§ 2251-2259
9 Annitto, supra, at note 2.
of society. Many agencies have been created to help combat the issue of child prostitution. In 1998, the Internet Crimes Against Children Task Force, the first task force of its kind, began to combat the issue of child prostitution online. The children who are being victimized often share similar characteristics including abuse, homelessness and neglect. This makes the youth population more vulnerable to exploitation. According to the Department of Justice (DOJ), the average age to enter into prostitution ranges from 13 to 14 years old. These numbers are only estimates, which insinuate that children under the age of 13 may also be prostitutes. Often the trauma faced by these children has led them to believe they have no other options and they look to the streets for comfort. In many cases, the world of prostitution is more appealing and lucrative than the poverty-stricken homes from which they come.

To understand the severity of the issue of child prostitution, one must become familiar with the process the victimized children endure. Your average child does not wake up with the idea of being a prostitute; they are often chosen or forced into the lifestyle. Pimps, who are commercial traffickers, manipulate children into a life of prostitution and then use emotional and physical abuse to keep their victims trapped in a life of prostitution. Pimps are very skilled and know which children to target and how to exploit their weaknesses in order to gain control. The recruitment often begins with the pimp showing affection, buying gifts and making the child feel like they can trust them. After the child has developed an emotional and psychological attachment to the pimp, he then puts in their mind they have become a part of his family and they need to help support the family.

Once the pimp has established a close relationship with the minor, he begins seasoning them about the life of prostitution and how it has a sense of normalcy. To demand control, the pimp will use a variety of techniques including beating, torturing and even starving the child to force obedience. If the pimps are unable to control them by the various tactics they may ultimately result to the use of drugs and/or alcohol. Pimps often remove anything that the child has to remind them of the life they had prior to becoming a prostitute in order to break their

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11 Protect Our Children Act 2008
13 Id.
15 Id.
17 Id.
20 Id.
21 Id.
22 Id.
23 Id.
24 Id.
spirit. Separating the child from family and anything familiar will ultimately require the child to depend on the pimp to survive. Often a combination of praise and abuse is used so the child will never feel safe in her current environment, and as a result, the child will continuously work harder for the pimp. The pimp’s control often is so complete that victims are incapable of leaving.

26 Id.
27 Id.
28 Id.
29 Id.
33 Id.
35 Id.
36 Id.
37 Goldman, supra, note at 26.
38 Id.

As stated above, child prostitution is not a new issue and has been mentioned in literature for centuries. Without uniform efforts to rectify the problem, children will continue to lose as they are the ones suffering.

About the Author: Ashley Butler is an ABA YLD Scholar and Assistant Attorney General at the Louisiana Department of Justice. She has a passion for children and how the law affects them. She can be reached at abutler1987@gmail.com
So You are a Guardian ad litem: The Effects of Domestic and Dating Violence on Children

By: Kahlida Nicole Lloyd

October is Domestic Violence Awareness Month a month to increase awareness of domestic and dating violence on women and men, but also on children. Knowing and understanding the effects of domestic and dating violence on children is important for a child advocate. A Guardian ad litem (GAL) must have an in-depth knowledge when advocating for a child who has witnessed domestic violence between his or her parents or guardians or has been a victim of domestic violence himself or herself.

The United States family court system has developed the role of the GAL. A GAL is a person who is appointed by the court to investigate and advocate for the best interests of a child. The court may appoint a GAL for a variety of court proceedings, including divorce proceedings, child custody cases, abuse and neglect cases. Most importantly, this court appointment arises when the child’s voice needs to be heard by the court.

In some jurisdictions, the court appointed GAL can be a lay person or an attorney. I served as a GAL in Durham County, North Carolina while I was in law school as a lay person. As a Durham County GAL, I was the hands and feet of the GAL Attorney, investigating and making recommendations to the attorney. I was responsible for contacting and visiting the children, interviewing the parents and guardians, assessing the needs of the children and making recommendations based on my observations and assessments. In the District of Columbia, a GAL must be a licensed attorney. I served as a GAL in Washington, DC as an attorney, not only investigating the case and making recommendations, but representing the children and advocating for the children in court. Whatever is the role for an appointed GAL in your jurisdiction, if domestic violence is a factor, you must be familiar with the ways children may be impacted.

Domestic Violence affects children.

If you represent a child who has witnessed domestic or dating violence or has been a victim of domestic violence, you must familiarize yourself with the traits of domestic and dating violence. Domestic and dating violence arise from unhealthy power and control held by the abuser. A child who has witnessed or is a victim of domestic violence is potentially learning unhealthy behaviors. As a GAL, your role is to help the child recognize this unhealthy behavior and learn healthier behaviors to eliminate or lower the child’s chances of becoming an adult victim or an abuser. As a GAL, you further bear the responsibility of informing the court that the child has been a victim or has witnessed domestic violence and make recommendations accordingly to protect the child and keep the child safe.

About the Author: Kahlida Nicole Lloyd is an attorney who has volunteered with the Children’s Law Center in Washington, DC as a Guardian ad litem Attorney and has represented victims and survivors of domestic violence. She can be reached at kahlidalloyd@gmail.com
Facts About Human Trafficking

1. Globally, the average cost of a slave is $90 USD.³⁹
2. Trafficking primarily involves exploitation which comes in many forms, including: forcing victim into prostitution, subjecting victims to slavery or involuntary servitude and compelling victim to commit sex acts for the purpose of creating pornography.⁴⁰
3. According to some estimates, approximately 80% of trafficking involves sexual exploitation, and 19% involves labor exploitation.⁴¹
4. There are approximately 20 to 30 million slaves in the world today.⁴²
5. According to the U.S. State Department, 600,000 to 800,000 people are trafficked across international borders every year, of which 80% are female and half are children.⁴³
6. The average age of teens entering the sex trade in the U.S. is 12 to 14 years-old. Many victims are runaway girls who are sexually abused as children.⁴⁴
7. California harbors 3 of the FBI’s 13 highest child sex trafficking areas in the nation: Los Angeles, San Francisco and San Diego.⁴⁵
8. The National Human Trafficking Hotline receives more calls from Texas than any other state in the U.S. 15% of those calls are from the Dallas-Fort Worth area.⁴⁶
9. Between 14,500 and 17,500 people are trafficked into the U.S. each year.⁴⁷
10. Human Trafficking is the third largest international crime industry (behind illegal drugs and arms trafficking). It reportedly generates a profit of $32 billion USD each year. Of that number $15.5 billion is made in industrialized countries.⁴⁸
11. The International Labour Organization estimates that women and girls represent the largest share of forced labor victims with 11.4 million trafficked victims (55%) compared to 9.5 million (45%) men.⁴⁹

NEWS AND ANNOUNCEMENTS

➢ The Children and the Law Committee is co-sponsoring a CLE at the ABA YLD Fall Conference in Detroit, Michigan! The Committee is making sure that the effects of lead exposure on children is voiced and heard.

Friday, October 21, 2016  9:00 AM – 10:00 AM

Justice for Flint: The Failures, Lessons Learned and Next Steps (CLE)

This panel discussion will explore the violation of the Safe Drinking Water Act in Flint, Michigan, the ensuing litigation, and the long-term health consequences of lead exposure on children. Panelists will discuss the effect of lead exposure on the long-term health of children, the dozens of lawsuits filed against municipalities, public officials and corporations and the likely results, and the violations of the Lead and Copper Rule and legal and regulatory revisions being pursued by the EPA to prevent another Flint.

Panelists: Tammy Helminski, Barnes & Thornburg LLP, Grand Rapids, MI; Dr. Douglas Ruden, Wayne State University, Detroit, MI; Oday Salim, Great Lakes Environmental Law Center, Detroit, MI

➢ SAVE THE DATE: November 16, 2016

Children and the Law Committee will be hosting an ABA YLD webinar on “Trauma Informed Legal Representation.”

To be a diligent advocate for children, you must be knowledgeable in the trauma that children face, particularly children in foster care, in the welfare system, and in low income families. If you are an attorney who represents children in any legal capacity, this information on trauma informed care is a necessary tool for diligent advocacy. This webinar will provide you with tools when advocating for children dealing with trauma and from the perspective of defending and advocating for express or best interest of the child.

CALL FOR ARTICLES

Feel inspired to write and contribute an article to the Children and the Law Committee? Let a child’s voice be heard through you!

Contact Kahlida Lloyd, Chair of the Children and the Law Committee at kahlidalloyd@gmail.com or Ashley Butler, Content Editor at abutler1987@gmail.com