

LEGAL SERVICES ASSESSMENT FOR TRAFFICKED CHILDREN

Cook County, Illinois Case Study

August 2013

Katherine Kaufka Walts, J.D.
Linda Rio Reichmann, J.D.
Catherine Lee, M.A.

Center for the Human Rights of Children
Loyola University Chicago
1032 Sheridan Road
Cuneo Hall, Room 320
Chicago, IL 60660
www.LUC.edu/chrc



Preparing people to lead extraordinary lives

THE CENTER FOR THE HUMAN RIGHTS OF CHILDREN AT LOYOLA UNIVERSITY CHICAGO

Recognizing that children require special protections, the Center for the Human Rights of Children pursues an agenda of interdisciplinary research, education, and service to address critical and complex issues affecting children and youth, both locally and globally. The Center applies a human-rights approach to the problems affecting children, reaffirming the principle of the indivisibility of human rights and the importance of promoting economic, social, cultural, civil, and political rights of children. Moreover, it does so with respect for the rights and responsibilities of parents, teachers, and other caregivers entrusted with raising children.

MISSION

Loyola's Center for the Human Rights of Children represents, coordinates, and stimulates efforts to understand, protect and apply the human rights of children.

GUIDING PRINCIPLES

The Center seeks guidance and inspiration from the tradition of Catholic teachings on social justice and the United Nations Convention on the Rights of the Child.

www.luc.edu/chrc

A publication of the Center for the Human Rights of Children
Loyola University Chicago | 2013

Design by: Isabelle Pantazis | hello belle studio
www.hellobellestudio.com

TABLE OF CONTENTS

Executive Summary	4
I. Introduction	
A. Project Background	7
B. Child Trafficking – Federal and State Legislative Landscape	9
C. Methods	11
D. Literature Review Results: Identifying Legal Needs of Child Trafficking Victims and Access Points to Legal Services	12
II. Survey and Focus Group Results	
A. Survey Response Rate	19
B. Scope and Incidence of Child Trafficking in Cook County	19
C. Service Provider Landscape in Cook County	20
i. Government and Non-Government Legal Service Providers	20
ii. Court-Involved and Non-Court Involved Providers	23
D. Legal Service Needs of Child Trafficking Victims	24
E. Challenges	27
F. National Comparison	28
III. Recommendations	30
IV. Conclusion	34
IV. Appendices	
A. Author biographies	35
B. Advisory Committee (Names and Affiliations)	36
C. Cook County Survey	38
D. Non-Cook County Survey	53
E. Adequacy of Services to Address Legal Needs – by Category	63
F. Legal Aid Society A.T.L.A.S.S.T Program Matrix	68

ACKNOWLEDGEMENTS

We want to express our sincere appreciation and thanks to the service providers (both Cook and non-Cook County) who took time to complete the survey and participate in our focus group, including meeting all requested deadlines and responding to follow-up questions. We recognize that these are incredibly busy professionals - many overburdened - and yet they each committed their time and expertise to help us better understand current practices, needs, service gaps, and to brainstorm ideas about how to improve access to legal services for child trafficking victims.

The authors would like to acknowledge project research assistants Samantha Thoma, Alana Malia O'Reilly, and Amanda Crews from Loyola University Chicago School of Law, for their diligent research and work on this project. A special thank you to Catherine Lee, Graduate Assistant for the CHRC and clinical psychology doctoral student at Loyola University Chicago for her significant contributions to the project design, implementation, analysis, and diligent editing of the final report. The authors

also thank the project's Advisory Committee members for their invaluable assistance and expertise: Karina Ayala-Bermejo (Metropolitan Family Services), Howard Davidson (American Bar Association), Diane Geraghty (Civitas ChildLaw Center, Loyola University Chicago), Bob Glaves (Chicago Bar Foundation), Art Gold (Chicago Bar Association), Jennifer Greene (Cook County States Attorney's Office), Lorna Grenadier (US Dept of Justice, Retired), Kelly Heinrich (Global Freedom Center), Dr. Elizabeth Hopper (Project Reach), Marie Martinez (Immigration Customs Enforcement), Meryl Paniak (Illinois Dept. of Family and Children Services), and Suzanne Tomatore (New York City Bar Association). (A list of Advisory Committee members and their full affiliations is included in Appendix B). The authors are grateful for the Chicago Bar Foundation's collaboration and support, especially Executive Director Bob Glaves and Associate Director Dina Merrell. Finally, many thanks to Loyola University Chicago professors Dr. James Garbarino and Dr. Deborah Baskin for their valuable advice and contributions as we developed the survey.

We would like to thank the Chicago Bar Foundation for its support for this project.

LEGAL SERVICES ASSESSMENT FOR TRAFFICKED CHILDREN COOK COUNTY, ILLINOIS CASE STUDY EXECUTIVE SUMMARY AUGUST 2013

Introduction

Child trafficking is one of the most disturbing human rights abuses of our time, involving cases of boys and girls exploited for labor and/or commercial sexual services. These children may suffer physical, sexual, and emotional violence at the hands of traffickers, who can be pimps, employers, and even family members. Trafficking schemes may involve various forms of force, fraud, and coercion, which can be physical and/or psychological in nature.

Current research indicates that legal services are a critical component of a comprehensive service delivery model for victims of human trafficking and a realization of human rights. However, little to no effort has been made to identify the various legal needs of child trafficking victims, a particularly vulnerable population. In February 2012, the Center for the Human Rights of Children (CHRC) initiated a legal needs assessment project for child trafficking victims, using Cook County Illinois as a case study. The project identified:

- Existing service providers working with both US citizen and foreign national child trafficking survivors
- The legal needs of trafficked children
- Current legal services available to this population
- Gaps in those services in Cook County

We chose Cook County as a case study for several reasons. It is the second most populous county in the nation, and houses the city of Chicago, which has been recognized as one several human trafficking hubs across the United States., Cook County has an established community of service providers and advocacy organizations working with survivors of human trafficking in various capacities, and two task forces. The project also included

a preliminary assessment of legal services for child trafficking victims offered by organizations around the country as a comparison to the results of our research in Cook County.

Select Findings

- Child trafficking victims have various legal needs across multiple legal systems, including (but not limited to) criminal justice, juvenile justice, immigration, labor, civil, child welfare, family, and education.
- While 85% of survey respondents believed access to competent legal services is critical in leading to positive outcomes for child trafficking victims, less than 10% believed that the legal needs of child trafficking victims in Cook County were being fully met.
- Interdisciplinary collaboration between legal and non-legal service providers is a critical component of any service delivery model for trafficking victims.
- There are considerable systemic barriers to ensuring that child trafficking victims receive appropriate legal services and protections, including limited organizational capacity and training, financial and personnel resources, and lack of data and research:
 - The definition of child trafficking is confusing and sometimes controversial. Many child serving agencies are not aware of federal and/or state definitions of child trafficking. Some organizations have misconceptions about the legal statutory framework, or believe

it negatively impacts their clients. This impacts identification of new cases and referrals to appropriate legal service providers.

- Child trafficking cases are often very complex and resource intensive. Providing services is becoming more challenging with the narrowing of both federal and state budgets, restricting access to critical services across all sectors.
- Service providers who first identify children as victims may not be equipped to identify all relevant needs (e.g., legal, psychological, social). This is true even amongst legal service providers who may specialize in a particular area of the law, and are unable to identify other legal needs.
- There are no standardized mechanisms for data collection and research. Only a few organizations have begun to collect data on child trafficking. Existing data on human trafficking often does not disaggregate adults from minors.

Recommendations

1. Ensure that *all* potential child trafficking victims - of labor or sex trafficking, US citizen and foreign national - have access to an attorney to assess their legal needs.

The realization of legal rights is contingent on access to legal representation. It is also critical that all legal professionals – including advocates, lawyers, and judges – working with children are educated regarding legal issues pertaining to child trafficking, and that referrals to specialists are provided as necessary.

2. Create a standardized screening tool for intake and data collection.

Many project participants indicated they would benefit from screening questions to augment their existing intake process. Some organizations stated they would prefer a distinct, standardized form or questionnaire to help identify cases of child trafficking, while others stated they preferred brief questions that could supplement existing intake processes and initial interviews with children. This could provide relevant data and information to assess for a trafficking case, required services, and also to inform

development of appropriate prevention programs. It would also allow for a more cohesive definition of child trafficking and act as a starting point for further (and more rigorous) research with this population.

We also recommend that the state of Illinois create a central registry that collects data on human trafficking reports, incidents, and outcomes. Standard data collection and research can better inform interventions and policies targeting child trafficking victims. It can assist both public agencies and service providers allocate limited resources to respond to human trafficking cases, and may also help inform practices to prevent human trafficking from occurring.

3. Identify and develop advanced training programs and resources addressing legal services for child trafficking victims.

While there are several training programs that address human trafficking more broadly, only a limited number of training programs address a practical course of action once a victim is identified, and fewer that focus on specific needs of children. For example, there are practitioners and organizations in the field that focus on different legal aspects of human trafficking (i.e. civil relief, immigration), and some of these organizations have produced practitioner guides and/or training modules. However, there is a dearth of training program that address the various categories and forms of legal relief and advocacy across various legal systems that a single child trafficking victim may require.

We recommend identifying existing training resources (both local and national), gaps in training resources, and developing a comprehensive training program educating participants on various legal remedies available to child trafficking victims across several legal systems. This would include how to “issue spot” these remedies, and as available, include local and national resources and referrals. The training should also include both state and federal definitions of child trafficking, indicators of trafficking, case examples/vignettes to demonstrate the diversity of the cases that could indicate human trafficking (labor, sex, or both), and types of potential victims.

4. Develop and support a local, professional network of providers dedicated to supporting child trafficking victims.

While some service providers who have been working with trafficked victims in Cook County knew of each other, others were less familiar with the legal and social service agencies that may be encountering and serving child trafficking victims in different capacities. The inherently complex nature and needs of child

trafficking cases require a multidisciplinary team. The development of a local network would allow for more efficient and comprehensive services for victims. This network should consist of legal and non-legal providers interested in addressing both case-specific and general issues, including professional development related to human trafficking.

5. Develop and operationalize “best practices” around legal services to be incorporated into protocols and procedures within agencies.

One of the themes identified in this research study was an overall lack of formalized institutional practice (i.e., operating procedures, protocols, guidelines, regulations) around child trafficking for organizations that may encounter child trafficking victims. We recommend that organizations, especially those dealing with high volumes of children and youth at risk of being trafficked (including court systems), develop guidelines and practice procedures for identification and appropriate legal referrals. This may even include identifying or establishing a child trafficking legal specialist within the respective agency. Guidelines and procedures should incorporate rules and ethical standards for the respective professionals and service providers who may be in contact with and refer victims, including privilege and confidentiality.

6. Develop guidelines and structures for using pro-bono and volunteer attorneys.

The use of pro-bono and volunteer attorneys has tremendous potential to address some of the legal needs and resource gaps identified by this project, and many organizations have used both with success. Practitioners working with trafficked children, however, urged caution and care, as some cases may be more or less appropriate for volunteer and pro bono attorneys than others. We recommend that this area be reviewed in more detail, and that best practices guidelines be developed in regard to how to best utilize pro-bono and volunteer attorneys.

7. Increase financial support for legal services for child trafficking victims.

There are three overall categories of need, where both funds and personnel could have a significant impact: 1) Capacity building at agencies and organizations that can provide legal services to trafficked children. This would include funds for increased staff,

time spent establishing networks to connect organizations to other trafficking services and efforts, professional development and mentoring within and with other agencies, technology to better collect and analyze data, and resources to provide the holistic support needed by trafficked children. 2) Conduct further research and assessments recommended above, in coordination with public agencies, including law enforcement. 3) Financial support and attention are needed to address the systemic and bigger picture issues, including clearinghouses of information and technology tools for all providers to access, and information exchanges among providers across the county and state.

Conclusion

While our project focused on a discreet geographic area, we believe the findings from this project reflect a national consensus regarding the clear need for coordinated and comprehensive legal services for trafficked victims. Under the leadership of the American Bar Association (ABA) President Laurel Bellows, the ABA established a special task force on human trafficking in 2012. The Office of Victims of Crime, through its Training and Technical Assistance Center (OVC TTAC) and with the assistance of its primary consultant, the National Crime Victim Law Institute also recently launched an initiative to enhance access to quality legal service for victims of trafficking. During the final stages of the project, the White House announced the development of the Federal Strategic Action Plan on Services for Victims of Human Trafficking in the United States. The plan is a part of the Administration’s ongoing efforts to combat human trafficking at home and abroad, and it builds on the strong record of the President’s Interagency Task Force to Monitor and Combat Trafficking in Persons. The plan included goals to expand access to services, and specifically to improve access to victim services (including comprehensive legal services) by removing systemic barriers to receipt of services. We hope that this project informs and mobilizes both local and national efforts to improve legal services and protections for all child trafficking victims.

We want to express our sincere appreciation and thanks to the service providers (both Cook and non-Cook County) who participated in the study. We recognize that these are incredibly busy professionals - many overburdened - and yet they each committed their time and expertise to help us better understand current practices, needs, service gaps, and to brainstorm ideas about how to improve access to legal services for child trafficking victims.



INTRODUCTION

A. PROJECT BACKGROUND

Child trafficking is one of the most disturbing human rights abuses of our time, involving cases of boys and girls – US citizens and foreign nationals – exploited for labor and/or commercial sexual services. These children suffer physical, sexual, and emotional violence at the hands of traffickers, who can be pimps, employers, and sometimes even family members. Child trafficking occurs in many forms, including (but not limited to):

- Commercial sexual exploitation, including prostitution and sex tourism
- Forced labor (sweatshops, agriculture, etc.)
- Domestic servitude
- Servile marriage
- Recruitment as child soldiers
- Some combination of the above (i.e., domestic servitude that includes sexual exploitation)

Trafficking schemes can involve various forms of force, fraud, and coercion, including both physical force (e.g., rape, assault, and torture) and psychological abuse (e.g., threats to harm family or to use the legal system to cause harm, such as arrest or deportation).

Currently, there are no reliable statistics defining the scope

of this problem within the United States; however, researchers and nongovernmental organizations (NGOs) have attempted to provide some estimates. Organizations working with vulnerable youth estimate that between 100,000 and 300,000 US citizen children are exploited for the purpose of commercial sex acts, or sex trafficking, each year.¹ Furthermore, Estes and Weiner (2001) proposed that as many as 17,000 foreign national children are at risk of being trafficked into the United States annually.²

Since the passage of international and federal laws defining the crime of human trafficking, progress has been made to better understand and respond to this heinous crime. However, much of the current response to human trafficking in the United States has addressed survivors as one homogenous group, without addressing the particular needs of individual subgroups, including the special needs of children.

Access to legal services promotes the realization and protection of human rights. Current research indicates that legal services are a critical component of a comprehensive service delivery model for victims of human trafficking.³ However, little to no effort has been made to specifically identify the various legal needs of *child* trafficking victims, a particularly vulnerable population.⁴ This gap in data affects both foreign national and US citizens, the roles that legal service providers play in identifying

Please note that while this document uses the term “victim,” a legal term used to describe a wronged party, we recognize and respect the resiliency and perseverance of child survivors of human trafficking.

¹ Alison Siskin and Liana Sun Wyler, “Trafficking in Person: U.S. Policy and Issues for Congress,” Congressional Research Service, Library of Congress, 19 Feb. 2013 <http://www.fas.org/sgp/crs/row/RL34317.pdf>.

² Richard Estes and Neil Weiner “The Commercial Sexual Exploitation of Children in the U.S., Canada and Mexico,” Philadelphia: The University of Pennsylvania, School of Social Work, 2001 <http://www.hawaii.edu/hivandaids/Commercial%20Sexual%20Exploitation%20of%20Children%20in%20the%20US,%20Canada%20and%20Mexico.pdf>.

³ Heather Clawson, Nicole M. Dutch, Amy Salomon, and Lisa Goldblatt Grace, “Study of HHS Programs Serving Human Trafficking Victims: Final Report,” United States Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation, Washington: GPO, 2009 <http://aspe.hhs.gov/hsp/07/humantrafficking/final/index.shtml>.

⁴ Please note that while this document uses the term “victim,” a legal term used to describe a wronged party, we recognize and respect the resiliency and perseverance of child survivors of human trafficking and exploitation.

new cases, the relationship between legal services results and subsequent access to appropriate social services and protections, and existing gaps in the provision of legal services and advocacy to survivors of child trafficking in the United States. In February 2012, the Center for the Human Rights of Children (CHRC) initiated this project to identify:

- Existing service providers working with child trafficking survivors
- The legal needs of these children
- Current legal services available to this population
- Gaps in those services in Cook County

We focused our efforts on Cook County for several reasons. As a popular metropolis and large transportation center, the city of Chicago, located within Cook County, has been recognized by the *New York Times* as one of several human trafficking hubs in the United States.^{5,6} Furthermore, the county is the second most populous in the nation, with over 5.1 million residents. It has an

established community of service providers and advocacy organizations working with survivors of human trafficking in various capacities, and two human trafficking task forces, one led by the Chicago Police Department and another by the Cook County State’s Attorney’s Office. Also, Illinois was one of the first states to pass legislation specifically addressing child sex trafficking. In 2010, Governor Quinn signed into law the Illinois Safe Children Act, which (among other things) decriminalizes juvenile prostitution and reconciles the state’s law with federal anti-trafficking legislation governing child trafficking victims.

Although the scope of the current project focused on assessing legal needs for child trafficking victims in Cook County, the authors also wanted to learn about challenges and best practices in other regions of the United States. Thus, the project also included a preliminary assessment of legal services for child trafficking victims offered by various organizations around the country.

FIGURE 1. SEX TRAFFICKING OF CHILDREN OR BY FORCE, FRAUD, OR COERCION, 18 USC SEC. 1591

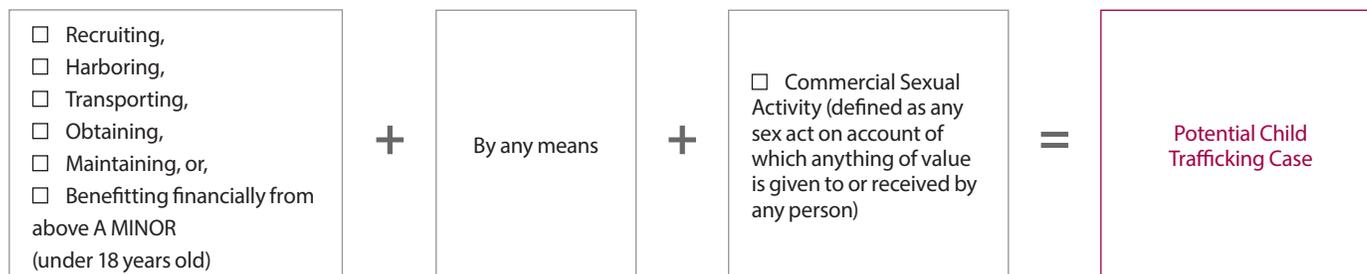
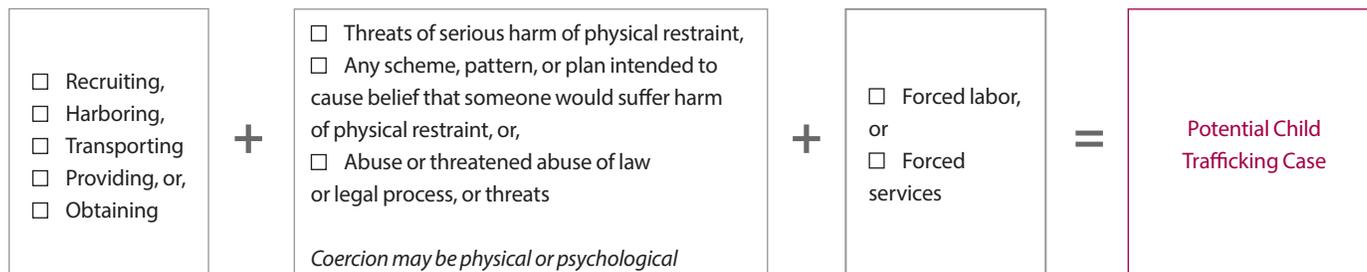


FIGURE 2. FORCED LABOR, 18 USC SEC. 1589



⁵ State of Illinois, Department of Human Services. “Human Trafficking in Illinois Information Sheet,” Illinois Department of Human Services, n.d) <http://www.dhs.state.il.us/page.aspx?item=49591>.

⁶ Meribah Knight, “Campaign Against Sex Trafficking is Gaining.” *New York Times*, 13 August 2011 <http://www.nytimes.com/2011/08/14/us/14cncpredators.html?pagewanted=all>.

B. CHILD TRAFFICKING - FEDERAL AND STATE LEGISLATIVE LANDSCAPE

Federal Legislation

The US government first recognized human trafficking as a crime occurring within its own borders when it passed the Victims of Trafficking and Violence Protection Act of 2000, also known as the Trafficking Victims Protection Act (TVPA). The TVPA created new criminal statutes addressing human trafficking, including forced labor, trafficking with respect to peonage, slavery, involuntary servitude, and sex trafficking of children, by force, fraud, or coercion. Under the TVPA, the US government currently defines human trafficking as:

- 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 (Figure 1).
- 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 (Figure 2).

The TVPA also enhances previous involuntary servitude statutes by recognizing that psychological abuse and intimidation can be just as powerful as physical abuse and coercion. Additionally, sex trafficking of a minor (anyone under the age of 18) requires no proof of force, fraud, or coercion. Therefore, any individual under the age of 18 years of age engaged in a commercial sex act is legally considered to be a victim of sex trafficking, regardless of consent. The TVPA has since been reauthorized in 2003,⁷ 2005,⁸ 2008,⁹ and 2013,¹⁰ updating criminal statutes, enhancing protections for victims, and addressing gaps in research and issues concerning trafficking of US citizens.

Benefits, Rights, and Representation of Child Trafficking Victims

Under the TVPA and subsequent reauthorizations,¹¹ children are entitled to special protections and remedies under three

legal systems: criminal justice, civil domains, and in the case of foreign nationals, immigration. All trafficking victims are legally entitled to:¹²

- Safety
- Privacy
- Information about their case
- Legal representation
- The opportunity to be heard
- Restitution

Child trafficking victims are entitled to certain federal benefits, among them:¹³

- Match grant programs
- Temporary Assistance for Needy Families
- Social Security Income
- Medicaid
- Food stamps
- Department of Labor Job Corps
- Federal financial aid (for education)
- Unaccompanied Refugee Minor (URM) Program (foster care) – *available only to qualifying foreign national minors*

Accessing these benefits, however, often requires the advocacy of a legal service provider or advocate. Additionally, child trafficking victims may have other legal needs incident to their trafficking experience. The regulations passed to implement the TVPA require that all federal agencies inform trafficking victims of pro bono and low cost legal services, including, but not limited to:

- Immigration
- Federal and state benefits and services
- Victim service organizations
- Protections against threats
- Privacy rights
- Victim compensation programs
- Immigration benefits
- Restitution
- Notification of case status

⁷ Trafficking Victims Protection Reauthorization Act (TVPRA) of 2003, Pub. L. No. 108-193, 117 Stat. 2875.

⁸ TVPRA of 2005, Pub. L. No. 109-164, 119 Stat. 3558.

⁹ William Wilberforce, TVPRA of 2008, Pub. L. No. 110-457, 122 Stat. 5044.

¹⁰ Trafficking Victims Protection Reauthorization Act (TVPRA) of 2013, Pub. L. No. 113-4.

¹¹ Trafficking Victims Protection Act of 2000, 18 USC. §§ 1589-1594, 22 USC. §§ 7101-7110, 2152 (d) (2005).

¹² TVPA 22 USC. § 7105.

¹³ TVPA 22 USC. § 7105(b).

INTRODUCTION

- Medical services
- Reasonable access to translation services^{14,15}

The language within the regulations is vague, identifying “pro bono” and “low cost legal services” that include immigration services, but are not necessarily limited to such services. The regulation could presumably include other legal services for both US and non US citizens, including defense, criminal justice advocacy, guardian ad litem (GAL), advocate, civil, family, labor/employment, child welfare, and civil services. There is no language in the federal legislation addressing state or local agency obligations with respect to referrals to legal services for victims of trafficking. At this time, specific referrals to legal services for victims of human trafficking are also absent from state anti-human trafficking legislation.

State Legislation

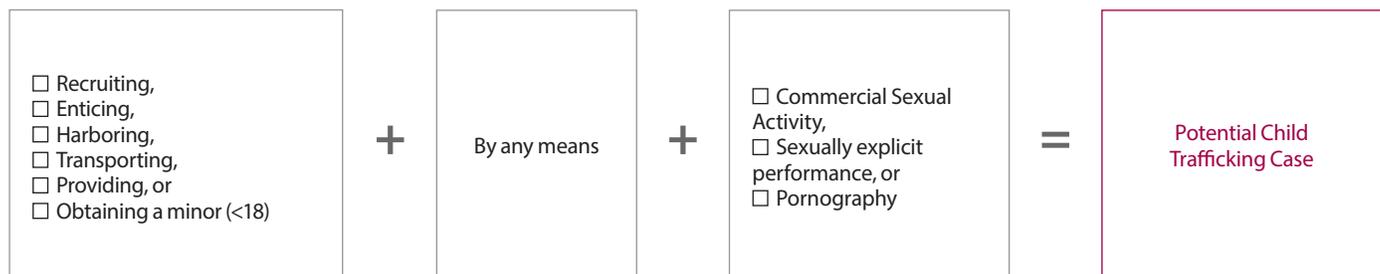
Illinois, like the majority of states, has a state human trafficking law. The Illinois Trafficking of Persons and Involuntary Servitude Act, enacted in 2005, added three criminal offenses to the Illinois

Criminal Code, and imposed harsher punishment on traffickers.¹⁶ These offenses are: trafficking in persons for forced labor or services, involuntary servitude, and involuntary servitude of a minor (sex trafficking). As can be seen in Figures 3 and 4, the elements of the statute defining the crime of human trafficking mirror the federal legislation.

The act provides for mandatory restitution for victims. It also presumably increases access to services for victims, by stating that victims may be eligible for emergency services and assistance from the Illinois Department of Human Services.

In 2010, Illinois passed the Illinois Safe Children Act.¹⁷ Similar legislation has been passed in several states, and together these laws have been termed “safe harbor laws.” Under the Illinois Safe Children Act, all children under the age of 18 are immune from prosecution for prostitution under any circumstances. If law enforcement encounters a child who is engaged in prostitution, the child may be taken into temporary protective custody. Law enforcement must then notify the Department of Children and Family Services (DCFS), which in turn must initiate an

FIGURE 3. INVOLUNTARY SERVITUDE OF A MINOR [SEX TRAFFICKING OF A MINOR], 720 ILCS 5/9(C)



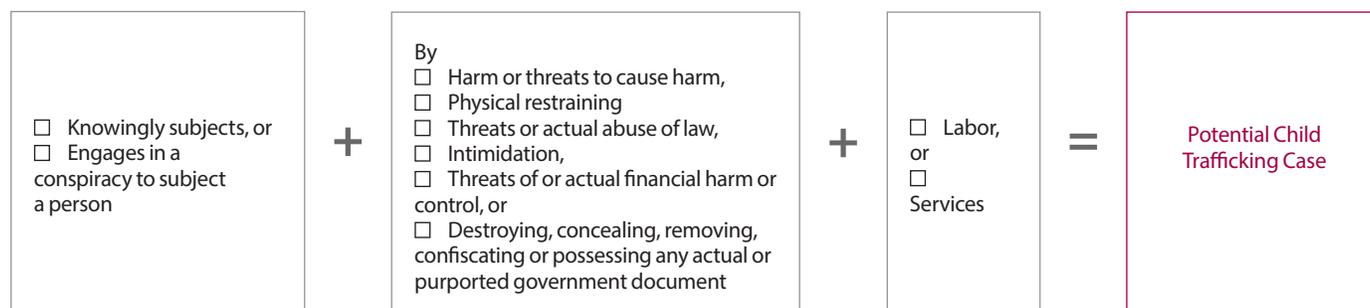
¹⁴ 28 C.F.R. 1100.33.

¹⁵ “All federal investigative, prosecutorial, and correctional agencies engaged in the detection, investigation, or prosecution of crime shall use their best efforts to see that victims of severe forms of trafficking in persons are accorded all rights under federal victims’ rights legislation. In cases involving severe forms of trafficking in persons, federal officials should provide victims within the United States, as defined by this subpart, information about their rights and applicable services, including: (1) Pro bono and low-cost legal services, including immigration services; (2) Federal and state benefits and services (victims who are minors and adult victims who are certified by the United States Department of Health and Human Services (HHS) are eligible for assistance that is administered or funded by federal agencies to the same extent as refugees; others may be eligible for certain, more limited, benefits); (3) Victim service organizations, including domestic violence and rape crisis centers; (4) Protections available, especially against threats and intimidation, and the remedies available as appropriate for the particular individual’s circumstances; (5) Rights of individual privacy and confidentiality issues; (6) Victim compensation and assistance programs; (7) Immigration benefits or programs that may be relevant to victims of severe forms of trafficking in persons, including those available under the TVPA; (8) The right to restitution; (9) The right to notification of case status; and (10) The availability of medical services. 28 C.F.R. § 1100.33 (a)(1)-(10).”

¹⁶ Trafficking of Persons and Involuntary Servitude Act of Illinois, 720 Ill. Comp. Stat. 5/10A-5, 10A-10, 10A-15, 10A-20 (2006).

¹⁷ Illinois Safe Children Act, Pub. L. No. 96-1464 (2010).

FIGURE 4. TRAFFICKING IN PERSONS FOR FORCED LABOR OR SERVICES 720 ILCS 5/10-9(C)
 INVOLUNTARY SERVITUDE (LABOR TRAFFICKING) 720 ILCS 5/10-9(B)



investigation into child abuse within 24 hours.

Other state-relevant legislation in Illinois includes the following:

- The Illinois Predator Accountability Act, passed in 2006, allows adults and children who have been solicited or compelled to act as prostitutes, those who have been sexually exploited and/or have appeared in obscene materials or materials constituting child pornography, and those who have been trafficked, to file civil suits for punitive damages against various parties involved. These latter individuals may include traffickers, those paying for sex, strip club owners, and publishers of pornographic websites involving trafficking victims.¹⁸
- The Illinois Justice for Victims of Sex Trafficking Crimes Act allows victims of sex trafficking (i.e., those who have been recruited or coerced into sexual exploitation) to clear their records of prostitution convictions.¹⁹

C. METHODS

The goal of the Center’s project was to collect both quantitative and qualitative data on existing services for child trafficking survivors, demographic information of those served by these organizations, and gaps in existing services. A preliminary review of the literature was conducted on the legal needs of child trafficking survivors and the current status of legal services, including a search for existing assessments and survey studies. The information collected from the literature review and discussions with

experts in the field was compiled into a matrix of possible legal needs of trafficked children (Figure 6), which informed the development of the survey questionnaire, focus group questions, and eventual report recommendations.

We shared the instrument with project Advisory Board members and select CHRC affiliate faculty members for their feedback. E-mail invitations with individualized survey links were sent to participants, and they were asked to refer colleagues to participate as well. A link to the online survey was included on the CHRC website. The subsequent phase of the study included a focus group with numerous service providers in Cook County, designed to discuss the survey results, obtain feedback, and present a tentative plan of action for next steps, both in research and practice.

The project was approved by the Institutional Review Board (IRB) at Loyola University Chicago, and appropriate precautions were taken to protect the rights and privacy of all participants, as the scope of the study addressed the needs of a vulnerable population. Throughout the process, the staff continuously consulted with various service providers, professionals, and experts in the field.

Measures

Survey. An original survey instrument was created for this project. Items included questions about participants’ exposure to trafficked children, their perception of these children’s legal needs, the demographics of the children with whom they have worked, and the services provided by their organizations. The

¹⁸ Illinois Predator Accountability Act, 740 Ill. Comp. Stat. 128/1 (2006).

¹⁹ Illinois Justice for Victims of Sex Trafficking Crimes Act, 725 Ill. Comp. Stat. 5/116-2.1 (2011).

questionnaire was created and finalized using the input of the Project Advisory Committee and select CHRC affiliate faculty and staff members. Survey results were reviewed and follow-up questions were sent to participants; in some cases, follow-up telephone interviews were conducted, in order to gather more detailed information regarding specific responses. Additionally, a more general version of the survey questionnaire was created and sent to professionals outside of Cook County, in order to assess perceived legal needs and gaps in services on a national level (see Appendix D).

Focus Group. A focus group was held with representatives from various legal organizations and agencies serving or working with vulnerable children and youth in Cook County. Many, but not all, of the organizations indicated they had previously worked with victims of human trafficking. The goal of the focus group session was to share survey results with legal service providers in Cook County, obtain their feedback, and present a tentative plan of action for next steps, both in research and practice.

Participants

The target sample for the survey and focus groups consisted of professionals in Cook County, who may be in contact with potential child trafficking cases through the services they provide to children and youth. They included attorneys, social workers, members of community-based organizations, faith-based organizations, public social service and legal service organizations, as well as healthcare workers and law enforcement. Potential participants were located through a thorough search for relevant organizations, recommendations from Advisory Committee members and experts, and referrals from various experts and service providers in Cook County.

One-hundred-sixty legal and social service providers in Cook County were identified and invited to participate; forty-six responded to the survey (hereafter referred to as respondents). Thirty-four legal and social service providers outside of Cook County were invited to participate; thirteen responded to the

survey. Focus group participants (hereafter referred to as *participants*) included 21 legal providers and public agency legal units, a subset of the Cook County survey group. Survey respondents and focus group participants were not offered any monetary incentive; participation was entirely voluntary.

D. LITERATURE REVIEW RESULTS: IDENTIFYING LEGAL NEEDS OF CHILD TRAFFICKING VICTIMS AND ACCESS POINTS TO LEGAL SERVICES

Needs of Victims of Child Trafficking

Studies reviewing service needs of human trafficking victims (both adults and children) have focused primarily on foreign national victims, particularly victims of sex trafficking.²⁰ Various reports have identified several possible legal needs of human trafficking victims generally, some of which may also apply to US citizen victims, and presumably to child trafficking victims (Figure 5).²¹

- Criminal defense
- Civil actions against traffickers
- Wage and hour claims
- Punitive damages
- School placement
- Benefits certification
- Immigration status relief and benefits
- Planning for immediate and permanent placement
- Obtaining employment authorization
- Health and other social services
- Protections for family members
- Racketeer Influenced and Corrupt Organizations (RICO)
- Civil or criminal forfeiture
- Restitution
- Victim assistance services
- Intentional torts including assault and battery
- Civil protective orders (including orders to return victims' documents and property)^{22,23}

²⁰ Clawson, et al. Study of HHS Programs.

²¹ Jean Bruggeman and Elizabeth Keyes, "Meeting the Legal Needs of Human Trafficking Victims: An Introduction for Domestic Violence Attorneys & Advocates" (Chicago: American Bar Association, 2009) http://apps.americanbar.org/humanrights/docs/project_docs/DV_Trafficking.pdf.

²² The United States Conference of Catholic Bishops, Migration & Refugee Services, Catholic Legal Immigration Network, and the Legal Aid Foundation of Los Angeles, "A Guide for Legal Advocates Providing Services to Victims of Human Trafficking" Jan. 2004: 2-6 – 2-7 http://www.uscrirefugees.org/2010Website/5_Resources/5_4_For_Lawyers/5_4_3_Human_Trafficking_Resources/5_4_3_1_Human_Trafficking_Manuals/AGuidefor_LegalAdvocates.pdf.

²³ Eva Klain and Amanda Kloer, "Meeting the Legal Needs of Child Trafficking Victims: An Introduction for Children's Attorneys and Advocates," Chicago: American Bar Association, 2009: 19-22 http://www.americanbar.org/content/dam/aba/migrated/2011_build/domestic_violence/child_trafficking.authcheckdam.pdf.

In 2008, the US Department of Health and Human Services (HHS) published a study on the various needs of human trafficking victims, which included all HHS-funded programs serving this population.^{24,25} It concluded that,

Once emergency needs are met, other needs that present themselves in the short- and long-term need to be met. These include housing (e.g. foster care or permanent placement for minors), legal assistance (e.g. help in understanding legal rights, legal representation and, for international victims, assistance with filing T-non-immigrant status applications, and immigration petitions), and advocacy (e.g. assistance retrieving identification documents, completing applications, attending appointments, and navigating the different US systems, including criminal justice, child welfare, immigration, human services, transportation, etc.).²⁶

We identified one report addressing the legal needs of child trafficking victims, *Meeting the Legal Needs of Child Trafficking Victims: An Introduction for Children's Attorneys & Advocates*.²⁷ The report acknowledged that, "while many of the legal remedies available to adult victims of human trafficking are also available to children, the legal needs of, and remedies available to, child victims can be distinct."²⁸ It cited several of the aforementioned needs, in addition to:

- Child labor law violations
- Juvenile criminal laws and procedures
- Juvenile victim assistance needs
- Guardianships or other legal authority relationships
- Special immigrant juvenile status (SIJS)
- Concurrent crimes against children (such as sexual abuse, child pornography, and domestic violence)

Foreign national children have unique legal needs, and their cases are complicated by the fact that undocumented children

do not have a *right* to legal counsel. While there exist programs that refer unaccompanied minors to pro bono legal and/or advocacy services, many children still enter immigration proceedings without counsel. Additionally, undocumented children are often on the same docket as adults, and must then navigate that complex system alone.

For those foreign national children who are identified as "trafficked," their needs may include: obtaining identification documents (e.g., driver's licenses, passports, birth certificates, school IDs) and/or immigration remedies (e.g., U-nonimmigrant status, T-nonimmigrant status, SIJS), or potentially some other form of relief, dependent upon the facts of the case.²⁹ These legal needs arise because traffickers often confiscate the aforementioned documents, in order to control their victims.^{30,31}

The most immediate legal needs of this population include possible relief from removal or deportation, access to public benefits, and housing. Immigrant children may also need legal assistance with repatriation. Trafficked minors who wish to return home have the right to do so, as long as there are no safety concerns.³² All of the above requires specialized knowledge of immigration relief, programs, and benefits available under the TVPA and related laws. Therefore, a guardian ad litem or attorney assigned to a child in family court may be completely unfamiliar with these types of procedures.

Importance of Legal Advocacy

While there is little research published about the intersection of legal services and positive outcomes for child trafficking victims, there is evidence that access to an attorney improves outcomes for vulnerable children in other contexts. For example, a study in Palm Beach County, Florida found that when children in foster care had access to specially trained legal counsel, through a legal services program, the following positive outcomes were achieved:³³

²⁴ Heather J. Clawson and Nicole Dutch, "Addressing the Needs of Victims of Human Trafficking: Challenges, Barriers, and Promising Practices" (Washington: US Department of Health and Human Services, 2008) <http://aspe.hhs.gov/hsp/07/humantrafficking/Needs/ib.shtml>.

²⁵ This study referenced programs serving all victims of human trafficking (adults and children, domestic and foreign national), but with a focus on domestic minors.

²⁶ Clawson and Dutch, Addressing the Needs of Victims.

²⁷ Klain and Kloer. Meeting the Legal Needs of Child Trafficking Victims.

²⁸ Klain and Kloer. Meeting the Legal Needs of Child Trafficking Victims 3.

²⁹ US Conference of Catholic Bishops Migration and Refugee Services, "Guidance for Identifying a Child Victim of Trafficking" US Conference of Catholic Bishops Migration and Refugee Services, Lutheran Immigration and Refugee Services, n.d <http://old.usccb.org/mrs/childtrafID032406.pdf>.

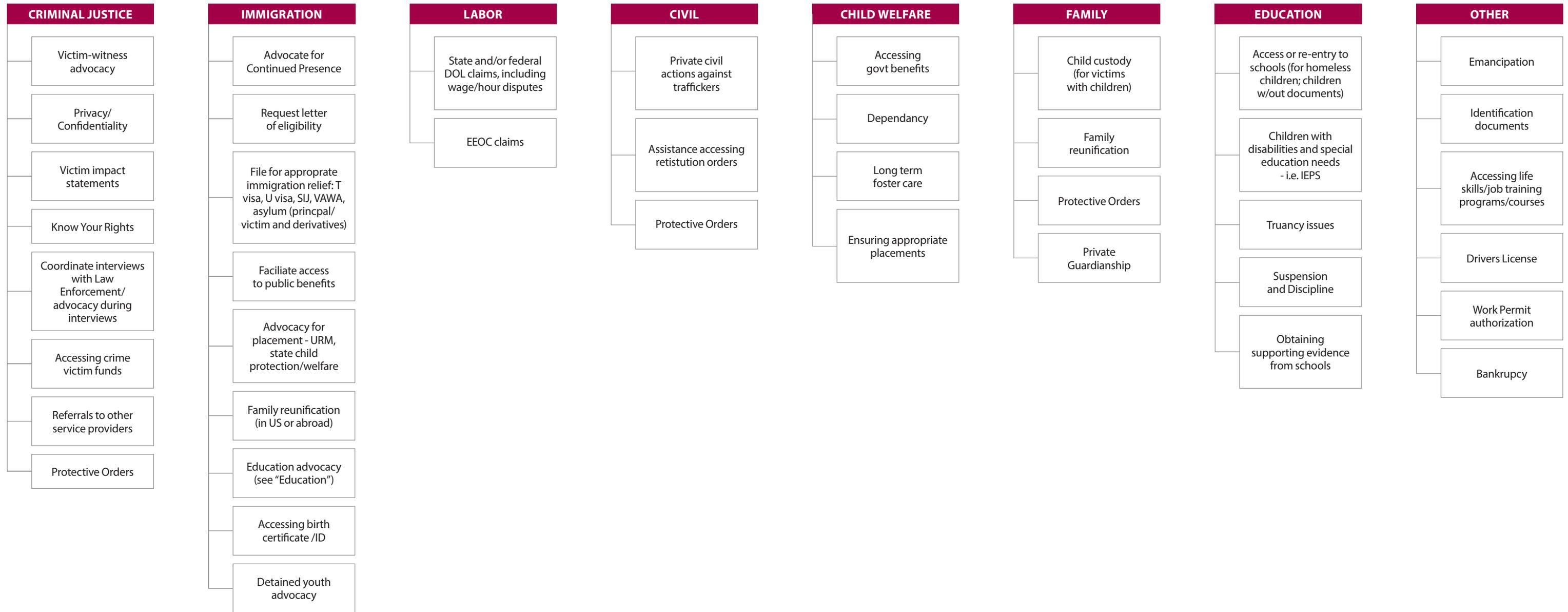
³⁰ Kelly E. Hyland, "Protecting human victims of trafficking: An American framework" Berkeley Women's Law Journal, 16. 2001. 29.

³¹ United States Department of Health and Human Services, Administration for Children and Families, "Child Victims of Human Trafficking" US Dept. of Health and Human Serv. Nov. 2009 http://www.acf.hhs.gov/sites/default/files/orr/fact_sheet_child_victims_of_human_trafficking.pdf.

³² 22 USC. § 7105 (a)(1)(E).

³³ A.E. Zinn & J. Slowriver, "Expediting Permanency: Legal Representation for Foster Children in Palm Beach County" Chicago: Chapin Hall Center for Children at the University of Chicago, 2008.

FIGURE 6. LEGAL SERVICES MATRIX FOR CHILD TRAFFICKING VICTIMS



Children who are trafficked for labor and/or sex may require a multitude of legal services, depending upon the facts of their case. This chart represents a sample of various legal services children may need, or are entitled to under federal or state law. It is not comprehensive. Note: During the drafting of this report, we learned that the Legal Aid Society (LAS) of Metropolitan Family Services' anti-trafficking initiative, A.T.L.A.S.S.T. (Attorneys Tendering Legal Aid to Survivors of Sex Trafficking), created a similar, detailed matrix of legal needs for victims of sex trafficking. Many of these needs also apply to child sex trafficking victims. With their permission, a copy of the LAS A.T.L.A.S.S.T. matrix is included in Appendix F.

- Children provided legal assistance by specially trained legal counsel were found to have a significantly higher rate of exit from foster care to permanency than children not served by these lawyers
- On the main, this difference appeared to be a function of much higher rates of adoption and long-term custody among the children who had the specialized legal services
- The higher rates of adoption and long-term custody experienced by the children with specialized legal counsel were not found to be offset by significantly lower rates of reunification of these children with their biological families
- Taking into consideration the estimated costs of substitute care, ongoing adoption subsidies, and the specialized legal representation of these children, the net cost of such representation associated with each additional day of permanency was estimated to be as low as \$32

Successful prosecution of those who traffic children often requires participation by the child victim as a witness in the investigation and prosecution of the trafficker. As a result, victim-witness assistance and advocacy are particularly important legal needs. Serving as a witness can include participating in multiple interviews by different law enforcement agencies and testifying in court. While this can be a critical component to a successful prosecution of an offender/trafficker, it also raises the need to protect the child's rights as a child witness. "The fundamental concern among victim service providers is that the well-being of the child be maintained before, during and after prosecution so that a successful prosecution is also a successful outcome for the child. [...] The successful outcome of a trafficking prosecution depends greatly on collaborative efforts between the prosecutor and the child advocate."³⁴ In many cases, children do not have an advocate, attorney, or any independent entity assisting them through this process. This reality is occurring at a time of increasing local and national efforts to coordinate referrals of potential child trafficking cases to appropriate law enforcement agencies.

Interdisciplinary collaboration between legal service providers

and non-legal providers was also identified as a critical component of any service delivery model for trafficking victims. "The lawyer is but one member of a team of people, such as local anti-trafficking NGOs, health care professionals, labor rights organizations, law enforcement, housing authorities, and others who can and should be part of a coordinated community response to assist trafficked persons."³⁵ Additionally, many immediate needs are non-legal, including emergency housing and medical attention.

Current Funding for Legal Service Providers to Victims of Child Trafficking

One of the policies of the TVPA is to expand access to legal services for victims of human trafficking. This was accomplished by providing appropriations to grant programs supporting legal service providers for human trafficking victims, and by allowing Legal Service Corporation funded programs to provide legal services to undocumented victims of human trafficking.

Since enactment of the TVPA in 2000, tens of millions of dollars have been awarded to organizations that work with populations vulnerable to being trafficked. The US Departments of Justice and Health and Human Services are the two primary agencies that fund direct services to victims of human trafficking in the United States. These funds have decreased over time, with individual grants in recent years ranging from \$200,000 - \$500,000, as compared to previously reaching \$800,000 or \$1 million ten years ago.³⁶

At the US Department of Justice, three offices within the Office of Justice Programs have supported services to trafficking victims in some way. They are the Office for Victims of Crime (OVC), the Bureau of Justice Assistance (BJA), and the Office of Juvenile Justice and Delinquency Prevention (OJJDP).³⁷ OVC has offered two types of grants: comprehensive or specialized victim services. Funding guidelines for OVC's comprehensive service grants now include the need for recipients to establish partnerships to provide legal assistance.³⁸ In addition, grant applicants must work collaboratively with law enforcement and leverage all

³⁴ Micah N. Bump and Julianne Duncan, "Notes and Commentary: Conference on Identifying and Serving Child Victims of Trafficking," Malden: Blackwell Publishing Ltd., 2003: 212-13. http://www.esclavagemoderne.org/media/iom_conference_identifying_child_victims_trafficking_2003.pdf.

³⁵ Robin Thompson, "Help Wanted: Attorneys to Represent Victims of Human Trafficking." International Bar News, American Bar Association, September 2007. <http://apps.americanbar.org/domviol/tip/trainings/Domestic%20Violence%20and%20Human%20Trafficking%20Workshop/Attorneys%20Represent%20Trafficking%20Victims-International%20Bar%20News.pdf>.

³⁶ "Catalog of Federal Domestic Assistance," United States General Services Administration, <https://www.cfda.gov/index?s=program&mode=list&tab=list>.

³⁷ United States Department of Justice, "Attorney General Annual Reports to Congress," United States Department of Justice Archive: 2003 - 2011, <http://www.justice.gov/ag/publications.htm>.

³⁸ United States Department of Justice, Office of Justice Programs, Office for Victims of Crime, "OVC FY 2012 Services for Victims of Human Trafficking," US Department of Justice, 2012 http://www.ojp.usdoj.gov/ovc/grants/pdfxt/FY2012_ServicesforVictimsofHumanTrafficking.pdf.

local resources.³⁹ It is unclear how much of those comprehensive service grants are ultimately allocated to legal services. Grant recipients are required to submit reports on their activities and conduct an evaluation, but it is not clear if legal assistance is identified separately.⁴⁰

The Office on Violence against Women (OVW) in the Justice Department maintains a special Legal Assistance for Victims (LAV) grant program that in the past has allocated \$40-50 million to approximately 200 organizations to provide both civil and criminal legal assistance to victims of sexual assault, domestic violence, and other crimes against women and youth. OVW is currently providing training to those grantees on how to recognize human trafficking in those they serve under the LAV.⁴¹

The TVPA includes a directive that “the Board of Directors of the Legal Services Corporation ... shall expand benefits and services to victims of severe forms of trafficking in the United States, and aliens classified as a nonimmigrant under section 1101(a)(15)(T)(ii) of Title 8, without regard to the immigration status of such victims.”⁴² The President of the Legal Services Corporation (LSC) went on to issue a Program Letter to all LSC Program Directors confirming that LSC grantees can represent potential trafficking victims and their eligible family members in legal issues unrelated to trafficking.⁴³ However, the LSC directive is a permissive statement rather than a mandate.

Our conversations with providers in both Cook County and across the nation indicate that very little representation is being provided to trafficking victims by LSC programs. This appears not to be so much for lack of interest, but because the recent budget cuts to these programs forced them to reduce their current areas of representation and scope, and prevents them from even

contemplating adding new clients in the form of child trafficking victims.

Limited funds affect non-LSC programs across the country as well. The 2012 Trafficking in Persons (TIP) Report noted that information from US NGOs showed that “funding levels were inadequate to provide comprehensive long-term victim care and ‘key legal services.’”⁴⁴ In fact, from Funding Year (FY) 2010 to FY 2011, there was a decrease in funding for all human trafficking related services from both state and federal sources.⁴⁵ This and other funding challenges resulted in a 30 percent decrease in the number of foreign nationals whom NGOs were able to serve in 2011 versus 2010.⁴⁶ A related barrier is that the amount of money the federal government allocates per victim is not sufficient to address the victim’s full needs.⁴⁷ One of the items listed in the TIP Report’s “Recommendations for the United States” was to “increase funding for victim services, including legal services.”⁴⁸

The identification and use of pro bono and volunteer attorneys would seem to provide a solution to the lack of funding to legal service providers working with child trafficking victims. We identified two research reports that indicated that this work force can provide added value, but should be utilized with caution and care. For example, in *Victims no Longer: Research on Child Survivors of Trafficking for Sexual and Labor Exploitation in the United States, Immigration Context*, the authors favored legal providers who have dedicated resources and the expertise to respond to both immigration and criminal justice advocacy needs (182).^{49,50} The US Department of Health and Human Services has noted that although the use of pro bono attorneys may result in a larger pool of affordable service providers for trafficked victims, it cautioned that it requires significant training, technical assistance,

³⁹ Office for Victims of Crime, “2012 Services for Victims of Human Trafficking” 2.

⁴⁰ Office for Victims of Crime, “2012 Services for Victims of Human Trafficking” 7.

⁴¹ United States Department of Justice, Office on Violence Against Women, “2012 Biennial Report to Congress on the Effectiveness of Grant Programs Under the Violence Against Women Act,” US Department of Justice, 2012 <http://www.ovw.usdoj.gov/docs/2012-biennial-report-to-congress.pdf>.

⁴² 22 USC. § 7105(b)(1)(B). The Legal Services Corporation (“LSC”) is the major federal funder of legal services to the poor and disadvantaged. Prior to 1996, LSC funded programs could provide legal services to “alien” persons but only through non-federal funds (i.e. any private funding could be used for such representation). In 1996, Congress completely banned LSC funded programs from any representation of aliens, except in very limited cases.

⁴³ Helaine M. Barnett, “Letter to Legal Services Corporation Program Directors” 6 Oct. 2005 <http://www.lsc.gov/sites/default/files/LSC/pl2005-2.pdf>.

⁴⁴ United States Department of State, “Trafficking in Persons Report” (US Dept. of State, June 2012, 360) <http://www.state.gov/documents/organization/192587.pdf>. (emphasis added) [hereinafter TIP Report].

⁴⁵ TIP Report 362.

⁴⁶ TIP Report 363.

⁴⁷ TIP Report 363.

⁴⁸ TIP Report 361.

⁴⁹ Elżbieta Goździak and Margaret MacDonnell, “Closing the Gaps: The Need to Improve Identification and Services to Child Victims of Trafficking” Human Organization 66.2, 2007: 171-184.

⁵⁰ Elżbieta Goździak and Michael Bump, “Victims no Longer: Research on Child Survivors of Trafficking for Sexual and Labor Exploitation in the United States,” Institute for the Study of International Migration, Georgetown University, March 2008 <<https://www.ncjrs.gov/pdffiles1/nij/grants/221891.pdf>.

and monitoring by providers, who are mostly NGOs with limited resources.⁵¹ Conversations with the project's Advisory Committee, which consisted of several legal service providers with expertise working with trafficking victims also indicated the use of pro bono attorneys should proceed with caution, depending on the facts and types of legal services needed.

Other Barriers to Receiving Needed Services

In addition to insufficient funding, the US Department of Health and Human Services has identified six common challenges to meeting the needs of human trafficking victims:⁵²

1. Lack of knowledge and understanding by service providers of what services their clients can access
2. Availability of services, even where eligible, is limited because they do not exist, the wait lists are too long, or there is a cost the client cannot afford
3. The services are not culturally or gender appropriate
4. Access to services is impossible because of language differences or lack of transportation
5. The duration of available services is insufficient
6. Lack of coordination of services causes delays and inaccurate or inappropriate services⁵³

While this list addresses services for all victims of trafficking, including adults and children, we know that once they are identified as trafficking victims, children often continue to encounter barriers to accessing services. Non-governmental organizations (NGOs) servicing victims of trafficking report that minors are often unable to obtain necessary services because service

providers who first identify them as victims may not be equipped to identify all of their service needs.⁵⁴ This is both because of limited funding and lack of sufficient training.⁵⁵

Current State of Data on Human Trafficking in the US

Both state and federal systems struggle with data collection on human trafficking.⁵⁶ To our knowledge, there are currently no standardized mechanisms or measurement tools for data collection on child trafficking in the country. Furthermore, there is no central state or county registry that collects accurate data on any forms of human trafficking. The federal government attempts to trace human trafficking by collecting data from prosecutors and law enforcement. However, this attempt does not produce an accurate picture, because not all cases are reported to law enforcement, and even fewer are properly identified and prosecuted.

The paucity of existing data limits any type of empirically-based study on the human trafficking of children (and adults). Less than twenty percent of published journal articles on human trafficking were empirically-based, and the majority focus on adult victims, or combine “women and children” into one group.⁵⁷ Local studies on sexual exploitation, one form of child trafficking, are no different, and provide limited information on child trafficking, as their reports record incidents affecting “women and girls,” grouping adults and minors together in their research.⁵⁸

Additionally, many service providers and first responders – both public and private agencies – are only beginning to understand and recognize that human trafficking may exist in their communities. Only a few organizations have begun to collect data on child trafficking and the data collected may not be consistent across organizations. For example, only in 2011 did the Illinois Department of Children and Family Services create a new allegation of harm (#40/90) for child trafficking victims. The allegation is available as a designation for the initial case, and will presumably provide for improved data collection on child trafficking identification and disposition of services.

⁵¹ Clawson and Dutch, Addressing the Needs of Victims 9.

⁵² Clawson and Dutch, Addressing the Needs of Victims 9.

⁵³ Clawson and Dutch, Addressing the Needs of Victims 5-8.

⁵⁴ Clawson and Dutch, Addressing the Needs of Victims 5-8.

⁵⁵ US Dept. of State, TIP Report 2012 363.

⁵⁶ Amy Farrell and Jack McDevitt, “Enhancing the Collection and Standardization of Human Trafficking Data: Examples for Data Collection Efforts in the United States” Human Trafficking: New Directions for Research, International Organization for Migration, 2009: 15-28 http://www.iom.int/jahia/webdav/shared/shared/mainsite/microsites/IDM/workshops/ensuring_protection_070909/human_trafficking_new_directions_for_research.pdf.

⁵⁷ Elżbieta Goździak and Micah Bump, “Data and Research on Human Trafficking: Bibliography of Research-Based Literature” (Institute for the Study of International Migration, Georgetown University, Oct. 2008) <http://issuu.com/georgetownfsf/docs/120731154817-518884e6603142779fa6798568862af1>.

⁵⁸ Jody Raphael and Jessica Ashley, “Domestic Sex Trafficking of Chicago Women and Girls,” May 2008 http://www.enddemandillinois.org/sites/default/files/ICJIA_Research_Jody.pdf.



SURVEY AND FOCUS GROUP RESULTS

A. SURVEY RESPONSE RATE

One hundred sixty surveys were sent to legal and social service providers who are working with vulnerable children in Cook County. Forty-six respondents (28% response rate) completed the survey on behalf of their respective organizations. Of these respondents, 30 reported providing services to trafficked children within the last five years. Although the response rate seems relatively low, it is actually quite typical for survey research in this sample. For example, a 2010 study in North Carolina reported a 29.6% response rate for agencies providing basic victims services within the state.⁵⁹ Another study conducted in Tennessee in 2011 reported a 16% response rate for group homes and case workers, and a 7% response rate for guardians ad litem.⁶⁰

We attribute the observed response rate for the current study to several factors. First, the federal and state definitions of child trafficking are broad, complex, and include several statutory elements. Many organizations do not collect data following a uniform definition of child trafficking. This is discussed in more detail later in the report. Additionally, the survey instrument itself was quite long, and some organizations may not have had the time or resources to complete it. Relatedly, survey responses were completely voluntary, with no offered incentive, which may have impacted response rates among busy service providers. Despite the response rate for the survey, we were still able to collect important descriptive data (from both the survey and the focus group) that was relatively consistent across respondents.

Respondents who indicated they had provided services to trafficked children provided very limited quantitative data on the profile of child trafficking victims. Thirty respondents reported that their organization provides services to trafficked children, but none provided demographic data about the trafficked children with whom they work (e.g., age, gender, ethnicity, and region of origin). Additionally, zero respondents provided any

quantitative data about the type of trafficking (sex, labor, or both), how long the child was trafficked, where the child was trafficked, or who the trafficker was in relation to the child. However, survey respondents and focus group participants qualitatively reported that both sex and labor trafficking of children occur in Cook County. While we had hoped to collect more detailed statistical information about the numbers of children being trafficked, and the type of trafficking occurring, we found the paucity of data to be intriguing in itself, and a critical point to investigate further. We explored the potential reasons for the lack of quantitative and demographic information in the focus group and follow-up interviews, and identified several systemic barriers that needed to be addressed as first steps, *prior* to generating any data-driven research. These are discussed in more detail below and in our recommendations.

B. SCOPE AND INCIDENCE OF CHILD TRAFFICKING IN COOK COUNTY

Although we had hoped to determine the scope of identified child trafficking cases within the last five years, only two organizations responded with data regarding the number of child trafficking clients identified or served by their organization in the last five years, and each stated they had served approximately 50 children:

- 50 minors were identified and provided services by the National Immigrant Justice Center
 - All of these minors were foreign nationals, involved in both sex and labor trafficking
- An estimated 50 minors were served by the Office of the Public Guardian (OPG) in the last five years.
 - The OPG estimates that 99% of their trafficked clients are US citizens, mostly involved in sex trafficking.

The literature review found additional data from other public

⁵⁹ Douglas Yearwood, "Assessing the Needs of Crime Victims' Basic Service Providers." System Stats 27.3 2010 <https://www.ncdps.gov/div/gcc/pdfs/systemstats/vol27_3.pdf.

⁶⁰ Tennessee Bureau of Investigation and Vanderbilt Center for Community Studies, "Tennessee Human Sex Trafficking and Its Impact on Children and Youth" Nashville: Tennessee Bureau of Investigation, 2011 <www.tbi.tn.gov/Crime_invest/documents/FINALTNHumanSexTraffickingStudyColorrev2.pdf.

sources; however, given that the data was collected over different lengths of time and during different time periods, it is difficult to provide a consistent estimate regarding the scope of child trafficking incidents in Cook County.

For example, the National Human Trafficking Hotline tracks the number of reported, potential incidents of human trafficking.⁶¹ Between January 1 and December 31, 2012, 520 calls to the hotline were received from Illinois, and 316 of these calls were from Cook County. Of the total number of calls, 105 were determined to be potential trafficking cases, and 39 of these cases referenced potential minors.⁶²

Between 2011 and 2012, the Illinois Department of Children and Family Services reported receiving approximately 100 hotline calls about potential child trafficking cases.⁶³ The Young Women's Empowerment Project (YWEP), a Chicago-based, grassroots organization serving women and girls impacted by the sex trade, reported that they have worked with approximately 2,000 girls over the past three years.⁶⁴

A 2008 study by DePaul University and the Illinois Criminal Justice Information Authority interviewed 100 females under the age of 25 currently active in the commercial sex trade. They found that:⁶⁵

- The average age of entry into the sex trade was 16.4
- 33% entered between the ages of 12 and 15
- 73 percent were born in Illinois and 68 percent were born in Chicago
- 84% were living in Chicago and active in the sex trade within the city

Of note, this study was based on a limited number of participants, did not disaggregate adults from minors, and was limited to a specific segment of females in the sex trade.⁶⁶ Nevertheless, it illustrates that minors are involved in commercial sex, or sex trafficking, and that it is not just occurring in one part of the city, but in many areas of the city and suburban Cook County.

Within the Center's project, the primary obstacle to examining

the scope of identified child trafficking cases in Cook County was the particularly sparse response rate to quantitative and demographic questions about the population of child trafficking victims encountered by various agencies. The authors hypothesized this to be due to a lack of available data on this population, which was supported by reports obtained during follow-up interviews with survey participants, as well as the focus group. The existing challenge of identifying and tracking cases of child trafficking is discussed in more detail below in the Challenges section.

Survey respondents indicated that of those child trafficking victims identified, 83% were referred by another organization. Children received various types of services before coming to the respondent's organization (Figure 7).

C. SERVICE PROVIDER LANDSCAPE IN COOK COUNTY

Our survey results illustrated that a variety of services are provided to trafficked children, across several different categories of needs. There was at least one organization that responded affirmatively in each category to the question, "Does your organization provide the following services to trafficked children?" Figure 8 (below) indicates the frequency of endorsements by survey respondents for each type of service available to trafficked children in Cook County.

Legal services dominated the types of services provided to child trafficking victims. However, these results are likely skewed, given that many non-legal service providers did not respond to the survey, and that the Center's staff contacts were more closely affiliated with legal providers and thus more likely to generate responses from them.

I. Government and Non-Government Legal Service Providers

There are two government legal service providers in Cook

⁶¹ United States, Department of Health and Human Services. Administration for Children & Families, Office of Refugee Resettlement, "About the National Human Trafficking Resource Center (NHTRC)," Office of Refugee Resettlement, 5 April 2013 <http://www.acf.hhs.gov/programs/orr/resource/about-the-national-human-trafficking-resource-center-nhtrc>.

⁶² "National Human Trafficking Resource Center (NHTRC) Data Breakdown: Illinois State Report" National Human Trafficking Resource Center 2013. <https://na4.salesforce.com/sfc/p/300000006E45/a/600000004Pif/KG35aDlxbemUMq2QS1s5bdlZWrbkCPO827hMQzWRZqc=>>

⁶³ Stacy Sloan, "Child Trafficking and Child Welfare," County Task Force Human Trafficking Conference, Chicago, 16-17 Aug. 2012.

⁶⁴ Jazeera Iman, et al. "Girls Do What They Have to Do to Survive: Illuminating Methods Used by Girls in the Sex Trade and Street Economy to Fight Back and Heal," Chicago: Young Women's Empowerment Project, 2011: 6 <http://ywepchicago.files.wordpress.com/2011/06/girls-do-what-they-have-to-do-to-survive-a-study-of-resilience-and-resistance.pdf>.

⁶⁵ Raphael and Ashley, "Domestic Sex Trafficking."

⁶⁶ "Understanding Child Trafficking in the United States: A Review of Current Policies, Research, and Issues Facing Survivors" Victims of Crime (4th Edition, Sage Publications, 2012).

FIGURE 7. REPORTED SERVICES THAT CHILDREN RECEIVE PRIOR TO BEING ENCOUNTERED BY SURVEY RESPONDENTS.

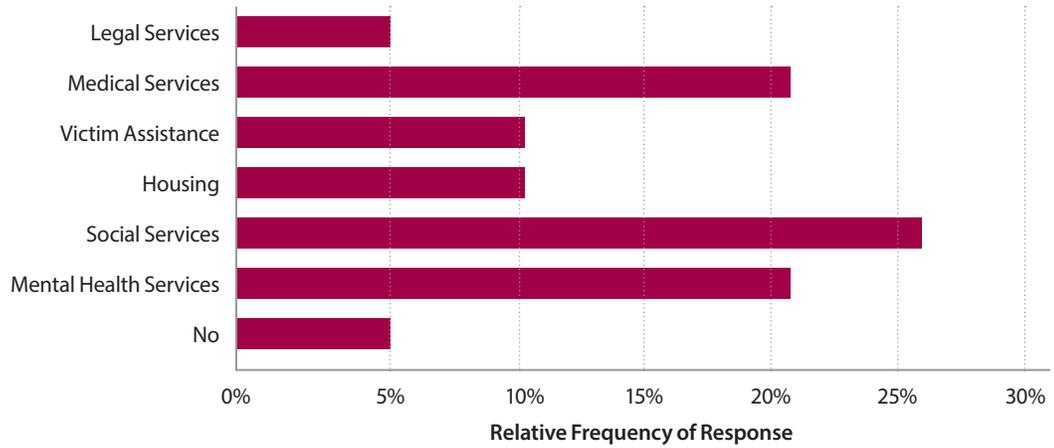
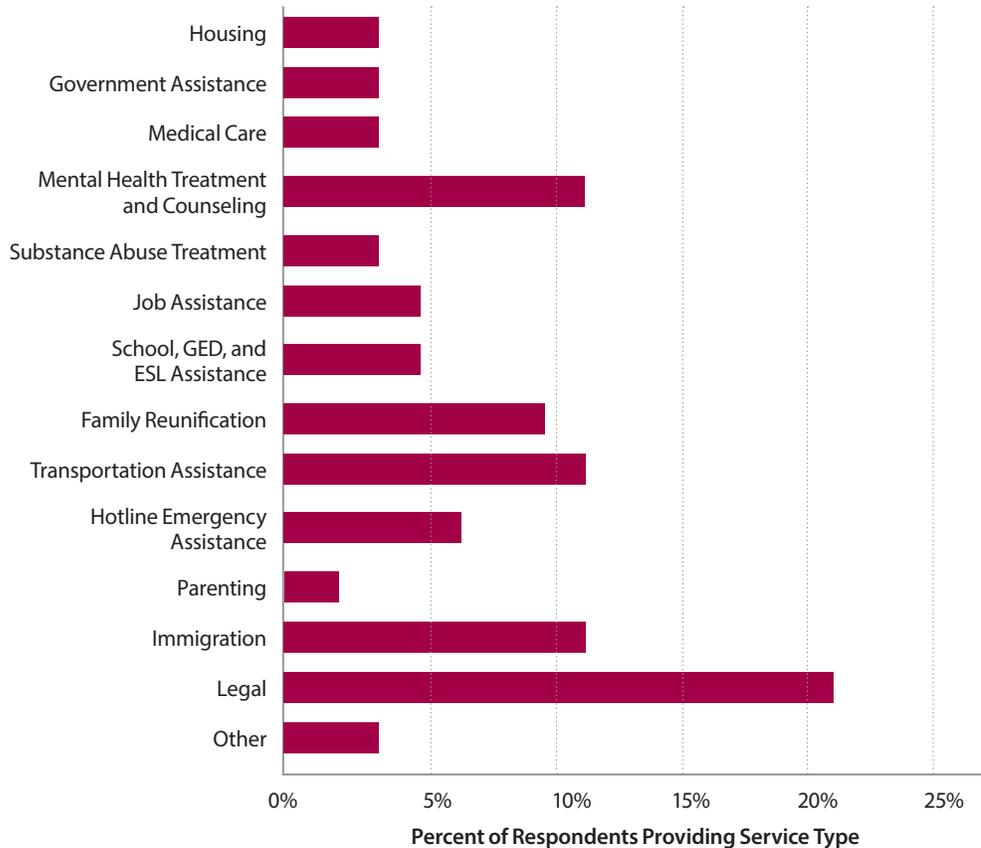


FIGURE 8. RESPONSES OF SURVEY RESPONDENTS WHEN ASKED TO INDICATE WHICH SERVICES THEIR ORGANIZATION PROVIDES TO TRAFFICKED CHILDREN IN COOK COUNTY.



SURVEY AND FOCUS GROUP RESULTS

County serving trafficked children: the Cook County Public Guardian’s Office and the Cook County Public Defender. These government providers serve as assigned counsel in a traditional attorney/client relationship. The Cook County Public Guardian’s Office represents all minors for whom a petition is filed for abuse, neglect, or abandonment in the Child Protection Division of the Cook County Juvenile Court. The Office provides only representation regarding the child protection case, and refers out to other lawyers for immigration and other legal issues. The Cook County Public Defender Juvenile Justice Division represents youths,

accused of any crime, who are younger than 17 years of age when their cases begin. The Cook County Juvenile Probation Office is also involved with youth who are charged with offenses relating to their trafficking, including drug trafficking, theft, undocumented labor, and prostitution.

Based on survey responses, we identified eleven non-government organizations that provide legal representation to trafficked children in Cook County (Figure 9). Some of these organizations have more capacity to work on child trafficking cases, while other organizations provide legal services more

FIGURE 9. GOVERNMENT AND NON-GOVERNMENT LEGAL SERVICE PROVIDERS IN COOK COUNTY SERVING CHILD TRAFFICKING SURVIVORS

Government Services	Non-Government Services
Cook County Public Guardians Office	National Immigrant Justice Center (immigration, criminal, child welfare, family, civil, ID documents, work permits)
Cook County Public Defender	Legal Assistance Foundation of Metropolitan Chicago (immigration, labor)
Cook County Juvenile Probation Office	Legal Aid Society of Metropolitan Family Services (civil, expungement, family, protective orders)
	DePaul Legal Clinic (immigration, family reunification)
	Administer Justice (civil, labor, family)
	Chicago Coalition for the Homeless (criminal, immigration, ID documents, education, child welfare, emancipation)
	Uptown People’s Law Center (Public Benefits)
	CAASE (youth over 14 eligible: sex trafficking- civil remedies, criminal victim assistance, protective orders)
	Farmworker & Landscaper Advocacy Project (immigration, labor, ID/documents)
	Northwestern CFJC (education, immigration, work permits)

limited in scope. There may also be other programs that have trafficked children that did not respond to the survey. There also are organizations that have represented trafficked children on other matters without realizing they were victims of trafficking.

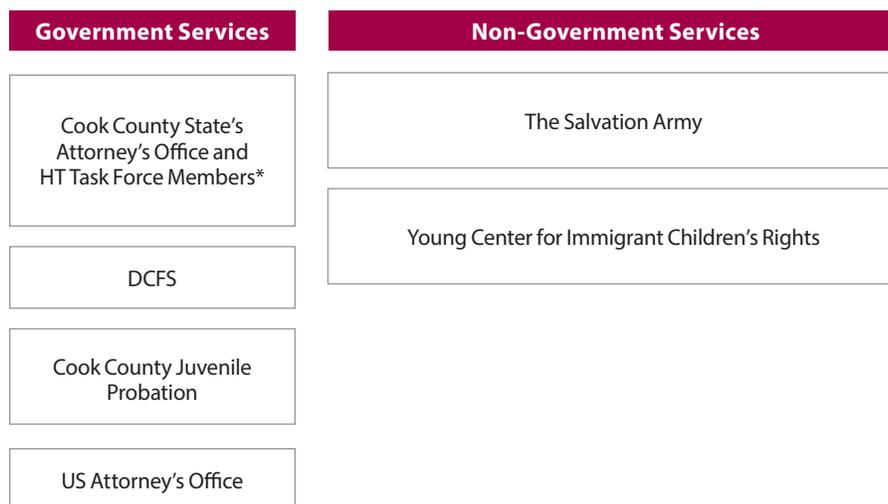
ii. Court-Involved and Non-Court Involved Providers

Another critical portion of the current landscape of legal advocacy for trafficked children consists of legal actors whom we have termed “court-involved” providers. These are agencies working with children within a court-involved legal system, such as criminal justice, juvenile justice (as opposed to civil legal advice/support), but who may not directly represent the child victim in and maintain an attorney/client relationship (and are thus not under the protection of confidentiality or privilege). Rather, they work with child trafficking victims via a legal relationship through a systemic, court-involved process, during the child’s time within that process, and sometimes for a period after the child is no longer in the system.

For example, prosecutors may be working with child victim-witnesses as part of their investigation and prosecution. A prosecutor or law enforcement agency may have a vested interest to rectify the harm that was done to a child and to protect the child as a victim-witness of a serious crime. The child victim-witness, however is not the law enforcement agent’s “client;” the prosecutor’s duty is to the citizens of the state and the pursuit of a successful prosecution of the trafficker(s). Another example is a child advocate working with an unaccompanied child involved in immigration proceedings. Child advocates may not be filing petitions for specific forms of relief, but they assist enormously with the logistics and emotional aspects of the child’s situation. While much of the advocacy is legally oriented, child advocates may not have attorney-client privilege with the child.

Court and non-court involved providers currently identified as operating within Cook County are identified in Figure 10 below.

FIGURE 10. COURT INVOLVED AND NON-COURT INVOLVED PROVIDERS IN COOK COUNTY



*Cook County Sherriff, FBI, ICE, DOJ, Chicago Police Department, NGO task force members.

D. LEGAL SERVICE NEEDS OF CHILD TRAFFICKING VICTIMS

Perceived Legal Needs – Importance, Adequacy, and Type

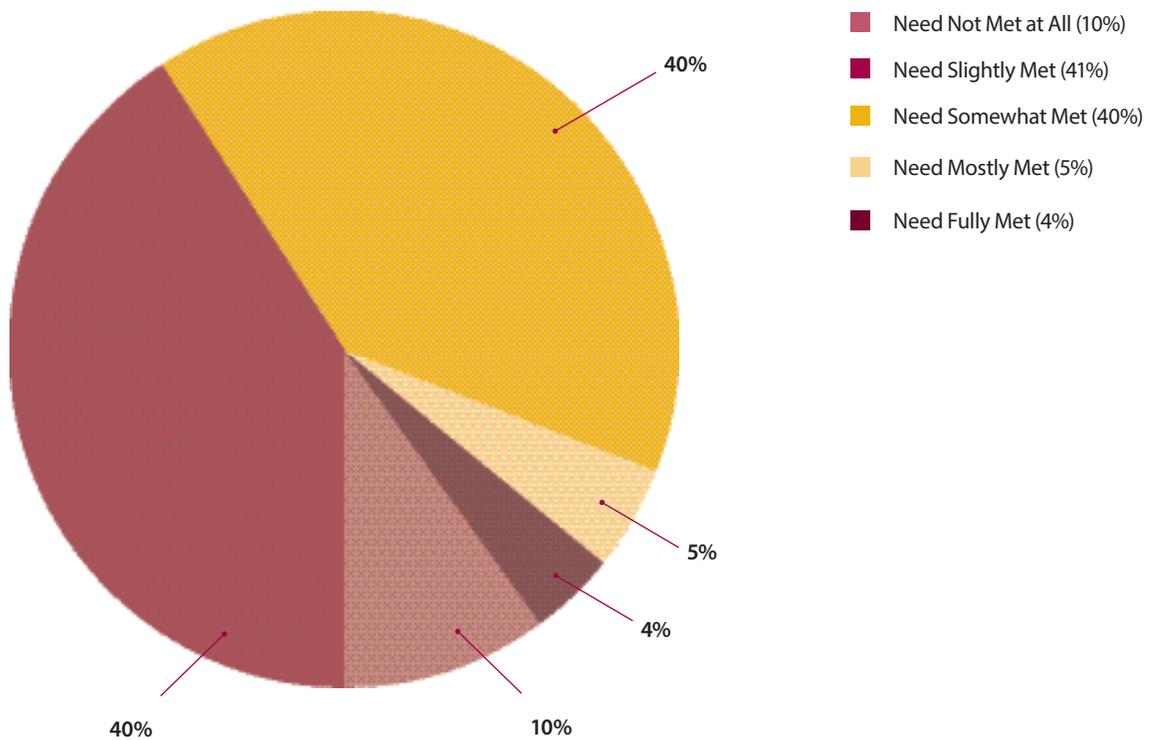
When asked to rate the importance of access to legal services to positive outcomes for their clients – from 1 (Not at all) to 5 (Very Important) – 85% of respondents believe legal services to be very important in leading to positive outcomes for clients. The assessment of whether legal needs were being met, however, suggests that access to these legal services and subsequently positive outcomes, remains a challenge. The majority of providers (51%) viewed the combined legal needs of child trafficking victims as not met at all or only slightly met (see Figure 11).

Another 40% saw these needs to be only somewhat met. Only 9% of providers, a considerable minority, felt that the legal needs were mostly or fully met.

Participants were then asked to rate the extent to which they perceived that legal needs are being met across eight legal categories: Criminal Justice, Immigration, Labor, Civil, Child Welfare, Family, and “Other.” Additional chart representations of the responses by category are included in Appendix E. Overwhelmingly, respondents indicated that they that these legal needs were not being mostly or fully met across each legal category. Again, only 4-9% of respondents indicated that each respective legal need was fully met.

Lack of resources (50%) and lack of expertise (26%) were cited as the primary reasons as to why legal needs are unmet for this

FIGURE 11. ADEQUACY OF SERVICES TO ADDRESS LEGAL NEEDS OF VICTIMS OF CHILD TRAFFICKING
 Percentage responses of the extent to which participants felt the legal needs of child trafficking survivors (including Criminal Justice, Immigration, Labor, Civil, Child Welfare, Family, and “Other” as defined by respondents) were being met.



population. Respondents indicated that legal services for trafficking victims tend to prioritize or focus on immigration relief and remedies, versus other forms of relief and advocacy needed by child trafficking victims (for both US citizen and non-US citizen children). Social service providers indicated that if they identified legal needs, they often weren't sure where to refer clients. This was echoed, in part, by legal service providers. Other challenges are discussed in more detail in subsequent sections of the report.

For each legal service category, the survey assessed specific needs, in addition to requesting qualitative feedback (comments) about each need. {Refer to "Legal Services Matrix" chart} The following provides an overview of the survey responses for each category. It also includes feedback from the focus group session as applicable to each legal category section.

Criminal Justice

As noted earlier, criminal justice agencies have a duty to protect citizens from harm and to ensure that offenders/perpetrators of crime are duly punished. While there is an inherent duty of criminal justice professionals (prosecutors, investigators, detectives) to protect victim-witnesses, our research suggests that child victim-witnesses need additional protections, as well as someone to guide them through the criminal justice process.

Survey respondents indicated that child victims would benefit from independent legal counsel advocating on their behalf when they are engaged with any law enforcement agency, to ensure that adequate protections are in place while engaging with criminal justice professionals. This includes ensuring children have adequate information about their case, utilizing child and trauma informed interview tactics with law enforcement officials, and explaining the criminal justice process. As one respondent noted, "Prosecutors can be more focused on securing convictions than on safeguarding the welfare of child victims or witnesses," and that "victims may continue to be at risk when cooperating with law enforcement [of being charged with a crime and/or retribution from trafficker], and advocacy on their behalf is needed to ensure adequate protections are in place."

This is of particular importance, given the widespread effects an unjust conviction can have on the future of a victim of child trafficking. Focus group participants noted that access to housing and public benefits can be impacted by criminal convictions. They stressed the importance of expungement and vacating prior conviction orders related to victim's trafficking experience.

Immigration

Resources and outreach were identified as immigration needs for foreign national child trafficking victims. Respondents

indicated that while immigration services are a critical component to recovery services for non-US citizen victims, only a few existing organizations provide legal services in this domain. [As noted above, non-US citizens currently do not have a right to counsel – most of the legal services provided to non-US citizen children are done so by non-governmental programs and pro-bono counsel as available]. This poses an issue of accessibility, as these few organizations likely handle only a small part of the existing need. Respondents also state that there needs to be more publicity and information available to other service providers (legal and social) about how to access immigration legal services when specialized aid is unavailable.

Respondents indicated that positive outcomes for clients were much higher for child victims in cases where competent immigration attorneys were identified. A respondent from outside Cook County noted, "Immigration status is key to employment and access to education, including higher education. Kids should not age out without immigration status." Another respondent included an appeal for attorneys to be trained as Guardians Ad Litem for non-US citizen child trafficking victims. Immigration attorneys also expressed a need for more training on providing criminal justice advocacy, as it is often an area unfamiliar to those practicing immigration law.

Labor

Results from the survey revealed a critical gap in existing labor related legal services for victims of child trafficking. These services include wage/hour claims, workers compensation, reporting to administrative and government bodies, including Equal Employment Opportunity Commission (EEOC), and Occupational Safety and Health Administration (OSHA) claims. One of the focus group members stated that, "people are more attuned to sex-trafficking, and less sensitized to identify labor trafficking." Out of all survey respondents, only one organization responded that they were providing services or advocacy around labor issues, and this was limited to undocumented individuals. While there are some organizations, including the National Immigrant Justice Center and the Young Center for Immigrant Children's Rights, who work with children impacted by labor trafficking, respondents indicated more training needed to be conducted about the types of legal relief available under labor laws.

Civil

Generally, survey responses and feedback in the focus group session indicated that more aggressive advocacy was necessary to educate service providers regarding civil remedies, including protective orders and recouping damages from traffickers.

Comments indicated that most legal service agencies do not have the capacity to handle civil needs of children,⁶⁷ and that the organizations providing civil legal services may not have adequate training or expertise to identify child trafficking victims. Many providers indicated they did not know if civil legal service providers even existed for child trafficking victims.

Another respondent suggested legislative action to clarify a child's right to sue a trafficker without appointment of a legal guardian. During the focus group session, one of the participants noted that most people were not aware that under federal law, most of the criminal charges can also be applied civilly (this was confirmed by others in the session). The latter could be a training opportunity for those working with child trafficking victims or potentially for pro bono experts assisting in these cases.

Child Welfare

Responses to survey questions indicated that there has been recent improvement in access to child welfare services for child trafficking victims due to changes in state law; however, access to these all child welfare related services is still not enough to meet the need. During our focus group session, a DCFS representative indicated there is a "paradigm shift" occurring within the department, where, "the old belief is that these are promiscuous youth with behavior problems...we are now seeing that these are trauma survivors, and the life that has exploited them."

One respondent stated, "while it has become easier to access foster care services through experience and cooperation with DCFS and the Cook County State's Attorney, obstacles still exist for child trafficking victims." Some of these obstacles may be defined differently, depending on the respective organization's philosophical approach to trafficking or types of clients to whom they are providing services. For example, one respondent commented, "For many LGBTQ young people who experience abuse in foster care...they feel safer on the streets doing what they do to survive...it doesn't feel like 'protective custody' to them."

Another respondent stated that child welfare services were available only to youth who have petitions filed in the Child Protection Division of the Circuit Court of Cook County, which may not apply to all trafficked children seeking services, in particular foreign national children who only come into the state child welfare system in discrete circumstances, such as Special Immigrant Juvenile Status foundational petitions.

Even when children have access to child welfare services, legal service providers advocating on their behalf have stated that

children sometimes get "lost" in the system. This includes access to children being hindered by changes in custody or placement for the child within the child welfare system, as well as those placed in foster care and subsequently trafficked.

Family

Responses to questions about legal services related to family law differed between those providers working with US citizens versus providers working with foreign national children. For providers working with foreign national children, responses indicated that providers often experienced challenges with family reunification and lack of training in child trafficking among legal professionals in public systems. For example, in cases where a child is assigned a guardian ad litem ("GAL") or Court Appointed Special Advocate ("CASA") these professionals are rarely trained on the special legal needs of child trafficking victims, especially immigration issues. They may also not be versed on the various legal needs of a child trafficking victim who may be engaged in multiple legal systems (i.e. criminal justice, immigration, family court).

Organizations serving undocumented youth indicated that County systems, including the Juvenile Court, can be "hostile" to detained immigrant cases, preventing access to certain forms of legal relief. Respondents also stated that reunification with parents overseas is often time consuming and difficult if a family court proceeding is required in the home country. This often requires local pro bono counsel, which is difficult to obtain.

For providers working with US citizen children, responses echoed statements about various legal professionals working with children not being trained on the unique legal needs of child trafficking victims, which significantly impacted access to available forms of relief and protections prescribed by law. Another suggestion included reinstatement of parental rights as a solution for children in certain statutorily prescribed circumstances where parents have resolved the original problems that led to court involvement. These may include situations where there were allegations of neglect or abandonment because of the ancillary circumstances leading to or involved in the trafficking.

Education

Trafficked children may have limited schooling or significant gaps in schooling due to their trafficking, which affect their educational needs. This may require access to alternative, special needs, and higher education programs. Several respondents stated that child trafficking victims often have a difficult time

⁶⁷ This could include funding restricted to services for adults.

both accessing and functioning in a “regular school environment” and that mentoring and access to specialized services was critical to successful outcomes for their clients.

One of the focus group participants stated that many universities and colleges need education about federal financial aid available to T-visa holders (non-US citizen victims who have been issued a T-non-immigrant status as a victim of human trafficking). Both advocates and educational institutions often are not aware that victims of trafficking are eligible for federal financial aid.

E. CHALLENGES

Identifying and Defining Child Trafficking

Victims of trafficking are typically involved in illegal, stigmatizing, and trauma-inducing behaviors in cases of both labor and sex trafficking. This often makes it difficult for many children to come forward or discuss their experience. One focus group participant stated:

“... intake forms and procedures can be tricky, because youth who have experienced trauma may not be able to describe their experiences in a chronological timeline. Many providers get frustrated, because there are gaps in information, and may think that the children are liars ... children may be unsure they should tell you the whole truth. They may still be gauging it’s safe to tell you, because it may involve telling on their family members. It’s a process ... it takes people multiple hours and several interviews to get to the bottom of what a child might be going through.”

Within the focus group, it was revealed that some organizations perceive the definition of “child trafficking” to be contrary to their mission to assist children and youth. For example, one organization serving homeless youth stated that the legal definition of child trafficking (and the inherent implication of a child trafficking “victim”) does not reflect the reality of some of their clients, who are doing what they need and choose to do to survive, often to avoid systems that had harmed them previously, including child protection and law enforcement. This organization identifies the classification of child trafficking as harmful to its clients, and thus does not screen for child trafficking or apply the terminology of child trafficking.

Other organizations were completely unfamiliar with the definition of child trafficking, while some thought (incorrectly) the definition applied only to sex trafficking. At the end of the focus group session, one organization reported that they had likely encountered more child trafficking victims than they had

previously estimated, but had identified these children under a different classification (i.e., sexual abuse, assault, neglect). This legal services organization served a high volume of vulnerable children and youth in various capacities.

Complexity of legal needs

During the focus group session, there was universal agreement on one challenge: having both legal and social service providers being able to identify *all* legal needs of child trafficking victims. “Identifying the legal need is driven by an understanding of legal issues and remedies. The continuing issue from the perspective of a service provider or client is the difficulty of being aware of all the potential solutions,” stated one participant. Another social service provider stated, “These cases are often so complex, that people wouldn’t remember all of the resources. It would be helpful to have a point of contact to talk to – an expert for suggestions and technical assistance.”

Both social and legal service providers indicated that developing and building a professional network was critical in advancing

the needs and rights of child trafficking victims, as well as advanced training on how to identify legal needs, address them, and appropriate referrals to legal service providers. One attorney during the focus group session provided this example, “As an immigration attorney, I’m not automatically thinking about all of the employment issues that are going on, and this knowledge may be critical to advancing my client’s case. But even if you can identify the issues, how do you get these services for your client?” Another stated, “Most people have good experiences when the system ‘works’ and there is a good personal relationship. The more that we are familiar with each other, with regular checking-in and more networks/communities, this will create a better predictor of provision of quality services.” While focus group participants recognized that there were some national resources available, most agreed that developing a local, professional network of providers around the issue was critical.

Participants indicated that these cases were also very

“The language of child trafficking can be really complicated for survivors...they [children] have to navigate relationships with several ‘providers’ and institutions. Sometimes, these are harmful relationships and kids who try to get services from providers may be forced to do something they don’t necessarily want to do. And because of these institutional harms, children will avoid seeking help in the future.”

FOCUS GROUP PARTICIPANT

time-consuming and require significant agency resources during both the initial stages of a case, and also often required ongoing (legal and social) services even once a victim was stabilized. One focus group participant working with domestic youth stated, “to get a girl out of ‘the life’ of sex trafficking often needs time.” Immigration cases for non-US citizen youth often take a year to two years (or more) to resolve.

Lack of Funding

Focus group participants indicated resources were also an issue, and that providing services over longer periods of time was becoming even more challenging with state budgets narrowing and restricting access to critical services. Turnover and economic instability for smaller service providers, especially in this economic climate, was also identified as a challenge to providing specialized services. In order to address the complex legal needs of this population, they may need to link foundational knowledge for legal services to anchor organizations that have more stability. “Seeing that virtually all of the projects focusing on this issue are coming from agencies and organizations longstanding in the community, funding is critical – not just for trafficking related projects, but supporting the overall stability of the organizations,” said one participant. “Turnover rates at organizations may also limit impact of any training and long term institutional capacity to provide specialized services,” stated another.

When we asked the focus group participants about the use of full or part-time volunteers (as distinguished from a pro bono attorney taking on a case while still maintaining their own practice) and pro bono attorneys to address resources gaps, we received mixed responses. While one of the barriers to access quality services was “people power,” participants indicated it really depended on the specific legal need. Some legal services, such as a criminal expungement, may require less time or training for a pro bono or volunteer attorney to complete. Other issues, such as immigration or civil remedies, can take several years. When asked what the recommended

minimum commitment of a (full-time) volunteer attorney should be, responses ranged between recommending a 3 to 6 month minimum commitments to a case to, depending on the legal need being addressed.

Educating the Client

Another observation noted in qualitative responses to the survey, as well as during the focus group, was the critical need for children and youth to have someone to educate children about their rights, protect their rights and help empower them as they navigate various legal systems:

F. NATIONAL COMPARISON

Part of the work of the project was to reach out to programs and service providers working with trafficked children and youth outside of Cook County, in order to learn from the experience and expertise of others working with child trafficking victims. The project identified approximately twenty programs outside of Cook County that provide legal services to trafficked children. These organizations represented a mix of those that expanded existing services to include trafficked victims and those that created a program to specialize in this area of law.

The responses from the non-Cook County surveys (50%)

“There is a need for more people to break things down and explain things to youth so they don’t feel lost in the system... for someone to translate the legal jargon.”

FOCUS GROUP PARTICIPANT

mostly mirrored those of the Cook County surveys. Little data was available regarding the scope and incidents of trafficking victims, particularly labor trafficking. It was unclear if the data was not available or if the respondents chose not to include it in their response. One

respondent stated, “children that have been labor trafficked are often subjected to higher and incorrect legal standards” by authorities, which limits access to other critical services they may be entitled to. Qualitative feedback echoed many statements made by Cook County respondents, particularly those around children’s criminal justice and child welfare related legal needs.

Non-Cook County respondents shared instances of child victims being classified as perpetrators of some crime, who were then not referred to legal services, even when the child was classified as a victim. Non-Cook respondents emphasized that better coordination with child welfare agencies and children’s lawyers was necessary, and that children’s access to their attorney and legal counsel when placements are changed was often

a challenge in cases of US citizen and non-US citizen children. “We find that children get lost in the foster care system. We have screened (child trafficking) cases and started preparing legal documents, but then find child protective agencies will move the child and not disclose where they are placed which hinders legal services.”

Additionally, as in Cook County, non-Cook survey respondents also identified the challenges in working with clients who were trafficked as children, but seeking services as an adult.

FIGURE 12. NON-COOK COUNTY RESPONDENTS

Program Name	Location
Diane Halle Center for Family Protection at the Sandra Day O'Connor College of Law, Arizona State University	Tempe, Arizona
University of Michigan Law School Human Trafficking Center	Ann Arbor, Michigan
Coalition to Abolish Slavery & Trafficking (CAST)	Los Angeles, California
The City Bar Justice Center’s Immigrant Women and Children Project	New York, New York
Public Counsel, Children’s Right Project	Los Angeles, California
Asian Pacific Islander (API) Legal Outreach	San Francisco and Oakland, California
Building Empowerment by Stopping Trafficking (BEST)	Miami, Florida
Legal Aid Society of New York, Criminal Defense Practice	New York, New York
Neighborhood Christian Legal Clinic	Indianapolis, Indiana
National Center for Refugee and Immigrant Children	Arlington, Virginia



RECOMMENDATIONS

The overarching recommendation of this Report based on the findings of the research and surveys is to ensure that *all* child trafficking victims have access to an attorney to assess their legal needs and that those children who have potential cases are screened by competent legal counsel to determine if they meet the legal standards under the TVPA and relevant state laws, and are provided representation. It is also critical that all legal professionals, including advocates, lawyers, and judges, working with children are educated regarding legal issues pertaining to child trafficking, and that referrals to specialists are provided as necessary. The following discussion provides more specific recommendations resulting from our literature review, surveys, and focus group session.

1. Create a Standardized Screening Tool for Intake and Data Collection

In order to improve identification of child trafficking victims, several focus group participants indicated they would benefit from sample questions or forms to augment their existing intake process. Some organizations stated they would prefer a distinct, specialized form or questionnaire to help identify cases, while others stated they preferred questions that could supplement existing forms or processes in initial interviews with children. Organizations that had an intake procedure to help identify

potential child trafficking cases were mostly limited to those serving foreign national populations screening for potential immigration relief options (DCFS was the exception, with its new child trafficking allegation of harm).

There currently exist two screening instruments for human trafficking, but neither is tailored to identifying minors. The first is a screening instrument recently developed by Covenant House and Fordham University in New York City targeting homeless “youth,” ages 18-23 (adults, by the legal definition).⁶⁸ The second is being developed by the Vera Institute of Justice in New York City, which appears to target a very broad trafficking population, including adults.⁶⁹

Therefore, we recommend that a short, validated screening instrument⁷⁰ and identification resource targeting child trafficking victims be created to ensure that organizations working with children – especially those who may be less familiar with human trafficking – can distinguish child trafficking cases from other crimes and forms of maltreatment against children. Questions from such an instrument could be incorporated into existing agency intake procedures as an add-on or as a stand-alone instrument.

Ideally, the screening instrument should include questions that could provide relevant data to not only track types of victims, but also pathways leading to trafficking. This could provide relevant

⁶⁸ Available at <http://www.covenanthouse.org/sites/default/files/attachments/Covenant-House-trafficking-study.pdf>.

⁶⁹ Neil A. Weiner and Nicole Hala. “Measuring Human Trafficking: Lessons from New York City,” New York City: Vera Institute of Justice, Aug. 2008 <https://www.ncjrs.gov/pdffiles1/nij/grants/224391.pdf>.

⁷⁰ A validated instrument is one that has been tested to ensure that it accurately measures what it is intended to measure. This process involves piloting an instrument to examine its reliability and feasibility. The instrument must demonstrate sufficient sensitivity (correctly detecting victims of child trafficking) and specificity (correctly detecting children who are not victims of trafficking). As a disclaimer, the CHRC has been subcontracted by the International Organization for Adolescents (IOFA) to create such a short validated screening instrument for a project based in New York States working to build capacity of child welfare professionals and first responders to identify and respond to child trafficking cases.

data and information to assess for a trafficking case, required services, and also to inform development of appropriate prevention programs. It would also allow for a more cohesive definition of child trafficking and act as a starting point for further (and more rigorous) research with this population.

We also recommend Illinois create a central registry that collects data on human trafficking reports, incidents, and outcomes. This should include data collected by law enforcement and any non-law enforcement agencies that may have contact with trafficking victims (as not all cases are reported to law enforcement or prosecuted). It may also require a legislative mandate to both collect data on human trafficking, and to create an agency to serve as a clearinghouse of information. This may require analysis and investment in new technology and tools, but would be highly beneficial. Standard data collection and research can better inform interventions and policies targeting child trafficking victims. It can assist both public agencies and service providers allocate limited resources to respond to human trafficking cases, and it can also help inform practices to prevent human trafficking from occurring in the first place.

2. Identify and Develop Advanced Training Programs and Resources Addressing Legal Services for Child Trafficking Victims

While there are several training programs addressing human trafficking more broadly, there are only limited training programs available that address a practical course of action once a victim is identified. More specifically, few training and capacity building programs address the various categories of legal relief that may be available to a child trafficking victim with any detail. Currently, there are practitioners and organizations in the field that focus on different legal aspects of human trafficking (i.e. civil relief, immigration), and some of these organizations have produced practitioner guides and/or training modules.

We know that child trafficking victims often engage with multiple legal systems. The legal remedies under various legal systems are often complex and navigated on a case by case basis. We recommend identifying existing training resources (both local and national), gaps in training resources, and developing a comprehensive training program educating participants on various legal remedies available to child trafficking victims across several legal systems. This would include how to “issue

spot” these remedies, and as available, include local and national resources and referrals to providers for each remedy. The training should also include both state and federal definitions of child trafficking, indicators of trafficking, case examples/vignettes to demonstrate the diversity of the cases that could indicate human trafficking (labor, sex, or both), and types of victims, including boys, girls, and LGBT youth.

Legal elements to be covered:

- All relevant federal and state statutes and case law
- Detailed description of rights and remedies on all possible legal needs listed in Project’s Legal Needs Matrix
- Description of all state, federal and administration proceedings, including locations, players, and important procedures
- 4. A list of current legal resources, training manuals, and web sites
- 5. Additional materials specific to Illinois law and to fill in the gaps in current training materials

Ensuring positive case outcomes for children requires a collaborative, interdisciplinary response. Legal service providers will likely encounter other, non-legal needs and should be prepared to provide meaningful referrals. Therefore, training should also cover:

- The complex network of services a child may need, where they can be accessed, and how to prioritize them
- Relevant government and NGO agencies and players
- Roles and professional responsibilities of various disciplines and sectors that may be working with a child victim, including public and private agencies, NGOs, attorneys, and service providers.
- Confidentiality/privilege issues, within legal representation and in working with non-legal professionals
- Child-specific representation and what that means, including child sensitive interviewing skills
- Pre-existing risk factors and impact on child, including types of trauma and consequences for work with attorney and pursuing remedies⁷¹
- Cultural awareness of foreign national children

⁷¹ One of the most common elements across all forms of human trafficking was the experience of trauma by the victim. While the level of trauma and the victim’s reaction to the trauma may vary, trauma was present in all cases. When victims had access to trauma-informed or trauma-specific services, they recovered from the trafficking experience more quickly and were better able to work on other aspects of their lives, such as obtaining an education or seeking employment.

RECOMMENDATIONS

- How to access translators and overcome language barriers
- Strategies when encountering reluctant clients- explanation, tips for handling
- Ethical issues

The target audience for the training should be any legal professional engaging with vulnerable youth on a regular basis (e.g., GALs, CASAs, immigration attorneys, family law attorneys, the Public Guardian's office, etc.). Courts and judicial officers should also receive training and support. Courts may be confused by child trafficking cases, which do not neatly fit into juvenile court abuse/neglect or delinquency cases. Cross-training of all involved professions will increase the quality and effectiveness of the trainings.

3. Develop and support a local, professional network of providers dedicated to supporting child trafficking victims.

It became clear during the focus group session that while some service providers who have been working with trafficked victims knew of each other, others were less familiar with the legal and social service agencies that may be coming into contact and serving child trafficking victims in different capacities.

The format of such a network was not explored in depth; however, the survey results and focus group session suggest that professionals are eager and motivated to learn more about this issue and how to work together to respond to child trafficking cases. This network should consist of legal and non-legal providers interested in addressing both case-specific and general issues, including professional development related to human trafficking.

4. Develop and operationalize “best practices” around legal services to be incorporated into protocols and procedures within agencies.

One of the themes identified in this research study - beyond lack of formal identification measures - was lack of formalized institutional practice (i.e., operating procedures, protocols, guidelines, regulations) around child trafficking for organizations that may be in contact with child trafficking victims. While most organizations responding to the survey and participating in the focus group attempted to identify and respond to child trafficking victim situations, how and when referrals were made to appropriate legal service providers was still undefined. For example, while government agencies and many service providers recognize the need to refer a child trafficking case involving a foreign national to an immigration attorney, it is unclear to who or what agency a 15-year-old US citizen can be referred to for legal advocacy, particularly if he or she is not engaged in any court-involved system.

Additionally, it appears child welfare agencies need guidance on how to engage attorneys who may be working with their wards on a variety of legal needs, and to keep legal representatives of their wards informed of changes to their placements. We recommend that organizations, especially those dealing with high volumes of children and youth at risk of being trafficked (including court systems) consider incorporating a legal “know your rights” approach around child trafficking within existing operating procedures and institutional training, as well as developing guidelines and practice procedures for appropriate legal referrals as necessary. This may even include identifying or establishing a child trafficking legal specialist within the respective agency. Guidelines and procedures should incorporate rules and ethical standards for the respective professionals and service providers who may be in contact with and refer victims, including privilege and confidentiality.

5. Develop guidelines and structures for using pro-bono and volunteer attorneys.

The use of pro-bono and volunteer attorneys has tremendous potential to address some of the legal needs and resource gaps identified by the survey and focus groups, and many organizations have used both with success. Both our literature review and focus group session, however, indicated that use of these types of attorneys should be done with caution, as some cases and legal needs may be more or less appropriate for volunteer and pro bono attorneys than others. We recommend that this area be reviewed in more detail, and that guidelines and best practices should be developed in regard to how to best utilize pro-bono and volunteer attorneys.

One possible approach would be to both: 1) Survey existing dedicated legal service providers, in and outside of Cook County, working with child trafficking victims to learn about how and when they utilize pro bono and volunteer attorneys, and identify the challenges and promising practices of using each type of attorney; and 2) Conduct a literature review and comparative analysis on best practices utilizing both pro bono and volunteer attorneys working with other vulnerable populations, including unaccompanied children, child abuse/neglect, domestic violence, and asylum.

6. Increase financial support for legal services for child trafficking victims

There are tremendous opportunities to enhance the financial resources to the area of trafficked children's legal needs. Results from this project suggest that there are three overall categories of need where both funds and people dedicated to providing

time and effort could have a significant impact.

The first is capacity building at agencies and organizations that can provide legal services to trafficked children. This would include funds for increased staff, time spent establishing networks to connect organizations to other trafficking services and efforts, professional development and mentoring within and with other agencies, technology to better collect and analyze data, and resources to provide the holistic support needed by trafficked children. Second, both funding and dedicated personnel are needed to conduct the further research and assessments recommended above, in coordination with public agencies, including law enforcement. Finally, financial support and attention are needed to address the systemic and bigger picture issues, including clearinghouses of information and technology tools for all providers to access, and information exchanges among providers across the county and state.

We see many sources of these funds and brain-power. First, there are private funders. There is a large range of interest areas that would bring trafficked children into the scope of these funders, beyond just those that support legal service programs.

Any of the following funding missions or programming priorities would be relevant: social services, judicial improvement, systemic reform, child advocacy, human rights, academic research, and immigrant rights. The second source is government funds. Although some government funding of trafficking victim assistance has been provided at the federal level, none has been dedicated to trafficked children's legal needs. Government resource allocation would include legislative efforts to provide both funding and systematic change mandates.

All of these sources and possibilities exist at the local and state level (i.e., city of Chicago, Cook County and state of Illinois), as well as at the federal level. The best way to identify and access these resources would be a collaborative effort by service providers, identifying sources and jointly proposing solutions to these entities and requesting their support. There currently are only piecemeal efforts to access occasionally widely publicized funds. This will not provide a long-term and more comprehensive improvement in the provision of legal services to trafficked children.

CONCLUSION

This year-long project engaged many different disciplines, sectors, organizations, and individuals committed to the issue of protecting children's rights. Efforts under this project are reflective of a national consensus regarding the clear need for coordinated and comprehensive legal services for trafficked victims. Under the leadership President Laurel Bellows, the American Bar Association (ABA) established a special task for on human trafficking in 2012. The Office of Victims of Crime, through its Training and Technical Assistance Center (OVC TTAC) and with the assistance of its primary consultant, the National Crime Victim Law Institute also recently launched an initiative to enhance access to quality legal service for victims of trafficking. During the final stages of our project, the White House announced the development of and published a draft Federal Strategic Action Plan on Services for Victims of Human Trafficking in the United States,⁷² The plan is a part of the Obama Administration's ongoing efforts to combat human trafficking at home and abroad, and it builds on the strong record of the President's Interagency Task Force to Monitor and Combat Trafficking in Persons.

Our project results indicate that there are several significant barriers to ensuring that child trafficking victims receive appropriate legal services and protections – including institutional barriers, financial resources, capacity building, personnel resources, training, and lack of data and research. There is, however, both a desire and demonstrated commitment to improve outcomes for child trafficking victims in Cook County by all stakeholders. Almost everyone we spoke with recognized the importance of ensuring that child trafficking victims receive the appropriate legal services to ensure their rights and dignity are protected.

We hope this project informs and mobilizes both local and national efforts to improve legal services and protections for child trafficking survivors, and ultimately, improves overall protections and advances the well-being and outcomes for all child trafficking survivors – both US citizen and non US citizen – in the United States.

⁷² The development of the Plan was announced by President Obama on September 25, 2012. Available at <http://ideascale.com//userimages/accounts/91/912839/Victim-Services-SAP-2013-04-09-Public-Comment-B.pdf>

Katherine Kaufka Walts, JD is the Director of the Center for the Human Rights of Children at Loyola University Chicago. The Center represents, coordinates, and stimulates efforts of the Loyola University community to understand and protect the human rights of children utilizing an interdisciplinary approach. The Center is actively engaged in advocacy, scholarship, and outreach on child trafficking and exploitation issues. Prior to joining Loyola, Ms. Kaufka Walts served as the Executive Director of the International Organization for Adolescents (IOFA). At IOFA she developed several projects in the US and abroad advancing the rights of children and youth, including a program to develop the capacity of child welfare system to better respond to child trafficking and exploitation cases. Prior to IOFA, Ms. Kaufka Walts managed the Counter-Human Trafficking project at the National Immigrant Justice Center, where she worked with local, state, and federal law enforcement agencies on single and multiple-victim sex and labor trafficking cases. She successfully represented dozens of victims of human trafficking in the United States within immigration and criminal justice proceedings under the Trafficking Victims Protection Act. Ms. Kaufka Walts has provided expert testimony to local, national, and international governmental bodies.

Ms. Kaufka Walts publications include *T Nonimmigrant Visa and Protection and Relief for Victims of Human Trafficking, A Practitioner's Guide* (Immigration Briefings, September 2006) and *Building Child Welfare Response to Child Trafficking handbook* (2011), "Understanding Child Trafficking in the United States: A Review of Current Policies, Research, and Issues Facing Survivors" (book chapter), *Victims of Crime*, 4th Edition, Sage Publications. (2012), "An Introduction to Child Trafficking in the United States," (American Bar Association, Children's Rights Litigation Section, 2012), She received her J.D. from the University of Wisconsin, and her B.A and B.S. from the University of Michigan.

Linda Rio Reichmann is an attorney, child advocate and child law consultant. Linda received her J.D. from the University of California, Los Angeles School of Law in 1988, and her B.A. in American Studies from Northwestern University in 1985. Following law school, Ms. Rio Reichmann was a staff attorney at the US Court of Appeals for the Seventh Circuit, and then in private practice at Sidley & Austin for five years. In 1995 Ms. Rio Reichmann established the position of Community Services Director at the Chicago Bar Association and Foundation. In that job, she focused on the legal needs of children and families. She set up courthouse assistance desks to serve families and children involved in domestic violence, divorce, and private guardianships. She established and ran the first pro bono adoption program in Cook

County, in partnership with the Illinois Department of Children and Family Services.

Ms. Rio Reichmann left the CBA to become the founding Director of the American Bar Association's Child Custody Pro Bono Project, a position she held for five years. She also served for five years on the Board and Executive Committee of Prevent Child Abuse-Illinois. Ms. Rio Reichmann is on the Program Committee of the Young Center for Immigrant Children's Rights, worked as a consultant for the Center on a report on children trafficked from China for labor, and was on its Advisory Board at its formation as the Immigrant Child Advocacy Project in 2004. Ms. Rio Reichmann served as the Chair of the Chicago Bar Association Young Lawyers Section, and for several years on its Executive Committee. She also served on the boards of the AIDS Legal Council, the Center for Conflict Resolution, Voices for Illinois Children's Charter for Children Steering Committee, and the District 181 School Board. She held prior appointments on several Cook County justice systems committees, including the Child Protection Division Advisory Workgroup and the Family Violence Coordinating Council.

Ms. Rio Reichmann developed the concept for the legal needs assessment project, and worked as the consultant to the CHRC to implement the project. During the 2012-13 bar year, she served as an advisor to the Chicago Bar Association's efforts to conduct outreach and training on human trafficking issues.

Catherine Lee, M.A., has been the Graduate Assistant for the Center for the Human Rights of Children at Loyola University of Chicago since 2010. She received her undergraduate degree in Psychology from Cornell University in 2008. Subsequently, she worked as a research assistant in the Department of Psychiatry at the Cleveland Clinic, involved primarily with research focusing on children and adolescents with psychosis. Catherine is currently a third-year doctoral candidate in the Clinical Psychology program here at Loyola, and recently completed her Master's Thesis.

Catherine has traveled to Beijing, China, to study Mandarin Chinese and Traditional Chinese Medicine. Her time abroad piqued her interest in children's access to healthcare, both domestically and internationally. Catherine's commitment to the issues of human rights stems from her desire to improve the quality of life of children and adolescents through research, clinical practice and implementation of social policy. She believes that a human rights perspective is crucial to better understanding psychology's real-world implications and social applications.

Karina Ayala-Bermejo, JD, Executive Vice President of Human Resources and General Counsel, Metropolitan Family Services; Vice President, National Hispanic Bar Association

Howard Davidson, JD, Director, Center on Children and the Law, American Bar Association

Diane Geraghty, JD, Director, Civitas ChildLaw Center, Loyola University Chicago

Bob Glaves, JD, Executive Director, Chicago Bar Foundation

Arthur S. Gold, JD, Co-Founder, Human Rights Committee, Chicago Bar Association

Jennifer S. Greene, Policy Advisor, Violence Against Women, Cook County State's Attorney's Office

Lorna Grenadier, MA, (retired) Victim-Witness Expert Consultant, Human Trafficking Unit, Department of Justice

Kelly Heinrich, JD, President, Global Freedom Center

Elizabeth Hopper, PhD, Program Director, Project REACH, The Trauma Center at Justice Resource Institute

Marie Martinez, MSW, Section Chief and Victim Witness Coordinator, Immigration and Customs Enforcement, Department of Homeland Security

Meryl Paniak, JD, Associate Deputy Director, Department of Child and Family Services

Suzanne Tomatore, JD, Director, Immigrant Women and Children Project, New York City Bar Association; Co-Chair, Freedom Network USA

LEGAL SERVICES ASSESSMENT FOR CHILD TRAFFICKING SURVIVORS – COOK COUNTY

We are gathering information on children currently in Cook County who have been trafficked. We ask that you respond to the survey even if you are unsure as to whether you have child clients who have been trafficked, but indicate the reason for your uncertainty in the survey in the “Comments” section toward the end of the survey. To help you identify which of your clients are relevant to this survey, the following definitions should be used:

Child / Minor: Any person, male or female, US citizen or non-US citizen, who was under the age of 18 at the time of the trafficking and/or at first contact with your organization.

Cook County: Any child currently living in Cook County, or any child who was trafficked in Cook County.

Trafficking: Trafficking is the recruitment, harboring, transportation, provision or obtaining of a child for labor or services through the use of force, fraud or coercion, or for any commercial sex act, regardless of whether force, fraud or coercion was involved. This encompasses any and all types of trafficking including that for commercial sex, labor, domestic service, debt bondage, or any involuntary servitude. For example, victims identified in Illinois have included, among others:

- Girls from India, Bangladesh, and West Africa brought to Chicago suburbs to work as domestic servants
- Young boys from Central America brought to Chicago to be sexually exploited
- Eastern European students and young girls forced to dance in strip clubs
- Teenagers from China sold into debt bondage and forced to work off their debts in restaurants in Chicago and the Midwest
- Thousands of US citizen runaway and homeless youth engaged in the sex trade.

CONSENT TO PARTICIPATE IN RESEARCH

Please read the statement below and select either “I accept” or “I decline”. You can begin the survey and save it if you need to return later.

I accept

I decline

Project Title:

Legal Services Assessment for Child Trafficking Survivors

Researcher(s):

Katherine Kaufka Walts, Director, Center for the Human Rights of Children, Loyola University Chicago

Linda Rio Reichmann, Consultant, Center for the Human Rights of Children, Loyola University Chicago

Samantha Thoma, law student, Loyola University Chicago School of Law

Catherine Lee, Graduate Assistant, Center for the Human Rights of Children, Loyola University Chicago

Introduction:

You are being asked to take part in a research study being conducted by Katherine Kaufka Walts, the Director of the Center for the Human Rights of Children, at Loyola University of Chicago. Students and consultants are also involved in this research study. You are being asked to respond to the research survey because you or your organization are involved in serving children in some capacity, and may have knowledge relevant to the goals of the research study. Approximately 175 persons are being asked to complete this survey. Please read this form carefully and ask any questions you may have before deciding whether to participate in the study.

Purpose:

The purpose of this study is to provide valuable information on the legal needs of child trafficking survivors in Cook County, and how legal needs may intersect with social service and other

needs. The research results will inform recommendations for a comprehensive legal services plan in Cook County, and be shared nationally for use in other jurisdictions. A written report will be issued in the fall of 2012. You will have an opportunity at the end of the survey to request a copy of the final report.

Procedures:

If you agree to be in the study, you will be asked to:

- Identify your affiliated organization.
- Complete an electronic survey of approximately 70 questions, using an internet survey tool called Opinio, selected by Loyola for its rigorous security features. It is estimated that completing the survey will require approximately 25-45 minutes.
- Potentially participate in a follow-up telephone call, to clarify or expand on their survey responses. Participants will be asked to consent to this portion at the end of the survey, before follow-up calls are made.

Risks/Benefits:

There are no foreseeable risks involved in participating in this research beyond those experienced in everyday life. There are no direct benefits to you from participation. However, your participation will advance the knowledge of legal services for child trafficking survivors, some of whom may be your clients, and possibly improve the availability of such services and your ability to refer your clients to them.

Confidentiality:

- Confidentiality will be maintained to the degree permitted by the technology used. Your participation in this online survey involves risks similar to a person's everyday use of the Internet. All information provided by survey participants will be considered for disclosure by the researchers in the focus groups, final report, and any associated project presentations. To this end, responses will be linked to specified organizations, but not to individual participants.
- No confidential, private, or identifying client information is being requested, nor should it be provided by participants, in response to the survey questions. No names, contact, or other specific information about your current or former clients should be provided. Responses should be limited to aggregate data, numbers, and categorical information, or characteristics that cannot be used to identify an individual person. Requested personal contact information will be used solely for further project participation, and will not be included in any publications or presentations.
- Data will be kept on a password-protected network drive to which only the researchers and the Office of Institutional Research have access.
- Researchers will make every effort not to disclose any inadvertently received confidential, private, identifying, or derogatory information beyond those persons working directly with Loyola University on this research study, and will delete any such information upon realizing it is of a confidential, private, identifying, or derogatory nature.
- At the conclusion of the study, participant information and responses will be kept in a locked file cabinet / password-protected network folder at the CHRC, until one year past publication. Consent forms will be kept for three years. When disposed of, raw data will be shredded.

Voluntary Participation:

Participation in this study is completely voluntary. If you do not want to be in this study, you do not have to participate. Even if you decide to participate, you are free not to answer any question or to withdraw from participation at any time without penalty.

Contacts and Questions:

If you have questions about this consent form or this research study, please feel free to contact Katherine Kaufka Walts at 312-915-6351 or kkaufkawalts@luc.edu. If you have any substantive questions about the survey questions or intent of the questions, please feel free to contact Linda Rio Reichmann at lindarr@comcast.net.

If you have questions about your rights as a research participant, you may contact the Loyola University Office of Research Services at (773) 508-2689.

Statement of Consent:

Selecting "I accept" and completing this survey indicate that you have read the information provided above, have had an opportunity to ask questions, and consent to participate in this research study. You may print a copy of this page to keep for your records.

Comments:

SURVEY

I. ORGANIZATIONAL INFORMATION

1. Name of Organization

2. Website

3. Telephone

4. Mailing Address

II. CHILD TRAFFICKING

As a reminder, to help you identify which of your clients are relevant to this survey, the following definitions should be used:

Child / Minor: Any person, male or female, US citizen or non-US citizen, who was under the age of 18 at the time of the trafficking and/or at first contact with your organization.

Cook County: Any child currently living in Cook County, or any child who was trafficked in Cook County.

Trafficking: Trafficking is the recruitment, harboring, transportation, provision or obtaining of a child for labor or services through the use of force, fraud or coercion, or for any commercial sex act, regardless of whether force, fraud or coercion was involved. This encompasses any and all types of trafficking including that for commercial sex, labor, domestic service, debt bondage, or any involuntary servitude. For example, victims identified in Illinois have included, among others:

- Girls from India, Bangladesh, and West Africa brought to Chicago suburbs to work as domestic servants

- Young boys from Central America brought to Chicago to be sexually exploited
- Eastern European students and young girls forced to dance in strip clubs
- Teenagers from China sold into debt bondage and forced to work off their debts in restaurants in Chicago and the Midwest
- Thousands of US citizen runaway and homeless youth engaged in the sex trade.

Does your organization provide any services to trafficked children?

[Please note that this question does not imply that your organization provides dedicated services to this population, but at a minimum, provides services to trafficked children in any capacity.]

_____ Yes

_____ No

*[If Yes, proceed to the following section.
If No, proceed to Perceived Legal Needs section]*

III. DEMOGRAPHICS

In this section, please feel free to provide accurate estimates where actual data is unavailable (**make a note in parentheses when any estimate is used**), and to leave blank any questions for which you do not have an accurate response. DO NOT provide any identifying or private information that could be used to identify a specific child.

5. How many trafficked children have been served by your organization within the last 5 years?
6. How long has this organization been providing services to trafficked children? [Circle one]
 - Less than 12 months
 - 1-3 years
 - 3-5 years
 - Over 5 years
7. At intake, what is the age of the **youngest** minor trafficking victim that has been served by your organization?
8. At intake, what is the age of the **oldest** minor trafficking victim that has been served by your organization?
9. If this information is readily available, what is the age distribution of trafficked children that have been served by your organization?
 - % Ages 0-8: _____
 - % Ages 9-11: _____
 - % Ages 12-14: _____
 - % Ages 15-17: _____
10. What is the gender percentage breakdown of trafficking victims that have been served by your organization?
 - % Male: _____
 - % Female: _____
11. What percentage of trafficked children served by your organization are:
 - % United States Citizens: _____
 - % Immigrants without a visa or residency status: _____
 - % Immigrants with a visa or residency status: _____
 - % Other types of visas / forms of immigration relief: _____

12. What percentage of the trafficked youth served by your organization are:

- United States Citizens
- % Caucasian: _____
 - % African American: _____
 - % Hispanic/Latin American: _____
 - % Asian: _____
 - % Native American: _____
 - % Other: _____

- Non-US Citizens
- % Eastern European: _____
 - % African: _____
 - % Hispanic/Latino: _____
 - % Asian: _____
 - % Other: _____

13. What is the percentage breakdown of primary language spoken by trafficked children served by your organization?

- % English: _____
- % Non-English: _____

If non-English, please specify the languages, with percentage distributions, below.

14. How did they arrive in Cook County?

15. Where do they reside now?

- % Metropolitan Chicago: _____
- % Suburban Cook County: _____
- % Outside of Cook County: _____

16. **At intake**, What percentage of trafficked children served by your organization are in the custody of:

- % A parent? _____
- % A private legal guardian? _____
- % A government legal guardian? _____
- % Other Adult? _____
- % No Adult? _____
- % Homeless? _____
- % Other? _____

If Other, please specify:

17. At intake, do they attend school?

- % Yes: _____
- % No: _____

18. Do they have special needs (e.g., learning disabilities, psychological disorders, or physical disabilities)?

- % Yes: _____
- % No: _____

If so, what kind?

19. What percentage of trafficked children served by your organization were trafficked for:

- % Sex only (i.e., prostitution, exchange of sexual services for anything of value)? _____
- % Labor or service only (i.e., domestic servitude, begging, debt bondage, factory, nanny, agriculture, performance, etc.)? _____
- % Both? _____

20. How long had they been trafficked?

- % Less than 6 months: _____
- % 6-12 months: _____
- % 1-3 years: _____
- % Over 3 years: _____

21. By whom?

- % Parents: _____
- % Family member: _____
- % Acquaintance: _____
- % Criminal network: _____
- % Gang member: _____
- % Recruiting Agency: _____
- % Employer: _____
- % Other: _____

If Other, please specify.

IV. POINT OF CONTACT

22. How do the trafficked children come to your organization?

23. Are they referred by a person or other organization?

- _____ Yes
- _____ No

If yes, what organizations?

24. Did the children receive services elsewhere before coming to your organization? If yes, please circle all that apply.

- No
- Mental Health Services
- Social Services
- Housing
- Victim Assistance
- Medical Services
- Legal Services
- Other _____

Please elaborate on your selections/response above.

- Hot-line emergency assistance
- Parenting
- Immigration
- Legal
- Other _____

25. What are their immediate needs?

[If participant clicks "Legal," they will proceed to the next section. If the participant does NOT click "Legal," they will proceed to #40.]

IV. LEGAL SERVICES

26. What department/person first speaks with them?

30. How long have you been providing legal services to trafficked children?

31. How many trafficked children have been provided legal services within that time?

27. Does your intake process include questions specific to trafficking?

- _____ Yes
 _____ No

32. Does your organization provide any of the following legal services for **Criminal Justice issues** (youth victim or perpetrator)? Please circle all that apply.

- Victim-witness advocacy
- Victim impact statements
- Know Your Rights
- Coordinate Interviews with Law Enforcement and/or Advocacy during interviews
- Accessing victim-witness emergency funds
- Referrals to other service providers
- Protective orders
- Client safety / witness protection
- Other _____

28. For how long are services provided by your organization, per child?

- % 0-6 months: _____
 % 6-12 months: _____
 % 12-18 months: _____
 % Over 18 months: _____

III. TYPES OF SERVICES

29. Does your organization provide any of the following services to trafficked children? Please circle all that apply.

- Housing
- Government assistance
- Medical care
- Mental health treatment and counseling
- Substance abuse treatment
- Job assistance
- School, GED, and English as a Second Language (ESL) assistance
- Family reunification
- Transportation assistance

33. Does your organization provide any of the following legal services for **Immigration issues**? Please circle all that apply.

- Advocate for Continued Presence (non-US citizens)
- Request letter of eligibility (non-US citizens)
- File for appropriate relief: T visa, U visa, Special Immigrant Juvenile (SIJ) status, Violence Against Women Act (VAWA), asylum (principal/victim and derivatives)
- Facilitate access to public benefits
- Advocacy for placement: Unaccompanied Refugee Minors (URM), state Child Protective Services, family reunification

- Education Advocacy (see question regarding “Education” services)
- Accessing birth certificate / government-issued ID
- Detained youth advocacy
- Know Your Rights
- Other _____

34. Does your organization provide any of the following legal services for Labor issues? Please circle all that apply.

- Wage / hour dispute
- Equal Employment Opportunity Commission claims
- Know Your Rights
- Other _____

35. Does your organization provide any of the following legal services for Civil issues? Please circle all that apply.

- Private civil claims (i.e., tort)
- Assistance accessing restitution orders
- Protective orders
- Racketeer Influenced and Corrupt Organizations Act (RICO)
- Other _____

36. Does your organization provide any of the following legal services for Child Welfare issues? Please circle all that apply.

- Accessing government benefits
- Dependency
- Long-term foster care
- Ensuring appropriate placements
- Other _____

37. Does your organization provide any of the following legal services for Family issues? Please circle all that apply.

- Child Custody (for victims with children)
- Family reunification
- Protective orders
- Private guardianship
- Other _____

38. Does your organization provide any of the following legal services for Education issues? Please circle all that apply.

- Access to mainstream education (for homeless children and/or children without legal documents)
- Children with disabilities (i.e., Individualized Education Programs (IEPs))
- Truancy issues

- Suspension and discipline
- Obtaining supporting evidence from schools
- Other _____

39. Does your organization provide any of the following Other legal services? Please circle all that apply.

- Emancipation
- Identification documents and/or establishing age
- Accessing life skills and/or job training programs/ courses
- Driver’s license
- Work Permit authorization
- Other _____

[If participants answer NO to providing legal services to trafficked children, they will skip to this section.]

V. SERVICES FOR CHILD TRAFFICKING SURVIVORS

40. Does your organization have a dedicated team and/or staff member serving trafficking victims?

_____ Yes
 _____ No

41. Does your organization use volunteers to serve trafficked children? [Yes/No]

_____ Yes
 _____ No

[If Yes, continue. If No, skip to next question.]

42. Who do these volunteers include? Circle all that apply.

- Lawyers
- Social workers
- Medical providers
- Mental health providers
- Students/Interns
- Other _____

VI. RESOURCES

43. Where does your organization receive its funding to provide direct services? Circle all that apply.

- Private sources
- Federal funding

- State funding
- Local government funding
- Foundation funding
- In-kind donated services

44. If this information is readily available, what is the distribution of sources of funding to provide direct services?

- % Private sources: _____
- % Federal: _____
- % State: _____
- % Local: _____
- % Foundation funding: _____
- % In-kind donated services: _____

VII. PERCEIVED LEGAL NEEDS: CRIMINAL JUSTICE

45. Which of the following legal services related to Criminal Justice do you believe are needed by child trafficking survivors (victim or perpetrator) encountered or served by your organization? Please circle all that apply.

- Victim-witness advocacy
- Victim impact statements
- Know Your Rights
- Coordinate Interviews with Law Enforcement and/or Advocacy during interviews
- Accessing victim-witness emergency funds
- Referrals to other service providers
- Protective orders
- Client safety / witness protection
- Other _____

[If participant selects any options above, continue onto #46. If not, skip to #47.]

46. Please rate the extent to which you believe these Criminal Justice needs are met (in general).

Need not met at all 1 2 3 4 5 Need fully met N/A

Please comment on why you believe the children have these particular needs and any other comments regarding these needs.

VIII. PERCEIVED LEGAL NEEDS: IMMIGRATION

47. Which of the following legal services related to Immigration do you believe are needed by child trafficking survivors (victim or perpetrator) encountered or served by your organization? Please circle all that apply.

- Advocate for Continued Presence (non-US citizens)
- Request letter of eligibility (non-US citizens)
- File for appropriate relief: T visa, U visa, Special Immigrant Juvenile (SIJ) status, Violence Against Women Act (VAWA), asylum (principal/victim and derivatives)
- Facilitate access to public benefits
- Advocacy for placement: Unaccompanied Refugee Minors (URM), state Child Protective Services, family reunification
- Education Advocacy (see question regarding "Education" services)
- Accessing birth certificate / government-issued ID
- Detained youth advocacy
- Know Your Rights
- Other _____

[If participant selects any options above, continue onto #48. If not, skip to #49.]

48. Please rate the extent to which you believe these Immigration needs are met (in general).

Need not met at all 1 2 3 4 5 Need fully met N/A

Please comment on why you believe the children have these particular needs and any other comments regarding these needs.

IX. PERCEIVED LEGAL NEEDS: LABOR

49. Which of the following legal services related to Labor do you believe are needed by child trafficking survivors (victim or perpetrator) encountered or served by your organization? Please circle all that apply.

- Wage / hour dispute
- Equal Employment Opportunity Commission claims
- Know Your Rights
- Other _____

[If participant selects any options above, continue onto #50. If not, skip to #51.]

50. Please rate the extent to which you believe these Labor needs are met (in general).

Need not met at all 1 2 3 4 5 Need fully met N/A

Please comment on why you believe the children have these particular needs and any other comments regarding these needs.

X. PERCEIVED LEGAL NEEDS: CIVIL CASES

51. Which of the following legal services related to Civil issues do you believe are needed by child trafficking survivors (victim or perpetrator) encountered or served by your organization? Please circle all that apply.

- Private civil claims (i.e., tort)
- Assistance accessing restitution orders
- Protective orders
- Racketeer Influenced and Corrupt Organizations Act (RICO)
- Other _____

[If participant selects any options above, continue onto #52. If not, skip to #53.]

52. Please rate the extent to which you believe these Civil needs are met (in general).

Need not met at all 1 2 3 4 5 Need fully met N/A

Please comment on why you believe the children have these particular needs and any other comments regarding these needs.

XI. PERCEIVED LEGAL NEEDS: CHILD WELFARE

53. Which of the following legal services related to Child Welfare do you believe are needed by child trafficking survivors (victim or perpetrator) encountered or served by your organization? Please circle all that apply.

- Accessing government benefits
- Dependency
- Long-term foster care
- Ensuring appropriate placements
- Other _____

[If participant selects any options above, continue onto #54. If not, skip to #55.]

54. Please rate the extent to which you believe these Child Welfare needs are met (in general).

Need not met at all 1 2 3 4 5 Need fully met N/A

Please comment on why you believe the children have these particular needs and any other comments regarding these needs.

XII. PERCEIVED LEGAL NEEDS: FAMILY

55. Which of the following legal services related to Family do you believe are needed by child trafficking survivors (victim or perpetrator) encountered or served by your organization? Please circle all that apply.

- Child Custody (for victims with children)
- Family reunification
- Protective orders
- Private guardianship
- Other _____

[If participant selects any options above, continue onto #56. If not, skip to #57.]

56. Please rate the extent to which you believe these Family needs are met (in general).

Need not met at all 1 2 3 4 5 Need fully met N/A

Please comment on why you believe the children have these particular needs and any other comments regarding these needs.

XIII. PERCEIVED LEGAL NEEDS: EDUCATION

57. Which of the following legal services related to Education do you believe are needed by child trafficking survivors (victim or perpetrator) encountered or served by your organization? Please circle all that apply.

- Access to mainstream education (for homeless children and/or children without legal documents)
- Children with disabilities (i.e., Individualized Education Programs (IEPs))
- Truancy issues
- Suspension and discipline
- Obtaining supporting evidence from schools
- Other _____

[If participant selects any options above, continue onto #58. If not, skip to #59.]

58. Please rate the extent to which you believe these Education legal needs are met (in general).

Need not met at all 1 2 3 4 5 Need fully met N/A

Please comment on why you believe the children have these particular needs and any other comments regarding these needs.

XIV. PERCEIVED LEGAL NEEDS: OTHER

59. Which of the following Other legal services do you believe are needed by child trafficking survivors (victim or perpetrator) encountered or served by your organization? Please circle all that apply.

- Emancipation
- Identification documents and/or establishing age
- Accessing life skills and/or job training programs/ courses
- Driver's license
- Work Permit authorization
- Other _____

[If participant selects any options above, continue onto #60. If not, skip to #61.]

60. Please rate the extent to which you believe these Other legal needs are met (in general).

Need not met at all 1 2 3 4 5 Need fully met N/A

Please comment on why you believe the children have these particular needs and any other comments regarding these needs.

XV. CAPACITY TO MEET NEEDS

61. Are you able to meet the legal needs referenced in the previous questions?

- Yes, solely within the organization.
- Yes, but in partnership with other organizations.
- No.

Please elaborate.

62. Which of the following entities should legal service providers work with when serving trafficked children?

[Please circle all that apply.]

- Local, state or federal law enforcement
- Other local, state or government public agencies
- Victim service providers
- Nonprofit organizations
- Faith-based organizations
- Other _____

Please identify collaborator organizations.

63. Have you been able to refer the children for legal assistance?

- _____ Yes
- _____ No

If Yes, where? If No, what were the consequences?

64. Do the children receive concurrent services elsewhere?

- _____ Yes
- _____ No

65. Are other jurisdictions ever involved?

- _____ Yes
- _____ No

If Yes, please explain.

XVI. VALUE OF LEGAL SERVICES

66. How important do you think access to legal services is to positive outcomes for your clients?

Need not met at all 1 2 3 4 5 Need fully met N/A
Please explain.

67. Under what circumstances does access to legal services impact your ability to either provide or refer your client to appropriate social services?

68. What types of legal assistance would you like to have available?

69. Please comment on other legal services "gaps" or other needs you see in this area.

[If participants answered YES to providing legal services to trafficked children, they will skip the following section.]

XVII. INTEREST IN PROVIDING LEGAL ASSISTANCE

70. Is your organization interested in providing legal services to trafficked children?

- _____ Yes
 _____ No

[If Yes, continue onto next section. If No, skip to #79.]

XVIII. CAPACITY: TYPES OF SERVICES

71. What legal services for Criminal Justice issues (youth victim or perpetrator) might your organization be willing to provide to trafficked children? Please circle all that apply.

- Victim-witness advocacy
- Victim impact statements
- Know Your Rights
- Coordinate Interviews with Law Enforcement and/or Advocacy during interviews
- Accessing victim-witness emergency funds
- Referrals to other service providers
- Protective orders
- Client safety / witness protection
- Other _____

72. What legal services for Immigration issues might your organization be willing to provide to trafficked children? Please circle all that apply.

- Advocate for Continued Presence (non-US citizens)
- Request letter of eligibility (non-US citizens)
- File for appropriate relief: T visa, U visa, Special Immigrant Juvenile (SIJ) status, Violence Against Women Act (VAWA), asylum (principal/victim and derivatives)
- Facilitate access to public benefits
- Advocacy for placement: Unaccompanied Refugee Minors (URM), state Child Protective Services, family reunification
- Education Advocacy (see question regarding "Education" services)
- Accessing birth certificate / government-issued ID
- Detained youth advocacy
- Know Your Rights
- Other _____

73. What legal services for Labor issues might your organization be willing to provide to trafficked children? Please circle all that apply.

- Wage / hour dispute
- Equal Employment Opportunity Commission claims
- Know Your Rights
- Other _____

74. What legal services for Civil issues might your organization be willing to provide to trafficked children? Please circle all that apply.

- Private civil claims (i.e., tort)
- Assistance accessing restitution orders
- Protective orders
- Racketeer Influenced and Corrupt Organizations Act (RICO)
- Other _____

75. What legal services for Child Welfare issues might your organization be willing to provide to trafficked children? Please circle all that apply.

- Accessing government benefits
- Dependency
- Long-term foster care
- Ensuring appropriate placements
- Other _____

76. What legal services for Family issues might your organization be willing to provide to trafficked children? Please circle all that apply.

- Child Custody (for victims with children)
- Family reunification
- Protective orders
- Private guardianship
- Other _____

77. What legal services for Education issues might your organization be willing to provide to trafficked children? Please circle all that apply.

- Access to mainstream education (for homeless children and/or children without legal documents)
- Children with disabilities (i.e., Individualized Education Programs (IEPs))
- Truancy issues
- Suspension and discipline
- Obtaining supporting evidence from schools
- Other _____

78. What Other legal services might your organization be willing to provide to trafficked children? Please circle all that apply.

- Emancipation
- Identification documents and/or establishing age
- Accessing life skills and/or job training programs/ courses
- Driver's license
- Work Permit authorization
- Other _____

XIX. LIMITATIONS

79. What is currently preventing or might prevent your organization from providing these particular services to trafficked children? Please circle all that apply.

- Lack of resources
- Lack of sufficient utilization
- Lack of expertise
- Other _____

[All participants will answer all remaining questions]

XX. SUGGESTIONS FOR OTHERS TO SURVEY

80. Do you have suggestions of other organizations or persons we should contact that service trafficked children in Cook County?

- _____ Yes
- _____ No

If Yes, please provide the name of the organization and a contact person's name, telephone and e-mail address.

XXI. COMMENTS

81. Is there anything else you feel would be helpful for us to know that was not captured in the survey questions?

82. May we contact you for a brief follow-up interview?

- _____ Yes
- _____ No

XXII. PREFERRED CONTACT INFORMATION

83. Preferred method of contact (please include your preferred contact information in the space provided):

- _____ E-Mail
- _____ Telephone

CONSENT TO PARTICIPATE IN RESEARCH

Please read the statement below and select either "I accept" or "I decline". You can begin the survey and save it if you need to return later.

I accept

I decline

XXIII. PARTICIPANT INFORMATION

84. Name

85. Title / Position

86. Professional Degree / Credentials

87. E-mail Address

88. Phone

89. Mailing Address

XIV. THANK YOU SECTION

90. We greatly appreciate that you took the time to complete this survey. If you would like a copy of the Report that will include the results of this survey, please check here.

_____ Yes, I would like a copy
of the Final Report

Project Title:

Legal Services Assessment for Child Trafficking Survivors

Researcher(s):

Katherine Kaufka Walts, Director, Center for the Human Rights of Children, Loyola University Chicago
Linda Rio Reichmann, Consultant, Center for the Human Rights of Children, Loyola University Chicago
Samantha Thoma, law student, Loyola University Chicago School of Law
Catherine Lee, Graduate Assistant, Center for the Human Rights of Children, Loyola University Chicago

Introduction:

You are being asked to take part in a research study being conducted by Katherine Kaufka Walts, the Director of the Center for the Human Rights of Children, at Loyola University of Chicago. Students and consultants are also involved in this research study. You are being asked to respond to the research survey because you or your organization are involved in serving children in some capacity, and may have knowledge relevant to the goals of the research study. Approximately 30 persons are being asked to complete this survey. Please read this form carefully and ask any

questions you may have before deciding whether to participate in the study.

Purpose:

The purpose of this study is to provide valuable information on the legal needs of child trafficking survivors in Cook County, and how legal needs may intersect with social service and other needs. The research results will inform recommendations for a comprehensive legal services plan in Cook County, and be shared nationally for use in other jurisdictions. A written report will be issued in the fall of 2012. You will have an opportunity at the end of the survey to request a copy of the final report.

Procedures:

If you agree to be in the study, you will be asked to:

- Identify your affiliated organization.
- Complete an electronic survey of approximately 70 questions, using an internet survey tool called Opinio, selected by Loyola for its rigorous security features. It is estimated that completing the survey will require approximately 20-40 minutes.
- Potentially participate in a follow-up telephone call, to clarify or expand on their survey responses. Participants will be asked to consent to this portion at the end of the survey, before follow-up calls are made.

Risks/Benefits:

There are no foreseeable risks involved in participating in this research beyond those experienced in everyday life. There are no direct benefits to you from participation. However, your participation will advance the knowledge of legal services for child trafficking survivors, some of whom may be your clients, and possibly improve the availability of such services and your ability to refer your clients to them.

Confidentiality:

- Confidentiality will be maintained to the degree permitted by the technology used. Your participation in this online survey involves risks similar to a person's everyday use of the Internet. All information provided by survey participants will be considered for disclosure by the researchers in the focus groups, final report, and any associated project presentations. To this end, responses will be linked to specified organizations, but not to individual participants.
- No confidential, private, or identifying client information is being requested, nor should it be provided by participants, in response to the survey questions. No names, contact,

or other specific information about your current or former clients should be provided. Responses should be limited to aggregate data, numbers, and categorical information, or characteristics that cannot be used to identify an individual person. Requested personal contact information will be used solely for further project participation, and will not be included in any publications or presentations.

- Data will be kept on a password-protected network drive to which only the researchers and the Office of Institutional Research have access.
- Researchers will make every effort not to disclose any inadvertently received confidential, private, identifying, or derogatory information beyond those persons working directly with Loyola University on this research study, and will delete any such information upon realizing it is of a confidential, private, identifying, or derogatory nature.
- At the conclusion of the study, participant information and responses will be kept in a locked file cabinet / password-protected network folder at the CHRC, until one year past publication. Consent forms will be kept for three years. When disposed of, raw data will be shredded.

Voluntary Participation:

Participation in this study is completely voluntary. If you do not want to be in this study, you do not have to participate. Even if you decide to participate, you are free not to answer any question or to withdraw from participation at any time without penalty.

Contacts and Questions:

If you have questions about this consent form or this research study, please feel free to contact Katherine Kaufka Walts at 312-915-6351 or kkaufkawalts@luc.edu. If you have any substantive questions about the survey questions or intent of the questions, please feel free to contact Samantha Thoma at samthoma24@gmail.com or Linda Rio Reichmann at lindarr@comcast.net.

If you have questions about your rights as a research participant, you may contact the Loyola University Office of Research Services at (773) 508-2689.

Statement of Consent:

Selecting "I accept" and completing this survey indicate that you have read the information provided above, have had an opportunity to ask questions, and consent to participate in this research study. You may print a copy of this page to keep for your records.

Comments:

LEGAL SERVICES ASSESSMENT FOR CHILD TRAFFICKING SURVIVORS – NON-COOK COUNTY

I. ORGANIZATIONAL INFORMATION

[This section is mandatory, in order to move on to the rest of the survey]

1. Name of Organization

2. Website

3. Telephone

4. Mailing Address

5. Is your organization part of, or housed within, a larger organization?

_____ Yes

_____ No

[If Yes, proceed to next section and include all questions about umbrella organization. If No, skip to #11]

9. Mailing Address

II. UMBRELLA ORGANIZATION

6. Name of Umbrella Organization

7. Website

8. Telephone

III. ORGANIZATION STAFFING

10. Number of staff at umbrella organization

11. Number of staff involved in legal services program

12. Number of staff involved in legal services program serving trafficked children

- Overall _____
- Attorneys _____
- Social workers _____
- Administrative _____
- Other _____

13. How many years has **the umbrella organization** been in existence?

14. How many years has the **legal services program** been in existence? (You will be asked later about the length of your services for child trafficking survivors.)

15. Who is the best person at your organization to contact with general questions regarding the organization’s legal services?

- a. Name: _____
- b. Title: _____
- c. Telephone: _____
- d. E-mail: _____
- e. Mailing Address: _____

IV. PROGRAM DEVELOPMENT

The following questions relate specifically to your child trafficking legal services.

16. What were the first actions taken to start the organization / services?

17. How long did these actions take?

18. What other models and standards did you utilize to get started?

V. CHILD CLIENT DEMOGRAPHICS

In this section, please feel free to provide accurate estimates where actual data is unavailable (**make a note in parentheses when any estimate is used**), and to leave blank any questions for which you do not have an accurate response. DO NOT provide any identifying or private information that could be used to identify a specific child.

19. How many trafficked children have been served by your organization within the last 5 years?

20. How long has this organization been providing services to trafficked children? [Multiple Choice]

- Less than 12 months
- 1-3 years
- 3-5 years
- Over 5 years

21. At intake, what is the age of the **youngest** minor trafficking victim that has been served by your organization?

22. At intake, what is the age of the oldest minor trafficking victim that has been served by your organization?

23. If this information is readily available, what is the age distribution of trafficked children that have been served by your organization?

- % Ages 0-8: _____
- % Ages 9-11: _____
- % Ages 12-14: _____
- % Ages 15-17: _____

24. What is the gender percentage breakdown of trafficking victims that have been served by your organization?

- % Male: _____
- % Female: _____

25. What percentage of trafficked children served by your organization are:
 % United States Citizens: _____
 % Immigrants without a visa or residency status: _____
 % Immigrants with a visa or residency status: _____
 % Other types of visas / forms of immigration relief: _____

26. What percentage of trafficked children served by your organization are:
 United States Citizens
 % Caucasian: _____
 % African American: _____
 % Hispanic/Latin American: _____
 % Asian: _____
 % Native American: _____
 % Other: _____
 Non-US Citizens
 % Eastern European: _____
 % African: _____
 % Hispanic/Latino: _____
 % Asian: _____
 % Other: _____

27. What is the percentage breakdown of primary language spoken by trafficked children served by your organization? [If non-English, please specify the languages, with percentage distributions, within the text box provided]
 % English: _____
 % Non-English: _____

28. How did they arrive in Cook County?

29. Where do they reside **now**?
 % Metropolitan Chicago: _____
 % Suburban Cook County: _____
 % Outside of Cook County: _____

30. **At intake**, What percentage of trafficked children served by your organization are in the custody of [If Other, please use the text box to specify]:
 % A parent? _____
 % A private legal guardian? _____
 % A government legal guardian? _____
 % Other Adult? _____
 % No Adult? _____
 % Homeless? _____
 % Other? _____

31. **At intake**, do they attend school?
 % Yes: _____
 % No: _____

32. Do they have special needs (e.g., learning disabilities, psychological disorders, or physical disabilities)? If so, what kind? [Please use the text box to specify.]
 % Yes: _____
 % No: _____

33. What percentage of trafficked children served by your organization were trafficked for:
 % Sex only (i.e., prostitution, exchange of sexual services for anything of value)? _____
 % Labor or service only (i.e., domestic servitude, begging, debt bondage, factory, nanny, agriculture, performance, etc.)? _____
 % Both? _____

34. How long had they been trafficked?
 % Less than 6 months: _____
 % 6-12 months: _____
 % 1-3 years: _____
 % Over 3 years: _____

35. By whom? [If Other, please specify in the text box provided.]

- % Parents: _____
- % Family member: _____
- % Acquaintance: _____
- % Criminal network: _____
- % Gang member: _____
- % Recruiting Agency: _____
- % Employer: _____
- % Other: _____

VI. POINT OF CONTACT

36. How do the trafficked children come to your organization?

37. Are they referred by a person or other organization? If yes, what organizations? [Please enter your typed response in the text box provided.]

- _____ Yes
- _____ No

38. Did the children receive services elsewhere before coming to your organization? If yes, please check all that apply, and use the text box provided below to elaborate.

- No
- Mental Health Services
- Social Services
- Housing
- Victim Assistance
- Medical Services
- Legal Services
- Other _____

39. What are their immediate needs?

40. What department/person first speaks with them?

41. Does your intake process include questions specific to trafficking?

- _____ Yes
- _____ No

42. For how long are services provided by your organization, per child?

- % 0-6 months: _____
- % 6-12 months: _____
- % 12-18 months: _____
- % Over 18 months: _____

43. Does your organization use volunteers to serve trafficked children? [Yes/No]

- _____ Yes
- _____ No

[If Yes, continue. If No, skip to next question.]

44. Who do these volunteers include? Check all that apply.

- Lawyers
- Social workers
- Medical providers
- Mental health providers
- Students/Interns
- Other _____

VII. TYPES OF SERVICES

45. Does your organization provide any of the following legal services for **Criminal Justice** issues (youth victim or perpetrator)? Please check all that apply.

- Victim-witness advocacy
- Victim impact statements
- Know Your Rights
- Coordinate Interviews with Law Enforcement and/or Advocacy during interviews
- Accessing victim-witness emergency funds

- Referrals to other service providers
- Protective orders
- Client safety / witness protection
- Other _____

- Accessing government benefits
- Dependency
- Long-term foster care
- Ensuring appropriate placements
- Other _____

46. Does your organization provide any of the following legal services for **Immigration** issues? Please check all that apply.

- Advocate for Continued Presence (non-US citizens)
- Request letter of eligibility (non-US citizens)
- File for appropriate relief: T visa, U visa, Special
- Immigrant Juvenile (SIJ) status, Violence
- Against Women Act (VAWA), asylum (principal/victim and derivatives)
- Facilitate access to public benefits
- Advocacy for placement: Unaccompanied
- Refugee Minors (URM), state Child Protective
- Services, family reunification
- Education Advocacy (see question regarding "Education" services)
- Accessing birth certificate / government-issued ID
- Detained youth advocacy
- Know Your Rights
- Other _____

50. Does your organization provide any of the following legal services for **Family** issues? Please check all that apply.

- Child Custody (for victims with children)
- Family reunification
- Protective orders
- Private guardianship
- Other _____

51. Does your organization provide any of the following legal services for **Education** issues? Please check all that apply.

- Access to mainstream education (for homeless children and/or children without legal documents)
- Children with disabilities (i.e., Individualized Education Programs (IEPs))
- Truancy issues
- Suspension and discipline
- Obtaining supporting evidence from schools
- Other _____

47. Does your organization provide any of the following legal services for **Labor** issues? Please check all that apply.

- Wage / hour dispute
- Equal Employment Opportunity Commission claims
- Know Your Rights
- Other _____

52. Does your organization provide any of the following **Other** legal services? Please check all that apply.

- Emancipation
- Identification documents and/or establishing age
- Accessing life skills and/or job training programs/courses
- Driver's license
- Work Permit authorization
- Other _____

48. Does your organization provide any of the following legal services for **Civil** issues? Please check all that apply.

- Private civil claims (i.e., tort)
- Assistance accessing restitution orders
- Protective orders
- Racketeer Influenced and Corrupt Organizations Act (RICO)
- Other _____

VIII. PERCEIVED LEGAL NEEDS: CRIMINAL JUSTICE

53. Which of the following legal services related to **Criminal Justice** do you believe are needed by child trafficking survivors (victim or perpetrator) encountered or served by your organization? Please check all that apply.

- Victim-witness advocacy
- Victim impact statements

49. Does your organization provide any of the following legal services for **Child Welfare** issues? Please check all that apply.

- Know Your Rights
- Coordinate Interviews with Law Enforcement and/or Advocacy during interviews
- Accessing victim-witness emergency funds
- Referrals to other service providers
- Protective orders
- Client safety / witness protection
- Other _____

[If participant selects any options above, continue onto #54. If not, skip to #55.]

54. Please rate the extent to which you believe these **Criminal Justice** needs are met (in general). Use the text box below to comment on why you believe the children have these particular needs and any other comments regarding these needs.

Need not met at all 1 2 3 4 5 Need fully met N/A

IX. PERCEIVED LEGAL NEEDS: IMMIGRATION

55. Which of the following legal services related to **Immigration** do you believe are needed by child trafficking survivors (victim or perpetrator) encountered or served by your organization? Please check all that apply.

- Advocate for Continued Presence (non-US citizens)
- Request letter of eligibility (non-US citizens)
- File for appropriate relief: T visa, U visa, Special Immigrant Juvenile (SIJ) status, Violence Against Women Act (VAWA), asylum (principal/victim and derivatives)
- Facilitate access to public benefits
- Advocacy for placement: Unaccompanied Refugee Minors (URM), state Child Protective Services, family reunification
- Education Advocacy (see question regarding "Education" services)
- Accessing birth certificate / government-issued ID

- Detained youth advocacy
- Know Your Rights
- Other _____

[If participant selects any options above, continue onto #56. If not, skip to #57.]

56. Please rate the extent to which you believe these **Immigration** needs are met (in general). Use the text box below to comment on why you believe the children have these particular needs and any other comments regarding these needs.

Need not met at all 1 2 3 4 5 Need fully met N/A

X. PERCEIVED LEGAL NEEDS: LABOR

57. Which of the following legal services related to **Labor** do you believe are needed by child trafficking survivors (victim or perpetrator) encountered or served by your organization? Please check all that apply.

- Wage / hour dispute
- Equal Employment Opportunity Commission claims
- Know Your Rights
- Other _____

[If participant selects any options above, continue onto #58. If not, skip to #59.]

58. Please rate the extent to which you believe these Labor needs are met (in general). Use the text box below to comment on why you believe the children have these particular needs and any other comments regarding these needs.

Need not met at all 1 2 3 4 5 Need fully met N/A

XI. PERCEIVED LEGAL NEEDS: CIVIL CASES

59. Which of the following legal services related to **Civil** issues do you believe are needed by child trafficking survivors (victim or perpetrator) encountered or served by your organization? Please check all that apply.

- Private civil claims (i.e., tort)
- Assistance accessing restitution orders
- Protective orders
- Racketeer Influenced and Corrupt Organizations Act (RICO)
- Other _____

[If participant selects any options above, continue onto #60. If not, skip to #61.]

60. Please rate the extent to which you believe these Civil needs are met (in general). Use the text box below to comment on why you believe the children have these particular needs and any other comments regarding these needs.

Need not met at all 1 2 3 4 5 Need fully met N/A

XII. PERCEIVED LEGAL NEEDS: CHILD WELFARE

67 Which of the following legal services related to **Child Welfare** do you believe are needed by child trafficking survivors (victim or perpetrator) encountered or served by your organization? Please check all that apply.

- Accessing government benefits
- Dependency
- Long-term foster care
- Ensuring appropriate placements
- Other _____

[If participant selects any options above, continue onto #68. If not, skip to #69.]

68. Please rate the extent to which you believe these **Child Welfare** needs are met (in general). Use the text box below to comment on why you believe the children have these particular needs and any other comments regarding these needs.

Need not met at all 1 2 3 4 5 Need fully met N/A

XIII. PERCEIVED LEGAL NEEDS: FAMILY

69. Which of the following legal services related to **Family** do you believe are needed by child trafficking survivors (victim or perpetrator) encountered or served by your organization? Please check all that apply.

- Child Custody (for victims with children)
- Family reunification
- Protective orders
- Private guardianship
- Other _____

[If participant selects any options above, continue onto #70. If not, skip to #71.]

70. Please rate the extent to which you believe these **Family** needs are met (in general). Use the text box below to comment on why you believe the children have these particular needs and any other comments regarding these needs.

Need not met at all 1 2 3 4 5 Need fully met N/A

XIV. PERCEIVED LEGAL NEEDS: EDUCATION

71. Which of the following legal services related to **Education** do you believe are needed by child trafficking survivors (victim or perpetrator) encountered or served by your organization? Please check all that apply.

- Access to mainstream education (for homeless children and/or children without legal documents)
- Children with disabilities (i.e., Individualized Education Programs (IEPs))
- Truancy issues
- Suspension and discipline
- Obtaining supporting evidence from schools
- Other _____

[If participant selects any options above, continue onto #72. If not, skip to #73.]

72. Please rate the extent to which you believe these **Education** legal needs are met (in general). Use the text box below to comment on why you believe the children have these particular needs and any other comments regarding these needs.

Need not met at all 1 2 3 4 5 Need fully met N/A

XV. PERCEIVED LEGAL NEEDS: OTHER

73. Which of the following **Other** legal services do you believe are needed by child trafficking survivors (victim or perpetrator) encountered or served by your organization? Please check all that apply.

- Emancipation
- Identification documents and/or establishing age
- Accessing life skills and/or job training programs/courses
- Driver's license
- Work Permit authorization
- Other _____

[If participant selects any options above, continue onto #74. If not, skip to #75.]

74. Please rate the extent to which you believe these **Other** legal needs are met (in general). Use the text box below to comment on why you believe the children have these particular needs and any other comments regarding these needs.

Need not met at all 1 2 3 4 5 Need fully met N/A

XVI. SERVICE GAPS

75. Please comment on other legal service "gaps" or other needs that you see in this area.

XVII. OUTCOME ASSESSMENTS AND INTERNAL PROGRAM ANALYSIS

76. Have you conducted an outcomes assessment or other analysis of the effect of your legal services? If so, please use the text box below to elaborate on the assessment/analysis and the results.

- _____ Yes
- _____ No

77. How often do you follow up with clients after services are complete?

Never 1 2 3 4 5 Always

78. Briefly describe a few of your success stories

79. Why do you think your program has been effective?

80. What advice would you give to someone wanting to start a program to provide legal services to child trafficking survivors?

81. What obstacles have you faced and how did you overcome them?

XVIII. RESOURCES

82. Where does your organization receive its funding to provide direct legal services? Check all that apply.

- Private sources
- Federal funding
 - State funding
 - Local government funding
- Foundation funding
- In-kind donated services

83. Does your organization receive separate funding to provide services to trafficked children?

- _____ Yes
- _____ No

[If Yes, continue. If No, skip to next question.]

XIX. FUNDING TRAFFICKED CHILDREN

84. Where does your organization receive its funding to provide services to trafficked children?

- % Private sources: _____
- % Federal: _____
- % State: _____
- % Local: _____
- % Foundation funding: _____
- % In-kind donated services: _____

XX. COMMENTS

85. Is there anything else you feel would be helpful for us to know that was not captured in the survey questions?

86. May we contact you for a brief follow-up interview?

- _____ Yes
- _____ No

XXI. PREFERRED CONTACT INFORMATION

87. Preferred method of contact (please include your preferred contact information in the text box provided):

E-mail

Telephone

XXII. PARTICIPANT INFORMATION

88. Name

89. Title / Position

90. Professional Degree / Credentials

91. E-mail Address

92. Phone

93. Mailing Address

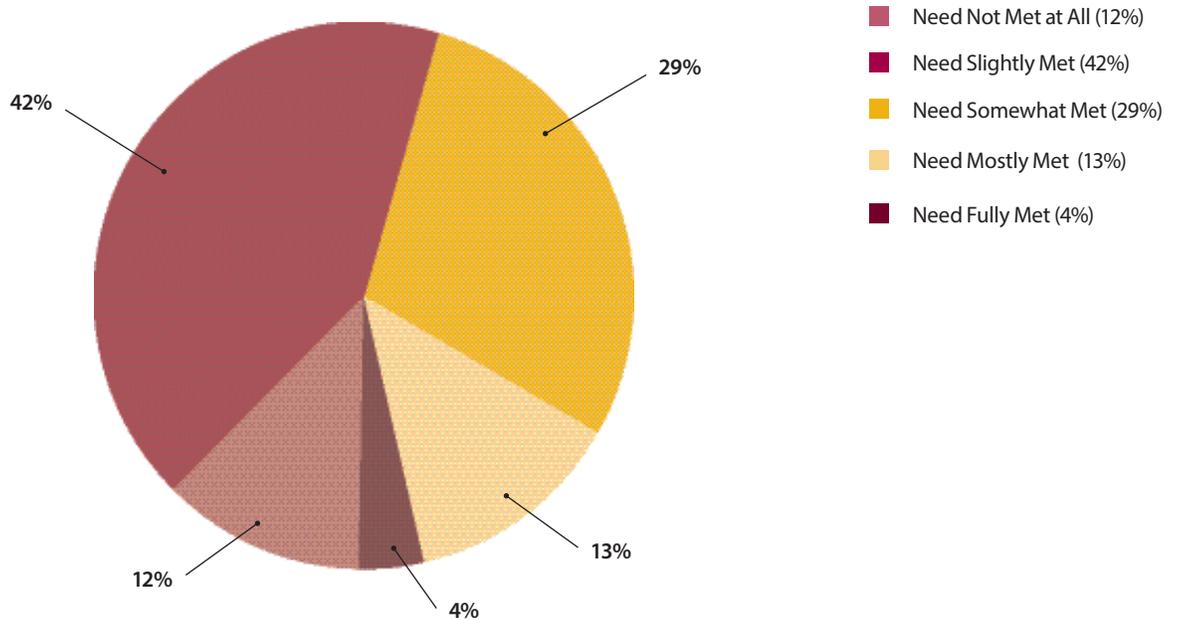
XXIII. THANK YOU SECTION

94. We greatly appreciate that you took the time to complete this survey. If you would like a copy of the Report that will include the results of this survey, please check here.

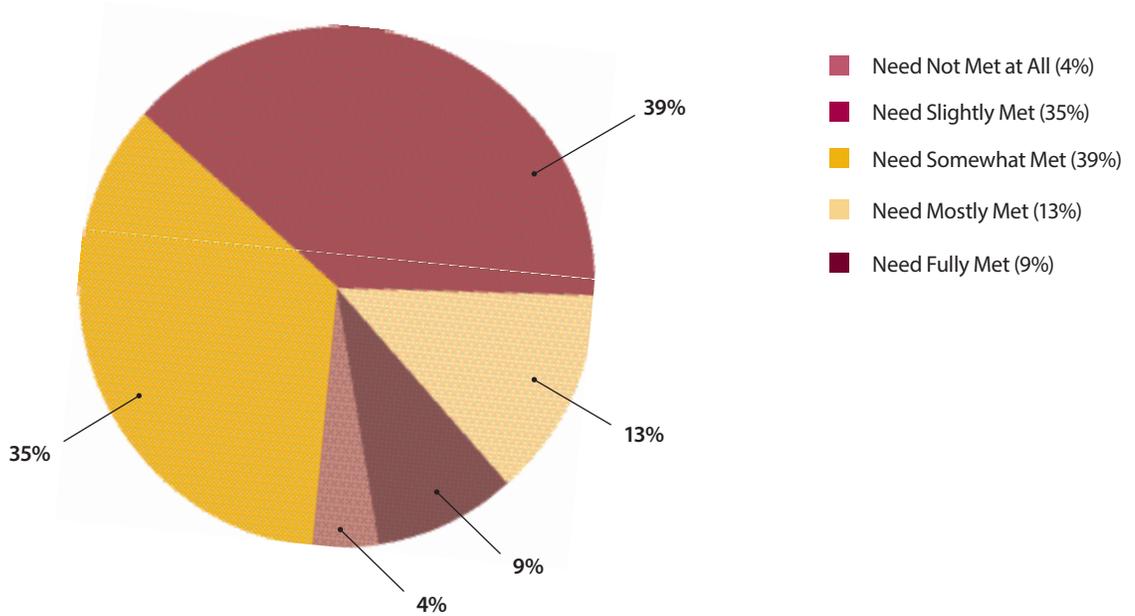
_____ Yes, I would like a copy
of the Final Report

ADEQUACY OF SERVICES TO ADDRESS LEGAL NEEDS – BY CATEGORY

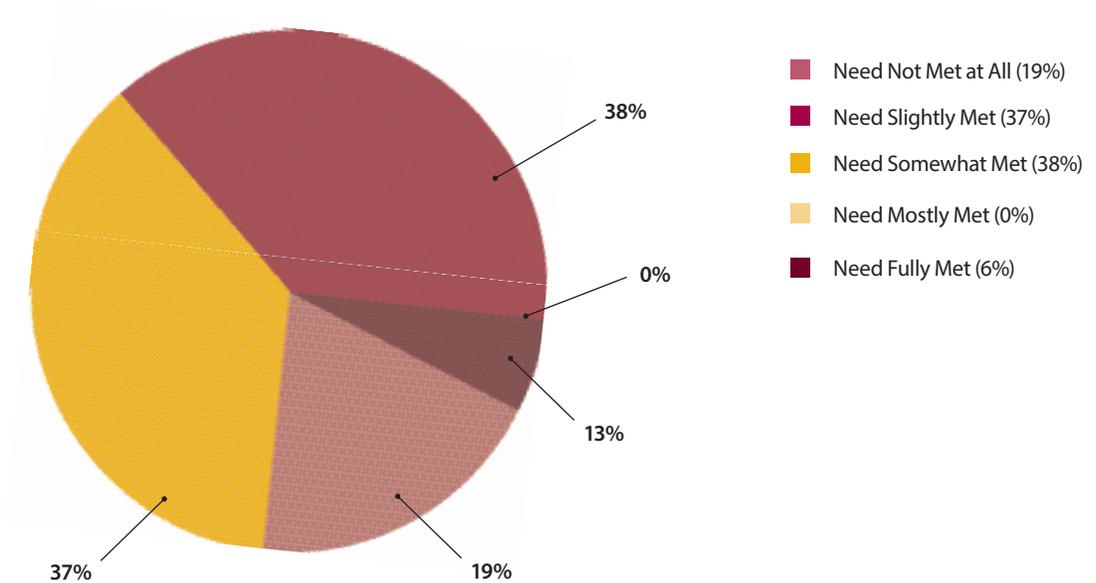
CRIMINAL JUSTICE NEEDS



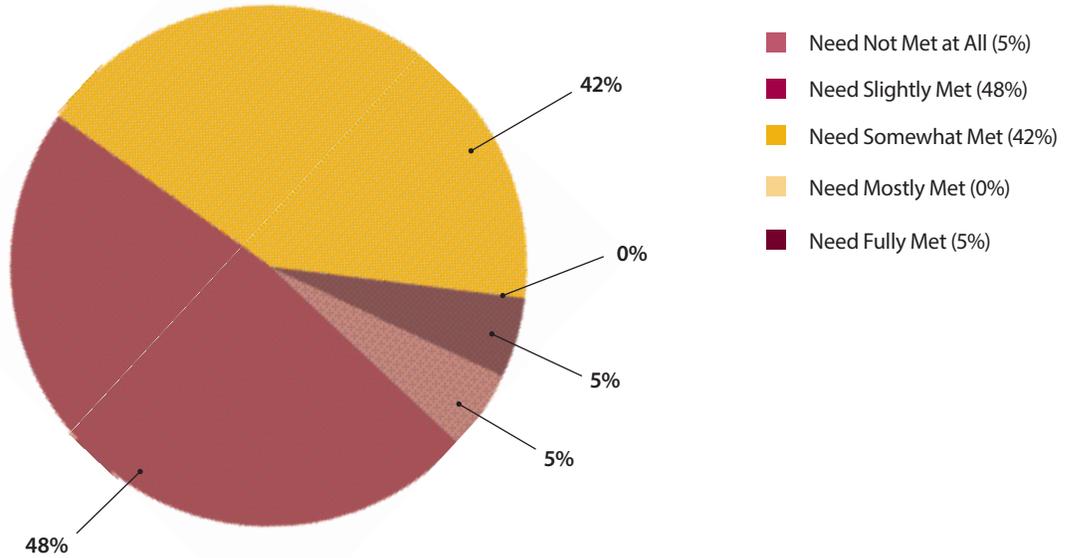
IMMIGRATION NEEDS



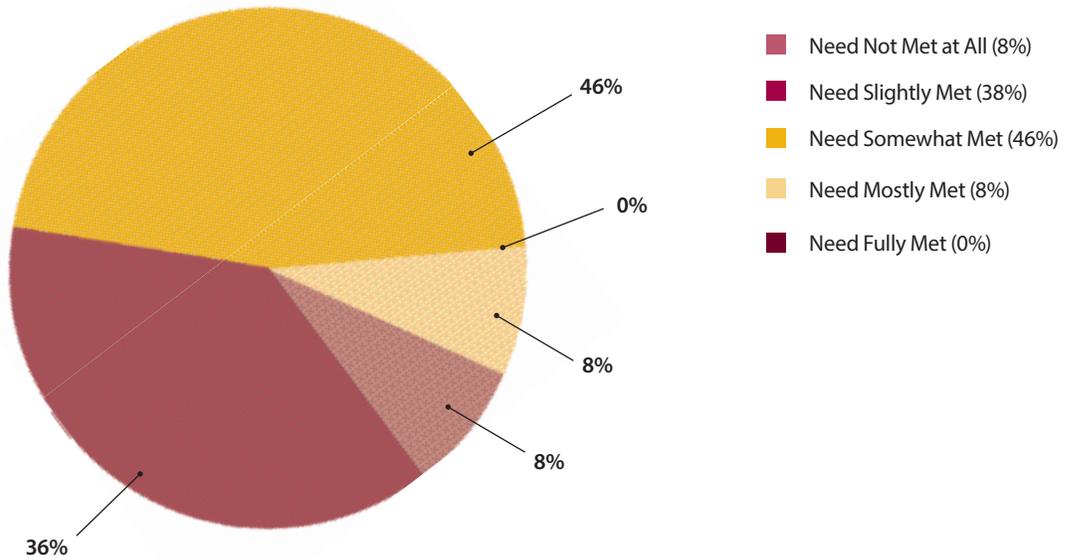
LABOR NEEDS



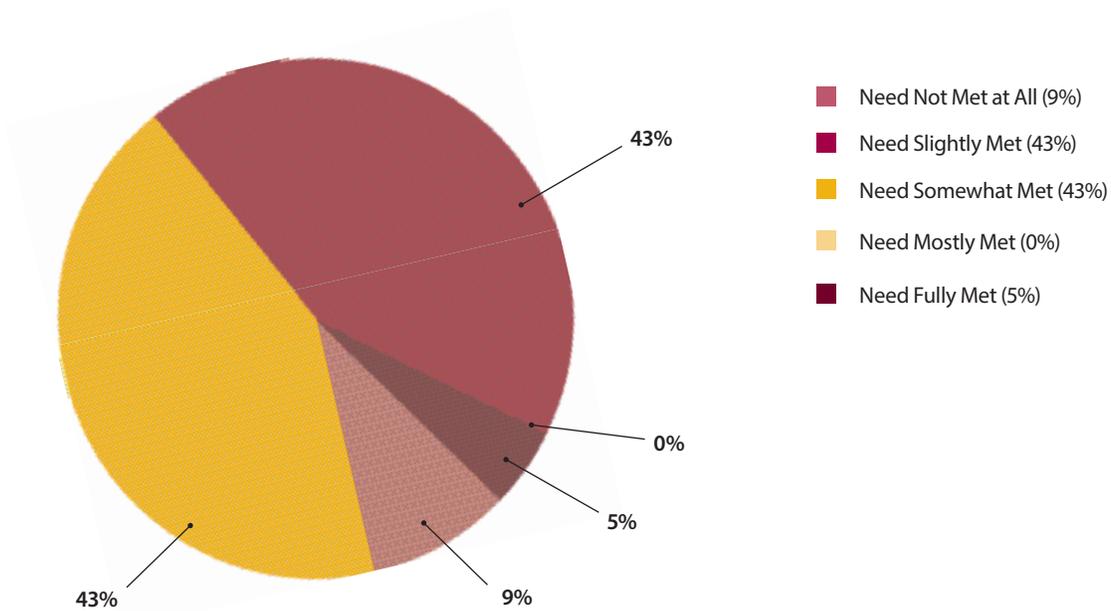
LEGAL NEEDS FOR CIVIL ISSUES



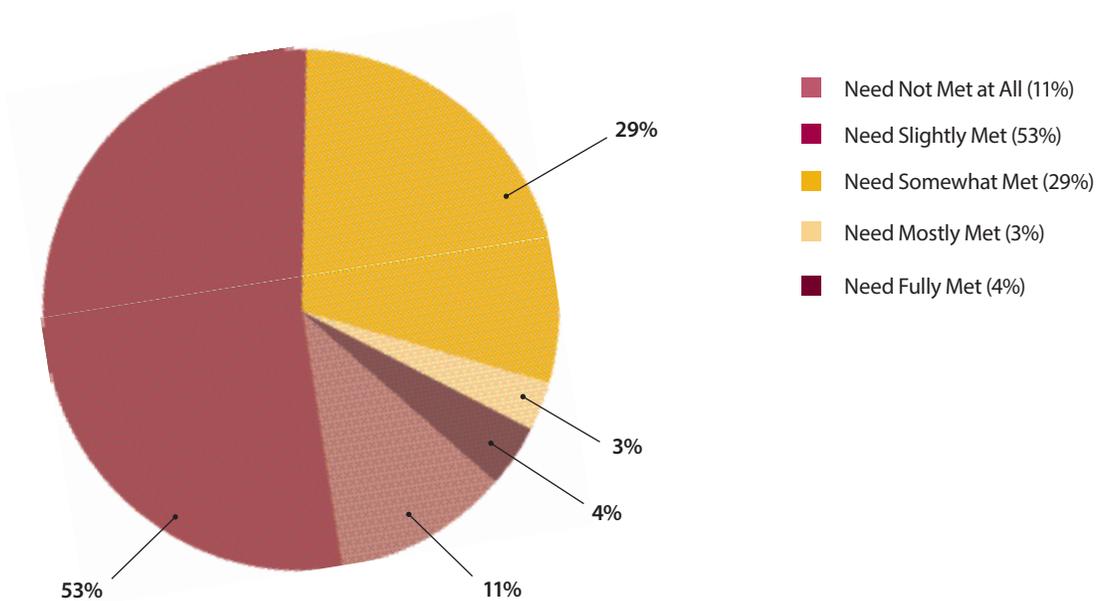
LEGAL NEEDS FOR CHILD WELFARE ISSUES



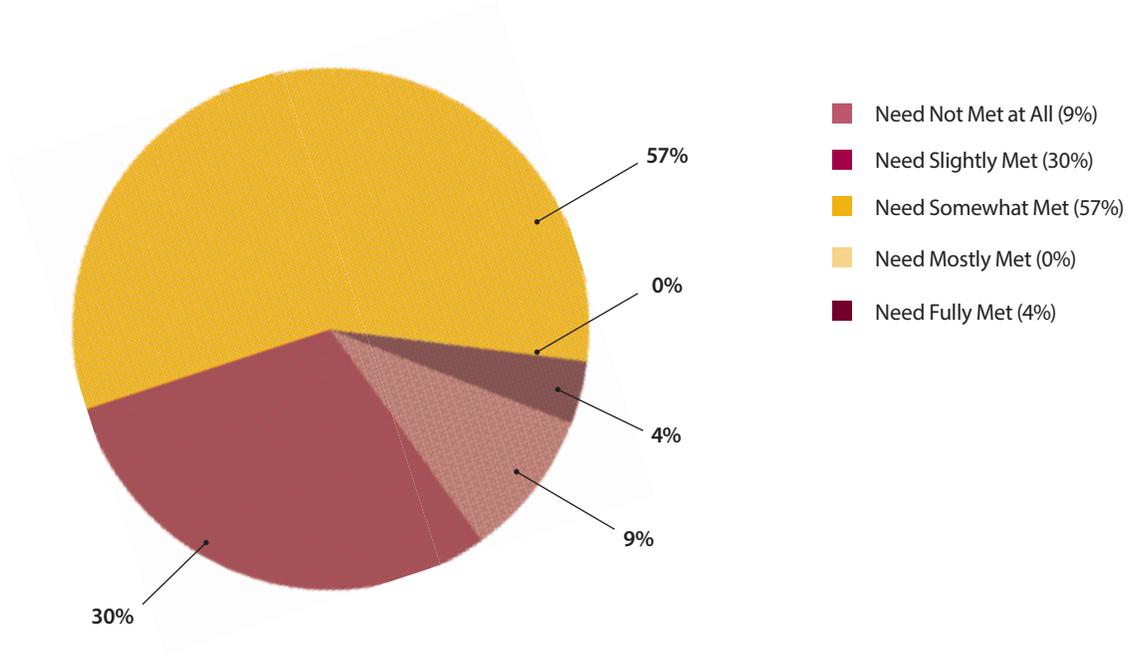
LEGAL NEEDS FOR FAMILY ISSUES



LEGAL NEEDS FOR EDUCATION



OTHER LEGAL NEEDS



LEGAL SERVICES FOR SEX-TRAFFICKING VICTIMS: REFERRAL ASSISTANCE FORM FOR SOCIAL SERVICE PROVIDERS

This form lists areas of the law which victims of sex trafficking may require assistance. The Legal Aid Society ATLASST program is able to help with all of the below items. The questions under each category assume the client is a victim of trafficking according to federal law. If you mark any of the boxes your client may require legal assistance.

CRIMINAL

- Law Enforcement Advocacy**
 - Is client meeting with law enforcement?
 - Does client want to make a report to law enforcement?
- Victim-as-Witness Advocacy**
 - Has client been asked or ordered via subpoena to testify in a trial?
 - Is client meeting with or receiving calls from attorneys at the state or federal prosecutor's office?
 - Does client want to testify in a trial that is being held against his/her trafficker or related party?
- Vacating or Expunging Conviction**
 - Was client charged and/or convicted of a crime while he/she was in the trafficking situation?
- Accessing state and federal funds available to victims of crime**
- Preparing victim impact statements**
 - Was client asked to or does client want to make a verbal or written statement to the court about how the trafficking impacted him/her?

CIVIL

- Initiating Civil Action to Recover Money From Trafficker**
- Protective Orders**
 - Is client being threatened, stalked, or abused by the trafficker or anyone connected to the trafficker?
- Accessing and Enforcing Restitution Orders**
 - Was there a criminal conviction against the trafficker or related party? Was the trafficker or related party ordered to pay "restitution" (money) to the victim?

FAMILY

- Custody of Victim's Children**
 - Does client currently have legal and physical custody of her children (mark if no)?
 - Is the father/mother of the children the trafficker?
- Guardianship of Victim's Children**
- Divorce**
 - Is client married to the trafficker?
 - Was client forced into a marriage by the trafficker?
 - Does client want to end the marriage? Or has the spouse pursued ending it?
- Family Reunification**
 - Is client currently physically separated from his/her family?

IMMIGRATION

Pursuing or applying for long-term or short-term immigration status for the victim, e.g.:

- Immigration Relief Such as Continued Presence, "T" Visa, or Other Visa:**
 - Is client a foreign national?
 - Is client a foreign national who is undocumented or whose visa has expired?
 - Is client here on a visa that was fraudulently obtained, perhaps by the trafficker or a third party?
- Legal Permanent Resident (LPR) Status**
 - Does client have a "T" visa?
 - Is the investigation or prosecution of client's case complete? Or has client been in the US on a "T" visa for 3 years?

Other forms of immigration assistance:

- Pursuing/Applying for Derivative Status**
 - Is client a foreign national who is under the age of 21 and who has a spouse, children, parents, or unmarried siblings under the age of 18 whom he/she would like to bring over?
 - Is client a foreign national who is over the age of 21 and who has a spouse or children whom she would like to bring over? Or does he/she have parents, or unmarried siblings under the age of 18, who face a present danger because of client's escape from trafficking or cooperation with law enforcement?
- Requesting Letter of Eligibility or Certification from the Office of Refugee Settlement (DHHS)**
 - Is client a foreign national who is under the age of 18?
 - Is client over 18 and has been granted a T visa?
- Is client detained by Immigration & Customs Enforcement (ICE) or in jail?
- Is client in removal (a.k.a. deportation) proceedings?

CHILD WELFARE

- Guardianship Appointments**
 - Does client have a legal guardian (mark if no)?
 - Does client have a parent or a guardian who harms the child or for some reason should not continue to be a guardian?
- Accessing Services from Unaccompanied Refugee Minors Program (DHHS)**
 - Is client a foreign national child who does not have a parent or a legal guardian in the US?

LABOR & EMPLOYMENT

- Work Permit Authorization (overlaps with obtaining immigration status)
- Is client a foreign national who does not have documents that allow her to legally work in the US?
- Wage/hour recovery
- Was client not paid, paid less than promised, or paid less than minimum wage for labor or services provided?
- Was client used to make money for his/her trafficker?

FINANCES

- Credit Fraud**
 - Has a trafficker or a related party taken out credit cards or loans in client's name?
 - Has client signed applications for credit cards or loans that were used by the trafficker or a related party?
- Federal or State Tax Returns and Other IRS Matters**
 - Has client received a restitution award?
 - Did the trafficker or a third party file tax documents using client's name?
 - Was client paid any money during the time he/she was being trafficked and did not file a tax return?

OTHER

- Accessing Education/School**
 - Is client a child who wants to be enrolled in school?
 - Does client want to pursue a college education?
- Assistance Obtaining US Identification**
 - Does client need assistance to obtain US documents, such as a driver's license or social security card?
- Assistance Obtaining Foreign Identification and/or Documents**
 - Does client need assistance to obtain a document from his/her home country, such as a birth certificate or marriage license?
- Name Changes**
 - Does client want to change his/her name?
 - Does client want to change the name of a child whose father/mother is the trafficker?
 - Does client have different names on different pieces of government documentation?
- Assistance Accessing Public Benefits**
 - Does client need assistance obtaining or keeping any public benefits such as a Section 8 housing voucher, Medicaid, TANF, etc.?

