Child Welfare and Sex Trafficking in Nebraska
Nebraska Appleseed

Nebraska Appleseed is a nonprofit organization that fights for justice and opportunity for all Nebraskans. We take a systemic approach to complex issues - such as child welfare, immigration policy, affordable health care, and poverty - and we take our work wherever we believe we can do the most good, whether that’s at the courthouse, in the statehouse, or in the community.

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Introduction

Sam, a 17 year-old high school student in Lincoln, had already faced many hardships in her life as a youth in Nebraska’s foster care system. Sam bounced between many foster homes when she was growing up, faced severe bullying, did not seem to have a lot of friends, and had low self-confidence. However, everything seemed to change when she met a handsome and charismatic young man named Jason at her school. Like many other girls, she hoped that the handsome boy in class would notice her, that he would think she was cool, or even that he would like her. Sam eventually developed a relationship with Jason that eventually became sexual in its nature.

Jason seemed to fill the voids in Sam’s life that she so desperately craved. Jason had money and nice cars, he was mysterious and handsome, and he told Sam that she was pretty. Jason made Sam feel wanted and she believed she could trust him. Eventually, Jason began to coerce Sam into sexual activities, with him and his friends, which she did not feel comfortable doing. Jason also convinced Sam to help him sell drugs and their time together lead to alcohol and drug use.

One day, holding Sam’s keys and wallet, Jason attempted to drug her and take her inside a house full of several men. Sam knew something was wrong and fortunately ran all the way home to her foster placement. Soon Jason had Sam apologizing for what had happened and, on the final night of Sam and Jason’s relationship, Jason brought Sam to meet up with a few older men to sell her for sex. Sam begged to leave, but she was not able to get out of the situation until she was forced to perform a sex act.

It wasn’t until years later that Sam realized what had happened to her was actually a form of human trafficking. While names and cities of residence have been changed, Sam is a real young women in Nebraska’s foster care system that was trafficked by a trusted person in her life. Whether it is a parent or a significant other, people like Jason seek to take advantage of youth that are in the most vulnerable situations. Many of these vulnerabilities Sam had may have stemmed from her unstable and uncertain involvement in Nebraska’s foster care system. Other youth in Nebraska are also unfortunately at-risk for becoming a victim of sex trafficking. As attorneys for children in foster care, it is crucial to know how you can try to prevent and mitigate the effects of sex trafficking for your clients.

The Issue Globally & Locally

Human trafficking is one of the world’s fastest growing criminal industries, and as a result global estimates on the prevalence of human trafficking varies drastically.¹ The Global Slavery Index estimates that there are currently 29.8 million slaves worldwide including 57,000 to
63,000 in United States.² The U.S. Department of State’s Trafficking in Persons (TIP) Report includes a much higher estimate of 600,000 to 800,000 annual victims of trafficking in the U.S.³ From 2007 through 2012, the National Human Trafficking Resource Center’s Hotline received reports of 9,298 unique cases of human trafficking with 40 percent involving sex trafficking and 20 percent involved labor trafficking of U.S. citizens.⁴ Because sex trafficking, or the commercial sexual exploitation of children ("CSEC"), occurs at a much higher rate than labor trafficking, this guide will primarily focus on sex trafficking.

It is important to know that trafficking is present everywhere in the United States, including Nebraska.⁵ Because there are no comprehensive tracking systems to screen and record data on numbers of human trafficking victims in Nebraska, there are few estimates for how many victims exist in the state.⁶ Recently, Nebraska has taken steps to better identify the scope of sex trafficking through the Governor’s Task Force on Human Trafficking.⁷ According to the Task Force’s first report in 2013, statewide information on the presence of sex trafficking is currently unavailable but the Task Force had discovered a “flourishing sex trade,” in Nebraska.⁸ The U.S. Attorney for Nebraska, the Honorable Deborah R. Gilg, stated, “There is no question that human trafficking is present in Nebraska. We have actively investigated cases involving adults, minors and immigrants.”⁹

With this lack of data, the estimate of the number of trafficking victims in Nebraska varies widely. The National Human Trafficking Resource Center’s Hotline received 110 calls in the last year from Nebraska of reports of trafficking, while University of Nebraska-Lincoln researchers studying the issue, estimate there are as many as 2,000 victims in Nebraska in 2009.¹⁰ Nebraska is especially vulnerable because of Interstate-80, which serves as an easy mode of transportation for children as they are sold across the United States.

Unfortunately, there is an overrepresentation of youth in foster care and with foster care experience among trafficking victims. One New York study estimated that as many as 85 percent of trafficking victims had prior experience in the child welfare system.¹¹ Child welfare attorneys should be aware of the connection between the foster care system and sex trafficking in order to provide effective and trauma-informed representation to their clients.

The goal of this guide is to educate attorneys about the legal and non-legal needs of victims of CSEC. This guide will provide a framework of laws addressing sex trafficking, a discussion of the types of children who are most at risk for being trafficked, the types of individuals that may be engaged in trafficking, tools to utilize in addressing and preventing the commercial sexual exploitation of children. With a better understanding of the issue and the resources available in Nebraska, attorneys can take steps to prevent the trafficking of minors and to defend the rights of those who have been trafficked.
Law on the Trafficking of Minors

Federal Law

The United States first passed federal laws on the trafficking of minors over 100 years ago.12 In 1910, Congress passed the White Slave Traffic Act, also known as the Mann Act, which prohibited the interstate transportation of girls or women for prostitution or other “immoral purposes.”13 While not specifically focused on the trafficking of minors, Congress also passed the Fair Labor Standards Act (“FLSA”) in 1938, which prohibited “oppressive child labor.”14 Since the 1930s, Congress has passed several laws that have directly, or indirectly, broadened the authority of law enforcement and government agencies to prosecute persons or entities involved in the trafficking of minors.15

However, it was not until 2000 that Congress finally passed a comprehensive federal statutory scheme specifically aimed at reducing the prevalence of human trafficking in the United States.16 The Trafficking Victims Protection Act (“TVPA”) focuses primarily on the trafficking of children for sexual and labor purposes through the advancement of three objectives: 1) prosecuting traffickers 2) preventing trafficking, and 3) protecting victims of trafficking.17 Congress has reauthorized, amended, and broadened the scope of the TVPA in 2003, 2005, 2008, and 2013.18 Under the current version of the TVPA there are provisions which:

1. Federally criminalized forced labor, slavery, indentured servitude, and the sex trafficking of children;19
2. Allow victims of trafficking to sue their traffickers for damages;20
3. Establish programs promoting awareness of trafficking;21
4. Created the Office to Monitor and Combat Trafficking under the State Department to rank and report on other countries’ efforts to combat trafficking;22 and
5. Created a temporary immigration status and provides other protections for noncitizen victims of trafficking.23

More recently, Congress explicitly recognized the problematic relationship between sex trafficking and children in the foster care system through the passage of the Preventing Sex Trafficking and Strengthening Families Act (“PSTSFA”).24 Among other things, the PSTSFA requires that states develop and implement procedures for identifying, documenting, and reporting youth that have been a victim of sex trafficking or are at risk for being a sex trafficking victim.25 The PSTSFA also specifically focuses on the connection between youth that have run away from foster care and sex trafficking by requiring that States have specific protocols for finding runaways, determining why the child ran away, responding to those factors in their next placement, screening the child regarding what happened to them when they were on run, and reporting all runaways to the FBI within 24 hours.26
State Law

In the past few years, Nebraska has passed several pieces of legislation, introduced by Senator Amanda McGill, which specifically focused on the trafficking of children to supplement pre-existing statutes aimed at criminalizing the abuse of children. In 2006, the Nebraska Legislature passed the Nebraska Prostitution Intervention and Treatment Act through the enactment of LB 1086.\textsuperscript{27} LB 1086 explicitly criminalized the forced labor and sexual exploitation of both children and adults.\textsuperscript{28} In 2012, the Legislature created the Governor’s Task Force on Human Trafficking to investigate, study, make recommendations, and publicize resources related to human trafficking in Nebraska.\textsuperscript{29}

In 2013, the Nebraska Legislature passed a more comprehensive statutory scheme aimed at combating sex and labor trafficking in Nebraska through the enactment of LB 255.\textsuperscript{30} LB 255, amended several existing statutory provisions. Specifically, the bill:

1. Added separate and more detailed definitions of labor trafficking and sex trafficking for both adults and minors;\textsuperscript{31}
2. Added sex and labor trafficking of a minor to the list of activities that constitutes criminal child abuse;\textsuperscript{32}
3. Provided an affirmative defense to criminal charges of prostitution for victims of trafficking;\textsuperscript{33}
4. Required law enforcement to place a victim of trafficking person under 18 into custody and immediately contact DHHS;\textsuperscript{34} and
5. Increased the existing criminal penalties for those found guilty of sex or labor trafficking.\textsuperscript{35}

Nebraska Revised Statue 28-830

(8) Labor trafficking of a minor means knowingly recruiting, enticing, harboring, transporting, providing, or obtaining by any means or attempting to recruit, entice, harbor, transport, provide, or obtain by any means a minor intending or knowing that the minor will be subjected to forced labor or services;

(14) Sex trafficking of a minor means knowingly recruiting, enticing, harboring, transporting, providing, or obtaining by any means or knowingly attempting to recruit, entice, harbor, transport, provide, or obtain by any means a minor for the purpose of having such minor engage in commercial sexual activity, sexually explicit performance, or the production of pornography or to cause or attempt to cause a minor to engage in commercial sexual activity, sexually explicit performance, or the production of pornography;
In 2015, the Nebraska Legislature passed LB 294, introduced by Senator Jim Scheer. LB 294 created the Human Trafficking Victims Civil Remedy Act which allows any victim of human trafficking to bring a civil action against their trafficker, or any person that aided or assisted their trafficker, for actual damages and costs of bringing the action. The bill also creates a civil forfeiture system allowing the State of Nebraska to seize the assets of those engaged in trafficking. Finally, LB 294 increased criminal penalties for those engaging in human trafficking, and created a requirement that anyone who is convicted of solicitation will have to complete an educational program focused on the effects of prostitution.

In 2016, the Nebraska Legislature continued its work to address the issue of human trafficking with the passage of LB 843, introduced by Senator Patty Pansing Brooks. LB 843 grants immunity from prosecution for a prostitution offense to any person engaging in acts of prostitution, as a direct result of being a victim of human trafficking.

**Foster Care and Human Trafficking**

**Who Are the Children**

Shared Hope International estimates that 100,000 U.S. youth are victimized through the commercial sexual exploitation of children, and there are thousands more at risk. While all children can be at risk, those involved in the child welfare system are more vulnerable to human trafficking. In 2013, the National Center for Missing and Exploited Children received reports of endangered runaways, of which 1 in 7 were likely victims of sex trafficking. Of these youth, 67 percent were previously in the child welfare system. The California Child Welfare Council estimates that between 50 and 80 percent of those coerced into commercial sexual exploitation were involved in the child welfare system. As noted above, in one New York study, 85 percent of trafficking victims had previous experience with the child welfare system.

These estimates indicate that traffickers prey on the most vulnerable youth by exploiting children in the foster care system that often have had unstable and traumatic childhoods. Children are more vulnerable to becoming victims of trafficking when they have suffered sexual abuse, physical abuse, neglect, are runaways or homeless, have experienced unaddressed trauma, and have mental health and/or developmental and learning disabilities. In some cases, traffickers may even recruit youth straight from foster care group homes.
Understanding Sex Trafficking

While awareness of sex trafficking or CSEC continues to grow around the world, this crime is still not easily understood. CSEC involves a child who is coerced into sexual exploitation through a commercial transaction, such as a pimp profiting from the sale of a child for prostitution or pornography. This occurs within the broader commercial sex trade, which is an industry that generates billions of dollars. CSEC often involves violence and can occur in escort services, massage parlors, street prostitution, strip clubs, and within pornography. However, CSEC can also involve an individual close to the child such as a family member, parent, or intimate partner. Alarmingly, the average age of entry into the commercial sex industry is between 12 and 14 years old.

While sex trafficking is more common, labor trafficking still occurs and could involve children in foster care in the United States. Many cases of domestic minor labor trafficking occur within the industries such as agriculture, food services, domestic servitude, farm work, peddling and begging rings.

Attorneys working with youth that have been trafficked may face challenges when sex and labor trafficking overlap. An overlapping case could involve both sex and labor trafficking when a youth is forced to work but also perform at a strip club, brothel, or massage parlor, all common fronts for human trafficking. Differing remedies may be necessary when cases of sex and labor trafficking overlap but, in any case, attorneys representing children in these scenarios should always proceed based on that youth’s individual situation and needs.

The Risk Factors

There is no one profile of a victim, and any child can fall victim to human trafficking, but there are certain vulnerabilities that make some youth more susceptible to the coercive tactics used by traffickers. Specifically, children in foster care are at a higher risk of succumbing to a trafficker’s coercion because they often lack adequate support systems.

Abuse and Neglect

A study from the National Institute of Justice found that children who had been sexually abused are 28 times more likely to be arrested for prostitution than peers who were not abused. Additionally, a juvenile justice facility in Dallas, Texas that works with victims of domestic minor sex trafficking found that up to 95 percent of children that have been sex trafficked had faced previous physical and sexual abuse. Also, victims of CSEC often have lived in homes where domestic abuse or substance abuse is present. Attorneys working with children or young adults who have entered the system due to abuse, especially sexual abuse, should be aware of this risk factor relating to sex trafficking.
Gender

Both young women and men can be trafficked, but numerous sources estimate much higher rates of girls being sex trafficking victims. Globally, the United Nations TIP Report estimates that women and girls together make up about 75 percent of all trafficking victims. Girls, especially those in foster care, are vulnerable at pre-teen and adolescent ages as they are more susceptible to the “calculated advances, deception, and manipulation tactics used by traffickers/pimps.” Many service providers also recognize that boys are also victims of sex trafficking, but most still only provide services to girls. However, according to one study, up to 50 percent of commercially sexually exploited children in the U.S. were boys. While there is a lack of research on boys’ involvement in sex trafficking, some cases show that boys are less likely to be under the control of a pimp and instead have their entry into the sex industry initiated through individual buyers. Furthermore, boys may be even less likely to identify as victims due to the stigma of being labeled as a victim. Attorneys should attempt to screen all clients, regardless of their gender, if the child is displaying the traits associated with victims of sex trafficking.

Runaways and Homeless Youth

Youth who are homeless in the United States constitute another vulnerable group that is more likely to be coerced into trafficking. The U.S. Office of Juvenile Justice and Delinquency Prevention reported that up to 85 percent of exploited children are determined missing at the time that the exploitation occurs. Traffickers are likely to target youth that are homeless by visiting youth shelters and group homes to coerce youth into CSEC. Youth who are homeless or have run away often do not have the resources to provide for their basic needs and traffickers utilize this vulnerability by offering shelter, food and other necessities for their survival. The National Center for Missing and Exploited Children reported that 1 in 7 endangered runaways were likely sex trafficking victims, and 67 percent of the likely victims “were in care of social services or foster care when they ran.” National experts have reported that, “within 48 hours of running away, a child is likely to be approached to participate in prostitution or another form of commercial sexual exploitation.” Attorneys working with children who are on the run, or have been on the run in the past, should consider the possibility that the youth may be a victim of sex trafficking.

LGBTQ+

Youth who identify as lesbian, gay, bisexual, transgender, or queer (LGBTQ) also face a heightened risk for human trafficking. It is estimated by the Administration for Children and Families that up to 26 percent of the youth who identify as LGBTQ+ are not welcomed by their families, which may be one of the causes for these youth being overrepresented in
foster care. LGBTQ+ youth were found to be twice as likely to experience sexual abuse before the age of 12. LGBTQ+ youth also make up 40 percent of the runaway and homeless youth population. Considering that LGBTQ+ youth are disproportionately represented in the foster care system, are more likely to runaway or be homeless, are often not accepted by their families, and also face bullying, it is no surprise that these youth are up to five times more likely than heterosexual youth to be victims of sex trafficking. Many LGBTQ+ youth are left vulnerable, often without strong support systems, making them more likely to experience the coercion of traffickers. When services are available, they may not be inclusive of gay or transgender youth. Transgender victims of human trafficking need special consideration for services because of the unique challenges faced.

Migrant Children

Children from other countries, living in the United States without citizenship status are also more vulnerable to the recruitment into human trafficking. In the United States, a quarter of all youth are children of immigrants or immigrants themselves, and these numbers are continuing to grow. Traffickers are likely to exploit poverty, immigration-related debts, and legal status of these children to manipulate them. In 2013, 32 percent of all calls to the National Human Trafficking Resource Center’s Hotline involved foreign nationals.

Gang Activity

The FBI has noted that gangs are involved in human trafficking and prostitution. Youth in foster care may also have a history of law violations and gang activity. For example, a study done in Portland Oregon reported that the relationship between gangs and trafficking is on the rise. It was found that 49 percent of youth in the study had been exploited by a gang member, were gang members themselves, or indicated that gang influence plays role in their lives. Working with a child who may have an association with gangs should result in screening for human trafficking.

Who Are the Traffickers

Human traffickers, exploiters, or pimps do not fit one standard profile, but their method of force, fraud and coercion to continue profiting from the exploitation of youth, is always present. A trafficker could be a stranger who offers youth, in vulnerable situations, something they want or need, ranging from shelter to false promises of safety and love. A trafficker can

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**Most Common Industries**

1. Pimp-controlled prostitution
2. Peddling rings
3. Pornography
4. Escort service/delivery service
5. Commercial front brothel
6. Residential brothel
7. Traveling sales crew
8. Domestic work
9. Restaurant/food service
10. Personal sexual servitude
11. Hostess/strip club

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be an individual close to the child, a family member, parent or intimate partner who benefits from selling or exploiting the youth.\textsuperscript{82} Traffickers also can belong to larger and well-organized ring of trafficking that operates by transporting victims across state or even international borders.\textsuperscript{83} Finally, traffickers can be individuals who work alone and profit by controlling numerous youth.\textsuperscript{84}

Traffickers may frequently select vulnerable youth, show affection, and pamper them with gifts, “as a means of easing the transition into prostitution and creating a durable bond with victims, who are made to feel complicit in their own victimization.”\textsuperscript{85} They use a process called “grooming” by identifying the children’s physical and psychological needs and fulfilling them. Because of this, minor victims of human trafficking are often emotionally and/or economically dependent on their traffickers. These calculated tactics of recruitment and control are sophisticated and are considered brainwashing.\textsuperscript{86} This abusive power relationship, much like the one seen in domestic violence situations, uses manipulation to establish and maintain control over victims.\textsuperscript{87}

In one study of sex trafficking victims, 41 youth were interviewed that had been trafficked by a pimp, 31 of which were girls and 10 of which were boys.\textsuperscript{88} When these youth were asked where they met their pimps, one of the most frequent answers besides “through a friend” was “at a group home.”\textsuperscript{89} It is important for attorneys representing children to understand how traffickers operate, and how they form relationships with the children in foster care that they exploit.\textsuperscript{90}

**What Attorneys Can Do**

The first step if you think you may be representing a client who is a victim of CSEC is to identify if your client is in fact a victim of sex trafficking. However, this may be difficult as the youth may not realize themselves they are in a trafficking situation and, if they do, it may be very difficult for them to disclose to anyone particularly any authority figures such as law enforcement, caseworkers, or an attorney.\textsuperscript{93} Therefore, if an attorney suspects that their client may be a victim of sex trafficking, based upon the risk factors discussed above, building trust with the client is the critical first step in identifying a trafficking situation. Once an attorney has identified that a client is or may be a victim of trafficking; it is imperative for the attorney to ensure the client is safe and connect them to the appropriate community resources.
Furthermore, understanding the risk factors, and the methods traffickers utilize, can even help attorneys prevent a client from becoming a trafficking victim in the first place.

It should be noted at the outset that the approach taken by - and the ethical obligations of - an attorney working with a potential trafficking victim may vary depending on the attorney’s role. Specifically, an attorney serving as a guardian ad litem (GAL) must advocate for the child’s best interests and a client-directed attorney must advocate for the express wishes of their client. All attorneys should consider the potential criminal, immigration and other potential legal issues present in a case, even if such issues are outside the attorney’s area of expertise. The suggestions that follow are general recommendations, and attorneys are advised to consider them as such, as an attorney’s representation in any given case should be specifically tailored to their role in the case and the needs of their individual client.

Identifying Potential Victims

Many of the risk factors discussed above, such as sexual abuse or running away from placements, are characteristics of youth in foster care that child welfare attorneys may see frequently, so identifying a victim of human trafficking based upon categories of risk alone may be challenging. Thus, attorneys should also be cognizant of specific warning signs that could indicate a client is a potential sex trafficking victim. For example, a youth who is engaged in a relationship with an older or dominating significant other could be a warning sign commonly associated with sex trafficking. Attorneys should pay particular attention to any indications that the youth is emotionally or economically dependent on an individual or is otherwise being “groomed” as discussed above. Similarly, a youth might be convinced they owe someone money or their resources are being controlled by someone else. Other specific warning signs may include unexplained injuries or signs of abuse, chronic truancy, sudden highly sexualized behaviors or sudden interest in the sex industry. Young adults may also exhibit sudden changes in behavior possibly including signs of depression. In any case, it is important to adequately understand a youths’ living situation and personal relationships as they can raise other red flags as well.

It is also important to take certain steps if the youth you are representing is missing from care, starting with notifying law enforcement. As stated previously, 85 percent of children that are exploited are determined missing at the time exploitation occurs, and that of the 1 in 7 youth who run away and are likely victims of sex trafficking, 67 percent went missing from care. If a youth you work with is on the run it is crucial that you advocate for their case to remain open.
The Client Interview

For a number of reasons, asking questions or conducting a client interview with a potential victim of trafficking can be difficult and should be approached carefully and community resources should be utilized. One reason an interview of a potential victim can be difficult is because victims of sex trafficking may not view themselves as a victim and may not be able to or want to talk about their experience.\textsuperscript{102} Fear of retribution from their trafficker may keep them from divulging details of their exploitation as well, and may even cause them to lie or give false information.\textsuperscript{103} Youth may also have mistrust of authority figures related to the abusive and controlling relationships in which youth victims of trafficking may be involved.\textsuperscript{104}

Because of these complexities, attorneys should proceed with caution in approaching youth to ask questions about potential trafficking. In some cases it may be best for a victim interview to be conducted at a Child Advocacy Center (CAC), or another setting with specially trained individuals. However, in many cases, it may be appropriate and necessary for an attorney to ask some preliminary questions to identify whether a child may be a victim of trafficking in order to refer the child to the appropriate services and protect their rights.

As a starting point, attorneys should provide a thorough and developmentally appropriate explanation of attorney-client privilege and confidentiality, or remind the youth about privilege and confidentiality if the attorney has explained it previously. Attorneys should not press the client on issues that make them visibly uncomfortable during the initial interview.\textsuperscript{105} It may also be helpful to focus on your client’s strengths and to give them control over the interview, something they likely did not have in their relationship with their trafficker.\textsuperscript{106} When an attorney meets their client, it is important to remain calm and always non-judgmental. Building trust may be a long and difficult process, but is key for them to feel safe enough to disclose what has happened to them so that help can be accessed.
During an initial client interview with a suspected victim of sex trafficking, attorneys may consider utilizing the screening questions developed by the Massachusetts Interagency Human Trafficking Policy Task Force:

- How old are you?
- Are you in school? Where do you go to school?
- Where do you live? (Where do you sleep and eat?)
  - Who else lives there?
  - Do you feel that you can leave if you want? Do you have permission to leave?
  - Have you ever been threatened if you tried to leave?
- Does anyone stop you from getting food, water, sleep, or medical care?
- Do you work?
  - How do you get to and from work?
  - Do you get paid for your work?
  - How did you find your job?
  - Do you owe anyone money because they helped you find your job?
  - Have you ever felt like you could not leave your job or felt pressured to work?
- Have you ever exchanged sex for anything of value such as shelter, food, clothing, or money?
- Have your identification or travel documents been taken from you?
- Has anyone hurt or tried to hurt you?
- Has anyone ever threatened you or your family?
- Has anyone ever threatened you with calling immigration authorities or the police?
- Is anyone making you do anything that you do not want to do?
- How are you feeling?
  - Do you need any medical assistance?
  - Do you feel safe?
  - Are you lonely?
  - Do you get to see your friends?  

Representing Sex Trafficking Victims

Once an attorney has identified that their client is or may be a victim of sex trafficking, or is at risk of becoming a victim, the attorney should first focus on how to protect their client’s physical safety and health. It will be helpful for attorneys to be familiar with the available services in their area so they will know which service providers can best assist the client. Within the first 72 hours of their care, a youth who has been trafficked should be assessed for physical safety from their trafficker. Attorneys may consider creating a safety plan with the youth, either individually with the youth or working in collaboration with community providers to focus on the youth’s immediate protection.
The next crucial step is to carefully review the appropriateness of a youth’s placement, the likelihood that a youth will come into contact with the trafficker, and the likelihood that a youth will run away from a particular placement. In situations where the youth you are representing is also a parent, their children may also be in danger from the trafficker, or former clients, and should be included in the safety plan. Attorneys should consider proposing a change of placement in juvenile court if safety issues are present. Attorneys should work with the youth to identify placements that they feel the most safe in, including the homes of family and friends. However, if an immediate location change is needed, attorneys should also consider local options such as emergency shelters equipped to deal with victims of sexual abuse or domestic violence. Attorneys should also be cognizant of the potential need to change schooling locations if the youth was trafficked by someone with whom they attend school. Attorneys may also consider seeking an ex parte temporary order in juvenile court, and later a permanent order, prohibiting the trafficker from contacting the youth. Furthermore, if the trafficker fails to comply with this order they may be arrested. Regardless of whether attorneys are a GAL, or a client-directed attorney, it is advisable to consult the client before proceeding whenever possible. Furthermore, attorneys acting as a GAL should be cognizant of the dual-role that they are required to fulfill in Nebraska, and when the client’s best interests conflict with the client’s expressed directives, a GAL must consider requesting the appointment of an additional attorney to avoid conflicting obligations.

Finally, victims of sex trafficking may have severe emotional or behavioral issues related to the extreme trauma they have experienced. Trauma is a “psychologically distressing event that is outside the range of normal human experience,” that “occurs when a person does not have the internal and or external resources to handle an external threat.” Trauma alters a child’s ability to function and is often characterized by intense fear, terror, and helplessness. Other trauma related reactions in victims of sex trafficking might include hostility and aggressiveness, defensiveness, anxiety, difficulty establishing trust, avoidance, memory loss, posttraumatic stress disorder, and suicidal thoughts or behaviors. Attorneys should ensure that their client is receiving appropriate trauma-focused mental health evaluations and treatment, ideally with a provider that has experience in working with youth suffering from trauma bonding or sexual abuse. Most youth in foster care should have these services covered by Medicaid, but if the youth is placed in their parental home, they may not be eligible for coverage.

If the youth is not eligible for Medicaid, or Medicaid refuses to cover a necessary service, the attorney should request that the juvenile court order that the service be provided to the youth. Through zealous advocacy, attorneys can play an important role in helping a victim of sex trafficking maintain their health and positive relationships while the youth copes with the trauma they experienced.
Your client and their family may also have significant material needs and there are many programs available to help build necessary supports in their lives. The services may include:

- Child Nutrition Programs
- Food Stamp Program
- Women, Infants and Children
- Refugee Cash and Medical Assistance
- Services to Victims of Torture
- TANF
- Public Housing Programs
- Tenant-Base Vouchers
- Victims of Crime Emergency Funds
- Emergency Witness Assistance
- Victim Rights and Services
- OVC Services of Trafficking Victims Discretionary Grant
- VOCA Victim Assistance/Compensation
- One-Stop Career Centers and Job Corps

**Immigration Status**

As mentioned above, youth that lack lawful immigration status can face additional challenges as victims of sex trafficking. As Attorneys should assist these clients in seeking status, when doing so is in their client’s best interest, as it may remove the primary leverage that their trafficker had utilized to gain control of the youth’s actions in addition to other benefits. There are currently several potential federal immigration avenues for victims of sex trafficking and children in foster care. These include:

- **T Nonimmigrant Status (“T visa”):** The T visa is a longer term solution for individuals who have been victims of human trafficking that includes obtaining lawful immigration status for four years. A T visa also includes work authorization and options to apply for permanent residency and eventually citizenship. Victims of human trafficking will be eligible for the T visa if they meet the definition of a trafficking victim, are in the U.S. due to trafficking, comply with requests from law enforcement for investigation, demonstrate they suffered extreme hardship and are admissible to the U.S.

- **U Nonimmigrant Status (“U Visa”):** The U visa is available for victims of qualifying criminal activity that occurred in the U.S., cooperate with law enforcement to share the information they have, and are admissible to the United States.
Special Immigrant Juvenile Status (“SIJS”): SIJS is for the purpose of protecting immigrant children who have been abused or neglected by parents. In order for a youth to be eligible for SIJS they must be under 21, have a current state court order with specific legal findings, cannot be married, and must be present in the U.S. at the time of filing the proper immigration forms.\textsuperscript{124}

 Trafficking Victims Protection Act allows continued presence for individuals who were victims of human trafficking. While this is not an immigration status it will allow them to remain in the U.S. temporarily.\textsuperscript{125} Also through the TVPA child trafficking victims can also receive federal and state benefits by requesting an eligibility letter from the U.S, Department of Health and Human Services, Office of Refugee Resettlement. These services could include match grant programs, TANF, SSI, Medicaid, Food Stamps, and the unaccompanied Refugee Minor Program, among others.\textsuperscript{126}

Preventing Trafficking

In addition to providing trauma-informed advocacy to victims of sex trafficking, attorneys can also work to prevent current clients from becoming future victims. In order for attorneys to take the steps to help prevent their client from being trafficked, understanding the specific risk factors associated with sex trafficking, as discussed above, is the first step to helping to prevent a youth from becoming a victim. For example, if a youth has a history of running away, or is currently on run, attorneys should know that the youth is at increased risk of becoming victim of sex trafficking and should carefully evaluate the appropriateness of the child’s placement.\textsuperscript{127} If an attorney has determined that a youth may be likely to run away from a particular placement, the attorney may consider proposing a change of placement in juvenile court.\textsuperscript{128}

If an attorney has identified that a youth has an unhealthy relationship with a controlling significant other that is “detrimental or harmful” to the youth, the attorney may consider seeking to have the juvenile court enter an order restricting the other person’s actions.\textsuperscript{129} However, as noted above, attorneys should confer with their client, whenever possible, prior to taking such actions to better understand how their client could be impacted. Also, if a GAL determines that taking such actions would be in their client’s best interest, but is against their wishes, the GAL should consider requesting the appointment of another attorney. As previously discussed, traffickers often take time to recruit, groom, and exploit youth, and an attorney who recognizes these warning signs early on, may be able to prevent a child from becoming a sex trafficking victim through separating the child from potentially dangerous situations.
Conclusion

Human trafficking is a growing worldwide crime that exists even in Nebraska communities. Traffickers use force, fraud and coercion to exploit children and continuously profit from their suffering. Child welfare attorneys must understand the increased vulnerabilities of youth involved in foster care to be able to prevent and successfully represent child victims of sex trafficking. Attorneys working with youth in foster care can and must play this crucial role so fewer children will face the fate that Sam did, and that too many other Nebraska youth face. Child welfare attorneys and advocates educated on the realities of sex trafficking can prevent and address this crime and ensure the safety and wellbeing of Nebraska’s children in foster care.

Resources

National Human Trafficking Resource Center 24-hour hotline
Call 1-888-373-7888
Text BeFree (233733)

Nebraska Child Abuse & Neglect Hotline
1-800-652-1999

National Center for Missing & Exploited Children 24-hour hotline
1-800-843-5678

Law Enforcement:
• FBI Innocence Lost Task Force 402-493-8688
• FBI Victim Specialist 402-530-1584

Nebraska Alliance of Child Advocacy Centers:
• Bridge of Hope Child Advocacy Center (North Platte) 308-534-4064
• CAPstone (Gearing) 308-632-7274
• Central Nebraska Child Advocacy Center (Grand Island) 308-385-5238
• Child Advocacy Center (Lincoln) 402-476-3200
• Family Advocacy Network (Kearney) 308-865-6018
• Nebraska Alliance of Child Advocacy Centers (Omaha) 402-595-1326
• Northeast Nebraska Child Advocacy Center (Norfolk) 402-371-4880
• Project Harmony Child Protection Center (Omaha) 402-595-1326
Other Resources:
- Catholic Charities of Omaha 402-554-0520
- Catholic Social Services of Southern Nebraska 402-474-1600
- CEDARS 402-434-5437
- Center for Legal Immigration Assistance 402-471-1777
- Central Nebraska Human Trafficking & Immigration Outreach 308-325-2295
- Free the People Movement 402-917-3056
- Heartland Family Services 402-553-3000
- Lutheran Family Services 402-342-7038
- Nebraska Family Alliance 402-477-3191
- NOVA 402-455-8303
- One World 402-734-4110
- Salvation Army's Wellspring Program 402-898-5900
- The Bay & I've Got a Name 402-310-5215
- Women's Center for Advancement 402-345-6555
- Youth Emergency Services (YES) 402-345-5187

Behavioral Health Regions in Nebraska
http://dhhs.ne.gov/behavioral_health/Pages/beh_nebhrbg.aspx

*While Nebraska is still developing its services for survivors of human trafficking, in many communities there may not be a specifically focused human trafficking provider. In these situations, domestic violence and homeless shelters in your community may be helpful.*
Endnotes


6 See 18 U.S.C. § 1591

7 18 U.S.C. § 1595

8 22 U.S.C. § 7105a

9 22 U.S.C. § 7103

10 B U.S.C. § 1101(a)(19)(T)


13 42 U.S.C. § 671(a)(34)(A)


15 Neb. Rev. Stat. § 28-830


18 Neb. Rev. Stat. § 28-830(6)(7)(12), and (10)


20 Neb. Rev. Stat. § 28-801.01(3)


29 Id.


32 ACYF, supra note 41, at 4.
Polaris, supra note 4; see also Smith, supra note 38 (Massachusetts' The My Life, My Choice Project based in Boston, found that of the first 40 girls they worked with who were living in a foster care group home within, 38 had been approached by a pimp for recruitment); ACYF, supra note 41 (The Los Angeles Probation Department found the 53 percent of juveniles arrested on prostitution related charges were in the foster care system and were often recruited from group homes).


Polaris, supra note 4.


Id.

Smith, supra note 38, at 31.

ACYF, supra note 41, at 3.


Smith, supra note 58, at 31.


Id. at 4.

Id. at 3.

Id. at 5.


ACYF, supra note 41, at 4.

National Center for Missing and Exploited Children, supra note 39.

Clawson, supra note 53.


ACYF, supra note 41, at 5.

Friedman, supra note 59; see also Erin Williamson, Nicole M. Dutch, and Heather J. Clawson, U.S. Department of Health and Human Services, National Symposium on the Health Needs of Human Trafficking Victims Post-Symposium Brief, (July 2009), available at http://aspe.hhs.gov/hsp/07/humantrafficking/Symposium/lb.shtml (Transgender victims of sex trafficking may need support and services concerning significant identity issues that can result from this abuse).


NHTRC, supra note 72.

NHTRC, supra note 72.


NHTRC, supra note 48.

Id.

Id.

Id.

Id. Jill L. Goodman, supra note 52, at 9.


Id.


Id. at 119.

Jill L. Goodman, supra note 52, at 40.

Polaris, supra note 4.


See Guidelines for Guardians ad Litem for Juveniles in Juvenile Court Proceedings, Rule III (A)(1) and (2), (Jul. 18 2007).


Smith, supra note 38, at 38.

Office of Refugee Resettlement, supra note 91.


Polaris, supra note 93.

Office of Refugee Resettlement, supra note 91.

Id. (If a young adult does not feel free to leave, owes a large debt to the person they live with or is living in a situation with high security measures, these should all raise concerns of child sex trafficking.)

ACYF, supra note 41, at 4.; see also National Center for Missing and Exploited Children, supra note 39


Id.

Id. at 60.

United Nations Office on Drugs and Crime, Anti-human trafficking manual for criminal justice practitioners, Module 8: Interviewing victims of trafficking in persons who are potential witnesses, 28 (2008), available at http://www.unodc.org/documents/human-trafficking/TIP_module8_Ebook.pdf (Due to the trauma that occurred as they were trafficked, recalling stories of these experiences could further cause the youth trauma so attorneys should use judgment when searching for the details of the case.)

Id. at 26

Dara Goodman, supra note 100, at 32; see also Waits, supra note 96, at 49. (For additional resources on interview screening questions).

Flohre, supra note 93.


Flohre, supra note 93.


Guidelines for Guardians ad Litem for Juveniles in Juvenile Court Proceedings, Rule III (C)(4) and (5), (Jul. 18 2007).

Flohre, supra note 93.

Id.


477 NAC 2-007.01 (Nebraska has not taken up optional categories to cover foster youth that are not eligible for “Title IV-E” assistance, and therefore Nebraska provides income based coverage for youth that are expected to be in an out-of

Neb. Rev. Stat. § 43-290

Waits, supra note 96, at 90.

NHTRC, supra note 72.


Waits, supra note 96, at 88.

Id. at 90

National Center for Missing and Exploited Children, supra note 39.

