

## **Community of Practice for Family Law Attorney's Representing Immigrant Survivors of Domestic Violence and Sexual Assault**

### **Discussion: Helping Victims of Human Trafficking Courts Encounter in Family Court and Protection Order Proceedings**

**April 21, 2020**

# Next COP Calls

- May 19, 2020 at 1pm EST



# Faculty

- Commissioner Loretta Young
  - New Castle County, Delaware
- Judge Rosemary Collins (Ret.)
  - Rockford, Illinois
- Leslye E. Orloff
  - NIWAP, American University, Washington College of Law

In how many of your domestic and sexual violence or stalking cases have you encountered human trafficking?

**Please check the box that best describes you:**

A. Never

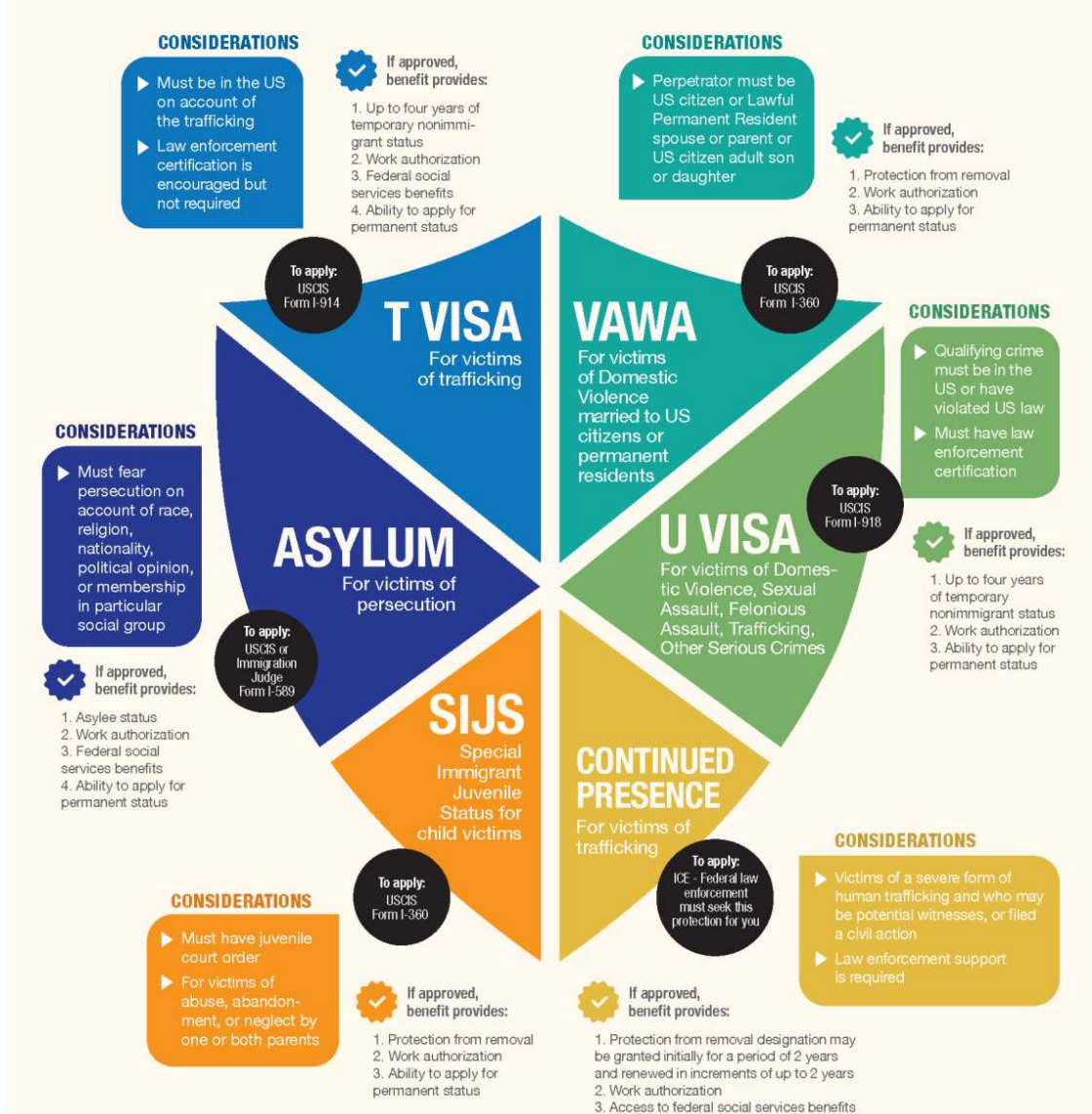
B. 1-5

C. 6-10

D. More than 10

**POLL**

# PROTECTIONS FOR IMMIGRANT VICTIMS



# Sex Trafficking

22 U.S.C. § 7102; 18 U.S.C. § 1591

Act	Means	Purpose
<ul style="list-style-type: none"><li>• <b>Recruits</b></li><li>• <b>Entices</b></li><li>• <b>Harbors</b></li><li>• <b>Transports</b></li><li>• <b>Provides</b></li><li>• <b>Obtains</b></li><li>• <b>Advertises</b></li><li>• <b>Maintains</b></li><li>• <b>Patronizes</b></li><li>• <b>Solicits</b></li><li>• <b>Benefits, financially or by receiving anything of value</b></li></ul>	<ul style="list-style-type: none"><li>• <b>Force</b></li><li>• <b>Fraud</b></li><li>• <b>Coercion</b></li></ul>	<ul style="list-style-type: none"><li>• <b>Commercial Sexual Activity</b></li></ul>

# How Domestic and Sexual Violence Victims Might Experience Labor Trafficking

22 U.S.C. § 7102; 18 U.S.C. § 1590

Act	Means	Purpose
<ul style="list-style-type: none"><li>• <b>Recruits</b></li><li>• <b>Harbors</b></li><li>• <b>Transports</b></li><li>• <b>Provides</b></li><li>• <b>Obtains</b></li><li>• <b>Benefits, financially or by receiving anything of value</b></li></ul>	<ul style="list-style-type: none"><li>• <b>Force</b></li><li>• <b>Restraint</b></li><li>• <b>Threats of harm</b></li><li>• <b>Abuse or threatened abuse of the legal system</b></li><li>• <b>Any scheme, plan, or pattern intended to cause the person to believe that if they did not perform labor, they would suffer serious harm or restraint</b></li></ul>	<ul style="list-style-type: none"><li>• <b>Involuntary servitude</b></li><li>• <b>Peonage</b></li><li>• <b>Debt Bondage</b></li><li>• <b>Slavery</b></li></ul>



Share examples of human trafficking you have encountered in your family court domestic and sexual violence cases



# Human Trafficking in State Courts

# Spotting the Trafficker In State Court Cases

- Civil Cases
  - Truancy
  - PFA's
  - Child support
  - Guardianship
  - Custody
  - SIJS
- Criminal Cases
  - Minor violations, shoplifting, loitering, runaways
  - People in drug houses
  - Traffic stops of adults with passengers
  - DV cases

# The Case of “J”

## - 17 year old male

- J had a good relationship with his parents
- He was attending high school
- He had a sweetheart
- Everyday after school he trained to become a jockey
- He dreamed of riding in the Kentucky Derby



# Protection Orders PFA's

Initial Petition  
seemed “vanilla”

Cross-Claim and  
Answer told the story  
and raised the red  
flags

- Foreign national married to U.S. citizen with one child
- Child U.S. citizen
- Mom's status “pending”
- Dad was the trafficker seeking *return of economic losses*

## Child Support

Obligor before  
the Court on  
Arrears

Why didn't you  
pay?

- I took job as solar salesman
- Took me to Midwest
- Promised wages never paid, conditions horrid
- When I tried to leave, they followed and threatened me until I returned
- I finally got a ride with someone at gas station

Recommendations for family lawyers on how best to raise these issues with judges hearing family court cases?

# Discussion

- What can judges do with this information if you encounter a trafficking victim in court
  - Tomorrow?
  - Next month?
  - Six months from now?



As a family lawyer  
representing a  
trafficking victim what  
questions do you want  
to ask the judge?

What kind of criminal history might a victim you are representing in family court have related to the abuse?

# Announcement: Upcoming Webinar

## **VAWA Self-Petition:**

Protections for Immigrant Survivors of  
Domestic and Sexual Abuse by Abusive  
Spouses and Parents

- Date: Wednesday, April 22, 2020 at 1:00 PM EST
- Registration link:  
<https://www.surveymonkey.com/r/FYXHK98>

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# Technical Assistance and Materials

- Power Point presentations and materials for this conference at
  - <http://niwaplibrary.wcl.american.edu/ncjfcjPitts2020/>
- Judicial Training Manual at
  - <http://niwaplibrary.wcl.american.edu/sji-materials/>
- Webinars at
  - <http://niwaplibrary.wcl.american.edu/all-niwap-webinars>
- **NIWAP Technical Assistance:**
  - Call (202) 274-4457
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