

National Judicial Network Forum on Human Trafficking and Immigration in State Courts

State Protection Orders: A Civil Remedy for Victims of Human Trafficking

March 4, 2025

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Peer-to-Peer Session Faculty



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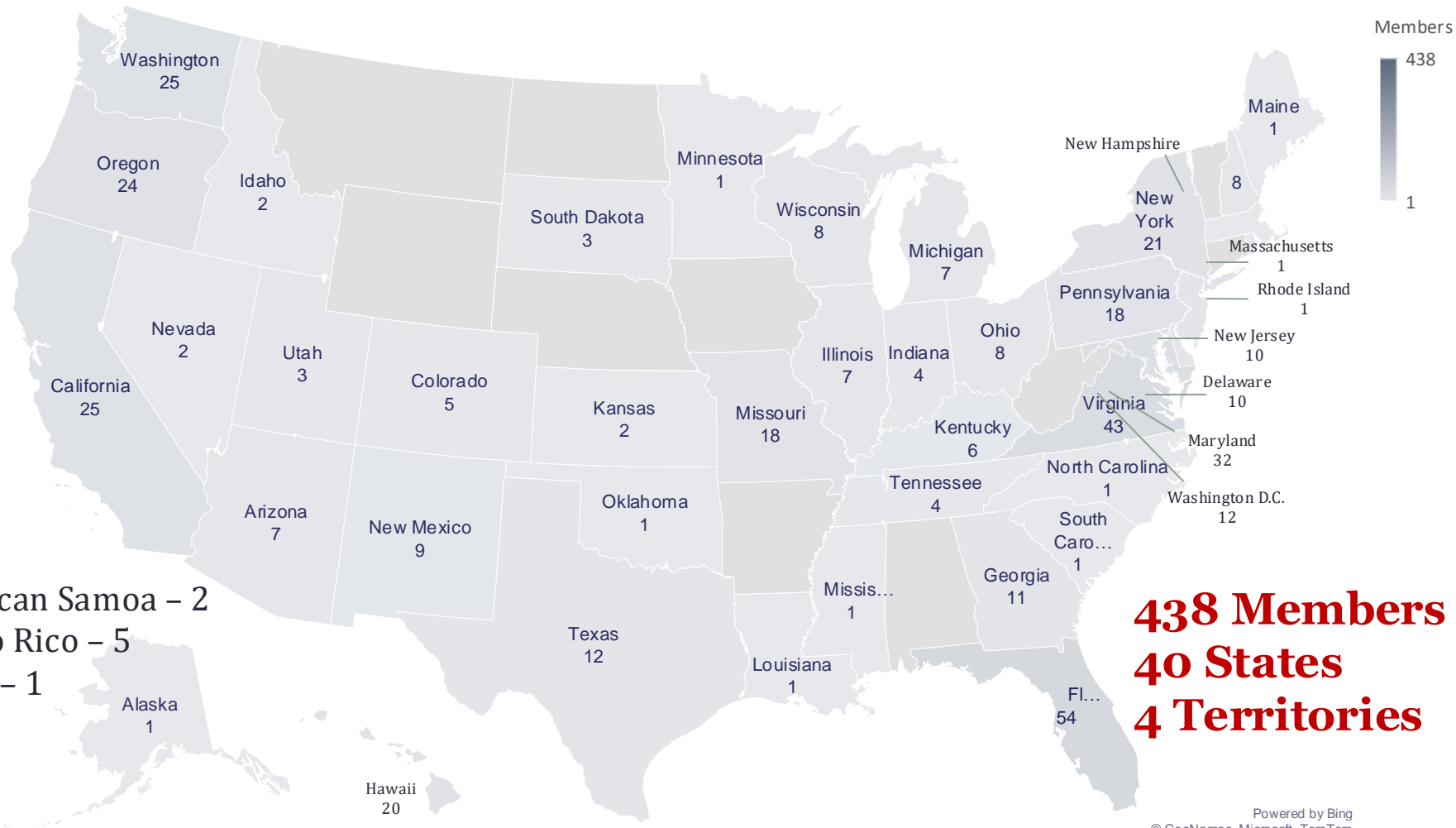


Judge Chanpone Sinlapasai
Multnomah County 4th
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Portland, Oregon



Judge Mary Weir
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State Representation in The National Judicial Network as of March 4, 2025



Upcoming Peer-to-Peer Sessions & Webinars

April 1, 2025

May 6, 2025

June 3, 2025

Summer 2025 TBD

October 7, 2025

November 4, 2025

December 2, 2025

Learning Objectives

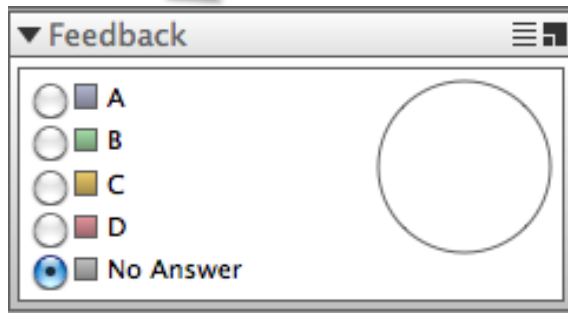
By the end of this session, you will be better able to:

- Identify adult and child victims of human trafficking who qualify for protection orders in your state
- Educate human trafficking victims, attorneys and victim advocates about state protection orders as a civil remedy for human trafficking victims
- Issue protection orders to victims of human trafficking (sex/labor) against their traffickers containing helpful creative remedies

Poll 1: Who Has Joined Us on This Peer-to-Peer Session?

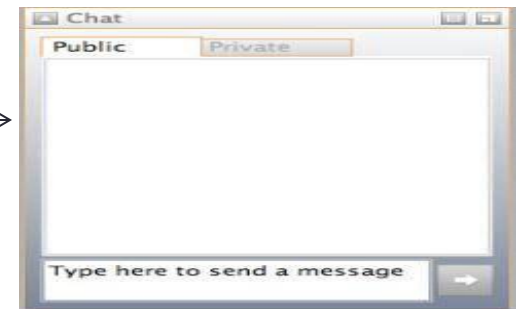
- A. Family/Juvenile court judge
- B. Criminal court judge
- C. General jurisdiction judge
- D. Specialized human trafficking court judge
- E. Other

Answer on the left



A screenshot of a poll interface titled "Feedback". It features five radio button options: A (blue square), B (green square), C (yellow square), D (red square), and No Answer (blue circle). A large empty circle is positioned to the right of the options.

Other write in chat box



A screenshot of a chat window titled "Chat". It has two tabs: "Public" (selected) and "Private". Below the tabs is a large empty text area. At the bottom, there is a text input field with the placeholder "Type here to send a message" and a send button.

Benefits of Civil Protection Orders

How Might Civil Protection Orders
Benefit Victims of:
Labor Trafficking?
Sex Trafficking?



Benefits of Civil Protection Orders

- Civil remedy that victims initiate and control that is independent of criminal courts
- Violation of a civil protection order is a crime and a deportable offense
 - This can help when victims make future calls to police for help
 - Victim controls how and when to enforce the CPO
 - As a crime or through civil or criminal contempt
- Protection order remedies can be crafted to
 - Curb the trafficker's particular behaviors and patterns of victimization
 - Address the victim's unique needs

Tools for Courts on Protection Orders for Human Trafficking Victims - Overview

- State Laws on Civil Protection Orders for Victims of Human Trafficking
<https://niwaplibrary.wcl.american.edu/pubs/ht-cpo-overview-report/>
- Summarizes CPOs offered in each state
- Highlights types of CPOs
 - With & without relationship requirements
 - Open to adults; Open to children
 - Under what conditions can help victims of labor or sex trafficking



Tools for Courts on Protection Orders for Human Trafficking Victims - Tables

- Access to Civil Protection Order (CPO) for Victims of Human Trafficking: State-By-State CPO Tables
- <https://niwaplibrary.wcl.american.edu/pubs/ht-protection-orders-table/>
- State by state CPO statutory details
- All types of CPOs offered
- Starts with summary by type
- Lists abuse/victimization covered
- Type of relationship, if any, required
- Summarizes which trafficking victims covered and any limitations on children



Tools for Courts on Protection Orders for Human Trafficking Victims – Comparison Chart

- Types of Civil Protection Orders (CPOs) Available By State – Chart
- <https://niwaplibrary.wcl.american.edu/pubs/ht-cpo-state-chart/>
 - Tracks types of CPOs available
 - Anti- stalking/harassment CPOs
 - Labor trafficking victims
 - Sexual assault CPOs
 - Sex trafficking victims
 - Identifies child access limitations
 - Useful when victims move



Tools – Demonstration Preview

- Overview:
 - <https://niwaplibrary.wcl.american.edu/pubs/ht-cpo-overview-report/>
- Table:
 - <https://niwaplibrary.wcl.american.edu/pubs/ht-protection-orders-table/>
- Chart:
 - <https://niwaplibrary.wcl.american.edu/pubs/ht-cpo-state-chart/>

Poll 2: Have you issued a protection order to a human trafficking victim?



- A. Yes, a domestic violence protection order
- B. Yes, a sexual assault protection order
- C. Yes a stalking or harassment protection order
- D. Yes, a human trafficking protection order
- E. No, not that I know of

Types Of State Civil Protection Orders and When They Can Help Labor and Sex Trafficking Victims

Civil Protection Order Requirements

State statutes have 2 types of eligibility considerations in their CPO statutes:

- Type of Crime
- Relationship Requirement

Type of Crime

- Domestic Violence
- Sexual Assault
- Stalking
- Human Trafficking (Sex and Labor Trafficking)
- Harassment
- Extreme Risk/Gun Violence
- Elder Abuse
- Workplace Violence
- Dating Violence
- Child Abuse

Relationship Requirement

NIWAP's State Tables Have Details

- Human Trafficking – Mostly no relationship required some exceptions exist.
- Stalking – Mostly no relationship required some exceptions exist.
- Harassment - Mostly no relationship required some exceptions exist.
- Sexual Assault – Mostly no relationship required some exceptions exist
- Workplace Violence – No relationship required
- Child Abuse - No relationship required
- Elder Abuse - Mostly no relationship required some exceptions exist.
- Relationship requirements most common
 - Domestic Violence – Relationship required
 - Dating Violence – Relationship required
 - Extreme Risk/Gun Violence – Mostly relationship required.

Human Trafficking Protection Orders

- Seven (7) states have specialized CPO's available for victims of human trafficking (covering both sex and labor trafficking).
 - District of Columbia
 - Kansas
 - Montana
 - North Dakota
 - South Carolina
 - Tennessee
 - Texas
- An additional 2 states (Maine and Oklahoma) provide CPOs for sex trafficking only.

Human Trafficking

- Several states explicitly cover human trafficking (usually sex and less often labor) as part of other state protection orders including particularly:
 - Domestic violence CPOs
 - Child abuse CPOs
 - Anti-stalking or harassment CPOs
 - Sexual assault CPOs

Child Abuse CPOs and Human Trafficking

- 3 states have CPO's specifically for child victims of different forms of abuse.
 - Alabama (sexually abused child)
 - Utah (child trafficking for sex, child labor trafficking)
 - Maine (sexual exploitation, dissemination of explicit materials, harassment).

Which protection orders in your states do you think could be helpful to Labor Trafficking victims?



Help For Human Trafficking Victims Through ...

- Stalking protection orders
- Harassment protection orders
- These are particularly helpful for labor trafficking victims

Stalking

- Specialized stalking CPO's have been enacted in 39 states.
- 8 states have stalking as part of domestic violence CPOs
- 6 states have stalking as part of harassment
- 1 state has stalking as part of sexual assault
- 1 state has stalking as part of workplace violence

Stalking

- Most states (44) do not require that there be an established relationship with the perpetrator to get a stalking CPO.
- In some states there is a relationship requirement.
 - This is mostly in states where there is no specialized stalking statute
 - Stalking is covered as part of another offense such as domestic violence.

Harassment

- 19 states have specialized CPO's that cover harassment. Typically, harassment protection orders do not have a relationship requirement.
- 30 states cover harassment as part of their DV, stalking, sexual assault, or workplace violence CPOs.

Predatory Helpfulness, Coercive Control & Stalking

- Stalking: Webinar and Materials (March 7, 20023) Readily Identifying and Effectively Responding to Stalking in Family Court: A Resource for Judicial Officers <https://niwaplibrary.wcl.american.edu/resources-on-stalking-for-judges/>
- Predatory Helpfulness: Webinar (December 8, 2023) – Let's Put Science First: Assessing Predatory Helpfulness and Coercive Control to More Accurately Understand Domestic Abuse and Sex Trafficking <https://niwaplibrary.wcl.american.edu/njn-predatory-helpfulness-coercive-control-dec-2023/>
- Coercive Control: Revised Chapter Four: Families and Children Model Code on Domestic and Family Violence (May 2024) (Discussing custody and coercive control) [https://archive.legmt.gov/content/Committees/Interim/2023-2024/Law-and-Justice/Meetings/July-2024/2.Revised-Ch.-4-Model-Code May-2024.pdf](https://archive.legmt.gov/content/Committees/Interim/2023-2024/Law-and-Justice/Meetings/July-2024/2.Revised-Ch.-4-Model-Code-May-2024.pdf)

Sexual Assault

- Almost all states have CPO's for sexual assault.
- Sexual offenses generally include, sexual assault, sexual violence, sexual abuse, and generally includes unlawful sexual contact without consent.
- 39 States have specialized sexual assault CPOs and the remaining states have sexual assault as part of other CPOs such as domestic violence or harassment.
 - 42 states do not require there to be an established relationship with the perpetrator to get a sexual assault CPO
 - When the sexual assault CPO is available only as part of a domestic violence protection order a relationship is required.

Sexual Assault

- In some states that have a relationship requirement, human trafficking victims who experienced sexual assault may be able to obtain other types of CPO's.
- Example:
 - In Georgia adult sexual assault victims can get a stalking CPO

Domestic Violence CPO

All 56 states have domestic violence CPO. Most states require an established relationship between the victim and perpetrator without regard to age.

Except: 8 states have limited access for children

Iowa

Oregon

Maine

South Carolina

New Hampshire

Utah

New Jersey

Wyoming

Domestic Violence CPO

- Example: In states that limit or do not allow a child to get a domestic violence CPO, a child victim of human trafficking can do the following:
 - Maine: Get a CPO for sex trafficking which is specifically covered.
 - New Hampshire : Get a CPO for stalking (if the abuser committed stalking)
 - Iowa: Get a CPO for Sexual Abuse (if the abuser committed sexual abuse)

Dating Violence

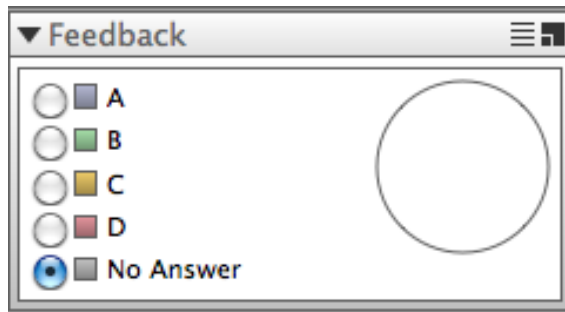
- Only 4 states have dating violence specific CPO's. Florida, Georgia, Kentucky, and Utah.
- In 48 states dating violence is covered under the state domestic violence CPO and requires a dating relationship as described in the state statute.

Familial Trafficking

- 2 in 5 trafficking cases reported annually to federal trafficking taskforces involve child sex trafficking
- Over 62.7% of sex trafficked children their trafficker is a family member
 - Parent, grandparent, aunt, uncle, cousin, sibling
 - With 45.8% parent or guardian
- 65% of sex trafficked children come from unstable homes or compromised parenting
 - Almost 20% have a history of child abuse or neglect
- Up to 34% of sex trafficked children are trafficked by an intimate partner
- Cole, J., & Sprang, G. Sex trafficking of minors in metropolitan, micropolitan, and rural communities. *Child Abuse & Neglect* (2014), <http://dx.doi.org/10.1016/j.chiabu.2014.07.015>

Poll 3: True or False?

- DHS recognizes that human trafficking can occur in domestic violence relationships?
 - A. True
 - B. False



Updated Involuntary Servitude Definition

- A condition of servitude
 - Induced by means of any scheme, plan, or pattern
 - Intended to cause a person to believe or to fear that
 - If the person did not enter into or continue in such condition or undertake the forced work
 - That person or another person would Suffer serious harm, physical injury, physical restraint, or legal coercion.
- A condition of servitude induced by the abuse or threatened abuse of the law or legal process.

8 C.F.R. § 214.201

Abuse Or Threatened Abuse Of The Legal Process

Is the use or threatened use of a law or legal process whether administrative, civil, or criminal,

- In any manner or for any purpose for which the law was not designed,
- In order to exert pressure on another person to cause that person
- To take some action or refrain from taking some action.

8 C.F.R. § 214.201

Involuntary Servitude in a Domestic Violence Relationship

- Abuser/Trafficker controls victim's liberty creating conditions of servitude
- Expectation that the victim's life fulfills the trafficker's orders
 - E.g., demand from the trafficker to perform domestic labor at an unreasonable level, including unreasonable working hours, and/or constant availability to labor regardless of health or energy;
- Lack of control over the victim's own wages (or not paid) despite laboring under the trafficker's demands; or
- The imposition of unequal living arrangements as part of a campaign of force, fraud, and coercion
 - E.g., unequal sleeping arrangements, living arrangements, or access to nourishment.

<https://www.uscis.gov/policy-manual/volume-3-part-b-chapter-2>

Extreme Risk and Elder Abuse CPO's

- Extreme Risk CPO's are available in 18 states and are usually filed against those at risk of causing bodily injury to self or others by firearm.
- Specialized Elder Abuse CPO's are available in 14 states. Eligible victims in most states must be 60-65 years of age or older.

Can you share an example of a case in which a protection order was or would have been helpful for an adult or child trafficking victim?



Creative Protection Order Remedies

- Catch all provisions in civil protection order statutes, opportunity to offer relief designed to help:
 - Curb future abuse, harassment
 - Interfere with abuser/perpetrators ability to exert power and/or coercive control
 - Help victim leave abusive situation
 - Offer victim remedy-relief for past abuse
 - Help victim overcome victimization, ameliorate effects of the abuse, and build new post abuse life
- Nexus with victimization
- Opportunity for courts to counter immigration related abuse and order culturally helpful remedies

Key issues to address in protection order remedies

- Safety
- Housing
- Financial remedies
- Custody and caring for children
- Victims cultural, religious, immigration, and community support needs
- Promoting offender compliance

From the work you have done with human trafficking victims, what kinds of CPO remedies do you think would be helpful?



As a protection order judge, what kinds of remedies might you include when domestic violence is co-occurring with human trafficking?



Questions and Answers

NIWAP Technical Assistance, Materials, and Training

- Recording, PowerPoint and materials for this session can be accessed here:
 - <https://niwaplibrary.wcl.american.edu/national-judicial-network/>
- Judicial training manuals, toolkits, bench card and materials at <https://niwaplibrary.wcl.american.edu/sji-njn-materials>
- **NIWAP Technical Assistance**
 - Call (202) 274-4457 E-mail info@niwap.org
- Web Library: www.niwaplibrary.wcl.american.edu