

# Community of Practice for Family Law Attorneys Working with Immigrant Survivors

## CIVIL PROTECTION ORDERS FOR VICTIMS OF HUMAN TRAFFICKING

**May 27, 2025**




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The following slides are intended to be a guide to lead our discussion on this topic and to provide substantive material for your future reference.



# What is a Civil Protection Order?

- A Civil Protection Order (CPO) is a legal remedy issued by a court to protect individuals from violence, harassment, or threats.
- It is a form of injunctive relief to prevent harm before it occurs.
- CPO's can be temporary or permanent and are issued in response to a complaint filed by or on behalf of a person seeking protection.
- CPO's are available in both civil and criminal contexts and are often used in cases involving domestic violence, family violence, stalking, harassment or sexual abuse.



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

# Have you worked with victims applying for protection orders?:

▼ Feedback

☐ A

☐ B

☐ C

☐ D

☒ No Answer

A. Yes

B. No

# Tools 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 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 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/>



# 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.

# Have you helped victims obtain the following types of protection orders (check all that apply):

- A. Domestic violence
- B. Sexual assault
- C. Stalking
- D. Human trafficking
- E. Other (type in chat)

Feedback

☐ A

☐ B

☐ C

☐ D

☒ No Answer



# 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 Colombia
  - 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).

# 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

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Stalking: Webinar and Materials (March 7, 2023) 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/>

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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/>

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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)

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# Predatory Helpfulness Screener

## 12 Question Predatory Helpfulness Screener

*These are guiding questions that should be reframed to best fit yours and your client's relationship*

- (1) How old were you when you met them? (Indicate if client was a minor)
- (2) How old were they? (Indicate if trafficker was a minor)
- (3) Please tell me about what was going on in your life at the time you met your trafficker/boyfriend/name?
- (4) Were there things that you felt were not going well at that time in your life? Can you describe what you felt would improve your situation at the time, if anything?
- (5) How did you meet?
- (6) What can you tell me about how [NAME] acted when you first met? Did they do anything to help improve your situation during that time in your life?
  - (a) Love Bombing: Was it romantic? Can you recall if [NAME] did any of the following? (*E.g., shower you with affection and gifts, tell you that you were special/unique/beautiful, wanted to be with you forever*)
  - (b) Financial Housing: Did they offer to help you financially/offer a place to stay?
  - (c) Business Relationship/Emotional Support: Did [NAME] offer you a business opportunity or emotional support?
  - (d) Drugs: Did they introduce you to drugs/offer you drugs/buy drugs through them?
- (7) Did they make any promises to you that were unfulfilled? *Example: a place to live, gifts, marriage, Etc.*
- (8) Did they give you any reason why those promises were unfulfilled?
- (9) Can you recall/share the first instance they ask you to sell sex for money? Can you tell me what they did or said to influence your decision? (*Examples: demanded/threatened, said it would only be once/a favor, said you owed them, created a disconnected*)
- (10) How did you feel when they asked you? Were you shocked/surprised/didn't expect it?
- (11) Did you feel like you had a choice? Why or why not?
- (12) Can you identify if you experienced any of the following pressures?
  - (a) Forced physically or Threatened (Physical Force)
  - (b) Thought I owed them (Debt/Sex for Payback)
  - (c) Felt pressured/confused/wanted to make them happy (Localized Coercive Control)

# 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

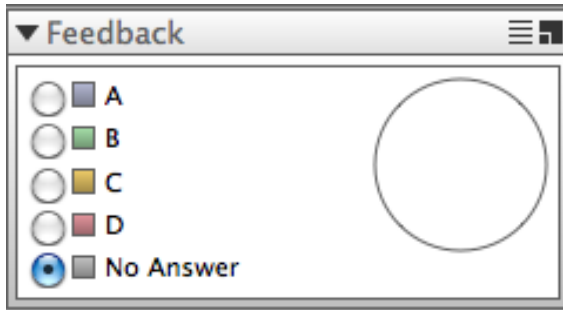
- Only 4 states have dating violence specific CPO's. Florida, Georgia, Kentucky, and Utah.
- In 48 states dating violence is covered under the state domestic violence CPO and requires a dating relationship as described in the state statute.

# 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>

# 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

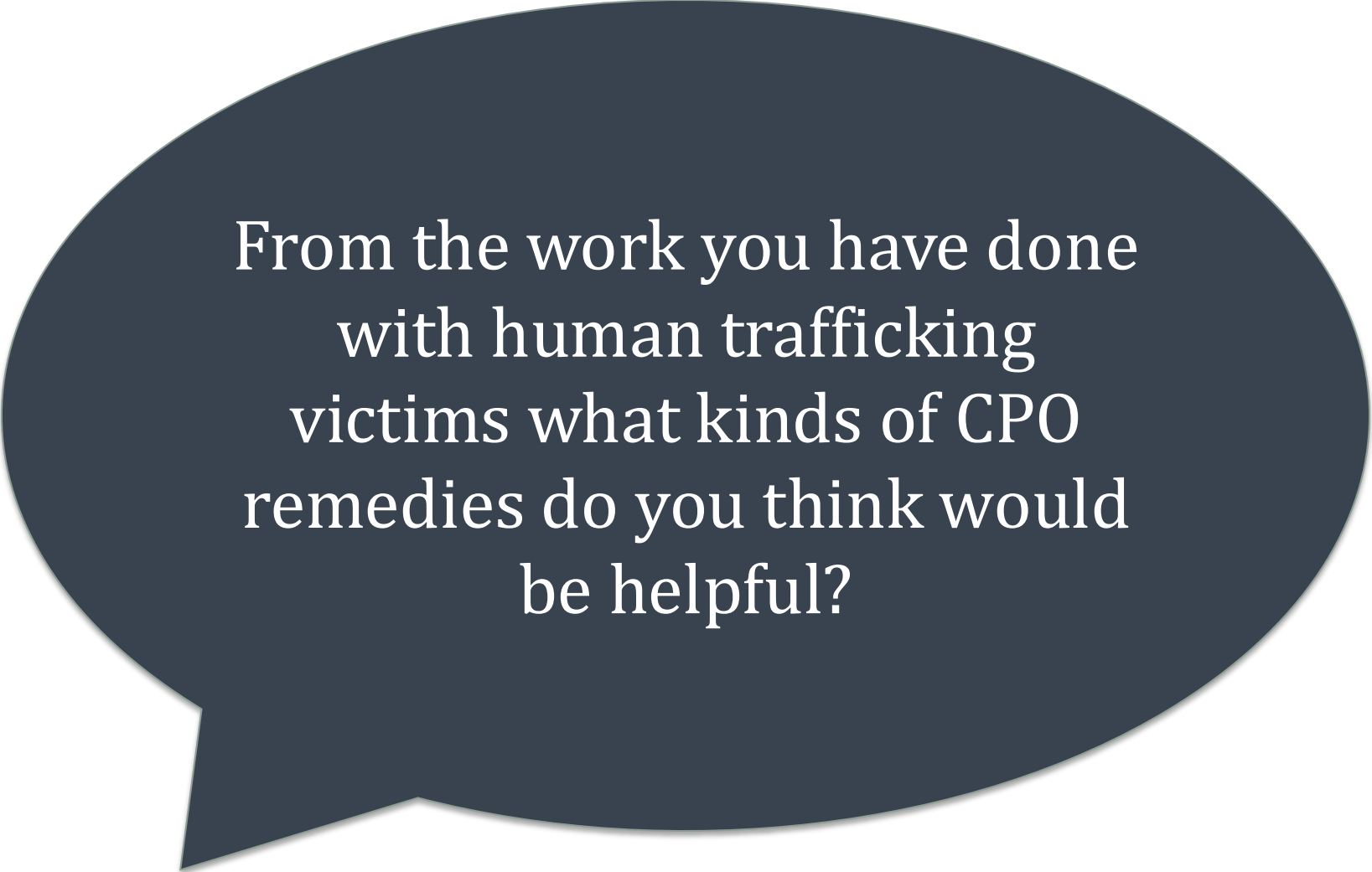
- Abuser/Trafficker controls victim's liberty creating conditions of servitude
- Expectation that the victim's life fulfills the trafficker's orders
  - E.g., demand from the trafficker to perform domestic labor at an unreasonable level, including unreasonable working hours, and/or constant availability 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.



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

# 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

# Use Creative Remedies to...

- Stop immigration related abuse
- Protect victims still living with their abusers
- Obtain documents the victim needs for an immigration case or for care of child
- Deter parental kidnapping
- Child/Spousal support
  - Affidavit of support
- Health insurance

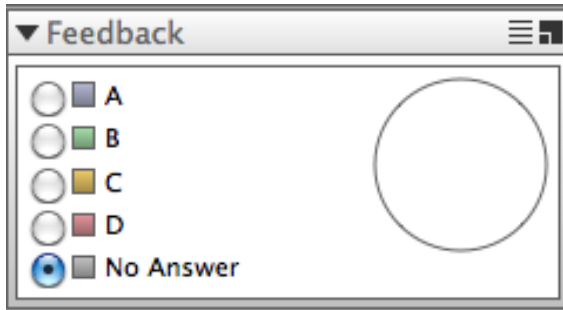


# **Victims Who Stay: No Unlawful Contact Protection Orders**

- No state's protection order statute requires separation of the parties
- Provisions
  - No abuse
  - No unlawful contact
  - Batterer's treatment

# True or False?

- You have tools that help you identify when domestic and sexual violence victims are also experiencing human trafficking.



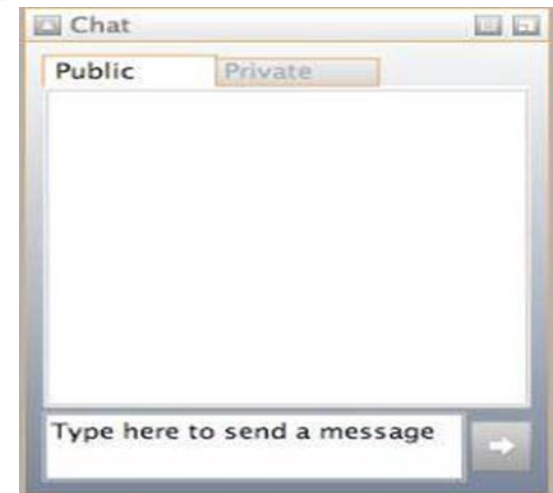
# Trauma Informed Structured Interview Questionnaires for Immigrant Cases (SIQI)

- The SIQI is a tool to help identify
  - stalking and human trafficking that are co-occurring with domestic violence and child abuse.
- The SIQI aids advocates and attorneys in eliciting in-depth information from the client.
- The questions are framed in a trauma informed way
- Family law version

# SIQI Resources

- NIWAP's Trauma Informed Questionnaire
  - <https://niwaplibrary.wcl.american.edu/pubs/siqi-trauma-informed-tool/>
- NIWAP's Advocates and Attorney's Tool for Developing a Survivor's Story
  - <https://niwaplibrary.wcl.american.edu/pubs/advocates-attorneys-tool-trauma-informed/>
- How to Prepare Your Case Through a Trauma Informed Approach: Tips on Using the Trauma Informed Structured Interview Questionnaires for Family Court Cases (SIQI) (May 17, 2025)
  - <https://niwaplibrary.wcl.american.edu/pubs/siqi-for-family-lawyers/>

## Additional Questions on This Topic?



# Technical Assistance and Materials

- NIWAP Technical Assistance:
  - Call (202) 274-4457
  - E-mail [info@niwap.org](mailto:info@niwap.org)
  - Web Library:  
[www.niwaplibrary.wcl.american.edu](http://www.niwaplibrary.wcl.american.edu)
  - Directory
    - <https://niwaplibrary.wcl.american.edu/home/directory-programs-serving-immigrant-victims/>
- Materials for this COP: [NC to insert]

# Next Community of Practice Call

- Tuesday, June 10th, 2025 – Joint Session



Thank you!