



**To:** Texas Judges Who Hear CPS Cases

**From:** The Honorable Robin Sage and The Honorable Dean Rucker,  
Jurists in Residence, Supreme Court Children's Commission

**Date:** January 22, 2015

**RE:** Foster Care and Human Trafficking

January is Human Trafficking Prevention Month. In 2015, Texas notably received the second highest volume of calls reporting suspected human trafficking violations to the National Human Trafficking Resource Center.<sup>1</sup>

**Q: What is human trafficking?**

**A:** There are generally two types of human trafficking: sex and labor.

- Texas Penal Code §20A.02(a)(7) defines child sex trafficking as knowingly trafficking (transporting, enticing, recruiting, harboring, providing, or otherwise obtaining) a child under the age of 18 and by any means causing the trafficked child to engage in a commercial sex act.
- Under Texas Penal Code §20A.02(a)(5), child labor trafficking requires knowingly trafficking a child with the intent that the trafficked child engage in labor or services obtained through force, fraud, or coercion.
- These are offenses regardless of whether the actor knew the child's age at the time.

Human trafficking does not require movement or travel. Trafficking can and does occur in both rural and urban areas. In essence, trafficking occurs anywhere there is demand.

**Q: How does human trafficking intersect with child welfare?**

**A:** Under Texas Family Code §261.001, both labor and sex trafficking are included in the definition of child abuse, although allegations of sex trafficking are more common than labor trafficking. Children in foster care may be vulnerable to forced and exploitative labor conditions, and the risk of becoming a victim of sex trafficking is especially high for children in the child welfare system. According to the National Center for Missing and Exploited Children (NCMEC), in 2014, one in six endangered runaways were likely sex trafficking victims and 68% of these endangered youth were in foster care when they ran away.

Truancy, homelessness, and running away are additional trafficking risk factors. Traffickers often use children's low self-esteem as a tool to manipulate and lure their victims into sex trafficking with promises of food, shelter, clothing, and love.

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<sup>1</sup> National Human Trafficking Resource Center data available at <https://traffickingresourcecenter.org/states>.

**Q: What is the role of CPS in addressing human trafficking of children?**

**A:** CPS investigates allegations of both labor and sex trafficking of children by parents or persons traditionally responsible for the children’s care, custody, and welfare. Statewide Intake (the child abuse hotline) refers a copy of every intake to law enforcement. If the trafficker does not fall in the jurisdiction of CPS, Statewide Intake also immediately notifies the Department of Public Safety. CPS has conducted extensive training, with over 6,000 staff, to equip its front-line staff with the ability to screen and identify human trafficking. CPS is working to prevent trafficking of foster youth who run away by reporting missing children to law enforcement and the National Center for Missing and Exploited Children within 24 hours. Special Investigators, all former law enforcement, work with local law enforcement to try and find the missing child. Once the child is recovered, the Special Investigator will interview them to try and determine whether they were trafficked and why they ran from care.

**Q: Are there any red flags a judge might look for to help detect child sex trafficking?**

**A:** Youth in care are more likely to be victims of sex trafficking than labor trafficking. Here are some common red flags which might necessitate further inquiries from the bench include:

- 🔒 changes in a child’s appearance, demeanor, or possessions;
- 🔒 branding or tattoos;
- 🔒 in-depth knowledge of life on the streets;
- 🔒 overtly sexual online profiles;
- 🔒 expressing a need to pay off a debt;
- 🔒 association with an older “friend,” “boyfriend,” or “girlfriend”;
- 🔒 fake or no identification; or
- 🔒 possessing hotel keys or large amounts of cash.

Sex trafficking victims can be male or female and the age when children are first exposed to sex trafficking is typically between 12 to 14 years old.

**Q: What can be done to prevent human trafficking?**

**A:** Some youth in foster care lack strong, supportive relationships with trusted adults, leaving them vulnerable to traffickers. In addition to noticing possible indications that youth are being trafficked for sex, encouraging normalcy, permanency, and internet safety are critical steps in the fight against this danger. Since runaway youth are especially vulnerable, judges can request follow up reports about the progress made in locating youth missing from care, including asking DFPS if it has made a report to law enforcement and NCMEC. If youth in care are found to be victims of trafficking, courts should inquire about services tailored to address the trauma of being trafficked, including whether the youth’s current placement adequately meets the youth’s needs.

**Q: Are there any resources available to judges related to human trafficking?**

**A:** For additional information, please visit:

- NCJFCJ National Judicial Institute on Domestic Child Sex Trafficking: <http://www.ncjfcj.org/DCST-Materials>.
- Office of Texas Attorney General Human Trafficking Prevention Task Force: <https://www.texasattorneygeneral.gov/cj/human-trafficking>.
- Texas Youth Connection: <https://www.dfps.state.tx.us/txyouth/safety/human-trafficking.asp> .